

North Pacific Fishery Management Council

Richard B. Lauber, Chairman
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June 13, 1997

DRAFT AGENDA

**128th Plenary Session
North Pacific Fishery Management Council
June 17-22, 1997
Kodiak Inn
(Formerly the Westmark Hotel)
Kodiak, Alaska**

The North Pacific Fishery Management Council will meet June 17-22, 1997 at the Kodiak Inn (formerly called the Westmark), 236 Rezanof Drive West, in Kodiak, Alaska, beginning at 8:00 a.m. on Tuesday, June 17. Other meetings to be held during the week are:

| <u>Committee/Panel</u> | <u>Beginning</u> |
|--------------------------------------|--|
| Advisory Panel | 8:00 a.m., Mon., June 16 (Meeting at the Elks Lodge*) |
| Scientific and Statistical Committee | 8:00 a.m., Mon., June 16 (Meeting at Fishermen's Hall**) |
| IFQ Implementation Team | 6:30 p.m., Mon., June 16 (Fishermen's Hall**) |

All meetings except Council executive sessions are open to the public. Other committee and workgroup meetings may be scheduled on short notice during the week.

*Elks Lodge: 102 Marine Way
**Fishermen's Hall: 503 Marine Way

INFORMATION FOR PERSONS WISHING TO TESTIFY BEFORE THE COUNCIL

Sign-up sheets are available at the registration table for those wishing to testify before the Council on a specific agenda item. Sign-up must be completed before public comment begins on that agenda item. Additional names are generally not accepted after public comment has begun.

Submission of Written Comments/Testimony. Any written comments and materials to be included in Council meeting materials must be submitted to the Council office **by 5:00 p.m. on Tuesday, June 10, 1997. PLEASE NOTE THIS IS ONE DAY EARLIER THAN NORMAL** so that meeting materials can be shipped to Kodiak in advance of the meeting. Material received after the deadline will not be included in meeting materials for this meeting. Materials provided during the meeting for distribution to Council members should be provided to the Council secretary. A minimum of 18 copies is needed to ensure that Council members, the executive director, NOAA General Counsel and the official meeting record each receive a copy. If you wish copies to be available for the Advisory Panel (24), Scientific and Statistical Committee (13), staff (10) or the public (50), they must also be provided after the pre-meeting deadline. Copying facilities will be at a minimum during this meeting so we will be unable to provide copying for meeting attendees.

FOR THOSE WISHING TO TESTIFY BEFORE THE ADVISORY PANEL

The Advisory Panel has revised its operating guidelines to incorporate a strict time management approach to its meetings. Rules for testimony before the Advisory Panel have been developed which are similar to those used by the Council. Members of the public wishing to testify before the AP **must** sign up on the list for each topic listed on the agenda. Sign-up sheets are provided in a special notebook located at the back of the room. The deadline for registering to testify is when the agenda topic comes before the AP. The time available for individual and group testimony will be based on the number registered and determined by the AP Chairman. **The AP may not take public testimony on items for which they will not be making recommendations to the Council.**

FOR THOSE WISHING TO TESTIFY BEFORE THE SCIENTIFIC AND STATISTICAL COMMITTEE

The usual practice is for the SSC to call for public comment immediately following the staff presentation on each agenda item. In addition, the SSC will designate a time, normally at the beginning of the afternoon session on the first day of the SSC meeting, when members of the public will have the opportunity to present testimony on any agenda item. The Committee will discourage testimony that does not directly address the technical issues of concern to the SSC, and presentations lasting more than ten minutes will require prior approval from the Chair.

COMMONLY USED ACRONYMS

| | | | |
|------------------|--|--------------|--|
| ABC | Acceptable Biological Catch | MMPA | Marine Mammal Protection Act |
| AP | Advisory Panel | MSY | Maximum Sustainable Yield |
| ADF&G | Alaska Dept. of Fish and Game | mt | Metric tons |
| BSAI | Bering Sea and Aleutian Islands | NMFS | National Marine Fisheries Service |
| CDQ | Community Development Quota | NOAA | National Oceanic & Atmospheric Adm. |
| CRP | Comprehensive Rationalization Program | NPFMC | North Pacific Fishery Management Council |
| EA/RIR | Environmental Assessment/Regulatory Impact Review | OY | Optimum Yield |
| EEZ | Exclusive Economic Zone | POP | Pacific ocean perch |
| EFH | Essential Fish Habitat | PSC | Prohibited Species Catch |
| FMP | Fishery Management Plan | SAFE | Stock Assessment and Fishery Evaluation Document |
| GOA | Gulf of Alaska | SSC | Scientific and Statistical Committee |
| IBQ | Individual Bycatch Quota | TAC | Total Allowable Catch |
| IPHC | International Pacific Halibut Commission | VBA | Vessel Bycatch Accounting |
| ITAC | Initial Total Allowable Catch | VIP | Vessel Incentive Program |
| MFCMA | Magnuson-Stevens Fishery Conservation and Management Act | | |

