

MEMORANDUM

TO: Board and Council Members

FROM: Clarence G. Pautzke
Executive Director



DATE: July 27, 1999

SUBJECT: Kodiak Council Meeting

ACTION REQUIRED

Update on the Council's Kodiak meeting on June 9-15, 1999

BACKGROUND

The newsletter (attachment 1) recapping the Kodiak meeting is attached. Staff will review major actions, particularly as they pertain to Steller sea lions and the American Fisheries Act. NOAA GC will be asked to update us on the latest court case concerning protection of Stellers, and we also will receive a report of an ADF&G meeting with industry concerning the implementation of crab sideboards. The Board may be requested to take complementary action in managing the crab fisheries to implement the sideboards.

Attachment 2 is a copy of a letter from the Council to the Board regarding pollock management issues in Prince William Sound. Attachment 3 is a written summary from ADF&G of the proposed plan for managing the crab sideboard limits.

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NEWSLETTER

6/21/99

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Council's 139th Plenary Session

The Council met June 9-14 at the Kodiak Inn in Kodiak, Alaska, spending the majority of the meeting taking action on American Fisheries Act sideboard provisions, and Steller sea lion issues. These and other issues are described within this newsletter. The Council and industry also had a big send-off party for long-time Council member Wally Pereyra who enjoyed his last Council meeting in Kodiak. Though no longer a Council member after August, we look forward to his continued involvement in the Council process. The next Council meeting is scheduled for the week of October 11, 1999, at the Doubletree Hotel at the Sea/Tac Airport in Seattle.

This was also the last meeting for staff member Linda Roberts who is moving to Ashland, Oregon at the end of the month. We will miss her at the office and at the AP meetings, but wish her and Doug the best.

American Fisheries Act (AFA)

The Council adopted a suite of measures to protect non-AFA-eligible harvest vessels from potential adverse impacts caused by AFA-eligible vessels' participation in cooperatives. These measures restrict the AFA-eligible vessels' harvest of Bering Sea/Aleutian Islands (BSAI) non-pollock groundfish, BSAI crab, and scallops to their historic participation levels. A separate suite of groundfish harvest caps was approved for the Gulf of Alaska (GOA). The specific measures passed by the Council are provided as Attachment 1 to this newsletter.

Restrictive processing caps, or "sideboards," were not finalized at this meeting. Instead, the Council passed a motion expressing their intent to develop and implement processing sideboards as required under the AFA. To accomplish this goal, the Council will establish an industry committee to work with state and federal managers to resolve implementation issues. The committee will be expected to have a report available to the Council by September 15, 1999. Persons wishing to serve on this committee should send a letter by July 16 expressing their interest to the Council office.

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The Council directed staff to review the processor sideboard section (Chapter 8) of the current AFA analysis. The review was requested to ensure that adequate information is available, particularly on crab processing sideboards, for the Council to comment on the draft regulations being developed by NMFS which are prescribed under the AFA, or to approve alternative measures. This review of the draft regulations will be scheduled under the AFA Processing Sideboard agenda item at the October meeting. The Council is scheduled to take final action in October on groundfish and crab processing sideboards, noting that NMFS will be proceeding with crab processing sideboards as prescribed by the Act, pending Council action in October. The Council also noticed industry that they intend to move forward with an analysis for excessive shares and may not recognize processing history after the date of passage of the AFA. That analysis is scheduled for initial review in December 1999.

Another important AFA-related issue which may be subject to Council action in October relates to inshore cooperative structure. NMFS is proceeding with regulations which are based on the structure prescribed in the AFA, though the Council will be reviewing an analysis of economic and policy implications of that cooperative structure, as well as the structure proposed by the Independent Catcher Vessel Association. That analysis is being conducted under contract by economists with the University of Washington and Oregon State University and should be available in mid-September for review. Also affecting a Council decision on cooperative structure will be an anticipated legal opinion on cooperative structure from the Department of Justice. Council contacts for all AFA issues are Darrell Brannan and Chris Oliver.

Steller Sea Lion Measures

The Council reviewed and adopted a series of measures intended to provide protection for Steller sea lions for the remainder of 1999 and for 2000 and beyond. As with previous actions taken by the Council, these measures respond to the Reasonable and Prudent Alternatives (RPAs) stemming from the recent Biological Opinion issued by NMFS. The June meeting actions closely mirror those actions taken last December, but include further restrictions on pollock fisheries in the Gulf of Alaska (GOA) and Bering Sea/Aleutian Islands (BSAI). For example, further restrictions on total removals from Critical Habitat (CH) areas were approved, as well as extended stand-down periods between fishing seasons in the BSAI and modified haul-out closures in the GOA. The specific motion approved by the Council is included as Attachment 2 to this newsletter. Staff contacts are David Witherell or Chris Oliver.

BSAI Pacific Cod Fixed Gear Split

The Council reviewed an analysis which examines the effects of apportioning the fixed gear allocation of Pacific cod among the freezer longline, hook and line catcher vessel, and pot sectors of the fishery. Another option would make the split only between all longline vessels and all pot gear vessels. The split may be apportioned according to recent catch histories to be determined as a percentage of cumulative catches of the fixed gear TAC of BSAI Pacific cod by gear type for:

- Option 1: 1996, 1997
- Option 2: 1997, 1998
- Option 3: 1996, 1997, 1998
- Option 4: 1995, 1996, 1997, 1998

Depending on the option, freezer longliners may be allocated between 79.2% and 85.4% of the fixed gear TAC, with hook and line catcher vessels receiving between 0.1% and 0.3%, and pot vessels accruing between 14.5% and 20.7% of the split. The revised document will also analyze an option to create a set-aside for catcher longline vessels under 60' length overall (LOA). Such a set-aside will be calculated as either:

1. 2% of the Pacific cod TAC, or
2. 2% of the fixed gear Pacific cod quota

At the June meeting, the Council also adopted a problem statement and moved to release the analysis for public review, pending SSC approval of revisions by teleconference in August. The problem statement adopted by the Council is as follows:

The hook-and-line and pot fisheries for Pacific cod in the Bering Sea/Aleutian Islands are fully utilized. Competition for this resource has increased for a variety of reasons, including increased market value of cod products and a declining ABC/TAC.

