North Pacific Fishery Management Council

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June 4, 2004

DRAFT AGENDA
167th Plenary Session
North Pacific Fishery Management Council
June 9-15, 2004
Benson Hotel
Portland, OR

The North Pacific Fishery Management Council will meet June 9 through June 15, 2004 at the Benson Hotel, 309 Southwest Broadway, Portland, OR. Other meetings to be held during the week are:

Committee/Panel	Beginning
Advisory Panel	Jun 7, Mon. - Crystal Ballroom
Scientific and Statistical Committee	Jun 7, Mon. - Cambridge/Oxford
Enforcement Committee	Jun 8, Tues. - Parliament 3&4 - 1:00 pm - 5:00 pm

All meetings will be held at the Hotel unless otherwise noted. All meetings are open to the public, except executive sessions of the Council. Other committee and workgroup meetings may be scheduled on short notice during the week, and will be posted at the hotel.

INFORMATION FOR PERSONS WISHING TO PROVIDE PUBLIC COMMENTS

Sign-up sheets are available at the registration table for those wishing to provide public comments 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. Written comments and materials to be included in Council meeting notebooks must be received at the Council office **by 5:00 pm (Alaska Time) on Tuesday June 1.** Written and oral comments should include a statement of the source and date of information provided as well as a brief description of the background and interests of the person(s) submitting the statement. Comments can be sent by mail or fax--please **do not** submit comments by e-mail. **It is the submitter's responsibility to provide an adequate number of copies of comments after the deadline**. Materials provided **during** the meeting for distribution to Council members should be provided to the Council secretary. A minimum of **25** copies is needed to ensure that Council members, the executive director, NOAA General Counsel, appropriate staff, and the official meeting record each receive a copy. If copies are to be made available for the Advisory Panel (**28**), Scientific and Statistical Committee (**18**), or the public after the pre-meeting deadline, they must also be provided by the submitter.

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
AP Advisory Panel
ADFG Alaska Dept. of Fish and Game
BSAI Bering Sea and Aleutian Islands
CDQ Community Development Quota
CRP Comprehensive Rationalization Program
CVOA Catcher Vessel Operational Area
EA/RIR Environmental Assessment/Regulatory Impact Review
EEZ Exclusive Economic Zone
EFH Essential Fish Habitat
FMP Fishery Management Plan
GHL Guideline Harvest Level
GOA Gulf of Alaska
HAPC Habitat Areas of Particular Concern
IBQ Individual Bycatch Quota
IFQ Individual Fishing Quota
IPHC International Pacific Halibut Commission
IRFA Initial Regulatory Flexibility Analysis
IRIU Improved Retention/Improved Utilization
ITAC Initial Total Allowable Catch
LAMP Local Area Management Plan
LLP License Limitation Program
MSFCMA Magnuson-Stevens Fishery Conservation and Management Act
MMPA Marine Mammal Protection Act
MRA Maximum Retainable Amount
MRB Maximum Retainable Bycatch
MSY Maximum Sustainable Yield
mt Metric tons
NMFS National Marine Fisheries Service
NOAA National Oceanic & Atmospheric Adm.
NPFMC North Pacific Fishery Management Council
OY Optimum Yield
POP Pacific ocean perch
PSC Prohibited Species Catch
SAFE Stock Assessment and Fishery Evaluation Document
SSC Scientific and Statistical Committee
TAC Total Allowable Catch
VBA Vessel Bycatch Accounting
VIP Vessel Incentive Program

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Estimated Hours

A. CALL MEETING TO ORDER
(a) Approval of Agenda
(b) Approval of minutes (T)

B. REPORTS

B-1 Executive Director's Report (6 hrs)
B-2 NMFS Management Report
B-3 Enforcement Report
B-4 Coast Guard Report (8:00 am Friday)
B-5 ADF&G Report
B-6 USFWS Report

C. NEW OR CONTINUING BUSINESS

C-1 BSAI Crab Rationalization Environmental Impact Statement (EIS) (10 hrs)
(a) Final Action on Crab Rationalization EIS.

C-2 Draft Programmatic Groundfish Supplemental EIS (6 hrs)
(a) Develop timeline for management policy/action as necessary.
(b) Initial/Final Review (T) of Groundfish FMP Revisions.

C-3 EFH and Habitat Area Particular Concern (HAPC) (8 hrs)
(a) Finalize HAPC alternatives for analysis.
(b) Review comments on EFH EIS, and take action as necessary.

C-4 Aleutian Island Pollock (6 hrs)
Final action to establish Adak pollock allocation.

C-5 GOA Rockfish Pilot Program (2 hrs)
Discuss alternatives and options for analysis/action as necessary.

C-6 IR/IU (2 hrs)
Receive progress report on Amendment 80 and discussion papers/action as necessary.

C-7 Observer Program (2 hrs)
Receive update on analysis/action as necessary.

C-8 CDQ Program (4 hrs)
Initial Review of analysis on fishery management issues/other action as necessary.

C-9 SSL Mitigation Measures (4 hr)
Initial Review and final action to adjust measures in GOA.

D. FISHERY MANAGEMENT PLANS

D-1 Scallop FMP (2 hr)
Initial Review of analysis to modify the license limitation program and update the FMP/action as necessary.

D-2 Groundfish FMP (2 hr)
Receive report from Non-Target Species Committee/action as necessary.

D-3 Staff Tasking (2 hr)
Review tasking and provide direction to staff/action as necessary.

D-4 Other Business (1 hr)
(a) ~~National Standard 1 - review/comment on proposed rule.~~*
(b) Crab overfishing definition/plan team report/action as necessary.
(c) Salmon EFP - receive report/action as necessary.
(d) SSL/P. Cod interaction study - receive report/action as necessary.
(e) Seabird EFP - receive report/action as necessary.

*delayed until October

E. CHAIR'S REMARKS AND ADJOURNMENT

Total Agenda Hours: 57 Hours

June 2004

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 Arctic Research Commission, Fairbanks (thru 6/5)	3	4	5
6	7 SSC/AP Benson Hotel Portland OR	8 SSC/AP	9 SSC/AP	10 AP/Council	11 AP/Council PWSSC, Cordova (thru 6/12)	12 AP/Council
13 Council	14 Council	15 Council	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

July 2004

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5 *Holiday*	6 NEPA Project Leader Training, Kansas City (thru 7/8)	7	8	9	10
11	12	13	14	15	16	17
18	19	20 NPRB Science Panel mtg, Seattle (thru 7/21)	21	22	23	24
25	26 NPRB Advisory Panel mtg, Anch. (thru 7/27)	27	28	29 NPRB mtg, Juneau (thru 7/30)	30	31

August 2004

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21 AFS - Madison WI - thru 26th
22	23	24	25	26	27	28
29	30	31				

September 2004

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13 PT Meeting thru 17th	14 Bridges of Science between N. Amer. & Russ	15	16	17	18
19	20 NPRB Science Panel thru 24th ?? - TBA	21 ICC Mtg - Russia thru 24th	22	23	24	25
26	27	28	29 NPRB Advisory Panel and NPRB thru 30th - Anch	30		

October 2004

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 SSC/AP SITKA Centennial Hall	5 SSC/AP	6 SSC/AP/Council	7 AP/Council	8 AP/Council	9 AP/Council
10 Council	11 Council	12 Council	13	14	15	16
17	18	19 NOAA Fisheries Conference - DC thru 21st	20	21	22	23
24	25	26	27	28	29	30
31						

November 2004

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15 PT meeting thru 19	16	17	18	19	20
21	22	23	24	25 Thanksgiving	26	27
28	29	30				

December 2004

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6 SSC/AP - Hilton Hotel	7 SSC/AP	8 SSC/AP Council	9 AP/Council	10 AP/Council	11 AP/Council
12 Council	13 Council	14 Council	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

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Certified: Stan Blenden
Date: 5/24/04

MINUTES
SCIENTIFIC STATISTICAL COMMITTEE
March 29-31, 2004

The Science Statistical committee met March 29-31, 2004 at the Hilton Hotel in Anchorage, AK. Members absent: Seth Macinko, Rich Marasco, Chair, Franz Mueter, Ken Pitcher, Terry Quinn. Members present:

Gordon Kruse, Vice Chair	Keith Criddle	Steve Hare
Mark Herrmann	Sue Hills	Anne Hollowed
George Hunt	Steve Parker	Farron Wallace
Doug Woodby		

C-1 DPSEIS

The SSC received an excellent and detailed report from Steve Davis (NMFS) and Diana Evans (Council staff). They provided an overview of the Comment Analysis Report (CAR) that summarizes public comment on the PSEIS and NOAA Fisheries response to these comments. They also provided a copy of the revised preliminary preferred alternative (PPA) and a summary of changes to the PPA, and a revised amendment document. As usual, the materials to be reviewed, supplementary information, and the staff presentation were thorough and excellent. Public testimony was provided by Joe Moore (The Ocean Conservancy).