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| | <u>Estimated Hours</u> |
|---|----------------------------|
| A. CALL MEETING TO ORDER | |
| (a) Approval of Agenda | • |
| (b) Approval of Minutes of February 1997 Meeting | • |
| B. REPORTS | |
| B-1 Executive Director's Report | • |
| B-2 State Fisheries Report by ADF&G | • |
| B-3 NMFS Management Report | • |
| B-4 Enforcement and Surveillance Report | • |
| B-5 Steller Sea Lion Report | (4 hours for A/B items) |
| C. NEW OR CONTINUING BUSINESS | |
| C-1 <u>Inshore-Offshore 3</u> | (6 hours) |
| Finalize alternatives and problem statement for analysis. | |
| C-2 <u>Halibut & Sablefish Individual Fishing Quota Program</u> | (3 hours) |
| * (a) IFQ amendments: Final action. | |
| (b) North Pacific loan program: Initiate analysis. | |
| (c) IFQ enforcement: NMFS response to concerns raised in April. | |
| C-3 <u>Halibut Issues</u> | (3 hours) |
| * (a) Seabird avoidance: Final action. | |
| * (b) Area 4 catch sharing plan: Final action. | |
| (c) Sitka Sound management plan: Initial review. | |
| C-4 <u>Halibut Subsistence</u> | (4 hours) |
| * Final action on regulatory amendment. | |
| C-5 <u>Bering Sea Ecosystem Research Initiative</u> | (2 hours) |
| [Postponed until September or December] | |
| C-6 <u>Gulf of Alaska Improved Retention and Utilization</u> | (2 hours) |
| * Final action on plan amendment. | |

- C-7 Groundfish and Crab Limited Entry/Moratorium (2 hours)
 (a) Review license limitation/CDQ program proposed rule.
 (b) Skipper reporting system: Discussion and further direction.
 (c) Moratorium: Review request to lengthen vessel for safety reasons.
 (d) Crab Buyback Program: Progress report.
- C-8 Observer Program (6 hours)
 ✧(a) Extend existing program beyond 1997: Final action.
 (b) Review alternative program structures and give direction to staff for further analysis.
- C-9 Magnuson-Stevens Act Provisions (4 hours)
 (a) Review progress and give direction on meeting new requirements.
 (b) Review AMCC bycatch proposal.
 (c) Essential Fish Habitat: Progress report/initiate analysis.
 (d) Comment on various NMFS initiatives in response to Magnuson-Stevens Act revisions.
- C-10 Groundfish SEIS (1 hour)
 Comment on NOAA/NMFS proposal to draft SEIS on groundfish management in BSAI and GOA.
- ✧C-11 Reporting Requirements (1 hour)
 Council will consider final action.
- D. FISHERY MANAGEMENT PLANS
- D-1 Gulf of Alaska Groundfish Issues (4 hours)
 ✧(a) Pelagic shelf rockfish amendment: Final action.
 (b) Sablefish rolling closures: Initial review.
 (c) Pelagic trawl-only pollock fisheries: Further direction to staff.
 (d) Trip limits for pollock and cod: Further direction to staff.
- D-2 Bering Sea/Aleutian Islands Groundfish Issues (2 hours)
 ✧(a) Atka mackerel allocation to jig gear: Final action.
 (b) Gear storage/preemption issues: Discussion/further direction.
 (c) Shortraker/rougheye rockfish bycatch: Discussion and direction.
 ✧(d) Halibut discard mortality rates in the BSAI P. cod fishery: Consider changes for second half of 1997 (final action).
 (e) Stand-down for pollock trawlers moving into Atka mackerel fishery: Consider tasking analysis.