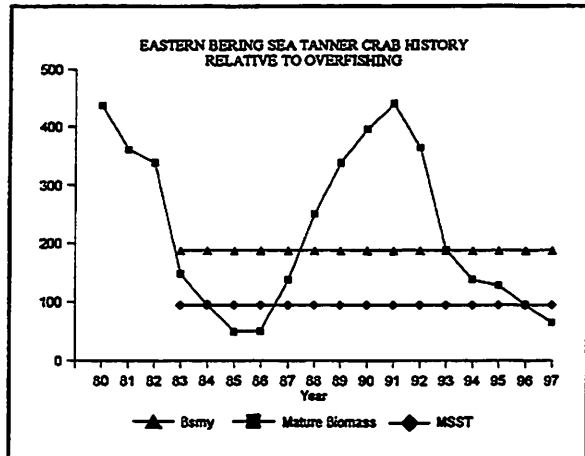
Longline and pot fishermen who have made significant long-term investments, have long catch histories, and are significantly dependent on the BSAI cod fisheries need protection from others who have little or limited history and wish to increase their participation in the fishery.

This requires prompt action to promote stability in the BSAI fixed gear cod fishery until comprehensive rationalization is completed.

Final action is scheduled for October. Also scheduled for review in October is a preliminary analysis of proposed license limitation measures aimed at reducing latent capacity in the BSAI fixed gear Pacific cod fisheries (as detailed in the April newsletter). While this issue will not be decided until December 1999, or February 2000, information on potential numbers of licenses may be relevant to the Pacific cod gear allocation decision. Staff contacts are Chuck Hamel or Darrell Brannan.

Tanner Crab Rebuilding Plan

The Bering Sea Tanner crab (*C. bairdi*) stock was declared "overfished" on March 3, 1999, because the 1997 *C. bairdi* spawning biomass (64.2 million pounds) was below minimum stock size threshold (MSST) (94.8 million pounds of biomass; see adjacent figure). The stock has continued to decline, with spawning biomass estimated to be 36.9 million pounds in 1998. Section 304 of the Magnuson-Stevens Act requires that a rebuilding plan be developed within one year of an overfishing determination.



In June, the Council reviewed a draft rebuilding plan and released it for public review with additional options for bycatch reduction and habitat protection. The rebuilding plan is comprised of three components: a revised harvest strategy, bycatch control measures, and habitat protection. The stock is projected to rebuild to the Bmsy level in about 11 years under the proposed plan. Final action is scheduled for October. Staff contact is Dave Witherell.

Demersal Shelf Rockfish (DSR) Retention

Upon the advice by NOAA General Counsel (NOAA GC) on legal issues related to the February 1999 motion by the Council to implement a regulatory change to require full retention of demersal shelf rockfish (DSR) by federally permitted vessels in the GOA by fixed gear vessels, the Council reconsidered its original

recommendations to the Secretary. NOAA GC identified a Constitutional conflict in requiring fish in excess of the permitted allowance to be surrendered only to the State of Alaska, as required in paragraph D below:

In February, the Council approved the following:

- A. eliminate the maximum retainable bycatch (MRB) limit for DSR;
- B. require that all DSR caught by Federally-permitted vessels using fixed gear in the Southeast Outside District be retained, landed, weighed and reported;
- C. limit the amount of DSR that may be sold to an amount that is no more than 10 percent of other retained catch; and
- D. require fishermen to surrender to the State of Alaska amounts of DSR that are in excess of the amount that may be sold.

As a result, the Council reconsidered its February action and approved a new paragraph (D) that provides the fisherman with more options for disposing of retained DSR. The revised paragraph (D) is listed below. This regulatory change would likely be in effect in 2000, if approved by the Secretary. Staff contact is Jane DiCosimo.

- D. fishermen may do one or all of the following with amounts of DSR that are in excess of the amount that may be sold:
 - (a) voluntarily surrender to the State of Alaska amounts of DSR that are in excess of the amount that may be sold;
 - (b) retain amounts of DSR that are in excess of the amount that may be sold for personal use; or
 - (c) donate amounts of DSR that are in excess of the amount that may be sold to a state-recognized charity that provides meals for the homeless, the needy, the sick or infirm, or the elderly.

HMAP Pilot Program

In April 1999, the Council reviewed a proposal from Groundfish Forum to develop a pilot Halibut Mortality Avoidance Program (HMAP) for the 2nd quarter GOA deepwater flatfish fishery and the BSAI July "other flatfish" fishery, and initiated analysis of a regulatory amendment to implement it. Some preliminary analysis has been completed to date, but issues dealing with implementation and monitoring are still being evaluated. In June, the Council heard a progress report on the analysis and requested that it be ready for final action in October. Staff contact is Dave Witherell.

AFDF Artificial Bait Project

The Council reviewed and endorsed an application from the Alaska Fisheries Development Foundation (AFDF) for an experimental fishing permit to test their artificial longline bait under commercial fishing conditions. The field trials are scheduled to occur in July and again in the fall in the Central Gulf with Pacific cod as the target species, taking up to 20,000 pounds of P. cod and a small amount of bycatch of other species, primarily rockfish (halibut bycatch would be covered by IFQs on the contracted fishing vessel). The artificial bait is made from seafood processing waste and preliminary tests were very positive for a variety of factors including attractiveness to cod, durability, and consistency. For further details on the project contact Richard Drake, Project Manager, at the Foundation at 907-276-7315.

Upcoming Meetings

The Board of Fisheries/Council joint committee meeting is scheduled for Tuesday, July 27, 1999, and will run from 10:00 a.m. to 4:00 p.m. at the Hawthorn Suites, corner of 9th Avenue and L Street in Anchorage. The focus of this meeting will be to consult on the trawl stand-down issue relative to the crab fisheries and to generally discuss the joint protocol between the Council and the Board. Public comment is not scheduled as part of this meeting.