Comments on the Preliminary Preferred Alternative C-1(a)(1)1

- The SSC recommends that the general structure of the PPA prominently identify the overall goal of the described management approach. The SSC suggests modifying last sentence of the 2nd paragraph to begin with "Given this intent, the fishery management goal is to provide ...". Further, to aid in clarity, we suggest that the PPA include explicit definitions of the terminology used for "objectives" or "tasks".

- The SSC encourages the Council to review statements in the PPA that relate to the intent for Council actions regarding habitat to ensure that the intent is clear and consistent with the intent of other Council actions related to habitat, e.g., HAPC. As an encompassing statement of Council management policy, the PPA should include the range of actions and interpretations used by the Council. Additional discussion of this issue is included in SSC comments regarding C-2 on HAPC.

- The SSC recommends broadening bullet 4 under "Prevent Overfishing" to read "Conduct periodic reviews of the adequacy of current harvest policies and adopt improvements, as appropriate".

- The SSC concurs with the AP and Staff recommendation for the addition of a bullet to highlight management of non-target species. To accommodate potential changes to management categories

identified by NMFS National Standard Guidelines, the SSC encourages the adoption of a statement that will allow flexibility regarding designation of species groups.

- Although recent Congressional legislation has codified the 2 million mt OY cap, the SSC encourages the Council to revisit the rationale behind and calculation of the OY caps. All biological parameters should be subject to periodic review to account for possible changes in environmental conditions, changes in the status of fish populations and the status of populations of other species, and to incorporate additional scientific knowledge.

- With reference to task 37, the SSC cautions that "economic impact assessments" only describe the patterns of flow of expenditures and do not characterize the net benefits of alternative actions that might be contemplated by the Council. It is possible to have actions that result in large regional economic impacts and generate negative net benefits. It is also possible to have actions that generate positive net benefits and yet have negligible regional economic impacts. Impact analyses and net benefit assessments are both important for characterizing the economic consequences of alternative actions. Increased data reporting requirements can support both types of analyses.

Comments on the PPA Bookends C-1(a)(1)2

- The SSC recommends changing the phase "minimize waste". Because minimizing could be taken to mean reducing waste to zero, "minimize waste" may set an unachievable standard. An alternative statement of this goal might be to "reduce waste to biologically and socially acceptable levels".

- The SSC cautions against the adoption of any amendment that reduces the responsibility of harvesters and processors to provide detailed timely information required to ensure responsible management of FMP fisheries. Fishery resources are the property of the people of the United States. The management agencies have a trustee responsibility to ensure that these resources are being used in a manner that maintains that the expected flows of use, option, and nonuse benefits. In order to discharge this responsibility and to ensure compliance with federal law and regulation, the management agencies must have access to detailed information on the magnitude, composition, and location of catches as well as detailed information on the costs, revenues, and expenditures associated with fishing and processing.

Comments on the CAR

- The SSC recommends that the CAR and PSEIS be released for public review.

- The SSC commends NMFS for developing a process for summarizing comments to key issues and for developing concise answers to comment.

- The SSC recommends that the CAR be reviewed to ensure that actions taken in response to comments are identified. For example, the CAR should indicate whether the comment was already addressed in a particular section of the document or whether new material was added to the document in specific sections to address the comment (e.g., definition of surplus production).

- The SSC requests that additional clarification be included at the top of page 59 to define the thresholds used to estimate the effect of fishing on marine mammals.

Comments on the timeline C-1(A)3

- The SSC recommends that Staff conduct periodic updates of the PSEIS and FMP and that the schedule for these periodic updates be included on the timeline. Additionally, the recurring HAPC proposal process should be indicated in the timeline.

- The SSC was surprised to see that the timeline included specific tasks from the "bookends"; we understood that they were to serve as illustrations of the range of possible actions that could take place under the policy language of the PPA. Staff explained that these tasks were illustrative of a possible timeline and that the actual timeline developed by the Council could look considerably different. The SSC cautions that the items in the "bookends" should not be treated as a detailed "to do" list for future actions without closer scrutiny.

Comments on the FMP amendments C-1(b)1

The SSC did not have adequate time to fully review the housekeeping portions of the FMP amendments. Therefore, the SSC recommends that the "housekeeping" FMP amendments be decoupled from those required for approval of the PSEIS. Decoupling would allow more time to review the proposed "housekeeping" changes without affecting the PSEIS timeline. However, if the Council chooses to move all of the FMP amendments forward together, at a minimum, the following issues should be addressed.

- Some finfish species are not governed by the FMP (Page 5 of GOA) and are not mentioned. Some of these finfish species are managed by the State: e.g., black rockfish, lingcod, and pollock in Prince William Sound. The SSC recommends that the jurisdictional authorities be more clearly identified and that lists be included to identify which species are managed by NMFS and which by the State of Alaska. Footnotes may be useful to explain special situations, such as sablefish in inside waters and parallel seasons for Pacific cod. These state-managed fisheries should also be discussed in other appropriate sections, e.g., Chapter 4.

- The SSC recommends that Section 3.10—Council FMP review—be reconciled between the two FMPs. Specifically, bullet 1 of section 3.10.1 in the BSAI plan seems to have been omitted from section 3.10.1 of the GOA plan.

The SSC did not have time to fully review the proposed revised MSY and OY definitions. Nuances in these definitions could have important effects on stock assessments and the harvest control rules. The SSC wishes to have more time to thoroughly review the proposed revisions.

C-2 HAPC

Cathy Coon (NPFMC) outlined a tentative schedule of work and a framework for analysis of HAPC alternatives. Diana Stram (NPFMC) reported on findings and recommendations that emerged from a joint plan team review of the 23 HAPC proposals received in response to the Council's initial request for proposals. Scott Miller (NMFS AKR) reported on initial efforts to devise an approach to examine the social and economic effects of HAPC designations and associated management measures. (The draft initial report on socioeconomic effects was not provided in advance and consequently was not formally reviewed by the SSC.) The SSC also received a report on HAPC enforcement issues. (The enforcement report was not provided in advance and was not addressed in staff presentation and consequently was not reviewed by the SSC.) Dr. Bob Stone of NMFS-Auke Bay Laboratory gave a presentation on recent research on coralline habitats in the Aleutian Islands. Areas for study were selected based on the occurrence of coral bycatches. Observations were made from the Delta submersible. Dr. Tom Shirley of the University of Alaska Fairbanks gave a presentation on his deep-sea submersible studies of seamounts in the Gulf of Alaska. The seamount

project resulted in detailed maps and unique observations on the distribution of deepwater corals, sponges, and associated invertebrates. Several species of crabs were observed. Juveniles and adults of some species were stratified into narrow depth ranges. The SSC would like to commend both Dr Stone and Dr. Shirley for their excellent presentations. Public comment was provided by Two Crow, Ed Richardson (Pollock Conservation Cooperative), Heather McCarty (Marine Conservation Alliance), Jon Warrenchuck (Oceana), John Gauvin (Groundfish Forum), and Cora Crome (Petersburg Vessel Owners Assoc).

To facilitate the Joint Plan Team review, the analysts organized the 23 HAPC proposals into 8 groups based on similarities in habitat type or region. The eight groups include: a) seamounts and pinnacles; b) deep water canyons; c) GOA hard corals; d) AI hard corals; e) AI hard corals (additional subset); f) AI marine reserve and AI core bottom trawl areas; g) AI coral gardens and AI coral and sponge; and, h) BS soft coral. Following Plan Team review, Council staff pooled proposed sites similar in habitat type or in the same region into conceptual approaches for HAPC alternatives, which were presented. The SSC endorses this conceptual approach and encourages the development of a process where the public is encouraged to nominate sites and provide rationale for the sites nominated. The analysts could then assemble available information about fishing activities, and fishery and non-fishery resources in the region of the site. This would place all of the proposals on a similar footing for review by the joint plan teams. The SSC commends the analysts for their exceptional work and presentation.

Because this is the first review cycle for HAPC proposals, there has been some uncertainty about the process of proposal review, about linkages between the proposals and actionable alternatives to be considered by the Council, and about the structure of analysis of the actionable alternatives.