44 Total Agenda Hours

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Certified: *Steve Bendys*
Date: 6/10/97

MINUTES Scientific and Statistical Committee April 14-16, 1997

The Scientific and Statistical Committee of the North Pacific Fishery Management Council met April 14-16, 1997 at the Anchorage Hilton Hotel. All members were present except Al Tyler and Richard Marasco:

Keith Criddle, Chair
Harold Weeks
Phil Rigby (Alt.)
Terry Quinn

Jack Tagart, Vice-Chair
Jim Balsiger
Sue Hills
Seth Macinko

Doug Larson
Steve Klosiewski
Marc Miller

C-1 HALIBUT CHARTER BOAT ANALYSIS

The SSC heard presentations from Chris Oliver, Marcus Hartley, and Scott Goldsmith.

The SSC notes that the majority of topics identified in its February minutes have received attention. The document now has a consistent accounting stance, uses the same benefits concept for both sport and commercial fisheries, and uses the same input-output methodology to measure economic impacts for both sectors. The exposition and documentation of sources has improved. Useful discussions of the valuation approaches, previous literature on valuing sportfishing, and other regional Council approaches to allocating sport and commercial fisheries have been included.

Nevertheless, the SSC recommends against releasing the EA/RIR for public review at this time. The SSC's economic subcommittee met with the analysts via teleconference in March and suggested that the analysis be simplified to focus on the key elements that affect the direction of economic impact. The substantial enlargement of the EA/RIR is contrary to this recommendation. The SSC is supportive of efforts to conduct quantitative analyses where their use assists in understanding the impacts of Council actions and can be supported by the underlying data. However, in this case it has been clear from the outset that the underlying data will not support comprehensive quantitative analysis. In April 1996, we noted that "... the draft RFP calls for an overly ambitious effort given the time and funding which may be available." The current document continues to overemphasize the results of a quantitative analysis that does not adequately acknowledge the effects of uncertainties. These uncertainties arise from arbitrary assumptions made about many important model parameters (for example, elasticities of demand for both sport trips and commercially caught halibut) and are due in part to a poor underlying database. In addition, estimates of consumer surplus in the recreational fishery

presented in chapter 4 are calculated incorrectly. Consequently, the public may be misled. The model output cannot be relied on to accurately represent the magnitude or direction of impacts.

The SSC recommends the document be substantially reduced in length to focus on the qualitative discussion of impacts that already is present in the document. No additional economic analysis is needed, instead, a reworking to remove undue emphasis on quantitative estimates is needed. The document would be improved by including a short qualitative discussion of social impacts. The SSC strongly endorses efforts to collect systematic data on the halibut sport fisheries to help fill the large data gaps that currently exist.

The SSC reiterates two observations from its February minutes: (1) the context of the problem facing the Council appears to have changed considerably since initial formulation of the problem statement; (2) as Chapter 7 of the document notes, there is a large degree of mismatch between the alternatives under review and the elements of the problem statement concerning local depletion.

The late delivery of this enormous document seriously compromised the ability of the Council's advisory bodies to undertake credible reviews. The Council should revise its Standard Operating Procedures to automatically defer to the next meeting any agenda item based on a substantial document (e.g., 50 pages or more) not sent out a minimum of two weeks before the meeting.

C-2(c) HALIBUT SUBSISTENCE

The SSC received a presentation of the draft EA from Jane DiCosimo. Public testimony was heard from Ron Somerville representing the Alaska Legislature.

The SSC commends the staff on the draft EA and recommends that the document be released for public review. The SSC suggests that the discussion of critical definitions (e.g., "personal use," and "subsistence") be moved to the front of the document. A disparity between estimates of rural non-commercial harvests presented in the document was noted. Public testimony suggested that the alternatives under consideration might conflict with the Alaska constitution. The SSC requests inclusion of some discussion of alternative legal definitions of subsistence. The SSC is concerned about putting dollar limits on the amount of halibut that can be bartered or traded because of difficulties in defining relevant prices and enforcement; quantity limits may pose less problems. Finally, the SSC notes that as various alternatives potentially increase the expansion of existing subsistence harvests, the ability of the analysis to assess economic and social impacts is lessened.