BSAI and GOA Groundfish Plan Teams have tentatively scheduled meeting dates for the weeks of September 20 and November 15. The Plan Teams will be meeting at the Alaska Fisheries Science Center, Seattle, 7600 Sand Point Way NE, Building 4, Seattle, Washington. The BSAI Plan Team will meet in room 2143 and the GOA Plan Team will meet in Room 2039.

A committee to address processor sideboards is being appointed and will meet sometime this summer to provide recommendations to the Council for consideration at the October meeting.

North Pacific Fishery Management Council Tentative Meeting Schedules - 1999-2002*

	February Week of/ Location	April Week of/ Location	June Week of/ Location	October Week of/ Location	December Week of/ Location
1999				11/Seattle	6/Anchorage
2000	7/Anchorage	10/Anchorage	5/Portland	2/Sitka	4/Anchorage
2001	5/Anchorage	9/Anchorage	4/Kodiak	1/Seattle	3/Anchorage
2002	4/Anchorage	8/Anchorage	3/Dutch Harbor	Sep 30/Seattle	2/Anchorage

*Meeting dates are subject to change depending on availability of meeting space. Any changes will be published in the Council's newsletter and on our web site.

Council Actions on American Fisheries Act Issues

- General : (1) NMFS will manage all fisheries such that sideboards and PSC caps are not exceeded.
 (2) all sideboard calculations will be based on best estimates of landed catch.

Catcher Processor Sideboards

Groundfish:

1. Non-pollock groundfish caps (other than Atka mackerel in the central and western Aleutians) for listed vessels will be established on the basis of the percent of landed groundfish catch relative to TAC (of the original 29 vessels) in the pollock and non-pollock fisheries in 1995, 96, and 97 (for Pacific cod, 1997 only; for POP in the Aleutians, 1996 and 1997).
2. NMFS will determine the bycatch needs for pollock and non-pollock fisheries and allow for directed fishing for non-pollock target species such that the total catch of those species should not exceed the caps.

PSC Caps:

1. Total PSC cap for listed vessels will be established on the basis of percentage of PSC removals in the non-pollock groundfish fisheries in 1995, 96, and 97.
2. NMFS will allow for directed fishing of non-pollock species such that the total PSC removals do not exceed the PSC cap.
3. The listed vessels' PSC caps will not be apportioned and will be managed under open access season apportionment closures.

Catcher processor sideboards for both groundfish and PSC caps are a package and disapproval of any component would be disapproval of the whole package and returned to the Council for further action.

Catcher Vessel Sideboards

BSAI Groundfish Sideboards

1. Shall be based on vessel catch between 1995-97.
2. Shall be based on non-pollock catch in pollock and non-pollock targets, as a ratio of the AFA vessels' catch to TAC.
3. NMFS will determine the bycatch needs for pollock and non-pollock fisheries and allow for directed fishing for non-pollock target species such that the total catch of those species should not exceed the caps.
4. Shall apply to all AFA eligible vessels regardless of participation in a co-op.
5. Shall apply at the AFA CV sector level in 2000. However, NMFS shall publish the proportion of the cap represented by the aggregate catch history of the vessels in each co-op, and facilitate the formation of an interco-op agreement to monitor the subdivision of the caps at the co-op level. NMFS shall require each co-op agreement to contain provisions that would limit its participants to their collective 1995-97 harvest in other fisheries.
6. Shall be applied throughout the year, except:
 - a. Mothership sector qualified AFA vessels' (21 vessels) CV trawl P. cod sideboards shall be lifted March 1;
 - b. Vessels with less than 1700 mt of annual average landed pollock catch history shall be exempt from the catcher vessel trawl P. cod sideboard cap.

BSAI PSC Sideboard Caps

1. Shall be based on the ratio of catch in each non-pollock target to the PSC cap for that target, and shall represent an aggregate cap (as with the AFA CP sector).
2. Attainment by the entire fleet of any PSC cap in any target fishery will close directed fishing to all trawl vessels, even if the AFA vessels have not attained their aggregate PSC cap.
3. PSC species limited to crab and halibut.

GOA Groundfish Sideboards

1. Shall be based on vessel landed groundfish catch between 1995-97.
2. Shall be based on non-pollock landed groundfish catch in non-pollock targets as a ratio of the AFA vessels' catch to TAC.
3. Shall be based on the landed pollock catch in the pollock target as a ratio of the AFA vessels' catch to TAC, and shall be apportioned seasonally.
4. NMFS will determine the bycatch needs for pollock and non-pollock fisheries and allow for directed fishing for non-pollock target species such that the total catch of those species should not exceed the caps.
5. Shall apply to all AFA vessels.
6. Shall apply at the AFA-eligible catcher vessel sector level in 2000. However, NMFS shall publish the proportion of the cap represented by the aggregate catch history of the vessels in each co-op, and encourage the formation of an inter-co-op agreement to monitor the sub-division of the caps at the co-op level. NMFS shall require each co-op agreement to contain provisions that would limit its participants to their collective 1995-97 harvest in other fisheries.
7. Shall be applied throughout the year except vessels with less than 1700 mt of annual average pollock landed catch history shall be exempt from pollock and cod sideboards and from those Gulf groundfish fisheries in which they participated in 1995, 1996, or 1997.

GOA PSC Sideboards Caps

1. Shall be based on the ratio of catch in each non-pollock target to the PSC cap for that target, and shall represent an aggregate cap, sub-divided into deep and shallow water flats.
2. Attainment by the entire fleet of any PSC cap in any target fishery will close directed fishing to all trawl vessels, even if the AFA vessels have not attained their aggregate PSC cap.
3. Shall be apportioned seasonally.

Scallop Sideboards

1. Participation in a co-op is defined as any use of a vessel's catch history by a co-op, whether by direct harvest, lease, sale, or stacking of quota.
2. Measures that would restrict pollock co-op vessels to their aggregate traditional harvest in the scallop fishery in 1997 based on a percentage of the upper end of the state-wide guideline harvest level. The cap would be this percentage applied to the upper end of the state-wide guideline harvest level established each year.

