


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke
Executive Director 

DATE: December 3, 1998

SUBJECT: Steller Sea Lions

ESTIMATED TIME 12 HOURS

ACTION REQUIRED

- (a) Receive update from NMFS on Section 7 findings.
- (b) Recommend immediate actions as necessary.
- (c) Provide direction on follow-up actions.

BACKGROUND

At our special November meeting we heard extensive public testimony on the issue of Steller sea lions and potential adjustments to the fisheries to protect them. Extensive materials were presented at that meeting including: a summary of the draft biological opinion from NMFS; comments received by NMFS in their public workshops held in late October; comments received by the Council; Chapters 5 and 6 from the I/O3 analysis which dealt with CVOA fishing activities and marine mammals; four proposals from our annual groundfish cycle which addressed sea lion concerns; copies of papers by Boyd, Alverson, and Trites which offered further perspectives on the implications of fishery management measures to sea lion recovery; and, the latest guidance on emergency rule promulgation. These are the materials which we requested you bring to this meeting.

We also heard from NMFS scientists and managers regarding the agency's assessments of the sea lion problem, some possible implications to the fisheries, and the process by which these concerns would be addressed. After much discussion on the issue of process, I believe we reached a mutual understanding with NMFS that it would be the Council's prerogative and responsibility to take emergency action as appropriate, under the Magnuson-Stevens Act, to respond to the agency's Section 7 findings and reasonable and prudent alternatives (RPAs). Then, during 1999, the Council would need to consider for 2000 follow-on plan and regulatory amendments as appropriate, accompanied by a comprehensive analysis.

We expect to have the full biological opinion from NMFS for distribution at this meeting, as well as the recommended RPAs. These RPAs may in some instances be specific, and in some instances may be more generic, giving the Council further latitude in determining appropriate measures to accommodate the concerns underlying those RPAs. For your reference, Item C-1(a) contains the actions and suggestions that you made in November (the full AP and SSC minutes are in your notebooks under Tab A). Item C-1(b) is the summary of previous actions taken by the Council and NMFS to protect sea lions. Item C-1(c) contains comments received since the November meeting.

The Council approved the following motion in November 1998:

“The Council recognizes a Section 7 involves a fundamental shift in the burden of proof. The operative question is not whether the pollock fishery is a controlling factor in the decline of the Steller sea lion population, but rather is there a chance of the fishery impeding the recovery. The Council recommends that if there’s a jeopardy finding, the reasonable and prudent alternatives (RPAs) adopted by NMFS be commensurate with the severity of the situation but as minimally disruptive to the industry as possible, paying particular attention to the issues of safety to small fishing vessels and communities that have been raised in the last few days. Further, the Council recommends:

- (1) Monitoring programs be implemented in conjunction with RPAs so that their efficacy can be determined and that future management be based on experimental design that provides information about the interactions of fisheries and Steller sea lions.
- (2) That the critical habitat areas be reexamined.

With regard to future research and Steller sea lion/fishery management measures, the Council proposes that the following five questions, suggested by the SSC, guide future work:

- (1) What is the distribution of fish in relation to areas that are used for fishing?
- (2) What is 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?
- (5) Does the fishery affect sea lions in other ways, e.g., disturbance?

The Council, through the Chair, will establish a balanced committee that includes members of the industry, environmental organizations, and sea lion research teams including the Steller Sea Lion Recovery Team to develop a systematic and deliberative process for developing any future work relative to the sea lion issue.”

Following this main motion, Council discussions raised additional points, or recommendations, for consideration by NMFS. These include:

- That NMFS consider all the public comment and Council discussions from the meeting.
- In relation to the SSC comments on distribution of fish, highlight that this is really focusing on those species and those sizes of importance to the nutrition and health of the Steller sea lion.
- Include the list of hypotheses that the SSC recommended the biological opinion address:

Hypothesis 1. Physical oceanographic conditions in the eastern Bering Sea and North Pacific changed in the mid-1970s. This change influenced the productivity of several species.

Hypothesis 2. Among the species that declined were forage fishes high in fat, including capelin, herring, eulachon and sandlance.

Hypothesis 3. At the start of the fatty forage fish decline the W. Steller sea lion (SSL) stock was in high abundance. The forage fish decline initiated the subsequent decline in SSL.

Hypothesis 4. Walleye pollock numbers increased as the W. SSL decreased and became the major prey of SSL.

Hypothesis 5. Pollock as a prey item are less nutritious than forage fish, to the point that SSL in captivity show declines in health when fed solely on pollock. By implication, feeding on pollock is contributing to the decline.

Hypothesis 6. The present fishery for pollock adversely affects the availability of prey limiting the ability of SSL to recover.

- The biological opinion should also address:

- (a) Subsistence takes and information.
- (b) The issue of Senate Bill 1221 and what effects that may have in the pollock fishery.
- (c) Pollock bycatch in other trawl fisheries.
- (d) Review of critical habitat for rookeries and effects of roe fishery in haul-outs where greater than 200 animals have been seen, ever.
- (e) Economic analysis of consequences of various RPAs, including the possibility that catch has been underestimated in previous years due to an adjustment in the density factor.
- (f) The current PSC cap on herring and the current herring bycatch savings area.

Previous Council/NMFS Actions Relative to Sea Lion Concerns

The Council and NMFS have taken a number of actions to protect Seller sea lions from fishery interactions. As discussed in the Section 7 Draft Biological Opinion, these interactions can occur through competition, disturbance, and direct and incidental mortality.

No shooting: This measure was enacted concurrent with listing of the Seller sea lions as threatened under the ESA on December 4, 1990. Shooting at or within 100 yards of Seller sea lions was prohibited.

Limits on incidental kills: When Stellers were listed as threatened, the number of Stellers that could be killed incidental to commercial fishing was reduced from 1,350 to 675 animals. Note that in recent years, mortality of the western stock of Seller's due to commercial fishing has averaged about 35 animals per year, of which 14 per year were taken in Alaska groundfish fisheries.

No entry buffer zones: Three mile no-entry zones were also established at the time of listing in 1990. No vessels are allowed to operate within 3 miles of principal rookeries east of 141° W longitude. Limits on approach by land (½ mile around the rookeries) were also instituted to minimize disturbance and reduce opportunities for individuals to intentionally shoot the animals.

No-trawl zones: In 1992, 37 trawl closure areas were implemented under BSAI Amendment 20 and GOA Amendment 25. These zones were established to reduce disturbance of feeding Seller sea lions around rookeries. Trawling is prohibited year-round within 10 nautical miles of these rookeries, extended to 20 miles around six rookeries during the pollock A- season.

Seasonal apportionment of TACs: Fisheries have been both seasonally and spatially allocated to reduce potential impacts of localized depletion of prey. In 1991, Amendment 14 banned roe stripping of pollock, and apportioned the Bering Sea pollock TAC into a winter fishery (A-season) and a late summer fishery (B-season). In June 1998, the Council adopted a regulatory amendment to seasonally apportion Atka mackerel in the Aleutian Islands that should become effective in 1999. GOA pollock fisheries have been apportioned by tri-mester and by more discrete management areas for several years.

Spatial apportionment of TACs: Beginning in 1994, with the passage of Amendment 28, the Atka mackerel TAC was apportioned among AI subareas to prevent localized depletion. In June 1998, the Council adopted a regulation to reduce fishing for Atka mackerel near rookeries to further reduce potential for localized depletion of Atka mackerel within critical habitat areas.

Precautionary harvest limits on Seller sea lion prey: Catch specifications for some groundfish stocks have incorporated safeguards for Seller sea lions. Concerns for sea lions have resulted in explicit conservative rates for pollock and Atka mackerel. In 1993, the GOA pollock stock assessment incorporated risk estimation into the stock assessment. The conservative 1994 pollock ABC was based in part on avoiding potential harm to sea lions. Catch specifications have traditionally been conservative for the Atka mackerel stock. The Council adopted the SSC's suggested "phase-in" approach to increasing Atka mackerel ABC's in the early 1990's, when new data suggested a higher biomass. From 1993 through 1996, TAC's were set below ABC for the AI TAC. The 1998 mackerel ABC was based on a very conservative rate ($F_{52\%}$).

Prohibition on directed fishing on forage fish: In 1997, the Council adopted an amendment that prohibits directed fishing for forage fish, which are prey for groundfish, seabirds, and marine mammals. Under this amendment, protection is provided for forage fish species such as capelin, sand lance, myctophids, and a host of other forage species.

RECEIVED
DEC - 2 1998
N.P.F.M.C

**ALEUTIANS EAST BOROUGH
NATURAL RESOURCES DEPARTMENT**

211 4th Street, Suite 314
Juneau, AK 99801

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**Serving the Communities of:
King Cove Sand Point Akutan Cold Bay False Pass Nelson Lagoon**

Rick Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Ave., Suite 306
Anchorage, AK 99501

December 2, 1998

RE: Steller Sea Lion RPA's

Dear Chairman Lauber:

The fishermen of the Aleutians East Borough believe that the North Pacific Fishery Management Council has a critical role to play in addressing potential fishery impacts on Steller sea lions. We believe that the Council has taken this issue very seriously in the past and has acted responsibly to establish regulations that provide more than adequate protections for sea lions. The council has already closed large areas around rookeries and has prohibited the development of fisheries on forage fish. We believe that the forage fish amendment is perhaps the most scientifically appropriate and helpful step that has been taken.

However, we are once again faced with what appears to be politically driven urge to take actions that will likely have no additional benefits for Stellers, but will certainly have devastating impacts on the trawl fishery. Realizing that the political forces behind this campaign are probably going to be successful, we ask that the council consider the alternatives AEB proposed to Dr. Balsiger on October 30, 1998 (attached).

1. If NMFS does issue a jeopardy finding for the GOA and BSAI pollock fisheries, limit any RPA's to the pollock trawl fisheries, not to all trawl fisheries.
2. If the primary goal of the RPA's remains slowing down the fish removals within critical habitat areas:
 - (a) adopt trip limits such as those proposed by AEB at the special November Council meeting, or
 - (b) impose gear restrictions such as those proposed by AEB at the special November Council meeting.

Thank you for considering these comments.

Sincerely,



Beth Stewart, Director
Natural Resources Department

ALEUTIANS EAST BOROUGH

SERVING THE COMMUNITIES OF

■KING COVE ■SAND POINT ■AKUTAN ■COLD BAY ■FALSE PASS ■NELSON LAGOON

October 30, 1998

James W. Balsiger
Acting Regional Administrator
Alaska Regional Office, NMFS
P.O. Box 21668
Juneau, AK 99802

Re: GOA/BSAI pollock management measures related to Steller sea lions

Dear Dr. Balsiger:

On behalf of the residents of the Aleutians East Borough, I have the following comments on the current state of the agency's approach to Steller sea lion recovery and proposed measures to reconstruct the pollock trawl fisheries in the Gulf of Alaska (GOA) and the Bering Sea/Aleutian Islands (BSAI).

Vessels in the local Sand Point and King Cove fleets participate in the pollock fisheries in the Gulf of Alaska, primarily in Areas 610 and 620, and to some extent in the BSAI pollock fishery. These vessels are all under 125' and the vast majority of them are under 60'. These vessels are multipurpose vessels that rely on being able to participate in a wide variety of fisheries. Pollock has become increasingly important in the last decade.

Local residents throughout the borough have long been interested in the health of the fish, bird and marine mammal populations within the region. They participated fully in the reauthorization of the Marine Mammal Protection Act, and have consistently asked that the National Marine Fisheries Service take a comprehensive and systematic approach to designing fishery management measures that will enhance the viability of local Steller sea lion populations.

During 1990 the borough's salmon gillnetters participated in the NMFS marine mammal observer program. This event created a heightened awareness of the importance of protecting marine mammals, particularly Steller sea lions. Working in conjunction with Peninsula Marketing Association (PMA), the borough conducted a series of workshops within the region and created and distributed a "Don't Shoot," brochure. For the past 8 years local residents have hoped that NMFS would begin a systematic review of fishery regulations that would positively influence the Steller sea lion population.

We had hoped that NMFS would work with fishermen to develop a well thought out set of measures that could be implemented and tested. Working with Kodiak fishermen, we cosponsored the forage fish amendment which local fishermen believed would insure that important high fat fish were protected for marine mammals.

CLERK/PLANNER

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It is, to say the least, disappointing that we are once again faced with a set of emergency rules that cannot be thoroughly reviewed.

However, we appreciate the fact that NMFS has provided a set of proposed reasonable and prudent alternatives (RPAs). It appears that the primary goals of these proposals are to spread the pollock fisheries out in time and space. We believe that these goals can be accomplished in a variety of ways.

The current proposals are going to have devastating effects on the local fleet. These vessels are much smaller than the average BSAI pollock vessels. They are unable to fish as far off shore, tow at much lower speeds, and tow much smaller nets.

Local fishermen are suggesting that the following regulations be implemented in lieu of the proposed pollock trawl closures around haulouts in areas 610 and 620:

1. Institute trip limits of 150,000 pounds/twenty four hour period. This would slow down effort dramatically allowing a much slower paced fishery that is still accessible to small vessels.
2. Limit gear size within the proposed haulout closed areas to trawls with no greater than a 400 foot rope.
3. Limit the second trimester 15% TAC allocation. The fish are much smaller at this time year, therefore more fish are being taken during this period than in the first and third trimesters.
4. Institute horsepower restrictions and vessel size limits inside and outside state waters as follows:
 - a) maximum of 600 hp and 68' for vessels inside state waters, and
 - b) maximum of 940 hp and 100' for vessels outside state waters.

Additionally, local fishermen want an industry/environmentalist work group set up to develop a systematic and deliberative process for developing and modifying RPA's. We would also like to see the Recovery Team more intimately involved in developing RPA's. It is disappointing to note that the Recovery Team will not have the time to evaluate the measures currently proposed. Since Steller sea lions will probably recover slowly, this problem will be with all of us for a long time. We don't want to face any more 'emergency' proposals. There is no emergency when everyone is aware of a problem and the problem has a long history.

It will benefit fishermen and Stellers more if the agency begins to address potential modifications to fisheries in a much more deliberative way.

Sincerely,



Beth Stewart
Director
Natural Resources Department

ALEUTIANS EAST BOROUGH

NATURAL RESOURCES DEPARTMENT

211 4th Street, Suite 314
Juneau, AK 99801

Phone: 907-586-6655

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King Cove Sand Point Akutan Cold Bay False Pass Nelson Lagoon

Brief Statement of Proposal: Exclusive registration between the GOA and the BSAI. This could be an annual choice, or a permanent choice. However, any vessels owned or controlled by a BSAI pollock eligible mothership or shorebased processor are permanently assigned to the BSAI.

Objectives of Proposal: Protect Western Gulf groundfish fisheries from impacts caused by implementation of the American Fisheries Act coop provisions for the mothership and shoreside processor sectors.

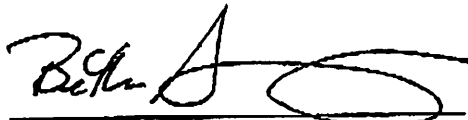
Justification for Council Action: The Aleutians East Borough is submitting these proposed changes to the Gulf of Alaska groundfish management plan in response to the American Fisheries Act (AFA). The act requires that the North Pacific Fishery Management Council establish "sideboards" to insure that other fisheries under the council's control are not adversely impacted by the coops created under the AFA. The act already spells out sideboards for the offshore catcher/processor sector, but is silent regarding the mothership and catcher boats delivering to motherships as well as the shoreplant and catcher boats delivering to shoreplant categories.

Foreseeable Impacts of Proposal: Some vessels that would be eligible under the current LLP program would be unable to fish both the BSAI and the GOA.

Possible Alternative Solutions: Prohibit vessels in the BSAI mothership and shoreside processor sectors from taking more than that sector's historical share of groundfish in Gulf of Alaska areas 610 and 620.

Foreseeable Impacts of the Alternative: This proposal will increase fishery monitoring problems for the National Marine Fisheries Service, and could complicate enforcement of closures since some vessels would be required to leave the fishery before other vessels.

Options to be considered: (a) Apply restrictions to all vessels eligible to participate in BSAI coops. (b) Apply restrictions to all vessels participating in a coop and all vessels owned or controlled by a mothership or shoreside processor.



Beth Stewart, Director
Natural Resources Department

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Serving the Communities of:
King Cove Sand Point Akutan Cold Bay False Pass Nelson Lagoon

**Fishery Management Plan Amendment Proposal
North Pacific Fishery Management Council**

Date: December 2, 1998

Name of Proposer: Aleutians East Borough
Address: 211 4th Street, Suite 314 Juneau, AK 99801
Telephone: (907) 586-6655

Brief Statement of Proposal:

This proposal would remove latent licenses in the Western Gulf of Alaska trawl and fixed gear groundfish fisheries permitted under the Groundfish LLP.

Objectives of Proposal:

This proposal establishes stricter qualifying criteria for vessels to be eligible for a groundfish endorsement in the Western Gulf.

This proposal would require that only those vessels in the Western Gulf (defined as Area 610) with 2 landings/year from January 1, 1992 to June 17, 1995 and with total annual groundfish harvests greater than 25 MT/year would be eligible to receive an endorsement to fish groundfish in the Western Gulf.

Justification for Council Action:

The council has spent considerable time developing the Groundfish LLP, however, as it is currently structured, the Groundfish LLP would permit a considerable number of latent licenses to be eligible to fish in the Western Gulf of Alaska. These licenses could be reactivated in the future and could increase the harvesting capacity in the Western Gulf. This would exacerbate existing problems of harvesting overcapacity that the Groundfish LLP is supposed to address.

Under the recently enacted American Fisheries Act, Congress clearly indicated its intent to reduce latent fishing capacity in North Pacific groundfish fisheries. Under Section 211(c)(2)(C) of the Act, Congress directs the council to reduce the number of latent licenses in the Bering Sea Crab and Groundfish fisheries. "The North Pacific Council is directed to recommend measures for approval by the Secretary to eliminate latent licenses under such program, and nothing in this subparagraph shall preclude the Council from recommending measures more restrictive than under this paragraph." (emphasis added).

The Act also states in Section 211(a) that "the North Pacific Council shall recommend for approval by the Secretary such conservation and management measures as it determines necessary to protect other fisheries under its jurisdiction and the participants in those fisheries, including processors, from adverse impacts caused by this Act of fishery cooperatives in the directed pollock fishery."

Although the Act does not specifically mention latent licenses in the Western Gulf of Alaska, the Act clearly indicates that eliminating latent licenses, and protecting existing participants in other North Pacific fisheries is essential.

Under the American Fisheries Act, cooperatives that are formed under the shoreside sector could reduce the number of vessels required in the Bering Sea pollock fishery. Many of those vessels that are eligible to participate in the shoreside cooperatives have latent permits in the Western Gulf groundfish fisheries. Those vessels participating in cooperatives that are not actively harvesting Bering Sea pollock could reenter the Western Gulf groundfish fisheries. This proposal would protect other fisheries from the effects of the American Fisheries Act cooperatives (Section 211(a)), by preventing those vessels participating in Bering Sea pollock cooperatives from entering the Western Gulf of Alaska groundfish fisheries.

Furthermore, recent developments concerning NMFS' biological opinion under Section 7 of the Endangered Species Act regarding the Steller sea lion, and the enactment of the American Fisheries Act could significantly alter the Western Gulf groundfish fisheries. At this time, the potential for significant area closures due to a jeopardy finding by NMFS, could have significant adverse effects on Western Gulf groundfish fisheries. Allowing additional latent effort in the Western Gulf under the Groundfish LLP would undermine the ability of current participants to continue in these fisheries, particularly if area closures are enacted to protect the Steller sea lion population.

This proposal limits the number of groundfish licenses to those vessels that are currently participating in the fishery and removes latent effort. This proposal will ensure that recent participants will not be adversely affected by latent effort entering the Western Gulf groundfish fisheries at a later date.

Justification for Council Action:

The council must submit any amendment to the Groundfish LLP FMP to the Secretary. The American Fisheries Act directs the council to address the problem of latent capacity in other North Pacific fisheries, and protect other fisheries from the effects of Bering Sea cooperatives. Avenues outside of the council process are not available to address these concerns.

Foreseeable Impacts of the Proposal:

This proposal will remove latent effort from the Western Gulf groundfish fisheries and limit the harvesting capacity in the region. Latent licenses removed under this proposal are not economically reliant on the Western Gulf groundfish fishery and will not be adversely affected. Removing this latent effort will reduce the possibility for increased harvesting capacity in the region and protects recent participants from the possibility of an increase in overcapacity in the future.

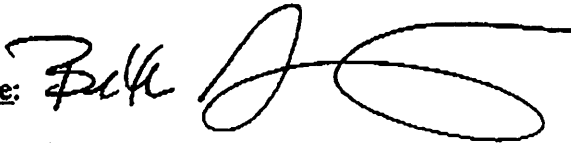
Possible Alternative Solutions:

An alternative to the existing proposal would be to reinitiate analysis of a comprehensive Groundfish LLP using more recent data on current participants and latent licenses.

Supportive Data and Other Information:

Data on the number of latent licenses and the number of existing participants is available in the Environmental Assessment/Regulatory Impact Review for License Limitation Alternatives for the Groundfish and Crab Fisheries in the Gulf of Alaska and Bering Sea/Aleutian Islands. Supplementary documents from NMFS and ADF&G provide information on the number of recent participants in the Western Gulf of Alaska groundfish fisheries.

Signature:



Beth Stewart
Director, Natural Resources Department

Alaska Groundfish Data Bank

P.O. Box 2298 • Kodiak, Alaska 99615

TO: RICK LAUBER, CHAIRMAN
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

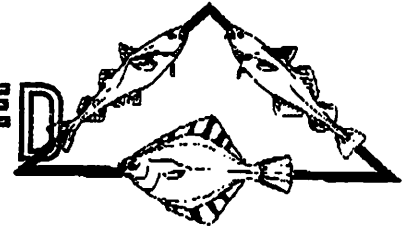
RE: Steller Sea Lions - Agenda Item C-1

Date: December 2, 1998

SENT BY FAX: 1 PP

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DEC - 2 1998

**N.P.F.M.C**

AGDB COMMENT ON STELLER SEA LION PROTECTIVE MEASURES AGENDA ITEM C-1

AGDB members wish to go on record as supporting the provision of the Section 7 RPA's released in late October which set trimester pollock apportionments in the Gulf of Alaska of 35% for the first trimester, 15% for the 2nd trimester and 50% for the 3rd trimester. This apportionment spreads out the fishery, acknowledges that more fish are taken per MT in the 2nd trimester due to post spawn weight lost and allows processors to maintain their work forces during early June.

The trimester system is not workable for the Bering Sea and we are in no way recommending a trimester fishery for the Bering Sea pollock fisheries.

Our comments on the other provisions of the draft October RBA's were made at the November NPFMC meeting.

Our next set of comments will be written when we see the next proposed set of RBA's.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Blackburn".

Chris Blackburn, Director
Alaska Groundfish Data Bank

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION NO. 98-107

RECEIVED
DEC - 1 1998
N.P.F.M.C

A RESOLUTION OF THE UNALASKA CITY COUNCIL REQUESTING MITIGATION OF PROPOSED SEA LION PROTECTION MEASURES IN THE GULF OF ALASKA AND BERING SEA.

WHEREAS, the National Marine Fisheries Service ("NMFS") is currently in the process of rendering a Biological Opinion pursuant to the Endangered Species Act to determine whether the Gulf of Alaska and Bering Sea groundfish fisheries are jeopardizing the continued existence of endangered Steller Sea Lions through their fishing practices; and

WHEREAS, NMFS officials recently issued a paper outlining proposed regulatory actions termed Reasonable and Prudent Alternatives ("RPAs") to mitigate any jeopardy to the Steller population caused by the fishing industry, including greatly expanding the number of "no fishing" buffer areas in the Gulf and Bering fisheries; and

WHEREAS, the proposed buffer areas include all rookeries and haulout areas since the early 1960s where 200 or more Steller Sea Lions have been observed, even though many such areas have had no significant resident Steller population in decades; and

WHEREAS, the proposed RPAs would cripple the Alaskan groundfish industry, adversely impact Alaskan small boat fishermen, dramatically reduce the amount of fish available to Alaskan shore-based and off-shore processors, and adversely affect fishery-dependent coastal communities; and

WHEREAS, measures contained in the American Fisheries Act (S.1221) will also reduce the daily removal levels during A and B pollock seasons, and stretch the total season length for vessels delivering to shore-side plants; and

WHEREAS, one of the specific proposals being made by the National Marine Fisheries Service is a trimester pollock fishery regime which opens the second trimester in July that will result in increases in salmon bycatch in the Gulf of Alaska and herring and salmon bycatch in the Bering Sea; and

WHEREAS, requiring a trimester fishery for the Bering Sea increases substantially the cost of operations for all participants, as well as resulting in poorer product, quality concerns, and lower product recovery rates; and

WHEREAS, the City of Unalaska, industry, communities, and support sector businesses have long provided funding to North Pacific Marine Science Foundation for consistent Steller Sea Lion research to help provide the best data possible in determining the status of the Steller Sea Lion; and

WHEREAS, the best available scientific information does not support a determination that the fishing industry presents jeopardy to the Steller population; and

WHEREAS, NMFS scientists have acknowledged publicly and in writing that the agency does not know what is causing the decline in Steller populations, yet is determined to pursue regulation of the Alaskan fishing industry in spite of this fact; and

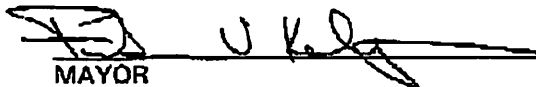
CITY OF UNALASKA
RESOLUTION NO. 98-107
PAGE TWO

WHEREAS, NMFS has not undertaken any concerned research activities to prove or disprove whether the protective measures in the Gulf of Alaska and Bering Sea, which have been in existence since 1992, have effectively addressed the decline in the resident Steller populations.


NOW THEREFORE BE IT RESOLVED THAT the City of Unalaska calls upon the Alaska Congressional Delegation, the Governor of Alaska, the Alaska State Legislature, and the Secretary of Commerce to urge the National Marine Fisheries Service to:

- (1) refrain from any additional regulation of the industry unless jeopardy is proven through a scientific research program; and
- (2) if jeopardy is proven, reduce the scope of the proposed RPAs to only those rookeries and haulout areas which had resident Steller Sea Lion populations of 200 or more animals within the last eight years; and
- (3) adopt seasonal restrictions, rather than year-round restrictions, to reflect the fact the Steller populations do not inhabit all rookeries or haulouts on a year-round basis; and
- (4) evaluate the effects of The American Fisheries Act (S. 1221) before determining whether additional measures to improve spatial and temporal distribution of the pollock fishery are necessary; and
- (5) reject the RPA proposal to establish a third pollock season in July; and
- (6) consider the social and economic impacts of any proposed RPA's on the fishing industry and fishery dependent communities and then measure them against any perceived benefits of the proposed RPA's; and

PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE UNALASKA CITY COUNCIL THIS 24 DAY OF November, 1998.


MAYOR

ATTEST:


CITY CLERK

Alaska Bankers Association
Anchorage, Alaska 99510-0600

(907) 265-2920

December 2, 1998

Richard B. Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Mr. Chairman:

The sustainability of our seafood resources and the need to manage fisheries to insure viability of marine mammals is important to the Alaska Bankers Association. In order to base fishery management decisions on sound scientific knowledge, significant contributions have been made by the fishing industry and its suppliers to fund a study that will provide insight into the reason for the precipitous decline in the Stellar sea lion population in Western Alaska.

No one knows why the Stellar sea lion is in decline and until sufficient scientific information is available, linking the pollock fishery to the decline of the Stellar sea lion; we suggest that no drastic action be taken at this time to address the decline.

Based upon the best scientific information available today, we believe a significant closure of groundfish fisheries would not be a prudent course of action. By impeding fishing activity in the Gulf of Alaska, significant economic hardship could impact those currently participating in the pollock fishery as well as those having business relationships with the industry and upon the residents of those communities which interface with the groundfish fisheries. It is the opinion of the Alaska Bankers Association that any action should be taken based upon sound scientific evaluation of the decline in the Stellar sea lion population. We urge the North Pacific Fishery Management Council to obtain a thorough understanding of the biological problems and to support restraint until more scientific evidence is available.

Sincerely yours,

Ron Kukes

Ron Kukes
President

on June
Secretary

NEWS



U.S. SENATOR

**FRANK
MURKOWSKI**
OF ALASKA

For Immediate Release:

December 7, 1998

MURKOWSKI SLAMS FEDS ON SEA LION RULING

WASHINGTON—The National Marine Fisheries Service put politics ahead of science in today's ruling that the fishing industry's harvest of Alaska pollock jeopardizes the sea lion population in Western Alaska, Senator Frank Murkowski declared today. The western Alaska population of Steller sea lions was declared endangered in 1997.

"They've simply put sea lion politics over sea lion science," said the veteran U.S. senator. "There have been two previous rulings that the pollock fishery does not jeopardize sea lions, and there is no new data to support such a reversal. The only thing that's really changed is that NMFS is now being sued by environmental groups that want to get rid of large-scale fishing altogether, and are using this issue as a tactical tool to do it."

"In fact," said Murkowski, "There is credible new scientific evidence that pollock fishing is even less likely to be the cause of the sea lion's problems than we thought before."

Murkowski said that fishing in the 1970's on other species such as herring may have played a part in the initial decline of sea lion numbers, but the most likely culprit is an environmental "regime shift" in the North Pacific that caused the decline of the sea lion's preferred prey -- small fatty fish such as herring, sandlance, eulachon (candlefish) and capelin.

"Unbiased and non-political scientists have independently concluded that the loss of these important prey species is the real problem," said Murkowski. "While sea lions today are eating pollock instead, there is credible evidence that no amount of pollock can replace the loss of the fatty forage species."

Pollock themselves prey on the remaining populations of forage species, and on their own young, which some scientists say are most frequently caught by today's sea lions.

"The link between pollock fishing and sea lions is just not there," said Murkowski. "Fishermen and sea lions both harvest pollock, but there is no evidence that fishing depletes the number of young pollock available to sea lions, and there's no evidence that sea lions in heavily fished areas cannot find enough pollock to eat." Those are critical pieces of the puzzle that NMFS has ignored in its rush to judgement, said the senator.

Murkowski said that NMFS is not only ignoring credible scientific study from outside the agency, it has failed to follow up on its own earlier recommendations for more research into the relationship between fishing and sea lions. "The ink is barely dry on the agency's October 13 annual report to Congress on marine mammals, in which it said, and I quote, 'additional research is warranted prior to establishing revised management actions.' Yet here it is today, violating its own advice to itself."

Robin Stehr
USF W
B-5

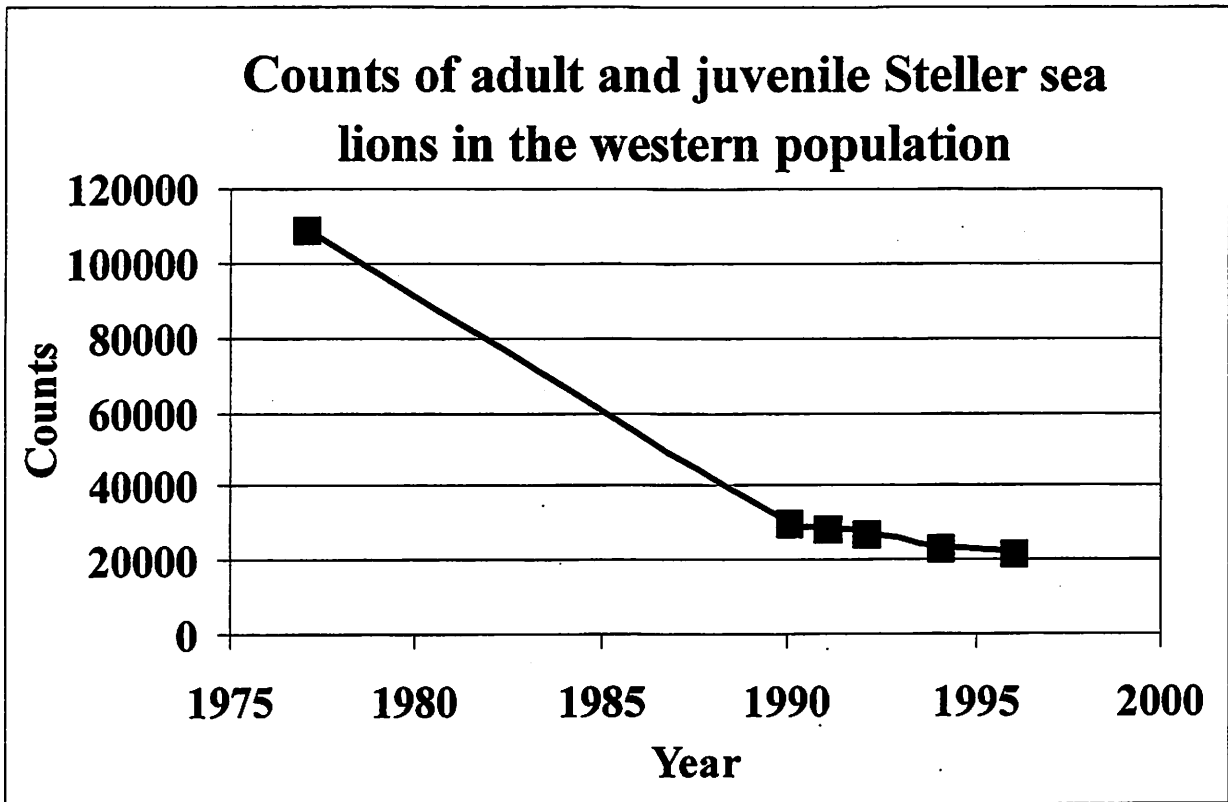


Figure 38. Counts of adult and juvenile Steller sea lions in the western population.