C-2(e) HALIBUT STOCK ASSESSMENT MODEL

Pat Sullivan of IPHC gave an overview of Pacific halibut stock assessment procedures. Over the last two years the assessment model has been revised, especially to account for recent decreases in size with age. A consequence of this phenomenon is that longline selectivity as a function of age varies over time, was not included in previous assessments. The new assessment increases the estimated number of fish over previous assessments, because it adjusts for lower catches at particular ages during periods of slow growth rather than interpreting reduced catch-at-age as evidence of reduced recruitment. To be consistent with the new assessment model, the IPHC has revised all aspects of the stock assessment. These revisions have led to a reduction in the optimal harvest rate from approximately 30% to 20-25%. Several other technical improvements have also been made.

The SSC notes that the same type of assessment approach is now being used for Bering Sea pollock and expects that some other groundfish assessments will follow suit. The SSC believes that this approach is state-of-the-art and commends IPHC staff for their excellent work.

C-5 GULF OF ALASKA IMPROVED RETENTION AND UTILIZATION PROGRAM

The SSC heard a staff presentation from Lew Queirolo and IR/IU Committee Chair Joe Kyle. The issues in this analysis are substantially parallel to those for the BSAI IR/IU initiative passed by the Council in September 1996, though some new issues arise. Caution is needed in interpreting the discard savings estimates because they don't address changes in operating costs to the industry, costs of adjustment and compliance, or price responses in new product markets. Further, these savings are highly dependent upon the relative levels of economic versus regulatory discards. A benefit may result from slowing the pace of the fishery down if it increases opportunity for operators to process previously discarded sizes or species. Testimony from the Industry Working Group also indicated that there may be benefits to the industry from improved public perception of North Pacific fishing practices. Smaller, less mobile vessels are most likely to be severely affected; catcher vessels in the smallest category (<60 feet) are much more prevalent in the GOA than in the BSAI. The SSC notes that the interplay between the IR/IU program and the expanding state waters Pacific cod fishery has not been addressed.

The SSC has a concern that observer coverage is low for many components of the GOA fleet because vessels are smaller there. It would be useful to explore what can be done to enhance observer coverage levels.

C-6 VESSEL BYCATCH ALLOWANCES

The SSC received a briefing from Joe Terry. At this point the SSC can only provide limited feedback regarding the eventual analysis. The SSC requests that Dr. Terry and the Council staff continue to keep the SSC informed as the analytical outline develops.

The Council has not provided a clear statement of objectives that would serve to organize the analysis. The SSC encourages the Council to formulate a statement of objectives as early as possible. As the analysis develops, a host of issues are likely to warrant consideration, such as pooled versus individually based programs, pool size, industry cost data limitations, enforcement and observer program demands, feasibility on boats with 30% or no observer coverage, and distributional aspects of allocation alternatives.

C-8 EXPERIMENTAL FISHING PERMIT

John Gauvin and Dan Waldeck (Groundfish Forum) discussed their application for an Experimental Fishing Permit to test experimental trawl designs in the Bering Sea yellowfin sole fishery this summer. The SSC commends the applicants for presenting an experimental design that is well conceived and clearly presented. The inclusion of a power analysis is an especially positive feature.

The proposed experiment would test the efficacy of new net designs to reduce pollock and cod catch in Bering Sea flatfish fisheries. This represents the type of gear and behavioral change envisioned by the Council's IR/IU amendment.

If approved, fishing under the EFP would take place outside the normal fishery specifications. We do not expect the additional catch of yellowfin sole to lead to the Council's ABC for this species to be exceeded. The applicants expected range of prohibited species take is estimated based on past performance of the yellowfin sole fishery.

D-1(b) ROLLING CLOSURE NEAR SABLEFISH LONGLINE SURVEY STATIONS

Dr. Mike Sigler (NMFS-Auke Bay) presented a discussion paper addressing two possible measures to reduce fishery interference with sablefish longline surveys. Implementation of ITQ management has extended the length of the sablefish fishery. Efforts to work cooperatively with commercial fleets to avoid survey site stations have only been partially successful. While survey avoidance by most fishery participants appears to have been good, fixed gear fishing took place within 7 days of sampling at or very close to 11 of the 65 survey sites used to estimate relative exploitable abundance in 1996. For comparison, there were three instances of mobile gear fishing at or very close to a survey site in 1996. Dr. Sigler presented examples of apparent fishery biases to survey results; however, it is not possible to relate these observations to the quantity of fishery removals.