Crab Sideboards

- A. Crab Sideboards shall apply to all AFA vessels.
- B. Bristol Bay Red King Crab (BBRKC)

1. These AFA vessels that hold a BBRKC endorsement shall be capped at their 5-year (91-97, excluding 94-95) weighted average share. These vessels shall be managed in the aggregate.
 2. This share of future catch shall apply to the pre-season BBRKC GHL.
- C. Opilio— AFA LLP Alternative 9 Tanner crab endorsed vessels may participate in the opilio fishery if they harvested opilio in more than 3 of 10 years (88-97).
- D. Bairdi
1. AFA qualified vessels that receive an LLP endorsement are excluded from participating in the directed bairdi fishery, except as follows: If and when the bairdi rebuilding goal is reached, the only AFA vessels allowed to participate would be those with catch history in 1995 or 96. These vessels would be capped at their aggregate historic catch for 1995-96.
 2. If there is a BBRKC fishery where bairdi bycatch is allowed, the AFA Tanner crab endorsed vessels may retain bycatch bairdi.
- E. AFA LLP Alternative 9 vessels which hold a LLP endorsement for either the St. Matthews or Pribilof king crab, and had a landing in that fishery in 1995, 96 or 97, may participate in that fishery. For Adak red king crab and brown crab fisheries a qualified vessel which had a landing in the last two years the fishery was open may participate in those fisheries.
- F. Prohibit the sale, lease, transfer or stacking of crab LLP licenses or endorsements by AFA-eligible catcher vessels.

Additionally, a committee will be formed to workout implementation issues relating to crab sideboards. This committee will likely meet during July and is scheduled to have a report available for the joint Council/BOF meeting to be held in August.

Non-Sideboard decisions

Compensation in Shoreside Sector Co-ops

1. Provide compensation to vessels with offshore history greater than 499 tons (as per Table 10.5).
2. Utilize the best 2 of 3 years to determine the share of the inshore pollock allocation each vessel brings to a co-op.

AFA Conformance Measures (Amendments 62/62)

Action 1: BSAI pollock allocations as per AFA.

Action 2: Alternative 2 Extension of the GOA program through 2004 so the sunset dates for the BSAI and GOA are the same.

Additionally:

1. Conforming the definitions of directed pollock harvest in the GOA and BSAI so that they are the same.
2. Substituting the term "groundfish" for "fish" in the AFA definition of "shoreside processor."
3. Applying the inshore/offshore restrictions only to directed fishing for pollock in the BSAI and GOA, and directed fishing for P. cod in the GOA. However, for the purpose of GOA catch accounting, all processors will be categorized "inshore" or "offshore."

Clarify that "shoreside processor" for purposes of Section 208(f) of the AFA means only the physical facility or vessel which processed pollock in the qualifying years 1996 and 1997, and not the entire corporate entity which owns or controls that facility or vessel.

Single Geographic Location

Clarify that AFA eligible inshore processors may only receive BSAI pollock at the same physical location at which that inshore processor received BSAI pollock during the qualifying years 1996 and 1997.

CDQ Conformance Measures

Action 1: Defining directed fishing for pollock CDQ

The Council adopted Alternative 2 (regulations currently in effect for 1999 under an Emergency Interim Rule) which reads as follows:

Directed fishing for pollock CDQ would be based on the percent of pollock in each CDQ haul by a catcher/processor and in each delivery by a catcher vessel.

All pollock caught while directed fishing for pollock CDQ would accrue against the CDQ group's pollock CDQ. All pollock caught in CDQ hauls or deliveries that do not meet the definition of directed fishing for pollock CDQ will accrue against the pollock incidental catch allowance.

Proposed definition: Directed fishing for pollock means fishing that results in the following:

- (1) For each haul by a catcher/processor, the round weight of pollock represents 60% or more by weight of the total round weight of all groundfish in the haul.
- (2) For each delivery by a catcher vessel, the round weight of pollock represents 60% or more by weight of the total round weight of all groundfish delivered to the processor.

The amount of CDQ pollock counted against the ICA is to be identified by fishery and CDQ Group and be reviewed by the Council annually. Further, that the Council's intent that CDQ groups make every effort to insure that the incidental catch of pollock in non-pollock fisheries does not exceed historic levels.

Action 2: Squid CDQ

Adopt Alternative 2: do not allocate 7.5% of the squid TAC to the CDQ Program. Squid caught while CDQ fishing would accrue against the non-CDQ squid TAC and the catch of squid would not limit the CDQ fisheries (unless the overall catch of squid reached an amount that would affect all BSAI fishing).

AFA Processor Sideboards

- (1) It is the Council's intent to develop and implement processor sideboards as required by AFA. The Council will establish an industry committee to work with state and federal managers to resolve implementation issues. This will be a broad based committee involving both AFA and non-AFA processors, AFA and non-AFA fishermen, as well as other members of industry. The committee will make their report available to the Council and public no later than September 15, 1999.
- (2) The Council requests that staff review the current AFA analysis for processor sideboards, paying particular attention to crab processing sideboards, and to supplement the analysis, if necessary, to assure adequate analysis for crab processor sideboards to consider at October meeting; and to ask NMFS to

provide the Council opportunity to comment on the draft regulations for crab processor sideboards (which will go forward as prescribed in the AFA) at the October meeting.

Excessive Share Limits

The Council notices industry that they intend to move forward with an analysis for excessive shares and may not recognize processing history after the date of passage of the AFA.

Cooperative Agreements and Council Review

- (1) Cooperative agreements may be one to six years in duration, but must be review annually by the Council if they are more than one year in duration. The Council's intent was that this was considered to be a post-season performance review.
- (2) Cooperative agreements, regardless of duration, must be submitted to the Council by December 1, of the year prior to the start of fishing.
- (3) Prohibit cooperative agreements from requiring cooperative vessels to deliver species other than BSAI pollock to their AFA processor.
- (4) Cooperative agreements shall require the disclosure of catch and bycatch statistics.