Issues that have arisen include:

- Some proposals did not respond to the two specific priorities identified by the Council. However, while the Council identified priorities, it did not stipulate that it would only entertain proposals that addressed those priorities.
- Some proposals identified areas for further research rather than areas for immediate permanent restrictions on permissible fishing gear.
- It would have been helpful if the request for proposals had clearly specified whether the request was for HAPC in terms of specific habitat areas or in terms of habitat type.
- The linkage between coral and sponge habitat on seamounts and pinnacles and the long-term productivity of FMP rockfish species is not well-established and is unlikely to become well-established. If it is imperative that there be a clear linkage between HAPC and the productivity of FMP species, it is unclear whether HAPC is an appropriate instrument for protecting areas of habitat that have other interests to the public.
- Because the criteria to be used for rating the proposals were not announced at the time that the proposals were solicited, some of the proposals did not include enough information to be rated for "ecological importance" or "sensitivity"..
- Because "stressed" was not clearly defined, the Plan Teams used a scale of the relative intensity of fishing effort as a proxy for "stressed". Although the Plan Teams scored most proposals for most of the criteria, the Teams expressed concern that a "high" rating of 3 might infer greater knowledge then is warranted by available data and cautions that the ratings are categorical, thus a rating of 3 should not be interpreted as having three times the weight as a rating of 1.

For the above reasons, the Plan Teams have recommended that the summary tables in the Plan Teams report should not be used to evaluate proposed sites. The SSC concurs.

As noted in the February 2004 SSC minutes "a clear definition must be established for all Council priorities and HAPC considerations". The Council was deliberate in stating their designated priority areas:

> (1) Seamounts in the EEZ, named on NOAA charts, that provide important habitat for managed species, and
>
> (2) largely undisturbed, high relief coral beds that provide important habitats for managed species.

There remains a need to provide unambiguous definitions of the four HAPC considerations established in the EFH Final Rule: (1) importance of ecological function; (2) sensitivity; (3) stress; and (4) rarity. The SSC recommends that the analysts review source material such as the recent NRC report on the effects of fishing on habitat, and consult with appropriate experts to develop concise and unambiguous definitions of the four HAPC considerations as they will be applied in the North Pacific.

The definition of "stress" was particularly troubling for the Plan Teams. The Plan Teams interpreted "stress" to be a measure of "relative disturbance". If disturbance is interpreted as density of bottom contact fishing, then an effort must be made to numerically evaluate effort by gear for each site in contrast to the spatial distribution of the fishery overall. The SSC recommends that the definition for "stress" include a consideration of the frequency of disturbance, habitat recovery time and how natural and human disturbances influence habitat form and function. A kelp forest, for example, is subject to natural perturbation from storms and biota has adapted to a relatively fast regeneration time in contrast to slow growing corals found in deeper waters.

The SSC requests that the Council clarifies its intentions on several important HAPC issues and that staff include in the EA a clear description of the relevant legislation and Council intentions in these areas. The SSC notes that it may not be possible to motivate the protection of rare and fragile habitats (e.g., habitat found on seamounts and coral gardens) solely on the basis of their linkage to the productivity of managed species. Although no new management measures are required, the Council chose to proceed with HAPC and associated management measures as a precautionary way to address potential effects on habitat. The analysts noted that MSFCMA and EFH regulations (FR 67 preamble page 2354[1]) provide for the authority to protect habitat that is not directly linked to the productivity of managed species. The criteria used in the Plan Team evaluation seemed to emphasize the need for a demonstrable linkage between the proposed HAPC and the productivity of rockfish. The Council should clarify their intent to require demonstration of the importance of dense coralline habitats to the productivity of managed species before any action is taken. The SSC believes that this is a very high standard of evidence and may not be consistent with Council's precautionary approach. The SSC recognizes that there are high costs and a long time frame required to achieve a scientifically credible understanding between these habitats and fish productivity. The SSC suggests that an evaluation of the efficacy of precautionary measures in sustaining sensitive marine habitats be conducted in the near future. It is anticipated that this type of analysis would assist in identifying the amount of habitat that should be protected and the types of protection measures that would be most effective in sustaining sensitive marine habitats.

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[1] Preamble January 17, 2002 FR 67 page 2354 subsection "Response B"
"It is not appropriate to require definitive proof of a link between fishing impacts to EFH and reduced stock productivity before Councils can take action to minimize adverse fishing impacts to EFH to the extent practicable. Such a requirement would raise the threshold for action above that set by the Magnuson-Stevens Act. The final rule encourages Councils to use the best available science as well as other appropriate information sources when evaluating the impacts of fishing activities on EFH, and to consider different types of information according to its scientific rigor."

Specific Comments about the EA

All proposals advanced for consideration as alternatives should be represented in a consistent manner; either in terms of areas proposed for additional gear restrictions or as areas that are not proposed for additional gear restrictions. We note that proposal 14 was the only proposal expressed on maps, figures and tables in terms of areas not proposed for additional gear restrictions.

Analysis of HAPC proposals should consider cumulative benefits and costs as well as incremental benefits and costs. That is, while it is important to judge the benefits and opportunity costs of protecting specific sites, it is also important to identify the cumulative benefits and cumulative opportunity costs of protecting all sites. In addition to examining the cumulative effects of concurrent actions, it is important to explore cumulative effects of sequential actions.

The review of the opportunity cost of displaced fishing effort should be based on the full history of commercial fishing to account for shifts in fishing effort that follow shifts in the distribution and abundance of targeted stocks. For instance, the long history of red king crab fisheries in the Aleutian Islands is not reflected by the limited data obtained for the recent fishery on Petrel Bank. The review should be based on individual fisheries to highlight effects on individual sectors.

The potential use value associated with HAPC areas should include a brief discussion of possible opportunities for ecotourism. There should also be a discussion of possible benefits or costs to permitting or prohibiting sport fishing in areas designated HAPC.

The potential for effects on harvest should include a discussion of the potential that HAPC designation could preclude future opportunities to harvest in areas where fishing does not presently occur but may occur in response to changes in regulatory restrictions (e.g., Steller sea lion closure areas), changes in the abundance or spatial distribution of fish populations, or changes in the market demand for currently harvested or unharvested species.

The analysis of potential effects on fishing should include a discussion of the salmon and jig fisheries that occur in the HAPC and a judgment of the potential impacts of those fisheries.

The SSC is concerned that analysis of the potential ecological and economic impacts of HAPC designation has been impaired by lack of access to confidential data on catch magnitude, composition, and location information.

Table ES-3 of the draft socioeconomic analysis and associated text should be revised to replace "significant" with another term (e.g., substantive, non-minimal, possible) to avoid possible confusion with NEPA usage of "significance" or traditional usage of "significance" as a measure of the magnitude of estimated parameters or confidence in the conclusion of hypothesis testing.

C-3 AI Pollock EA/RIR

Bill Wilson (NPFMC) and Dr. Ben Muse (NMFS AKR) provided an overview of the need for Council action to address requirements of Section 803 of the Congressional Appropriation Act of 2004. Staff also provided an overview of the initial review draft Environmental Assessment for an amendment to the BSAI FMP to implement the provisions of the Act.

The SSC commends Staff for a monumental amount of work completed in a very short period of time; the initial review draft EA represents an excellent start for a development of a public review draft EA. We

recommend that this document be released for public review after the following suggestions have been addressed.

1. Two market-based options for funding the AI pollock allocation could be included as alternatives that were considered but not analyzed further.

   (a) The pollock allocation could be made available through outright purchase of perpetual harvest shares held by AFA vessels. We note, however, that such a purchase would be expensive. For example, the annuity value of 40,000 mt at current market prices and current interest rates is on the order of $233 million.

   (b) Alternatively, it might be possible to fund a portion of the AI pollock allocation as an exchange for forgiveness of a portion of any outstanding balance remaining from the $75 million AFA loan.

2. Two elements of the significance criteria require attention. The criteria (Table 4.1-1 and 4.1-2) for assessment of impacts of spatial temporal concentration should include language that appears in other direct effects; "such that it jeopardizes the ability of the stock to sustain itself". The criteria used for assessment of impacts on other marine mammals (Table 4.1-10) do not parallel potential impacts on other marine mammals. Some revision of the other marine mammal significance criteria is required particularly with respect to northern fur seals.

3. The EA should highlight the potential implications of adopting the potential boundary between AI and BS pollock stocks at 174° W longitude (see page 13 of the EA and the 2003 SAFE chapter). Adoption of this boundary could affect the catch history relevant to any allocation associated with this amendment.

4. The background section on potential factors influencing the decline of Steller sea lions should include a reference to the cascade hypothesis involving killer whales, recently published in Science. In addition, the EA could acknowledge that the decline in Steller sea lions occurred during the period when the AI pollock fishery was high (see page 104).

5. The gear (*e.g.* net configuration), fishing method, horsepower, and regions fished by vessels < 60 ft may result in different catch rates of species other than pollock. Thus, it may be inappropriate to extrapolate bycatch rates from larger, observed vessels to those of smaller, unobserved vessels. This may influence the estimates of impacts on prohibited species, rockfish, and non-target species.

6. The EA should address two additional potential impacts to seabirds or marine mammals: the amendment could increase the potential for introducing rats to islands either through shipwrecks or near-shore mooring and the action could increase the rate of gear loss and potential for entanglement of marine mammals (104).