One measure discussed involved a series of rolling closures to preclude fishing at survey sites for seven days prior to, and during, the survey. Seven days has been identified as an appropriate "rest" time for grounds after fishing based on informal discussions with fishers. While the scheme of rolling closures would be expected to lead to very small disruptions in fixed gear fishing opportunities, it would likely involve more significant impacts to the sequence and balance of mobile gear opportunities.

A second measure discussed would re-order the sequence of the survey (also linked to associated rolling closures) to avoid most of the disruption to the existing sequence of trawl fishery openings. A possible additional benefit to a change in survey sequence would be to stabilize the expected future of survey data series. A disadvantage to changing the survey sequence is the possible impact to time series integrity; no information is available to evaluate possible biases from these changes.

John Gauvin (Groundfish Forum) and Chris Blackburn (Alaska Groundfish Data Bank) provided testimony supporting changes to the survey order, and pointed out that the efficacy of mobile gear efforts to avoid survey interference made rolling closures applicable to mobile gear unnecessary.

Should the Council choose to analyze the need for and benefits from regulatory measures to prevent fishery interference with the sablefish longline survey, the SSC recommends that the analysis include an evaluation of (1) the impacts due to conservation bias (as may result from depressed survey indices if interference takes place), versus the possible economic impacts from rolling closures, and (2) whether rolling closures should extend to mobile gear as well as fixed gear. The views of NMFS and Coast Guard enforcement personnel should also be sought and incorporated in the analysis.

D-1(c) ROCKFISH FISHERIES BYCATCH

The SSC heard a presentation by Jon Heifetz on bycatch rates within the GOA trawl rockfish fisheries. Public comments and recommendation were received from Chris Blackburn and John Gauvin. The analysts presented both observer data (1993 through 1995) and NMFS Triennial survey species composition data (1990, 1993, and 1996). The survey data, although restricted to the summer period, provided fishery independent estimates of bycatch rates. Target species for surveys were based on the most abundant species within each level, while the target by haul for the fishery analysis was assigned using the NMFS observer program algorithm. As noted by the analyst, target assignment was the most critical step in the analysis. Actual fishery targets may have been different than those assigned with this method. This limitation should be kept in mind if the bycatch rates presented in the report are used to project bycatches within specific fisheries.

The estimated bycatch rates by target species were calculated on a Gulf-wide basis. Bycatch associated with target species was variable as measured by the coefficient of variation. However, based on the examples of sablefish bycatch, the highest variation in bycatch rates were found in fisheries with the lowest bycatch rates.

For example, for the thornyhead target, an estimate of a 40% bycatch rate for sablefish had a CV in the range of 20%, while for northern rockfish target bycatch rates of less than 5% had CVs of 40% for the observer data to almost 100% for the survey data.

Bycatch standards establish default trip limits (weekly limits for CPs). An analysis of individual rockfish vessels indicate that selective targeting for sablefish does occur. Recommendations for further analysis depend upon the objectives or expected use of the analysis and should be further clarified.

Regardless of the objectives the SSC recommend that any future analysis include:

1. major geographic and seasonal differences,
2. sensitivity of results to the target algorithm,
3. the same target algorithm for both survey and observer data
4. the 1996 observer data,
5. in the tables: total tonnage, besides total number of hauls.

If fishing behavior relative to management restrictions is an objective of further work, the analysts should consider:

1. changes in bycatch related to trips/weeks,
2. bycatch before and after species are restricted as prohibited species including frequency of trips reaching PSC limits.

D-2(b) ATKA MACKEREL JIG ALLOCATION

The SSC received a report on the draft EA/RIR from Sue Salvesson. The SSC also heard public testimony on the issue from Bob Storrs of the Unalaska Fishing Association, the original proposers of the amendment.

Although the author is correct that the total harvest will not change under this amendment, the timing and location of the harvesting probably will change. The SSC recommends that the draft EA/RIR be released for public review after the following issues have been qualitatively addressed: seasonality of harvest, location of harvest, salmon bycatch, sea lion trawl closure zones, and localized depletion concerns. Inclusions of a discussion of cost of alternate baits, extending the maps to include the anticipated jig fishery area, and a discussion of the impacts of approval of Amendment 39 (CDQ allocations) would be helpful.

The statement of alternatives needs some clarification. If the percentage of TAC for jig gear is taken from all subareas, does it remain allocated by subarea? What are the management possibilities under status quo?