Decline/Recovery

What are the contributing factors?

- **Intentional kill**
- **Incidental kill**
- **Commercial harvesting**
- **Subsistence harvesting**
- **Changes in prey availability**
 - **Regime shift**
 - **Fisheries competition**

Endangered Species Act
Section 7 consultation - Biological Opinion

- **Atka mackerel fishery**
 - **No jeopardy or adverse modification**
- **BSAI and GOA pollock fisheries**
 - **Jeopardy and adverse modification**

Agency's conclusion based on:

- **Prey availability limits Steller sea lion recovery**
- **Pollock is major prey of Steller sea lions**
- **Fishery and Steller sea lion foraging overlap in:**
 - **Geographic distribution**
 - **Temporal distribution**
 - **Size of prey**
 - **Depth of trawling and foraging**

Conceptual Model of Fishery/Sea Lion Interaction

These areas of overlap provide the basis for the development of a conceptual model which contains the following features:

- **Long-term perspective**
- **Steller sea lion foraging strategy**
- **Steller sea lion prey requirements**
- **Effects of fishing on foraging success**

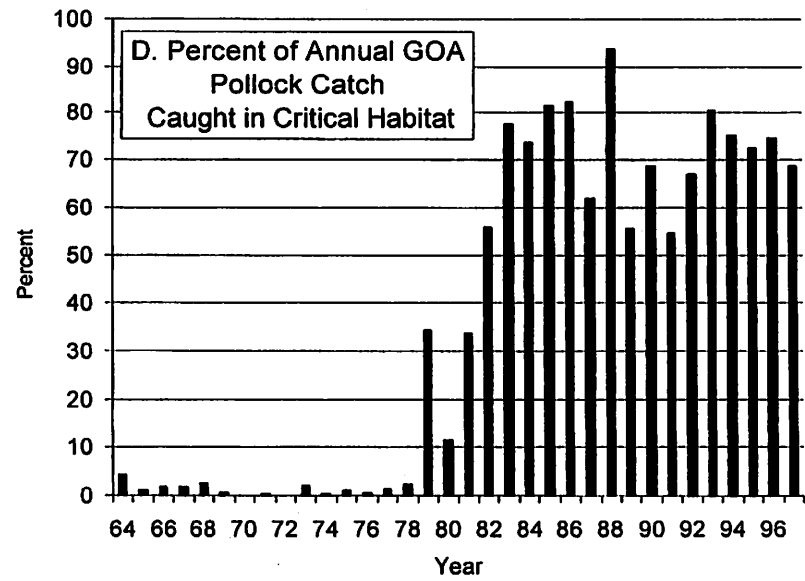
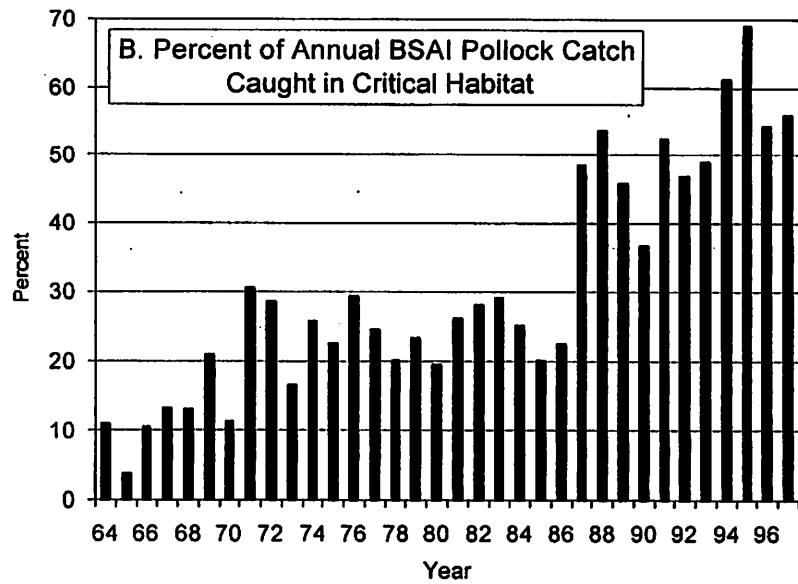
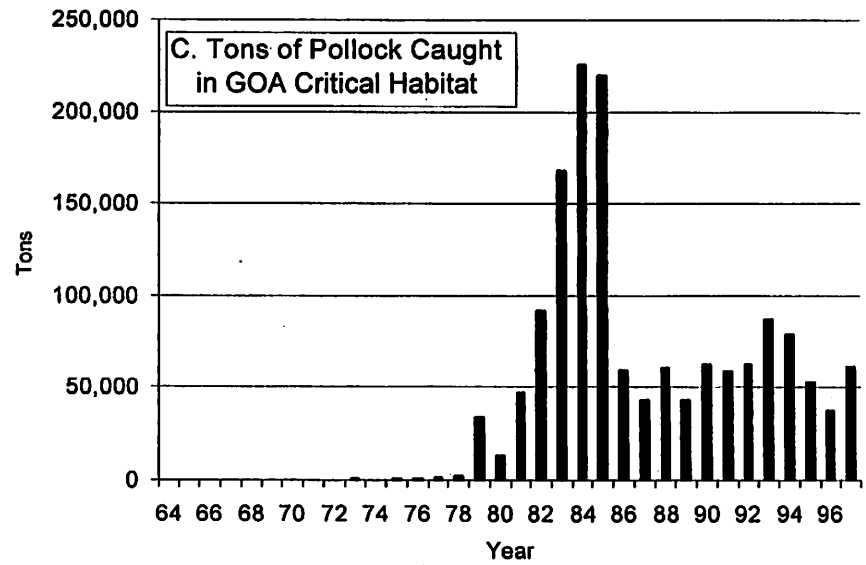
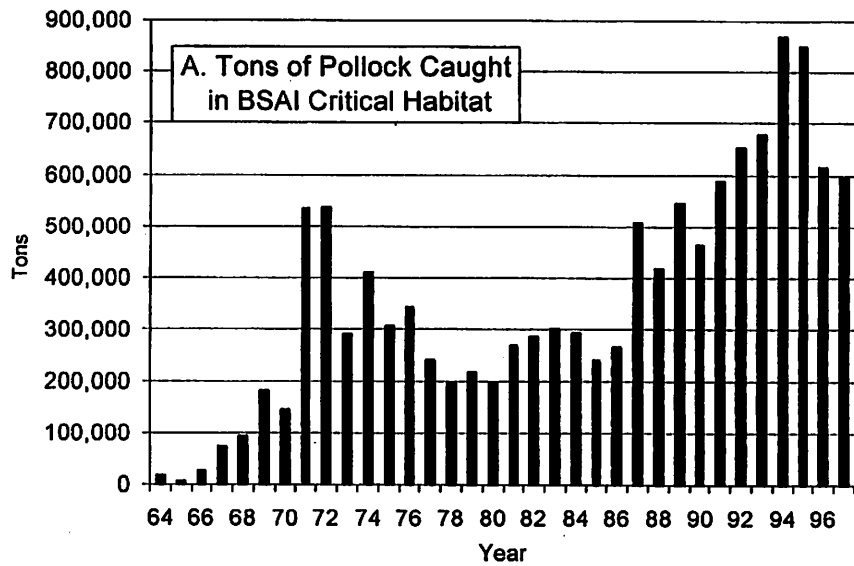
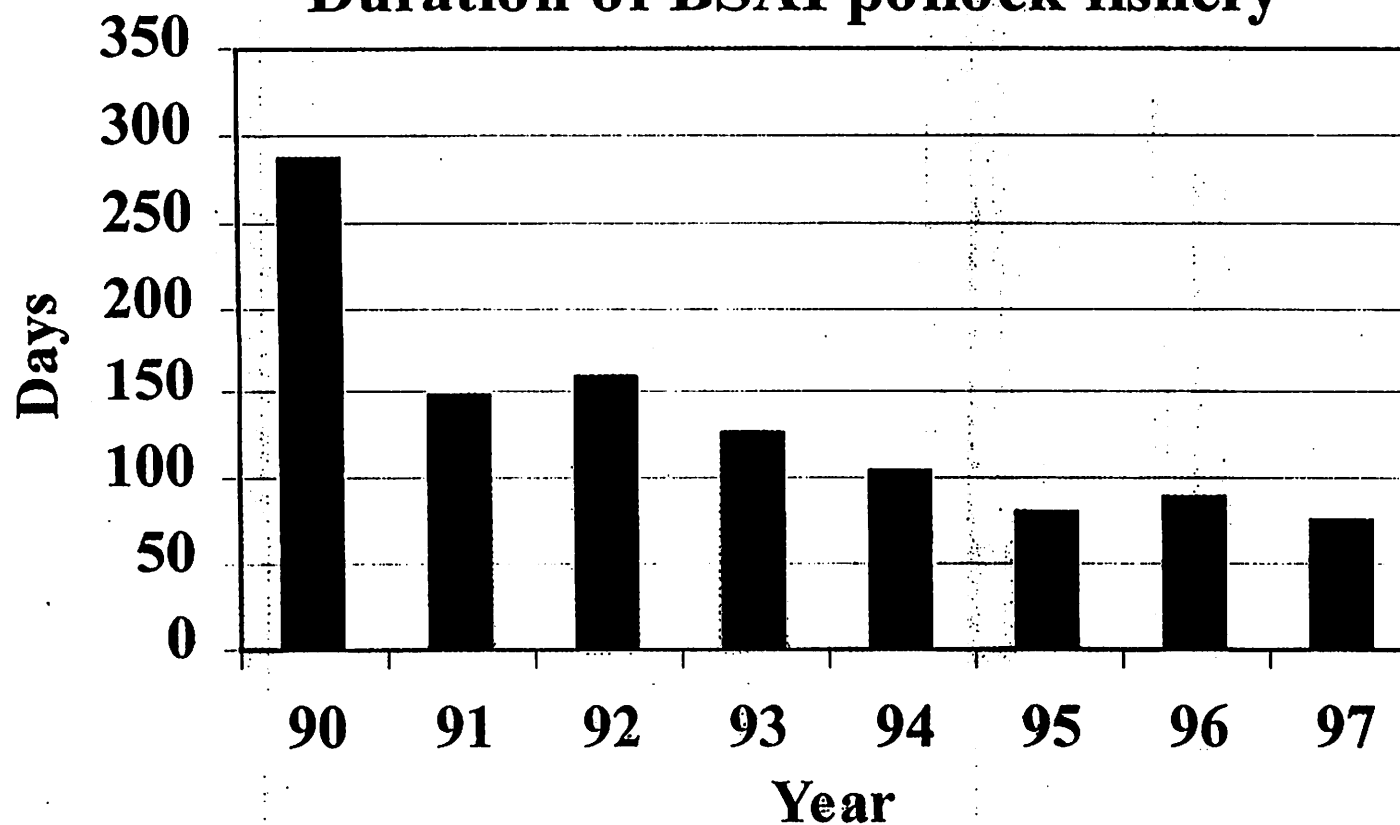


Figure 16. Catch (tons; A and C) and percent of annual regional catch of pollock (B and D) from Steller sea lion critical habitat in the BSAI (A and B) and GOA (C and D) from 1964 to 1997.

Duration of BSAI pollock fishery



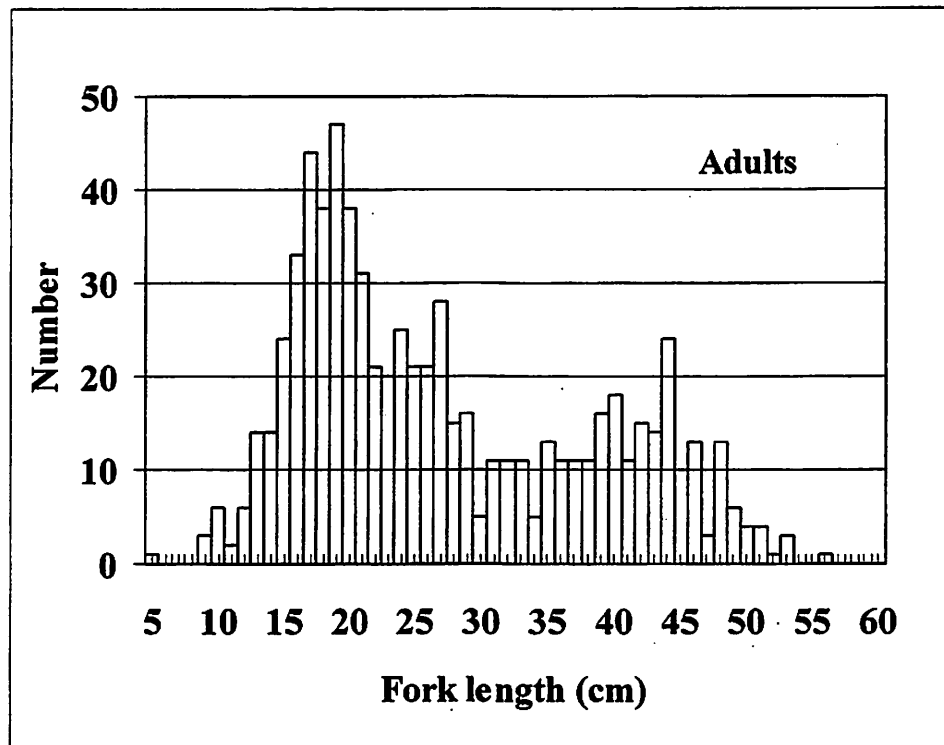
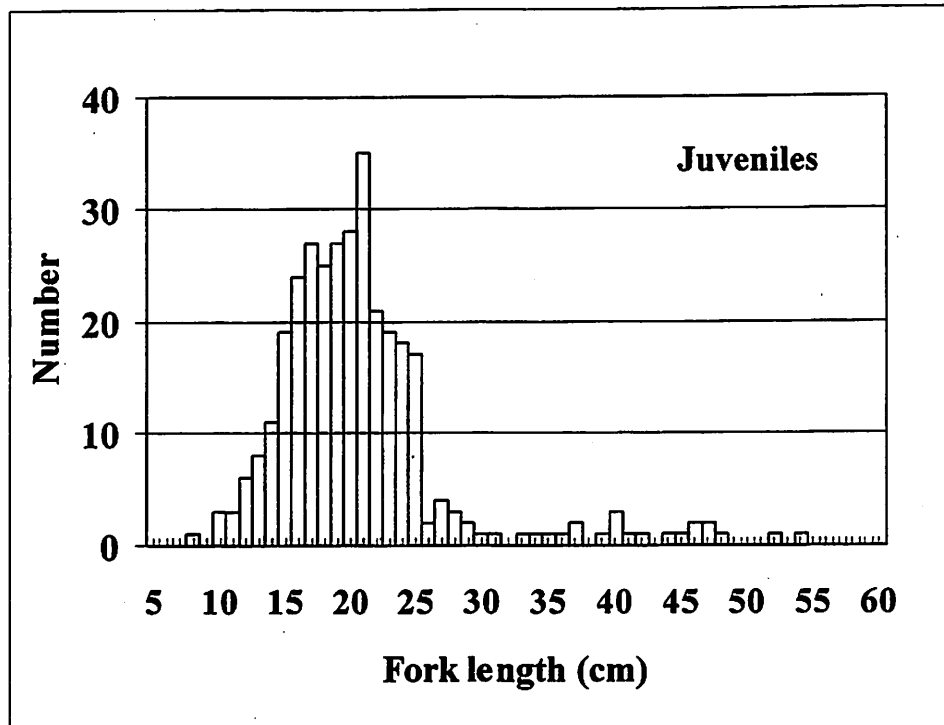


Figure 40c. Size distributions of pollock consumed by juvenile (top) and adult Steller sea lions in the Kodiak Island area in the GOA in 1985. (From Merrick and Calkins 1996; their Fig. 3.)

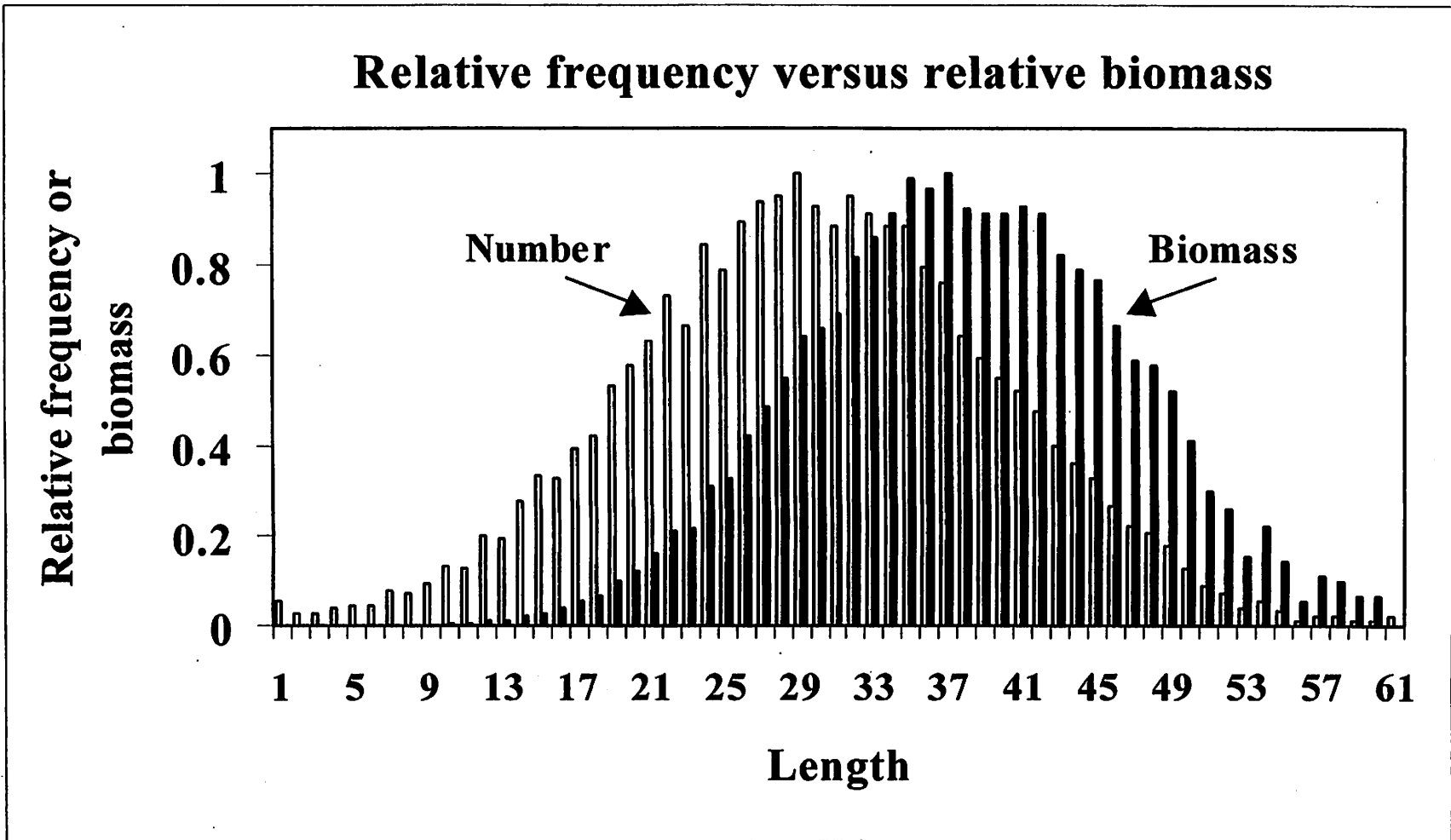


Figure 41. Comparison of hypothetical length frequency distribution of prey consumed (labeled “Number”) versus relative biomass available from each length class of fish if were consumed at those frequencies (labeled “Biomass”). The length frequency distribution is based on 15,000 normally distributed deviates with mean of 29 cm and standard deviation of 10 cm. The biomass available from each length was calculated using $B = \alpha \cdot L^\beta$, with $\alpha = 1.27E-05$ and $\beta = 2.885$ (Hollowed et al. 1997). Because biomass increases with length, more biomass may be available from larger fish even if fewer of them are consumed. Length frequency distributions may, therefore, be biased indicators of the size of prey important to Steller sea lions or other predators.

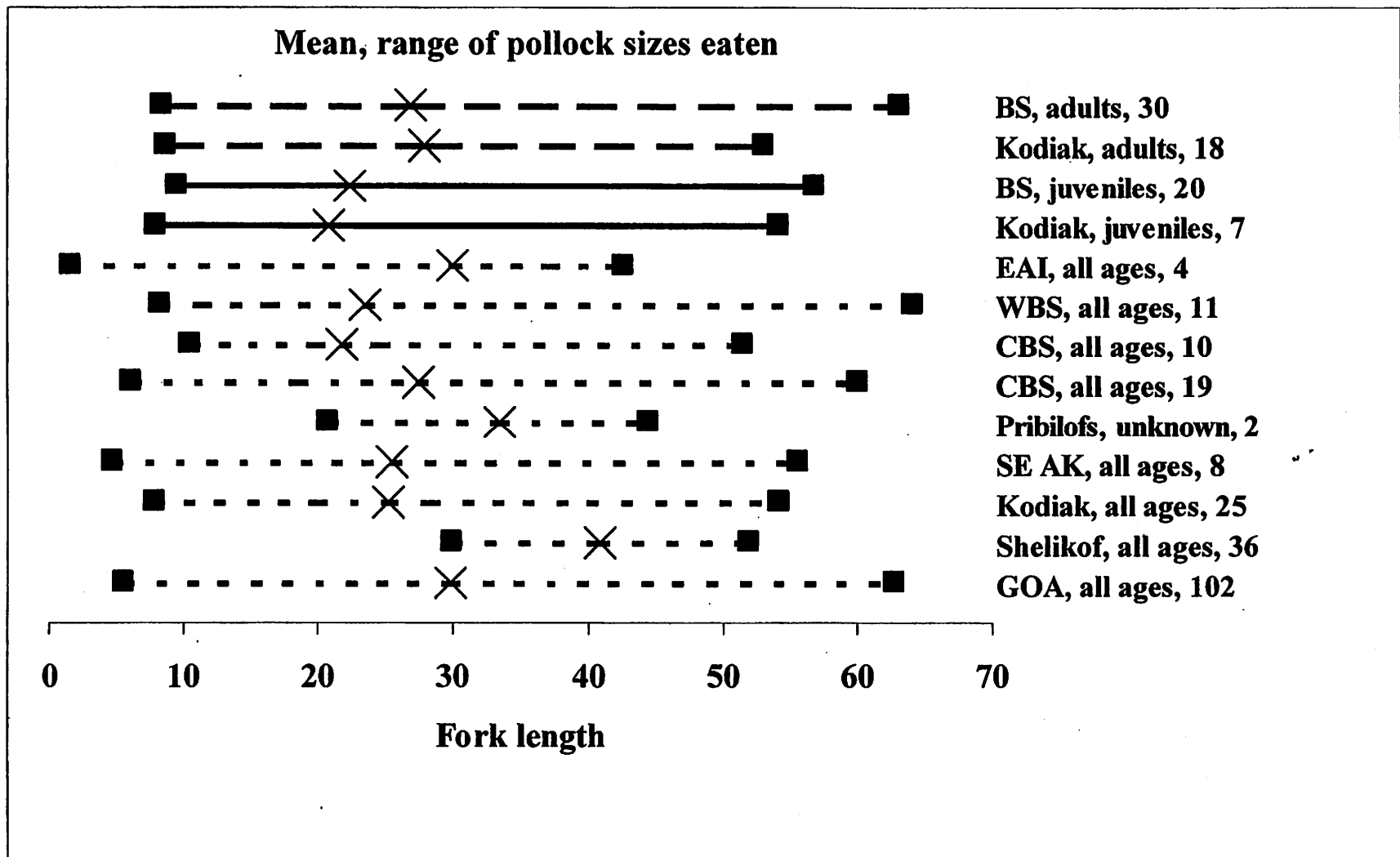


Figure 40a. Mean and range of pollock sizes consumed, based on stomach samples from Steller sea lions, as reported in Merrick and Calkins (1996; their page 164). BS = Bering Sea, EAI = eastern Aleutian Islands, WBS = western Aleutian Islands, CBS = central Bering Sea, SE AK = southeastern Alaska. Numbers indicate sample sizes (number of sea lions).

Decline

- **Deaths > births**
 - **Juvenile survival**
 - **Reproduction**
 - **Adult survival**

Steller Sea Lion Reproduction

- **Size differences (1970s - 1980s) and age of first birth**
 - **Fetal mortality rates**
 - **30% 1970s**
 - **40% 1980s**
 - **Late-term pregnancy rates**
 - **67% 1970s**
 - **55% 1980s**
 - **Late-term pregnancy rates of lactating females**
 - **63% 1970s**
 - **30% 1980s**
-

Foraging Depths

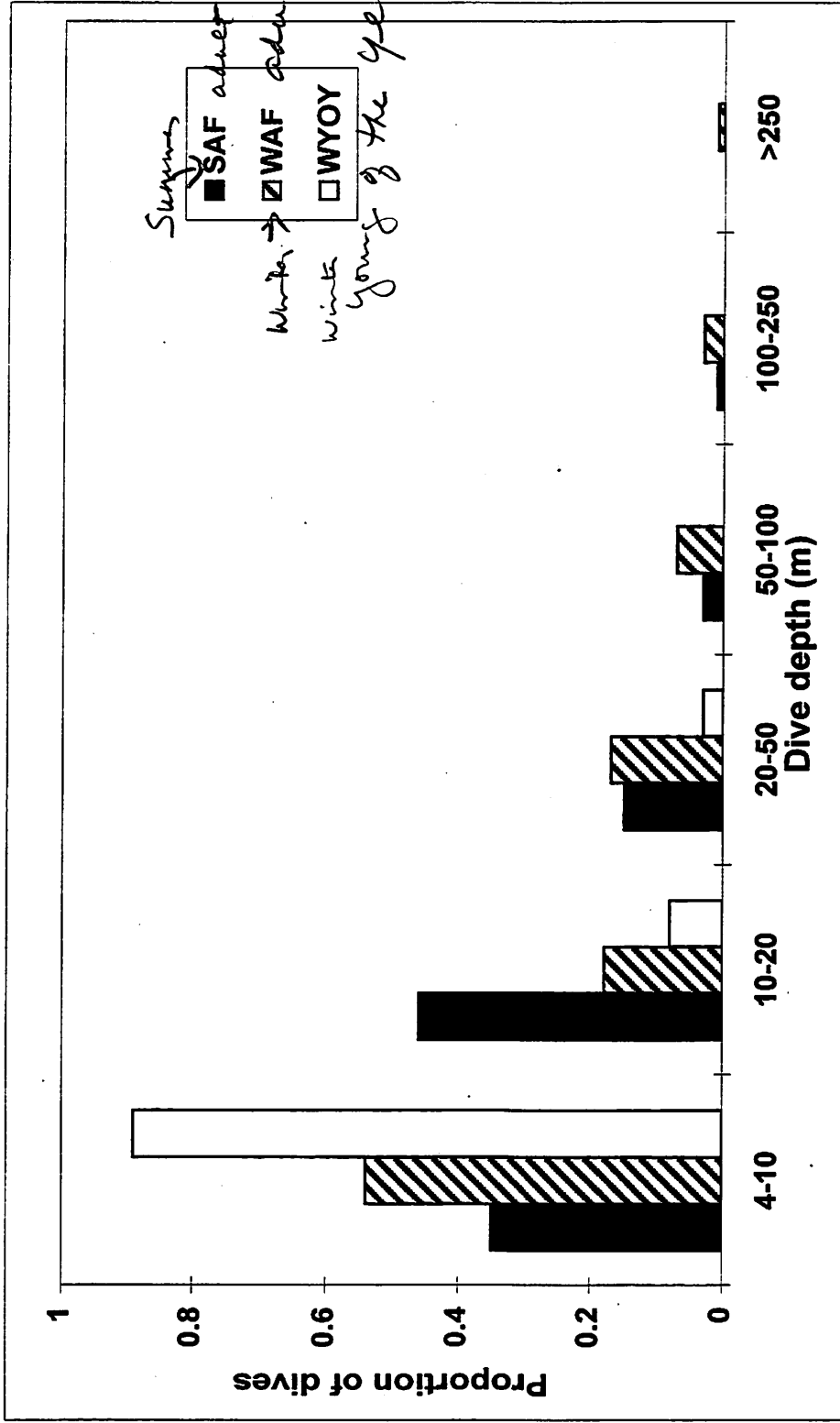
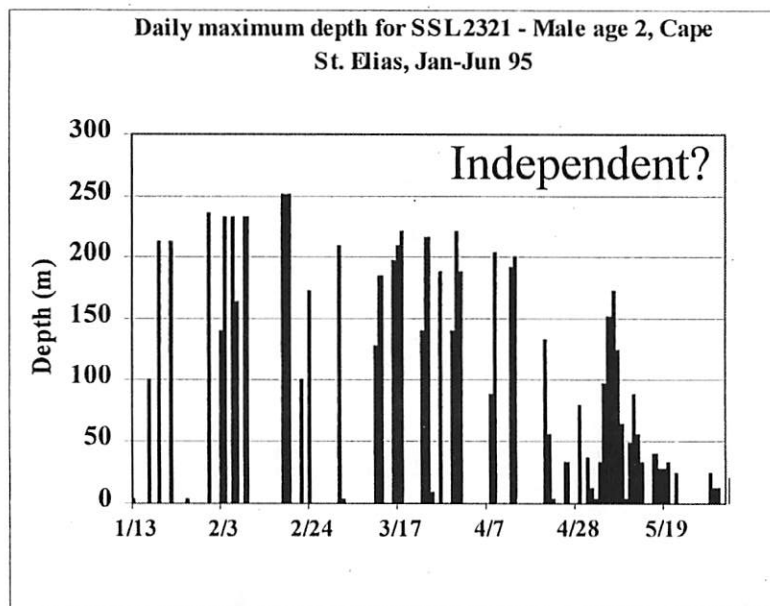
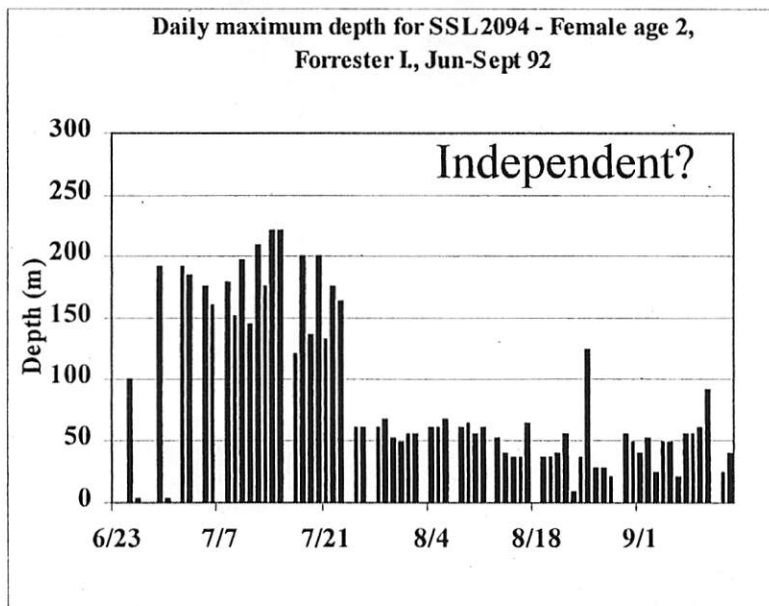
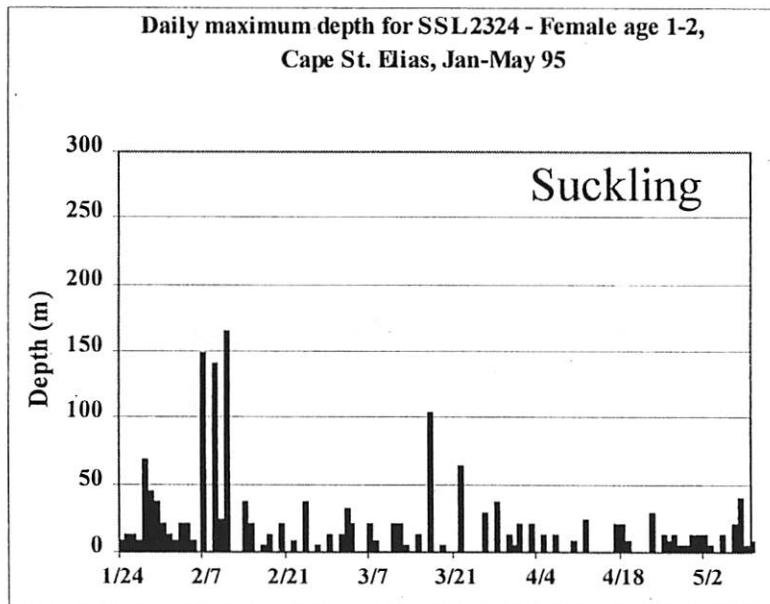
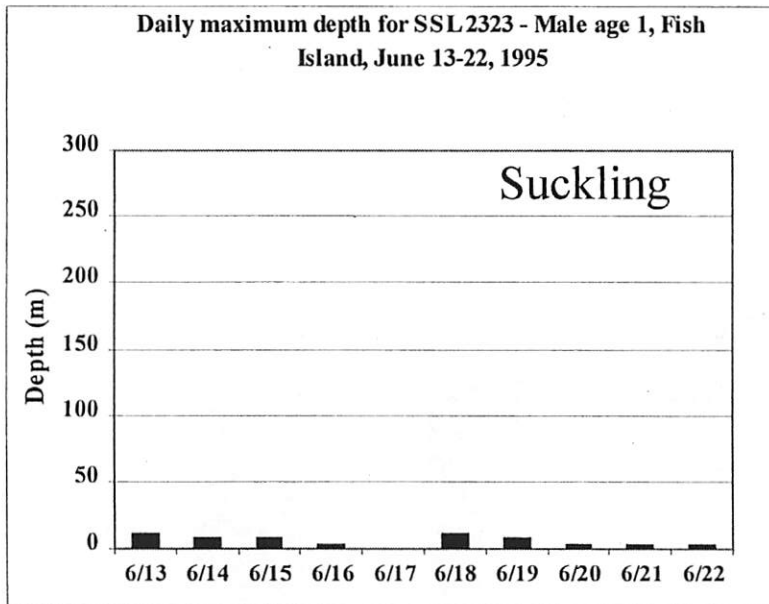
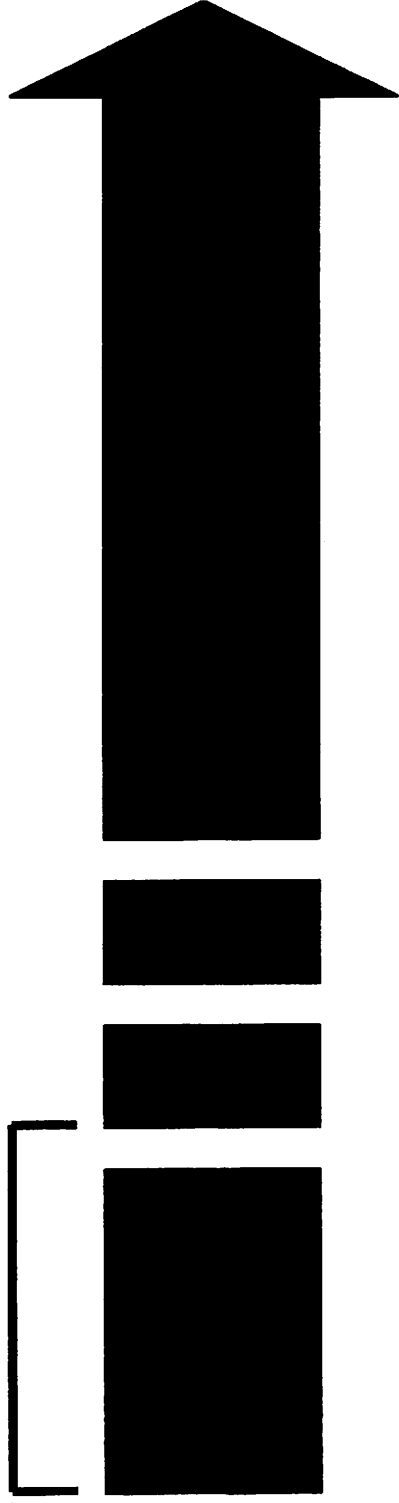


