

North Pacific Fishery Management Council

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October 1, 2004

DRAFT AGENDA
168th Plenary Session
North Pacific Fishery Management Council
October 6-12, 2004
Centennial Building
Sitka, Alaska

The North Pacific Fishery Management Council will meet October 6-12, 2004 at the Centennial Hall, 330 Harbor Drive, Sitka, Alaska. Other meetings to be held during the week are:

Committee/Panel

Advisory Panel
Scientific and Statistical Committee

Beginning

Oct 4, Mon. - Maksoutoff Room
Oct 4, Mon. - Rousseau Room

All meetings will be held at the Centennial Building 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 September 28.** 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	MSY	Maximum Sustainable Yield
AP	Advisory Panel	mt	Metric tons
ADFG	Alaska Dept. of Fish and Game	NMFS	National Marine Fisheries Service
BSAI	Bering Sea and Aleutian Islands	NOAA	National Oceanic & Atmospheric Adm.
CDQ	Community Development Quota	NPFMC	North Pacific Fishery Management Council
CRP	Comprehensive Rationalization Program	OY	Optimum Yield
CVOA	Catcher Vessel Operational Area	POP	Pacific ocean perch
EA/RIR	Environmental Assessment/Regulatory Impact Review	PSC	Prohibited Species Catch
EEZ	Exclusive Economic Zone	SAFE	Stock Assessment and Fishery Evaluation Document
EFH	Essential Fish Habitat	SSC	Scientific and Statistical Committee
ESA	Endangered Species Act	SSL	Steller Sea Lion
FMP	Fishery Management Plan	TAC	Total Allowable Catch
GHL	Guideline Harvest Level	VBA	Vessel Bycatch Accounting
GOA	Gulf of Alaska	VIP	Vessel Incentive Program
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		

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Centennial Hall

Estimated Hours

A. CALL MEETING TO ORDER

- (a) Approval of Agenda
- (b) Approval of minutes (T)
- (c) Election of Officers.

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B. REPORTS

- B-1 Executive Director's Report
- B-2 NMFS Management Report
- B-3 Enforcement Report
- B-4 Coast Guard Report
- B-5 ADF&G Report
- B-6 USFWS Report
- B-7 Protected Species Report

(4 hrs)

C. NEW OR CONTINUING BUSINESS

- C-1(a) Aleutian Island Pollock
Review NMFS letter regarding Implementation and take action as necessary.

(1 hr)

- C-1 GOA Groundfish Rationalization
Review progress and refine alternatives.

(8 hrs)

- C-2 GOA Rockfish Demonstration Project
Review progress and clarify Elements and Options for analysis.

(4 hrs)

- C-3 EFH and Habitat Area Particular Concern (HAPC)
(a) Initial Review of HAPC EA/RIR/IRFA.
(b) Receive Center for Independent Experts (CIE) review and comment report.
(c) Receive comment and response report on EFH EIS.
(d) Receive revised Alternative 5b open area boundaries using 200 mt limit, and take action as necessary.

(8 hrs)

- C-4 IR/IU
Review Progress on Amendment 80A and 80B. Action as necessary.

(4 hrs)

- C-5 CDQ Program
(a) Status report on analysis of management alternatives for CDQ reserves.
(b) Report on CDQ community eligibility.
(c) Report on confidentiality of CDQ information submitted to NMFS.

(1 hrs)

- C-6 Halibut/Sablefish IFQ Program (4 hrs)
 - (a) Initial Review of regulatory amendment package for IFQ/CDQ Area 4C/4D.
 - (b) Initial Review of regulatory amendment package for IFQ amendments (housekeeping and block).
- C-7 Halibut Subsistence (4 hrs)
 - (a) Receive report on ADF&G Subsistence Halibut Survey
 - (b) Initial Review of regulatory amendment package.

D. FISHERY MANAGEMENT PLANS

- D-1 Scallop Management (2 hrs)
 - Final action to modify License Limitation Program and update FMP.
- D-2 Crab Management (1 hr)
 - Review Crab SAFE Report.
- D-3 Groundfish Management (10 hrs)
 - (a) Review discussion paper on AI Pollock ICA. (T)
 - (b) Receive report from Non-Target Species Committee.
 - (c) Review initial discussion paper on rockfish management. (T)
 - (d) Initial groundfish specifications.
 - (e) Final action on FMP updates
- D-4 Staff Tasking (2 hrs)
 - (a) Review tasking and Committees (including AP policy) and provide direction to staff/action as necessary.
 - (b) Discuss process/timing for addressing PSEIS priorities.
- D-5 Other Business
 - Approve revised SOPPs.

Total Agenda Hours: 53 Hours

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
October 2004					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 RFMC Workshop thru 20th	20	21	22	23
24	25	26	27	28	29	30
31						

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
November 2004						
	1	2	3 Pribilof Collaborative Mtg thru 5 th - Anch Hilton	4	5	6
7	8	9	10	11 Pacific Marine Expo thru 13 th - Seattle	12	13
14	15 PT meeting thru 19 - Sea Non-Target Species Committee - Sea - ½ day 15th	16 AK Chapter AFS Annual Conference thru 18 th - Sitka	17	18	19	20
21	22	23	24	25 Thanksgiving	26	27
28	29	30				

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
December 2004						
			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 ^{Holiday}	25 ^{Christmas}
26	27	28	29	30	31	

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
January 2005						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17 ^{Holiday - Martin Luther King Day}	18 ^{IPHC Annual mtg thru 21st - Victoria, BC}	19	20	21	22
23	24	25	26	27	28	29
30	31					

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
February 2005						
		1	2	3	4	5
6	7 ^{AP/SSC} Seattle	8 ^{AP/SSC}	9 ^{AP/SSC} Council	10 ^{AP/Council}	11 ^{AP/Council}	12 ^{Council}
13 ^{Council}	14 ^{Council}	15 ^{Council}	16	17	18	19
20	21 ^{Holiday} President's Day	22	23	24	25	26
27	28					

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
March 2005						
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24 ^{Managing our} Nation's Fisheries Conference - DC thru 26 (½ day)	25	26
27 ^{Easter}	28	29	30	31		

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Certified: Kim Bendys
Date: 9/28/04

DRAFT MINUTES SCIENTIFIC STATISTICAL COMMITTEE June 7-9, 2004

The Science Statistical Committee met June 7-9, 2004 at the Benson Hotel in Portland, Oregon.
Members present:

Rich Marasco, Chair
George Hunt
Sue Hills
Farron Wallace
David Sampson

Gordon Kruse, Vice Chair
Doug Woodby
Terry Quinn
Pat Livingston
Seth Macinko

Keith Criddle
Ken Pitcher
Franz Mueter
Steve Hare

C-2 DPSEIS

The SSC received staff presentations by Diana Evans and Steve Davis on this agenda item. No public testimony was received.

C-2 (a) Develop workplan for addressing management policy actions

The SSC considered the research needed to implement PSEIS policy objectives in the preferred alternative and identified the following high priority research items:

- Continued work to define and implement an improved system for non-target species management including observer-related issues,
- More effort by stock assessment scientists to incorporate ecosystem considerations into individual stock assessments,
- Research to define ecosystem-level reference points, which would necessitate improvements to predator-prey data and multi-species and ecosystem models and improved links to bottom-up processes,
- Research to evaluate present OY ranges, MSSTs for priority stocks, improvements in spawning stock biomass estimates for species in Tiers 4-5 and continued evaluation of harvest policies,
- Programs to review status of endangered or threatened marine mammal stocks and fishing interactions, and
- Research program to identify regional baseline habitat information and mapping.

C-2 (b) Groundfish FMP revisions

The SSC commends staff on their efforts to standardize the outline and format of different FMPs. The revised FMPs provide well structured and readable documents with excellent sections on the most pertinent characteristics of major stocks, fisheries, and fishing communities. While originally intended as a housekeeping amendment, the SSC concurs with others that this is a good time to review the document in its entirety and make changes as necessary. The majority of SSC concerns were in regard to definitions and specifications of OY, MSY, TAC, ABC, overfishing definitions, and harvest control rules in sections 3.2.1 and 3.2.2 of the FMP. Because of the importance of these issues, the SSC wishes to conduct a more thorough review of these sections before final action is taken. To this end, a SSC subcommittee consisting of Rich Marasco (chair), Terry Quinn, Gordon Kruse, Pat Livingston, Franz Mueter, and Farron Wallace was established and will conduct a review prior to the next council meeting.

In addition, the SSC noted a number of issues that may require either substantive changes or minor reorganization. The SSC recommends that the following changes be performed and a thorough review of the FMPs and language be conducted before final action.

- A rewrite of the procedures for setting TACs to clarify the Council process for annual TAC-setting and the role of the SSC in the Council process (see also specific suggestions below).
- An expansion of section 3.10 on Council review of the FMP. Currently, this section singles out management objectives (3.10.2), EFH components (3.10.3), and PSC catch limits (3.10.3, BSAI only) for periodic review. However, periodic review of all critical components of the plan should be performed on a regular basis. The SSC suggests that a schedule be developed to specify when, how often, and by whom other components of the FMP are reviewed, including MSY/OY definitions and specification, overfishing criteria, procedures for setting TACs, stock definitions, restrictions, and monitoring and reporting requirements.
- If possible, a mechanism to update section 4.1.2 on the status of stocks should be developed. Staff noted that any changes require an amendment to the FMP. SSC suggested updating stock status on the NPFMC website and reference the website in the FMP.
- The amount of habitat information in the FMP far exceeds information on the biology and dynamics of stocks, which is far more relevant to current management. The SSC suggests, if possible, shortening detailed habitat information and deleting Appendix I unless required by law.
- Current MSY and OY definitions and specifications are outdated and confusing. Moreover, the current definition of OY in GOA FMP, section 3.2.1.1. (*[OY]..is prescribed as such on the basis of the MSY from such fishery, as modified by any relevant economic, social, or ecological factors*), is inconsistent with the MSA, which reads: ... *as reduced by any relevant economic, social, or ecological factors*. The SSC subcommittee will review modifications suggested by Grant Thompson (Notebook, Item C-2(b)2).
- The organization seems to be fitting for easily updating the appendices when new information arrives, though some more thought might be given to including sections of the SEIS that provide overviews of non-fishing and cumulative impacts or threats to resources and to more clearly outline the other institutional components that may be involved in managing human activities in these ecosystems and what the SEIS said were some of the most important threats that might need to be considered.