Council Actions on Steller Sea Lion Measures

General Considerations

- November 1 to January 19 closure in BSAI with extension to GOA
- Seasonal caps at 30% of annual TAC
- 40/60 split in BSAI between A1/A2 and B/C seasons
- Rollovers allowed consistent with seasonal cap and areal apportionments (CHCVOA)
- Retain closure of Aleutians area

Gulf of Alaska

Season dates and TAC apportionments

Season	TAC Apportionment	Start Date	Close Date
A	30%	Jan 20	Mar 1
B	15%	Mar 15	May 31
C	30%	Aug 20	Sep 15
D	25%	Oct 1	Nov 1

Provide for a seasonal exclusive area requirement for catcher vessels fishing between the BSAI and GOA

Catcher vessels would be prohibited from engaging in directed fishing for pollock in both the BSAI and GOA during the following season pairs:

Bering Sea A1	GOA A
Bering Sea A2	GOA B
Bering Sea B	GOA C
Bering Sea C	GOA D

with exemption for vessels less than 125' in areas 620 (east of 157 degrees) and 630 (area 610 still exclusive).

Trip limits in the GOA

Catcher Vessel Trip Limits

Option 2: 300,000 lb trip limit for W, C and E Gulf of Alaska
 (Council intent is that this be managed such that the average of all trips over a season be less than 300,000 lbs)

Tender vessel trip limits

Option 4 (as amended): 600,000 lb trip limits for tender vessels in area 610 and 620 west of 157° with a prohibition on tendering in areas 620 east of 157°, 621, 630, 631 and 640.

Spatial dispersion in the GOA

Separate TAC in Shelikof Strait with proportionate reduction in TACs for areas outside the Strait in the A and B seasons only.

Pollock no-trawl zones in the GOA

Implement RPA proposed pollock trawl exclusion zones with eight existing exemptions (as amended below).

- a. Pt. Elrington, Rugged Island and The Needles would be closed to pollock fishing May 1 - January 20.
- b. Sea Lion Rocks would stay open with a 60 ft boat limit.
- c. Spitz Island and Mitrofanina open Jan 20 - April 30 and Sept - Nov 1 with a 60 ft boat limit.

The Council also passed two motions:

- (1) request NMFS to monitor removals from the 8 areas and report no later than February 2000 on rates of removal and provide any recommendations stemming from that information, and
- (2) to write a letter to the BOF summarizing all Council actions related to this agenda item, and request any appropriate complementary actions, and express support for proposed BOF action with regard to 40% reduction in Prince William Sound.

Bering Sea

Temporal Dispersion Package

Inshore Sector Seasons

- A1 season — Jan 20 - Feb 15
- Stand-down 7 days
- A2 season — Feb 22 - April 17
- B season 1999 — August 1 until quota achievement
- B-C stand-down 7 days inside CH/CVOA
- B season 2000 and forward — June 1 start date for co-ops (August 1 for open access)
- C season — B closure, plus 7 days till Nov 1.

Mothership Sector Seasons

- A1 and A2, single season — Feb 1 - April 15
- No stand-down between A1 and A2; no stand-down outside CH/CVOA with max daily catch rate of 2,000 mt. from Feb. 15-22.
- B and C season, single season — Sept 1 - Nov 1

Catcher Processor Sector Seasons (including 7 catchers)

- A1 season — Jan 20- Feb 15
- Stand-down 7 days in CHCVOA; no stand-down outside CHCVOA with max daily catch rate of 2,000 mt from Feb 15-22.
- A2 season — Feb 22-April 17
- B season — July 10 - August 31
- No stand-down
- C season — Sep 1- Nov 1

CDQ Sector Seasons

- A1 and A2 single season — Jan 20 - April 15

Stand-down 7 days in CHCVOA; no stand-down outside CHCVOA with max daily catch rate of 2,000 mt from Feb 15-22.

B and C season — April 15 - Nov 1

NOTE: Council intent with regard to maximum daily catch rates is that NMFS, in consultation with industry, may adjust maximum daily catch rates for each sector to comply with RPAs. (i.e., option is to agree to that maximum daily catch rate throughout the A1/A2 seasons, or take the stand-down). This only applies to outside CH/CVOA stand-downs. Inside CH/CVOA stand-downs remain.

Pollock Allocation RPAs Package

AFA Allocations Apply.

Seasonal Allocations by Sector

Seasonal TAC apportionments

	A1	A2	B	C
Inshore	27.5%	12.5%	30%	30%
C/P	27.5%	12.5%	30%	30%
Mothership	40%		60%	
CDQ	45%		55%	

Area Allocations by Sector

CH/CVOA Percentages 1999

	A1	A2	B	C
Inshore	56%	56%	45%	63%
C/P	33%	33%	0%	0%
Mothership	50%		0%	
CDQ	82.5%		56%	

CH/CVOA Percentages 2000

	A1	A2	B	C
Inshore	56%	56%	27%	45%
C/P	33%	33%	0%	0%
Mothership	50%		0%	
CDQ	82.5%		37%	

NOTE 1: Phase-in reduction in total B/C season CHCVOA removals (B season 25% in 1999 and 15% in 2000 - C season 35% in 1999 and 25% in 2000).

NOTE 2: B to C rollovers permitted but not to exceed 30% directed pollock allocation in any season

General

1. No pollock allocation east and west of 170° west, north of CH/CVOA.
2. No buffer zone north of CH/CVOA.
3. Catcher vessels less than or equal to 99 ft length overall (LOA) would be exempt from CH/CVOA closure from September 1 through March 31 unless the percentage cap for inshore sector has been reached. NMFS will manage in a manner intended to leave enough remaining quota within CH/CVOA sufficient to support fishing by vessels less than or equal to 99 ft. LOA for the duration of the current inshore sector opening..
4. *Sarichef Steller sea lion haulout*
20-mile closure year round.
5. Request NMFS to have a report on adaptive management strategies for review at the December 1999 Council meeting, and conduct a workshop related to that effort in late summer or early fall.