D-3 Scallop SAFE document and Specifications

Dave Witherell provided the staff report summarizing the initial scallop SAFE document and harvest specifications. There was no public testimony on this topic. The SAFE document is a compilation of reports reflecting area specific catch histories and limited surveys representing the best available biological and economic information. Specifications for guideline harvest levels (GHLs) are recommended by ADF&G management area; with the exception of the Bering Sea (Area Q), these are based on past harvest histories. Crab bycatch caps are specified based on a percentage of the most recent crab population estimates in most areas. For Areas R (Adak) the cap is based on a bycatch projection which would allow some exploratory scallop fishing.

The SSC cautions that this resource is poorly understood, and recruitment is apparently highly variable. There are several worldwide examples of scallop overfishing noted in the scallop FMP. With our present understanding, we cannot state that the GHLS are appropriately conservative or overly optimistic. This uncertainty underscores the importance of ADF&G monitoring and in-season management. The GHL is not a fixed quantity like a TAC, but is a maximum level; ADF&G has the authority to close the fishery short of attainment based on monitoring of CPUE in-season.

The SSC stresses the importance of developing an information base from resource surveys and analytic modeling to provide confidence to the public and fishers that this fishery is managed in a conservative fashion to ensure long-term sustainability. Pete Probasco, ADF&G, commented that such data are being collected and modeling work is planned.

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DRAFT

Certified by _____
Date _____

DRAFT

ADVISORY PANEL MINUTES APRIL 14-16, 1997 ANCHORAGE, ALASKA

Advisory Panel members in attendance:

Alstrom, Ragnar
Bruce, John (Chair)
Benson, Dave
Burch, Alvin
Cotton, Bruce
Cross, Craig
Falvey, Dan
Fanning, Kris
Fraser, Dave
Fuglvog, Arne
Gundersen, Justine
Ganey, Steve

Jones, Spike
Lewis, John
Madsen, Stephanie (Vice-Chair)
Nelson, Hazel
Paddock, Dean
Roos, John
Stephan, Jeff
Ward, Robert
Wurm, Rob
Yeck, Lyle
Yutzenka, Grant

Advisory Panel member, Teresa Turk, was absent. The Advisory Panel unanimously approved the February 1997 meeting minutes.

Election of Officers

The Advisory Panel (AP) unanimously approved maintaining the current officers, John Bruce-Chair and Stephanie Madsen-Vice-Chair.

C-1 Halibut Charterboat Management

The AP remains concerned with the validity of some of the assumptions contained in the analysis. However, we believe allowing the public to review and comment on the work done to date would provide additional

information, productive alternatives and be in the best interest of public policy. Therefore, we request the document be released for public comment with the addition of:

1. A cover letter which both focuses public comment on the scope and nature of the alternatives and notices the public that the quantitative aspects of the analysis may be subject to future refinement and changes;
2. An expanded executive summary which lays out the alternatives, characterizes the various halibut user groups, and qualitatively examines the impacts of the alternatives.
3. A section discussing the ability of traditional management tools (bag limits, annual limits, etc.) To address elements of the problem statement and to mitigate the impacts of proposed alternatives.
4. A discussion of the proposed Jones Act changes and their impact on current charter operations and future catches.

Additionally, the AP requests that final action should **not** be taken in June except for:

1. scheduling final action on Alternative 2 (to implement reporting requirements), and
2. taking final action on the moratorium with a control date of April 16, 1997. It was the understanding of the AP that approving this control date did not preclude subareas from being excluded from a moratorium, suggesting qualifications specific to subareas or requesting a control date for their area beyond April 16, 1997.

Motion carries 18/3.

C-2 Halibut Issues

(a) Seabird Avoidance

The AP recommends the Council release for public review the Halibut Supplement EA/RIR using the revised language in the addendum (a minor revision to Alternative 2.1b). Motion carries unanimously.

(b) Area 4 Catch Sharing Plan

The AP recommends the Council release for public review the Area 4 Catch Sharing Plan EA/RIR with the following changes:

1. Delete Alternative 3.
2. Add an alternative allowing the CDQ portion of Area 4 C, D, and E to be set aside to be distributed by the State of Alaska with options that allow the harvest to occur either across IPHC regulatory C, D, and E areas or confine to existing C, D, and E areas.

Motion carries unanimously.