A number of minor modifications were suggested, including:

- Chapter 2.2, Management approach, lacks a clearly identified policy statement. The 3rd sentence in section 2.2 appears to contain the Council's key policy statement. The SSC suggests changing the sentence to read: *"The Council's policy is to apply judicious and responsible fisheries management practices, based on sound scientific research and analysis ..."* and to highlight or move this statement to the beginning of the policy section.

- As noted in SSC minutes from April 2004, the jurisdictional authority with regards to finfish managed by the State of Alaska should be more clearly identified. This is covered in some detail in section 5.4. We suggest including the current section 3.1.2.1 on state regulation of demersal rockfish assemblage under section 5.4 and inserting a general statement with regard to stocks managed jointly with the State or by the State of Alaska in section 3.1.2. A table listing the agency that has jurisdiction of each stock/area combination may be helpful.
- The SSC suggests providing a brief rationale for important quantities specified in the FMP. For example:
 - The TAC of the other species category is set to 5% of the combined TACs for target species without a clear justification
 - Parameter 'a' under Overfishing Criteria (3.2.2) is set to default value of 0.05 without rationale.
- Section 3.2.3.1 of the GOA FMP is confusing because it combines the rebuilding plan for POP with a general procedure for setting TACs. The SSC suggests deleting the discussion regarding rebuilding of POP stocks as well as adding a general procedure for setting TACs (steps 1-3 in section 3.2.3.1) to the BSAI FMP.
- Section 3.2.3.3 of the GOA FMP, which specifies a reserve amount of 20%, should be reconciled with Table ES-2, which specifies a reserve amount of 15%.
- Section 3.3.1 of GOA FMP, which states that vessels less than 26' will be exempt from LLP should be reconciled with Table ES-2 (vessels less than 32').
- GOA FMP has a section on vessel safety (3.8.3), which presumably should be in the BSAI FMP as well.
- Table ES-2 in the GOA FMP should include definition of MSY, as in BSAI
- Some of the species descriptions in the GOA FMP refer to BSAI region (e.g. distribution of rock sole) and should be updated to reflect life history of species in the GOA.
- Section 4.1.1 (GOA FMP): Rock sole is listed as single species, should be northern (*L. polyxystra*) and southern (*L. bilineata*) rock sole.
- GOA FMP, Tables D.1.b/c: replace BSAI in title with GOA
- Section 4.2.3.2 in BSAI was written for GOA, not BSAI, and should be deleted or updated.
- BSAI FMP, section 4.3.2 lists ex-vessel value of GOA groundfish catch (p.85), should be BSAI groundfish catch.
- Boiler plate language needs updating in some sections so that it reflects the present and not initial implementation of each amendment
- Need referencing of the $F_{40\%}$ review and inclusion of the historical review of the Council process contained therein
- Description of fishing communities needs updating and AFSC sociologist Jennifer Sepez may have information on Alaskan fishing community profiles. It also seems non-Alaskan communities have been ignored.
- Sometimes it is made clear what the source of the information was while other times it is not, making it unclear how recent some of the information was.
- Insufficient consideration of the role of climate in influencing ecosystem processes and species production is included in the descriptive parts of the FMP dealing with climate.
- Elements required of Fishery Ecosystem Plans might also be included in these plans more explicitly.
- A listing of other FMPs that are in place in the region would also be informative to readers of these FMPs.

Differences between the two plans that should be minimized are:

- Table ES-2 for BS makes clear that non specified species are not included in OY but GOA does not
- Table ES-2 for BSAI does not include mention of the fishing year as GOA does in section on time and area restrictions
- Table 3-1 in BSAI lists some main groups of nonspecified species, GOA has no mention of non specified species in its table
- OY definitions differ between the two FMPs. Definition of BSAI OY does not seem to match the way OY is implemented in BSAI (as a range in which individual ABCs are not exceeded) p11 BSAI, p12 GOA
- No TAC definition was included in the BSAI FMP, p11
- There was no mention of PSC limits in the TAC setting procedures of Section 3.2.3 of BSAI, p. 14
- GOA FMP has section 3.6.3.3 on size limits (p.31) which was not contained in BSAI FMP.
- Appendices: GOA FMP is missing a section on marine mammals, neither has a section on seabirds

C-3 HAPC

The SSC heard a report from Cathy Coon (NPFMC) summarizing the HAPC problem statement, purpose and need for action and a proposed set of HAPC alternatives and management measures from which the Council will select for further analysis in an EA. Staff has prepared draft sections of the EA/RIR/IRFA that included the Table of Contents, environmental consequences of the alternatives, and recommended methodology to evaluate the potential effects of HAPC management measures. John Kurland (NMFS) gave a review of public comments and summarized the next steps and timeline to finalize the EFH EIS. Public comment was heard from Whit Sheard (Ocean Conservancy) and Susan Murray (Oceana).

The SSC had a number of specific comments and recommendations for development of the EA/RIR/IRFA during the April Council meeting and requested the analysts consider these when preparing the document. To evaluate the effects of proposed HAPC management measures, analysts proposed using GIS methods to spatially intersect proposed HAPC areas with the State catch areas to calculate the difference in area size. This ratio is then applied to the State area catch data to estimate the amount of foregone catch if fishing is restricted in the proposed HAPC area. The SSC does not endorse this approach because the spatial resolution of summarized catch data will not likely be sufficient to adequately measure any effect if fishing is restricted. The SSC recommends, if possible, maintaining the spatial resolution of the available information so that catch can be distributed in a more precise manner. In addition, analysts are encouraged to explore other sources of information including survey and other fishery information datasets to augment the analysis. If analysts find that confidentiality limits restrict inclusion of the fisheries data, the SSC recommends that they attempt to gain waivers from the fishers to facilitate the analysis.

Specific comments on the EA

- There needs to be a clearer distinction between areas of "HAPC designation-only", which do not have any associated management measures, and HAPC areas that include restrictions. The figures and tables are not consistently labeled as to which sites are HAPC designation-only.

- Evaluation of the alternatives should explicitly assess the effect of shifting fishing effort out of areas where bottom contact is prohibited to nearby areas, especially areas that received "HAPC designation" status.
- The crafting of the "hybrid" regions in the Aleutian Islands included a subjective delineation of one-mile no bottom contact regions ("buffers") around six coral garden sites. The hybrid regions are all smaller than the regions proposed by NMFS for no bottom contact. Justification given for the one-mile buffer is lacking and the SSC recommends that further analysis on the appropriate size of the buffer be undertaken.
- A great deal of research on the impacts of fishing has been conducted worldwide. Much of this research bears some similarity to the proposed HAPC areas, including cold water corals and tropical coral reefs. The SSC suggests that the EA review these impacts and place Alaska within this larger global context.
- The size of the Cape Ommaney HAPC (Action 2, Alternative 3) was reduced substantially by the Technical Subcommittee in order to allow continued fishing along the 100-meter contour. The SSC notes that the reduced area, upon which submersible dives demonstrated the presence of corals, is part of a larger geographic feature that may also support similar coral structures. Evidence for the similarity in geographic structure was provided by sidescan sonar and this was not available to the Technical Subcommittee at the time of its meeting. The SSC recommends that the size of the Cape Ommaney HAPC be revisited.
- The SSC is concerned that the broad use of HAPC designation (i.e., without explicit accompanying management measures) will result in a glut of areas for which further research is suggested but no commitment is made. Many of the areas recommended for HAPC designation were identified on the basis of "anecdotal information". It is imperative that firm commitments are made to conduct research on these areas such that future actions are based on relevant science. For example, some changes to the observer program could be explored to help facilitate data collection and research in these areas.

EFH Comments

- The Council needs to clarify its habitat policy in regards to "no net loss" (the Council's 1988 habitat policy statement explicitly states a "no net habitat loss" goal).
- The SSC supports the suggested modifications to Alternative 5B of the EFH EIS.
- The SSC supports the use of both type and site designation, which allows for a broader range of management measures to be used in protection of EFH.

Since there will be an on-going need for the consideration of EFH and HAPC issues for the foreseeable future, it would be prudent to develop an overall strategy for identifying areas of importance and to initiate data collection necessary to make well-informed decisions. Data requirements would drive a variety of fisheries and oceanographic research that could provide information on important marine habitats. Additionally, use of existing information should be fully explored. For example, multi-beam and side scan sonar provides a means to create detailed imaging of sea floor, bathymetry and habitat. This technology is widely used today and it may be possible to merge existing habitat maps into a comprehensive database for Alaskan waters. Development of habitat models may extend the value of habitat maps such as models now being attempted for AI corals. The SSC believes that the funding and implementation of such a research program is essential if both fishers and fish habitat are to be protected.