Fig 37

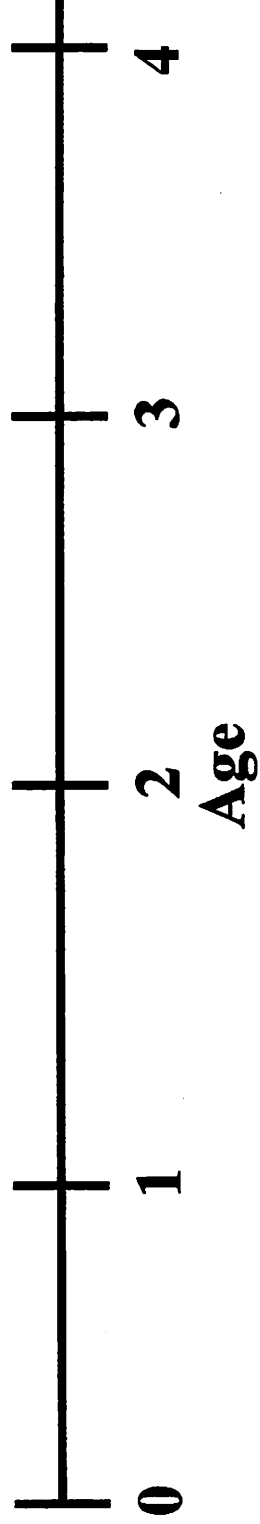


“Juveniles”

Merrick &
Loughlin 1997



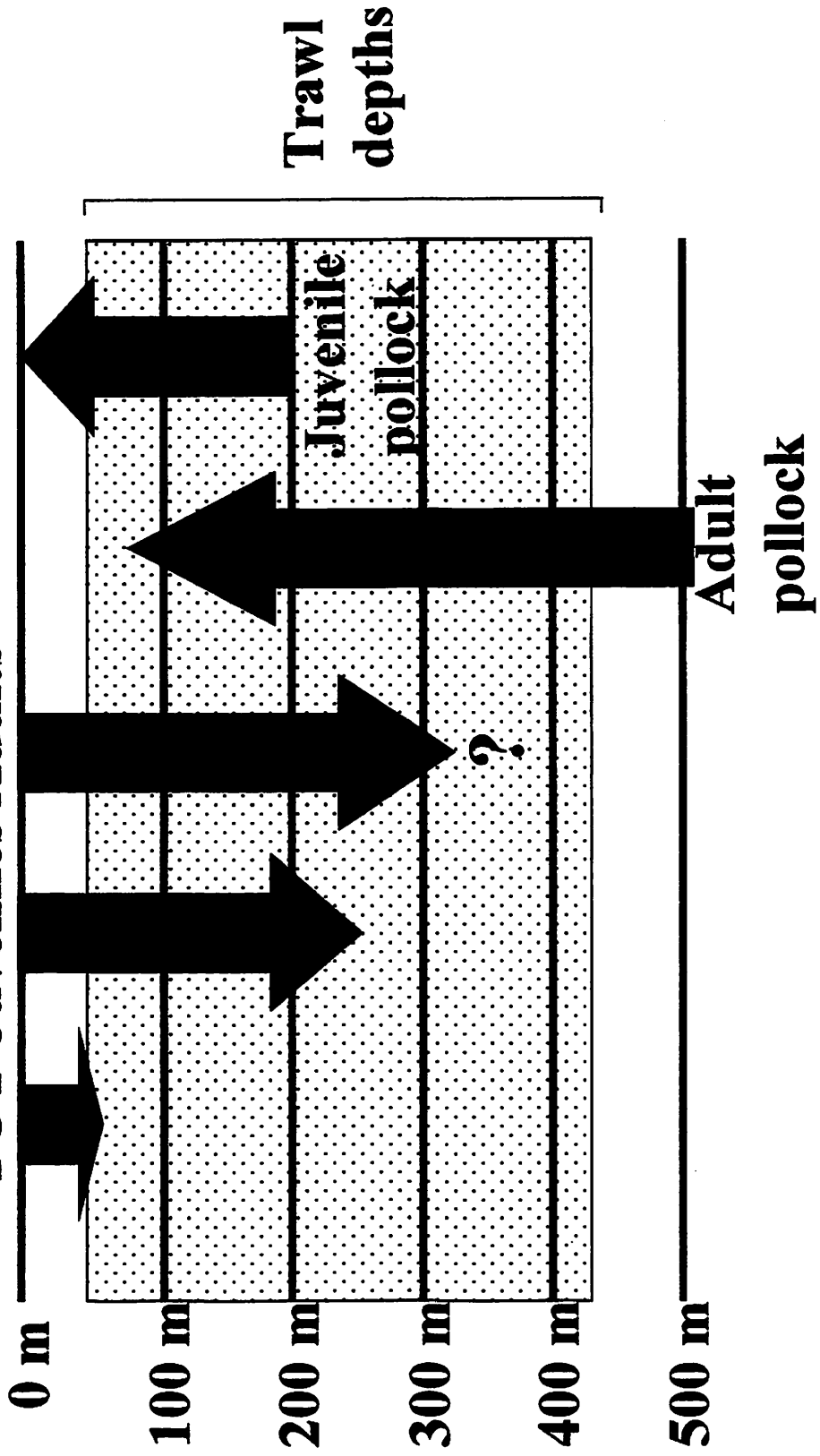
Nursing pups Weaning



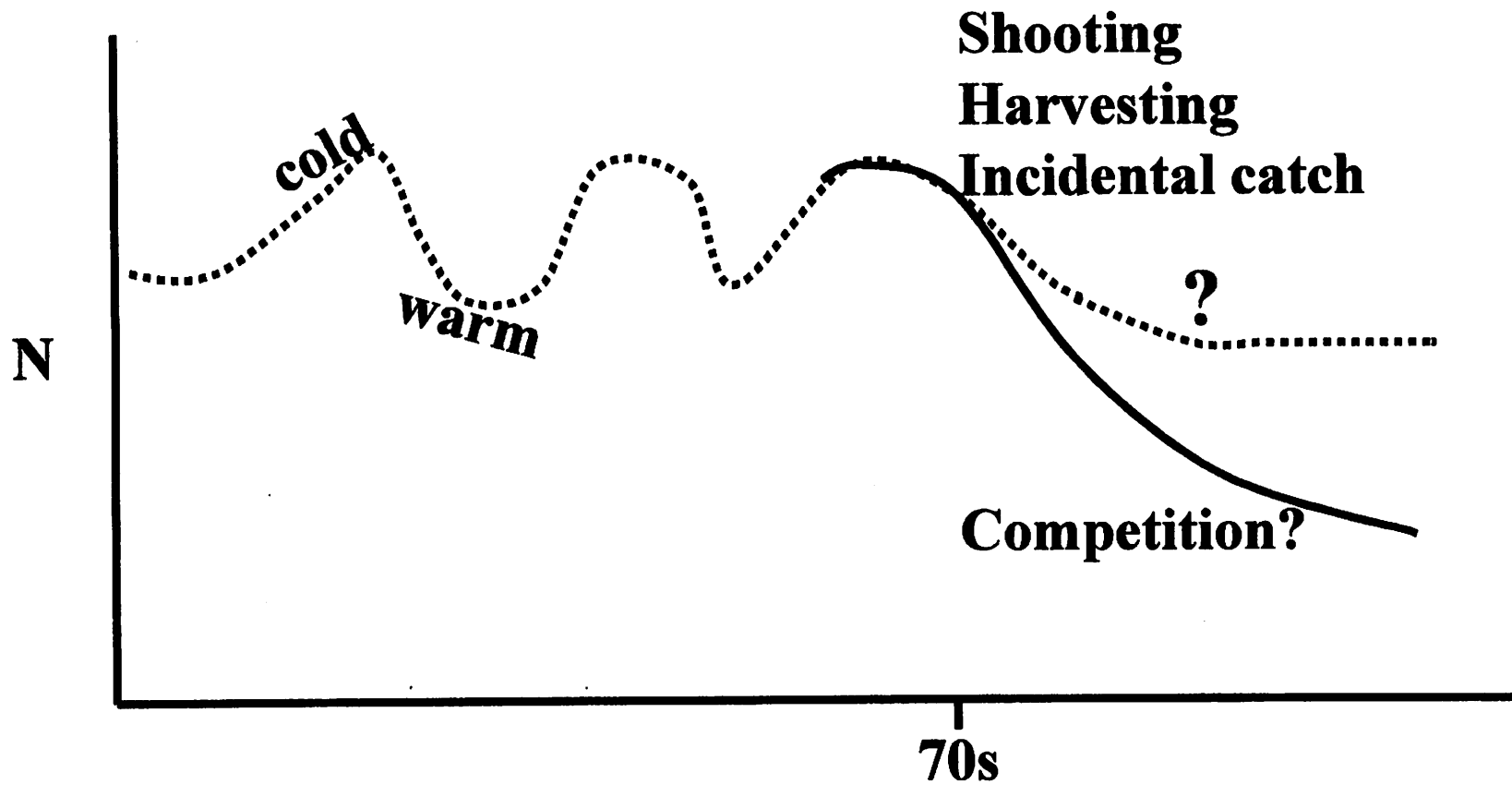
— York “juveniles” —
(Bottleneck)

Steller Sea Lions

YOY Juveniles Adults



Hypothetical trends?



SSL foraging model

Energy and nutrients

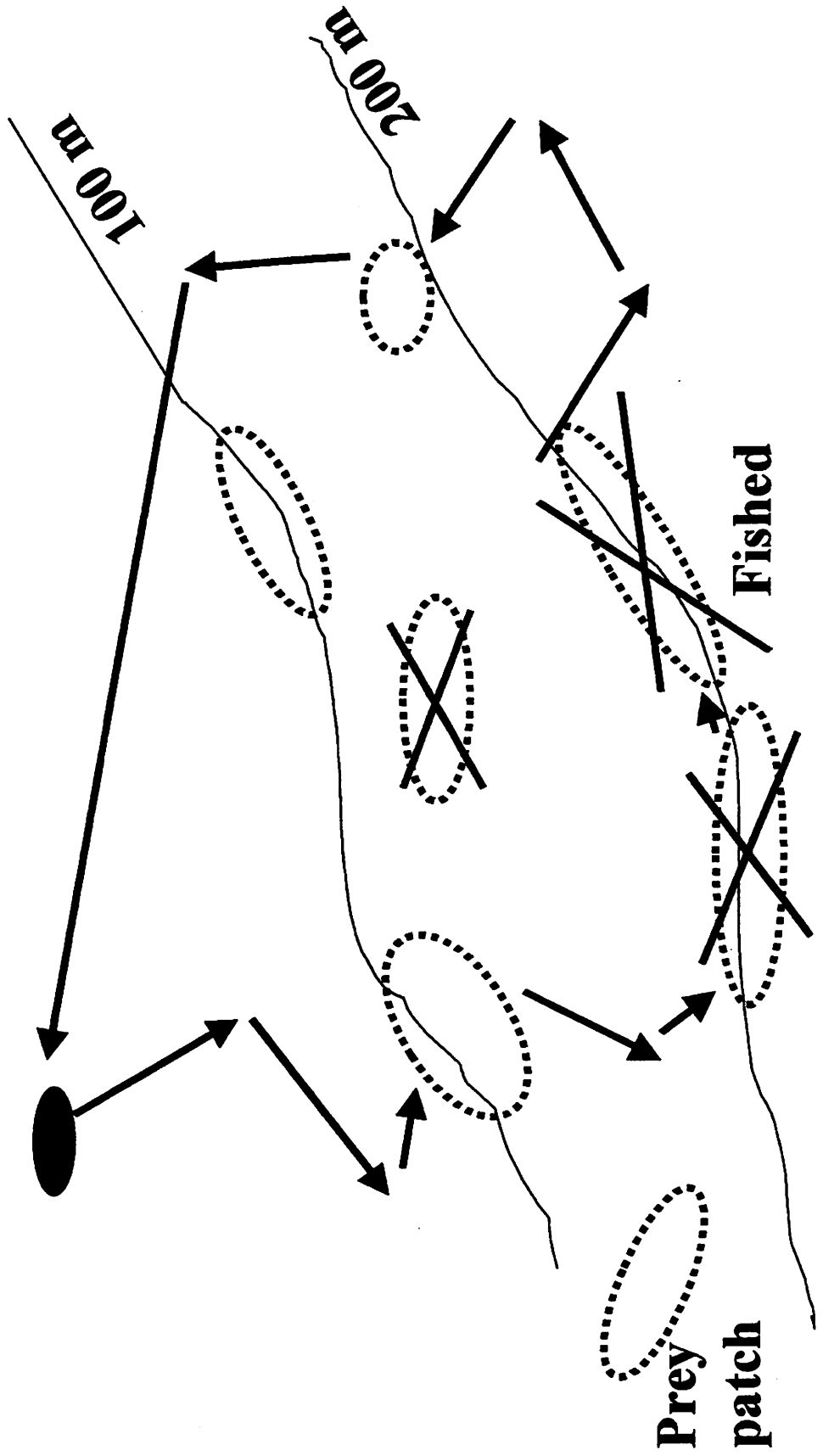
- **Energy and nutrients are currency**
- **Net gain from foraging must provide for:**
 - **condition**
 - **growth**
 - **reproduction**
 - **survival**
- **Foraging takes energy**

SSL foraging model

Foraging strategy

- **Maximize net energy gain via:**
 - maximize consumption
 - minimize expenditures
- **Land-based**
- **Continuous divers with constant needs for energy**
- **Foraging range limited by:**
 - life history strategy
 - energetics

Hypothetical Foraging Trip



To Avoid Jeopardy/Adverse Modification:

- **Disperse fishing effort *spatially***
- **Disperse fishing effort *temporally***
- **Provide *protection zones* around haulouts
and rookeries**

Temporal RPA Guidelines

- **Continue prohibition 1 Nov - 19 Jan**
 - **extend to GOA**
- **Four seasons**
 - **2 in January-May**
 - **2 in June-October**
- **Combined TAC in A1 and A2 not greater than 45%**
- **No single season TAC greater than 30%**
- **Prevent lumping of two seasons**
- **Limit rollover to cases where premature closure**

Temporal Examples

EBS

Season	Start date	Allocation
A1	January 20	20% EBS TAC
A2	March 1	25%
B	August 15	25%
C	September 15	30%

Temporal Examples

GOA

Season	Start date	Allocation
A1	January 20	15% W/C TAC
A2	March 1	30%
B	June 1	25%
C	September 15	30%

Spatial RPA Guidelines

- **Allocate TAC by area based on pollock biomass distribution**
- **Where distribution is uncertain, establish maximum limit on TAC from CH for each season**
- **Allow for further TAC reductions within CH**
- **Prevent redistribution of TAC from outside CH to inside CH**

Spatial RPA Guidelines

- **Use existing study or management areas**
 - **Form one CVOA-CH complex**
 - **EBS**
 - **Wtr/Spr - CVOA-CH and outside CVOA-CH**
 - **Smr/Aut - CVOA-CH, east of 170W, west 170W**
 - **GOA**
 - **Wtr/Spr - Shelikof Strait, 610, 620, 630**
 - **Smr/Aut - 610, 620, 630**
 - **AI**
 - **541, 542, 543**

Spatial RPA Example

EBS

Season	Areas	Allocation
---------------	--------------	-------------------

A1&A2	1) CVOA & CH 2) Outside CVOA & CH	see below
------------------	--	------------------

B&C	1) CVOA & CH 2) East 170 W outside CVOA-CH 3) West 170 W, north 56N	by surveys
----------------	--	-------------------

**A1&A2 - (1999) 62.5% each season's TAC in CH
(2000) 50.0% each season's TAC in CH**

Spatial RPA Example

GOA

Season	Areas	Allocation
A1&A2	1) Shelikof areas 2) 610 3) 620 (outside 621) 4) 630 (outside 631)	see below
B&C	1) 610 2) 620 3) 630	by bottom trawl survey

**A1&A2 -(Shel St biom/Total biom)* each season's TAC
distribute remainder by bottom trawl survey**

RPA Exclusion Zone Guidelines

- **Separation of trawl fishing and sea lion foraging areas adjacent to haulouts and rookeries**
- **Protection of all rookeries and haulouts used by significant numbers of animals since beginning of decline in 1970s**
- **Protection zones with *minimum* radius of:**
 - **EBS - 20 nmi**
 - **GOA - 10 nmi**
 - **AI - 10 nmi**

RPA Exclusion Zone Example

- **Rookeries: 10 nm or 20 nm, all trawl year-round**
- **>200 animals smr, <75 wtr: B&C seasons**
- **<200 animals smr, >75 wtr: A1&A2 seasons**
- **>200 animals smr, >75 wtr: all seasons**

8.0 REASONABLE AND PRUDENT ALTERNATIVES

Regulations (50 CFR §402.02) implementing section 7 of the Act define reasonable and prudent alternatives as alternative actions, identified during formal consultation, that: (1) can be implemented in a manner consistent with the intended purpose of the action; (2) can be implemented consistent with the scope of the action agency's legal authority and jurisdiction; (3) are economically and technologically feasible; and (4) would, the Service believes, avoid the likelihood of jeopardizing the continued existence of listed species or resulting in the destruction or adverse modification of critical habitat.

This opinion has concluded that the BSAI and GOA pollock trawl fisheries, as proposed, are likely to 1) jeopardize the continued existence of the western population of Steller sea lions, and 2) adversely modify its critical habitat. The clause "jeopardize the continued existence of" means "to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species" (CFR §402.02). The clause "adversely modify its critical habitat" means "a direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species. Such alterations include, but are not limited to, alterations adversely modifying any of those physical or biological features that were the basis for determining the habitat to be critical" (CFR §402.02).

8.1 Principles for reasonable and prudent alternatives

To avoid the likelihood of jeopardizing the continued existence of the western population of Steller sea lions, or adversely modifying its critical habitat, reasonable and prudent alternatives to the proposed pollock trawl fisheries in the Bering Sea, Aleutian Islands, and Gulf of Alaska must accomplish each of the following.

8.1.1 Temporal dispersion

The first objective of temporal dispersion is to avoid removal of prey during the winter period when Steller sea lions, and particularly adult females and juveniles, may be especially vulnerable to competition or lack of available prey. The current fishing schedule prohibits fishing from 1 November through 19 January in the pollock trawl fisheries in the Bering Sea subarea. The reasonable and prudent alternatives should continue this prohibition and expand it into the Gulf of Alaska..

A second objective of temporal dispersion is to more evenly distribute the pollock trawl fisheries catch throughout the remainder of the year and thereby eliminate the probability of localized depletions associated with removing large amounts of catch in short periods of time (e.g., "derby" fishing). In the BSAI, the pollock fishery has become temporally concentrated from about 10 months in 1990 to less than 3 months in 1998 (split into two seasons). This kind of pulsed fishery represents one extreme of temporal dispersion. At the other extreme, the catch would be evenly distributed from 20 January to December 31. An even distribution of the catch throughout the

remainder of the year would reduce the likelihood for adverse ecosystem effects by minimizing the potential for temporary localized depletion. On the other hand, a significant effort by fishing vessels on a nearly year-round basis may increase the potential for interactive competition (i.e., disturbance of foraging sea lions by fishing activities). The division of the 20 January to December 31 period into four seasons represents an intermediate approach that reduces the potential for temporary depletion in either existing season by about one-half, and more evenly disperses the fishery through the period from 20 January to 31 October. The four-season approach has already been used in the GOA pollock fishery.

In the BSAI, about 45% of the entire TAC is currently taken in a six- to eight-week period during the winter roe (A) season, beginning 20 January, and then no pollock are removed until the fall season (1 September to 31 October; 55% of TAC). Because sea lions must depend on spawning aggregations of pollock during winter season, dispersal of the roe-fishery is a necessary, seasonally-specific objective of temporal dispersion. Possible protective measures could include reduction of the pollock TAC in the winter season, or splitting of the winter season into two seasons (winter and spring; e.g., January 20 and March 1), or both. Splitting of the winter TAC into two seasons reduces the potential for localized depletions, while still allowing for two seasons in which roe-bearing pollock can be fished. This approach satisfies both the need to increase protection for sea lions without unnecessarily constraining the pollock trawl fisheries. Splitting the existing winter season into two seasons represents a reasonable stepping up of protection for sea lions. The possibility of localized depletion at any one time will be reduced by about half simply by splitting the 45% allocation to the current winter season into a winter and spring season.

To ensure that seasonal TACs are reasonably balanced and accomplish the desired temporal dispersal of catch, the portion of the total TAC removed in any particular season must be constrained. An even distribution of the TAC would result in a 25% split to each of four seasons. Due to various seasonal considerations (which may be important to sea lions, the fisheries, or both) some flexibility in the single season cap is desirable. An increase from 25% in a season to 30% (which amounts to a 20% increase from an even distribution) would still maintain a four-season approach. An increase from 25% to 35% would not maintain a four-season approach as 100% of the annual TAC could be taken in three seasons. Therefore, a 30% cap is essential to maintain the integrity of the four-season approach.

To maintain the integrity of the four-season approach and ensure temporal dispersion, seasonal TACs should not be open to in-season adjustment as a simple function of fishing practices. That is, by adjusting their fishing practices, the pollock trawl fisheries should not be able to move large parts of the TAC among seasons. Some small rollover from one season to the next is reasonable if undertaken to compensate for TAC not taken due to imprecision of management monitoring and premature closure of a given season.

On the basis of these concerns, catch must be dispersed temporally in accordance with the following principles. Temporal dispersion must accomplish the following.

- a) Continue current prohibition on all pollock trawling fisheries in the period from 1 November through 19 January and extend to the Gulf of Alaska.

- b) Distribute the pollock trawl harvest into at least four seasons (two in the period from January through May and two in the period from June through October).
- c) Limit combined TAC in the winter and spring periods to a maximum of 45% of the annual TAC (the current limit on the existing winter season).
- d) Allocate single-season TACs to be no more than 30% of the annual TAC.
- e) Prevent concentration of pollock catch at the end of one season and the beginning of the next season which, in effect, could result in a single pulse of fishing. Mechanisms for limiting such concentration might include inter-seasonal no-fishing periods, or limits on the proportion of a seasonal TAC that can be taken in the latter part of a season. Other measures to spread or reduce effort may be necessary.
- f) Limit rollover of portions of seasonal TACs to situations only where necessary to account for premature fisheries closure resulting from inaccuracies associated with monitoring of seasonal catches.

8.1.2 Spatial dispersion

The first objective of spatial dispersion of pollock trawl fisheries is to have the distribution of catch mirror the distribution of exploitable pollock biomass for each seasonal TAC. This would include TAC allocation to areas both within critical habitat and outside of critical habitat.

In some areas, further reduction of catch may be necessary to provide sufficient protection for sea lions. That is, pollock harvest rates that are assumed to be safe for the pollock stocks may still constitute serious and detrimental competition between fisheries and the endangered and declining western population of sea lions. Thus, in some cases, the first principle of distributing catch according to the distribution of the pollock stock may not provide sufficient protection by itself.

As a management principle, the use of the pollock stock distribution to spatially allocate catch is problematic in both the BSAI and GOA. Stock assessment surveys are currently designed to determine pollock biomass, not distribution with respect to Steller sea lion critical habitat. In addition, the surveys are not conducted year-round, and are therefore sufficient to determine distribution during selected seasons only.

As fish stock distribution is generally not known in, for example, the winter season of the BSAI, then a precautionary approach must be followed to ensure that removals are not excessive in Steller sea lion critical habitat. Prior to 1987, less than 30% of the annual catch was taken from Steller sea lion critical habitat in all years except 1971 (when about 31% was taken). After 1987, the annual percent of the TAC removed from critical habitat increased to between 36% and 69%, with the 1987-1997 mean of about 52%. In the winter or A season (1995 to 1997), the mean percent of

catch has been about 75%. These values provide reference points or benchmarks for reductions in catch from Steller sea lion critical habitat. With rounding, those benchmarks are:

- a) 75% — mean percent catch during the A season from 1992 to 1997,
- b) 50% — mean percent catch annually from 1987 to 1997, largely in summer, and
- c) 30% — maximum percent catch annually prior to 1987, again largely in summer.

Of these benchmarks, setting the maximum percent to be taken from critical habitat at 75% would not result in a reduction of take and therefore would not avoid jeopardy or adverse modification. Setting the maximum percent at 50% is consistent with past fishery practices and still provides a considerable reduction from the current mean percent. Setting the summer maximum at 30% would be consistent with the history of the fishery for a period of about two decades prior to 1987. This level would provide considerably more protection for Steller sea lion critical habitat, but also increases the risk of unnecessary restriction of the pollock trawl fisheries.

In the GOA, the percent of the annual pollock TAC taken from critical habitat was on the order of a few percent until 1979, when the level rose to about 35%. From 1982 to 1997, the level has been consistently above 50%, ranging to as high as 93% in 1988. Here, a cap of 50% from critical habitat is consistent with the lower limit of catches since 1982, but also represents a meaningful reduction from the mean annual percent over this period.

Using these benchmarks, then, a cap of 50% would be required to achieve a meaningful reduction in the percent TAC taken from critical habitat. A 50% cap would also minimize the immediate consequences to the fisheries compared to the consequences under the more severe caps on percent from critical habitat.

Finally, the allocation of catch according to the geographic distribution of stock biomass implies some subdivision of the entire area of the stock into meaningful geographic units. For the pollock stocks in the BSAI region, some specific geographic areas have already been identified (e.g., Aleutian Islands area, Bogoslof area, eastern Bering Sea). The investigation of area-specific harvest rates in the BSAI that indicated excessive harvesting in the CVOA during the fall (B) season was based on the CVOA, the area outside of the CVOA but east of 170°W long., and the area outside of the CVOA but west of 170°W long. In the GOA, geographic management areas 610, 620, and 630 have already been established, and the Shelikof Strait area (combined 621 and 631) has been identified as an area of particular concern (and a site for annual hydroacoustic trawl surveys). With respect to the Steller sea lion, the areas of particular concern are identified as critical habitat. Management areas for the spatial allocation of pollock trawl fishing should be based on these and/or other meaningful geographic delineations.

On the basis of these concerns, catch must be dispersed spatially in accordance with the following principles. Spatial dispersion must accomplish the following.

- a) Allocate percent TAC to areas defined by critical habitat (CH) and broad management districts (see item c) based on the pollock biomass distribution.

- b) Absent good scientific estimates of pollock biomass distribution, place a maximum limit on the percent of TAC allocations from CH areas for each season. A cap of 50%, for example, is consistent with past fishing practices, but still leads to meaningful reduction in the percent of TAC from CH.
- c) Allow for the possibility of further reduction of percent TAC in specific critical habitat areas.
- d) Prevent redistribution of TAC from areas outside of critical habitat to areas inside of critical habitat.
- e) Base spatial distribution of the TAC on existing study or management areas. In addition, in the southeastern Bering Sea, the CVOA and southeastern Bering Sea foraging area should be combined to form one CVOA-CH complex). Additional or alternative areas may be suggested but should not lead to further spatial concentration of catch. Alternative areas must distribute TAC in a manner that is equivalent to or better (for sea lions) than would be accomplished by the following set of management areas.
 - Eastern Bering Sea:
 - Winter - CVOA-CH, and outside CVOA-CH
 - Summer - CVOA-CH, outside of CVOA-CH east of 170°W, and west of 170°W
 - Gulf of Alaska:
 - Winter - Shelikof Strait (621 and 631 combined), 610, 620, 630
 - Summer - 610, 620, and 630
 - Aleutian Islands:
 - All districts - 541, 542, and 543

8.1.3 Pollock Trawl exclusion zones

Trawl exclusion zones are an example of spatial dispersion wherein pollock catch is clearly not proportionate to pollock stock distribution. Complete exclusion of pollock trawl fishing is based on the available evidence that the regions around major rookeries and haulouts are so essential to the recovery and conservation of the western population that risk of competition from pollock trawl fisheries must be excluded completely. Such exclusions are particularly important to protection of prey resources for reproductive females and for pups and juveniles learning to forage.

Exclusion of potential competition from other fisheries may follow from consultation or review of those fisheries. Reasonable and prudent alternatives based on the pollock trawl fisheries should be limited here to measures directed at those pollock trawl fisheries.

Based on the need to eliminate the possibility of competition in foraging areas immediately adjacent to rookeries and haulouts, exclusion zones must be established to accomplish the following.