The SSC notes that the potential impacts on small entities, specifically CDQ communities, of a non-zero allocation of pollock to the AI could be significant (see note 1a, above). Although the present FMP amendment does not specify an allocation and thus does not result in significant RIR/IRFA impacts, the TAC setting process will trigger a need for heightened attention whenever a non-zero TAC is proposed for the AI region, perhaps as soon as this fall.

The SSC supports the requirement for VMS on vessels participating in this fishery. The SSC also notes that one alternative to observer deployment could be a requirement for video monitoring of all vessels. The technology for on-board video recording has improved to the point where it might be possible to implement

a video-based system to monitor vessels for at-sea discarding, and to verify no fishing occurred in restricted areas.

We also note that one consequence of Section 803 is that it codifies the 2.0 million ton OY cap. While there is a provision for an exception to the cap during the years 2004-2008, there is no provision for a scientific review of the appropriateness of the cap. This codification of the cap is problematic; all biological parameters should be subject to periodic review to account for possible changes in environmental conditions, changes in the status of fish populations and the status of populations of other species, and to incorporate additional scientific knowledge. The SSC has recommended a review of the OY as a component of the Preliminary Preferred Alternative of the PSEIS.

C-9 National Bycatch Strategy/Alaska Region Implementation Plan

Sue Salveson (NMFS AKR) described the status of ongoing development of an Alaska Region implementation plan for the National Bycatch Strategy. Public testimony was presented by John Gauvin.

NMFS has revised the draft implementation plan to reflect SSC suggestions regarding support for experimental (exempted) fishing permits and other options for advancing research related to bycatch assessment and management. NMFS also addressed the SSC suggestion that NMFS highlight the relationship between the objectives of the Alaska Region Implementation Plan and the objectives in proposed revisions to the observer program.

NMFS considered, but did not address SSC concerns regarding inconsistency between the MSFCMA definition of bycatch as discards, and the National Bycatch Strategy which defines bycatch as all non-target catch whether retained or discarded. It was noted that these concerns will probably be discussed at an upcoming national meeting of Council and NMFS leadership. The definition of bycatch is not a matter of mere semantics, but affects fundamental incentives for fishing behavior and affects a suite of current and proposed Council actions. For example, the preliminary preferred alternatives outlined in the Programmatic SEIS identify objectives for PSC and bycatch reduction that may not be feasible under the bycatch definition specified in the National Bycatch Strategy. There are also problems at a pragmatic level associated with precision and bias of fine-scale estimates of bycatch, limited flexibility in the design of bycatch sampling strategies, difficulties in estimating the magnitudes of unobserved fishery induced mortalities, and difficulty and the arbitrariness of tow-by-tow determinations of target species. The implications of these issues relative to their consistency with Council objectives and FMPs should be fully explored.

D-1 Scallop FMP

The SSC received a report from Diana Stram on potential alternatives to modify the scallop license limitation program (LLP). There was no public testimony. The alternatives were developed in response to a request by a permit holder to modify a gear restriction that limits his gear to a single six-foot dredge statewide. The Council report identifies 3 alternatives: 1) status quo, 2) modify the restriction to a maximum of 2 ten foot wide dredges (or 20 feet maximum width), or 3) eliminate the statewide (outside Cook Inlet) 6 foot restriction. The SSC finds the range of alternatives to be adequate. The SSC requests that the analysis by Council staff include a consideration of potential economic effects on the existing cooperative structure of the fishery.

North Pacific Fishery Management Council

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Certified by:_____ Date:_____

North Pacific Fishery Management Council
Advisory Panel Minutes
Anchorage Hilton Hotel
Anchorage Alaska, March 29-April 2, 2004

The following members were present for all or part of the meeting:

John Bruce
Al Burch
Cora Crome
Craig Cross
Tom Enlow
Dan Falvey
Lance Farr
Duncan Fields
Dave Fraser
Jan Jacobs
Bob Jacobson
Teressa Kandianis
Mitch Kilborn
Kent Leslie
John Moller
Kris Norosz
Eric Olson
Jim Preston
Michelle Ridgway
Jeff Stephan

C-1 Draft Programmatic Groundfish SEIS

The AP recommends accepting the preliminary preferred alternative identified by the Council in June 2003, with the following modifications to the objectives and bookends as noted in attachment 1.
Motion carries 18/1.

Additionally, the AP recommends the Council release the final PSEIS for public comment. *Motion passed 19/0.*

The AP also recommends the Council release the revised FMP to be sent out as a draft document with further action to be taken at the next Council meeting with the deletion of the old BSAI section 13.4.2 "prohibited species." This policy is outdated and is replaced by concepts in the PPA. *Motion passed 17/0.*

A motion to create a timeline at the June meeting after consideration of current staff tasking issues and new actions resulting from the PPA failed 4/12.

C-3 Aleutian Islands Pollock

The AP recommends that the EA/RIR for an Amendment to the BSAI FMP on Groundfish to allow an allocation of AI pollock to the Aleut corporation be relaeased to the public with the following additions:

Motion passed 20/0

- Amplify discussion in the EA on chinook bycatch and implications to other fisheries. *Motion passed 19/0/1.*

- Add an alternative 1.3: The annual allocation to the Aleut Corporation be fixed at ____% of the annual ABC for AI pollock, but will not exceed 40,000 tons.

a) 18%
b) 36%
c) 50%
d) 75%
e) 100%

Motion passed 12/8

- 2.2 The pollock allocation to the AI fishery will be funded by a reduction in the EBS pollock TAC if necessary to remain under the 2.0 million mt OY cap. Any unused pollock TAC from the AI fishery will be rolled back to the EBS pollock TAC. This will occur at the earliest time possible in the calendar year.

  2.3 The pollock allocation to the AI fishery will be funded by taking proportional reductions in the TAC amounts from each of the existing groundfish fisheries in the BSAI, without regard to species if necessary to remain under the 2.0 million mt OY cap. Any unused TAC amount, surplus to the needs of the AI pollock fishery, will be rolled back to the fisheries from which it originated in the same proportions (and species). This should occur at the earliest time in the calendar year.
  Motion passed 20/0

- Relative to the pollock harvest levels under the new 1.3 of the EA, quantify rockfish bycatch amounts and implications to MRAs and rockfish target fisheries in the Aleutian Islands. *Motion passed 14/1/4*

- Add a qualitative discussion of what effect, if any, an allocation to the Aleut Corporation would have on the repayment of loans to the government on pollock as mandated under the AFA. *Motion passed 13/7.*

A motion to initiate a discussion paper on a trailing amendment that would allow under 60' vessels without current LLPs to fish for other species in the Adak area failed 8/11/1.

Minority Report:
The minority of the AP supported a trailing amendment to discuss additional fishing opportunities for those vessels under 60' that, by statute, are exempt from LLP requirements in harvesting the Aleut Corporation's allocation of AI pollock. These vessels need additional fishing opportunities to retain their residency in Adak and build the community. The intent of the Aleut Corporation's pollock allocation, as indicated in the floor comments on section 803 of the 2004 Consolidated Appropriations Act, is to build a fishing community in Adak. Additional LLP exemptions fo rvessels under 60' will further these goals. Signed: Duncan Fields, Kris Norosz, Dan Falvey, Eric Olson, and John Moller.

C-2 HAPC

The AP recommends adopting the following problem statement and modifications to the purpose and needs statement.

NPFMC HAPC Problem Statement

Habitat Areas of Particular Concern HAPC) are site-specific areas of essential fish habitat (EFH) of managed species. Identification of HAPCs provides focus for additional conservation efforts for those habitat sites that are ecologically important, sensitive to disturbance, exposed to development activities, or rare. Based on these considerations, the Council has directed that each HAPC site should meet at least two of these criteria, with one being rarity.

The Council has set the priorities of seamounts and undisturbed coral beds outside of core fishing areas important as rockfish or other species habitat as priority sites for identification as HAPC and for additional conservation measures. Seamounts may have unique ecosystems, contain endemic species, and may thus be sensitive to disturbance. Some deep-sea coral sites may provide important habitat for rockfish and other species and may be particularly sensitive to some fishing activities. The Council intends to evaluate alternatives to designate HAPC sites and take action, where practicable, to conserve these habitats from adverse effects of fishing.
Motion passed 18/0

AP Draft Purpose and Need statement

1.0 Purpose and Need for Action

The Council recognizes that Essential Fish Habitat (EFH) designations are necessarily broad in scope because of the limited available scientific information about the habitat requirements of managed species. The Council further recognizes that specific habitat areas within EFH may warrant additional management because they are ecologically important, stressed, susceptible to human ~~activities-induced degradation~~, and/or rare. HAPC identification provides a way to call extra attention to such habitats and to focus conservation and enhancement priorities within EFH.