C-4 Aleutian Island Pollock

The SSC received a detailed presentation from Bill Wilson (staff) and Ben Muse (NMFS) on the EA/RIR/IRFA to establish an allocation of the Aleutian Islands pollock TAC to the Adak Corporation. Because the main issue here is an allocation issue within the constraints of existing harvest control rules and protections, the main task of the SSC is to review the scientific content of the document and highlight any scientific issues of importance. The document is comprehensive and contains careful descriptions of the alternatives, issues, information sources, and analyses.

The SSC notes the following considerations should be examined:

1. Observer coverage should be maintained at least at the same level as found in other fisheries. In addition, if an appreciable portion of the allocation is to be taken by small vessels under 60', then it will be necessary to have at least 30% coverage of this sector.
2. No matter which "funding" mechanism is selected, it should be ascertained that TAC remains below ABC for any groundfish stock. The current funding mechanisms appear to meet this condition, but it needs to be verified under all conditions.
3. Some evaluation of the precision of bycatch estimation for chinook salmon should be made.
4. The SSC recommends against the allocation alternative 1.3^C that sets TAC equal to ABC. Alternative 1.4^C that sets TAC as a fixed function of ABC is also problematic (but less so, because TAC is set much lower than ABC). This specification would set a new precedent that has not been done for any other groundfish specification and may have important negative consequences. The Council's flexibility in setting the AI pollock TAC to account for uncertainty and risk would be removed. The optimal harvest for this stock that determines the TAC may need to be based on ecological or economic considerations not considered in determining ABC. Further, the stock assessment for AI pollock is highly uncertain, and consequently, requiring TAC to be equal to ABC will increase the risk to the AI pollock stock, with potential impacts on Steller sea lions and other ecosystem components. For these reasons, the Council should retain its ability to adjust TAC.
5. In order to improve the AI pollock assessment, the AI pollock survey needs improvement. In particular, better knowledge of the off-bottom portion would provide a better idea of total pollock biomass in this region.
6. The resumption of a fishery in the Aleutians will obviously change the spatial nature of pollock removals compared to the complete closure of this area since 1999. Further clarification is needed for the rationale for determining whether this spatial change is significant or not. The document states that spatial concerns are not an issue for an annual catch near 15,000 mt but may be an issue for a catch near 40,000 mt.

In accordance with the NRC's recommendation for examining the ecosystem effects of fishery removals on SSL, the SSC proposes that when the pollock fishery in the Aleutian Islands reopens, a research program be established to test hypotheses concerning the effects on upper trophic level predators of fishing for pollock. This fishery provides an opportunity to determine how changing the rate of pollock removals will influence the local distribution and abundance of adult pollock (local depletion hypothesis), the abundance, pupping rate and foraging distribution of SSL (prey depletion hypothesis), the reproductive success of seabirds (indices of forage fish abundance and availability, prey quality hypothesis) and the distribution and abundance of forage fish, including age-0 and age-1 pollock. These objectives can be achieved by conducting appropriately timed and thorough surveys of seabird colonies

and sea lion rookeries and haulouts, as well as quantitative acoustic surveys of fish distribution and abundance. To account for bottom-up effects that could affect pollock and forage fish distribution and abundance, the SSC recommends measuring physical processes, nutrient availability, and standing stocks of phytoplankton and zooplankton. The program should be a closely integrated, interdisciplinary study that is closely focused on the region to be fished or potentially fished, including inshore waters. The duration of the study should be a minimum of five years to allow observations under the variety of conditions reflecting interannual variation in climate patterns.

C-8 CDQ Program

The SSC received a presentation from Obren Davis (NMFS) on the draft EA/RIR for the proposed regulatory amendment to modify aspects of the Community Development Quota (CDQ) program. There was no public testimony on this agenda item.

The SSC suggests that the draft EA/RIR be revised to address a number of deficiencies before it is released for public review. First, the vocabulary employed throughout the document leads to unnecessary confusion for many readers. For example, there are numerous instances where it is not clear whether the text is referring to limitations that will be applied at the individual CDQ group level or on an aggregate CDQ program-wide level (references to managing "at the CDQ reserve level" or to "non-allocated CDQ reserves" may be understood within NMFS to refer to program-wide accounting but are simply confusing to many readers including the SSC).

Second, the SSC requests that a diagram depicting the CDQ allocation accounting process (under both the status quo and the alternatives) be included in the document.

Third, the draft problem statement is opaque and confusing. In fact, the SSC was unable to determine the precise nature of the problem alleged to be occurring. If, as suggested in the middle of the draft problem statement (p. 4), "the problem. . . is that existing CDQ regulations may not be structured to allow CDQ groups to fully utilize their CDQ target allocations," then the SSC recommends that the document include a discussion of specific examples where the CDQ groups have failed to harvest their allocations. To the extent possible, this discussion should identify the specific causal factors involved in producing these harvest shortfalls and the net economic losses associated with these harvest shortfalls.

Fourth, the two alternatives presented in the document are actually sub-options under a single alternative (i.e., the alternative of managing allocations of "non-target" species at a program-wide level as opposed to the status quo approach of managing these allocations on an individual group basis). Staff indicated that the shift to program-wide accounting of non-target species harvests is not likely to lead to harvest overruns of these species because aggregate harvests (i.e., across all six CDQ groups) have never approached the overall program allocations for non-target species. The SSC is concerned that this outcome may be precisely the result of the demands placed on individual groups to be individually accountable for all of their harvests. Removing the constraint imposed by the demands of individual accountability could reduce the incentive to avoid bycatch and lead to aggregate harvests that are higher than those witnessed in the past under the old incentive regime.

The proposed alternative essentially transfers the responsibility for staying within non-target allocations to NMFS. The SSC is concerned that the shift away from individual accountability represents a fundamental shift away from the rationale underlying all of the Council's various "rationalization" programs including the CDQ program. Arguably, programs built on appeals to markets and individual accountability should use markets and individual accountability to handle the kinds of management issues raised in the document. On one hand, the CDQ program appears to be doing just that (using markets and individual accountability) under the status quo (staff indicated that the CDQ groups regularly trade

allocations in advance to ensure that allocations are in fact harvested). The SSC requests that two additional alternatives be added to the analysis. Specifically, an alternative that allowed for post-harvest transfer of non-target species allocations could potentially provide additional flexibility to the groups while retaining accountability (and the incentive structure) at the individual group level. A different alternative to consider would allow harvest overages of non-target species to be rolled over and applied to the subsequent year limits.

Fifth, the species contemplated for permanent designation as non-target species under the current Alternative 2 (what the SSC suggests is better labeled as Alternative 1, Option 2) should be specifically identified to allow for meaningful public comment.

Sixth, the current draft does not adequately consider the potential impacts of the proposed changes on the non-CDQ fisheries and on the fishery resource. As noted above, the document largely relies on faith to predict that harvest overruns will not occur under an aggregate accounting system. If however, overruns do occur, the document is quiet on the implications for the non-CDQ fisheries and the fishery resources involved. Further, the document is vague on how, precisely, NMFS will attempt to constrain these aggregate harvests (the explanation on p. ES-2 that NMFS would specify additional management measures "as needed" is insufficient.) and the document does not discuss what would happen, in terms of accountability, in the event of a harvest overage. Nor does the document provide a justification for shifting the cost of compliance from the users to the agency; that is, a transferal of compliance costs from those who benefit directly from exploitation of the public resource to the taxpayers at large (and the resource itself). Under the current regime, staff indicated that fines can be levied on individual CDQ groups. Under the aggregate accounting scheme proposed, it is unclear whether any party will be held accountable since responsibility has been shifted to NMFS.

C-9 SSL Mitigation Measures

The presentation was divided into two parts. First, Lowell Fritz (NMML) presented preliminary information on a new analysis tool. Then Bill Wilson (Council staff), Scott Miller, Kristin Mabry, and Steve Lewis (NMFS Juneau) presented the EA/RIR/IRFA for the proposed changes to SSL measures in the GOA. Public testimony was taken from Julie Bonney (AGFDB) and Chuck McCallum.

New Analysis Tool. Lowell Fritz briefed the SSC on a conceptual model or "tool" to be used to evaluate if a proposed package of proposals would result in a "net loss" in protection of SSLs. This tool would be used for proposals to trade off open and closed areas rather than proposals such as TAC rollovers. The tool would use weighted rankings based on the type of fishery, the distance from the SSL site, the season of the impact, and the number of SSLs at the affected site. The SSC was shown hypothetical examples of how it could work, the limited scope in which it is intended to be used, and areas in which more work is needed, such as justification for assigned weights. The SSC suggested several refinements to the tool such as adding elements for seasonality, length of time of the fishery, using transformed numbers instead of raw counts, spatial considerations, disturbance, cumulative effects, and presence of alternate prey. Lowell Fritz and Shane Capron (NMFS Juneau, PR) explained that this tool is seen as useful for sifting through proposals until the next formal Section 7 consultation is conducted, and is expected to be used in the SSLMC as a way of evaluating whether a package of proposals result in no net loss of protection for SSL. The informal consultation on the proposed package would then look at the other additional issues the SSC mentioned in qualitative ways.

The "tool" appears to be very similar to the "bump" analysis that was used in previous SSL analyses, and the SSC has not changed its concerns with this kind of analysis, e.g., summing over arbitrary ranks. However, the SSC also recognizes the need for such a tool for coarse sifting among proposed changes to mitigation measures. The SSC was pleased to see at least a partial list of assumptions and recommends

development of a complete list, along with a clear statement of the purposes for which the tool is intended. Although the SSC recommends further development of the tool, this in no way implies that the SSC has had adequate time for review of this method as it was handed out at the meeting. We will look forward to a more developed version for review prior to the October meeting.

