

# North Pacific Fishery Management Council

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October 7, 1999

**DRAFT AGENDA**  
**140th Plenary Session**  
**North Pacific Fishery Management Council**  
**October 13-18, 1999**  
**DoubleTree - SeaTac**  
**Seattle, Washington**

The North Pacific Fishery Management Council will meet October 13\*\*-18, 1999, beginning their 140<sup>th</sup> Plenary Session at 8:00 a.m. on the 13th, at the Doubletree Hotel - Seattle Airport, in Seattle, Washington. Other meetings to be held during the week are:

**Committee/Panel**

Halibut/Sablefish IFQ Implementation Team  
Advisory Panel  
Scientific and Statistical Committee  
**NPFMC/IPHC Joint Meeting\*\***  
GOA Co-op Committee

**Beginning**

1:00pm Sun., Oct. 10 (Cascade Room 9)  
8:00am, Mon., Oct. 11 (Northwest 3 Room)  
8:00am, Mon., Oct 11 (Northwest 2 Room)  
9:00am, Tue., Oct. 12 (Northwest 1 Room)  
6:00pm, Thur., Oct. 14 (Northwest 3)(**Tentative**)

\*\*The Council will hold their annual joint meeting with the International Pacific Halibut Commission on Tuesday, October 12, 1999 beginning at 9:00 am. Time permitting, the Council will begin taking standard reports following the joint meeting with the IPHC, but no earlier than 1:00 pm, on Tuesday, October 12.

All meetings will be held at the hotel and are open to the public except Council executive sessions. 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.** Any written comments and materials to be included in Council meeting materials must be received at the Council office by 5:00 p.m. on Tuesday, October 5, 1999. Please note that this is one day earlier than usual in order to accommodate shipping materials. 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. Material received after the deadline will not be included in meeting notebooks for this meeting. 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 18 copies is needed to ensure that Council members, the executive director, NOAA General Counsel and the official meeting record each receive a copy. If copies are to be made available for the Advisory Panel (23), Scientific and Statistical Committee (13), staff (10) or the public (50) 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

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

**DRAFT AGENDA**

**140th Plenary Session  
North Pacific Fishery Management Council  
October 13-18, 1999  
DoubleTree - Seattle Airport  
Seattle, Washington**

	<u>Estimated Hours</u>
A. CALL MEETING TO ORDER	
(a) Oath of Office	•
(b) Approval of Agenda	•
(c) Approval of Past Meeting Minutes	•
B. REPORTS	
B-1 Executive Director's Report	•
B-2 State Fisheries Report by ADF&G	•
B-3 NMFS Management Report	•
B-4 Enforcement and Surveillance Reports	•
	(2 hours for A/B items)
C. NEW OR CONTINUING BUSINESS	
C-1 <u>BSAI Fixed Gear Pacific Cod Allocations</u> Final approval.	(4 hours)
C-2 <u>American Fisheries Act</u>	(12 hours)
(a) Performance report on 1999 co-ops: discuss expectations.	
(b) Review status of proposed AFA regulations.	
(c) Review report from the Processor Sideboard Committee and associated analyses: final action on processor sideboards.	
(d) Review issues paper on excessive share caps (BSAI harvesting and processing): provide direction to staff as appropriate.	
(e) Review analysis of inshore pollock co-op structure: possible action.	
(f) Update on meeting data requirements.	
(g) Review Committee report on GOA co-ops.	
(h) Management of Red king crab catcher vessel sideboards: Discuss.	
C-3 <u>License Limitation Program</u>	(2 hours)
(a) Progress report on implementation.	
(b) Pacific cod species and gear endorsements: preliminary analysis.	
(c) Crab license buyback: Discussion.	
C-4 <u>Multispecies CDQs</u>	(2 hours)
(a) Review and comment on State's 2000 pollock and associated bycatch CDQ allocations.	
(b) CDQ observer coverage: discussion.	
C-5 <u>Observer Program</u>	(1 hour)
Status report.	
C-6 <u>Steller Sea Lions</u>	
(a) Status of litigation, emergency rules for 1999, and amendments for 2000.	(1 hour)
(b) Status of RPAs and discuss need for court-ordered revisions.	

- C-7 Groundfish SEIS (1 hour)  
Scoping and further action.
- C-8 Halibut and Sablefish Management (1 hour)  
(a) Weighmaster program: further direction.  
(b) Halibut subsistence issue: status report and direction as appropriate.
- C-9 Essential Fish Habitat (1 hour)  
Habitat areas of particular concern: preliminary review.
- C-10 Joint Board of Fisheries/North Pacific Council Activities (1 hour)  
Review protocol and any other recommendations from joint committee.
- C-11 Magnuson-Stevens Act Reauthorization (1 hour)  
Update.
- C-12 Ecosystems Management (1 hour)  
Committee Report.
- D. FISHERY MANAGEMENT PLANS
- D-1 Groundfish Amendments (3 hours)  
(a) Cook Inlet non-pelagic trawl ban: initial review.  
(b) Shark and skate management plan: initial review.  
(c) Pelagic trawl definition: joint committee report and further action.
- D-2 Groundfish Specifications for 2000 (3 hours)  
(a) Specifications process: discussion.  
(b) Interim Specification and associated analyses for 2000: approval.
- D-3 Crab Management (4 hours)  
(a) Plan team report and review of SAFE.  
(b) Bairdi rebuilding plan: final action.  
(BOF representative will comment on rebuilding plan)  
(c) Council direction on development of rebuilding plans for *C. opilio* and St. Matthews blue king crab.  
(d) Preseason Gear Restrictions  
(e) Discuss possible amendments to clarify Category 1 and 3 measures in the Crab FMP.
- D-4 Staff Tasking (4 hours)  
Review amendment proposals.
- E. PUBLIC COMMENTS
- F. CHAIRMAN'S REMARKS AND ADJOURNMENT

Total Agenda Hours: 44

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**TIME SUMMARY**

Total agenda hours	44.0 hours
Lunches - 6. days (1 hr ea)	6.0 hours
Breaks (3/day, 15 min ea x 6 days)	<u>4.5 hours</u>
Total estimated hours required:	54.5 hours

**Meeting as follows:**

Wed. - Mon - 8am-5:30pm = 9.5 hours x 6 = 57.0 (Total number of hours available)