1.1 Need for Action

In section 2 of the Magnuson-Stevens Fishery Conservation and Management Act, Congress recognized that one of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing loss of marine, estuarine, and other aquatic habitats. Congress adopted specific requirements for fishery management plans (FMPs) to identify EFH and minimize to the extent practicable any ~~the~~ adverse effects of fishing on EFH. In the regulations implementing the EFH provisions of the Magnuson-Stevens Act, NMFS encourages Councils to identify types or areas of habitat within EFH as HAPCs (50 CFR 600.815(a)(8)). HAPCs provide a mechanism to acknowledge areas where more is known about the ecological function and/or vulnerability of EFH, and to highlight priority areas within EFH for conservation and management.

Concurrent with the evaluation of potential HAPCs, NMFS and the Council are developing an Environmental Impact Statement (EIS) for the EFH components of the Council's FMPs. The EIS considers three actions: (1) Describe and identify EFH; (2) Adopt an approach to identify HAPCs; and (3) Minimize to the extent practicable the adverse effects of fishing on EFH. The Council determined that it would be most effective to adopt an overall approach for considering HAPCs first (via the EIS), and then to consider specific proposed HAPCs and any associated management measures (via this Environmental Assessment). The Council's preliminary preferred alternative approach for HAPCs is to identify specific HAPC sites, rather than HAPCs based on broad types of habitat.

The draft EIS acknowledges that there are ~~long-term~~ effects of fishing on benthic habitat features off Alaska, and that considerable scientific uncertainty remains regarding the consequences of such habitat changes for managed species. Nevertheless, the analysis concludes that the effects on EFH are minimal because there is no indication that continued fishing at the current rate and intensity would alter the capacity of EFH to support healthy populations of managed species over the longterm. The EIS therefore finds that no Council-managed fishing activities have more than minimal and temporary adverse effects on EFH, which is the regulatory standard requiring action to minimize effects under the Magnuson-Stevens Act. However, the EIS notes that a variety of practicable management actions could be taken to provide additional habitat protection in particular areas.

HAPCs and associated management measures considered by the Council would provide additional habitat protection and further minimize potential adverse effects of fishing on EFH. Such actions are consistent with the EFH EIS because they address potential impacts that are discussed in the EIS, even though the EIS indicates new management measures may not be required under the Magnuson-Stevens Act to reduce those impacts. In effect, through its evaluation of HAPCs, the Council is considering new measures that would be precautionary.

The need for this action also stems from a May 2003 joint stipulation and order approved by the U.S. District Court for the District of Columbia. That agreement reflected the Council's commitment to consider new HAPCs as part of the response to the AOC v. Daley litigation that challenged whether Council FMPs minimize to the extent practicable the adverse effects of fishing on EFH. Under the agreement, final regulations implementing any new HAPC designations and any associated management measures must be promulgated no later than August 13, 2006.

1.2 Purpose of Action

The purpose of this action is to determine whether and how to amend the Council's FMPs to identify ~~and manage~~ site-specific HAPCs. HAPCs identified as a result of this EA would provide additional habitat protection and further minimize potential adverse effects of fishing on EFH. The HAPCs would be subsets of EFH that are particularly important to the long-term productivity of one or more managed species, or that are particularly vulnerable to degradation. The Council may identify HAPCs based on one or more of four considerations listed in the EFH regulations: ecological importance, sensitivity to disturbance ~~human-induced degradtion~~, stress from development activities, and rarity of the habitat type. The Council required that each HAPC site should meet at least two of those considerations, with one being rarity.

The Council established a process for considering potential new HAPCs, which is documented in Appendix J of the draft EFH EIS. While many types of habitat may be worth considering as HAPCs, the Council determined that concrete and realistic priorities should be set to move forward expeditiously with the designation and possible protection of HAPCs. The Council decided that the initial HAPC proposal cycle should focus on two priorities:

1. Seamounts in the EEZ, named on NOAA charts, that provide important habitat for managed species
2. Largely undisturbed, high relief, long lived coral beds, with particular emphasis on those located in the Aleutian Islands, which provide habitat for life stages of rockfish, or other important managed species that include the following features:
    a) sites must have likely or documented presence of FMP rockfish species
    b) sites must be largely undisturbed and occur outside core fishing areas

Coral areas were selected as a Council HAPC priority because they may be linked with rockfish and other FMP species. Additionally, areas of high density "gardens" of corals, sponges, and other sedentary invertebrates were recently documented for the first time in the North Pacific Ocean and appear to be particularly sensitive to bottom disturbance. Some deep-sea corals are fragile, long-lived, and slow growing organisms that provide habitat for fish and may be susceptible to human induced degradation or stress.

Seamounts were selected as a Council HAPC priority because they may serve as unique ecosystems. Some FMP species on seamounts may be endemic (exclusive to a particular place) and vulnerable to stress caused by human induced activities. The purpose of this priority is to protect seamounts from potential disturbance from fishing activities, and therefore to ensure the continued productivity of these habitats for managed species.

If the Council identifies HAPCs that include state waters, the Council will relay its concerns to the Alaska Board of Fisheries to suggest appropriate protection of HAPCs under state jurisdiction.

Alternatives and Options

The AP recommends that Council adopt the following actions and alternatives for analysis:

For all action alternatives, the following options will be analyzed:
Option 1: HAPC designation only, no new management measures
Option 2: No bottom trawling within the HAPC
Option 3: No bottom contact gear within the HAPC

Action 1: Seamounts

Alternative 1: No action (no seamount HAPCs).

Alternative 2: Designate 5 named seamounts in the EEZ off Alaska as HAPCs as described in NMFS proposal #4. (Dickens, Geacomini, Patton, Quinn, Welker). Site-specific habitat and species presence/absence data is available for these 5 named seamounts.

Alternative 3: Designate 16 named seamounts in the EEZ off Alaska as HAPCs as described in NMFS' proposal #4. Sixteen named seamounts are less than 3,000m in depth, which is the deepest recorded range of FMP species. Although site-specific habitat and species presence/absence data is available for only 5 of these sites, species composition can be inferred for the 11 unexplored seamounts.

Action 2 – Corals

Alternative 1: No action (no coral HAPCs).

Alternative 2: Designate six coral garden sites within the Aleutian Islands as HAPCs as described in NMFS' proposal #19. In 2002 NMFS submersible dives found high density 'gardens' of corals, sponges and other sedentary invertebrates in the central AI.

Adak Canyon: Large, geologically active submarine canyon on the south end of Adak Strait. Eastern flank of the canyon is rich in corals and other sedentary invertebrates. The area contains a series of small coral gardens on the island arc slope between the 150 m and 300 m contour bathymetry lines.

Cape Moffett, the Northern portion off Adak Canyon as described in proposal #19. Area contains series of small coral gardens on the island arc slope between 150-250 m.
Suboption: Define Cape Moffett as described in proposal #16.

Bobrof Island: Area contains series of small coral gardens on the island arc slope between 150-250m.

Semisopochnoi Island: Submarine volcano, Amchixtam Chaxsxii, whose summit is at ~115 m, with an overall height of 580 m. Lava flows extend 14 km downslope to the southeast of the volcano. Strong currents were observed. Coral garden habitat exists on the west side of volcano from the summit to a depth of 365 m. NMFS scientists suspect the entire undersea volcano is likely covered with coral garden habitat. Large *Primnoa* spp. colonies present at 365 m indicate that the submarine volcano may not have erupted within the last several hundred years.

Great Sitkin: Area contains series of small coral gardens on the island arc slope between 300-365 m.

Ulak Island: Area contains series of small coral gardens on the island arc slope between 150-250 m.

Alternative 3: Designate Bowers Ridge as an HAPC as described in proposal number 18. North of Petrel Bank in the Aleutian Islands is a unique submerged ridgeline that spans depths from 11m to greater than 3,700 m. This area is designated EFH for several rockfish species. The complex bathymetric features of the ridge provide a physically complex habitat that *likely* supports undisturbed coral gardens.

The AP notes that some proposals submitted, although they did not meet Council priorities for inclusion in this round of analysis, might be considered when developing research priorities and issuing future calls for proposals.

The AP further recommends that the analysis for each proposed HAPC include a determination of whether that site is part of a core fishing area for any fishery. The analysis should also identify which management measures were suggested by the original proposer of the site.

Motion passed 17/1.

C-5 GOA Rockfish Pilot Program

The AP recommends the following elements and options for the CGOA Rockfish Pilot program be included for analsyis:

Set-asides:

Prior to allocation of catch history to the sectors, NMFS shall set aside:

- ICA: An Incidental Catch Allocation (ICA) of POP, Northern rockfish and pelagic shelf rockfish to meet the incidental catch needs of fisheries not included in the pilot program
- Entry Level Fishery: A percentage of POP, Northern rockfish and pelagic shelf rockfish for catcher vessels not eligible to participate in the program, as mandated in the Congressional language. For the first year of this program, this set-aside will be: a) 3% b) 4% c) 5% percent of each of these target rockfish species. If this amount is taken in the first year, the set-aside will be increased to 5% in the second year. *Motion passed 20/0.*

For the first year of this program

Entry-Level Fishery:

Catcher Vessel Participation:

Vessels that can participate in the Entry Level fishery are those vessels that did not qualify for the CGOA rockfish pilot program.