- a) Spatial separation of pollock trawl fishing and Steller sea lion foraging areas adjacent to terrestrial haulouts and rookeries.

- b) Protection of all rookeries and haulouts used by significant numbers of animals since the beginning of the decline in the 1970s.
- c) Protection zones in the eastern Bering Sea must have a minimum radius of 20 nm, and 10 nm in the GOA and Aleutian Islands.

8.2 Incremental or phased approaches to reasonable and prudent alternatives

Some of the principles identified above may be accomplished by an incremental approach if the incremental approach does not jeopardize the continued existence of the western population of Steller sea lions. The phase in of any reasonable and prudent alternative must not be drawn out, and 2 years is a general guideline with a significant portion occurring in year one. For example, a 50% cap of removals from critical habitat could be implemented in two years, with a cap of 62.5% in the first year and 50% in the second year. Similarly, the exclusion zones could be established over a two-year period: in the first year, protected rookeries and haulouts could include those with a count of at least 200 animals in summer or 75 in winter since 1990, and in the second year, rookeries and haulouts with counts of 200 in summer and 75 in winter since 1979 would be protected. In effect, seasonal protection of rookeries and haulouts constitutes an incremental approach by season.

8.3 Review of fishery practices and fish/sea lion biological data subsequent to establishment of reasonable and prudent alternatives

The effectiveness of reasonable and prudent alternatives in redistributing fishing catch in accordance with pollock distribution, dispersing the fishery temporally, and protecting rookeries and haulouts must be evaluated annually. Additionally, scientifically valid biomass surveys should be conducted seasonally in cooperation with the industry to better assess pollock distribution and abundance relative to sea lion critical habitat.

A group including Steller sea lion researchers, federal and state managers, and industry and environmental agency representatives should be formed to develop recommendations for longterm management of fisheries relative to effects on Steller sea lions.

8.4 Example measures to implement the reasonable and prudent alternatives for pollock fisheries

The principles established in section 8.1 may be accomplished in any number of ways. The following set of recommended measures were developed by NMFS staff from the Alaska Fisheries Science Center and the Alaska Regions as an example which implements the above principles of the reasonable and prudent alternatives. See Table 9 for a summary of these recommended reasonable and prudent alternatives.

8.4.1 Temporal allocation

In both the eastern Bering Sea and the Gulf of Alaska, total allowable catch (TAC) will be distributed among four seasons. In the Aleutian Islands, seasonal allocation is not considered necessary. Rollover of seasonal TACs to must be limited to the amount of TAC remaining after

premature fisheries closure resulting from inaccuracies associated with monitoring of seasonal catches.

Eastern Bering Sea (EBS)

Season	Start Date	Allocation
A1	January 20	20% of EBS pollock TAC
A2	March 1	25%
B	August 15	25%
C	September 15	30%

Gulf of Alaska (GOA)
Only for Western/Central [W/C] GOA areas 610, 620, 630

Season	Start Date	Allocation
A1	January 20	15% of W/C GOA pollock TAC
A2	March 1	30%
B	June 1	25%
C	September 15	30%

8.4.2 Spatial Allocation

In the EBS, pollock TAC will be split between two areas during the A1 and A2 seasons, and among three areas during the B and C seasons.

Eastern Bering Sea

Season	Areas	Allocation
A1 & A2	1) Catcher Vessel Operation Area (CVOA) and EBS critical habitat 2) Outside of CVOA and EBS critical habitat	(See below)
B & C	1) CVOA and EBS critical habitat 2) East of 170°W outside of CVOA and EBS critical habitat 3) West of 170°W, north of 56°N	(See below)

For A1 and A2 seasons, apportionment of pollock TAC to the combined CVOA and EBS critical habitat area will be reduced in two increments. In 1999, no more than 62.5% of each season's TAC can be taken in the combined area; in 2000, no more than 50%.

For B and C seasons, the EBS TAC will be allocated to three areas based on the distribution of exploitable pollock (age 3+) biomass as best determined by summer bottom trawl and hydroacoustic surveys. The TAC apportioned to critical habitat may require further reduction, although no reduction in presently included in this alternative.

In the GOA, pollock TAC will be split among four areas in the A1 and A2 seasons and three areas in the B and C seasons.

Gulf of Alaska		
Season	Areas	Allocation
A1 & A2	1) Shelikof areas (combined areas 621 and 631) 2) Area 610 3) Area 620 (outside of 621) 4) Area 630 (outside of 631)	(See below)
B & C	1) Area 610 2) Area 620 3) Area 630	(See below)

For A1 and A2 seasons, the Shelikof Strait TAC will be determined by first calculating the ratio of the most recent estimate of biomass in the strait (from hydroacoustic surveys) divided by the most recent estimate of total biomass in the GOA (model estimate). The ratio will then be multiplied by each seasonal TAC to determine what portion of that TAC will be apportioned to the strait. The remainder will be distributed among the other areas according to the results from the most recent summer bottom trawl survey. The TAC apportioned to the strait may require further reduction, although no reduction in presently included in this alternative.

For B and C seasons, the TAC will be apportioned among the areas according to the most recent bottom trawl survey data.

No spatial apportionment of pollock TAC is proposed for the Aleutian Islands region.

8.4.3 Trawl exclusion zones

Exclusion zones will be established around haulouts in the Aleutian Islands region, EBS, and GOA. The size of the exclusion zones in each fishery area reflects the relative widths of the continental shelf. The shelf is broader in the EBS (zones with a radii of 20 nm) than in the Aleutian Islands region or most of the GOA (zones with radii of 10 nm). Existing zones, which prohibit all trawling around rookeries, will not be affected by this alternative. New zones will prohibit trawling for pollock only, and only around haulout sites used by the western population (i.e., west of 144°W long.). These sites were selected on the basis of counts conducted since 1979 during the reproductive season (summer) and non-reproductive season (winter). The following criteria were used to identify sites that require protection zones.

- 1) Rookeries: 10 or 20 nm (depending on location) all-trawl exclusion zones, year-round.

2) Haulouts:

- a) Those with >200 sea lions in summer surveys and <75 in winter surveys have 10 or 20 nm pollock trawl exclusion zones only during B and C seasons.
- b) Those with <200 sea lions in summer surveys and >75 in winter surveys have 10 or 20 nm pollock trawl exclusion zones only during A1 and A2 seasons.
- c) Those with >200 sea lions in summer surveys and > 75 in winter surveys have 10 or 20 nm pollock trawl exclusion zones during all seasons.

Because this biological opinion has concluded that the proposed pollock fishery in the Bering Sea and Aleutian Islands region and the pollock fishery in the Gulf of Alaska region is likely to jeopardize or destruction or adversely modify critical habitat), the Office of Sustainable Fisheries is required to notify the Office of Protected Resources of its final decision on implementation of the reasonable and prudent alternatives.

Table 9. Summary table of recommended reasonable and prudent alternatives for pollock fisheries in the eastern Bering Sea, GOA, and Aleutian Islands.

Management action	Eastern Bering Sea	Aleutian Islands	Gulf of Alaska
Temporal TAC distribution	4 Seasons: A1 (Jan 20): 20% A2 (Mar 1): 25% B (Aug 15): 25% C (Sep 15): 30%	No new season allocation	4 Seasons: A1 (Jan 20): 15% A2 (Mar 1): 30% B (Jun 1): 25% C (Sep 15): 30%
Spatial TAC distribution	A1 and A2 seasons: 2-year incremental approach to a maximum of 50% of pollock TAC from EBS critical habitat foraging area and CVOA (AREA). In 1999, a maximum of 62.5% of pollock TAC from AREA; in 2000, a maximum of 50%. B and C seasons: TAC allocated to three areas on the basis of most recent surveys. Areas are: 1) AREA 2) East of 170°W outside of AREA, and 3) West of 170°W. long.	No new spatial allocation	A1 and A2 seasons: TAC distributed to Shelikof Strait (combined 621 and 631) based on ratio of Shelikof Strait biomass to stock assessment model biomass; the remainder distributed among areas 610, 620, and 630 based on the most recent bottom trawl survey. B and C seasons: TAC allocated to three areas on the basis of most recent surveys. Areas are 610, 620, and 630.
Trawl exclusion zones	20 nm around sites meeting summer, winter, or year-round criteria	10 nm around sites meeting summer, winter, or year-round criteria	10 nm around sites meeting summer, non-breeding season, or year-round criteria from 144°W long. to 164°W long., and 20 nm around sites from 164°W long. to 170°W long.

Glenn Merrill AEB *John Rottke* *c-2*
Annalsia Metz Asst

Potential Spillover Effects From AFA as Affected by the Steller Sea Lion RPAs as Adopted by the Council

Local 610 Fleet (Directed Pollock Only)

Average Vessel Size 58' (Under 60')
 Range of Vessel Hold Capacity 80,000 - 160,000 Pounds (37MT - 74MT)
 Effective Operating Range 10 Miles

Harvest Capacity/Trip (MT)	Number of Vessels		
	20	25	30
50	1000	1250	1500
55	1100	1375	1650
60	1200	1500	1800
65	1300	1675	1950
70	1400	1750	2100

Bering Sea Vessels

Average Vessel Size Range 100' - 150 ' (125' Assumed Average)
 Vessel Hold Capacity 300,000 - 750,000 (135MT - 340MT)
 Effective Operating Range 70-100 Miles

Harvest Capacity/Trip (MT)	Number of Vessels				
	5	10	15	30	50
135	675	1350	2025	4050	6750
175	875	1750	2625	5250	8750
225	1125	2250	3375	6750	11250
300	1500	3000	4500	9000	15000
325	1675	3250	4875	9750	16250

Estimated Quota in Area 610 under the Council's RPAs (Total Quota 23,190MT)

Start Date	Percent Total Quota	610 Quarterly Quota
20-Jan	30%	6957 MT
1-Jun	20%	4638 MT
1-Sep	25%	5798 MT
1-Oct	25%	5798 MT

- (1) The only seasons in the Bering Sea and the Gulf of Alaska that have the same start date is the A1 (20-Jan) Season
- (2) The (1-OCT) season begins 5 days after the end of the 1-Sept. season

Key Points

The Maximum Harvesting Capacity for the Local 610 fleet for one trip (30 vessels @ 70 MT) = 2,100MT

Harvesting Capacity for 15 Average Bering Sea Boats under 300,000 Pound RPA for one trip = 2,025 MT

- (1) Estimates of the number of Bering Sea vessels that may participate in the Area 610 pollock fishery is conservative
- (2) There is no guarantee that a 300,000 pound trip limit for the Gulf of Alaska will be approved
- (3) During adverse weather conditions local vessels will not be harvesting at maximum capacity.
- (4) The combined harvesting capacity of the local fleet and potential Bering Sea entrants suggests that the June 1, September 1, and October 1 fishery in 610 could be harvested in a 24 to 48 hour period.
- (5) Short openings combined with the limited harvesting area permitted under the Council approved RPAs favors larger vessels able to operate under adverse weather conditions with greater range.
- (6) Smaller vessels will be forced to harvest in adverse weather in order to compete with larger vessels.
- (7) The AFA will exacerbate these effects since not all coop (or coop eligible) vessels will be required to harvest pollock exclusively in the Bering Sea. An increased number of Bering Sea vessels will be able to harvest pollock in the Gulf of Alaska.

Possible Sideboard Measures

- (1) Reduce the trip limit in 610 only to 150,000 pounds (68 MT)
- (2) Require any vessel participating in a Bering Sea directed pollock fishery to stand down for a period no less than 30 days before participating in any Gulf of Alaska directed pollock fishery.
- (3) Require those vessels participating in the directed pollock fishery to pick the area (Gulf of Alaska or Bering Sea) where they will fish each quarter.
- (4) Exclusive registration for Gulf of Alaska and Bering Sea Vessels.

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**136th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
December 9-14, 1998**

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APPENDICES

- I List of Persons Giving Public Comment
- II Minutes of the Scientific and Statistical Committee
- III Minutes of the Advisory Panel
- IV "Roadmap" of AFA Tasking
- V Tables of Final 1999 Groundfish Specifications

North Pacific Fishery Management Council

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Certified Richard B. Lauber
Richard B. Lauber, Chairman

Date: April 26, 1999

MINUTES

**136th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
December 9-14, 1998
Hilton Hotel
Anchorage, Alaska**

The North Pacific Fishery Management Council met December 9-14, 1998 at the Hilton Hotel in Anchorage, Alaska. The Scientific and Statistical Committee met December 6-8 and the Advisory Panel met December 7-10, at the same location. The following members of the Council, staff, SSC and AP attended the meetings.

Council

Richard Lauber, Chairman
Dennis Austin
RADM T. Cross/CAPT Vince O'Shea
Linda Behnken
David Fluharty
Dave Hanson
Joe Kyle

Walter Pereyra, Vice Chair
Bob Mace for J. Greer
Kevin O'Leary
Steve Pennoyer
H. Robin Samuelsen, Jr.
Dave Benton for Frank Rue

NPFMC Staff

Clarence Pautzke, Executive Director
Jane DiCosimo
David Witherell
Darrell Brannan
Chuck Hamel

Chris Oliver, Deputy Director
Helen Allen
Gail Bendixen
Linda Roberts

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Support Staff

Lisa Lindeman/Loren Smoker, NOAA-GCAK
Earl Krygier, ADF&G
John Lepore, NMFS-AKR
Lowell Fritz, NMFS-AFSC
Steve Meyer, NMFS Enforcement
Andy Smoker, NMFS-AKR

Kent Lind, NMFS-AKR
Tim Ragen, NMFS-AKR
Rich Ferrero, NMFS-NMML
Loh-lee Low, AFSC
Sandra Lowe, AFSC

Scientific and Statistical Committee

Richard Marasco, Chair
Al Tyler
Keith Criddle
Doug Eggers
Sue Hills
Dan Kimura

Doug Larson
Seth Macinko
Jack Tagart, Vice Chair
Terry Quinn
Hal Weeks
Steve Klosiewski

Advisory Panel

John Bruce, Chair
Ragnar Alstrom
Dave Benson
Tim Blott
Al Burch
Craig Cross
Dan Falvey
Kris Fanning

Stephanie Madsen, Vice Chair
Dave Fraser
Arne Fuglvog
Steve Ganey
Justine Gunderson
John Henderschedt
Spike Jones
John Lewis

Hazel Nelson
Dean Paddock
Jeff Stephan
Robert Ward
Lyle Yeck
Grant Yutrzenka

Other Attendees

The following people signed the attendance register:

Doug DeMaster
Rick Kniazowski
Simeon Swetzof, Jr.
Janet Smoker
Debby Swenson
John Iani
Kenneth Tippet
Thorn Smith
Steve Hughes
Mark Lundsten
Alec Brindle, Jr.
Frank Kelty
G.M. Walker
David Bill, Sr.
Mike Szymanski
Ole A. Mathisen

Ellen Lockyer
Dave Whaley
Brent Paine
Marcia Lynn
Dave Allison
Neal Forde
Laura Seligsohn
Corey Wilson
Mark Buckley
Paul Clarke
Sinclair Wilt
Kate Wynne
Glen Vernon
Charlie Parsons
Shari Gross
Joe Plesha

Steve Grabacki
Jennie Webster
Stephen Faust
Lon Fleming
Tom Evich
Jed Whittaker
Tory O'Connell
Nick Carlson
Tom Rueter
Tom Abel
Bob Dindinger
Irgen Iverson
Dick Tremaine
Michael Williams
Chandler Johnson
Tom Suryan

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Chris Arnim
Virginia Klepser
Steve Toomey
Joel Blatchford
Allen Shimada
Jim Chase
Dwain A. Foster, Sr.
Pete Hendrickson
Heather McCarty
Donna Parker
John Dooley
Ray Cesarini
Steve Davis
Lawrence Calugan, Sr.
Art Holmberg

John C. Cleveland
Chris Blackburn
Craig Cochran
Stephan Faust
Gordon Blue
Mark Levenson
Beth Stewart
Phillip Lestenkof
Eric Nyhammer
Terry Leitzell
Joe Sullivan
Carl Berger

Don Braun
Scott Hovik
John C. Knutsen
Arni Thomson
Donald Sutherland
Thomas Crandall
Frank Bohannon
Ken Roemhildt
Michael McNiven
Jay Anderson
Chris Grabrick
Glenn Merrill

NOTE: A list of those who gave public comment during the meeting is found in Appendix I to these minutes.

A. CALL TO ORDER/APPROVAL OF AGENDA/MINUTES OF PREVIOUS MEETING(S)

Chairman Rick Lauber called the meeting to order at 8:16 a.m. on Wednesday, December 9, 1998.

Agenda and Minutes. The agenda was approved as written with some changes in scheduling. The minutes of the October and November meetings were not yet available for approval.

B. REPORTS

The Executive Director's Report (Agenda item B-1) was provided in written form. Fishery progress reports were provided by the Alaska Department of Fish and Game and National Marine Fisheries Service (NMFS) (Agenda items B-2, B-3), and enforcement reports were provided by the Coast Guard and NMFS Enforcement (Agenda item B-4). A special report on seabird bycatch was provided by Kim Rivera, NMFS (Agenda item B-5). Gregg Williams, International Pacific Halibut Commission (IPHC), provided a brief report on the IPHC staff recommendations for 1999 halibut quotas and halibut discard mortality rates.

DISCUSSION/ACTION RESULTING FROM REPORTS

Executive Director's Report. Council members requested that NOAA General Counsel provide a briefing on the new recusal regulations during the February 1999 meeting.

NMFS Management Report. Sue Salveson advised the Council that delays in implementing rulemaking for Council actions are a result of lack of resources, particularly in the General Counsel's office. She also told Council members that the moratorium extension may not be in place by January 1, but NMFS does not anticipate any management problems as a result of the delay.

Seabird Bycatch. NMFS and USFW staff provided reports on bycatch issues relating to the commercial longline fisheries off Alaska, use of seabird avoidance devices during IPHC longline surveys, and seabird observations and avoidance reported during the 1998 IFQ halibut fisheries. The Council approved a motion

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based on recommendations provided by industry during public comment. The actions taken were as follows:

The following alternatives will be considered for analysis, with initial Council review in February 1999:

- A. Status quo - lining tubes remain optional.**
- B. Freezer longliners required to use lining tubes:**
 - 1. Freezer longliners shall deploy baited hooks through a lining tube, at a depth not less than 1.5 meters when the vessel is fully laden;**
 - 2. Weights shall be added to the baited line as necessary to prevent it from resurfacing after being set; and**
 - 3. At all times a streamer line, bird buoy or other device shall be towed behind the boat over the baited line for the purpose of discouraging diving birds.**
 - 4. This requirement shall apply to:**
 - a. All freezer longliners,**
 - b. All freezer longliners 100' in length or greater, or**
 - c. All freezer longliners 125' in length or greater.**
 - 5. This requirement shall be effective:**
 - a. January 1, 2000,**
 - b. September 15, 2000, or**
 - c. January 1, 2001.**

In addition, the Council discussed and approved the inclusion of the following options for analysis:

- Requiring vessels over a certain size, or all vessels, to use streamer lines and buoy bags in the Bering Sea.
- Include additional vessel size breaks, 35 ft and 60 ft (for both freezer and non-freezer longliners).
- Industry suggestion of throwing fish heads off the vessel to move birds away from the area where line is being set.
- Intent would be that the analysis focus on effective measures for the freezer longline fleet, not limiting them only to lining tubes.
- Include NMFS recommendations as alternatives.
- Industry suggestion to require removal of embedded fish hooks before discarding fish heads.

Ms. Rivera suggested that in light of current concern about seabird bycatch, she doesn't think the analysis should be limited to freezer longliners in the BSAI. Linda Behnken agreed to include all longline fisheries in the analysis.

The amended motion carried without objection.

FORMAT FOR COUNCIL MEETING MINUTES:

Each agenda item requiring Council action will begin with a copy of the original "Action Memo" from the Council meeting notebook. This will provide a "historical" background leading up to the current action. This section will be set in a different type than the actual minutes. Any attachments referred to in the Action Memo (e.g., C-1(a), etc.) will not be attached to the minutes, but will be part of the meeting record and available from the Council office on request. Following the Action Memo will be the reports of the Scientific and Statistical Committee, Advisory Panel, and any other relevant committee or workgroup on the subject. And, last, a section describing Council Discussion and Action, if any.

C. NEW OR CONTINUING BUSINESS

C-1 Steller Sea Lions

ACTION REQUIRED

- (a) Receive update from NMFS on Section 7 findings.
- (b) Recommend immediate actions as necessary.
- (c) Provide direction on follow-up actions.

BACKGROUND

At our special November meeting we heard extensive public testimony on the issue of Steller sea lions and potential adjustments to the fisheries to protect them. Extensive materials were presented at that meeting including: a summary of the draft biological opinion from NMFS; comments received by NMFS in their public workshops held in late October; comments received by the Council; Chapters 5 and 6 from the I/O3 analysis which dealt with CVOA fishing activities and marine mammals; four proposals from our annual groundfish cycle which addressed sea lion concerns; copies of papers by Boyd, Alverson, and Trites which offered further perspectives on the implications of fishery management measures to sea lion recovery; and, the latest guidance on emergency rule promulgation. These are the materials which we requested you bring to this meeting.

We also heard from NMFS scientists and managers regarding the agency's assessments of the sea lion problem, some possible implications to the fisheries, and the process by which these concerns would be addressed. After much discussion on the issue of process, I believe we reached a mutual understanding with NMFS that it would be the Council's prerogative and responsibility to take emergency action as appropriate, under the Magnuson-Stevens Act, to respond to the agency's Section 7 findings and reasonable and prudent alternatives (RPAs). Then, during 1999, the Council would need to consider for 2000 follow-on plan and regulatory amendments as appropriate, accompanied by a comprehensive analysis.

We expect to have the full biological opinion from NMFS for distribution at this meeting, as well as the recommended RPAs. These RPAs may in some instances be specific, and in some instances may be more generic, giving the Council further latitude in determining appropriate measures to

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accommodate the concerns underlying those RPAs. For your reference, Item C-1(a) contains the actions and suggestions that you made in November (the full AP and SSC minutes are in your notebooks under Tab A). Item C-1(b) is the summary of previous actions taken by the Council and NMFS to protect sea lions. Item C-1(c) contains comments received since the November meeting.

Report of the Scientific and Statistical Committee

The SSC had extensive comments on this agenda issue. Briefly, they expressed discomfort with the speed of the process and indicated that it has hampered their ability to thoroughly review the analysis and has provided less peer review than is desirable. The SSC also stated that there is inadequate understanding of the roles of the Council, public, and the SSC in the Endangered Species Act (ESA) legal process. In addition, the SSC indicated their general discomfort over the large amount of uncertainty in the data and large data gaps which allow many approaches and interpretations, none of which they feel can be overwhelmingly supported by rigorous science at this time. Please see the SSC minutes (Appendix II to these minutes) for more specific comments relating to the alternatives, analysis, emergency measures, and future management measures.

Report of the Advisory Panel

The AP provided the Council with a specific set of actions to be considered under this agenda item. However, the AP stressed to the Council that the actions taken were formulated under an unsatisfactory time constraint and without sufficient or appropriate information. The AP pointed out that the ESA requires the use of the best scientific and commercial data as well as traditional knowledge and, in the AP's opinion, NMFS failed to fulfill those requirements in several different areas (see the full AP minutes, Appendix III to these minutes for detailed comments and their full motion).

DISCUSSION/ACTION

Mr. Pennoyer advised that he would abstain from motions on this subject but would try to provide guidance to the Council with regard to the Secretary's responsibilities.

David Benton proposed the following motion:

There is considerable scientific uncertainty regarding the relationships between the pollock fisheries and the Western population of Steller sea lions. This uncertainty lies at the heart of the concerns expressed by the AP and the SSC. The Council recognizes and shares these concerns. This uncertainty has placed the industry at risk, and forced the Council to react to Endangered Species Act concerns in a very compressed time frame and make critical decisions based on incomplete and conflicting data. This is not acceptable.

Nonetheless, as the SSC has noted, the Endangered Species Act involves a fundamental shift in the burden of proof and some basic facts are clear: 1) The Western population of Steller sea lions is greatly reduced; 2) the Western population has been listed as endangered; 3) pollock forms a large part of the contemporary diet of Steller sea lions; and 4) pollock fisheries remove and disperse potential prey. In view of the importance of the pollock fisheries, the Council is compelled to take immediate action to address the Endangered Species Act issues. Therefore, the council adopts the following measures for emergency action in 1999:

A) Aleutian Islands

Close the Western Aleutian Islands area to directed pollock fishing.

B) Bering Sea

1. Establish a quarterly system of seasonal sector allocations (between A1, A2, B and C seasons). Seasons to start on January 20, March 1, June 1, and September 15, respectively.
2. The combined A1+A2 harvest for the non-CDQ fisheries is set at 40% of the annual non-CDQ TAC.
3. Set the A1 and A2 seasonal allocations at 27.5% and 12.5%, respectively, of each sector allocation in the non-CDQ fisheries.
4. No more than 30% of the annual TAC may be harvested in any single season.
5. Five-day stand-down period between the A1 and A2 seasons.
6. Allow rollover from one season to the next if it doesn't boost the following season over the 30% of annual TAC seasonal limit.
7. Establish seasonal harvest measures from inside Bering Sea critical habitat as follows:

Catcher-processor Sector:

- a) Neither A1 or A2 harvest in critical habitat (CH) may exceed 31% of the respective A1 or A2 apportionments for the catcher-processor sector.
- b) Prohibited from fishing in CH in the B and C seasons.

Catcher Vessels Delivering to Motherships:

- a) Neither A1 or A2 harvest in CH may exceed 31% of the respective A1 or A2 apportionments for the mothership sector.
- b) Prohibited from fishing in CH in the B and C seasons.

Inshore Sector:

- a) Catcher vessels greater than or equal to 155' LOA are prohibited from fishing in CH in the A1 and A2 seasons.
- b) In the B and C Seasons, no size restrictions on CVs, fishing in CH limited to 80% of the inshore sector seasonal allocations.

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CDQ Sector:

- a) **Harvests in A1 and A2 seasons, combined, may not exceed 45% of the CDQ allocation. Stand-down provisions do not apply.**
- b) **Harvests in B and C seasons to be conducted as under present regulations.**
- c) **GOA**

1. Seasons:

Establish the following seasons and allocations:

Season	Start Date	Allocation
A	Jan. 20	30%
B	June 1	20%
C	Sept. 1	50%

- 2. **Limit the A season harvest from the Shelikof critical foraging area in accordance with the method described in the Final Biological Opinion (p. 122), i.e.:(Shelikof survey estimate/total GOA survey estimate) * A season TAC.**

3. Pollock Trawl Exclusion Zones:

Adopt the pollock trawl exclusion zones proposed by NMFS in the Biological Opinion with the following exceptions for 1999:

Cape Barnabas; Gull Point; Rugged Island; Point Elrington; Cape Ikolik; Needles; Mitrofanina; and Sea Lion Rocks.

4. Trip limits:

Establish a 300,000 lb trip limit for directed pollock fishing in the W/C GOA.

D) Other Actions

These measures are being adopted as an Emergency Order in accordance with the MSFCMA. They will be in effect for 180 days. In reviewing the possible extension of these measures for an additional 180 day period, the Council will pay great attention to NMFS' response to the following:

- 1. **The Council requests that NMFS, in consultation with the Council, the Marine Mammal Commission, ADF&G, and other relevant management agencies, coordinate an independent scientific review of the biological data and other relevant information relating to factors affecting Steller sea lions and their prey. The purpose of the scientific review is to provide guidance to the Council as it prepares to address the long-term aspects of the Steller sea lion situation through the plan amendment process. The Council requests that the scientific peer review be completed by April 1, 1999.**

2. **The Council requests that NMFS reconstitute the Steller Sea Lion Recovery Team to address concerns such as those expressed by the SSC to ensure that the Council has an appropriate additional source of advice as the Council prepares for long-term treatment of Steller sea lion issues.**
3. **The Council requests that NMFS prepare and submit a budget proposal for the FY 2000 budget for a sustained research program to investigate: the efficacy of the emergency actions adopted by the Council; sea lion dietary and foraging patterns; sea lion/fishery interactions; and current trends in sea lion population dynamics.**

The Council recognizes that these management measures represent an incremental step, and are for 1999 only. To fully comply with both the ESA and MSFCMA requirements, amendments to the BSAI and GOA FMPs will be necessary. Such FMP amendments may need to consider additional measures to satisfy statutory requirements.

The written motion was accompanied by a table showing the percent of pollock harvest allowed in the CVOA by sector and season.

The motion was seconded by Robin Samuelsen and discussed at length. Portions of the motion were clarified and others were amended as follows.

Mr. Benton clarified that his motion is intended to include all rookery closure areas in the Biological Opinion. With regard to the stand-down provision, the 5-day closure means the pollock season would close for those five days.

Wally Pereyra moved to amend the motion by substituting the industry proposal for the Bering Sea/Aleutian Islands portion of the main motion (Sections "A" and "B"). The motion was seconded by Dennis Austin.

Referring to the main motion, Mr. Pereyra explained that his motion would delete Section A, and his motion would replace Section B. Section C would remain the same. The substituted parts are as follows:

Substitute the following text for paragraphs A, B, and D in the main motion:

The Council recommends the following additions and modifications to the Bering Sea and Aleutian Islands RPAS:

A: RPA Modifications--

- (1) **rollovers should be allowed from one season to a subsequent season so long as no single-season harvest exceeds 30% of the EBS TAC.**
- (2) **the existing regulatory regimes (trawl exclusion zones or lack thereof) that apply to Amak Island and Cape Sarichef should be maintained.**
- (3) **each sector, including CDQ, shall have seasonal apportionments and start dates, including allowable harvest inside and outside of the expanded area, as set forth on the attached**

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table. The table reflects a combined A1 and A2 season apportionment of 45% and a combined B and C season apportionment of 55% as provided in the NMFS RPAs.

(4) vessels that are 99 feet or less LOA shall be exempt from the caps on seasonal removals from the "critical area" during the period September 1 through March 31.

(5) there will be no division of the B and C season apportionments between the areas east and west of 170°W long.

B: Research Priorities--

(1) NMFS should assess the efficacy of prior and current Steller sea lion mitigation measures.

(2) Since competition between the EBS and GOA pollock fisheries and the Steller sea lion for prey is a primary justification for the finding of jeopardy, NMFS should develop and implement a research program designed to quantify the relationship between the effects of the pollock fisheries and the decline of the Steller sea lion.

(3) The Steller sea lion Recovery Team should be fully funded and brought into the process.

(4) A formal review of the Biological opinion should be conducted by independent scientists recommended by the Chairman after consultation with the SSC, and the review should be made available to the public for comment.

(5) NMFS should acquire and incorporate traditional knowledge from indigenous people as required by the Endangered Species Act.

(6) NMFS should establish a marine mammal recovery team. The team would function like the incidental-take reduction teams established under the MMPA. The team should include university, NMFS and other agency scientists, representatives of the environmental community, the fishing industry and Alaskan Native people, and should work to identify research initiatives designed to establish methods and criteria to evaluate the efficacy of past and future mitigation measures.

(7) NMFS should initiate pollock biomass distribution surveys at the earliest possible date to determine the seasonal distribution of pollock both inside and outside of critical habitat, and to test the hypothesis that the fishery and Steller sea lions compete for prey.

New Paragraph D: Other Measures--

(1) Existing stand-down requirements prior to the beginning of the pollock seasons will be removed from the BSAI groundfish regulations.

With regard to the two rookery areas Mr. Pereyra's motion omits from further regulations (Amak and Sarichef), Mr. Pereyra said that current regulations seem to be effective in protecting the sea lion and no further measures should be taken until the results of those actions can be verified.

Ms Behnken pointed out that the substitute motion still allows more harvest during the A1 and A2 seasons that NMFS is recommending, and it fails to protect two key rookery areas identified by NMFS. Mr. Benton indicated this his motion is similar to the substituted portion in most areas, however he is also concerned that it would allow for a large part of the quota to be taken in critical habitat area during the A1 season.

Mr. Pennoyer advised that the substitute motion does not conform to the RPAs.

The motion was subsequently changed, through friendly amendments, to reduce the catch in the A1 and A2 seasons in a proportional manner across all industry sectors to reduce from 70% to 62.5%, and to remove the Amak rookery from the motion, thus returning it to a protected rookery area.

Mr. Pereyra's motion to amend failed, 6 to 4, with Austin, Fluharty, Mace and Pereyra voting in favor, and Mr. Pennoyer abstaining from the vote.