Sunday, Oct. 10 1 pm IFQ Implementation Cmtee-Cascade Room 9	SSC Northwest 2	AP Northwest 3	Council Northwest 1
Monday, Oct. 11  7pm Observer Prgm Workshop Northwest 3	8:00am C-2(e) Inshore co-op structure C-2(d) Exc. Shares Analysis: Update C-2(f) AFA Data Req.	8:00am C-1 P. cod Allocation C-2(e) Inshore Co-op Structure (Staff Report only)	
Tuesday, Oct. 12  Seabird Slide Presentation at Council/IPHC Lunch	8:00am D-2, continued	8:00am C-2 AFA	9:00 am Joint Meeting w/IPHC Following the joint session, the Council will proceed with reports, time permitting: 12:00 Lunch
Wednesday, Oct. 13  6:30pm Industry Reception at Salty's	8:00am C-7 Groundfish SEIS C-9 EFH: HAPC C-11 Ecosystems Mgmt	8:00am C-2, continued C-4 Multispecies CDQs C-5 Observer Program Update	8:00am Continue Reports, if necessary C-1 P. cod Allocation  12:00 Lunch
Thursday, Oct. 14  6pm GOA Co-op Committee Northwest Room 3	1:00pm Halibut GHL: Update D-3 Crab Management	1:00pm C-6 Steller Sea Lions C-7 Groundfish SEIS C-8 Halibut/Sablefish Mgmt	1:00pm Seguan Pass Video C-1, continued C-2 AFA
Friday, Oct. 15		8:00am C-9 EFH D-1 Grfsh Amendments D-2 Grfsh Specs/Year 2000 D-3 Crab Management	8:00am C-2, continued  12:00 Lunch
Saturday, Oct. 16		1:00pm C-10 NPFMC/BOF Act. C-11 MSFCMA Reauth. C-12 Ecosystems Mgmt D-4 Staff Tasking	1:00pm C-2, continued
Sunday, Oct. 17		*No Meeting Room Available*	8:00am C-2, continued C-3 LLP  12:00 Lunch
Monday, Oct. 18			1:00pm C-4 Multispecies CDQs C-5 Observer Program Update C-6 Steller Sea Lions
Saturday, Oct. 16			8:00am C-7 Groundfish SEIS C-8 Halibut/Sablefish Mgmt C-9 EFH  12:00 Lunch  1:00pm D-1 Groundfish Amendments
Sunday, Oct. 17			8:00am D-2 Grfsh Specs/Year 2000  12:00 Lunch  1:00pm D-3 Crab Management
Monday, Oct. 18			8:00am C-10 NPFMC/BOF Activities C-11 MSFCMA Reauth. C-12 Ecosystems Mgmt  12:00 Lunch  1:00pm D-4 Staff Tasking

NOTE: The above agenda items may not be taken in the order in which they appear and are subject to change as necessary. All meetings are open to the public with the exception of Council Executive Sessions.

# DRAFT AP MINUTES

## ADVISORY PANEL MINUTES JUNE 7-11, 1999 KODIAK, ALASKA Elks Lodge

Advisory Panel members in attendance:

Acuna, Erika	Gundersen, Justine
Benson, Dave	Jones, Spike
Blott, Tim	Jordan, Melody
Bruce, John (Chair)	Kandianis, Teresa
Burch, Alvin	Madsen, Stephanie (Vice-Chair)
Cross, Craig	Nelson, Hazel
Falvey, Dan	Stephan, Jeff
Fanning, Kris	Yeck, Lyle
Fraser, Dave	Yutzenka, Grant
Ganey, Steve	

Advisory Panel (AP) members, Ragnar Alstrom, Arne Fuglvog, John Lewis, and Robert Ward were absent. The AP unanimously approved their April 1999 meeting minutes.

### C-1 American Fisheries Act (AFA)

The AP recommends the Council adopt the following measures:

#### Catcher Processor Sideboards

The AP reiterates its recommendation from November 1998:

#### *Groundfish:*

1. Non-pollock groundfish caps for listed vessels will be established on the basis of the percent of groundfish harvests in the pollock and non-pollock fisheries in 1995, 96, 97 (for Pacific cod, 1997 only).
2. NMFS will determine the bycatch needs for pollock and non-pollock fisheries and allow for directed fishing for non-pollock target species such that the total catch of those species should not exceed the caps.

#### *PSC Caps:*

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

Motion carries 14/4.

# DRAFT AP MINUTES

## Catcher Vessel Sideboards

### *BSAI Groundfish Sideboards*

1. Shall be based on vessel catch between 1995-97.
2. Shall be based on non-pollock catch in pollock and non-pollock targets, as a ratio of the AFA vessels' catch to total catch.  
*A motion to delete pollock and replace total catch with TAC failed 9/9/1. A motion to only change total catch to TAC failed 8/9/2.*
3. NMFS will determine the bycatch needs for pollock and non-pollock fisheries and allow for directed fishing for non-pollock target species such that the total catch of those species should not exceed the caps.
4. Shall apply only to vessels that are members of co-ops under Section 210(a)(1) of the AFA.  
*A motion to expand sideboards to apply to all AFA-eligible vessels regardless of participation in a co-op failed 9/10.*
5. Shall apply at the AFA CV sector level in 2000. However, NMFS shall publish the proportion of the cap represented by the aggregate catch history of the vessels in each co-op, and facilitate the formation of an interco-op agreement to monitor the subdivision of the caps at the co-op level. NMFS shall require each co-op agreement to contain provisions that would limit its participants to their collective 1995-97 harvest in other fisheries.
6. Shall be applied through out the year, except:
  - a. Sideboards applying to the CV trawl P. cod allocation shall be lifted April 1, except:
    1. Mothership sector qualified AFA vessels' CV trawl P. cod allocation shall be lifted March 1;
    2. Vessels with less than 1700 mt of annual average pollock catch history shall be exempt from this sideboard.

### *BSAI PSC Sideboard Caps*

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

The full motion on BSAI sideboards passed 13/6.

### *GOA Groundfish Sideboards*

1. Shall be based on vessel catch between 1995-97.
2. Shall be based on non-pollock groundfish catch in non-pollock targets as a ratio of the AFA vessels' catch to TAC. (Motion carries 12/5.)
3. Shall be based on the pollock catch in the pollock target as a ratio of the AFA vessels' catch to TAC, and shall be apportioned seasonally. (Motion carries 14/4.)
4. NMFS will determine the bycatch needs for pollock and non-pollock fisheries and allow for directed fishing for non-pollock target species such that the total catch of those species should not exceed the caps.
5. Shall apply only to vessels that are members of co-ops under Section 210(a)(1) of the AFA.
6. Shall apply at the AFA-eligible catcher vessel sector level in 2000. However, NMFS shall publish the proportion of the cap represented by the aggregate catch history of the vessels in each co-op, and encourage the formation of an interco-op agreement to monitor the sub-division of the caps at the co-op level. NMFS



## DRAFT AP MINUTES

shall require each co-op agreement to contain provisions that would limit its participants to their collective 1995-97 harvest in other fisheries.