SSL GOA Mitigation Measures EA/RIR/IRFA.

Mitigation measures contained in the EA/RIR/IRFA included a reduction in the area closed to pollock trawling around the Puale Bay haulout, a closure out to 20 nm to pollock trawling around the Cape Douglas/Shaw Island haulout, a reduction in the area closed to Pacific cod pot fishery around the Kak Island haulout, opening Pacific cod pot fishing to the shoreline around Castle Rock, removal of the stand-down periods between the A and B and C and seasons in the GOA pollock trawl fishery, and change in the method for rolling over the unharvested pollock TAC in the western and central GOA pollock trawl fishery. The SSC finds it difficult to advise the Council on these proposals. This is because of the lack of data and the uncertainty associated with how both the SSLs and fishery will be affected by the proposed changes.

SSL protection measures established through the Biological Opinion process are based on the assumptions that SSLs in the western population are "food limited" and that some fisheries, particularly those for pollock, Pacific cod, and Atka mackerel can contribute to food limitation, primarily through localized depletion near rookeries and haulouts. Although there is considerable uncertainty as to the role of food limitation in SSL decline and lack of recovery, protective measures, primarily in the form of closures near these sites, were established to mitigate these assumed effects.

During the October 2003 meeting, National Marine Fisheries Service and members of the SSL Mitigation Committee introduced the concept of passing regulations that would increase fishing opportunity among other regulations that would provide SSL protection equal to that lost by the liberalization. This concept, dubbed "no net loss," was to be the standard used to evaluate alternative regulatory changes involving SSL protection measures.

Proposals opening additional areas around the Puale, Kak, and Castle haulouts and the additional closure around the Cape Douglas/Shaw Island haulout may not meet the "no net loss" standard, if it was applied, primarily because winter surveys have not detected SSLs at the Cape Douglas/Shaw Island site during the period it would be closed and because very low pollock harvests have occurred in this area. However, the SSC recognizes that these proposals involve a small number of haulout sites occupied by a relatively small number of SSLs and any effect on the overall western population would likely be impossible to measure. Further, regarding other considerations, the proposal to open Castle Rock to the shoreline to fishing for Pacific cod with pots raised concerns about possible disturbance to SSLs using this haulout.

The original intent of stand-downs between seasons was to ensure that there would not be one fishing pulse with high catch rates. However, this goal is accomplished by having separate seasons. While there could be a redistribution of the catch temporally, it is unlikely to be significant.

The original intent of the method for rolling over of under-harvested Pollock TAC in the GOA, as with the stand-downs, is to prevent the concentration of harvest in space and time. Current regulations actually allow very large roll-overs that are contrary to the original intent of limiting the amount to 5% of the annual TAC by area, or in other words 20% of any seasonal quota. While there could be a redistribution of the catch in time and space, it is unlikely to be significant.

The SSC is concerned about the apparent inconsistent use of the no net loss standard. Comments from Shane Capron during presentation of the new analysis tool (see first part of this section) indicated that

although the tool is designed to evaluate no net loss, a Section 7 consultation will take into account additional factors. The proposed development of a new no net loss analytical tool, reported by Lowell Fritz at this meeting, adds to the confusion about the types of information and procedures to be used by NMFS and the Council to evaluate potential changes to SSL mitigation measures in the future. The no net loss standard may not be the only consideration, but clarity and consistency is needed.

The SSC had questions regarding the fisheries analysis contained in the EA/RIR/IRFA. The spatial resolution of the summarized catch data was not sufficient to adequately measure the effects of closing and area to fishing. Only a few vessels recorded harvest in some of the potentially affected areas and confidentiality limits restrict inclusion of these data. For many years examined, there were no harvests recorded. This lack of historical fishing appears to contradict the emphasis on local fleet reliance on these areas. Public testimony indicated that more fishery activity took place in the Chignik area than was indicated in the analysis, however, there may still be too few boats fishing in an area to be able to report the catch. The fishery analysis is severely constrained to report meaningful effects on harvest and revenue. Because of this the analysts had to treat the potential effects of the alternatives in what was called "a qualitative way" but several SSC members suggested that a qualitative analysis could and should have been more rigorous even considering the large uncertainties when such small areas are considered.

The SSC recommends that any changes in SSL protection measures be used as an opportunity to examine how changing fishery effort and distribution may affect SSLs. The study should include surveys of pollock and Pacific cod before and after the fishery to determine if prey depletion occurred. Additionally effort should be made to determine if the change in fishing effort is accompanied by changes in the number of SSLs present during summer and winter, and if possible if there are detectable changes in SSL diet.

D-1 Scallop FMP

Diana Stram (NPFMC staff) provided a discussion on the initial review draft EA/RIR/IRFA for amendment 10 to the FMP for the scallop fishery off Alaska. Public testimony was provided by Teresa Kandianis (North Pacific Scallop Co-op). The SSC recommends that the document be augmented to address the following issues before it is released for public review:

- Include data and a discussion of historic and recent trends in the inflation-adjusted exvessel and first-wholesale prices of scallops.
- Include data and a discussion of the full history of landings from the Alaska fishery, and a corresponding time series of US and World landings.
- Include a discussion of where catches have been off-loaded, the relative importance of scallop landings to regional economic activities in those ports, and how off-loading patterns might change under the proposed alternatives.
- Revise the document to eliminate confusing references to "statewide waters" and instead use terms such as "State waters", "Federal waters inside Cook Inlet", "Federal waters outside Cook Inlet", etc.
- If possible, include a breakeven analysis of the current fishery and a projection of changes that could be anticipated under the alternatives.

D-4(b) Crab Overfishing Definition

The SSC received a report on the Crab Plan Team (CPT) meeting of May 18-19 by Diana Stram and Doug Pengilly (ADF&G, CPT Chair). Jack Turnock (NMFS) gave a presentation on progress by a NMFS-ADF&G working group toward development of revised overfishing definitions for BS/AI crab. Gary Painter (Bering Sea Fisheries Research Foundation) provided public testimony.

Principal topics discussed at the CPT meeting included implications of the data quality act on the Crab Plan Team, survey catchability studies for snow crab, industry-funded augmentation to the NMFS annual trawl survey, updates on crab rationalization, and a report on overfishing working group progress. The CPT seeks guidance from the Council as to whether the CPT should continue their spring meeting in the future in addition to their usual fall meeting. CPT members felt that the spring meeting was a useful venue to discuss important crab issues, because there is often insufficient time to do so at their fall meeting that tends to focus on stock assessments and fishery management. The SSC continues to support the CPT meeting in spring, as long as there are sufficient issues to justify this meeting.

Original consideration of crab overfishing definitions occurred in April and June 1998. The SSC had several concerns about the overfishing definitions at that time. First, numerical values were used, instead of frameworking a general procedure. Second, there was not always more conservatism with less information. Third, there were differences between definitions between the groundfish and the crab FMPs that did not seem to be necessary. Because the CPT was planning to review the crab definitions every five years, the SSC accepted the proposed definitions.

At the February 2004 Council meeting, the SSC heard a report on the progress of the NMFS-ADF&G working group. At that time, the SSC requested that the working group focus on a careful evaluation of crab overfishing definitions, including a more formalized procedure for setting overfishing levels, such as the tier system used for groundfish. At the present meeting, an outline of such a tier system for crab was presented. The plan for further analysis, including simulation modeling, appears reasonable to the SSC and resolves many of the issues raised in 1998.

The SSC offers the following comments to the crab working group:

- Under tier 2, the scalar $F_{\text{target}}/F_{\text{pmsy}}$ is used to buffer the difference between ABC and OFL. The SSC was confused by the use of the proxy F_{pmsy} when an estimate of this value F_{msy} is available. Part of the SSC's concern may be semantic. Perhaps it would be better to define the scalar in terms of a limit reference point (F_{lim}), as in the National Standard Guidelines, and then to assign F_{pmsy} as the available reference point for F_{lim} .
- Consider whether there is evidence for density dependence in biological parameters, such as growth and maturity. If so, consider including these in the analysis.
- The SSC supports the three alternatives presented (status quo, numerical values for overfishing definitions fixed in the FMP, and overfishing definitions frameworked in the FMP). These alternatives will foster an analysis of the timing and review process for stock assessment relative to overfishing on an annual basis. The SSC notes that the timing of decision-making and the overall process differ between crab and groundfish, so that there may be reasons for having fixed numerical values instead of a framework in the crab FMP.
- One weakness of constant harvest control rules for rapidly fluctuating stocks is that they may not efficiently adapt to changing conditions. The SSC would like to see an evaluation of a harvest control rule that recognizes fluctuations between different periods of productivity and the possibility of implementing a switching rule between overfishing reference points. This evaluation could consider the prospects of both higher reference points during periods of greater

productivity, as well as the need to constrain harvest to avoid potential stock depletion during the next phase of low productivity.

- The working group should explicitly consider whether parameter β , the biomass below which fishing is curtailed, is also defined to be the MSST. If it is also the MSST, then the National Standard Guidelines require that a rebuilding plan be established within one year. However, a crab stock could be classified as overfished and in need of rebuilding one year, but be totally rebuilt one or two years later, independent of any management measures. This volatility in crab populations could thus create a chaotic management environment requiring continual attention to revising rebuilding plans. The SSC has learned that MSST may be of lesser importance in new National Standard Guidelines, so defining an explicit MSST may not be necessary.
- The SSC recognizes a pressing time frame for completion of this overfishing analysis, and encourages the working group to work efficiently and to provide routine updates on progress to the CPT and SSC.