The following amendments and clarifications to the main motion were then offered and accepted:

- Implicit in the motion that there will be no pollock fishery between November 1 and January 19.
- Harvest measures listed in #7 of the original motion would be applied not only to critical habitat but also to that portion of the CVOA east of the critical habitat area.
- Of the vessels allowed to fish in the critical habitat/CVOA complex identified, during the A1 and A2 seasons, no more than 80% of the inshore allocation can be taken in that area. The intent would be to place a cap on the catch in that area, i.e., no more than 80% of the inshore seasonal allocation could be harvested in the critical habitat complex.
- Clarified that the Council is requesting the removal of the existing stand-down requirements in the BSAI by emergency rule. This does not include the five-day closed period in the current motion. It was also suggested that terminology should be changed to differentiate between the two terms - "standown" vs "closed area." There was some question whether this issue relates to the Steller sea lion issue. Mr. Pereyra explained that the current stand-down provisions combined with the closed areas being suggested to protect sea lions would negatively impact the ability of the different sectors to participate in fisheries in which they have participated in in the past.
- Season start dates for the Bering Sea 'B' and 'C' seasons would be changed from June 1 to August 1 and from September 15 to September 1, respectively. The intent is to try to avoid possible excessive salmon bycatch.
- Vessels delivering onshore that are 99 ft LOA or less shall not be excluded from the CH/CVOA during September 1 through March 31 during any time that the Bering Sea onshore pollock season is open to provide some protection to smaller vessels. Council intent is that NMFS would close the CH/CVOA prior to the applicable CH/CVOA cap being reached for the larger boats leaving sufficient quota remaining within the CH/CVOA to allow the smaller boats to fish for the duration of the onshore fishery that for others would be taking place outside the CH/CVOA. Clarification: All boats would stop fishing when the overall seasonal quota is taken. If the quota inside the CH/CVOA set-aside for small catcher boats is taken by the small boats prior to the end of the pollock, the CH/CVOA would then close to all fishing. Mr. Benton stressed that it should be kept in mind that the AFA allocates no less than 8.5% of the available offshore TAC to those catcher vessels delivering to catcher processors.

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- For catcher vessels delivering to motherships there would be two seasons only: A season, beginning February 1, and B season, beginning September 1. For the A season, 50% of the quota could come from the critical habitat/CVOA area; in the B season, 50% could come from that area and 50% from outside that area.
- Exempt Cape Sarichef from sea lion closures.
- Urge NMFS to move quickly to develop national standards for vessel monitoring systems so that such systems can be required on fishing vessels engaged in the trawl fisheries of the GOA and BSAI. Council intent is that NMFS will consult with affected states, councils and other federal and enforcement agencies to assure that the U.S. Coast Guard and other regional enforcement agencies will have timely and efficient access to VMS data.
- To reduce the percentage of catch coming out of critical habitat during the A1-A2 season to comply with NMFS recommendations, reduce the inshore sector A1-A2 season cap from 80% to 70%; remove the 155 ft. LOA catcher vessel restriction for the 'A' season. With regard to the offshore sector, set the A1-A2 seasonal allocation at 40%. For motherships, allow 50% of the total annual allocation to come out of critical habitat area for A1 season (reduced from 100%).
- Under Section B.1, change the A2 season start date to February 20. The reason is poor quality of fish and unnecessary waste.

The motion, as amended, carried, 8 to 2, with Austin and Pereyra voting no and Pennoyer abstaining.

C-2 American Fisheries Act

ACTION REQUIRED

Review progress and provide staff guidance for developing follow up amendments.

BACKGROUND

Provisions of the American Fisheries Act (AFA) were presented during the special November Council meeting. Following that overview, the Council took action on issues which required immediate resolution for the 1999 fishing seasons. These are reiterated below, as they were described in our recent newsletter:

ACTIONS TAKEN AT NOVEMBER 1998 MEETING

- **Comment to the Secretary of Commerce to revise the following IO3 regulations to be compatible with the various elements of the Act:**
 1. **the allocation percentages and duration of allocations as written in the Act.**
 2. **the 2.5% set aside for catcher vessels delivering shoreside is no longer necessary.**
 3. **the exclusion of offshore catcher vessels from fishing in the CVOA during "B" season is no longer necessary.**

- **Adopted NMFS' recommendation to exempt squid from the CDQ program under emergency rule-making, and requested that the CDQ groups develop bycatch avoidance programs for other potential limiting species.**
- **Approved an emergency rule to require two observers (at least one of which must be multispecies CDQ certified) on all eligible catcher/processors listed in the Act.**
- **Regarding the review process for co-op contracts in the pollock fisheries, the Council initiated development of a discussion paper examining the following conditions for cooperative agreements:**
 1. **limiting co-op agreements to a range of 1-6 years.**
 2. **prohibiting linkage of membership in co-ops to delivery of non-pollock species.**
 3. **requiring disclosure of information on catch and bycatch by co-op participants, per 1221.**
 4. **contracts must be submitted to Council by December 1 (for following year's co-op). These requirements would be applicable to co-ops forming for year 2000 fisheries; for the 1999 catcher/processor co-ops, the review process will follow the basic guidelines contained in the Act.**
- **The Council further requested that NOAA General Counsel clarify the Council's ability to supersede provisions in §210(b) and §208(f) of the Act. These refer to (respectively) co-op conditions for catcher vessels delivering shoreside, and eligibility requirements for shoreside processors.**
- **Regarding catcher/processor sideboards to protect non-pollock fisheries, the Council concurred with NMFS' plan to prohibit AFA-listed vessels from exceeding the "inside critical habitat" harvest percentage of the Atka mackerel caps as spelled out in §211 paragraph (b)(2)(c). These and other catch limitations described below will be implemented via the specifications process for 1999 fisheries.**
- **The Council approved the following guidelines for managing non-pollock target fisheries by the listed catcher/processors under AFA:**

Groundfish:

 1. **Non-pollock groundfish caps for listed vessels will be established on the basis of the percent of groundfish harvests in 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 as established in #1.**

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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 as established in #1.**
 - 3. The listed vessels' PSC caps will not be apportioned and will be managed under open access season apportionment closures.**
- The Council also initiated an amendment to analyze pollock season opening dates (A & B season), and the removal of the stand-down provisions for inshore/offshore catcher vessels in the pollock fishery. This will be prepared in 1999 for possible application to the 1999 "B" season, and for year 2000 and beyond. For early 1999 (at least), all opening dates and stand-down provisions remain in effect.**

In addition to the items listed above, we will need to develop a 'technical' amendment in 1999 to conform our FMPs with other, mandated provisions of the AFA. For example, there is a provision regarding crab fishery LLP endorsements for catcher vessels delivering to catcher processors (vessel must have fished a species in 1997 to receive that species endorsement) , as well as a provision prohibiting listed catcher processors from fishing in the GOA. There are also specific upgrade allowances for listed vessels which are different than under the current LLP. This would be an additional, and presumably simple, amendment for Council review in April and could be in place in time for year 2000 LLP implementation. If any adjustments are made by the Council to the GOA amendment, such as making it of similar duration as the BSAI allocations, this could also be included in that amendment package.

The remaining items relevant to the AFA are summarized under Item C-2(a) - this is a slightly revised version of the 'roadmap' we presented at the last meeting which includes the AP's recommendations. These actions include development of year 2000 sideboards to limit the participation in non-pollock fisheries by catcher processors and by catcher vessels participating in pollock coops. It also includes development of measures to protect pollock-ineligible processors from the impacts of the AFA. Analyses that must be completed by April 1999, in order to meet the AFA's July 1 deadline, are on pages 1-3 of the roadmap. Direction to the staff regarding alternatives and options for these analyses must be given at this meeting to allow adequate time for the analyses to be completed for initial review in April 1999.

This section of the document is where the Council needs to focus at this meeting. The AP commented on most of these issues in November. However, they declined to select alternatives which would restrict the harvest of co-op member catcher vessels in other groundfish fisheries (they did address crab sideboards). Instead they opted to take that issue up at this meeting. Given the AP's intent, the Council should have a complete set of recommendations for the required "near term" suite of analyses. Issues in this section that are projected to consume the most staff effort (and/or outside contracting) include catcher vessel, catcher processor, and shoreplant spillover restrictions for the year 2000 and beyond.

Pages 4-6 of Item C-2(a) are the "longer-term" issues in the AFA that may be developed on longer time lines or at the Council's discretion. No Council action on these items is required at this meeting, and it is unlikely that much staff effort could be devoted to these until after April; however, there may be some overlap between some of the near and long term issues. For example, the AP

recommendation regarding protective measures for pollock-ineligible processors includes examination of excessive share caps for processors.

Item C-2(b) is the annotated summary of the provisions of the Act and the required Council actions. This was the primary working document at the November meeting and is keyed to the page numbers in the full Act, which is under **Item C-2(c)**. **Item C-1(d)** contains correspondence received by the Council on the AFA since the October Council meeting.

The Scientific and Statistical Committee did not address this agenda item.

Report of the Advisory Panel

The Advisory Panel provided specific recommendations for each of the actions requiring Council action as a result of the passage of the AFA. Please see the AP Minutes (Appendix III to these minutes) for the entire set of recommendations.

In addition, the AP recommended that the Council revisit the policy stated in the action memo, as follows: "Total PSC cap for listed vessels will be established on the basis of the percentage of PSC removals in the non-pollock groundfish fisheries in 1995, 96, 97." The AP suggested that the total PSC removals do not exceed the PSC caps as established as a result of this policy.

DISCUSSION/ACTION

In response to a previous request from the Council, Lauren Smoker, NOAA General Counsel, reported on the following points:

(1) Can the Council supersede the provisions of Section 210, the co-op limitations? Legal Counsel advises that under Section 213 the Council can recommend to the Secretary conservation and management measures in accordance with the Magnuson-Stevens Act that supersede the provisions of the AFA with the following exceptions: Section 206(b, c, d, e, f, g) and Section 208. NOAA GC's opinion is that the Council can recommend changes to Section 210 for conservation purposes or to mitigate any adverse effects in fisheries on owners of fewer than three vessels in the directed pollock fishery that have been caused by the AFA or fishery cooperatives in the directed pollock fishery, provided that the measures take into account all factors affecting the fisheries and are imposed fairly and equitably to the extent practicable among and within all sectors in the directed pollock fishery.

(2) Can the Council add eligible shoreside processors under Section 208(f)? No, unless the BSAI pollock TAC increases by more than 10% above the 1997 pollock TAC, or in the event of the actual total or constructive total loss of an eligible shoreside processor.

(3) Can the Council allow inshore catcher vessels participating in a fishery cooperative to deliver to processors not listed in Section 208(f)? NOAA GC indicated that the answer to the previous question would apply. This could only be done if the 1997 pollock TAC had increased by more than 10% or if a shoreside processor had an actual total or constructive total loss.

(4) Can the minimum 5.5% set-aside of offshore pollock quota for catcher vessels delivering to catcher processor under Section 210(c) be leased? This question is still under review by NOAA GC.

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Linda Behnken moved to recommend the following emergency rule: Relative to opilio crab, that of those vessels qualified under the American Fisheries Act to participate in the BSAI directed fisheries for opilio crab, only those vessels that landed opilio crab during the directed fishery for that species in 1997 may participate in the directed fishery for that species in 1999.

Relative to king crab fisheries, of those vessels qualified under the American Fisheries Act to participate in the BSAI directed fisheries for king crab, only those vessels that landed king crab during the directed fishery for that species in 1997 may participate in the directed fishery for that species in 1999. Vessels engaged in the CDQ fisheries would be exempted. The motion was seconded by Kevin O'Leary.

The motion was submitted as a result of a recommendation by the Alaska Crab Coalition as a means to mitigate possible crossovers into the crab fisheries as a result of the passage of the AFA. However, Ms. Behnken also pointed out that these fisheries are prosecuted during extremely inclement weather and are already overcapitalized and that both safety and conservation issues are involved. Additionally, this is directly related to the Council's obligation to mitigate the effects of the AFA on other fisheries.

The motion was amended to include the year of 1996, so that in both places where 1997 is mentioned, it would read "1996 or 1997."

The Chairman ruled that the motion would be bifurcated to address opilio and king crab separately, and that after the vote on the opilio portion, there would have to be a new motion to address king crab.

The motion on opilio crab was approved, 7 to 4, with Kyle, Mace, Pereyra and Salveson voting against.

Ms. Salveson pointed out that the Council has already been tasked to deal with the effects of the AFA on other fisheries by June and that the agency has to identify the vessels affected requiring a database analysis, and the agency simply does not have the time at this point to do this. In addition, she does not feel that an emergency action could be supported with the current information available.

After discussion, it was decided that the Council could act on the king crab portion of the motion at a later meeting.

Dennis Austin moved to notice the public that the Council is establishing a benchmark in connection with future sideboards connected to the AFA, and that the Council will not use any catch history accrued in 1999. The motion was seconded by Wally Pereyra and carried, 9 to 2, with Benton and O'Leary voting no.

Kevin O'Leary moved that the Council adopt an emergency rule freezing the non-pollock fisheries in place for 1999. Each gear type -- trawl, trawl catcher-processor, longline, longline catcher processor, pot, pot catcher processor -- would be limited to the average harvesting and processing levels achieved as a proportion of TAC in each non-pollock fishery for the years 1996, 1997, and 1998.

Implemented for 180 days and renewed for 180 days, this emergency rule would give the Council and industry an opportunity to sort out and evaluate the many impacts of the American Fisheries Act and to develop effective means of protection for all non-pollock fisheries. It will prevent the speculative race for catching and processing history that is bound to occur as a result of the Act.

This would not apply to co-op eligible trawlers if in co-ops (95, 96, 97) or CDQ operations.

The motion was seconded by Dave Benton.

Through friendly amendments, the final motion reads as follows:

The Council recommends that NMFS adopt an emergency rule freezing the GOA and BSAI processing and non-pollock fisheries in place for 1999. Each gear type -- trawl, trawl catcher processor, longline, longline catcher processor, pot, pot catcher processor -- would be limited to the average harvesting and processing levels achieved (as a proportion of the TAC) in each non-pollock fishery for the years 1996, 1997, and 1998. For vessels in the BSAI catcher processor sector, limits to pollock and non-pollock harvesting and processing will be set in accordance with AFA requirements.

Implemented for 180 days and renewed for 180 days, this emergency rule would give the Council and industry an opportunity to sort out and evaluate the many impacts of the American Fisheries Act and to develop effective means of protection for all non-pollock fisheries. It will prevent the speculative race for catching and processing history that is bound to occur as a result of the Act.

This would not apply to co-op eligible trawlers if in co-ops (95, 96, 97) or CDQ operations.

It was clarified that the motion applies only to groundfish fisheries, not scallops or crab. Mr. O'Leary advised that the jig fisheries were left out of the motion purposely, and the Chairman noted that the Council would be required to take specific action at a later date to renew the emergency rule for 180 days. The motion carried, 7 to 4, with Austin, Mace, Pereyra and Salveson voting against.

Dave Benton moved to approve the AP recommendations with regard to tasking for meeting AFA requirements. The motion was provided in written form, entitled, "Roadmap for Council Discussion of AFA Tasking (December 9, 1998)" (included as Appendix IV to these minutes), with the following changes and clarifications:

- **On page 2, item 7b, add two options for analysis: non-pollock groundfish and PSC species bycatch caps for the catcher processor sector be analyzed with two options (1) these are true caps for both pollock and non-pollock groundfish fisheries; and (2) these caps would apply only to the non-pollock groundfish fisheries. [Mr. Benton stressed that he is interested in having the data on the 20 vessels and the 9 vessels listed in the AFA segregated in a manner so that they can be easily be distinguished.]**
- **On page 3, add a note that the preliminary statement under "Crab Sideboards" that it is a statement of opinion of the Advisory Panel. Strike the sentence in that paragraph which begins, "The clear intent of Congress. . ." Strike the entire next paragraph which begins, "Therefore, the AP recommends the Council's interpretation. . ." because it is also a statement of opinion.**
- **Under options for analysis on Page 3, in the AP recommendation, amend item 1 to read:**
 1. **No crossover allowed into any crab fisheries for Section 208 vessels; add co-op vessels as a suboption.**
- **Add a new item for analysis, #4, as follows:**

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4. Limit Section 208 cross-over vessels to red king crab endorsements only. [subsequently, a suboption was added to include "king crab" because the AFA relates to "king crab," not just red king crab.
- The suboption under Item 3 would apply to both #3 and #4 for analysis.
 - Under "Duration sub-options," modify suboption "a" to read, "Permanent." (Delete remainder of sentence.)
 - On Page 4 , Item 8, under "Groundfish sideboards: Strike the first two indented paragraphs of AP motion. In the last sentence in that section, add the words or sale to the end of the sentence (Participation in a . . . harvest, leaser or stacking of quota, or sale.)
 - On Page 4, Strike paragraph 1 under "To What BSAI Non-Pollock Fisheries the Restrictions Should Apply." Renumber following paragraphs.
 - On Page 5: under heading, "When the CV Restrictions Should Apply,":
Strike "Co-op" at beginning of newly numbered paragraph 2 and insert "Section 208."
 - Add a new paragraph 3 between Paragraph 2 and the suboptions under it:

3. At all times during the fishing year. [suboptions would apply to both Paragraphs 2 and 3).
 - Under "Nature of CV Restrictions," delete Option B. (Restrict degree of effort measured in fishing days.)
 - Under "Determination of "Traditional Harvest Level", add by species, by fishery at the end of each of suboptions "a" and "b." Add a new option, "c", as follows: On basis of percentage of total groundfish in non-pollock fisheries, by species, by fishery.
 - Under that same section, delete Option B under Paragraph 1 (Apply differentially to fully utilized fisheries and fisheries in which the TAC is not taken on a regular basis).
 - Under "Determination of Aggregate," re-state Option A as follows: Apply and monitor by vessel class and sector.
 - Under "Management of Non-Pollock Fisheries," strike the beginning word, "Co-op," and insert Section 208 before the word "vessels."
 - Insert two options for analysis under "Management of Non-Pollock Fisheries":
 - (1) PSC in non-pollock groundfish caps would apply to all fisheries as true caps (i.e., when reached, these vessels would stop fishing); and
 - (2) These caps would apply only to non-pollock fisheries.
 - Page 6, Item 9: Delete first paragraph of AP motion and insert the following before items 1-3:

The analysis should consider the following: [retain items 1, 2, 3]
Under item 3, delete the first two words, "document that. . ."

- **Instead of the AP recommendation for a discussion paper under item 9, page 6, change the wording to read, "An analysis would be initiated examining the options to mitigate potential adverse impacts from the AFA on non-pollock processors, including:"**
- **Of the four options listed under this heading, clarify that the Council has received an opinion from NOAA General Counsel indicating the Council may not be able to achieve this under current regulations.**
- **In option 2, insert a sentence between the first and second sentence as follows: "This should examine pollock, non-pollock groundfish, and BSAI crab."**
- **On Page 8, Item 10, as the last item, insert the proposal from Groundfish Forum -- to develop an analysis regarding species endorsements under the license limitation program for BSAI and GOA. Would apply to across the board to catcher vessels and catcher processors.**
- **On Page 9, under Action Item 12, with regard to the AP recommendation for development of pollock co-ops in the Gulf of Alaska, it was noted that Council has already discussed appointing a committee to develop the proposal more fully.**
- **NOAA GC suggested the Council may wish to include options in the analysis for allowing or not allowing leasing of the 8.5% allocated to the catcher vessels delivering to catcher processors, pending a more review and opinion from General Counsel.**

It was clarified that throughout the document, wherever Section 208 is an option, it is intended that both options, all vessels in the class, and those in the co-op, would be analyzed.

It was also suggested that under the recommendation that the VBA Committee develop options for PSC caps for co-op vessels in non-pollock fisheries, that the VBA Committee should look at mirroring the sideboards being developed for non-pollock catch by looking at an option that would use the VIP rates, as recommended in public comment by John Gauvin, Groundfish Forum.

The motion was seconded by Kevin O'Leary, and after discussion, carried without objection.

It is the understanding of the Council that between this meeting and the February meeting staff would prepare some preliminary analyses, develop another roadmap-type document to provide guidance on how the analyses will proceed, some timelines, and possible discussion papers on issues needing more discussion.

With reference to the committee to be appointed to study GOA sideboard issues, including the possibility of co-ops, Linda Behnken recommended that the former Western GOA Trip Limit Committee be disbanded and the new committee be appointed by the Chair with members who are familiar with the issues, such as Al Burch. GOA sideboards would not be addressed by staff until the committee has formed some recommendations for the Council.

C-3 Crab LLP Eligibility

ACTION REQUIRED

Consider revising October action.

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BACKGROUND

The crab License Limitation Program (LLP) was revised by the Council in October, by adding a third qualification criterion which required one legal BS/AI crab landing at any time from January 1, 1996 through February 7, 1998 to keep a crab license package earned under the original program valid. This action reduced the number of crab licenses that are expected to be issued in the year 2000 by over 20 percent (excluding Norton Sound summer red and blue king crab). The numbers of licenses and endorsements that are expected to be issued under the Council's revised program are provided in Table 1 under Item C-3(a). Other tables under this tab item include the number of licenses and endorsements that would have likely been issued within the original program, and a summary table of the alternatives from which the Council selected in October.

The Council discussed crab LLP in the context of the American Fisheries Act and State management concerns in November, but postponed action until December. At this meeting the Council is scheduled to consider revising their October action. No action at this meeting will reaffirm the Council's intent to adopt Alternative 9. If the Council does wish to amend the October action they may select an alternative from the August 1998 LLP package (summarized under Item C-3(a)), or direct staff to develop additional alternatives for a final decision at a future meeting. Delaying a final decision on the LLP package will likely impact NMFS ability to have the program in place by January 1, 2000. As discussed in October, interim licenses could be issued in the year 2000.

The AP took action on this issue in November. They requested that the Council take no further action on this issue, under the LLP heading. Their minutes state:

"The AP believes that... elimination of latent capacity in the crab fisheries was adequately dealt with by Council action in October 1998, and that further catcher vessel restrictions for vessels fishing in co-ops shall also restrict their catch from exceeding the aggregate of their traditional catch as far as SB 1221 is concerned. Motion carries 10/8/2."

The AP then went on to request that the Council direct staff to develop an amendment package looking at measures to mitigate the impacts of S1221 on the crab fisheries. The AP's motion was:

"The AP recommends the Council initiate analysis of the following options to mitigate impact of possible spillover effects of 1221 on other fisheries:

1. *No crossover allowed into any crab fisheries for vessels with membership in a pollock co-op.*
2. *No crossover allowed in the Tanner crab fishery only (opilio and bairdi).*

Sub-option: vessels which qualified based on bycatch of bairdi in red king crab would be restricted to bycatch of bairdi in the red king crab fishery.

Duration sub-options:

- a. *Permanent based on participation in co-op*
 - b. *Only for year vessel is involved in co-op.*
3. *Measures which would restrict pollock co-op vessels to their aggregate traditional harvest including:*
 - a. *Restriction to the percentage of crab harvest in all species between 1995, 96, and 97.*

Motion carries 17/0/2."

Alternative 3, as directed by the Act, would limit the pollock co-op vessels from exceeding their traditional harvest in crab fisheries. Alternative 1, and to some extent Alternative 2, would (if

adopted) have the same effect as a more restrictive LLP eligibility, for those catcher vessels participating in a pollock co-op; i.e., it would extinguish their crab license, permanently under sub-option a. Council direction under Agenda C-2 should clarify the inclusion of these alternatives, and the extent to which they interact with the LLP agenda item.

Item C-3(b) contains the correspondence received on this issue since the October Council meeting.

The Scientific and Statistical Committee did not address this agenda item.

The Advisory Panel did not address this agenda item at this meeting, however their recommendations from the previous meeting are included in the action memo above.

DISCUSSION/ACTION

Linda Behnken moved to table this agenda issue to the April Council meeting. The motion was seconded by Robin Samuelsen and carried 8 to 3, with Austin, Kyle and Pereyra voting no. Ms. Behnken pointed out that there is insufficient time at this meeting to address the issue thoroughly and that there also seems to be some confusion regarding the number of vessels qualified to fish at this time. Between now and April staff will be able to provide more information so the Council can address it in a more deliberative manner.

C-4 Socioeconomic Data Report

This agenda item was postponed to the February 1999 meeting.

C-5 AP and SSC nominations for 1999

ACTION REQUIRED

Make appointments to the SSC and AP for 1999.

BACKGROUND

The Council will meet in Executive Session during lunch on Friday, December 11, to consider committee appointments.

Scientific and Statistical Committee

All SSC members have indicated their desire to continue for the coming year. Richard Marasco has nominated Dr. Steven Hare as a new addition to the SSC (Item C-5(a)).

Advisory Panel

All AP members except Dean Paddock have indicated a willingness to be reappointed for another year. Teresa Turk resigned in July as she is now a NMFS employee (see Item C-5(b)). Eight new applications have been received for the AP (Item C-5(c)). Agenda item C-5(d) contains a matrix of current AP members and one for new applicants, and the AP attendance record for 1998, and Item C-5(e) is the Council's AP policy.

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APPOINTMENTS

The Council discussed AP and SSC appointments during Executive Session and made the following appointments and reappointments (new appointees are indicated in italics):

Scientific and Statistical Committee

Dr. Jim Balsiger	Dr. Susan Hills	Dr. Richard Marasco
Dr. Keith Criddle	Steve Klosiewski	Dr. Terry Quinn
Dr. Douglas Eggers	Dr. Doug Larson	Dr. Jack Tagart
<i>Dr. Steve Hare</i>	Dr. Seth Macinko	Dr. Al Tyler
		Dr. Hal Weeks

Advisory Panel

John Bruce	Kris Fanning	John Lewis
<i>Erika Acuna</i>	Dave Fraser	Stephanie Madsen
Ragnar Alstrom	Arne Fuglvog	Hazel Nelson
Dave Benson	Steve Ganey	Jeff Stephan
Tim Blott	Justine Gundersen	Robert Ward
Al Burch	Michael Jones	Lyle Yeck
Craig Cross	<i>Melody Jordan</i>	Grant Yutzenka
Dan Falvey	<i>Teressa Kandianis</i>	

D. FISHERY MANAGEMENT PLANS

D-1 Groundfish Amendment Issues ^{1/}

ACTION REQUIRED

Final action on retention of demersal shelf rockfish in fixed gear fisheries.

BACKGROUND

The Alaska Department of Fish and Game submitted a groundfish proposal in the 1997 amendment cycle to require retention of demersal shelf rockfish (DSR) in fixed gear fisheries since total bycatch mortality of DSR in other fisheries is unknown. A high level of unreported mortality of DSR is believed to be occurring in the directed and bycatch fisheries. Currently, the DSR maximum retainable bycatch limits fishermen to 10 percent by weight of DSR against their halibut longline harvest. Any poundage in excess of the 10 percent limit is discarded at sea. Amending the regulations to require all DSR bycatch to be landed would enhance efforts to increase the accuracy of the accounting of total bycatch mortality of these fish and possibly lead to a change in the maximum retainable bycatch (MRB) for this assemblage. The proposed action would reduce waste and enhance estimates of total removals of demersal shelf rockfish species for stock assessment purposes.

The document was approved for public review at the October 1998 Council meeting and was mailed to you on November 25, 1998. The Executive Summary of the analysis is attached as Item D-1(a). The analysis was revised to include an option to Alternative 2 to require IFQ registered buyers to accept deliveries of rockfish and Pacific cod as a condition of their permit, and clarification of prices

and markets for DSR species, as recommended by the Council. The alternatives in this analysis include:

Alternative 1: No action.

Alternative 2: Require full retention of DSR in the fixed gear fisheries in GOA Regulatory Area 650.

Option: Require IFQ registered buyers to accept deliveries of rockfish and Pacific cod as a condition of their permit.

^{1/}**NOTE:** Experimental Fishing Permit report will be given to SSC only. It will be presented to the Council and AP in February 1999.

The Scientific and Statistical Committee did not address the DSR amendment.

Report of the Advisory Panel

The AP recommended the Council approve the changes requiring full retention of demersal shelf rockfish (DSR) in the fixed gear fisheries in the Gulf of Alaska regulatory area 650. Further, the AP recommended that the Council request the State to require processors to accept and weigh deliveries of DSR.

DISCUSSION/ACTION

Final action on this issue was deferred to February 1999 because of a lack of time.

D-2 IR/IU Program

ACTION REQUIRED

- (a) Review initial performance report.
- (b) Final approval of IR/IU amendment package.

BACKGROUND

(a) Performance review

In October, the Council requested that NMFS provide a preliminary performance review of the first year of the Improved Retention/Improved Utilization Program. A final report is scheduled for February to allow a more thorough review of commercial landings and discards for 1998. Then a report will be forwarded to the Secretary of Commerce to meet the requirements of the Sustainable Fisheries Act.

(b) Final action on amendment package

Industry and NMFS have suggested several revisions to the program to increase its effectiveness and reduce several unintended impacts to sectors of the groundfish fleet. On December 4, the IR/IU Committee is scheduled to review the revised EA/RIR released for public review (Agenda item D-2 Supplemental). The committee will report to us after Kent Lind, NMFS, summarizes the following final action items in the analysis:

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ACTION 1: FMP Amendment to Allow Discards of Adulterated Fish

**Add definition of "adulterated."
Prohibit intentional adulteration.
Limit the discard of adulterated fish.
Establish recordkeeping and reporting requirements for adulterated fish.**

ACTION 2: Increase the Maximum Allowable Roe Percentage

Aleutian Islands Subarea:

**Alternative 1: No action. Maximum retainable roe percentage would remain at 7 percent.
Alternative 2: Increase the maximum retainable roe percentage to 8 percent.
Alternative 3: Increase the maximum retainable roe percentage to 9 percent.
Bering Sea Subarea:**

**Alternative 1: No action. Maximum retainable roe percentage would remain at 7 percent.
Alternative 2: Increase the maximum retainable roe percentage to 8 percent.
Alternative 3: Increase the maximum retainable roe percentage to 9 percent.**

ACTION 3: Modify the List of Product Forms Against Which Pollock Roe may be Retained

**Alternative 1: No action.
Alternative 2: Add kirimi to the list of product forms.
Alternative 3: Remove fishmeal from the list of product forms.**

ACTION 4: Clarification of Retention and Utilization Requirements for Non-Product Uses of IR/IU Species

**Alternative 1: No action.
Alternative 2: Treat bait and consumed fish as whole fish product.
Alternative 3: Take bait and consumed fish "off the top" before calculating utilization rates.**

The Scientific and Statistical Committee did not address this agenda item.

Report of the Advisory Panel

Action 1-The AP recommended the Council adopt the changes recommended under Action 1 to allow for the discard of adulterated fish. The AP also requested that NMFS provide the Council an opportunity to review the proposed rule before implementing the action.

Action 2-The AP recommended the Council adopt Alternative 2, 8% maximum retainable roe retention in the Aleutian Islands, and Alternative 1, no action, in the Bering Sea. In addition, the AP requested the Council to initiate a discussion paper reviewing any data available regarding roe recovery rates of individual vessels in the BSAI including primary production in which the roe was retained.

Action 3-The AP recommended the Council adopt Alternative 1, to add a product recovery rate for kirimi.

Action 4-The AP recommended the Council adopt Alternative 3, to take bait and consumed fish off the top before calculating utilization rates.

DISCUSSION/ACTION

Final action on this issue was deferred to February 1999 because of a lack of time.

D-3 Final Groundfish Specifications for 1999

(a,b) *BSAI SAFE and Specifications*

ACTION REQUIRED

- (a) Review 1999 BSAI Final Stock Assessment and Fishery Evaluation (SAFE) document.
- (b) Approve final BSAI groundfish specifications for 1999:
1. Acceptable Biological Catch (ABC), and annual Total Allowable Catch (TAC);
 2. Division of the pollock TAC into the January 1-April 15 ('A' Season) and September 1-November 1 ('B' Season) allowances;
 3. Seasonal apportionment of the fixed gear Pacific cod TAC; and
 4. Bycatch allowances, and seasonal apportionments of Pacific halibut, red king crab, Tanner crab, pillio crab, and herring to target fishery (PSC) categories.

BACKGROUND

At this meeting, the Council makes final recommendations on groundfish and bycatch specifications as listed above. These final specifications will be used for management of the 1999 groundfish fisheries.

(a) BSAI SAFE Document

The groundfish Plan Teams met in Seattle during the week of November 16-19, to prepare the final SAFE documents provided at this meeting. This SAFE forms the basis for groundfish specifications for the 1999 fishing year. Note that there are three sections to the SAFE report: a stock assessment section, a fishery evaluation section ("economic SAFE"), and an ecosystems considerations section.

(b) ABCs, TACs, and Apportionments

During the week of this Council meeting the SSC and AP recommendations will be provided to the Council. Attached as Item D-3(b)(1) are Tables 4 - 6 from the SAFE summary chapter indicating ABCs and biomass levels. The Plan Team's sum of recommended ABCs for 1999 is 2.24 million mt. Overall, the status of the stocks continues to appear relatively favorable, although in some cases biomass has declined due to below average recruitment.