7. Shall be applied throughout the year except vessels with less than 1700 mt of annual average pollock catch history shall be exempt from pollock and cod sideboards only. Motion carries 14/1/3.

### MINORITY REPORT C-1 AFA - GOA Sideboards

A number of local vessels in the western Gulf have history in the BSAI pollock and cod fishery. The exemption of vessels with less than 1700 mt of annual pollock will put sideboards on these vessels for other species such as flatfish and rockfish in areas 610 and 620. The reason these vessels don't have history now is because they do not have a market for those species, and when a market develops, it will automatically be allocated to non-local vessels that are not covered under AFA sideboard measures.

Signed: Justine Gundersen  
Lyle Yeck  
Spike Jones

#### *GOA PSC Sideboards Caps*

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

Motion carries 13/6.

#### *Crab Sideboards*

1. Shall apply to vessels which are members of co-ops under Section 210(a)(1) of the AFA.  
*A motion to expand sideboards to apply to all AFA-eligible vessels regardless of participation in co-op failed 5/10/4.*
2. Shall limit participation in the:
  - a. St. Matthews and Pribilof king crab fishery to those vessels that are LLP qualified under Alt. 9, hold a LLP endorsement for that fishery, and that had a landing in 1995, 96 or 97, and will be capped at the average history 1995-97.
  - b. Opilio crab fishery to those vessels that are LLP qualified under Alt. 9, hold a LLP endorsement for that fishery, and that had a landing in 1995, 1996, or 1997, and will be capped at the average history 1995-97.
  - c. Bristol Bay king crab fishery to those vessels that are LLP qualified under Alt. 9, and hold a LLP endorsement for that fishery and be capped at the aggregate of 1995, 96, and 97. (Motion carries 11/6.)
  - d. Adak red king crab and brown crab fisheries to those vessels that are LLP qualified under Alt. 9, and hold a LLP endorsement for that fishery and be capped at aggregate of the last two years the fishery was open.

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- i. If bairdi is managed as a separate directed fishery, vessels that are LLP qualified under Alt. 9 and hold a LLP endorsement with a landing in 1995 or 1996 shall be eligible and capped at the average for those years.
  - ii. If bairdi is managed as retainable bycatch in a directed red king crab fishery, vessels that are LLP qualified under Alt. 9 and hold a LLP endorsement for that fishery shall be eligible.
3. Shall apply at the AFA CV sector level in 2000. However, NMFS shall publish the proportion of the cap represented by the aggregate catch history of the vessels in each co-op, and encourage the formation of an interco-op agreement to monitor the sub-division of the caps at the co-op level. NMFS shall require each co-op agreement to contain provisions that would limit its participants to their collective 95-97 harvest in Opilio, St. Matthews, and Pribilofs crab fisheries.
4. Crab sideboards shall apply as long as AFA is in effect.

Above motion carries unanimously (19/0).

5. Prohibit the sale, lease, transfer or stacking of LLP licenses or endorsements by AFA-eligible catcher vessels. In addition, any acquisition of a license/endorsement shall be subject to the aggregate cap and shall only increase the aggregate cap by the amount of the catch history of the acquired vessel's license.

Motion carries 16/3.

### *Scallop Sideboards*

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

Motion carries unanimously (17/0).

### MINORITY REPORT

#### C-1 AFA — BSAI and GOA Catcher Vessel Sideboards

We, the undersigned, respectfully disagree with the decision of the majority that the catcher vessel sideboards in the BSAI and GOA should apply only to AFA-eligible catcher vessels that participate in a cooperative. The sideboards are intended to protect catcher vessels that did not benefit from the removal of latent licenses, closure to new entry, and the increase in pollock TAC that the AFA provided for the AFA-eligible catcher vessels. These benefits are in addition to the right of AFA-eligible catcher vessels to have the Secretary set aside their average historic pollock catch if they participate in a cooperative. As a result of the majority decision, non-AFA-eligible catcher vessels receive no protection from the competitive advantage granted to AFA-eligible catcher vessels by these additional non-cooperative benefits.

We are also concerned that the majority decision provides the opportunity for owners of multiple AFA-eligible catcher vessels to avoid the intent of the sideboards – which is to restrict AFA-eligible vessels from being able to use the advantages conferred by the AFA to increase their participation in non-pollock fisheries – by placing some of their vessels in cooperatives while leaving others in the open access system to avoid the caps. In cases where some of the vessels under common ownership have a small pollock history, or when only

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a small number of catcher vessels or processors remain in open access, the owner of multiple catcher vessels risks little in pollock and stands to gain a lot in other species if they leave one or more of their vessels in open access to avoid the sideboard restrictions.

Finally, we believe the intent of the sideboard protections are largely defeated if they apply only during limited periods of the year. Especially in light of the changed seasons due to stellar sea lion concerns, in some cases the historic cap will act as no cap at all because it will not be applicable during times when AFA-eligible catcher vessels are available to fish other species due to sea lion closures.

For these reasons, we urge the Council to revise the recommended AP decision so that the sideboards apply year around to all AFA-eligible vessels, or at least to all AFA-eligible catcher vessels that share common ownership.

Signed: Hazel Nelson  
Melody Jordan  
Jeff Stephan  
Steve Ganey

### MINORITY REPORT

#### C-1 AFA — CP and CV Sideboards - Management of Groundfish and PSC Caps

We, the undersigned members of the AP, believe the plain language and legislative history of the AFA dictates that groundfish and PSC sideboards are hard caps that stop all directed fishing when reached. This is consistent with the dual AFA purposes of insuring bycatch reduction and protections for other fisheries. Measures in place for 1999 and the AP recommendation on sideboards are insufficient on both counts. Both fail to insure that these caps will not be exceeded by allowing continued pollock fishing and harvest of these fish after the "cap" has been reached. While the AFA clearly grants the Council flexibility to insure bycatch reduction and protection for other fisheries through other means, any different approach must insure the same objectives.

Signed: Steve Ganey  
Dan Falvey  
Erika Acuna  
Jeff Stephan

### Non-Sideboard decisions

#### *Compensation in Shoreside Sector Co-ops*

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

#### *AFA Conformance Measures (Amendment 62/62)*

The AP recommends the Council adopt the staff preferred option on:

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- Action 1: BSAI pollock allocations. *(The AP accidentally did not address this action.)*
- Action 2: Alternative 2, extension of the GOA program through 2004 so the sunset dates for the BSAI and GOA are the same.
- Action 3: Replacement vessels in the BSAI directed pollock fisheries.  
Alternative 2, change restrictions in the BSAI FMP to conform with replacement requirements for eligible vessels under the AFA.