(c) Subsistence EA/RIR

The AP recommends the Council release for public review the EA/RIR creating and defining a Halibut Subsistence fishery category with the following changes:

1. Delete Option 6.
2. Option 2, suboption C: substitute "non-tribal" in place of "non-native".
3. Option 3, suboption B: add 2 hooks to analysis.
4. Add to Option 5, suboption C to either prohibit or allow the exchange (trade, barter) of halibut for other goods with:
 - a. other tribes
 - b. any Alaska rural resident
 - c. any Alaska resident
 - d. anyone.
5. Option 7: revise to read, "Develop cooperative agreements with Tribal, State and Federal governments."
6. Add Option 8: a daily bag limit of between 2-20 fish per day.

The AP expressed its concern that there is currently no satisfactory system for assessing the size and trends in the subsistence fishery catch in rural Alaska. Motion carries 20/1. (Motion to table failed 4/15)

The AP further requests the Council ask staff to expand the analysis to include:

1. A discussion of current case law relative to halibut in the British Columbia Indian food fishery and the Washington state treaty right uses of halibut.
2. A response to issues raised by the Alaska State Legislature's letter, particularly question 2 (below) including a discussion about racial versus aboriginal based allocations and a summary of the status of sovereignty status in current case law.

Question 2 - "Under what authority can the Council adopt allocation criteria based on race which are in conflict with the State's constitution?"

3. Enforcement concerns if in fact a conflict exists with the Alaska State Constitution.

Motion carries unanimously.

(d) Amendment 50/50 - Halibut Food Banks

The AP recommends the Council adopt Alternative 2. Motion carries unanimously.

C-3 Halibut/Sablefish IFQ Program

IFQ Amendments

The AP recommends the Council release for public review the EA/RIR amending the vessel ownership requirement for the IFQ program with the following changes:

1. Under Alternative 2, Option B: substitute 49% in place of 51%
2. Under Alternative 2: add Option C of 5%
3. Add a new alternative to grandfather ownership levels held at:
 - a. date of Secretarial approval
 - b. as of April 16, 1997

Additionally, the AP requests the analysis:

1. add a description of the number of pounds involved and the number of vessels for 1995, 1996 and year-to-date for 1997.
2. include a discussion of the effects of the options on crew members.

Motion carries 21/1.

The AP recommends the Council release for public review the EA/RIR extending transfer privileges to surviving heirs of deceased QS and IFQ holders in the IFQ program. The AP also requests the addition of an alternative to address the AP's concern in cases when the family (spouse or children) continue to hold ownership of the vessel. In such cases, the surviving spouse would remain vested with the right to employ a hired skipper beyond the three years as long as they continue to hold ownership of the vessel. In the case of surviving children, they would have the same right for three years after reaching age 18.

Motion carries unanimously.

Lien Registry

The AP requests the Council support the lending institutions request to Congress for a six month extension on implementation of a lien registry for the IFQ program so they can further refine and develop a registry. Motion carries unanimously.

C-5 GOA Improved Retention/Improved Utilization (IR/IU)

The AP recommends the Council release for public review Amendment 49 implementing IR/IU in the Gulf of Alaska with the addition of an alternative allowing a defined legal buffer below the directed fishing standards. Motion carries 20/2.

The AP further requests the Council direct staff to initiate a regulatory amendment examining a change in the directed fishing standards such as a rolling average of overages/underages idea relative to IR/IU in both the Gulf of Alaska and the Bering Sea/Aleutian Islands. Motion carries unanimously.

C-6 Vessel Bycatch Allowances (VBA)

The AP recognizes that resolution of the outstanding legal issues and development of an adequate monitoring, compliance and enforcement plan are necessary prerequisites to determining the specific elements that will compose an effective program.

We recommend the Council direct the Committee, in conjunction with NOAA GC, NMFS enforcement staff and representatives of the observer program including the Association for Professional Observers, to address the following issues to determine whether adequate monitoring and enforcement are feasible before proceeding with an formal analysis. The issues are those identified in:

1. January 1996 analytical outline by Joe Terry on page three (Attachment 1).
2. Legal issues raised in the NOAA GC memo (dated April 11, 1997)
3. Committee report.

The AP further request the Council specifically identify salmon and herring as possible inclusions in any VBA alternative. Motion carries 16/6.