Adopt Seasonal Allowances for the Pollock Seasons

The FMP requires the Council to apportion pollock in the BSAI between the roe (January 1 - April 15) and non-roe (September 1 - November 1) seasons. For the 1991 and 1992 fisheries, the Council recommended a 40/60 percent split between the roe and non-roe seasons, and a 45/55 percent split for the 1993-1998 pollock fishery. Factors to be considered in

In recommending seasonal allowances of the BSAI pollock TAC, the following factors need to be considered:

1. Estimated monthly catch and effort.
2. Expected changes in harvesting and processing capacity.
3. Current estimates of and expected changes in pollock biomass, and conditions of other fish and marine mammal stocks.
4. Potential impacts of seasonal fishing on pollock stocks, marine mammals, and other fish stocks.
5. The need to obtain fishery related data throughout the year.
6. Effects on operating costs and gross revenue.
7. The need to spread fishing effort over the year.
8. Potential allocative effects among users and indirect effects on coastal communities.
9. Other biological and socioeconomic information.

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recommending seasonal allowances of the pollock TAC are listed in the adjacent box; supporting information can be found in the SAFE documents.

Adopt Seasonal Apportionments of the Pacific Cod TAC Allocated to Fixed Gear

Amendment 24 regulations allow seasonal apportionment of the Pacific cod TAC allocated to vessels using hook-and-line or pot gear. Seasonal apportionments will be divided among trimesters and established through the annual specifications process. In recommending seasonal apportionments, regulations require the Council to base its decision on factors listed in the adjacent box.

Seasonal apportionments can be based on the following information:

1. Seasonal distribution of Pacific cod relative to PSC distribution;
2. Expected variations in PSC bycatch rates in the Pacific cod fishery throughout the fishing year; and
3. Economic effects of any seasonal apportionment of

Under Amendment 46, two percent of the TAC is reserved for jig gear, 51 percent for fixed gear, and 47 percent for trawl gear. The trawl apportionment will be split between catcher vessels and catcher processors 50/50. Any unused TAC from the jig gear quota will become available to fixed gear on September 15.

For the 1998 fisheries, the Council recommended that 70,735 mt of the fixed gear's allocation be released during the first trimester (January 1 - April 30), 15,000 mt be released for the second trimester (May 1 - September 14), and 13,332 mt for the third trimester.

Adopt bycatch allowances of Pacific halibut, crab, and herring

Halibut PSCs

For the Trawl Fisheries: Amendment 21 established a 3,775 mt limit on halibut mortality for trawl gear. This limit can be apportioned to the trawl fishery categories as shown in the adjacent box. Note that the recently adopted ban on bottom trawl gear for BSAI pollock fisheries will reduce PSC limits by 100 mt of halibut mortality. Also note that under Amendment 46, the trawl halibut PSC mortality cap for Pacific cod will be no greater than 1,600 mt.

Categories used for PSC apportionment in trawl fisheries.

1. Greenland turbot, arrowtooth flounder and sablefish;
2. rock sole and "other flatfish;"
3. yellowfin sole;
4. rockfish;
5. Pacific cod; and,
6. pollock, Atka mackerel and "other species."

For Fixed Gear Fisheries: A 900 mt non-trawl gear halibut mortality can be apportioned to the fishery categories listed in the adjacent box. Note that under Amendment 46, the hook-and-line halibut PSC mortality cap for Pacific cod will be no greater than 900 mt. Item D-3(b)(2) is a table indicating this past year's PSC allocations and seasonal apportionments for the trawl and non-trawl fisheries. Item D-3(b)(3) is a current summary of PSC bycatch accounting for BSAI fisheries.

Categories used for PSC apportionment in non-trawl fisheries.

1. Pacific cod;
2. Other non-trawl (longline sablefish and rockfish, and

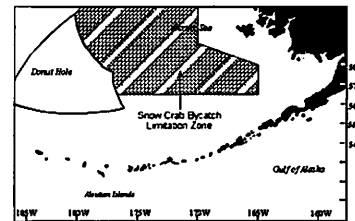
Crab PSCs

Prescribed bottom trawl fisheries in specific areas are closed when prohibited species catch (PSC) limits of C. bairdi Tanner crab, C. opilio crab, and red king crab are taken. Amendment 37 established a stairstep procedure for determining PSC limits for red king crab taken in Zone 1 trawl fisheries. PSC limits are based on abundance of Bristol Bay red king crab as shown in the adjacent table. Given NMFS and ADF&G's 1998 abundance estimate for Bristol Bay red king crab, a Zone 1 PSC limit will be established at 200,000 red king crabs for 1999. Amendment 41 established stairstep PSC limits for Tanner crab. Given current total abundance of 156.5 million Tanner crab, the 1999 C. bairdi PSC limits will be established at 750,000 Tanner crabs in Zone 1 and 1,878,000 Tanner crabs in Zone 2.

PSC limits for red king crab and C. bairdi Tanner crab.

Species	Zone	Crab Abundance	PSC Limit
Red King Crab	Zone 1	Below threshold or 14.5 million lbs of effective spawning biomass (ESB)	35,000
		Above threshold, but below 55 million lbs of ESB	100,000
		Above 55 million lbs of ESB	200,000
Tanner Crab	Zone 1	0-150 million crabs	0.5% of abundance
		150-270 million crabs	750,000
		270-400 million crabs	850,000
		over 400 million crabs	1,000,000
Tanner Crab	Zone 2	0-175 million crabs	1.2% of abundance
		175-290 million crabs	2,100,000
		290-400 million crabs	2,550,000
		over 400 million crabs	3,000,000

Under Amendment 40, PSC limits for snow crab (C. opilio) are based on total abundance of opilio crab as indicated by the NMFS standard trawl survey. The snow crab PSC cap is set at 0.1133% of the Bering Sea snow crab abundance index, with a minimum PSC of 4.5 million snow crab and a maximum of 13 million snow crab. Snow crab taken within the "C. Opilio Bycatch Limitation Zone" accrue towards the PSC limits established for individual trawl fisheries. Upon attainment of a snow crab PSC limit apportioned to a particular trawl target fishery, that fishery is prohibited from fishing within the snow crab zone. The 1998 survey indicated a total population of 3.23 billion crabs. Therefore the 1999 snow crab PSC limit will be established at 4,500,000 crabs.



Location of the C. opilio bycatch limitation zone.

Bycatch data from previous fishing seasons can be useful for apportioning the snow crab PSC limit among trawl fishery targets. Bycatch of snow crab in the 1998 BSAI trawl fisheries is shown in the adjacent table. Data for other years, which were presented in the analysis for Amendment 40, show a similar distribution of snow crab bycatch among fisheries.

Bycatch of 'other' Tanner crab (primarily C. opilio) in the 1998 BSAI trawl fisheries, by category.

Fishery	1998 Bycatch	Percent
Turbot/ arrowtooth/sablefish	0	0.00
Rock sole/flathead/other flatfish	424,939	16.7
Yellowfin sole	2,018,429	78.4
Rockfish	0	0.00
Pacific cod	49,775	1.7
Pollock/mackerel/other species	81,958	3.2
TOTAL	2,575,102	100.0

Note that the recently adopted ban on bottom trawl gear for BSAI pollock fisheries will reduce PSC limits by 3,000 red king crab, 50,000 bairdi crab, and 150,000 opilio crab. An adjustment would be made to the specifications once the amendment is approved by the Secretary of Commerce.

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Herring PSCs

Amendment 16a established an overall herring PSC bycatch cap of 1 percent of the EBS biomass of herring. This cap is to be apportioned to the same six PSC fishery categories listed above, plus a seventh group, mid-water pollock. The Alaska Department of Fish and Game has forecast the 1999 herring biomass at 168,512 mt. The PSC limit is set at 1 percent of the biomass in metric tons, or 1,685 mt.

Salmon PSCs

Currently, trawling is prohibited in the Chinook Salmon Savings Areas through April 15 upon attainment of a bycatch limit of 48,000 chinook salmon in the BSAI. The industry needs to be made aware that the Council will take final action in February on proposed changes to chinook bycatch regulations which could include a reduction in the bycatch cap, counting bycatch taken after April 15 towards the cap which could result in a "B" season closure, annually closing various hotspots, or creating separate within season caps and closures. Item D-3(b)(4) lists the specific alternatives. It is difficult to assess now whether changes to the chinook bycatch regulations will impact the 1999 fisheries or come into play initially in 2000. That will depend in part on the alternative chosen and how quickly it is processed by NMFS. There is also the "other salmon" PSC cap of 42,000 fish that may impact the trawl fisheries.

Seasonal Apportionment of PSC

The Council may also seasonally apportion the bycatch allowances. Regulations require that seasonal apportionments of bycatch allowances be based on the following types of information listed in the adjacent box. Additional information on PSC limits and apportionments is presented in BSAI SAFE Appendix C.

Staff will present a worksheet with SSC and AP recommendations for ABCs, TACs, PSC and seasonal apportionments when the Council addresses this action item.

Factors to be considered for seasonal apportionment of bycatch allowances.

1. Seasonal distribution of prohibited species;
2. Seasonal distribution of target groundfish species relative to prohibited species distribution;
3. Expected prohibited species bycatch needs on a seasonal basis relevant to change in prohibited species biomass and expected catches of target groundfish species;
4. Expected variations in bycatch rates throughout the fishing year;
5. Expected changes in directed groundfish fishing seasons;
6. Expected start of fishing efforts; and
7. Economic effects of establishing seasonal prohibited species apportionments on segments of the target groundfish industry.

Report of the Scientific and Statistical Committee

The SSC agreed with all of the Plan Team's recommendations for ABCs for BSAI groundfish species for 1999 except for the "Other Species" category. Under Amendment 44, the ABC for this category could be as high as 96,500 mt. The SSC recommended phasing this in over a 10-year period. For 1999, the SSC recommended

an ABC of 32,865 mt for this category. Although the SSC agreed with the majority of the ABCs and conclusions reached by the Plan Team, they expressed concern that a certain degree of inflexibility is entering into the determination of ABC since the implementation of Amendment 44. The SSC pointed out that the process of determining maximum permissible ABC already has several conservation steps built into it and recommended that the Plan Team reexamine the ABC process and to codify the process of reducing ABCs in a consistent and coherent manner. Please see the SSC minutes (Appendix II to these minutes) for SSC comments specific to each species.

Report of the Advisory Panel

The AP recommended the Council adopt the 1999 BSAI ABCs as recommended by the SSC. The AP also recommended that the Council approve the 1999 ABCs and the 1999 TACs with the following exceptions: Bogoslof pollock--1,000 mt; yellowfin sole--180,000 mt; arrowtooth flounder--134,354 mt; rock sole--120,000 mt; Central Aleutians Atka mackerel--22,400 mt; and Western Aleutians Atka mackerel--27,000 mt.

Additionally, the AP recommended the following:

- The directed pollock fishery be prosecuted exclusively as a midwater trawl fishery in 1999.
- The pollock A/B season apportionment would be 45%/55%, respectively.
- The table of 1999 BSAI PSC apportionments and seasonal allowances for the trawl fisheries as shown in the AP Minutes.
- Approval of the halibut discard mortality rates as recommended by the IPHC (Table 12 in Action Item D-3(e)).

DISCUSSION/ACTION

Bob Mace moved to approve the recommendations of the Advisory Panel to approve the 1999 BSAI SAFE and 1999 groundfish specifications, with the exception of the TAC for Greenland turbot, which would be set at 9,000 mt. The motion was seconded by Kevin O'Leary.

Linda Behnken moved to amend to maintain the Aleutian Islands sablefish TAC at 1,380 mt. The motion was seconded by Joe Kyle and carried without objection.

Ms. Behnken expressed general concern that although a number of species seem to be declining in the Bering Sea, the quotas have been increasing. With regard to sablefish in the Aleutian Islands sablefish, she indicated that the current assessment does not factor in the catch from the commercial fishery, and fishermen indicate very poor fishing in that area.

Linda Behnken moved to amend to maintain the TAC for Pacific ocean perch in the Eastern Bering Sea at 1,400 mt. The motion was seconded by Joe Kyle and carried without objection.

Ms. Behnken stressed that the stocks of POP in the Eastern Bering Sea are at an extremely low level and her intent is that there be no directed fishery for POP in the Eastern Bering Sea.

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Joe Kyle moved to amend to set the seasonal allowances for pollock in the Bering Sea at 40% for the 'A1' and 'A2' season and 60% spread over the rest of the seasons as indicated in the Steller sea lion action. The motion was seconded and carried without objection.

Later in the meeting Mr. Kyle clarified that his intent is to "harmonize" the Bering Sea TACs and ABCs with the Council's actions taken under the Steller sea lion issue. In particular, he stressed that the pollock TAC in the Aleutian Islands area would be set equal to the projected bycatch needs of other fisheries operating in that area.

Bob Mace moved to add 5,200 mt (left after Greenland turbot was reduced) and 500 mt from the reduction in POP into the yellowfin sole category to balance out the total BSAI TAC to 2 million mt. The motion was seconded by Wally Pereyra and carried without objection. Later, it was clarified that the unused pollock TAC in the Aleutian Islands would also be added to the yellowfin sole category.

Earl Krygier moved to amend to move 75 mt halibut mortality from the trawl turbot back into the Pacific cod trawl fishery. The motion was seconded by Joe Kyle and carried without objection.

The main motion, as amended, carried without objection.

The table of final 1999 BSAI groundfish specifications is found in Appendix V of these minutes.

(c,d,e) Gulf of Alaska SAFE and Specifications

ACTION REQUIRED

- (c) Review Final 1998 GOA Final Stock Assessment and Fishery Evaluation (SAFE) document.**
- (d) Approve final GOA groundfish and bycatch specifications for 1999.**
- (e) Approve halibut discard mortality rates.**

BACKGROUND

At this meeting, the Council sets final recommendations for groundfish and bycatch specifications. The final SAFE report, groundfish ABCs and TACs, and bycatch apportionments and halibut discard mortality rates need to be approved. These final specifications will be used for managing the 1999 groundfish fisheries and will supersede the Council's preliminary specifications.

(c) GOA SAFE Document

The groundfish Plan Teams met in Seattle during November 16-19, to prepare the final GOA SAFE report that was mailed to you on November 25. This SAFE forms the basis for final groundfish specifications for the 1999 fishing year. The final GOA SAFE contains the Plan Team's estimates of biomass, ABCs, and overfishing levels for all groundfish species covered under the FMP and information concerning PSC bycatch to provide guidance to the Council in establishing PSC apportionments. The SAFE and Plan Team minutes (Item D-3(c)) also include recommendations and rationale for separating the Eastern Gulf ABC for several species/complexes. The attached tables from the SAFE lists the Plan Team's recommended 1999 ABCs and corresponding OFLs for each of the species or species complexes.

(d) Final ABCs and TACs

A summary worksheet of Plan Team, SSC, and AP recommendations from this meeting will be provided to the Council. Tables 1-4 from the SAFE summary chapter listing groundfish ABCs and biomass levels are attached as Item D-3(d)(1). The Plan Team's sum of recommended ABCs for 1999 is 528,190 mt, a decrease of approximately 20,000 mt from the total 1998 ABCs of 548,650 mt.

Overall, the status of the stocks in the Gulf of Alaska continues to appear relatively favorable. ABC recommendations remain essentially unchanged from 1998 for GOA flatfish and rockfish. Plan Team recommendations for pollock decreased from 130,000 mt in 1998 to 103,020 mt for 1999. The Plan Team recommended the same ABC for Pacific cod in 1999 as was approved in 1998. Sablefish continues to decline, by about 9% from 14,120 mt in 1998 to 12,700 mt in 1999. The recommendation for Pacific ocean perch continued to increase, by more than 20% from 10,776 mt in 1998 to 13,120 mt in 1999. Catches totaled approximately 75% of the 1998 TAC, as of November 21, 1998.

TAC considerations for State waters Pacific cod fishery

Beginning in 1997, the Council has reduced the GOA Pacific cod TAC to account for removals from the State P. cod fisheries. In December 1997, the Council allowed for the automatic increase in the Kodiak subarea and reduced the Central area TAC accordingly. At its December meeting, the BOF decided to rescind that automatic increase for 1998 in the Kodiak area. NMFS subsequently made the correction to the final specifications as listed in the box at right.

1998 Gulf Pacific cod ABC, TAC and State guideline harvest level (mt).				
Specifications	Western	Central	Eastern	Total
ABC	27,260	49,080	1,560	77,900
BOF GHL	4,090	7,360	400	11,840
(%)	15	15	25	15.2
TAC	23,170	41,720	1,170	66,060
	Cook Inlet	1,104	2.25%	
	Kodiak	3,680	7.5%	
	<u>Chignik</u>	<u>2,576</u>	<u>5.25%</u>	

According to ADF&G, Kodiak, Chignik, and the Alaska Peninsula likely will take their full allocations in 1998, and will automatically ramp up in 1999 to 20% of the Federal ABC for those subareas (Item D-3(d)(2)). Prince William Sound and Cook Inlet/N. Gulf Coast are predicted to not attain their GHLs. Using the projected increases in state water GHLs and the Plan Team's recommended ABC for 1999, the federal TAC for P. cod would be adjusted as listed at right.

1999 Gulf Pacific cod ABC, TAC and State guideline harvest level (mt).				
Specifications	Western	Central	Eastern	Total
ABC	27,260	49,080	1,560	77,900
BOF GHL	5,452	9,448	400	15,290
(%)	20	19.25	25	19.6
TAC	21,808	39,632	1,170	62,610
	Cook Inlet	1,104	2.25%	
	Kodiak	4,908	10.0%	
	<u>Chignik</u>	<u>3,436</u>	<u>7.0%</u>	

The release of unharvested State water quota back to the federal fishery prior to October 1 remains unresolved. ADF&G has noted that a framework mechanism is needed to give the agency flexibility to return unused P. cod to the federal fishery. While it was not needed in 1998 because the quotas for Kodiak, Chignik and Alaska Peninsula likely will be fully utilized, it could be needed next year as the State quotas are increased. ADF&G was requested to develop a mechanism for transferring unharvested State quota

increased. ADF&G was requested to develop a mechanism for transferring unharvested State quota

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to the federal fisheries in time for the fleet to respond to the additional federal quota. The Board was scheduled to discuss this issue at its December meeting.

PSC Limits for Halibut

The PSC limits for halibut in the Gulf of Alaska in 1998 are:

Trawl gear			Hook and Line		
1st quarter	600 mt	(30%)	1st trimester	250 mt	(86%)
2nd quarter	400 mt	(20%)	2nd trimester	15 mt	(5%)
3rd quarter	600 mt	(30%)	3rd trimester	25 mt	(9%)
4th quarter	400 mt	(20%)	DSR	10 mt	
<hr/>			<hr/>		
2,000 mt			300 mt		

Quarter	Trawl apportionments		Total
	Shallow water Complex	Deep water Complex	
1	500 mt	100 mt	600 mt
2	100 mt	300 mt	400 mt
3	200 mt	400 mt	600 mt
4	No apportionment		400 mt

(e) Halibut Discard Mortality Rates

The GOA and BSAI SAFE reports contain recommendations by IPHC staff for managing halibut bycatch in 1999. Item D-3(e) lists the IPHC recommendations for setting discard mortality rates for the 1999 fishery in the BSAI and GOA. A number of modifications to the methodology used by IPHC were made to the report as recommended by the Plan Teams and SSC. Gregg Williams, IPHC, will present this report.

Report of the Scientific and Statistical Committee

The SSC concurred with the Plan Team's recommendations for 1999 GOA groundfish specifications with minor exceptions. With regard to the Eastern Gulf split for pollock, the SSC recommended no split of pollock because it is a migratory population and its harvest in the W. Yakutat area should not damage the overall Eastern Gulf population. Additionally, the SSC continues to recommend that the Prince William Sound GHL of 2,100 mt of pollock be subtracted from the GOA ABC as they remain unconvinced that this stock is entirely independent of the assessed GOA pollock population. With regard to Pacific cod, the SSC recommended an ABC of 84,400 mt, an average of last year's ABC and the analyst's recommendation of 90,900 mt. For comments specific to each GOA species, please see the SSC Minutes, Appendix II to these minutes.

Report of the Advisory Panel

The AP had the following recommendations:

- Approve the SSC's 1999 ABCs using the 1,350mt/3,160mt W. Yak/SEO split for POP and the 740mt/240mt split for pelagic shelf rockfish.

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- Approve setting the TACs at the SSCs ABCs except shallow water flats, flathead sole, arrowtooth flounder, other shelf rockfish, Pacific cod and pollock (see AP Minutes, Appendix III to these minutes)
- Roll over the 1998 trawl gear and hook and line PSC halibut limits for 1999. The AP also recommended the Council request NMFS to release the trawl halibut PSC for the third quarter on July 11.
- Approve the halibut discard mortality rates as recommended by the IPHC and approve the flathead sole halibut mortality rate split of 58% for the catcher vessel fleet and 74% for the catcher processor fleet.

The AP also requested that the Council recommend that NMFS increase its efforts to incorporate observer data and logbook information on CPUE, length, sex, and age data into the sablefish stock assessment for 1999, and that NMFS develop and test new assessment techniques to improve the accuracy of the sablefish assessment under the IFQ fishing regime.

DISCUSSION/ACTION

Bob Mace moved to adopt the AP recommendations to approve the 1999 GOA SAFE and groundfish specifications, including the halibut discard mortality rates. The motion was seconded by Joe Kyle.

Linda Behnken moved to amend the Eastern Gulf pollock TAC as follows: West Yakutat-2,110 mt; East Yakutat/SE Outside-6,330 mt. The motion was seconded and carried without objection.

This motion is in response to a plan team recommendation to split the Eastern GOA pollock between the two subareas because of concern that the whole quota could be taken out of the West Yakutat area.

Linda Behnken moved to amend the TAC for Pacific ocean perch to use the lower bound recommended by the plan team for West Yakutat - 820 mt. The motion was seconded by Joe Kyle and carried without objection.

The main motion, as amended, carried without objection. The final table of 1999 GOA groundfish specifications is found in Appendix V of these minutes.

D-4 Staff Tasking

ACTION REQUIRED

Review and confirm staff tasking.

BACKGROUND

For your reference, Item D-4(a) contains a status of current and ongoing actions (other than American Fisheries Act and Steller sea lion measures), some of which have been addressed earlier in this meeting. Item D-4(b) is a summary of the proposals received in this year's groundfish amendment cycle - this includes a list of the proposals which the Council approved for development at the October meeting, a list of those which were removed from further consideration, and a brief description of each of the remaining proposals for which Council direction is pending.

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The timeline for development of many of these potential new projects will be affected by your earlier actions with regard to the American Fisheries Act, Steller sea lions, or other agenda items (and is therefore left blank at this time in the summary). We will have those actions compiled in time for your consideration of this agenda item.

The Council did not address this agenda item because of a lack of time.

ADJOURNMENT

Chairman Lauber adjourned the meeting at approximately 4:45 p.m. on Monday, December 14, 1998.

Persons Giving Public Comment

B5 Seabird Bycatch

Thorn Smith, North Pacific Longline Assn.
Mark Lundsten
Jack Knutsen

C-1 Steller Sea Lions

David Kline, World Wildlife Fund
Kate Wynne, University of Alaska Sea Grant
Ken Stump/Paul Clark, Greenpeace
John Roos, Pacific Seafood Processors Assn.
Melvin Larson
Simeon Swetzof, JR., City of St. Paul/Pribilof Island Marine Mammal Commission
Beth Stewar/Carol Foster, Peninsula Marketing Assn.
Dave Osterback, Qagan Tayagunigid Tribe
Charles Borrece
John Schoen, Audubon Society
David Allison, Marine Fish Conservation Network
Donna Parker/Dan Hanson, Arctic Storm
Fred Yeck, Midwater Trawlers Cooperative
Jim Richardson, ResourceCon for Aleutians East Borough
Brent Paine/John Gruver/Bob Desautel/John Dooley, United Catcher Boats
Laura Seligsohn, Earth Island Institute
Rick Marks, 8 Coastal Communities
Dave Fraser/Frank Bohannon, 208(b) Vessel Coalition
Chris Blackburn, Alaska Groundfish Data Bank
John Rotter/Jay Stinson/Leroy Cossette, Alaska Dragger Assn.
Frank Kely, Mayor of Unalaska
Ken Roemhildt, North Pacific Processors
Ray Cessarini, Prince William Sound Aquaculture Assn.
Glenn Merrill, Aleutians East Borough
Fran Bennis, Alaska Marine Conservation Council
John Iani/Greg Baker, Unisea/Westward Seafoods
Vidar Weststad, Pacific Whiting Co-op
Glenn Reed/Steve Hughes, United Catcher Boats
Paul MacGregor/Larry Cotter/Terry Leitzell/Jim Salisbury/Brent Paine, Industry Group
David Bill, Sr., Nelson Island
Carl Mercurief, Central Bering Sea Fishermen's Assn.
Ed Richardson, At-Sea Processors Assn.

C-2 American Fisheries Act

Brad Resnick, Sun Dragon Limited Partnership
Stan Hovik, Northern Fury
Tom Casey, Alaska Fisheries Conservation Group
Ralph Hoard/Earl Comstock, Fair Fisheries Coalition

Tom Abel, GOA Coastal Communities Coalition
Leonard Herzog
Beth Stewart, AEB
Ken Tippet, Alaska Boat Company
Al Burch/Steve Faust, ADA
John Sevier/Ken Roemhildt, Sitka Sound Seafoods/North Pacific Processors
Arni Thomson, Alaska Crab Coalition
Chris Blackburn, AGDB
John Gauvin, Groundfish Forum
Steve Toomey, F/V Exito
Ron Briggs, F/V Trailblazer
Thorn Smith, NPLA
Todd Hinier, F/V Saga
Rick Shelford, F/V Aleutian Lady
Teresa Kandianis, Kodiak Fish Co.
Einar Pedersen, F/V Vesterhalen
Chris Garbrick, F/V Mark I
John Gruver, F/V Seawolf
Eric Nyhammer, F/V Rollo
Brent Paine/Steve Hughes, UCB
Robert Czeisler, F/V Margaret Lynn
Dave Fraser, F/V Muir Milach
Fred Yeck, MTC
Kari Toivola, F/V Decemption
John Rotter/Glenn Merrill, Peninsula Marketing Assn.
Gordon Blue/Rick Hastings/Crab Buyback Group

D-3(a) BSAI Groundfish Specifications

Ken Stump/Paul Clark, Greenpeace
Mike Hyde/Al Chafee
John Gauvin/Brent Paine/Craig Cross/Dave Fraser, Industry Group
Fran Bennis/Dorothy Childers, AMCC

D-3(c-e) Gulf of Alaska Groundfish Specifications

Chris Blackburn, Alaska Groundfish Data Bank
Steve Drage, Alaska Dragers Assn.
Arne Fuglvog/Dan Falvey, Petersburg Vessel Owners Assn/Alaska Longline Fishermens Assn.
Bob Alverson/Eric Olson, Fishing Vessel Owners Assn.

North Pacific Fishery Management Council

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Certified *Neil Bendayan*
Date *1/22/99*

MINUTES Scientific and Statistical Committee December 6-8, 1998

The Scientific and Statistical Committee of the North Pacific Fishery Management Council met December 6-8, 1998 at the Hilton Hotel in Anchorage, AK. All members were present:

Richard Marasco, Chair
Harold Weeks
Sue Hills
Doug Eggers

Jack Tagart, Vice-Chair
Terrance Quinn
Keith Criddle
Dan Kimura

Doug Larson
Seth Macinko
Al Tyler
Steve Klosiewski

C-1 STELLER SEA LIONS

The SSC received the staff presentation by Tim Ragen (NMFS), and public testimony from: Rick Marks, John Roos (PSPA), Ken Stump (Greenpeace/American Oceans), Glenn Merrill (Aleutian East Borough), Chris Blackburn (AGDB), Steve Drage (ADA), Vidar Westpestad (PWCC), Donna Parker (Arctic Storm), Paul MacGregor (APA), Mike Hyde (American Seafoods), Francine Bennis (AMCC).

In general, the SSC shares the discomfort with the speed of the process expressed in public testimony and by others. The process has hampered the SSC's ability to thoroughly review the document. Further, it has provided less peer review than is desirable. There is inadequate understanding of the roles of the Council, the public, and the SSC in the ESA legal process. The SSC was told that once a Section 7 consultation is initiated, the questioned activity cannot take place until that Opinion is finished and signed, so that the speed of the process was a result of an effort on the part of NMFS to complete the Opinion in time for the 1999 pollock fishery to take place. All parties involved in the process would benefit from a clarification of the roles of the various bodies.

Biological Opinion. The SSC again shares the general discomfort over the large amount of uncertainty in the data and large data gaps. Uncertainty allows many approaches and interpretations, none of which can be overwhelmingly supported by rigorous science at this time. However, the basic facts remain: 1) the Western Steller Sea Lion numbers are greatly reduced, 2) the stock has been listed as endangered, 3) pollock forms a large part of their diet, and 4) pollock fisheries remove potential prey. These facts have led to the formation of the working hypothesis that competitive interactions between the fishery and the Steller sea lions somehow make survival for this endangered species more difficult. There is a lack of data with which to test this

hypothesis. The findings in the Biological Opinion rely on various correlations. Simple correlations do not by themselves establish causation. Under the ESA, unlike more familiar Council situations, if the activity in question cannot be shown to NOT cause jeopardy or adverse habitat modification, then the endangered species, in this case the Steller sea lions, are given the benefit of the doubt. The SSC also notes that, although the original cause of the decline is of interest scientifically, it may be irrelevant in this process. Other factors such as environmental conditions or fishing may also be important now. Fishing does not have to be the primary cause of the current decline for the fishery to be the subject of an ESA Section 7 consultation. Fishing is the activity about which the Opinion is written, and the only activity that can be modified.

RPA "Guidelines." Continuing with the working hypothesis, the Opinion gives RPA guidelines to reduce the probability of competitive interactions in the times and places where Steller Sea Lions are thought to forage. Unfortunately, the present state of knowledge does not permit any assessment of the probable success of the RPAs in stemming or reversing the present declines. Although we were told that the Guidelines cannot be changed, the SSC warns that some of them may have unintended consequences, some potentially detrimental to sea lions. For example, in public testimony it was brought out that the provision for no rollovers among seasons could result in four "races for fish." Also, although the general objective of increased protection near rookeries and haulouts is certainly reasonable and warranted, the detailed designation of the criteria for which new areas should be protected should receive further examination.

Emergency Measures. Although the SSC was requested to comment on appropriate actions that might be taken at this meeting to meet the RPAs for the 1999 fishery, the SSC declines to do so. We were not presented with information to complete such a task..

Future Directions. The SSC notes that to date, this process has been primarily a legal one rather than a scientific one in the sense to which we are accustomed. As it appears that this situation will continue for some time, perhaps a briefing on the ESA process would be useful for the Council family. This may clarify the possible roles for the Council in this process, what kinds of actions the Council might take in future that could trigger consultations such as this, and what is necessary to change RPAs once they are put in place.

The SSC continues to believe strongly that any management measures that are taken must incorporate, as an integral part, thorough monitoring and evaluation measures. The monitoring outlined on page 120 of the Opinion is not sufficient. Further, the SSC reiterates the recommendation that adaptive management measures be designed to test the competitive interaction hypothesis so that something is learned that may help in the future. For example, a panel was convened by NMFS in May of 1997 to advise on research to test the efficacy of the no-trawl zones in place at that time. The Panel's report and NMFS' subsequently developed plans may provide a starting place for such measures.

Public testimony and subsequent SSC discussion brought up several interesting ideas for further exploration and research such as evaluating the effectiveness of time/area restrictions already in place in the GOA, evaluation of the dynamics of the Bogoslof rookery in relation to the closing of that area to pollock fishing, examination of other pinnipeds with high fetal mortality rates and the causes thereof, and surveys of pollock distribution at other times of the year and before and after fisheries.

Clearly many alternates to the primary hypothesis underlying the Opinion can be formulated. Testing the array of hypotheses will require collection of new data and re-analysis of existing data. Rather than attempt to detail the research and data collection needs here after inadequate time for review and discussion, the SSC strongly recommends that a group be convened specifically for this task. The SSC recognizes that several Steller sea lion advisory groups already exist, such as the Steller sea lion recovery team, but the SSC believes that none of the groups have the specific terms of reference and membership that would be required to make timely progress on this issue.

D-1(b) EXPERIMENTAL FISHING PERMIT

The SSC received an oral report from John Gauvin (Groundfish Forum) and Craig Rose (NMFS, AFSC) on the use of an experimental halibut excluder device in flatfish trawling. The SSC encourages the permittees to develop a full report to assist the SSC in offering comments on the experimental design and extrapolations from the results. Pending a full report, it appears that the experiment was successful demonstrating promising results. The experiment also represents interesting complement to the previous experiment conducted by this group involving individual bycatch accounts.