### Additionally:

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

The AP further recommends the Council adopt the staff preferred option to clarify that "shoreside processor" for purposes of Section 208(f) of the AFA means only the physical facility or vessel which processed pollock in the qualifying years 1996 and 1997, and not the entire corporate entity which owns or controls that facility or vessel.

### *Single Geographic Location*

Finally, the AP recommends the Council clarify that AFA-eligible onshore processors may only receive BSAI pollock at the same physical location at which that onshore processor received BSAI pollock during the qualifying years 1996 and 1997.

Motion carries 18/1.

*A motion to add the following to the last paragraph failed 7/10: "except to amend current regulations to state that an AFA-eligible inshore floating processor may only receive GOA pollock at the same physical location in 1996-97, but may receive BSAI pollock at different locations inside state waters and only when receiving deliveries from CVs in a co-op to which the SOC has allocated BSAI pollock."*

### *CDQ Conformance Measures*

#### *Action 1: Defining directed fishing for pollock CDQ*

The AP recommends the Council adopt Alternative 2 (regulations currently in effect for 1999 under an Emergency Interim Rule) which reads as follows with changes in bold:

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

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

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

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

Motion carries unanimously (18/0).

Further, the AP requests that the amount of CDQ pollock counted against the ICA be identified by fishery and be revised by the Council annually. Motion carries unanimously (18/0).

### *Action 2: Squid CDQ*

The AP recommends the Council adopt Alternative 2: do not allocate 7.5% of the squid TAC to the CDQ Program. Squid caught while CDQ fishing would accrue against the non-CDQ squid TAC and the catch of squid would not limit the CDQ fisheries (unless the overall catch of squid reached an amount that would affect all BSAI fishing). Motion carries unanimously (18/0).

### AFA Processor Sideboards

The AP was unable to provide the Council with a recommendation on this item as a single action. Below is the original motion followed by a road map of actions taken with accompanying votes:

#### DRAFT MOTION ON HISTORIC PROCESSING CAPS

This motion would adopt OPTION 3, an overall limit applied to all facilities owned by AFA entities. The option can be found on page 191 of the EA/RIR, with the staff estimates of the historic cap shown in Table 8.7 on the same page.

#### Motion

1. That the Council adopt a single, overall historic processing cap that would apply to all facilities owned or controlled by AFA entities.
  - A. Entities would be determined based on the 10 percent rule.
    - I. The 10 percent rule would use the multiplicative formula described on page 228 of the EA/RIR.
    - II. NMFS would administer an appeal process for facilities that can demonstrate that they receive no increased investment from the AFA entity and are less than 20 percent owned or controlled under the multiplicative rule.
  - B. The processing cap would be determined based on the 1995 – 1997 average of processing by U.S. documented vessels and facilities CURRENTLY owned and controlled by AFA entities. The cap would not include credit for history during 1995 – 1997 from vessels that are no longer under U.S. documentation or vessels or facilities that are no longer owned or controlled by an AFA entity.

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- I. The cap would be determined based on the percentage of the TAC for fully utilized species.
- II. The cap would be determined based on the percentage of actual catch for underutilized species.
- C. The processing cap would apply to all facilities of AFA entities regardless of whether or not the AFA entity receives fish from a cooperative.
- D. The cap would apply year around.
- E. NMFS would enforce the cap by announcing a closure for AFA entities when NMFS estimates that the historic processing cap for that species will be reached. NMFS would be responsible for prosecuting violations of the cap just as they do for violations of other fishery closures.
  - I. Special rules should be developed for single trip fisheries to ensure that vessels in line to deliver to an AFA entity are not adversely affected by a closure when the cap is reached.

A motion to delete the last sentence of item B was substituted by the following motion which passed 9/7:

“The processing cap would be determined based on the 1995-97 average of processing by U.S. documented vessels and facilities owned and controlled by AFA entities as of 10/31/98. The cap would not include credit history during 1995-97 from vessels that are no longer under U.S. documentation or vessels or facilities that are no longer owned or controlled by an AFA entity as of 10/31/98.”

The following substitute motion for the above motion failed 9/10.

“AP recommends the Council adopt Option 1 - overall limits applied to AFA-eligible facilities.

- processing limits would apply to crab only and only when eligible motherships and shoreside processors that receive pollock from the directed pollock fishery under a fishery cooperative.
- limits shall be based on the processing history for 95, 96 and 97.”

A motion to amend the original “amended” (section B) motion to insert Option 1: overall limits applied at the AFA facility level.

A motion to amend item C to require processing limits only if the AFA facility receives fish from a co-op failed 7/8/2.

The following motion was approved 11/6 and added to the motion:

“The AP recommends the Council publish notice that they intend to move forward with an analysis for excessive shares and may not recognize processing history after the date of that announcement.”

A motion to apply processing limits to only motherships and inshore processors passed 10/7.

A motion passed 11/7 to apply processing limits to crab only.

A vote on the amended version of original motion failed 7/11.

A motion to revise the failed motion substituting Option 2: overall limits to be applied at the AFA company level failed 8/9.

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The AP Chairman felt that any further time spent would not produce a complete recommendation and suggested all votes be recorded and presented to the Council.

A motion previously passed but part of the failed motion was brought back before the AP and passed 18/1:  
"The AP recommends the Council publish notice that they intend to move forward with an analysis for excessive shares and may not recognize processing history after the date of that announcement."

## General

The AP notes that NMFS staff has advised that implementing the elements of the AFA actions by 2000 will require working outside traditional rulemaking. Recognizing the socio-economic harm if co-ops are delayed and that the AFA supports formation of co-ops, the AP requests the Council direct NMFS to use any rulemaking method in its authority to implement the elements of these AFA actions by 2000. Motion carries unanimously (19/0).

## **C-2 Steller Sea Lions**

The AP recommends the Council adopt the following measures:

### *Gulf of Alaska*

#### 2.5 Options for Temporal Dispersion in the GOA

##### 2.5.1 Options for season dates and TAC apportionments

Option 3 (as amended in table below):

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

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

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

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

##### 2.5.3 Options for trip limits in the GOA

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## *Catcher Vessel Trip Limits*

Option 2: 300,000 lb trip limit for W, C and E Gulf of Alaska

## *Tender vessel trip limits*

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

## 2.6 Options for spatial dispersion in the GOA

Option 3: Separate TAC in Shelikof Strait with proportionate reduction in TACs for areas outside the Strait

Motion carries 14/2.