D-4(c) Salmon Excluder Report

John Gauvin (Pollock Industry Contractor) and Craig Rose (NMFS AFSC) provided the SSC with an overview of their work to develop a salmon excluder device for the pollock trawl fishery and evaluate its effectiveness. Field trials with two versions of the device, conducted during fall 2003 and winter 2004, were somewhat successful at releasing chum and chinook salmon (about 12% escapement) without simultaneously releasing large quantities of pollock (about 2-4% escapement). The SSC commends the investigators for their hard work at developing a new technology for reducing salmon bycatch.

D-4 (d) Steller Sea Lion/Pacific Cod Localized Depletion Study.

The SSC received a report on a study conducted by the NMFS Fishery Interactions Team in the Bering Sea near Unimak Pass designed to evaluate whether the trawl fishery in this area resulted in localized depletion of Pacific cod. The logical extension of this research would be that findings of localized depletion by the fishery could have adverse effects on SSLs if the population was nutritionally limited during this time of year. Pacific cod are an important prey of SSLs during winter in many areas.

The study used pot gear in an experimental area where a Pacific cod trawl fishery occurred and in a control area (SSL protection area) where trawling was prohibited. The study plan included a pre-fishery pot index survey in both the experimental and control areas and a second survey in both areas that occurred immediately after the fishery. Comparisons were then made of the rates of change (slope) of the index between the experimental and the control areas during the sampling periods. The localized depletion hypothesis would be supported by findings that rate of change (slope) between the two time periods in the experimental and control were significantly different (either greater rate of decline or lower rate of increase in the experimental area). High variability in catch rates by the pot gear limited the study's ability to detect small changes in catch rates but power analyses suggested that the study could detect catch rate differences of about 20% or greater.

This study was conducted during both 2003 and 2004. Weather and equipment limited the effectiveness of the surveys in 2003. Index values were lower in both the control and experimental area during the late fishery surveys. The study was repeated in 2004 and the field operation was much smoother. In 2004 index values were higher in both the control and

experimental areas during the late fishery surveys. Rates of change were similar (although in opposite directions) between control and experimental areas during both years. These results did not detect localized depletion due to the trawl fishery.

Ancillary data including tag returns, size compositions of catches, and reproductive status of catches suggested substantial movement of Pacific cod occurred throughout the study period. This finding complicated interpretation of the study results in relation to localized depletion. It may be that there is substantial turnover of Pacific cod in the study region during the fishing season which would largely mask short-term localized depletion. It may also be that the cod population is large enough that localized depletion could not be detected on the time scale of the experimental design.

The SSC was favorably impressed with the design and execution of the study. There was substantial support for continuation of the work. There was also support for relocating the research to another location where Pacific cod movements would likely be less dynamic thus allowing more definitive interpretation of the results.

D-4(e) Seabird EFP

Kim Dietrich (Washington Sea Grant) and Thorne Smith (North Pacific Longline Association) provided the SSC with an overview of the request from the Washington Sea Grant Program for an exempted fishing permit (EFP) to evaluate the effectiveness of using weighted groundlines to reduce seabird bycatch in the longline fishery. There was no public testimony. The EFP is needed to waive the requirement for streamers while setting longline gear. The new experiment, which builds on previous work that evaluated the use of streamers and weighted groundlines, will compare the performance of three gear configurations: (1) gear with an un-weighted groundline without paired streamer lines, as the control; (2) gear with an un-weighted groundline and paired streamer lines; and (3) gear with an integrated-weight groundline without paired streamer lines. The SSC commends this collaborative work between Washington Sea Grant and the industry to develop technologies to reduce seabird bycatch. The SSC recommends that the Council grant the EFP. The experiment seems well designed and should provide sufficient information to gauge whether the integrated-weight groundline or the paired streamer lines provide greater reductions in seabird bycatch. If time and resources permit, the investigators should consider testing a treatment that has both the integrated-weight groundline and the paired streamer lines to explore possible added benefits from combining the two seabird avoidance measures.

North Pacific Fishery Management Council

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Approved by _____

DATE _____

North Pacific Fishery Management Council Advisory Panel Minutes Benson Hotel, Portland, Oregon June 7-12, 2004

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

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

Duncan Fields and John Bruce were not in attendance.

The AP unanimously approved the minutes from the previous meeting.

C-1 BSAI Crab Rationalization EIS

The AP recommends the Council adopt Alternative 3 from the Crab EIS as the Crab Rationalization program for final action. *Motion passed 10/7.*

In the event the Council does not adopt Alternative 3, the AP would like to recommend the following from Alternative 2: *Motion carries 12/3/2.*

- Recommend accepting NOAA Fisheries' proposed changes to the binding arbitration system. *Motion passed 18/0.*
- Recommend accepting NOAA Fisheries' changes on sideboards to cod. *Motion passed 18/0.*
- Recommend the Council delete the 90/10 A/B share split to C shares following three years of program implementation. *Motion passed 18/0.*
- Recommend the Council request NOAA Fisheries' develop regulations to consider possible circumstances of QS holders with limited processor affiliation and consider potential mechanisms to permit participation of these QS holders in the arbitration program, including the use of confidentially agreements and operating agreements to prevent potential antitrust violations. Notwithstanding this request, all participation must be in compliance with antitrust law. *Motion passed 18/0*

- Recommend for excessive shares, the Council set processor ownership cap of harvester shares equal to individual harvester caps. *Motion passed 15/3.*

C-2 PGSEIS

The AP developed a workplan of the PGSEIS general priorities as follows and detailed in the attached motions.

1. Reduce and avoid impacts to habitat
2. Manage incidental catch and reduce bycatch and waste
3. Maintain or adjust current protection measures as appropriate to avoid jeopardy to ESA listed Steller Sea lions.
4. Prevent overfishing
5. Preserve food web
6. Improve data quality monitoring and enforcement

Motion passed 16/2

The following series of motions sets the specific priorities within the above list of general priorities.

1. Protection of Habitat

- A. Complete EFH action as scheduled
- B. Recommend to NOAA Fisheries increased mapping of benthic environment
- C. Develop and adopt definitions of MPA, marine reserves, etc.
- D. Review all existing closures to see if these areas qualify for MPAs under established criteria
- E. Evaluate effectiveness of existing closures

Motion passed 17/0

2. Bycatch Reduction

- A. Complete rationalization of GOA fisheries
- B. Complete rationalization of BSAI non-pollock fisheries
- C. Explore incentive-based bycatch reduction programs
- D. Explore mortality rate-based approach to setting PSC limits

Motion passed 18/0

3. Protection of Steller Sea Lions

- A. Continue to participate in development of mitigation measures to protect SSL including development of an EIS and participation in the ESA jeopardy consultation process
- B. Recommend to NOAA Fisheries and participate in reconsideration of SSL critical habitat

Motion passed 17/0

4. Prevent Overfishing

- A. Continue to participate in the development of "lumping and splitting" criteria
- B. Consider new harvest strategies for rockfish
- C. Set TAC at or < ABC

Motion passed 18/0

5. Ecosystem Management

- A. Revisit the calculation of OY caps
- B. Recommend to NOAA Fisheries and participate in the development and implementation of ecosystem indicators as part of stock assessment process

Motion passed 18/0

6. Improve Data Quality and Management

- A. Expand or modify observer coverage and sampling methods based on scientific data and compliance needs
- B. Develop programs for economic data collection that aggregate data
- C. Modify VMS to incorporate new technology and system providers

Motion passed 18/0

C-2 (b) Groundfish FMP Revisions

The AP recommends the Council update the current FMP drafts for review over the summer and final action in October. *Motion passed 16/0.*

The AP recommends the Council adopt changes 1-11 to the BSAI FMP, as suggested by staff. *Motion passed 14/0.* Additionally, the AP recommends the Council incorporate the recommended changes 1-8 to the GOA FMP, as suggested by staff. *Motion passed 16/0.*

Further, the AP recommends the Council adopt changes recommended by staff on the BSAI Management Approach in the FMP as noted in Item C-2 (b)4. *Motion passed 16/0.*

The AP recommends the Council adopt draft language for section 6.2.1 for the BSAI and GOA FMPs. *Motion passed 16/0.*

C-3 HAPC

Action 1: Seamounts. The AP recommends the Council forward for review all three alternatives under Action 1 for analysis. Additionally, the AP recommends staff evaluates the brown king crab effort on Patton and other GOA seamounts and add a suboption to exempt brown king crab fishing within the seamount HAPCs. *Motion passed 18/0.*

Action 2: GOA Corals.

The AP recommends the Council accept the following Alternatives for analysis. A subset of the boundaries with specific management measures are detailed as follows:

Alternative 1; Status Quo

Alternative 2 with an option as follows:

Close sites with bottom trawling for 5 years. During the five years, these sites would be prioritized for undersea mapping to identify the portion of the three sites (Sanak, Albatross, and Middleton) that are high-relief deep-water corals. The portion of these sites that are in fact high-relief coral sites should remain closed to bottom trawling after the five years and the portion of the areas that are not high relief coral sites should re-open to trawling after the five years.

Alternative 3 utilizing the technical committee's recommendations at Cape Ommaney, Fairweather grounds NW, and Fairweather grounds SW.

Alternative 4, that would encompass the above Alternatives 2 & 3 as modified.

Motion passed 18/0.

Action 3: AI Corals.

The AP recommends the Council accept the four hybrid boundaries and management measures as modified below. These would be the only boundaries and management options for each Alternative that would be carried forward for the analysis.

Alternative 2 Adopt the six coral garden sites within the Aleutian Islands as HAPC.