D-3 GROUND FISH SAFES

General considerations

The passage of Amendment 44 has codified a harvest policy approach for setting upper limits to ABCs and overfishing levels (OFLs). The maximum permissible ABC and OFL is determined based on the level of available information (tier) with the option of the Plan Teams and the SSC to recommend a lower level based on additional considerations such as the trend in recruitment, level of the population, uncertainty in the stock assessment, and ecosystem considerations. The Plan Teams have proposed ABCs lower than the maximum allowed for GOA Pacific cod; rougheye, northern, other slope, pelagic, and demersal shelf rockfishes, and Atka mackerel; and for BSAI walleye pollock, Pacific cod, Greenland turbot, Atka mackerel, and Other Species. There are compelling and well stated reasons for these recommendations, and the SSC has concurred in nearly all (GOA Pacific cod and BSAI other species being the two exceptions). However, the SSC is concerned that deviating from the Amendment 44 tiers may create a perception of arbitrariness. The process of setting maximum ABCs is intended to have several conservative elements incorporated into it, and it is desirable to have an easily understood set of rules (ideally quantitative and consistent) to explain the need for additional conservatism. We recognize that this may not be possible given the uncertainty inherent in stock assessments and ecological relationships. Nevertheless, the SSC is interested in working with the Plan Teams toward this goal. As an initial step, the SSC suggests that the Plan Teams include a summary table listing the appropriate tier for each species, the corresponding maximum fishing mortality rate and ABC, and the recommended fishing mortality rate and ABC when reduced for added conservation concerns. Table 3 of the GOA SAFE summary and Tables 4 and 6 of the BSAI SAFE summary already provide some of this requested information and could serve as templates. The SSC also urges the Teams to evaluate their ABC/OFL policy statement and determine whether it can be suitably modified or refined to codify reductions to maximum ABC based on considerations related to recruitment levels, environmental relationships, and/or ecosystem considerations.

D-3 (a,b) BS/AI SAFE

BS/AI - WALLEYE POLLOCK

The SSC received the Plan Team report from Grant Thompson and was also able to question the Chapters' lead author, Jim Ianelli. Public testimony was received from Ed Richardson, At Sea Processors; Vidar Weststad, Pacific Whiting Conservation Coop, Ken Stump, Greenpeace American Oceans Campaign.

The SSC recommendations of ABC and OFL by management area are:

EBS	ABC = 992,000 mt OFL = 1,720,000 mt
AI	ABC = 23,800 mt OFL = 31,700 mt

Bogoslof ABC = 15,300 mt
 OFL = 21,000 mt

The SSC commends the authors for the new assessment which now reliably estimates a full probability density function (pdf) for F_{MSY} . The SSC concurs with the authors and Plan Team that EBS pollock now quantifies for management under Tier 1 of Amendment 44. Under both Model 1 (author's choice) and model 2 (Plan Team's choice) the projected level of spawning stock biomass is somewhat below the new point estimate of B_{MSY} (1,740,000 mt), placing EBS pollock in Tier 1b.

The maximum allowable ABC under Tier 1b of Amendment 44 is 1,370,000 mt, based on the MSY fishing rate. The SSC recommends a lower ABC based on $F_{40\%}$. We recommend continuation of this harvest strategy for consistency with previous years as well as for the first six reasons listed by the Plan Team. 1) The 1998 trawl survey biomass estimate is the lowest since 1980 and the second lowest in the entire time series; 2) future catches and biomass levels will be heavily dependent on the strength of the 1996 and 1997 year classes, the estimate of which are currently accompanied by high levels of uncertainty; 3) the projected 1999 spawning biomass is only 31% of the estimated pristine level (if no stock-recruitment relationship is assumed; 4) pollock has been the most common item in the diet of steller sea lions; 5) the impacts of Russian harvests of pollock in the Western Bering Sea on future recruitment to the Eastern Bering Sea stock are currently unknown by potentially significant; 6) the age distribution of the stock is narrower than was the case during the late 1980s and early 1990s, raising possible concern about the short-term spawning capacity of the stock.

With the harvest strategy established, the next decision is model of choice. The SSC concurs with the Plan Team that model 2 should be used. The difference between models 1 and 2 is the number of years over which selectivity is averaged (10 years versus 3 years). The SSC notes that a short-term average may be better approximate the current way the EBS pollock fishery is prosecuted. However, neither estimate may be accurate next year, the SSC had no compelling reason to change the Team's recommendation. The remainder of the nine model runs were presented primarily in response to requests of the Council family, or to explore aspects of the model's behavior.

In the Aleutian Island, the SSC accepts a rollover of ABC and OFL, because there is no new information available. The SSC encourages the collection of new information on stock structure and population size to improve this assessment. Public testimony indicated interest from industry in carrying out a scientific survey if a way can be found to obtain an exempted fishing permit.

In the Bogoslof, the Team used the same procedure as in the past with the latest survey estimate. The SSC concurs with this approach.

BS/AI - PACIFIC COD

The SSC endorses the ABC of 177,000 mt recommend by the analyst and Plan Team (down from 210,000 last year). Last year, the SSC determined that reliable estimates of $B_{40\%}$, $F_{40\%}$, and $F_{30\%}$ existed, and that Pacific cod qualified for management under Tier 3 of Amendment 44. The undated point estimates of $B_{40\%}$, $F_{40\%}$, and $F_{30\%}$ from the present assessment area 343,000 mt, 0.29, and 0.41 respectively. Fishing at the $F_{40\%}$ rate (0.29) is projected to result in a 1999 spawning biomass of 328,000 mt, thereby placing Pacific cod in sub-Tier "b" of Tier 3. Fishing at the slightly lower rate 0.28 is projected to result in a 1999 spawning biomass of 329,000 yielding a maximum permissible F_{ABC} value of 0.28. Fishing at this instantaneous rate yields a maximum permissible ABC of 196,000 mt. The SSC concurs with the recommendation to set 1999 ABC at 177,000 mt, about 9% below the maximum permissible level. The recommendation is supported because the estimated trawl survey biomass had decreased for four years in a row to the point only slightly higher than the all-time

low and because the last three year classes (assessed at age 3) have all been below average. The F_{OFL} , 0.39, yields an OFL of 264,000 mt.

The SSC commends the analyst for his attention to a plan for examining the adequacy of sampling the fishery catches, and an investigation of potential biases due to sampling with respect to the complexities of gear and season data categories, as stated in the October 1998 minutes.

The SSC heard testimony from the trawling industry (Ed Richardson and Dr. Jose-Antonio Perez-Comas) expressing concern about the representativeness of the trawl survey in sampling larger cod. The SSC has previously noted that Pacific cod may not be well sampled by the NMFS survey. An analysis of the "goodness of sampling" in the commercial gear sectors will help to resolve this problem.

BS/AI - YELLOWFIN SOLE

The SSC concurs with the Plan Team's recommendation for ABC (212,000 mt; $F_{40\%}=0.11$; Tier 3a) and OFL (308,000 mt; $F_{30\%}=0.16$). The modeling approach is the same as used last year. Although the 1998 Bering Sea survey reflects an estimated 8% increase in biomass, the recommended ABC has declined due to changes in the population age structure and the relatively late age at which this species recruits to the survey and the fishery.

BS/AI - GREENLAND TURBOT

The SSC concurs with the Plan Team's recommendations for ABC (14,200 mt) and OFL (29,700 mt). As discussed in the assessment, the recommended ABC level is some 24% lower than the maximum permitted under Tier 3b of Amendment 44. The maximum permissible value of F_{ABC} , 0.21, translate into a 1999 catch of 20,000 mt. The assessment, is considered conservative because it doesn't include biomass estimates for portions of the species range (deep waters and Aleutian Islands), and low weighting of increasing trends in the long-line survey indexes. Nevertheless, we agree that it is undesirable to increase exploitation on this species given continued declines in biomass and repeated low recruitment. We agree with the Plan Team's recommended approach to reduce the 1998 ABC by the ratio of the projected 1999 age 2+ biomass (177,000 mt) to the 1998 age 2+ biomass (188,000 mt). This ratio is 0.94 which applied to the 1998 ABC of 15,000 mt yields a recommended 1999 ABC of 14,200 mt.

BS/AI - ARROWTOOTH FLOUNDER

The SSC concurs with the Plan Team's recommendation of ABC (140,000 mt; $F_{40\%}=0.23$; Tier 3a) and OFL (219,000 mt; $F_{30\%}=0.36$). The 1998 survey indicated a 28% decline in biomass, while new modeling parameters that incorporate a changed sex ratio into the assessment suggested a significant biomass increase. This result strongly contradicted the observed biomass decline and suggested that retaining the current modeling approach is preferable for at least one more year.

BS/AI - ROCKSOLE

The SSC concurs with the Plan Team's recommendation for ABC (309,000 mt; $F_{40\%}=0.16$; Tier 3a) and OFL (444,000 mt; $F_{30\%}=0.23$). The 1998 bottom trawl survey shows a 20% decline in estimated biomass; the modeling approach for this population is unchanged.

BS/AI - FLATHEAD SOLE

The SSC concurs with the Plan Team's recommendation for ABC (77,300 mt; $F_{40\%}=0.25$; Tier 3a) and OFL (118,000 mt; $F_{30\%}=0.39$).

A new length structured synthesis model (previewed last year) moves this stock from Tier 4 to Tier 3 for specifications settings. Survey biomass declined an estimated 14%.

BS/AI - OTHER FLATFISH

We concur with the Plan Team's recommendation for ABC (154,000 mt; $F_{40\%}=0.29$; for Alaska plaice, $F_{40\%}=0.16$ for others; Tier 3a) and OFL (248,000 mt; $F_{30\%}=0.47, 0.23$ respectively). This species group is dominated by Alaska plaice. The 1998 bottom trawl survey showed a 30% decline in Alaska plaice, while other species in this group increased by approximately 5%. Biological parameters for Alaska plaice are used as proxies for the other species in setting specifications. There are no substantive model changes from 1997 to 1998; but significant changes in emphasis factors and estimates of natural mortality occurred in the 1997 assessment.

General Flatfish concerns

BSAI flatfishes - other than Greenland turbot - have shown high abundance supported by strong recruitment in recent years. We note an apparent pattern of below average recruitment for all flatfishes other than yellowfin sole in the 1990's. This may be a consequence of low recruitment of younger age-classes to the survey. However, it may also be a harbinger of lower productivity patterns which may reduce future harvest specifications.

Fran Bennis (AMCC), provided the only public testimony on flatfish specifications. Ms. Bennis expressed support for very conservative Greenland turbot specifications and expressed some concern for the levels of Alaska plaice discards.

BS/AI/GOA combined - SABLEFISH

The biomass for this species continues to decline as the strong year-classes of the late 1970's and early 1980's die out. Projected spawning biomass is about 31% of the unfished level. The combined biomass is expected to decline until 2002, and then stabilize. There is increasing evidence that the 1995 year-class is stronger than average.

The SSC supports the Plan Team's recommendation for a combined ABC of 15,900 mt. Projected spawning biomass is 155,000 mt, which is less than $B_{40\%}$ (202,000 mt). ABC is based on the adjusted $F_{40\%}$ (0.11). OFL levels are based on the adjusted $F_{30\%}$ (0.17). ABC's and OFL's are distributed among management area's based on exponential weighted moving average of biomass distribution among areas.

<u>Area</u>	<u>Average Biomass</u>	<u>ABC (mt)</u>	<u>OFL (mt)</u>
Gulf of Alaska	84.0%	12,700	15,650
Eastern Bering Sea	7.7%	1,340	1,650
Aleutian Islands	8.3%	1,860	2,300
TOTAL	100%	15,900	19,600

The same averaging procedure was used to apportion ABC within the Gulf of Alaska.

<u>Area</u>	<u>ABC</u>
Western Gulf of Alaska	1,820
Central Gulf of Alaska	5,590
West Yakutat	1,920
East Yakutat/SE Outside	3,370
TOTAL	12,700

The SSC questioned whether the IFQ selectivity (1995-1997) represents actual changes in selectivity due to IFQ, or whether the IFQ selectivity just represents change in selectivity over time. It was also noted that it would be more consistent to compare fishing and survey selectivities or similar timer periods (e.g. 1995-1997).

The SSC discussed bias in the retrospective analysis of the sablefish model and concluded that isolating the cause of bias might significantly improve model performance.

BS/AI - PACIFIC OCEAN PERCH

The SSC concurs with the Plan Team's ABC's and OFL's for the EBS/AI Pacific ocean perch. Catch data for 1997 was revised and 1998 data added. An $F_{40\%}$ management strategy was used in place of the $F_{44\%}$ strategy used last year. Changes in stock productivity for POP in the EBS/AI region indicated that a standard $F_{40\%}$ harvest strategy may be more appropriate than an $F_{44\%}$ strategy. The models were left unchanged from last year, which means that the EBS and AI populations were modeled separately. For the EBS, a Tier 3b adjusted $F_{40\%}=0.040$ give an ABC=1,900 mt; and an adjusted $F_{30\%}=0.066$ gives an OFL=3,600 mt. For the AI, a Tier 3a $F_{40\%}=0.068$ gives and ABC=13,500 mt; and $F_{30\%}=0.095$ gives an OFL=19,100 mt. Based on surveys, the AI ABC is apportioned between WAI=6,220 mt, CAI=3,850 mt, and EAI=3,430 mt. The SSC suggests that the assessment authors consider combining POP in the EBS and AI regions into one assessment model. The limited survey data for POP in the EBS makes such an approach attractive.

BS/AI - OTHER ROCKFISH

The SSC concurs with the Plan Team's ABC's and OFL's for EBS/AI Other rockfish. Although catch tables were updated, there are no new survey data on which to base a change in the assessment. The ABC's and OFL's for 1999 are unchanged from 1998:

<u>Species Group</u>	<u>ABC</u>	<u>OFL</u>
<u>Aleutians</u>		
Northern/Sharpchin	4,230	5,640
Shorthead/rougheye	965	1,290
Other rockfish	685	913
 <u>Eastern Bering Sea</u>		
Other red rockfish	267	356
Other rockfish	369	492

BS/AI - ATKA MACKEREL

The SSC accepts the Team's and analysts recommendations for an ABC of 73,300 mt (based on $F_{52\%}$) and an OFL of 148,000 mt (based on $F_{30\%}$). The ABC is below than the maximum permissible, because there is great uncertainty in survey estimates, the stock has declined markedly, and the Plan Team had other concerns about the stock and lack of information about it.

BS/AI - SQUID AND OTHER SPECIES

The squid and other species category includes a group of otherwise unrelated species. While some of these species are targeted in other regions, there is little directed fishing effort on these species in the BSAI at this time. The SSC heard public testimony from Paul Peyton on this agenda item.

The SSC concurs with the Plan Team's recommendation for squid ABC (1,970 mt) and OFL (2,620 mt). These recommendations are based on the application of Tier 6 criteria under Amendment 44. Although the SAFE includes a surplus yield representation of squid population dynamics, the SSC concurs with the Plan Team judgement that the model is preliminary and should not be used as a basis for OFL and ABC determination this year. Nevertheless, the SSC encourages further development of this model.

The SSC disagrees with the Plan Team recommendations for the other species ABC (25,800 mt). The SSC notes that $M=0.20$ has been accepted as a reasonable estimate of natural mortality for the other species category. Given an estimate of M , other species fall into Tier 5 under Amendment 44. Tier 5 allows F_{ABC} to be up to 75% of M . That is, ABC could be set as high as 96,500 mt ($643,000 \text{ mt} \cdot 0.15$). Rather than move immediately from the 1998 ABC of 25,800 mt, to the ABC the SSC recommends a 10-year phase-in. The SSC recommendation for the 1999 ABC is $25,800 + 1/10 (96,500 \text{ mt} - 25,800 \text{ mt}) = 32,865 \text{ mt}$.

The SSC concurs with the recommended OFL level calculated from $F=M=0.2$. This level is 129,000 mt.

D-3 (c, d) GOA SAFE

Eastern Gulf Split

The split of the Eastern Gulf management area into W. Yakutat and E. Yakutat/SE Outside because of the trawl ban in the latter area has caused an evaluation of whether ABCs need to be adjusted. The Plan Team has established a philosophy that ABCs should be split if a directed harvest is likely to result in a disproportionate removal in relation to estimated biomass. This situation is more likely to occur with sedentary species with a high proportion of biomass toward the East. The SSC accepts the Team approach and specific recommendations with one exception subject to the comments listed below. The SSC recommends no split of walleye pollock in the Eastern Gulf, because it is a migratory population and its harvest in W. Yakutat should not damage the overall Eastern Gulf population.

The SSC recognizes that the Team procedure is an interim procedure for this year and that improvements need to be made. First and foremost, the RACE Division needs to examine the triennial survey design to determine if credible estimates of biomass in West Yakutat and/or the proportions of biomass in the West and East, can be obtained. Second, the Team needs to develop a stronger rationale for deciding to split particular species. The management and fishing consequences of making a split should be determined (particularly for some rockfish components such as northern rockfish in which an amount as low as 10 mt can be the result of a split). Third, the SSC recommends that splitting should be done more consistently for the various rockfish species complexes next year, because these components maybe most vulnerable to overfishing. Fourth, the Team

should reexamine the use of the upper 95% confidence level. In most cases, the SSC suspects that the point estimate is the most appropriate choice and a rationale should be given for deviating from this default.

GOA - WALLEYE POLLOCK

The SSC heard public testimony from Chris Blackburn, AGDB; Ken Stump, Greenpeace.

The walleye pollock fishery in the Gulf will largely depend on the 1994 year-class over the next six years. Indications are that year-class sizes during the decade of the 1990's have been well below average except for the 1994 year-class. It will take another year to evaluate fully the potential of this year-class for the fishery.

The SSC accepts the Plan Team recommendations for assessment model A, ABCs (W/C - 94,400 mt, EG - 8,620 mt) and OFLs (W/C - 134,100 mt, EG - 12,300 mt), as well as apportionments to Shumagin, Chirikof and Kodiak. The W/C ABC is an adjusted $F_{40\%}$ and the OFL is an adjusted $F_{30\%}$.

The SSC disagrees with the split recommended by the Plan Team for the EG. Because pollock is a migratory species and there is no evidence that EG pollock can be partitioned into different stocks, the SSC does not believe that harvest in West Yakutat of the EG ABC would damage the EG population. Therefore, the SSC recommends that there be no split in the EG for pollock. In order to have a rational means to split the EG ABC, an understanding of seasonal pollock distribution in the EG is needed, because the fishery occurs in the winter while surveys occur in the summer.

Prince William Sound Pollock -- As reported in 1995, 1996, and 1997, the SSC remains unconvinced that PWS pollock fishery exploits a resource that is entirely independent of the assessed GOA pollock population. The SSC hopes that an age-structured analysis of the GOA pollock stock will shed some light on this issue. The SSC reviewed a report of recent ADF&G surveys and strongly encourages NMFS and ADF&G to coordinate the upcoming GOA triennial survey with ongoing ADF&G surveying activities. An effort should be made to collect and contrast age and length data from these surveys. The 1999 GHF for PWS is 2,100 mt of pollock. The SSC recommends that this quantity be subtracted from the GOA ABC in proportion to the combined regional ABCs for the Western/Central and Eastern GOA regions.

GOA - PACIFIC COD

The SSC recognizes the concerns of the Plan Team that spawning biomass has shown a decreasing trend during the current decade due to decreased recruitment. In the face of this decline it is difficult to accept the increase in ABC proposed by the analyst. Nevertheless, the ABC recommendation represents the best scientific estimate and uses new data from the 1998 fishery. In order to recognize the best estimate in light of recent biomass decline, the SSC recommends an ABC stepped up from last year as the average value of the two: 77,900 mt and 90,900 mt, resulting in an ABC 84,400 mt. The 1999 OFL ($F_{30\%}=0.52$) is 134,000 mt based on Tier 3a.

GOA - FLATFISH

The SSC concurs with the Plan Team's recommendations for ABC and OFL levels for the deepwater, rex sole, shallow water and flathead sole groups. These recommendations are identical to those for 1998 except that there is no longer an extrapolation to estimate Dover sole biomass at unsurveyed depth strata. This effectively reduces the recommended deepwater ABC by 15.6%, but this is not expected to be constraining to industry based on a comparison of 1998 TAC and catch levels.

Recommended ABC and overfishing levels are:

	<u>ABC</u>	<u>F_{ABC}</u>	<u>OFL</u>	<u>F_{OFL}</u>	<u>Tier</u>
Deep water	6,050	0.075	8,070	0.10	5,6
Rex sole	9,150	0.15	11,920	0.20	5
Shallow water	43,150	0.15-0.17	59,450	0.2-0.25	4,5
Flathead sole	<u>26,110</u>	0.15	34,010	0.20	5
Total	84,460				

The SSC also concurs with the recommended biomass-based regulatory area apportionments of ABC. As noted elsewhere in our minutes, we encourage 1999 survey design and analysis to help us understand and resolve how to recommend harvest limit apportionments between West Yakutat/East Yakutat-Southeast Outside subareas.

<u>Species Group</u>	<u>Western</u>	<u>Central</u>	<u>WYAK</u>	<u>EYAK/SEO</u>	<u>Total</u>
Deep water	240	2,740	1,720	1,350	6,050
Rex sole	1,190	5,490	850	1,620	9,150
Shallow water	22,570	19,260	250	1,070	43,150
Flathead sole	<u>8,440</u>	<u>15,630</u>	<u>1,270</u>	<u>770</u>	<u>26,110</u>
Total	32,440	43,120	4,090	4,810	84,460

GOA - ARROWTOOTH

The SSC concurs with the Plan Team's recommendation for ABC (217,110 mt) and overfishing (308,875 mt). Arrowtooth flounder specifications fall under Tier 3a. $F_{ABC}=F_{40\%}=0.189$, $F_{OFL}=F_{30\%}=0.278$.

Recommended area apportionments are:

<u>Western</u>	<u>Central</u>	<u>WYAK</u>	<u>EYAK/SEO</u>	<u>Total</u>
34,400	155,930	13,260	13,520	217,110

The recommended values are based on a length based stock synthesis model. An analysis based on AD Model Builder is presented in an appendix. It is expected this new model will be applied next year; if applied this year it would have result in a higher biomass estimates due to differences in selectivities. However, it would also estimate $F_{40\%}$ at a lower value, and the comparable ABC would decline by 17%.

GOA - SLOPE ROCKFISH

The SSC supports the Plan Team's ABC recommendations for GOA shortraker/rougheye, norther rockfish, and other slope rockfish.

Because little new information is available for the assessment of these species, the recommended ABC and OFL levels are the same as those adopted by the Council for 1998.

Pacific Ocean Perch

The SSC supports the Plan Team's ABC for Pacific ocean perch. The stock assessment model was updated to include age data from the 1996 trawl survey, which again supported the experience of a strong 1996 year-class. The catchability coefficient for the preferred stock synthesis model was $q=2.8$, which makes for a

relatively conservative assessment. Using Tier 3b, the adjusted $F_{40\%}=0.60$ with an ABC=13,120 mt. The corresponding overfishing level using the adjusted $F_{30\%}=0.086$ is 18,490 mt.

	<u>ABC's mt</u>	<u>OFL mt</u>
W	1,850	2,610
C	6,760	9,520
WYAK	820	
EYAK/SEO	<u>3,690</u>	<u>6,360</u>
Total	13,120	18,490

Shortraker/rougheye - The current estimates of exploitable biomass are 16,670 mt for shortraker rockfish and 48,710 mt for rougheye rockfish. As in the past, the average of the exploitable biomasses for the 1990, 1993 and 1996 surveys were used to arrive at this estimate. Applying the definition for ABC and OFL places shortraker rockfish in Tier 5 where $F_{ABC}<0.75 M$. Thus, the recommended F_{ABC} is 0.023 ($0.75*0.03$). Applying Tier 4 to rougheye rockfish ($F_{ABC}<F_{40\%}$) results in $F_{ABC}=M=0.025$, which is less than $F_{40\%}=0.032$. ABCs for these species are 370 mt and 1,220 mt, respectively. Overfishing is defined by $F_{30\%}=0.046$ for rougheye rockfish and $F=M=0.03$ for shortraker or 2,740 mt

	<u>ABC's mt</u>	<u>OFL mt</u>
W	160	
C	970	
E	<u>460</u>	<u> </u>
Total	1,590	2,740

Northern Rockfish - Because little new assessment information is available for northern rockfish, the 1999 ABC is set equal to the 1998 value.

	<u>ABC's mt</u>	<u>OFL mt</u>
W	840	
C	4,150	
E	<u>0¹</u>	<u> </u>
Total	4,990	9,420

Other slope rockfish - Because little new assessment information is available for other slope rockfish, the 1999 ABC is set equal to the 1998 value.

	<u>ABC's mt</u>	<u>OFL mt</u>
W	20	
C	650	
WYAK	470 ¹	
EYAK/SEO	<u>4,130</u>	<u> </u>
Total	5,270	7,560

1/ The EGOA ABC of 10 mt, for northern rockfish has been included in the WYAK ABC for other slope rockfish.

PELAGIC SHELF ROCKFISH

The SSC supports the Plan Team's ABC recommendations on Pelagic shelf rockfish.

Under Amendment 46 of the GOA FMP, black and blue rockfish management were transferred to the State of Alaska. The 1990, 1993, and 1996 trawl survey data were reassessed excluding these species and a Tier 4 strategy applied (F=M=0.09). This is more conservative than an F_{40%} strategy of 0.10. The resulting ABC is 4,880 mt. An OFL based on F_{30%}=0.15 gives a value of 8,190 mt.

	<u>ABC's mt</u>	<u>OFL mt</u>
W	530	
C	3,370	
WYAK	560	
EYAK/SEO	<u>420</u>	
Total	4,880	<u>8,190</u>

GOA - DEMERSAL SHELF ROCKFISH

The SSC supports the Plan Team's ABC and OFL for demersal shelf rockfish.

The recommended values are unchanged from the 1998 recommendations, but additional information is presented concerning survey, survey data, and the line transect method.

<u>ABC's mt</u>	<u>OFL mt</u>
530	950

GOA - THORNYHEAD ROCKFISH

The SSC supports the Plan Team's ABC for thornyheads.

Catch data were updated and the resulting ABC was decreased by 10 mt to 1,990 mt. The OFL was decreased by 40 mt to 2,800 mt.

	<u>ABC's mt</u>	<u>OFL mt</u>
W	260	
C	700	
E	<u>1,020</u>	
Total	1,990	<u>2,800</u>

GOA - ATKA MACKEREL

The SSC concurs with the Team and analysts that only limited information is available and that a rollover of last year's ABC of 600 mt to satisfy bycatch needs in other fisheries is warranted. The OFL is 6200 mt, the average catch for 1978-1995. The SSC encourages AFSC and the analysts to develop a research plan to collect the necessary information to do an integrated assessment with the Aleutian Islands component.

Evaluation of 16 bit versus 32 bit Stock Synthesis

In the last assessment the SSC noted that a large change the stock assessment of GOA Pacific ocean perch (POP) could only attributed to changing from a 16 bit to a 32 bit version of stock synthesis. In the current

GOA POP stock assessment, the difference in model fit between the two versions of stock synthesis are explored. However, the presentation leaves open the question whether these results are due to precision only, or if one version of stock synthesis had a coding "bug". One further way the difference between the 16 bit and 32 bit versions of stock synthesis can be examined to initiate the 16 bit version at the solution of 32 bit version. One would suspect that the solution from the 16 bit version would then be unchanged from the initial values should the differences be due to precision alone.

State waters catch accounting

There is a need for consistency and coordination in the assessment and management of stocks that co-occur in State and Federal waters. Where this consistency is missing, it is possible that components of the stock may be unassessed, resulting in low ABC recommendations (e.g., PWS pollock). Similarly, stocks may be underharvested if state waters catches are assessed against the Federal TAC despite the GHL having been subtracted from the ABC (e.g., P. cod).

The SSC recommends that Federal and State agencies coordinate in the assessment and management of shared stocks. Surveys and other measures for estimating abundance and stock composition should, to the extent possible, be coordinated to provide estimates of abundance throughout those portions of State and Federal waters utilized by these stocks. Where possible, State and Federal resource managers should agree to common management objectives, particularly with respect to exploitation rates and to scaling fishing removals to reflect temporal and spatial differences in stock density. Timely reporting of catch information is crucial to ensure that TAC limits are not exceeded.

Models intended to reflect stock dynamics should clearly indicate that portion of the stock that they attempt to represent and should employ appropriate catch and abundance data series.

Ecosystem Considerations

This chapter continues to present a diverse suite of topics that place North Pacific fisheries in a broader context. We appreciate that the Teams continually seek present new material and limit repetition of past material.

We are very supportive of the proposed new direction of this chapter which will emphasize ecosystem-based management indices and ecosystem status indicators. We are also similarly supportive of efforts to coordinate and integrate Bering Sea ecosystem research.

Of the four specific ecosystem concerns raised by the Plan Teams; fishery effects on species composition warrants particular notice. We strongly encourage assessment authors, and the Plan Teams and other researchers to develop and present time series of biomass trends and exploitation rates that facilitate direct comparisons. Stock assessments often present time series of data, but changes in modeling often to lead to changes in biomass estimates independent of actual changes in resource. Thus, it is difficult for the public and those not closely familiar with stock assessment details to maintain a broad yet accurate conceptual picture. These same time series will also facilitate a perspective on multi-species patterns that are essential to developing an ecosystem level perspective.

D-3(e) HALIBUT DISCARD MORTALITY RATES

Gregg William (IPHC) presented the proposed 1999 halibut discard mortality rates (DMRs) to be used for PSC cap accounting. He also presented information on more in-depth analyses of DMRs in the GOA flatfish sole and deepwater flatfish fisheries.

Theresa Kandianis offered testimony that the disparity between DMRs for catcher vessels and catch-processors in the GOA flathead sole fishery is surprising given the small vessel and tow sizes of GOA catch processors in this fishery.

North Pacific Fishery Management Council

Richard B. Lauber, Chairman
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Certified by John Bruce

Date 2-4-99

ADVISORY PANEL MINUTES DECEMBER 7-10, 1998 ANCHORAGE, ALASKA

Advisory Panel members in attendance:

Alstrom, Ragnar	Gundersen, Justine
Benson, Dave	Henderschedt, John
Blott, Tim	Jones, Spike
Bruce, John (Chair)	Lewis, John
Burch, Alvin	Madsen, Stephanie (Vice-Chair)
Cross, Craig	Nelson, Hazel
Falvey, Dan	Paddock, Dean
Fanning, Kris	Stephan, Jeff
Fraser, Dave	Ward, Robert
Fuglvog, Arne	Yeck, Lyle
Ganey, Steve	Yutzenka, Grant

The Advisory Panel (AP) unanimously approved both their October and November 1998 meeting minutes.

C-1 Steller Sea Lions (SSL)

Members of the NPFMC's Advisory Panel recognize that SSL are an important component of the North Pacific ecosystem. The AP also acknowledges that NMFS has determined, pursuant to Section 7 of the ESA, that the BSAI and GOA pollock fisheries may reduce the likelihood of survival and recovery of SSL in the wild.

While the ESA places ultimate authority for a jeopardy determination with NMFS, the statute requires the agency to "use the best scientific and commercial data as well as traditional knowledge available." The AP is concerned this is not currently the case and that the agency: (1) failed to consider a large body of relevant scientific information in making the jeopardy determination; (2) failed to assess the efficacy of existing SSL protective measures prior to revised management actions; (3) did not consult with, or maintain the activity of the SSL Recovery Team; (4) has not been responsive to an internal federal policy regarding peer review of ESA activities; (5) failed to provide any analyses to the AP to quantify the impacts of the proposed RPAs on SSL and the coastal communities; (6) has not provided enough time for a thorough deliberative process to address

the final Biological Opinion; and (7) failed to include objective or reasonable criteria in a formal recovery plan process.

In light of the above conditions, the AP respectfully requests that the Council recognize that all actions undertaken by the AP regarding the Final Biological Opinion on SSL are done so under duress, under an unsatisfactory time constraint, and without sufficient and appropriate information.

Motion carries 15/5

Bering Sea/Aleutian Islands

The AP recommends the Council adopt the following measures when considering RPAs:

A. Critical Habitat

1. The critical habitat should not be expanded to include the entire CVOA, but should continue to exclude the areas to the east and west that are currently excluded.
2. RPA's should be applied only in critical habitat, not in areas outside critical habitat. This would eliminate the B season allocation split to areas east and west of 170° and would allow continuation of two seasons (A and B) outside critical habitat.
3. Rollover should be allowed from one season to the next so long as no season exceeds 30%.
4. Protective zones: newly listed haul-outs should be limited to 10-mile closures in both the GOA and BSAI. Some eastern Bering Sea haul-outs in closest proximity to the heaviest fishing areas are showing increasing counts of Steller sea lions, perhaps indicating absence of negative impact from the fishery.
5. Vessels less than 99' delivering onshore be exempt from critical habitat catch constraints. Motion carries 12/7/1.