## 2.7 Options for pollock no-trawl zones in the GOA

Option 2: Implement RPA proposed pollock trawl exclusion zones with eight exemptions (as amended).

- a. Pt. Elrington, Rugged Island and The Needles would be closed to pollock fishing May 1 - January 20.
- b. Sea Lion Rocks would stay open with a 150,000 lb trip limit or a 60 ft boat limit and the total harvest from this area not to exceed 10% of area TAC.
- c. Spitz Island and Mitrofanina open Jan 20 - April 30 and Sept - Nov 1 with a 150,000 lb trip limit or a 60 ft boat limit and the total harvest from this area not to exceed 10% of area TAC.

Motion carries 12/3.

## *Bering Sea*

### Temporal Dispersion Package

#### *Inshore Sector Seasons*

A1 season — Jan 20 - Feb 15

Stand down 5 days

A2 season — Feb 20 - April 15

B season 1999 — August 1 until quota achievement

B-C standdown 5 days inside CH/CVOA

C season — B closure plus 5 days - 11/1

B season 2000 and forward — June 1 start date for co-ops

#### *Mothership Sector Seasons*

A1 and A2, single season — Feb 1 - April 15

No standdown between A1 and A2

B and C season, single season — Sept 1 - Nov 1

No standdown inside CH/CVOA

Operate only outside CH/CVOA during other sector B-C standdown



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## *Catcher Processor Sector Seasons (including 7 catchers)*

- A1 season — Jan 20- Feb 15  
    Standdown 5 days
- A2 season — Feb 20-April 15
- B season — July 10 - August 31  
    No standdown
- C season — Sep 1- Nov 1

## *CDQ Sector Seasons*

- A1 and A2 single season — Jan 20 - April 15  
    No standdown between A1 and A2
- B and C season — April 15 - Nov 1

## Pollock Allocation RPAs Package

AFA Allocations Apply.

## *Seasonal Allocations by Sector*

Seasonal TAC apportionments

	A1	A2	B	C
Inshore	30%	15%	30%	25%
C/P	30%	15%	30%	25%
Mothership	45%		55%	
CDQ	45%		55%	

CH/CVOA Percentages

	A1	A2	B	C
Inshore	56%	56%	80%★	80%★
C/P	33%	33%	0%	0%
Mothership	50%		50%★	
CDQ	82.5%		82.5%★	

★ Changes to the B and C season inside CH/CVOA percentages will be done on a pro-rata basis  
Note: B to C rollovers permitted but not to exceed 30% directed pollock allocation in any season

## General

1. No pollock allocation east and west of 170° west, north of CH/CVOA.
2. No buffer zone north of CH/CVOA.
3. Catcher vessels less than or equal to 99 ft length overall (LOA) would be exempt from CH/CVOA closure from September 1 through March 31 unless the percentage cap for inshore sector has been reached. NMFS will manage in a manner intended to leave enough remaining quota within CH/CVOA sufficient to support fishing by vessels less than or equal to 99 ft. LOA for the duration of the current inshore sector opening..

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### *Sarichef Steller sea lion haulout*

10-mile closure from January 20-April 15; 20 mile closure during the rest of the year.

### *Aleutian Islands*

Option 2: Implement pollock trawl closures as described in the RPA principles.

Additionally, the AP recommends that NMFS undertake the development of an experimental design to study the effects of various measures with regard to sea lion recovery.

*(A motion to delete the above motion failed 6/10)*

Motion carries 14/3.

### MINORITY REPORT C-2 Steller Sea Lions

We, the undersigned members of the AP, oppose the BSAI sea lion RPA recommendation from the AP. Taken as a complete package, the AP proposal represents a step backward from the December 1998 Council action which was partially disapproved. Specifically, we oppose the following issues:

1. increasing the A1/A2 TAC from 40 to 45%;
2. the opening of the Aleutian Islands area to pollock fishing;
3. the failure to close the Cape Sarichef haul-out site to 20 nm; and
4. the failure to spatially apportion the B and C season TAC east and west of 170° longitude.

Apportioning TAC east and west of the 170° line in a manner consistent with the distribution of the pollock stock is a sound management concept implicitly accepted in the draft June 9, 1999 SSC minutes. The SSC further notes that this spatial apportionment concept is analogous to the TAC divisions already in place in the Gulf of Alaska.

Combining the rejection of this concept with the failure to close Cape Sarichef to 20 nm clearly renders the AP recommendation insufficient to satisfy the bare minimum needed to make a package consistent with the RPA principles.

Further, there are no other conservation measures included to balance these inconsistencies. Increasing the A1/A2 TAC to 45% and opening the Aleutian Islands exacerbate this problem. While we note that the A1/A2 TAC and Aleutian Islands recommendations are both considered consistent as individual items, combined with the other items in the AP recommendation, they boil down to a set of RPAs that are insufficient.

Simply put, the AP is advising the Council adopt a proposal that is less protective of sea lions than the December 1998 Council action.

Signed: Steve Ganey  
Dan Falvey  
Erika Acuna

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### C-3 BSAI Pacific cod Fixed Gear Allocation

The AP recommends the Council request staff incorporate the following changes and additions and bring the document back in October for initial review:

1. All of SSC requests.
2. Discussion of:
  - a. history of the P. cod catch and TAC as far back as possible.
  - b. history of P. cod allocations and rationale.
  - c. how TAC apportionments for each sector would be managed in-season.
3. Remove first sentence in first paragraph in Section 1.3.
4. Cite sources of discard mortality rates used in Section 1.4.2.
5. Include tables in Section 3.1 (i.e., expand Tables 3.1 and 3.2, p. 21) of fleet and fishery data from 1995 and more recent than 1996 through 1998, if possible. Include vessel size information on their history in fixed gear.
6. Include totals column in Tables 3.3 and 3.5.
7. Add option for a set-aside for catcher vessel longline vessels less than 60' of up to 2%, with rollover provisions.
8. Provide estimates of 1998 discard data (Table 1.5, p. 12 and 13).
9. Provide an explicit calculation of rollover accounting.
10. Expand discussion of bait removals and how it will be included in this action.
11. Investigate whether there may be, in fact, "laboratory studies" dealing with mortality of crab discard in crab fisheries (Section 1.4.2, p. 11)

Motion carries 13/2/1.

### D-1(a) HMAP Pilot Program

The AP requests the Council move the analysis forward in order for initial review and final action in October to allow implementation in 2000. Motion carried unanimously 15/0.