Processor Participation:

Processors who purchase and process the entry level rockfish quota must be non-qualified processors.

Fishery participation:

Before the beginning of each fishing year an application must be filed with NMFS by the interested trawl vessel that includes a contract with a non-qualified processor for a market. *Motion passed 19/0.*

NMFS will determine:

- Whether limits need to be imposed on vessel participation
- If limits need to be imposed, determine the appropriate number of vessel that would be allowed to fish in the entry level fishery
- If more vessels apply then the fishery can support, a lottery will occur to determine the participants.
- Entry permits are non-transferable and must be fished by the named vessel

Sector Definitions:

Option 1. Trawl catcher vessel
Option 2. Trawl catcher processor
Motion passed 17/0

A trawl catcher-processor is a trawl vessel that has a CP LLP license and that processes its catch on board.

Rationalized Areas

- History is allocated for the CGOA only (NMFS statistical areas 620 and 630)

Sector Allocations:

- Catch history is determined by the sector qualified catch in pounds as a proportion of the total qualified catch in pounds.
- Sector allocation is based on individual qualified vessel histories with the drop-2 provision at the vessel level.

Each sector is allocated catch history based on:

Option 1. The sum of all catch history of vessels in that sector for the years 1996-2002, drop two, whether the vessels earned a CGOA LLP endorsement or not.

Option 2. The sum of all catch history of vessels in that sector for which it earned a valid, permanent, fully transferable CGOA LLP endorsement, for the years 1996-2002 drop two.

Suboption: include history of vessels which hold a valid interim endorsement on implementation of the program

Target species:

- Qualified target species history is allocated based on retained catch, excluding meal.
- History will be allocated to each sector for POP, Northern rockfish and pelagic shelf rockfish caught in the CGOA while targeting any one of these species during the qualifying period, including incidental catch of these species caught while targeting another of these target rockfish species.
- Different years may be used for determining the history of each of the three rockfish species.

Secondary species:

- Secondary species history is allocated based on a) total catch b) retained catch while targeting the primary rockfish species listed above. *Motion passed 19/0*
- History will be allocated to each sector for sablefish, shortraker/rougheye rockfish and thornyheads and Pacific cod.
    - Participants must retain all allocated secondary species and stop fishing when cap is reached.
    - Pacific cod history will be ~~allocated to~~ managed by MRA for vessels that fish on the ~~inshore~~ offshore pcod quota

  Motion passed 19/0.
- All non-allocated secondary species will be managed by MRA, as in the current regime. This includes Arrowtooth flounder, deep water flatfish, shallow water flatfish, flathead sole, rex sole, pollock, other species, atka mackerel and other rockfish.
    - ~~For the CPs that fish on the offshore Pacific cod quota, Pacific cod will be managed by MRA.~~ *Motion passed 19/0*
- Secondary species allocations will be based on:

  1) Total catch by sector of the secondary species caught while targeting rockfish divided by the total catch of secondary species by all sectors over the qualifying period. The calculated percentage is multiplied by the secondary species quota for that fishery year and allocated to each sector in the pilot program.

  2) Percentage of catch by sector of the secondary species within the rockfish target fisheries divided by the total number of years in the

qualifying period. The calculated percentage is multiplied by the secondary species quota for that fishery year and allocated to each sector in the pilot program.

Prohibited species (halibut mortality):

- Allocation to the pilot program will be based on historic average usage, calculated by dividing the total number of metric tons of halibut mortality in the CGOA rockfish target fisheries during the years '96-'02 by the number of years (7). This allocation will be divided between sectors based on:
  1) The actual usage of each sector
  2). The relative amount of target rockfish species allocated to each sector.

Allocation from Sector to Vessel

- Within each sector, history will be assigned to LLP holders that qualify for a sector under the 'sector allocations' above. The allocations will be to the current owner of the LLP of the vessel which earned the history.

Basis for the distribution to the LLP license holder is: the catch history of the vessel on which the LLP license is based and shall be on a fishery-by-fishery basis. The underlying principle of this program is one history per license. In cases where the fishing privileges (i.e., moratorium qualification or LLP license) of an LLP qualifying vessel have been transferred, the distribution of harvest shares to the LLP shall be based on the aggregate catch histories of (1) the vessel on which LLP license was based up to the date of transfer, and (2) the vessel owned or controlled by the LLP license holder and identified by the license holder as having been operated under the fishing privileges of the LLP qualifying vessel after the date of transfer. (Only one catch history per LLP license.)

Target species:

Each LLP holder will receive an allocation of history equivalent to their proportion of the total of the sector qualifying history.

Secondary species:

1). Each LLP holder will receive an allocation of each allocated secondary species equivalent to their proportion of the total sector qualifying history of that secondary species

2). Each LLP holder will receive an allocation of sector history proportional to their allocation of target rockfish history

Different options may be chosen for each sector

PSC (halibut mortality)

- Each LLP holder will receive an allocation of halibut mortality equivalent to their proportion of the sector rockfish history

Allocations of secondary species:

1) Must be fished in conjunction with the primary species allocations. (Compliance monitored at offload)

2) May be fished independently of the primary species allocations.

Coop provisions

Duration of cooperative agreements is 2 years, with the pilot rockfish program expiring at the end of two years or when Comprehensive GOA rationalization is implemented.

For all sectors

- The coop membership agreement and the Contract will be filed with the RAM Division. The Contract must contain a fishing plan for the harvest of all coop fish.
- Coop members shall internally allocate and manage the coop's allocation per the Contract.
- Subject to any harvesting caps that may be adopted, allocated history may be transferred and consolidated within the coop to the extent permitted under the Contract.
- The Contract must have a monitoring program. Monitoring and enforcement requirements would be at the coop level. Coop members are jointly and severally responsible for coop vessels harvesting in the aggregate no more than their coop's allocation of rockfish species, secondary species and PSC mortality, as may be adjusted by inter-coop transfers.
- Coops may adopt and enforce fishing practice codes of conduct as part of their membership agreement.
- Coop membership agreements shall allow for the entry of other eligible harvesters into the coop under the same terms and conditions as agreed to by the original agreement.
- Coops will report annually to the Council as per AFA.

CP sector:

History is allocated to the current owner of the LLP of the vessel that earned the history.

- Owners may fish their allocation independently if the vessel has a CGOA endorsement, or may enter into a cooperative arrangement with other owners.
- More than one coop may form within the sector
- Any number of eligible LLPs ~~owners~~ may form a coop
- Allocations may be transferred between coops of at least two ~~three~~ ~~owners~~ LLPs each. *Motion passed 19/0.*

CV sector:

- Voluntary co-ops may form between eligible harvesters in association with processors.
- Catcher vessel coops must be associated with an eligible processor.
- An eligible processor is a processing facility that has purchased 250 MT of aggregate Pacific Ocean Perch, Northern Rockfish, and Pelagic Shelf rockfish harvest per year, for 3 years, from 1996 to 2001.
- A harvester is eligible to join a cooperative in association with the processing facility to which the harvester delivered the most pounds of the three rockfish species combined during the year's 1996 –2001 drop 1 year (processor chooses the year to drop, same year for all vessels)
- Harvesters may elect not to join a co-op, and continue to fish in an LLP/Open Access fishery during the two-year pilot program. Those vessels that opt out of the cooping portion program of the pilot program will be penalized 10 to 20% of their historical share. The penalty share will be left with the vessel's associated cooperative. The vessel's remaining share will be fished in an open access fishery environment and must be delivered to one of the qualified processors.
- If a processing facility has closed down and another processing facility has acquired that processing history through purchase, the history belongs to the facility that purchased that history. That history must remain in the community that it was generated in.
- The harvesters that enter into a coop membership agreement shall be the members of the coop. The processor will be an associate of the cooperative but will not be a cooperative member.
- A pre-season Contract between eligible, willing harvesters in association with a processor is a pre-requisite to a cooperative receiving an allocation of Historical Shares.
- Coop membership agreements will specify that processor affiliated vessels cannot participate in price setting negotiations except as permitted by general antitrust law.
- Processors are limited to 1 co-op per plant.
- Catcher vessel cooperatives are required to have at least:
  a) 50-75 percent of the eligible Harvest Share for each co-op associated with its processor
  b) Any number of eligible harvesters (allows single person co-op)

General provisions concerning leasing of historical shares:

Shorebased Transfer provisions

Coops may engage in inter-Cooperative transfers (leases) of historical shares during the 2-year coop period to other Cooperatives with agreement of the associated qualified processor.