North Pacific Fishery Management Council

Richard B. Lauber, Chairman
Clarence G. Pautzke, Executive Director



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ATTACHMENT 3

June 21, 1999

CALL FOR PROPOSALS

The North Pacific Fishery Management Council invites proposals to amend the crab, scallop and groundfish fishery management plans (FMPs), proposals to identify habitat areas of particular concern (HAPC) for each FMP and proposals to amend the halibut and sablefish IFQ program. The Council has adopted an annual amendment cycle and has formulated criteria for determination of completeness of proposals. To be eligible for Council consideration, proposals must satisfy the criteria outlined below.

PLEASE BE CERTAIN TO COMPLETE ALL PORTIONS OF THIS FORM. SUBMIT THE FORM AND SUPPORTING MATERIALS TO THE COUNCIL OFFICE BY MONDAY, AUGUST 16, 1999. ADDITIONAL SHEETS SHOULD BE ADDED TO THIS FORM AS NECESSARY.

Instructions: Although some requirements may be self-evident, the following summarizes Council expectations for each.

Brief Statement of Proposal - Provide a single, brief paragraph concisely describing the action to be taken. Details should be specified on additional sheets.

Objectives of Proposal - Begin with a concise statement of the problem to be solved by the proposal. Attach sheets as necessary to fully describe the problem, and the implications to American fisheries if the problem is not resolved.

Justification for Council Action - Briefly explain why action by the Council is necessary to address and solve the problem. Is there any other way the problem can be resolved?

Foreseeable Impacts of Proposal - Briefly outline the effects you think the proposed amendment will have, not only in solving the problem but also to other sectors of the fishery.

Possible Alternative Solutions - Even if Council action is required, there is probably more than one solution to the problem you have identified. Briefly list possible alternatives to the proposed action that the Council could consider.

Supportive Data and Other Information - Please provide any relevant data or other information available to you.

The North Pacific Fishery Management Council welcomes recommendations that will improve the management procedures used to regulate fisheries in the EEZ. Submission of a completed amendment proposal will enhance our ability to respond in a rapid and equitable fashion. Proposals will be reviewed by the Council at their October meeting in Seattle (the week of October 11th).

**FISHERY MANAGEMENT PLAN AMENDMENT
PROPOSAL
North Pacific Fishery Management Council**

Please check applicable box(es):

- Bycatch Reduction
- BSAI Groundfish FMP
- GOA Groundfish FMP
- BSAI Crab FMP
- Scallop FMP
- Halibut/Sablefish IFQs
- Habitat Areas of Particular Concern (HAPC)

Name of Proposer:

Date:

Address:

Telephone:

Brief Statement of Proposal:

Objectives of Proposal (What is the problem?):

Need and Justification for Council Action (Why can't the problem be resolved through other channels?):

Foreseeable Impacts of Proposal (Who wins, who loses?):

Are there Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem?

Supportive Data & Other Information (What data are available and where can they be found?):

Signature:

NPFMC: Three-Meeting Outlook*

October '99 11/Seattle	December '99 6/Anchorage	February 2000 7/Anchorage
<ul style="list-style-type: none"> • NRC IFQ/CDQ Report • Review IFQ Proposals: Discuss cycle • Ecosystem Management: Discuss • AFA Inshore Co-op Structure & Processor Sideboards: <i>Final Action</i> • Update on GHL Analysis • Social/Economic Data Collection: Progress Report • Fixed gear P. cod Allocations: <i>Final Action</i> • LLP P. cod species & gear endorsements: Preliminary Analysis • Crab License Buyback: Discuss • Magnuson-Stevens Act Reauthorization: Status Rpt • Shark & Skate Management: <i>Initial Review</i> • Pelagic Trawl Definition: Report • Observer Regulatory Amendmts: <i>Initial Review (T)</i> • BSAI & GOA Grdfish Specifications: Report • Cook Inlet Non-Pelagic Trawl Ban: <i>Initial Review</i> • SR/RE Retention in IFQ Fisheries: Review • Review Groundfish Proposals • CDQ Observer Coverage - shore plants (T) • Report on 1999 Offshore Co-ops • Progress Report on Confidential Data Disclosure • HAPC: <i>Initial Review (T)</i> • HMAP Pilot Program: <i>Final Action (T)</i> • Report on Electronic Shoreside Reporting • Bairdi Rebuilding Plan: <i>Final Action</i> 	<ul style="list-style-type: none"> • AFA Implementation Issues: Discuss • AFA Co-op Agreements: Review • Halibut Charter GHL: <i>Initial Review</i> • LLP P. cod species & endorsements: <i>Initial Review</i> • Shark & Skate Management: <i>Final Action</i> • Excessive Share Caps: <i>Initial Review</i> • Observer Regulatory Amendmts: <i>Final Action (T)</i> • BSAI & GOA Grdfish Specifications: <i>Final Action</i> • Cook Inlet Non-Pelagic Trawl Ban: <i>Final Action</i> • Report on Adaptive Management Strategies (Steller sea lions) • HAPC: <i>Final Action (T)</i> • CDQ trawl season start date: <i>Initial Review (T)</i> 	<ul style="list-style-type: none"> • Halibut Charter GHL: <i>Final Action</i> • LLP P. cod species & endorsements: <i>Final Action</i> • Excessive Share Caps: <i>Final Action</i>
Joint Meeting w/IPHC (1 day)		

* Note: This tentative timeline will be updated periodically, particularly after each Council meeting, as the Council works through its decision process.