### D-1(b) Experimental Fishing Permit for AFDF Bait Test

The AP requests the Council support the experimental fishery permit for the AFDF bait test project. Motion carries unanimously 15/0.

### D-2 Crab Management

The AP recommends the Council release for public review the EA/RIR/IRFA rebuilding plan for the Bering Sea *C. bairdi* stock after including the following:

1. Information comparing bycatch in the CDQ fisheries with bycatch in the open access crab fisheries.
2. Add an option under Alternative 2C (Habitat Protection):

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Option 3: Refine existing EFH information to identify discrete areas important to mating, pre-mating/molting adults and juvenile Tanner crab. Conduct thorough analysis of important Tanner crab habitat by using existing observer database and survey information in a comprehensive spatial analysis. This analysis should be completed within one year and be incorporated into the Tanner crab rebuilding plan for habitat protection.

3. Add an option under Alternative 2B (Bycatch Controls):

Option 4: Any reduction in the trawl bycatch of *C. bairdi* be contingent upon concurrent and complimentary actions by the Board of Fisheries to make the rebuilding program comply with Magnuson-Stevens Act requirements that rebuilding plans allocate both overfishing restrictions and recovery benefits fairly and equitably among sectors.

Motion carries 15/1.

A motion to add an option under Alternative 2B (Bycatch Controls) for a weight-based cap failed 7/7/2.

# North Pacific Fishery Management Council

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Certified: Ann Bendyfen  
Date: 10/6/99

## MINUTES Scientific and Statistical Committee June 7-9, 1999

The Scientific and Statistical Committee of the North Pacific Fishery Management Council met June 7-9, 1999 in Kodiak, AK. All members were present:

Richard Marasco, Chair  
Doug Eggers  
Dan Kimura  
Terry Quinn

Jack Tagart, Vice Chair  
Steve Hare  
Doug Larson  
Al Tyler

Keith Criddle  
Sue Hills  
Seth Macinko  
Hal Weeks

### C-1 AMERICAN FISHERIES ACT

Chris Oliver presented the staff report on this agenda item. Dr. Scott Matulich (Washington State University) presented an addendum to his report, "Economic Reliance on Crab by AFA Section 208 Crossover Vessels: Implications for Sideboards," prepared for the Alaska Department of Fish and Game and the Council. Public testimony was presented by David Gentry (Kodiak, AK), Joe Plesha (Trident Seafoods), and Earl Comstock (Fair Fisheries Coalition).

The SSC acknowledges staff for its effort to respond to the requests in our April minutes despite a very heavy workload. The staff evaluated target designations done on a weekly instead of a haul-by-haul basis, and found no statistically-significant differences at the 10 % significance level, though for one species there was a significant difference at the customary 5% significance level. This point should be noted in the document. Chapter 10 has been revised and shortened substantially, in response to our comments. Some modifications have been made to Chapter 11 in response to our comments, though we cannot judge their adequacy because the new version was inadvertently not included in our review draft. It is important to clarify a misstatement (p. 264) about SSC guidance on the adequacy of analyses. The SSC believes that in exceptional circumstances it's permissible to omit quantitative economic analyses when available data are lacking or limited, *provided* that an adequate *qualitative* consideration of relative benefits and costs is made.

The sideboard and implementation decisions for the AFA are among the most important Council actions. The EA/RIR contains useful descriptive information about the issues and options. However, due largely to the speed with which these decisions are being taken, the EA/RIR does not contain sufficient information to judge the relative benefits and costs of the different options for sideboard measures. The IRFA (p. 267) argues that the sideboards will not have significant impacts because the sideboard measures are designed to preserve the status quo. This argument is incorrect. The keen interest by all parties in what the Council decides is compelling evidence of the potential for major impacts on different industry sectors. One example of this is

the testimony the SSC received, on both sides of the question, about how much potential there is for inshore processors to engage in monopsony pricing and "predatory" behavior.

With respect to the crab sideboard analysis, as noted in the analysis, "reliance" is not a well-defined concept. The author suggests some motivations related to this issue: a "portfolio" motivation, fishing for expected returns, and fishing for rights. We note that:

1. depending on the time frame adopted, one could reasonably ascribe a portfolio motivation to *all* vessels who landed *any* crab during the ten-year period examined; the relative importance of specific time frames and relative landings/earnings amounts is a Council judgment;
2. "fishing for rights" is one way to fish for high expected earnings; i.e., the motivations described are not mutually exclusive; and
3. "fishing for rights" is an example of trying to do the best one can economically in response to expected changes in the institutional structure of a fishery. The same behavior (doing the best one can economically) occurs within the *existing* institutional structure, or status quo, as well.
4. The presence or absence of an "expected revenue" motivation on the part of any individual operation is difficult to interpret, because participation in any particular crab fishery is driven both by *alternative* fishery returns (not included in the analysis) as well as expected crab revenues (included).

Finally, the data probing illustrated by the crab sideboard analysis could be profitably emulated in other RIR/IRFA analyses.

## C-2 STELLER SEA LIONS

The SSC received NMFS staff presentation from Tim Ragen and Lowell Fritz with input from Craig Johnson and Mike Paine. Public testimony was heard from Ed Richardson (At-Sea Processors), Chris Blackburn (AGDB), Glenn Merrill (Aleutian East Borough), Ken Stump (Greenpeace), and Dorothy Childers, (AMCC).

Since the action before the Council is an FMP amendment, the role of the SSC is to advise the Council as to the likelihood that the proposed alternatives will effectively address the issues flagged in the problem statement, comment on the soundness of the hypotheses that underlie the alternatives, examine the quality of the data and appropriateness of the methodologies used to evaluate the potential impacts of the alternatives, and to comment on the reasonableness of the conclusions. Our April 1999 minutes address these items at some length.

With the enormous uncertainty as to the extent of factors affecting sea lions, and the potentially large and deleterious impacts that these measures could have on fishing communities, the Council has a responsibility to ensure that the management measures are designed and implemented in such a way that their efficacy can be determined. If uniform management measures are implemented across all areas, it will be impossible to identify which, if any, are responsible for mitigating the decline of Steller sea lion populations.

Paraphrasing from our June 1998 Atka mackerel minutes and quoting from our November 1998 marine mammal issue minutes, the SSC sees the main questions to be answered as:

- 1) The distribution of fish in relation to areas that are used for fishing;
- 2) The distribution of fish in fishing areas during and after fishing;
- 3) How do sea lions use pollock in relation to pollock distribution;

- 4) What does the answer to #3 mean in relation to sea lion population dynamics; and
- 5) Does the fishery affect sea lions in other ways (e.g., disturbance).