1. Adak Canyon: Accept the bottom contact gear closure as defined in the hybrid, increase the designation only portion boundary to include the entire AMCC and MCA proposals *Motion passed 9/6*
2. Cape Moffett: Modify the hybrid proposal boundaries for the no bottom contact gear as follows: The square would be split into two triangles using the diagonal of the MCA area that crosses the box, the right (SE/S) side of the square would be open to fishing, the other side (NW) would be closed to bottom contact gear. The designation only areas of the hybrid would remain the same. *Motion passed 15/1/2*
3. Bobrof Island: Utilize the boundaries of the original NMFS proposal, adjusted on the northern extent of the island (per public comment in notebooks) to define the no bottom contact gear area. The designation only area of the hybrid would remain the same. *Motion passed 17/0*
4. Semisopochnoi Island: Utilize the original NMFS proposal and management measures of no bottom contact gear for analysis. The designation only area from the hybrid proposal would remain the same. *Motion passed 17/0*
5. Great Sitkin: Utilize the boundaries of the NMFS proposal and management measures of no bottom contact gear for analysis. The designation area would be from the hybrid proposal. *Motion passed 17/0*
6. Ulak Island: Utilize the boundaries of the NMFS proposal and management measures of no bottom contact gear for analysis. The designation area would be from the hybrid proposal. *Motion passed 17/0*

Alternative 3 Adopt the hybrid area for Bowers Ridge with management measures of no bottom trawling as clarified by staff. *Motion passed 17/0.*

Alternative 4 Adopt 4 sites as HAPCs in the Aleutian Islands (South Amila/ Atka, Kanaga Volcano, and Kanaga and Tanaga Islands. These would be designation only.

Add a second management measure as an option:

Close sites with bottom trawling for 5 years. During the five years, these sites would be prioritized for undersea mapping to identify the portion of the four sites (South Amila/Atka, Kanaga Volcano and Kanaga) that are high-relief deep-water corals. The portion of these sites that are in fact high-relief coral sites should remain closed to bottom trawling after the five years and the portion of the sites that are not high relief coral sites should re-open to trawling after the five years. With this addition, there will be two management sub-options for Alternative 4. *Motion passed 17/0*

Alternative 5: Adopt Alternatives 2,3,4 four in conjunction with the same boundaries, and management measures.

C-3 (c) (i) Analytical Approach

The AP recommends Council accept staff's recommended analytical approach. *Motion passed 17/0.*

EFH EIS :

Additionally, the AP recommends the Council request staff to modify EFH Alternative 5B as follows:

1. Make spatial changes recommended in the April 29th Oceana letter
2. Remove TAC reduction for any species in 5B.
3. Strike coral bycatch cap option in Alternative 5B.

Further, the AP requests Council

- Plot the 5B closures on a 1:300,000 navigational chart
- Overlay 91-03 observer data on the same charts.

The AP reaffirms its support of HAPC Alternative 3, sitebased, as its preliminary preferred alternative, (*Motion passed 16/1*) and that new HAPCs, modifications to existing HAPC boundaries, or modifications to management measures within existing boundaries be considered by the Council during the three-year HAPC proposal cycle described in Appendix J of the draft EFH EIS. *Motion passed 16/1*.

C-4 Aleutian Islands Pollock

Allocation

Starting in 2005, the annual AI pollock TAC will be the lesser of 75% of the ABC or 20,000 mt. The annual AI TAC cap (20,000 mt) will be increased 30 % in each of the two following years (26,000 mt in 2006 and 33,800 mt in 2007) but will be set no more than 75 % of the ABC. The AI annual TAC in the 2008 and beyond will be equal to no more than 33,800 mt or 75 % of the ABC, whichever is less.

The A season DPF will be 40 % of the ABC or equal to the annual TAC, whichever is less. The total harvest in the A season (DPF and ICA) will not exceed 40 % of the ABC.

The ICA will be deducted from the annual TAC.

The B season DPF will equal the annual TAC minus the A season DPF and minus the ICA.

Allocation Mechanism

2.2 The pollock allocation to the AI fishery will be funded by a reduction in the EBS pollock TAC. 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. Before making the apportionment as described here, the AI pollock DFA is to be funded from the difference between the sum of all BSAI groundfish fishery TACS and the BSAI 2 million mt OY cap, unless the difference is not large enough to do so.

Monitoring Vessel Activity

3.2 "Increased monitoring" alternative. This alternative would have several components (not options). These include:

1. The Aleut Corporation must notify the NMFS Alaska Region with a list of which vessels are authorized by it to fish in the Aleutians; notification must be at least 14 days prior to the anticipated start of fishing. The NMFS RAM Division will verify each vessel's eligibility (FFP, ADF&G number, USCG fishery endorsement, length, or AFA status) and provide to the Aleut Corporation a list of qualified vessels and the date fishing may commence. These vessels must carry documentation showing they have RAM approval and Aleut Corporation permission;
2. Catcher vessels are prohibited from fishing for pollock in the Aleutian Islands if pollock harvested in the Bering Sea or GOA are on board. Also, catcher vessels are prohibited from fishing for pollock in the Bering Sea or GOA if Aleutian Islands pollock are on board;
3. AFA requirements extend to catcher-processors and motherships (this extends AFA level observer and scale requirements to CPs under 60 feet and to unlisted AFA vessels);
4. AI pollock may only be delivered to a shoreside processor or stationary processor which has an approved Catch Monitoring Control Plan; Clarify to include CPs.
5. The Aleut Corporation will be responsible for keeping its harvests and its agents' harvests within the AI pollock directed fishing allowance. The Aleut Corporation shall be responsible for designating a person as a quota manager for pollock catch accounting; this person shall report to NMFS Sustainable Fisheries Division with weekly pollock catch summaries.
6. Vessels \leq 60 feet shall take a Cadre observer if provided by NMFS.

Small Vessels

4.1 No action. Take no steps to delay ability of Aleut Corporation to introduce to the fishery vessels under 60 feet LOA.

Economic Development Report

- 5.2 Require an annual report to the Council, similar to the AFA coop reports. A draft report will be due in December and a final report will be due in February.
- 5.4 At its June 2006 meeting, the Council shall review the AI pollock fishery performance, including information on harvest success, chinook salmon bycatch, development of a small vessel fleet, and progress toward completion of pollock processing capacity to determine if further adjustments to the AI pollock TAC may be appropriate, in light of Section 803 of the Consolidated Appropriations Act, 2004 and Senator Stevens' floor language.

Chinook Savings

- 6.2 Chinook salmon bycatch in the AI pollock fishery would not count against the BSAI Chinook salmon bycatch caps.

Motion passed 14/2.

The above motion with clarifications was included in the minutes after the original motion, which passed 17/0, was reconsidered.

C-5 GOA Rockfish Pilot Program

The AP recommends the Council accept staff's changes as noted with the following exceptions:

- 1.2 Allocations shall be apportioned between trawl and non-trawl gear (instead of fixed and mobile)
Motion passed 16/0.

- 1.2 Prosecution of the entry level general allocations of PSC to the gear type not allocated under 3.3.1.2 And the general allocations of secondary species not allocated under 3.3.1.2 *Motion passed 16/0.*

- 1.2 Add a suboption rollover from non-trawl to trawl will occur at the end of the third quarter. *Motion passed 16/0.*

- 2.4 Entry level fishery management
Add a Suboption: Limited access competitive fishery *Motion passed 13/0*

- 3.3.1.1 Add new language: History will be allocated to each sector for POP, Northern rockfish and PSR caught in CGOA based on retained catch during the open season. *Motion passed 16/0*

- 5.4 Alternative 2 and Alternative 3. Add an option: When owner and operator are not affiliated, the license will be issued to the owner and operator, but the operator will receive the right to vessel coop linkages. (Add options similar to GOA Groundfish rationalization) *Motion passed 9/6.*

5.4 Alternative 3

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

Option 1. 1996 – 2000 drop 1 year (processor chooses the year to drop, same year for all LLPs)

Option 2. 1996 – 2001 drop 1 year (processor chooses the year to drop, same year for all LLPs)

Motion passed 14/0

Harvesters may elect not to join a co-op, and continue to fish in an LLP/Open Access fishery. Those LLPs that opt out of the cooperative portion of the pilot program will be penalized 0 to 20% of their historical share (**annual allocation**). The penalty share will be left with the LLP's associated cooperative. The LLP's remaining

share will be fished in a competitive fishery open to rockfish qualified vessels who are not members of a coop and must be delivered to one of the qualified processors. *Motion passed 15/0.*

5.6 Change word "right" to "privilege" *Motion passed 15/0.*

The eligibility for entry into the program is one targeted landing and ___X___ retained catch during the open season. *Motion passed 15/0.*

The CP catch history will be based on WPR data. *Motion passed 14/0.*

The AP requests the Council encourage the CP fleet to work with NMFS and NPFMC staff to develop a data format using confidentiality waivers to analyze sideboards. Additionally, include participation data broken out by the three rockfish species based on WPR. *Motion passed 15/0.*

A motion to allocate p.cod as a secondary species at the following rates of secondary species harvest history failed 4-12. 100%, 90%, 80%, 70%

Minority Reports:

Rockfish trawlers who qualify for the CGOA Pilot Rockfish Program need an incidental catch allocation of p.cod as a secondary species sufficient enough to reasonably prosecute this fishery. Nevertheless, an allocation of 100% of the entire historical p.cod bycatch history is not necessary. Top – off targeting of CGOA p.cod in conjunction with the CGOA trawl rockfish fishery resulted in historical rates of p.cod bycatch that exceeded the natural bycatch rate that otherwise could have been realized in this fishery, that otherwise would reasonably permit this fishery to proceed in the future and that maximized the economic benefit provided by MRAs extant for the CGOA trawl rockfish fishery.