AFA=American Fisheries Act, ATF=arrowtooth flounder; CDQ=Community Development Quota; DSR=demersal shelf rockfish; GHL=guideline harvest level; IFQ=Individual Fishing Quota; IR/IU=Improved Retention/Improved Utilization; HAPC=Habitat Areas of Particular Concern; HMAP=Halibut Mortality Avoidance Program; IVCP=Individual Vessel Checklist Program; GHL=guideline harvest level; LLP=License Limitation Program; MS CDQ=Multi-species Community Development Quota; MRB=maximum retainable bycatch; PSC=prohibited species catch; SR/RE=shortraker/rougheye rockfish; VBA=Vessel Bycatch Accountability

North Pacific Fishery Management Council

Richard B. Lauber, Chairman
Clarence G. Pautzke, Executive Director

Telephone: (907) 271-2809



TAB 1
605 West 4th Avenue, Attachment 2
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Visit our website: <http://www.fakr.noaa.gov/npfmc>

June 21, 1999

Dr. John White, Chairman
Alaska Board of Fish
P.O. Box 25526
Juneau, AK 99802-5526

Dear Dr. White

At our recent June meeting in Kodiak the Council approved several Steller sea lion protection measures which will affect the pollock fisheries in the Gulf of Alaska (GOA) and Bering Sea/Aleutian Islands (BSAI). These measures were in response to the recent Biological Opinion issued by NMFS and the Reasonable and Prudent Alternatives (RPAs) which stemmed from that opinion. We wanted to make you aware of these actions, and to request that the Board take these into account as you consider management actions in State waters which may be complementary to those taken by the Council. The full list of Council actions is enclosed.

Of particular note to the Board may be the GOA seasonal and area apportionments, including the pollock no-trawl zones recommended by the Council. Consistent with its action this past December, the Council exempted eight areas from the trawl closure (with some adjustments), noting the critical importance of these fishing areas to the economies of GOA coastal communities. The eight areas exempted in the Council's June action are: Cape Barnabas, Gull Point, Rugged Island, Point Elrington, Cape Ikolik, Needles, Mitrofanina, and Sea Lion Rocks, with the following amendments to those exemptions: (1) Pt. Elrington, Rugged Island, and the Needles would be closed to pollock fishing from May 1-January 20; (2) Sea Lion Rocks would stay open with a 60 ft boat limit; and, (3) Spitz Island and Mitrofanina would stay open from January 20-April 30 with a 60 ft boat limit.

Regarding the partial closures in the Prince William Sound (PWS) areas, the Council also recognized potential actions by the Board in terms of further spreading out the overall effort in PWS by dividing it into three areas and limiting the overall exploitation rate to 40% from any one area. The Council views these as complementary to the actions taken in Kodiak and supports Board actions in that regard. Taken collectively, the Council believes that these actions will allow pollock fisheries to continue in a manner that protects sea lions and their habitat consistent with mandates of the Endangered Species Act. Please contact me if you have any questions regarding Council actions on these issues.

Sincerely,



Clarence G. Pautzke
Executive Director

cc: Ms. Diane Cote
Mr. Steve Pennoyer

**ADF&G/Industry meeting on AFA crab sideboards
July 2, 1999, Seattle, WA**

Those in attendance were: Earl Krygier (ADF&G), Steve Hughes (NRC), Dave Benson (Trident), Cory Swasand, Arni Thompson (ACC), John Gruver, Chris Garbreck, and Donna Parker (Arctic Storm). **On teleconference were:** Lance Nelson (DOL), Pete Prbasco, Wayne Donaldson, Doug Pengilly and Don Tracy from ADF&G Kodiak staff and Jeff Stephan (UFMA) and Vern Hall.

At the Council's request, the Alaska Department of Fish and Game staff met with members of the crab industry to discuss the approach for implementing the AFA crab sideboards adopted by the Council at its June 1999 meeting. It is anticipated that for a majority of the BSAI king and Tanner crab fisheries, participation by AFA vessels will be defined by an endorsement on their AFA permit. Only those vessels that meet the Council's qualifying criteria would be allowed to fish for Pribilof red or blue king crab, St. Matthews blue king crab, golden king crab or C. opilio. Therefore the group focused its attention on the AFA sideboards' effect on Bristol Bay red king and Bering Sea Tanner crab fisheries. The following items [1 - 4] include the areas of discussion by the State with the industry representatives. Item Number 5 is the industry proposed approach.

1) **What is the average aggregate cap for the AFA vessels?**

The Council established crab sideboard caps for AFA vessels. These are caps, not quotas, and harvest must occur within the regular season. The department is required to assure a management system that ensures that the cap is not exceeded. If the department judges that the cap will not be reached, the open access fishery should be the beneficiaries.

The department believes that the Council intended that the Bristol Bay red king and bairdi crab fisheries cap will be determined by first dividing the total aggregate of the qualified vessels over the base period by the total harvest of all vessels during the base period and expressing that result as a percentage. That percentage will be applied to the pre-season open-access fishery GHL to determine the cap for the season. That cap will not be affected by number of AFA vessels participating; e.g., if 20 AFA vessels registered they would fish on the same aggregate cap calculated for the 39 AFA vessels. (see equation page 3)

2) **How does ADF&G manage this cap?**

- (a) equal share trip limit (individual vessels not to exceed a specified amount), or
- (b) as a co-op which is responsible for not exceeding a specified cap. (From the State's perspective the co-op opportunity available to the catcher vessel fleet is for a number, or all, of the participants to join their uniform cap allocation into a co-op, and under a co-op agreement fish the number of vessels and harvest cap distribution to maximize their benefits.)