#### Statement of Concern

The SSC has pointed out that there is no unequivocal evidence to suggest that the pollock fishery has had detrimental effects on the sea lion population. The SSC has repeatedly argued for conservative and cautious policies in management of the groundfish fisheries under Council jurisdiction. While this caution has most frequently involved the protection of the species being harvested, it also involved forage species and predators of these species as well. In the current situation, the decline of sea lions is clearly a cause for concern and we urge the Council to use caution in its management of fisheries that cohabit the same area. The increases in CHCVOA catch, percentage of catch, and estimated exploitation rate, the concentration of the pollock fisheries seasonally in the Bering Sea, and the currently low percentages of CHCVOA summer survey biomass are causes for concern. The spatial and temporal dispersal of the Bering Sea fishery found in the alternatives is consistent with Council practices in other fisheries (e.g., Atka mackerel, rockfishes), although the particular suite of measures that would be most beneficial for the sea lion population is necessarily unknown. The case for large management changes in the Gulf is less supportable, given that its fishery has already dispersed in both time and space. Nevertheless, further protection in areas near sea lion habitat cannot be summarily rejected, especially if the fishery has a reasonable opportunity to take its TAC. In summary, there is no scientific way to choose the appropriate suite of management measures to balance ESA concerns with the needs of the fisheries. It may be that the most important thing to do is to set up a system for the future that better allows us to understand the relationship among the fisheries, the various species and their interconnections, and the environment.

#### Process

The entire procedure of ESA Section 7 consultation, emergency rules, and how this EA/RIR has been rushed through, has not allowed thorough discussion and analysis. For example in this document, several suggestions from industry relative to GOA closed areas were not analyzed due to lack of time (pp. 74-75). The SSC has been told that "data are being gathered", "experiments and monitoring are being planned", "further analysis will be done" and so on. These activities should be completed and the mechanism/timing for inclusion of new information in revised management measures clarified.

The SSC understands that the Section 7 consultation will be reinitiated when significant new information is available or when the action that is the subject of the consultation changes significantly. The SSC suggests advance planning to ensure that all relevant sources of information can be included in upcoming Biological Opinions.

#### Detailed review of EA/RIR

Because the analysts had limited time between the April and June meetings, they did not make many changes suggested by the SSC. The SSC encourages that the historical record be impartial, accurate, and a thorough scientific exploration of the issues involved.

1. Overall tenor.

The SSC continues to be concerned with the tenor of this document. The SSC does not see this concern as a minor request for change of editorial details, but rather an important matter.

The major flaw in the document is that the scientific principles espoused in determining management actions are either not explicitly stated or represent a point of view that does not cover the full range of scientific opinion possible based on the amount (or lack thereof) of information. The SSC reiterates that the document should explicitly avoid stating underlying hypotheses as statements of fact and should clearly state that the efficacy of these management measures is unknown. Indeed, it should admit the possibility that these management measures could even make matters worse if they inadvertently redistribute the fleet in space and time in a way that increases the interactions between the fishery and the sea lion population. This possibility exists because of our poor knowledge of the distribution of sea lions during their entire life history and the lack of knowledge of direct or indirect interactions between the fleet and sea lion population. The range of opinion expressed in the Bowen review panel and Boyd review provide a starting point for the revised document.

2. **Range of Alternatives and Spatial dispersal and distribution.** The SSC notes that the spatial analysis is much improved, but that there is much uncertainty in the results because of the uncertainty in survey catchability. The results do suggest that the proportion of catch in the CHCVOA during the B/C seasons may be higher than the proportion of biomass there.

The SSC reiterates that an important data set, fishery distribution data, as detailed in our April minutes, has been rejected by the analysts in considering this issue. The SSC disagrees with this rejection. While the problems noted (p. 112-113) are major ones, it is also true that important insights into spatial and temporal distribution could be revealed. The SSC acknowledges that it may take some time to undertake such an analysis, but believes that some supportive mention of this approach should be in the document. The statement on page 44, "...that this approach is unreliable and is inconsistent with RPA principles," should be removed.

A second problem with spatial issues relates to the logic of promoting spatial solutions for a highly migratory species like pollock. In both the Gulf of Alaska and the Bering Sea, the spatial and depth distribution of pollock varies by year, yearclass, age, season, and environmental conditions. As pointed out in Boyd's review, spatial measures arise from a terrestrial paradigm that may not be applicable or desirable for marine species. As such, the unequivocal promotion of spatial solutions in the document should be relaxed and balanced against these difficulties. In particular, the description of spatial dispersion on page 11 (2<sup>nd</sup> paragraph) and pages 43-44 is not fully thought through, and appears to presume that the fishery will amass on the border of critical habitat regardless of the actual distribution of pollock.

3. **The 170° line.** The rationale for dividing the TAC East and West of this line should be enhanced. Given that the Bering Sea is so large, precautionary management should avoid wide variation in harvest rates, so that a case can be made that the division is prudent. The analogy to the divisions of TAC in the Gulf can also be given.
4. **Critical habitat.** The SSC reiterates that critical habitat needs to be reexamined and that new data needs to be collected. While this cannot be done in the document, the analysts should mention this need and explain what needs to be done in order to conduct the reexamination.
5. **AI closure.** The analysts enhanced the document by including a discussion of the AI area as a control area, so the SSC suggests no further changes.
6. **Economic and management effects.** The analysts have done a good job of qualitatively describing these effects. The analysis of 1999 GOA harvest should be analyzed on a finer spatial scale to permit



the analysts to make more informed conjectures about prospects that imposition of additional closures will or will not lead to large economic losses.

7. **Table 3-5 clarification.** The analysts have done a good job of clarifying the construction of this table, as mentioned above. It would be worthwhile for the analysts to consider adjustments to this table if warranted because the "A" season precedes the survey.
8. **Technical comments.**
  - a. **Page 9, last paragraph.** The comment that pollock management is largely a single-species approach ignores the attention that the Council has given to ecosystem issues. The statement should be revised to suggest that further improvements in regard to ecosystem issues could be made by considering spatial and temporal dispersal of catch.
  - b. **Page 9, last paragraph.** The comparison between summer survey biomass and B-season catch is inappropriate. The comparison should be with the estimated B/C season biomass given in Chapter 3.
  - c. **Page 11, second paragraph.** The last sentence should be changed to indicate who deems it necessary. Acknowledgment should be given that there is no evidence that "detrimental ecosystem effects" are present in current management. [This implication is found in several places in the document. See p. 44, first paragraph.]
  - d. **Page 47, middle of page.** The rebuttal of the industry suggestions of the correlation between sea lion populations and fishing areas is overly strong and should be more balanced. The analysts rely on correlations in establishing the potential link between sea lions and the pollock fishery in the finding of jeopardy.
  - e. **Page 60.** Why is a five day stand down period too short between seasons in the GOA but is adequate in the BS?
  - f. **Page 69.** The SSC disagrees with the analysts' statement that adaptive management is inconsistent with the RPA principles. More correctly, the development of a reasonable adaptive management scheme would be difficult and could take a fairly long time to craft.
  - g. **Page 75.** The argument that inadequate information on the GOA small-boat fleet prevents NMFS from considering exemptions inside eight sites is not compelling. The reason for the different treatment for Prince William Sound compared to the rest of the Gulf needs to be more carefully explained.