CP Transfer provisions

CP historical shares may be transferred (leased) within coops and between coops with at least two ~~three owners~~ LLPs each. *Motion passed 17/0.*

Sector Transfer provisions

CP historical shares may be leased to CV cooperatives. CV historical shares may not be leased to CP cooperatives.

All transfers would be temporary and history would revert to the original LLP at the beginning of the next year.

Coop harvest use caps

CV coops:

Control of harvest share by a CV co-op shall be capped at:

Option 1. 30% of aggregate POP, Northern Rockfish and PSR for the CV sector
Option 2. 40% of aggregate POP, Northern Rockfish and PSR for the CV sector
Option 3. 50% of aggregate POP, Northern Rockfish and PSR for the CV sector
Option 4. No cap

CPs ~~Coops~~:

Control of harvest share by a CP ~~coop~~ shall be capped at:

Option 1: 50% of aggregate POP, Northern Rockfish and PSR for the CP sector
Option 2: 60% of aggregate POP, Northern Rockfish and PSR for the CP sector
Option 3: 75% of aggregate POP, Northern Rockfish and PSR for the CP sector
Option 4: No cap

Eligible CPs will be grandfathered at the current level

Shoreside processor use caps

Shoreside processors shall be capped at the entity level.

No processor shall process more than:

Option 1. 30% of aggregate POP, Northern Rockfish and PSR for the CV sector
Option 2. 40% of aggregate POP, Northern Rockfish and PSR for the CV sector
Option 3. 50% of aggregate POP, Northern Rockfish and PSR for the CV sector
Option 4. No cap

Eligible Processors will be grandfathered.

Program Review.

Program review the first and second year after implementation to objectively measure the success of the program, including benefits and impacts to harvesters, processors and communities. Conservation benefits of the program would also be accessed.

Sideboards

~~After analysis of these alternatives, the CP and CV sectors will determine the most effective option(s).~~

Sideboard alternatives

Opt out provision: Qualifying LLPs ~~owners~~ may choose to opt out of the program on an annual basis. The history of these LLPs ~~owners~~ will stay with the sector. LLPs ~~owners~~ which opt out of the program will not be sideboarded in other fisheries if their allocation is less than a.)xx b)xx c)xx d)xx (a series of appropriate numbers provided by staff based on catch distribution). *Motion passed 19/0.*

Exemptions from sideboards:

Vessels with rockfish allocations less than the following percentages are exempt from sideboards: a.)xx b)xx c)xx d)xx **(a series of appropriate numbers provided by staff based on catch distribution)**

- Allocations may not be leased

Motion passed 19/0

Qualifying LLPs which participate in the CGOA rockfish pilot program are limited, in July, in the following fisheries:

CGOA flatfish (all), AI POP, BSAI other flatfish, BSAI yellowfin sole, BSAI pacific cod, WGOA rockfish, WYAK rockfish

1) To fisheries in which the LLP participated in July from 1996 to 2002 for:

~~a) Any one year~~

a) Any two years

b) Any four years

c) Any six years

Motion passed 19/0

2) To a maximum percentage of total catch by target, and PSC by target (BSAI) or deep or shallow water complex (GOA) during the month of July in any one year from 1996-2002

Suboption: Apply to all vessels (not just CGOA participants)

As a separate option, the CP sector could choose to fish its sector allocation under the current management regime, with the rockfish fishery starting on July 1st.

A motion to develop analysis on the coop provision only if NOAA GC finds they are consistent with current law failed 8/9/2.

Additionally, the AP requests the following:

- Vessels (by name) that made landings in the CGOA target rockfish fishery from 1996-2002 with and without current endorsement status
- Estimates of TH and RE/SR incidental catch requirements in the sablefish, halibut and pcod LL fisheries. The AP recommends using observer and IPHC data
- Natural divisions in the level of history awarded within each sector (i.e. between vessels with minimal, moderate and high participation)
- For the following fisheries: GOA flatfish (all), AI POP, BSAI other flatfish, BSAI yellowfin sole, BSAI pacific cod, WGOA rockfish, WYAK rockfish:

  Participation patterns in these fisheries during the month of July by LLP holders who will receive allocations

  Percentage of total catch, by species complex, in the month of July for each year 96-02 by sector

  GOA: Deep complex=rex sole, deep water flatfish, arrowtooth flounder

  Shallow complex=shallow water flatfish, flathead sole

  BSAI: Other flatfish=rocksole, flathead sole, arrowtooth flounder, Alaska plaice, other flatfish

Motion passed 17/0

Develop Matulich-style tables to determine participation patterns in July by sector where appropriate in the following fisheries: GOA flatfish (all), AI POP, BSAI other flatfish, BSAI yellowfin sole, BSAI pacific cod, WGOA rockfish, WYAK rockfish, sub grouped by current and non-current endorsement. *Motion passed 20/0.*

Main motion passed 19/1

C-6 IRIU

The AP recommends the Council direct staff to continue to develop Amendment 80A and 80B components and options with suggested changes. Further, the AP recognizes the importance of advancing 80A and 80B together to provide the H&G sector tools needed to fully achieve the goals of Amendment 79, and recommends the Council proceed with their development in a linked fashion.
Motion passed 17/0.

ISSUE 1:
Include staff's recommendation to insert the word 'legal' *Motion passed 16/0.*

Expand analysis to include area splits in the BSAI pcod fishery and how that effects LLP endorsements by area and historical fishing patterns. Include solutions allow participants to fish historic fishing patterns. *Motion passed 18/0.*

ISSUE 2:
Amend opotion 9.2 and add a new section 9.3(contingent on combining 80a&b):
In suboption 9.2.2, remove suboptions a-e for reductions of PSC apportionments, as they only apply to one suboption for apportionments of PSCs.

Create a new option using the same PSC reduction options, such that the options would apply to any PSC apportionment method selected.

Option 9.3 Select a PSC reduction option from the following that would apply to any PSC apportionment suboption selected in 9.2. PSC reduction options can vary species by species, and sector by sector.

9.3.1 Reduce apportionments to 60% of calculated level.
9.3.2 Reduce apportionments to 75% of calculated level.
9.3.3 Reduce apportionments to 90% of calculated level.
9.3.4 Reduce apportionments to 95% of calculated level.
9.3.5 Do not reduce apportionments from calculated level.

Motion passed 17/1/1

ISSUE 3:
Strike component 10 and refer it to a recomposed IRIU technical committee for further development.
Motion passed 18/1

ISSUE 4:
Add an option 11.7 for <60' pot and H&L cvs

a) 96-02
b) 97-02
c) 98-02
d) 99-02
e) 00-02

Add an option 12.7 for <60' pot and H&L cvs

a) At least one landing
b) 5 Mt
c) 10 mt
d) 20 mt
e) 50 mt

Suboption 1: Exclude jig vessels and <60' fixed gear CV from minimum landing requirements
Suboption 2: Exclude jig vessels

Motion passed 17/0

Add a component 13 for fixed gear vessels > 60' for pcod

- Elegibility and participation as determined in the Amendment 67 and the current LLP program.

Motion passed 17/0

Additionally, the AP recommends the following responses to the questions posed by staff in the discussion paper presented to the Council:

1. Amendment 80 is intended to create a license-based program

2. Excessive share caps are intended to do all the following:
   a. Apply to the legal entity which owns the license
   b. Limit the holding of history in the fisheries
   c. Be applied across species, to the total allocation to the sector
   d. Be applied using the 'individual and collective' rule.

Motion passed 14/0

The AP recommends the Council accept staff corrections on 80B. *Motion passed 14/0.*

C-7 Observer Issues

The AP recommends revising the membership of the Observer Advisory Committee to include adequate representation from the less than 60' groundfish, halibut, freezer longliner, and CDQ sectors. *Motion passed 18/0.*

D-1 Scallop FMP

The AP endorses the SSC minutes and recommends initiating an analysis with the alternatives identified. *Motion passed 17/0.*

D-2 Staff Tasking

The AP recommends the Enforcement Committee or other appropriate committee be tasked to review the following crab rationalization/crab CDQ issues:

- Catch counting methodology used to deduct quota from a product.
  - will it be after the catch is weighed on certified scale or on observer estimates at sea?
- Enforcement involvement in transfers to cover overages
- Enforcement involvement in coop transfers of underage
- Scale certification and standard margin of error
- Overage and underage provisions in the crab rationalization program

Motion passed 17/0

AP CHANGES TO THE PREFERRED ALTERNATIVE
Noted in Reverse Text

Prevent Overfishing:

1. Adopt conservative harvest levels for multi-species and single species fisheries and specify optimum yield.
2. Continue to use existing optimum yield cap for BSAI and GOA groundfish fisheries.
3. Provide for adaptive management by continuing to specify optimum yield as a range.
4. Initiate a scientific review of the adequacy of F_{40} and adopt improvements as appropriate.