3) **Requirements to manage within the caps:**

- (a) Mandatory electronic reporting requirements
- (b) Enhanced dock side samplers
- (c) All vessels must pre-register and designate a landing site

- (d) There will be specified locations where landings may occur. These locations must have supplemental dockside samplers that monitor all AFA crab vessel landings. Associated costs of additional sites.
 - (e) Industry funded observer coverage, up to 100%, at least in first few years
 - (f) Overage policy
 - (i) needs to be fixed in regulation
 - (ii) deductions the following year, forfeitures, etc.,
 - (iii) other?
 - (g) Must be reasonably enforceable.
- 4) Enforcement: transition year and beyond; possible options:
- (a) Enforcement must be able to prosecute an entity if the cap is exceeded
 - (b) Equal shares: can be enforced at the individual level (ticket them)
 - (c) Co-op: As part of the co-op contract they must have a cap enforcement provisions (bonds, penalties, forfeitures, etc.), including an overage policy acceptable to ADF&G as the managing agency.
 - (d) Year 2000 – fish equal shares if no authority for co-op. Individuals are responsible/liable for cap compliance. Alternatively, a single co-op may be an option for transition year 2000. Need 100% voluntary participation. Must have adequate specific co-op provisions to assure cap compliance. Additionally, under either option, vessels must fish within the same constraints of season, pot limits etc., as the open access fishery.
 - (e) 2001 and beyond – fish equal shares or more than one co-op is an option.
- 5) Attached UCB Management Proposal (Page 4 –6) which describes the components that the catcher vessel trawl participants were interested in having incorporated.

The industry participants agreed that item one was one method to derive caps. The catcher vessel participants proposed a cap (Page 2 UCB attachment) based upon individual history which stayed with the vessel and reflected the vessel average rather than a cap that summed individual catch history across the base period and resulted in a uniform aggregate cap. The Alaska Department of Law representative explained that the Board of Fisheries cannot allocate to individuals based on a historical catch record. The Board has no statutory authority, and it may be questionable if the Alaska legislature has Constitutional authority to provide the Board such regulatory authority.

6) Future Considerations:

The Council will need to forward an Agenda Change Request (ACR) to the Board to develop a new fishery for the AFA vessels. For the Board to manage the AFA vessels to an aggregate cap, they will need to provide new regulations for a separate fishery.

The Overage policy will need to be developed. This could be part of the Council Agenda Change Request to the Board or the Council could provide definition and options to the Board. Additionally, the NMFS/Council will need to provide the Board authority within the FMP to reflect the intent of the June 1999 crab sideboard regime.

Equation to Derive the Bristol Bay red king crab AFA Sideboard Caps

(1) “Capped at their 5-year (91-97, excluding 94-95) weighted average share”:

⇒ weighted average percent share =

sum of harvest by all 39 AFA vessels in all of 91-93, 96, 97
sum of total fleet harvest for 91-93, 96, 97

= “C%”

(2) Harvest cap for the aggregate 39 AFA vessels =

(preseason GHL for open access fishery) x C%

(3) Trip limits or caps for each participating individual AFA vessel:

“n” equals the number of AFA vessels register,

⇒ trip limit (or cap) for each vessel =

(preseason GHL for open access fishery) x C%
n

UCB CRAB MANAGEMENT PROPOSAL

For Combination Trawler/Crabbers Fishing Bristol Bay Red King Crab

Recommended Criteria

- **Must comply with all Federal Management Standards of fairness, equality, etc.**
- **Must comply with all State of Alaska legal standards and management requirements.**
- **Pertains only to Bristol Bay red king crab and bycatch of *bairdi* Tanner crab if applicable.**
- **Participating vessels must be both alternative 9 BBRKC qualified and AFA eligible combination trawler/crabber catcher vessels**
- **Vessels must join co-op or be in default pool.**
- **All vessels must prove up their catch history by certified ADF&G record or "original copy" of FT.**
- **Catch history years are 1991, 1992, 1993, 1996 and 1997.**
- **Participating vessels must be managed in aggregate (likely in two components we will call co-op and default pool).**
- **All vessels may join co-op, those who do not revert to default pool (you can't force people to join a co-op).**

UCB Crab Management Proposal
 July 2, 1999
 Page 2

- Total aggregate cap fraction will be calculated as:

$$\sum \frac{\text{Catch history years} \times \text{Landed BBRKC AFA vessels (lbs)}}{\text{Catch history} \times \text{Fleet landed BBRKC (lbs)}} = \text{Total aggregate cap fraction}$$

- Total aggregate cap for any season will be calculated as:
 - Total aggregate cap fraction x mid-point GHL lbs = Total aggregates cap lbs.

- Co-op aggregated cap lbs = Total aggregate cap (less) default pool cap

- Default pool cap lbs will be calculated as:

$$\sum \frac{\text{Catch history years} \times \text{Landed catch registered vessels in default pool}}{\text{Landed catch BBRKC fleet for catch history years}} \times \text{Mid-point GHL}$$

- Default pool vessels average cap = $\frac{\text{lbs in default pool}}{\# \text{ default vessels registered}}$
- Co-op will manage co-op member vessels by private contract.
- Co-op aggregate lbs will be managed by co-op to $\pm 3\%$ of co-op aggregated lbs. Details to be jointly developed with ADF&G as overages/underages, penalties, etc. ADF&G will manage at co-op level with out need to deal with individual vessels unless laws are violated (status quo).
- Default vessels, individually responsible for cap compliance $\pm 3\%$.

UCB Crab Management Proposal
July 2, 1999
Page 3

- **October 15 - November 1 season start date status and implications needs to be discussed, as well as seasons applicable to a co-op fishery. This is an issue of major importance. Same flexibility should be provided as with CDQ crab fishery.**

North Pacific Processors P.O. 1040 Cordova, AK 99574
phone: 907-424-7111 fax: 907-424-5273 e-mail: kenr@eagle.ptialaska.net

From: Ken Roemhildt, Supt.

July 21, 1999

TO: North Pacific Fishery Management Council
Alaska Board of Fish

North Pacific Processors would like to request consideration of our proposal for a new Pollock Management strategy for Prince William Sound, as submitted to both of your organizations previously. Our proposal would greatly reduce Pollock catch in Sea Lion rookeries by spreading it out to other areas of the Sound.

Since this proposal requires action from both groups, it would be a fitting topic for discussion at this joint meeting. It was discussed at the last Council meeting in Kodiak.

I will be attending the meeting and would be happy to provide any additional information that might be needed.

Thank You for your consideration.

Ken Roemhildt, Supt.

Ken Roemhildt, Supt.
North Pacific Proc.

RECEIVED
JUL 21 1999
N.P.F.M.C.