#### Adaptive management

Adaptive management offers a way to understand whether management measures have anything to do with future changes in the sea lion population. By adaptive management, we mean experiments and monitoring of management measures that are closely coupled with the revision of management actions and continued monitoring and experimentation. The SSC continues to think that considerable insight can be gained through carefully designed projects. The SSC strongly recommends that effects of any management actions taken relative to Steller sea lions be monitored and considered in future management measures. The SSC also suggests that a workshop potentially sponsored by Alaska Sea Grant, open to all, be held to brainstorm possible adaptive designs. These designs will necessarily be limited by ESA concerns, so that a constraint on

information gained will have to be tolerated. Nevertheless, such a design is preferable to the current no-new-knowledge approach.

### **C-3 BSAI PACIFIC COD FIXED GEAR ALLOCATIONS**

The SSC received a report from Dave Witherell and Chuck Hamel on the initial review of the EA/RIR/IRFA for Pacific Cod Fixed Gear Allocations. Public testimony was provided by Linda Kozak and David Gentry.

The SSC does not believe the analysis is ready for public review. Specific items of concern are as follows:

1. The amendment is lacking a rationale supporting the proposed action. The purpose and need for actions on Section 1.1 must be revised to provide that rationale and an explicit problem statement.
2. Estimates of revenue were generated from proposed alternatives assuming a uniform price for all fishing sectors. No information is provided on product mix or prices for the primary fishing sectors affected by the proposal.
3. Generic profiles of communities involved in the fishery are provided, but no information is provided on the role of the Pacific cod fishery and the participating harvest sectors, or on the changes that might occur under the different options.
4. Some perspective should be provided on the reliance of each of the harvest sectors on access to this fishery.
5. While the analysis acknowledges lack of cost data to evaluate net economic benefits, there is no attempt to discuss potential social or environmental benefits of alternative allocations. This discussion should be provided.
6. The RIR draws no conclusions. The SSC requests that the analysts provide one.
7. At several points in the analyses, it is suggested that there are no impacts from the proposed allocation alternatives. The SSC believes that some harvesting sector participants could be affected. Some vessels will be denied access to this fishery. A discussion of the impacts to those vessels is needed.

#### **Specific comments:**

1. Page 21, paragraph 2. Sections of LLP analysis referenced in the EA/RIR should be excerpted for inclusion in this document. This EA/RIR should be able to stand on its own.
2. Page 21. Magnitude of potential impact should be discussed in absolute terms rather than relative to BSAI pollock fishery.
3. Page 21. There should be a discussion of whether cod longline and pot boats are "small" economic entities.
4. Page 29. Table 3.5 needs to be reflected to emphasize that the catches and revenues are cumulative across the qualifying periods.
5. Page 28, 29. Tables 3.4 and 3.5 should include the status quo as a reference.

6. Page 29. Section 3.3 should be revised to acknowledge that the magnitude of bait removals could be estimated.
7. Page 30. Conclusion to section on National Standard 1 should be revised.
8. Page 35. The Summary of Impacts on Communities should be revised to provide a basis for the conclusion drawn.
9. Section 3.2.1, p. 22, fourth paragraph - This paragraph needs clarification.

The SSC requests that the document be revised to address the concerns itemized above prior to release for public review. The SSC further requests the opportunity to read and comment on those revisions prior to release for public review. We are willing to conduct the follow up review by teleconference.

Note: The SSC is concerned at the lack of knowledge about the magnitude of Pacific cod harvested for bait. The SSC encourages the Plan Team and stock assessment authors to consider these removals.

#### **D-1 GROUND FISH AMENDMENTS**

D-1(a) - The SSC received a presentation on the Groundfish Forum's halibut mortality avoidance program (HMAP). No comments are offered on this issue at this time.

D-1(b) - The SSC reviewed the experimental permit request submitted by AFDF for a bait test project. There is no objection to granting the request.

#### **D-2 CRAB MANAGEMENT: BAIRDI REBUILDING PROGRAM**

Dave Witherell (NPFMC) and Doug Penguilly (ADF&G) described the revised EA/RIR/IRFA for rebuilding the Bering Sea tanner crab population. Public testimony was provided by Dorothy Childers of the Alaska Marine Conservation Council. This testimony emphasized the importance of bycatch reduction and habitat protection as part of the rebuilding process.

The SSC acknowledges that the authors have been very responsive to the SSC requests for an estimate of the probability of rebuilding to  $B_{MSY}$  within a given number of years. The resulting curves show that for a 50 (90%) probability of rebuilding, the model estimates 11 (32) years when there is directed fishing and 10 (28) years when there is no directed fishing.

The SSC notes that the rebuilding time period should be considered to be in determinant if, as the authors say, the increases are dependant on the reoccurrence of favorable ocean conditions. Because of imposed national guidelines, the analysts made their calculations for rebuilding time on a stock recruitment relationship that they admit is questionable. A sensitivity analysis should be carried out that explores the relative effects of autocorrelation and stock recruitment.

Although the approach taken in the document is a reasonable effort to address the national guidelines, there are some modifications to the approach that could lead to an improved analysis. For example, since the authors note the importance of environmental forcing, it would be reasonable to include those factors as explanatory variables in the Ricker spawner-recruit function. While the forecasts of environmental conditions are

problematic, inclusion of the additional explanatory estimates will reduce bias in the coefficient estimates and may reduce the extent of positive serial. The environmental variables could be pegged at their mean or modeled as drawn from their empirical distribution. This approach could be used to obtain an estimate of the expected  $B_{MSY}$  and used in rebuilding simulations.

The IRFA "Impacts on Communities" appears to be boiler plate, and does not provide information specific to the rebuilding of Bering Sea tanner crab. One possible impact, the cost of no directed fisheries during rebuilding, could be easily calculated from the rebuilding model.

With these suggested additions, the SSC recommends that the draft Bering Sea tanner crab rebuilding plan be sent out for public review.