C-8 Experimental Fishing Permit

The AP recommends the Council support the experimental fishing permit request by Groundfish Forum, Inc. Motion carries unanimously.

D-1 GOA Groundfish Issues

(b) Rolling Closures

The AP recommends the Council proceed with development of an EA/RIR to implement rolling closures around the sablefish survey. We further recommend the following be added as options:

1. Change in sampling area sequence (reordered survey)
2. Nearshore open area for halibut and other fisheries
3. Gear specific exemptions to be renewed annually.

Motion carries 20/1.

D-2 BSAI Groundfish Management

(a) Forage Fish Amendment

The AP recommends the Council adopt a combination of Alternative 2, Option 2 and Alternative 2, Option 4 including the following language changes:

1. Under Alternative 2, Option 2 change the 1% to 5%, and
2. Under Alternative 2, Option 4 add the language: "To facilitate disposition of forage fish taken as bycatch, forage fish may be used in meal production but cannot exceed 1% (0.01) of the total amount of product (waste and whole fish) used for meal within each calendar quarter."

Motion carries 21/1.

(b) Atka Mackerel 2% Jig Allocation

The AP recommends the council release for public review the EA/RIR Proposed Amendment 34 that would authorize an allocation of Atka mackerel to vessels using jig gear with the following option changes:

1. Alternative 2: all options would be modified to include a suboption for step-up provisions of ½% increments up to 2% that would be frame-worked to allow moving to the next increment if quota was taken.
2. Delete Alternative 3.

Additionally the AP recommends the analysis include supplemental discussion regarding:

1. Alternative 4: what the TAC would have been in the Bering Sea the past six years if it was split out.
2. Discussion of the communities of Atka and Nikolski and their ability to use CDQ quota in the jig fishery.

Motion carries unanimously.

(c) VIP Standards

The AP recommends the Council approve the VIP standards outlined in the letter from the NMFS Regional Director for the second half of 1997. Motion carries unanimously.

The AP further suggests to the Council it is appropriate to establish a *C. bairdi* VIP for the cod fishery in the Bering Sea.

D-3 Scallop Fishery Management Plan

The AP recommends the Council approve the SAFE report, TAC and PSC specifications as outlined below:

Table 1. Scallop TAC amounts for the period July 1, 1997, through June 30, 1998, in pounds and kilograms of shucked scallop meat by scallop registration area and district.

| Scallop Registration Area | TAC | |
|-------------------------------|------------------|----------------|
| | lb | kg |
| Area A (Southeastern) | zero | zero |
| Area D (Yakutat) | | |
| District 16 | 35,000 | 15,880 |
| All other districts | 250,000 | 113,430 |
| Area E (Prince William Sound) | 17,400 | 7,893 |
| Area H (Cook Inlet) | | |
| Kamishak District | 28,000 | 9,074 |
| Area K (Kodiak) | 400,000 | 181,488 |
| Area M (Alaska Peninsula) | 200,000 | 90,718 |
| Area O (Dutch Harbor) | 170,000 | 77,132 |
| Area Q (Bering Sea) | 600,000 | 272,155 |
| Area R (Adak) | 75,000 | 43,019 |
| TOTAL | 1,767,400 | 810,789 |

Table 2. Crab bycatch limits for the period August 1, 1997, through June 30, 1998, in numbers of crabs by scallop registration area and district.

| Scallop Registration Area | Crab Bycatch Limits | | |
|-------------------------------|---------------------|------------------|------------------|
| | Red king | <i>C. bairdi</i> | <i>C. opilio</i> |
| Area A (Southeastern) | - | - | - |
| Area D (Yakutat) | - | - | - |
| Area E (Prince William Sound) | - | 630 | - |
| Area H (Cook Inlet) | | | |
| Kamishak District | 60 | 29,000 | - |
| Outer/Eastern Districts | 98 | 2,170 | - |
| Area K (Kodiak) | | | |
| Shelikof District | 35 | 51,000 | - |
| Northeast District | 50 | 91,600 | - |
| Area M (Alaska Peninsula) | 79 | 45,300 | - |
| Area O (Dutch Harbor) | 10 | 10,700 | - |
| Area Q (Bering Sea) | 500 | 238,000 | 172,000 |
| Area R (Adak) | 50 | 10,000 | - |
| Total | 882 | 478,400 | 172,000 |

Motion carries unanimously (20/0).