The CGOA Pilot Rockfish Program should not be used to rationalize only a segment of the CGOA p.cod users absent the many other diverse considerations that should otherwise be considered when rationalizing the entire CGOA p.cod fishery for all other CGOA p.cod users. Rationalization of the CGOA trawl rockfish fleet should permit this fleet to prosecute this fishery, at a reasonable rate of p.cod bycatch, but not at 100% of historical performance that reflects top-off targeting of CGOA p.cod bycatch. Other decision points should be provided for analysis. Signed, Jeff Stephan, Jim Preston, Dan Falvey, and Bob Jacobson.

We, the minority, oppose the inclusion of multiple issuance of processing licenses to facilities. Within the pilot program, awarding facility based processing licenses accomplishes community and processor protection. Proliferation of processing licenses will diminish that protection. When reviewing the problem statement, the goals of both stabilization of the processing workforce and jeopardizing historical groundfish community stability may be compromised. The Council has gone to great lengths to award only one history for vessels; this approach is totally contrary to that policy choice for processing history. The entity that took the financial risk of the business should be the one recognized, not the landlord of a building. The congressional rider language recognized historical fish processors, owning a facility does not equate to fish processing. Signed: Teresa Kandianis, John Moller, Al Burch, Tom Enlow, Kent Leslie, and Mitch Kilborn.

C-6 IRIU

The AP recommends the Council add the following changes to the Elements and Options:

Issue 4 Eligibility to Participate in a Sector

Add qualifying years through 2004: *Motion passed 14/3.* Change Exclude to Exempt, and add new suboption 11.7.1 and 11.7.2. *Motion passed 17/0*

In Component 11:

Option 11.7 For <60' H&L/Pot CV sector

- a) 1996-2004
- b) 1997-2004
- c) 1998-2004
- d) 1999-2004
- e) 2000-2004
- f) 2001-2004
- g) 2002-2004

Suboption 11.7.1

Exclude Exempt jig vessels and <60' fixed gear catcher vessels from qualifying years.

Suboption 11.7.2

Exclude Exempt jig vessels

In Component 12:

Suboption 12.7.1

Exclude Exempt jig vessels and <60' fixed gear catcher vessels from minimum landings requirements.

Suboption 12.7.2

Exclude Exempt jig vessels

Additionally, the AP recommends the analysis include a discussion of the effects the IRIU amendment has on non-LLP endorsed vessels participating in the fisheries affected by the IRIU program. *Motion passed 16/0.*

The AP recommends the Council request staff to draft a discussion paper to determine if a new category of LLP will be needed for boats less than 60' in the AI trawl fisheries. *Motion passed 16/1.* Additionally, the AP would like the discussion paper to include:

- catch history of boats in the less than 60' sector in the parallel fishery
- distribution of endorsements for all gear types, including trawl
- possibilities for reclassifying endorsements of LLP licenses to be used in the AI <60' trawl fishery.

Motion passed 17/0

The AP recommends the Council include recommendations from the IRIU Technical Committee contained in sections 1 and 2 of their minutes. *Motion passed 17/0.*

The AP recommends staff initiate an EA/RIR that analyzes subdividing TACs. The analysis should consider TAC divisions both independent of and in conjunction with amendments 80A and 80B. Sector splits for analysis of option 1 should be 02-03 and 95-02. *Motion passed 17/0.*

The AP does not believe that retention pools as a management tool, or multiple cooperatives, are effective options and encourages the Council to discontinue further development of those options. *Motion passed 18/0.*

C-7 Observer Program

The AP recommends the Council add the two fee collection suboptions for analysis. *Motion passed 15/0.*

Additionally, the AP endorses analyzing Suboption 2, a provision allowing the Council to apply a daily observer fee, under Alternatives 2-5 (to select sectors with less than 100% coverage). The AP endorses the addition of suboption 1 and 2 to Alternative 6 and 7. *Motion passed 16/0.*

C-8 CDQ Changes

The AP recommends the Council release the regulatory amendment to modify the management of the CDQ groundfish reserves with the following changes:

Add an alternative 2A that would allow the Council to define the species that are allocated to the CDQ program. Once established, this list will stand until the Council is petitioned (through the normal spec process) to make a change in allocations. It is the intent that this determination will not be done through a regulatory amendment. *Motion passed 17/0.*

C-9 Steller Sea Lions

The AP recommends the Council approve for final action Alternative 2 including options 2-1, 2-2, 2-3, 2-4, and 2-5. *Motion passed 15/1.* Additionally, the AP recommends the Council encourage the SSL Committee to continue its work, and specifically they be tasked with working on problems identified with VMS regulations. *Motion passed 16/0.*

D-1 Scallop FMP

The AP recommends the Council release the EA/RIR/IRFA for Amendment 10 to the Scallop FMP for public review with the following additions:

- Update break-even analysis from the 1998 analysis included in that amendment
- Include a table showing harvests and GHF for the scallop fishery from the beginning of the fishery to the most current year.
- Include a discussion of sea scallop price trends during the recent fishery period
- Update tables 1-10 to include the 2003/2004 season
- Include history of license transfers and it's effects on consolidation
- Review the definition of small entity, particularly as it relates to coops, for consistency with other analyses.
- Include summary tables that show total number of vessels

Motion passes 18/0.

D-2 Non-Target Species

The AP recommends the Council draft a letter to the NMFS Alaska region supporting a request from the AFSC to the Region regarding estimation of groundfish catch. The AFSC is requesting estimates of: 1) catch for multiple categories of non-target species, 2) total catch [for target and non-target species] from both CDQ and non-CDQ fisheries combined, and 3) methods for catch estimate calculations. *Motion passed 16/0.*

D-3 Staff Tasking

Halibut Subsistence

The AP recommends the Council move the halibut subsistence III package forward for analysis and schedule it for initial review in October 2004 and final action in December 2004 with the following changes: *Motion passed 15/0.*

Action 1: Create a halibut subsistence possession limit

Problem Statement: The current halibut subsistence regulations do not include a possession limit. As a result, enforcement officers are unable to verify compliance with daily catch limits. A possession limit would enhance enforcement of daily bag limits.

Alternative 1: No action.

Alternative 2: Create a halibut subsistence possession limit for areas 2C, 3A, and 3B.

- Option 1: Possession limit is equal to two daily bag limits (40 fish)
- Option 2: Possession limit is equal to one daily bag limit (20 fish)**
- Sub-option: Create a community harvest permit system for areas 3A and 3B.**

Motion passed 15/0

Action 2: Revise the definition of charter vessels

Problem Statement: The prohibition on the use of charter vessels for hire for subsistence halibut fishing is difficult to enforce under the current regulations.

Alternative 1: No action

Alternative 2: Allow the use of charter boats for subsistence halibut fishing

Alternative 3: Adopt the State of Alaska definition of charter vessels to redefine a charter boat vessel as state licensed, and restrict their use in the subsistence fishery to the owner and identified immediate family members (father, mother, brother, sister, children, legally adopted children).

Motion passed 15/0

Action 3: Revise the \$400 customary trade limit for subsistence halibut by IPHC regulatory area

Problem Statement: The identification of a dollar amount for the allowance of customary trade in the regulations has resulted in some subsistence users "selling" halibut to other subsistence users outside of customary and traditional practices. NOAA enforcement also reports that subsistence halibut is illegally entering into the commercial market.

Alternative 1: No action

Alternative 2: Develop recordkeeping requirements for trade involving cash.

Alternative 3: Limit cash trades to only:

Option 1: Between members of an Alaska Tribe

Option 2: With Alaska rural residents

Option 3: With any Alaska resident

Option 4: Under the terms of a community harvest permit

Alternative 4: Eliminate the customary trade limit (\$0)

Motion passed 15/0

Action 4: Allow subsistence halibut fishing in non-subsistence areas under special permits.

Problem Statement: There is no provision for subsistence halibut fishing by anyone in non-subsistence areas. If a resident of an urban area qualifies because he or she is a member of an Alaska Native Tribe with customary and traditional use of halibut, that fisher must still travel outside of the four non-subsistence areas. Similarly, an eligible subsistence user must harvest subsistence halibut outside a non-subsistence use area even if the area was traditionally fished for halibut by subsistence users.

Alternative 1: No action

Alternative 2: Allow the use of community harvest permits, educational permits, and ceremonial permits in non-subsistence use areas by tribes whose traditional fishing grounds are located within these areas, with a 20 fish per day bag limit **applicable under all three kinds of permits.**

Motion passed 14/0

Action 5: Revise the list of eligible subsistence halibut communities.

Problem Statement: In adopting the subsistence halibut program, the Council recognized that rural communities may have been left off its list of eligible communities inadvertently. The Council required that communities which seek to be included in this program in the future first seek approval for any claim to rural status and halibut C&T use by either the Board of Fisheries or Federal Subsistence Board before petitioning the Council.

Alternative 1: No action

Alternative 2: Add to the list of eligible communities:

Option 1: Naukati

Option 2: Port Tongass Village

Motion passed 14/0

Action 6: Revise subsistence halibut gear and annual limits

Problem Statement: Subsistence halibut regulations do not address concerns raised by the Alaska Board of Fisheries regarding local depletion of rockfish and ling cod as a result of their catch in the subsistence halibut fishery in local areas.