- *Continue to improve the management of species through species categories.*

Promote Sustainable Fisheries and Communities:

5. Promote conservation while providing for optimum yield in terms of providing the greatest overall benefit to the nation with particular reference to food production, and sustainable opportunities for recreational, subsistence and commercial fishing participants and fishing communities
7. Promote management measures that, while meeting conservation objectives, are also designed to avoid significant disruption of existing social and economic structures.
8. Promote fair and equitable allocation of identified available resources in a manner such that no particular sector, group or entity acquires an excessive share of the privileges.
9. Promote increased safety at sea.

Manage~~, Reduce and Avoid Bycatch and~~ Incidental Catch,

14. Continue and improve current incidental catch and bycatch management program.
15. Develop incentive programs for ~~*incidental catch and*~~ bycatch reduction including the development of mechanisms to facilitate the formation of bycatch pools, VBAs, or other bycatch incentive systems.
16. Encourage research programs to evaluate current population estimates for non-target species with a view to setting appropriate bycatch limits as information becomes available.
17. Continue program to reduce discards by developing management measures that encourage the use of gear and fishing techniques that reduce bycatch which includes economic discards.
18. Continue to manage incidental catch and bycatch through seasonal distribution of TAC and geographical gear restrictions.
19. Continue to account for bycatch mortality in TAC accounting and improve the accuracy of mortality assessments for target, PSC bycatch, and non-commercial species.
20. Control the bycatch of prohibited species through PSC limits or other appropriate measures.

- *Minimize waste to the extent practicable.*

Avoid Impacts to Seabirds and Marine Mammals:

21. Continue to cooperate with USFWS to protect ESA-listed species

22. Maintain or adjust current protection measures as appropriate to avoid jeopardy to ESA-listed Steller sea lions.
23. Encourage programs to review status of endangered or threatened marine mammal stocks and fishing interactions and develop fishery management measures as appropriate.

- *Continue to cooperate with NMFS and USFWS to protect ESA-listed marine mammal species, and if appropriate and practicable, other marine mammal species.*

Reduce and Avoid Impacts to Habitat:

24. Review and evaluate efficacy of existing habitat protection measures for managed species.
25. Identify and designate EFH and HAPC, *and mitigate fishery impacts to the extent practicable, if scientific evidence indicates a fishery is adversely impacting the productivity of the managed species.*
26. Develop a Marine Protected Area policy in coordination with national and state policies.
27. Encourage development of a research program to identify regional baseline habitat information and mapping, subject to funding and staff availability.
28. Develop goals, objectives and criteria to evaluate the efficacy and suitable design of marine protected areas and no-take marine reserves as tools to maintain abundance, diversity, and productivity *of managed species.* Implement marine protected areas if and where appropriate.

Promote Equitable and Efficient Use of Fishery Resources:

29. Provide economic and community stability to harvesting and processing sectors through fair allocation of fishery resources.
30. Maintain LLP program *as necessary* and further decrease excess fishing capacity and overcapitalization by eliminating latent licences and extending programs such as community or rights-based management to some or all groundfish fisheries.
31. Provide for adaptive management by periodically evaluating the effectiveness of rationalization programs and the allocation of access rights based on performance.

- *Develop management measures that, when practicable, increase the efficient use of fishery resources taking into account the interest of harvesters, processors, and communities.*

Improve Data Quality, Monitoring and Enforcement:

35. Increase the utility of groundfish fishery observer data for the conservation and management of living marine resources.
36. Improve groundfish Observer Program, and consider ways to address the disproportionate costs associated with the current funding mechanism.
37. Improve community and regional economic impact assessments through increased data reporting requirements.
38. Increase the quality of monitoring and enforcement data through improved technological means.
39. Encourage a coordinated, long-term ecosystem monitoring program to collect baseline information and compile existing information from a variety of ongoing research initiatives, subject to funding and staff availability.
40. Cooperate with research institutions such as the North Pacific Research Board (NPRB) in identifying research needs to address pressing fishery issues.
41. ~~*Work with NPRB and other research entities to develop and prioritize research programs, and seek funding for appropriate research projects to inform the Council as it seeks to meet the goals and objectives of this management approach.*~~
42. Promote enhanced enforceability.

Preliminary Preferred Alternative Bookends

AP comments included in reverse text

		PPA.1	PPA.2
***********NO AP COMMENTS ON INITIAL SECTIONS**********			
TAC-setting Process	OY	- OY specified as range for BSAI: 1.4-2.0 mill MT and OY specified as range for GOA: 116,000 - 800,000 MT; BSAI OY cap: if the sum of TAC > 2 mill mt then TAC will be adjusted down	- *Conduct a scientific and policy review of the OY caps for the BSAI and GOA.*
	***********NO AP COMMENTS ON INTERVENING SECTIONS**********		
	Ecosystem Indicators	- Develop ecosystem indicators for future use in TAC-setting	- Develop and implement, as appropriate, criteria for using key ecosystem indicators in the TAC-setting process - Develop appropriate harvest strategies for rockfish. Use F_{60} for rockfish as proxy for analysis
***********NO AP COMMENTS ON INTERVENING SECTIONS**********			
Bycatch and Incidental Catch Restrictions	PSC limits	- Maintain PSC limits for herring, crab, halibut, and salmon in BSAI; maintain PSC limit for halibut in GOA - Review effectiveness of coop managed PSC reduction - BSAI: Consider reducing PSC limits for herring, crab, halibut, and salmon to the extent practicable (0-10%) (for purposes of analysis will use 10%) ~~- GOA: Identify salmon savings areas and establish PSC limits to manage~~ ~~- GOA: Establish PSC limits on salmon (for example, NTE a 25,000 fish cap for Chinook and a 20,500 fish cap for 'other salmon'); establish PSC limits on crab and herring based on biomass or other fishery data~~ ~~- For those PSC species where annual population estimates exist, explore a mortality rate based approach to setting limits~~	- BSAI: Reduce PSC limits for herring, crab, halibut and salmon to the extent practicable (0-20% for analytical purposes) - GOA: Establish PSC limits on salmon (for example, NTE a 25,000 fish cap on Chinook and a 20,500 fish cap for 'other salmon'); identify and establish salmon savings area to manage - GOA: establish PSC limits on crab and herring based on biomass or other fishery data that would trigger inseason closure areas - GOA: consider reducing halibut PSC by 0-10% - BSAI/GOA: For those PSC species where annual population estimates exist, explore a mortality rate-based and abundance-based approach to setting limits
***********NO AP COMMENTS ON INTERVENING SECTIONS**********			

		PPA.1	PPA.2
Seabird Measures	Seabird Avoidance Measures	- Longline: Maintain current seabird avoidance measures *as approved in 2001* - Trawl: *Cooperate with USFWS to develop scientifically-based fishing methods that reduce incidental take of ESA-listed seabird species.*	- Longline: Cooperate with USFWS to develop scientifically-based fishing methods that reduce incidental take for all seabird species - Trawl: ~~*Evaluate avoidance measures for endangered seabirds and implement as necessary.*~~ *Cooperate with USFWS to evaluate and implement scientifically-based fishing methods that reduce incidental take of ESA-listed, and if appropriate and practicable, other seabird species.*
***********NO AP COMMENTS ON INTERVENING SECTIONS**********			
Gear Restrictions and Allocations	allocations	- Retain existing gear restrictions and allocations. No pot fishing in GOA for sablefish. Sablefish and P. cod allocated by gear in BSAI. Sablefish allocated by gear in GOA.	~~*- Evaluate pot fishing in GOA for sablefish*~~ *- BSAI: Sector allocations for non-pollock groundfish.* *- GOA: Groundfish rationalization program to be developed and implemented.*
***********NO AP COMMENTS ON INTERVENING SECTIONS**********			
Observer Program	Coverage and monitoring	- Continue existing Observer coverage or modify based on data and compliance needs - Modification should be scientifically-based (e.g., random placement, flexibility, variable rate)	~~Extend to 100% > 60'; CDQ &AFA to stay the same as Alt 1~~ - Expand/modify observer coverage based on scientific data and compliance needs (applies to all vessels: <60' and >= 60') - Improve species identification for non-target species - Develop uncertainty estimates for target species data
Observer Program (continued)	Fee Structure	- Industry pays for observer deployment related costs	- Develop and implement alternate funding mechanisms a) Federal funding b) Research Plan *(e.g. fee based)*
Data and Reporting Requirements	Reporting Requirements	- Maintain current reporting requirements (a) AFA requirement that all CPs and motherships to weigh all pollock catch on NMFS approved scales (b) CDQ requirement that all CDQ groundfish catch is to be weighed on NMFS-approved scales	- Explore programs that collect and verify economic data through independent third party (accounting firm/other) while protecting confidential information on an individual/firm basis - Collect and verify aggregate economic data through independent third party (e.g. accounting firm)
***********NO AP COMMENTS ON FINAL SECTION**********			