Alternative 1: No action (30 hooks per person/vessel, no stacking limits, no annual limit)

Alternative 2: Change gear and annual limits in local areas

(a) in Kodiak road zone and Chiniak Bay

Issue 1: Gear limit

Option 1: 5 hooks

Option 2: 10 hooks

Issue 2: Limit stacking on a single on a single unit of gear per trip provided the subsistence user(s) are on board the vessel to:

Option 1: one hook limit (no stacking)

Option 2: two times the hook limit

Option 3: three times the hook limit

(b) In Prince William Sound

Issue 1: Gear and annual limit:

Option 1: 5 hooks and 30 fish annual limit.

Option 2: 10 hooks and 30 fish annual limit.

Option 3: 15 hooks and 30 fish annual limit.

Issue 2: Limit stacking on a single on a single unit of gear per trip provided the subsistence user(s) are on board the vessel to:

Option 1: one hook limit (no stacking)

Option 2: two times the hook limit

Option 3: three times the hook limit

(c) In Cook Inlet

Issue 1: Gear limit

Option 1: 5 hooks

Option 2: 10 hooks

Option 3: 15 hooks

Issue 2: Limit stacking on a single on a single unit of gear per trip provided the subsistence user(s) are on board the vessel to:

Option 1: one hook limit (no stacking)

Option 2: two times the hook limit

Option 3: three times the hook limit

(d) In Sitka Sound LAMP

Issue 1: Seasonal gear and vessel limits

During September 1 to May 31

30 hooks per vessel, power hauling allowed and 10 halibut per day/vessel

During June 1 to August 31

15 hooks per vessel, no power hauling and 5 halibut per day/vessel

Issue 2: Limit stacking on a single on a single unit of gear per trip provided the subsistence user(s) are on board the vessel to:

Option 1: one hook limit (no stacking)

Option 2: two times the hook limit

Option 3: three times the hook limit

Option: Apply (d) to all of Area 2C

Option: Require mandatory retention of rockfish. A fisherman would be required to stop subsistence halibut fishing for that day if the legal limit of rockfish allowed under state regulations were caught. **Clarification added that this applies to the current state limits for rockfish (not lingcod) and that subsistence users would not be restricted below current bag limits.**

Motion passed 15/0

Action 7: Develop a community harvest permit system for tribes as an alternative to the SHARC registration system. These CHPs could be implemented through cooperative agreements with the tribes.
Motion passed 15/0

Action 8: Allow Area 4C fishermen to retain halibut under 32 inches which are caught while commercial fishing. *Motion passed 15/0*

IFQ Amendments

The AP recommends the Council send Actions 1, 2, 3, and 4 forward as an analytical package scheduled for initial review in October 2004 and final action in December 2004 with the following changes:

Motion passed 16/0

Action 1: Medical Transfers

Problem Statement: The IFQ program does not have medical transfer provisions. Quota share holders who experience a legitimate medical emergency that prevents them from fishing their quota are left without the ability to temporarily transfer quota shares. In light of loan repayment obligations and financial dependence on quota shares, fishermen who do not have the ability to hire a skipper are left with no option but to divest themselves of quota shares.

Alternative 1: No action

Alternative 2: Allow medical transfers. **The process for medical transfers shall be as described in the box on pages 8 and 9 of the discussion paper with the following addition to the limitations section: An individual halibut or sablefish quota share holder will not be granted an emergency medical transfer if the individual has been granted an emergency medical transfer in three of the previous six years.**

Action 2: Tighten QS use rights/hired skipper provisions for the 20 percent ownership requirement.

Problem Statement: A key element of the IFQ program is the requirement for catcher vessel QS holders to be on board the vessel during harvest and offloading of IFQ species. The Council intended this requirement to assure that catcher vessel QS would continue to be held by professional fishermen after the initial allocation process instead of being acquired by investment speculators. While sole proprietor commercial fishing businesses were unlikely to have difficulty complying with this restriction, the Council recognized that many fishing firms may use hired masters to operate their vessels. The Council did not wish to constrain this option for small businesses and therefore created an exception (codified at 50 CFR 679.42(i) and (j)) for individuals who received initial allocations of catcher vessel QS, provided that such an individual (a) owns the vessel on which the IFQ halibut or sablefish are harvested and (b) is represented on the vessel by a master in his employment. The Council continues to be concerned about alleged abuses of the regulatory provision that allows vessel owners who received QS at initial allocation to hire skippers to harvest their IFQs without having to be onboard the vessel.

Alternative 1: No action

Alternative 2: **To use the hired skipper exception, a QS holder must demonstrate at least a 20% vessel owner interest in the vessel to be used and have continuously owned the vessel as documented by the contemporary abstract of title for the previous:**

- a. 6 months
- b. 12 months
- c. 24 months
- d. year to date plus previous calendar year

Action 3: Amend check-in/check-out and/or VMS requirements to the BS and AI sablefish regulations.

Problem Statement: Due to killer whale depredation, increased costs, and relatively low catch rates, the sablefish fisheries in the BSAI offer unique challenges to harvesters. Due to concerns over harvest occurring in other regulatory areas, options to verify fishing locations need to be developed.

Alternative 1: No Action

Alternative 2: Add check-in/check-out and/or VMS requirements to the BS and AI sablefish regulations.

Option 1: Add check-in/check-out for the AI and BS sablefish fishery (e.g. in Dutch Harbor, Adak, St. Paul, St. George)

Option 2: Require VMS when fishing in the AI and BS sablefish fishery

Action 4: Change product recovery rate for bled sablefish

Problem Statement: Inaccurate product recovery rate provisions may be a disincentive for fishermen to bleed fish thereby reducing the quality of fish delivered and accurate catch reporting may be compromised under the current application of the product recovery rate for bled sablefish.

Alternative 1: No action

Alternative 2: Change product recovery rate from .98 to 1.0 for bled sablefish.

The AP recommends that the Council "fast-track" the analysis of Action 5, but that it not be considered a higher priority than other CDQ actions. *Motion passed 12/3*

Action 5: Amend halibut regulations to allow Area 4C fishermen to harvest Area 4C IFQ and CDQ in area 4D. **Problem Statement: During the 2003 fishing season, Area 4C fishermen landed just 42% of their IFQ halibut allocation compared to a statewide average of 97%. Only 45% of area 4C CDQ halibut was landed. Loss of potential income was significant. This proposed change is intended to allow additional harvesting opportunities for the small board halibut CDQ fishery in St. Paul and St. George to travel to Area 4D to harvest Area 4C quota.**

Alternative 1: No action

Alternative 2: Allow Area 4C IFQ and CDQ holders to harvest such IFQ/CDQ in area 4D

Option: Area 4D IFQ and CDQ holders to harvest such IFQ/CDQ in area 4C

Option: Allow 4D IFQ holders to harvest such IFQ in area 4E

Alternative 3: Combine areas 4 C, D, and E into one management area.

The AP recommends the Council send Action 6, 7, and 8 forward as an analytical package scheduled for initial review in October 2004 and final action in December 2004. *Motion passed 15/0*

Action 6: Amend halibut block program in Areas 2C, 3A, 3B, 4A, 4B, 4C, and 4D.

Problem Statement: The halibut vessel size classes and block plan were designed to maintain a diverse, owner-operated fleet and provide an entry-level opportunity in the IFQ fisheries. However, many QS holders have indicated that the existing block and sweep up restrictions are cumbersome when arranging changes in fishing operations and that increased flexibility may be desirable. Large quota increases, consolidation, and changing use patterns within the fleet suggest that the block and sweep-up provisions should be reviewed to determine if changes are necessary.

Motion passed 15/0

Alternative 1: No action

Alternative 2: Increase block limits to 3 or 4

Alternative 3: Unblock all QS blocks that yield more than 20,000 lbs.

Alternative 4: Allow blocked QS greater than 20,000 lbs to be divided into smaller blocks.

Alternative 5: Increase the Area 2C and 3A halibut sweep up level to the 5,000 lb equivalent in 1996 QS

units.

Note: Alternatives 2-5 are not mutually exclusive.

Action 7: Amend Area 3B, 4A, 4B, 4C, and 4D halibut QS categories.

Problem Statement: The halibut vessel size classes and block plan were designed to maintain a diverse, owner-operated fleet and provide an entry-level opportunity in the IFQ fisheries. Halibut fishermen in western Alaska have identified significant safety concerns when fishing in those areas on small vessels. Therefore vessel size class restrictions in those areas should be reconsidered.

Alternative 1: No action

Alternative 2: Allow IFQ derived from D category QS to be fished on C category vessels

Alternative 3: Allow IFQ derived from D category QS to be fished on C or B category vessels

Alternative 4: Combine C and D category QS. This alternative would eliminate D class QS in these areas.

Action 8: Amend fish-down regulations for halibut Area 2C and SE sablefish.

Problem Statement: In 1996 the Council adopted a regulatory change that allow B class quota share to be fished on vessel under 60 feet. At that time, certain quota share in the SE sablefish and 2C halibut fisheries were identified as not being eligible for "fish down." This was an attempt to ensure B class quota share was available to vessels over 60 feet. Recently, this prohibition has been identified as unnecessary by some fishermen and therefore should be reexamined.

Alternative 1: No action

Alternative 2: Eliminate the exception to the fish down regulations for Area 2C halibut and SE sablefish.

Motion passed 16/0

A motion to add Action 9, allowing pot fishing for sablefish in the Bering Sea during the month of June, failed 7-8-1.

The AP recommends Council allocate time for staff to re-calculate the denominator for calculating QS in the Crab Rationalization post buyback and estimate other fishing history retired with the buyback. *Motion passed 16/0*

D-4(e) Seabird EFP report

The AP recommends the Council approve the request from the Washington Sea Grant program for an Exempted Fishing Permit to test weighted groundlines as seabird avoidance measures and provide comments to NMFS as appropriate. *Motion passed 17/0.*