B. Industry Sector Variations

Each industry sector should be able to have its own seasonal apportionment and start dates.

Rationale: Management measures have varying impacts on different sectors. We can achieve the objectives for Steller sea lions better with sector variation. For example, we can achieve daily catch rates of pollock significantly lower than 1998 through varying start dates and seasons. Historically, catch rates have been 3,500-5,000 tons per day for the inshore sector; 1,250-1,900 tons per day for motherships' catcher boats; and in excess of 12,000 tons per day for catcher-processors. The AFA removal of 9 catcher processors will reduce the catcher-processor rate to 7,500 to 9,000 tons per day. Co-op operations could further reduce daily catch rates.

Proposal:

1. **A-1/A-2 Seasons:**

Catcher processor seasons:	Jan. 26 (Jan. 20 with co-op) and February 20
Motherships:	February 1
Onshore:	Jan. 20 and February 20

2. B and C Seasons:

Catcher processor seasons: Aug. 1 (combined outside critical habitat)
Motherships: Aug. 15 and Sept. 10
Onshore: Aug. 1 and Sept. 5

NOTE: if catcher processors organize a cooperative for 1999, catcher processor open seasons should be longer since the cooperative will spread the fishery.

C. TAC Split Inside and Outside Critical Habitat

The TAC split inside and outside critical habitat should be spread over three years, with 75% allowed in 1999, 62.5% in 2000, and 50% in 2001, or adjusted otherwise in the A season to reflect the pollock stock distribution as determined in winter trawl surveys.

Rationale: Without the pollock stock distribution data, there is a high likelihood that the fishery will be displaced into areas where few or no fish are available. This would make the RPA economically infeasible for the industry to accomplish. Forcing industry to fish outside critical habitat also increases the likelihood of bycatch and gear conflict problems. In addition, all motherships, most onshore catcher boats, and offshore catcher vessels delivering to catcher processors run severe safety risks fishing outside critical habitat. Most onshore catcher boats cannot deliver quality fish to onshore processors from that distance. For fillet production, use of fish delivered with such long running times is probably impossible. Of all the RPA's, the shift of fishing effort from one area to another without real time biomass distribution data is most problematic. It is also inconsistent with the objective of dispersing fishing effort in proportion to the distribution of the exploitable pollock biomass.

Motion carries 16/5.

MINORITY REPORT
C-1 - BSAI Sea Lion RPAs

We, the undersigned member of the AP, oppose the AP recommendation on BSAI RPAs for Steller sea lion concerns. We note that every item in this recommendation violates the principles NMFS provided in the Biological Opinion. These principles are the floor; they constitute the minimum that should be done at this time.

Signed	Steve Ganey	Robert Ward
	John Lewis	Dan Falvey
	Arne Fuglvog	

Gulf of Alaska

The AP recommends the Council adopt the following measures when considering RPAs:

Temporal Dispersion:

<u>Season</u>	<u>Start Date</u>	<u>Allocation</u>
A	January 20	30%*
B	June 1	20%
C	September 1	50%

Trawling for pollock is prohibited from November 1 through January 19.

Spatial Dispersion:

1. 70% cap of GOA TAC taken in SSL critical habitat during 1999
2. Reduction schedule as follows:

<u>Year</u>	<u>% TAC from SSL Critical Habitat</u>
2000	65%
2001	60%
2002	55%
2003	50%

3. Subject to annual review as stated in the Final Biological Review (p. 120)
4. NMFS be required to implement a research program designed to quantify the efficacy of this mitigation measure prior to the A season in the year 2000.

Pollock Trawl Exclusion Zones

The AP requests the following eleven haul-outs be removed from the list of no trawl zones for pollock:

Key Fishing Areas:

1. Cape Barnabas
2. Ugak Island
3. Gull Point
4. Cape Ugat
5. Cape Ikolik (summer haul-out only)
6. Chiswell Island (summer haul-out only)
7. Rugged Island (summer haul-out only)
8. Pt. Elrington
9. Needles
10. Sea Lion Rocks (Sand Point)
11. Mitrofanina

The AP notes the following justification for these GOA proposed SSL mitigation measures as proposed by the processing and harvesting sectors of Kodiak, Sand Point, Seward, and Cordova and associated communities.

Temporal Dispersion:

To more evenly distribute the trawl fisheries we propose adoption of the trimester seasonal apportionment which was originally developed by NMFS in the October 23, 1993, *Draft Summary Biological Opinion* with one additional change. The only change from the NMFS proposal is to move 5% of the allocation from the A season to the B season (*). We felt that the original suggestion of 35% harvest in January should be

modified to 30%, reflective of NMFS' primary concern for available prey during the winter months. Shifting allocation into the B season is also consistent with NMFS' concerns in the final Biological Opinion.

The trimester approach will ensure the economic viability of the fishery by providing for consistent employment of the vessel and shore-based work force. It will also prevent cost increases resulting from switching back and forth more often between different fisheries.

The trimester approach, allowing for longer seasons, is safer for the fishermen. This is consistent with the management position taken by the Secretary, the Council, and supported by the industry for the halibut and sablefish fisheries.

We oppose adopting a quarterly approach because it will intensify pulse-type fishing which is exactly the opposite result NMFS requires to protect SSL (see Biological Opinion, p. 115). Quarterly allocations will also result in work force disruptions and increased community costs. The Council will recall that a quarterly approach became unmanageable as TAC levels declined.

Spatial Dispersion:

To more evenly distribute the pollock trawl fishery with respect to SSL critical habitat we propose an incremental phase-out reduction in pollock removals from critical habitat. During 1990-1997, approximately 70% of the GOA pollock TAC was taken annually in SSL critical habitat.

Employing a phase-out approach to protect SSL from alleged competition with the pollock fishery is consistent with the Council's 1998 recommended regulatory amendment to the Secretary on the incremental shift in Atka mackerel harvest through 2002. The NMFS issued a non-jeopardy finding for the Atka mackerel fishery in the Final Biological Opinion.

The 70% cap for the 1999 season will not permit a significant increase in the TAC taken in SSL critical habitat. In the past, the GOA fishery has taken a maximum of 93% of the TAC in SSL critical habitat.

The most significant problem with a reduction in TAC from critical habitat is that it will force fishermen, many operating on small vessels, further offshore exposing them to increased peril. This result is inconsistent with National Standard 10 of the Magnuson-Stevens Act.

The proposed phase-out reduction schedule will allow sufficient time for fishermen to adjust their fishing practices, to find new areas where they can operate, and provide time for them to seek alternative fisheries and make the necessary economic adjustments to purchase new gear.

Pollock Trawl Exclusion Zones:

In the GOA, NMFS is proposing 43 new trawl exclusion zones in addition to the 9 zones already existing. Of the 52 total no-trawl zones, Gulf fishermen identified 11 as absolutely essential fishing areas which the fishing industry simply cannot afford to lose.

Industry provided information indicating Areas 1-5 are used marginally by SSL but remain key fishing locations. Cape Barnabas has not had any animals recorded since 107 were counted in 1985. Cape Ikolik has only been used since 1992 and has averaged only 71 animals since that time.

Anecdotal evidence from fishermen indicate increased summer SSL activity in Area 5 (Cape Ikolik), and we suggest the area be protected as a summer haul out along with Areas 6 and 7. The industry utilizes all these areas during rough weather during the winter fishery.

Also, Areas 6 and 7 are located near Seward. Local fishermen fish these areas in the winter season. If access to these areas is lost, Seward fishermen have no alternative fishing locations available during inclement weather. The City of Seward will also lose significant income if access is denied to these key areas.

Areas 8 and 9 are critical to Cordova fishermen and the City of Cordova. Cordova is a remote fishing-based community with little or no alternative winter season revenue sources. Loss of access to these key areas will be economically devastating. Local Cordova fishermen forced to relocate will likely move 70 miles offshore beyond Middleton Island. The safety concerns created by this action will be significant. This area periodically experiences some of the most extreme weather in the North Pacific.

Closing Area 10 (Sea Lion Rocks) will shut down the Sand Point local summer/fall fishery which is prosecuted almost exclusively in this area. Area 11 (Mitrofanina) is the closest fishing location for vessels traveling from Area 610. If this area is closed, fishermen will have to travel 10 hours further to reach alternative fishing areas. This will increase the safety factor of fishermen having to steam greater distances.

According to the Final Biological Opinion (p.120), the efficacy of these new trawl exclusion zones is required to be assessed annually. Accordingly, we include as part of our request:

1. NMFS implement an intra-year, multi-season survey designed to collect statistically valid density estimates of haul-out and rookery areas to start during 1999.
2. NMFS implement a program designed to test the efficacy of the trawl exclusion zones prior to the start of the A season in the year 2000.

GOA fishermen are extremely concerned over losing 41 trawl exclusion zones within their traditional fishing grounds with the current minimal level of scientific justification. We believe this is more than enough to meet the immediate requirements set fourth in the Final Biological Opinion. Any additional loss of the 11 key fishing areas highlighted above will preclude fully prosecuting the pollock fishery, force fishermen to relocate locate to new areas, increasing both safety-at-sea concerns and travel/maintenance costs, and will negatively impact the economy of Southwest Alaska's coastal communities.

Motion carries 20/1.

Further, the AP requests the Council identify the following as additional research priorities for the GOA and BSAI:

1. NMFS must assess the efficacy of prior/current SSL mitigation measures.
2. Since competition is the primary justification for the finding of jeopardy, NMFS must be required to develop and implement a research program designed to quantify the level of competition between fishing and SSL decline.
3. The SSL Recovery Team must be fully funded and incorporated into the process.
4. The Final Biological Opinion should be formally peer reviewed by a number of independent scientists. The peer review results should be made available to the public for comment.

5. NMFS should begin formal consultation as required with tribal entities.
6. Establish marine mammal recovery plan team that would operate like the incidental take reduction teams established under the MMPA. These teams should include university scientists, NMFS and other agency scientists (like USGS), environmental industry, fishing industry representatives and representatives from tribal entities for the purpose of identifying research needs and long-term mitigation measures and goals, and to establish methods and criteria necessary to evaluate the efficacy of past and future mitigation measures.
7. Initiate pollock biomass distribution surveys at the earliest possible date to answer seasonal distribution questions both in and outside of critical habitat and to test the competition hypothesis.

Motion carries unanimously (20/0).

C-2 American Fisheries Act (AFA)

7b Catcher Processor Restrictions for 2000 and Beyond

The AP recommends, for the year 2000 and beyond, the Council initiate an analysis for the 20 + 9 vessels listed in the AFA of their bycatch and associated PSC levels with options to include:

- a. directed pollock and non-pollock fishery (95, 96, 97).
Add sub-option: Pelagic pollock fisheries.
- b. non-pollock fisheries only (95, 96, 97).

Motion carries 13/5.

The AP recommends the Council revisit the policy where NMFS would allow for directed fishing of pollock and non-pollock species such that the total PSC removals do not exceed the PSC caps as established in #1 of PSC Caps (on page 2 of action memo) which states, "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." Motion carries 12/7.

8 Catcher Vessel Restrictions in Other Fisheries

The AP recommends the council add Alternative 3: No crossovers at the endorsement level. Motion carries 13/8.

The AP recommends the Council initiate action to change the sunset date for GOA I/O3 to coincide with the BSAI new date of 2003. Motion carries unanimously (21/0).

Groundfish Sideboards

In further developing CV sideboards, the AP reiterates its November motion which stated that,

"SB 1221 catcher vessel restrictions require the Council to develop conservation and management measures to prevent pollock-eligible catcher vessels (CVs) from exceeding their aggregate traditional harvest levels in other fisheries as a result of fishery cooperatives in the directed pollock fishery. The clear intent of Congress is to limit the impact of these restrictions or protective measures to catcher

vessels actually participating in a co-op because there would be no reason, or need, to add restrictions on CVs that elect to fish pollock open access in the traditional manner. The CV open access pollock fishery would not have any unfair advantage to adversely impact other fisheries and may in fact depend on those other fisheries for a majority of their income.

Therefore, the AP recommends the Council's interpretation of CV protective measures, i.e., that the CV protective measures be limited to protecting against adverse results of fishery co-ops on other fisheries, and therefore, would not be applied to those pollock CV's not participating in co-ops. Also, that this can be sector specific." Motion carries unanimously (19/0).

This is consistent with the language in the bill (§ 211(c)(1)(A) of the American Fisheries Act). The sideboards should restrict a vessel's new opportunities resulting from the enactment of the American Fisheries Act. Sideboards should not be punitive in nature based solely upon a vessel's AFA eligibility to fish for pollock in the Bering Sea/Aleutian Islands.

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 or stacking of quota.

To What BSAI Non-Pollock Fisheries the Restrictions Should Apply

CV restrictions should apply to those fisheries that run concurrent in time with the BSAI pollock fisheries. Priority should be given to:

- a. GOA pollock
BSAI/GOA Pacific cod
Rock sole
Atka mackerel
- b. Restrictions should apply to all non-pollock FMP fisheries. Motion carries 15/6.

When the CV Restrictions Should Apply

1. Co-op vessels harvest levels should be restricted only during the same time periods as the normal open access pollock fishery.

Sub-option: Use 1998 open access season dates by sector as a base reference

Sub-option: Use 1999 sea lion modified season dates.

Nature of CV Restrictions

Option A: Absolute harvest amounts expressed in percentage of TAC in metric tons.

Option B: Restrict degree of effort measured in fishing days.

Determination of "Traditional Harvest Level"

The definition of "traditional" in non-pollock fisheries will be determined by catch history

1. On basis of percentage of groundfish harvest in non-pollock fisheries.
2. On basis of percentage of total groundfish harvest.

Option A: Apply one time frame equally to all groundfish targets

Option B: Apply differentially to fully utilized fisheries and fisheries in which the TAC is not taken on a regular basis.

Sub-option 1: Use average catch history in the years 1995, 96, and 97.

Sub-option 2: Use catch history based on years 1992-97.

Sub-option under 1 and 2: Utilize "best 2 years"

Determination of "Aggregate"

Option A: Apply and monitor by the sector

Option B: Apply and monitor by individual co-op

Management of Non-Pollock fisheries

Co-op vessels limited to target fishing for non-pollock species during those times when the open access target fishery for the non-pollock species is open.

The AP recommends the Council ask the VBA Committee to develop options for PSC caps for co-op vessels in non-pollock fisheries.

Motion carries unanimously (21/0).

14 Disclose Catch and Bycatch Info by Vessel

The AP recommends the Council request NMFS and ADF&G initiate development of a discussion paper examining what disclosure of catch and bycatch information §211(d) of the AFA would allow that is currently restricted, any other legal impediments to such disclosure, and how that disclosure may be beneficial in implementing §301(a)(9) and §303(a)(11) of the Magnuson-Stevens Act. Motion carries unanimously (21/0).

D-1 Groundfish Amendments

The AP recommends the Council adopt Alternative 2, which requires full retention of DSR in the fixed gear fisheries in GOA regulatory area 650. The AP further recommends the Council request the State require processors to accept and weigh deliveries of DSR. Motion carries unanimously (18/0).

D-2(b) Improved Retention/Improved Utilization (IR/IU)

Action 1

The AP recommends the Council adopt the changes listed under Action 1 to allow for the discard of adulterated fish. We further request NMFS allow for Council review of the proposed rule implementing this action. Motion carries unanimously (18/0).

Action 2

The AP recommends the Council adopt the IR/IU Committee's recommendation of Alternative 2 - 8% maximum retainable roe retention in the Aleutian Islands, and Alternative 1, no action in the Bering Sea. Motion carries unanimously (18/0).

Further, the AP requests the Council initiate a discussion paper reviewing any data available regarding roe recovery rates of individual vessels in the BSAI including primary production in which the roe was retained. Motion carries unanimously (18/0).

Action 3

The AP recommends the Council adopt the IR/IU Committee's recommendation of Alternative 2 to add a product recovery rate for kirimi. The AP agrees with the committee that the analysis does not support removing fish meal against which pollock roe can be retained because the amount of roe retained against fish meal as a primary product is small. If the Council wishes to address meal as a primary product, it should be taken up as a separate action. Motion carries unanimously (18/0).

Action 4

The AP recommends the Council adopt Alternative 3 to take bait and consumed fish off the top before calculating utilization rates. Motion carries unanimously (18/0).

D-3 (a, b) BSAI 1999 Specifications and SAFE

The AP recommends the Council approve the Bering Sea/Aleutian Islands (BSAI)1999 SAFE document. Motion carries unanimously 21/0.

The AP recommends the Council approve the SSC's recommended 1999 ABCs. Motion carries unanimously (21/0).

The AP recommends the Council approve the ABCs as TACs except for Bogoslof pollock, yellowfin sole, arrowtooth, rocksole, and central and western Aleutians Atka mackerel (See Attachment 1). Motion carried unanimously (21/0).

(A motion to set Greenland turbot TAC at 9,000 mt failed 9/10/1.)

MINORITY REPORT
D-3, BSAI 1999 Greenland Turbot TAC

We, the undersigned members of the AP, oppose setting the BSAI Greenland turbot TAC equal to ABC. Rather, we support the BSAI Plan Team's precautionary recommendation of setting a TAC that would prevent significant increases in the catch of Greenland turbot for the following reasons:

1. If the recommended ABC of 14,200 mt were actually harvested, it would equal the highest catch since 1985 even though age 1+ biomass in 1999 is projected to be only half of what it was in 1985;
2. The estimated age 1+ biomass has trended downward continually since 1972 and the three most recent recruitment estimates constitute the three lowest values in the time series;
3. Two potentially significant sources of unreported mortality are not appropriately considered in the assessment of this species — killer whale depredation of longline catch and the amount of turbot discards in the other fisheries, especially the sablefish fishery.

In short, it is difficult to justify a significant increase in catch for this stock that has declined so consistently for so long. Based on these concerns, we support a 1999 Greenland turbot TAC of 9,000 mt.

Signed:	Steve Ganey	Dan Falvey	Spike Jones	Dean Paddock
	Tim Blott	Arne Fuglvg	John Lewis	Robert Ward

The AP recommends the directed pollock fishery be prosecuted exclusively as mid-water fishery in 1999. Motion carries unanimously (21/0).

The AP recommends the Council approve the pollock A/B season apportionment at 45% / 55%, respectively. Motion carries unanimously (21/0).

The AP recommends the Council approve the 1999 BSAI PSC apportionments and seasonal allowances for the trawl fisheries as shown in Attachment 1, page 2. Motion carries unanimously (21/0).

The AP further recommends the Council adopt the non-trawl industry recommended 1999 BSAI PSC bycatch allowances and fixed gear Pacific cod seasonal apportionments as shown in Attachment 1, page 2. Motion carries unanimously (21/0).

The AP recommends the Council adopt the halibut mortality rates as shown in Table 12 of agenda item D-3(e). Motion carries unanimously (20/0).

D-3 (c-e) GOA 1999 Specifications and SAFE

The AP recommends the Council approve the Gulf of Alaska (GOA) 1999 SAFE document. Motion carries unanimously (21/0).

The AP recommends the Council approve the SSC's 1999 ABCs using the 1350/3160 W. Yak/SEO split for POP and the 740/240 split for pelagic shelf rockfish. Motion carries unanimously (20/0).

The AP recommends the Council approve setting the TACs at the SSCs ABCs except shallow water flats, flathead sole, arrowtooth flounder, other shelf rockfish, Pacific cod and pollock (see Attachment 2). Motion carries 18/4.

The AP recommends the Council approve the trawl gear and hook and line PSC halibut limits as shown in Attachment 2 (same as 1998). Motion carries unanimously (21/0).

The AP recommends the Council request NMFS release the trawl halibut PSC for the third quarter on July 11. Motion carries unanimously (21/0).

The AP recommends the Council approve the halibut discard mortality rates as shown in Table 13 of the action memo and, further, approve the flathead sole halibut mortality rate split of 58% for the catcher vessel fleet and 74% for the catcher processor fleet. Motion carries unanimously (20/0).

The AP requests the Council recommend NMFS increase its efforts to incorporate observer data and log book information on CPUE, length, sex, and age data into the sablefish stock assessment for 1999. We further request NMFS develop and test new assessment techniques such as port sampling and pre-recruits surveys to improve the accuracy of the sablefish assessment under the IFQ fishing regime. Funds from the IFQ fee program should be prioritized for this work. Motion carries unanimously (21/0).

Draft

**Bering Sea and Aleutian Islands
SSC and AP Recommended 1999 Catch Specifications (mt)**

Species	Area	1999	1999	1999	1999	1998	1998
		Biomass	OFL	ABC	TAC	TAC	Catch*
Pollock	EBS	7,040,000	1,720,000	992,000	992,000	1,110,000	1,020,720
	"A" season					45%	
	"B" season					55%	
	AI	106,000	31,700	23,800	23,800	23,800	21,945
	Bogoslof	403,000	21,000	15,300	1,000	1,000	8
Pacific cod	BS/AI	1,210,000	264,000	177,000	177,000	210,000	179,115
Yellowfin sole	BS/AI	3,180,000	308,000	212,000	180,000	220,000	95,036
Greenland turbot	BS/AI	177,000	29,700	14,200	14,200	15,000	8,856
	BS			67%	67%	67%	
	AI			33%	33%	33%	
Arrowtooth	BS/AI	819,000	219,000	140,000	134,354	16,000	14,930
Rock sole	BS/AI	2,320,000	444,000	309,000	120,000	100,000	33,454
Flathead sole	BS/AI	636,000	118,000	77,300	77,300	100,000	24,228
Other flatfish	BS/AI	618,000	248,000	154,000	154,000	89,434	15,137
Sablefish	EBS	17,000	2,090	1,340	1,340	1,300	573
	AI	26,000	2,890	1,860	1,860	1,380	615
POP complex							
True POP	EBS	45,500	3,600	1,900	1,900	1,400	1,031
Other POP	EBS	11,600	356	267	267	267	107
True POP	AI	236,000	19,100	13,500	13,500	12,100	9,070
	Eastern			3,430	3,430	3,070	2,000
	Central			3,850	3,850	3,450	2,500
	Western			6,220	6,220	5,580	4,570
Sharp/Northern	AI	94,000	5,640	4,230	4,230	4,230	3,652
Short/Rougheye	AI	46,500	1,290	965	965	965	668
Other rockfish	EBS	7,030	492	369	369	369	205
	AI	13,000	913	685	685	685	361
Atka mackerel	AI	595,000	148,000	73,300	66,400	64,300	55,782
	Eastern			17,000	17,000	14,900	12,000
	Central			25,600	22,400	22,400	20,000
	Western			30,700	27,000	27,000	24,000
Squid	BS/AI	n/a	2,620	1,970	1,970	1,970	908
Other species	BS/AI	643,000	129,000	32,860	32,860	25,800	23,448
BS/AI TOTAL		18,243,630	3,719,391	2,247,846	2,000,000	2,000,000	1,509,849

EBS - eastern Bering Sea

BS/AI - Bering Sea & Aleutian Islands

BS - Bering Sea

AI - Aleutian Islands

OFL - overfishing level

ABC - acceptable biological catch

TAC - total allowable catch

*catch as of 11/7/98

Apportionments and Seasonal Allowances - AP Recommendations

Fishery Group	Halibut Mortality Cap (mt)	Herring (mt)	Red King Crab (animals) Zone 1	C. bairdi Zone 1	C. bairdi Zone 2	C. opilio COBLZ
Yellowfin sole	1,005	254	21,084	274,526	1,198,906	3,248,821
January 20 - March 31	285					
April 1 - May 10	210					
May 11 - July 10	100					
July 11 - Dec 31	410					
Rocksole/other flatfish	795	22	158,133	294,134	399,635	801,080
January 20 - March 29	485					
March 30 - July 10	130					
July 11 - December 31	180					
Turbot/sablefish/ Arrowtooth	75	10				44,504
Rockfish	75	8			7,836	44,504
July 11 - Dec 31	75					
Pacific cod	1,475	22	15,813	147,263	218,288	133,513
Pollock/mackerel/o.species	250	152	1,970	14,077	20,335	77,578
Pelagic Trawl Pollock		1,217				
TOTAL	3,675	1,685	197,000	730,000	1,845,000	4,350,000

Note: Includes 7.5% CDQ allocation.

Unused PSC allowances may be rolled into the following seasonal apportionment.

30% of the red king crab PSC for the rock sole fishery is apportioned to the 56 - 56o10' RKCSA strip.

Accounts for the reductions in halibut and crab PSCs due to ban on pollock bottom trawling

(halibut: -100 mt; RKC: -3,000; Z1 bairdi: -20,000; Z2 bairdi: -30,000; opilio: -150,000 crab)

Accounts for adjustments due to changes in biomass for herring, red king crab, Z2 bairdi, and opilio.

1999 BSAI Non-Trawl Fisheries PSC Bycatch Allowances and fixed gear Pacific cod seasonal apportionments

Fishery Group	Halibut Mortality (mt)	Seasonal Apportion of cod TAC (mt)
Pacific Cod	810	
Jan 1 - April 30	495	60,000 first tr.
May 1 - September 14	0	8,500 second tr.
Sept. 15 - Dec. 31	315	15,000 third tr.
Other Non-Trawl*	90	
May 1 - September 14	45	
Sept. 15 - Dec. 31	45	
Groundfish Pot	Exempt	
TOTAL	900 mt	83,500

Note: unused halibut PSC or P. cod TAC from first trimester will be rolled into the third trimester.

Any halibut PSC removed from the CDQ fisheries will be replaced from PSC apportioned from the third trimester.

* Includes hook & line fisheries for rockfish and Greenland turbot.

Sablefish hook & line fisheries will be exempted from the halibut mortality cap.

Jig gear will also be exempted from the halibut mortality cap.

FINAL 1999 GULF OF ALASKA GROUND FISH SPECIFICATIONS

Plan Team, SSC, and AP recommendations (mt) for 1999

Species	Area	1998				1999 Plan Team		SSC	AP	AP	
		OFL	ABC	TAC	Catch ¹	Area	OFL	ABC	ABC	TAC	
Pollock	W (61)		29,790	29,790	29,311	W (61)		23,600	23,190	23,190	23,190
	C (62)	170,500	50,045	50,045	49,128	C (62)	134,100	39,650	38,950	38,950	38,950
	C (63)		39,315	39,315	39,047	C (63)		31,150	30,610	30,610	30,610
	E	15,600	10,850	5,580	6,367	W. Yakutat	12,300	1,210-2,160	8,470	8,470	5,580
	Total	186,100	130,000	124,730	123,853	E. Yak./SEO		7,410-6,460			2,890
					Total	146,400	103,020	101,220	101,220	101,220	
Pacific Cod ²	W		27,260	23,170	19,845	W		27,260	29,540	29,540	23,630
	C		49,080	41,720	41,632	C		49,080	53,170	53,170	42,935
	E		1,560	1,170	850	E		1,560	1,690	1,690	1,270
	Total	141,000	77,900	66,060	62,327	Total	134,000	77,900	84,400	84,400	67,835
Flatfish, Deep Water	W		340	340	16	W		240	240	240	240
	C		3,690	3,690	2,348	C		2,740	2,740	2,740	2,740
	E		3,140	3,140	108	W. Yakutat		1,720	1,720	1,720	1,720
	Total	9,440	7,170	7,170	2,472	E. Yak./SEO		1,350	1,350	1,350	1,350
						Total	8,070	6,050	6,050	6,050	6,050
Rex Sole	W		1,190	1,190	439	W		1,190	1,190	1,190	1,190
	C		5,490	5,490	2,197	C		5,490	5,490	5,490	5,490
	E		2,470	2,470	35	W. Yakutat		850	850	850	850
	Total	11,920	9,150	9,150	2,671	E. Yak./SEO		1,620	1,620	1,620	1,620
						Total	11,920	9,150	9,150	9,150	9,150
Flatfish, Shallow Water	W		22,570	4,500	269	W		22,570	22,570	22,570	4,500
	C		19,260	12,950	3,199	C		19,260	19,260	19,260	12,950
	E		1,320	1,180	72	W. Yakutat		250	250	250	250
	Total	59,540	43,150	18,630	3,540	E. Yak./SEO		1,070	1,070	1,070	1,070
						Total	59,540	43,150	43,150	43,150	18,770
Flathead Sole	W		8,440	2,000	568	W		8,440	8,440	8,440	2,000
	C		15,630	5,000	1,171	C		15,630	15,630	15,630	5,000
	E		2,040	2,040	8	W. Yakutat		1,270	1,270	1,270	1,270
	Total	34,010	26,110	9,040	1,747	E. Yak./SEO		770	770	770	770
						Total	34,010	26,110	26,110	26,110	9,040
Arrowtooth	W		33,010	5,000	2,997	W		34,400	34,400	34,400	5,000
	C		149,640	25,000	9,687	C		155,930	155,930	155,930	25,000
	E		25,690	5,000	379	W. Yakutat		13,260	13,260	13,260	2,500
	Total	295,970	208,340	35,000	13,063	E. Yak./SEO		13,520	13,520	13,520	2,500
						Total	308,880	217,110	217,110	217,110	35,000
Sablefish ³	W		1,840	1,840	1,425	W		1,820	1,820	1,820	1,820
	C		6,320	6,320	5,778	C		5,590	5,590	5,590	5,590
	W. Yakutat		5,960	2,473	1,877	W. Yakutat		1,920	1,920	5,290	2,090
	E. Yak./SEO			3,487	3,421	E. Yak./SEO		3,370	3,370	-	3,200
	Total	23,450	14,120	14,120	12,501	Total	19,720	12,700	12,700	12,700	12,700
Rockfish, Other Slope	W		20	20	47	W		20	20	20	20
	C		650	650	701	C		650	650	650	650
	E		4,590	1,500	112	W. Yakutat		470	470	470	470
	Total	7,560	5,260	2,170	860	E. Yak./SEO		4,130	4,130	4,130	4,130
						Total	7,560	5,270	5,270	5,270	5,270
Rockfish, Northern	W		840	840	67	W		840	840	840	840
	C		4,150	4,150	2,974	C		4,150	4,150	4,150	4,150
	E		10	10	10	E		-	-	-	-
	Total	9,420	5,000	5,000	3,051	Total	9,420	4,990	4,990	4,990	4,990
Pacific Ocean Perch	W		1,810	1,810	850	W		2,610	1,850	1,850	1,850
	C		6,600	6,600	7,501	C		9,520	6,760	6,760	6,760
	E		4,410	2,366	610	W. Yakutat		6,360	820-1,350	820-1,350	1,350
	Total	18,090	12,820	10,776	8,961	E. Yak./SEO			3,690-3,160	3,690-3,160	3,160
						Total	18,490	13,120	13,120	13,120	13,120
Shortraker/Rougheye	W		160	160	124	W		160	160	160	160
	C		970	970	865	C		970	970	970	970
	E		460	460	701	E		460	460	460	460
	Total	2,740	1,590	1,590	1,690	Total	2,740	1,590	1,590	1,590	1,590

Rockfish, Pelagic Shelf ¹	W		620	620	60	W		530	530	530	530
	C		3,260	3,260	2,477	C		3,370	3,370	3,370	3,370
	E		1,000	1,000	572	W. Yakutat		560-740	560-740	740	740
						E. Yak./SEO		420-240	420-240	240	240
	Total		8,040	4,880	4,880	3,109	Total	8,190	4,880	4,880	4,880
Rockfish, Demersal Shelf	SEO		950	560	560	306	SEO		950	560	560
Atka Mackerel	Gulfwide		6,200	600	600	316	Gulfwide		6,200	600	600
Thornyhead	W		250	250	206	W		260	260	260	260
	C		710	710	572	C		700	700	700	700
	E		1,040	1,040	352	E		1,030	1,030	1,030	1,030
		Total		2,840	2,000	2,000	1,130	Total	2,800	1,990	1,990
Other Species	Gulfwide		NA	15,570	3,698	Gulfwide		NA	NA	NA	14,640
GULF OF ALASKA	TOTAL		817,270	548,650	327,046	245,295	TOTAL	778,890	528,190	532,890	532,890

¹catch through November 7, 1998.

²TAC reduced by 15% GHL for W/C state fishery apportionment (25% for EGOA)

³5% trawl TAC allowance in EY/SEO reallocated to WY, so: 90% of WY=fixed gear; 100% of EY/SEO=fixed gear

⁴nearshore component removed from PSR in 1998

PSC limits for halibut in the Gulf of Alaska by gear

Quarter	Trawl gear		Trimester Hook and Line		
1	600 mt	30%	1	250 mt	86%
2	400 mt	20%	2	15 mt	5%
3	600 mt	30%	3	25 mt	9%
4	400 mt	20%	DSR	10 mt	
	2,000 mt			300 mt	

PSC limits for trawl gear

Quarter	Shallowwater		Deepwater	Total
	Complex	Complex	Complex	
1	500 mt	100 mt		600 mt
2	100 mt		300 mt	400 mt
3	200 mt		400 mt	600 mt
4	No apportionment			400 mt

AGENDA ITEM C-2(a)
DECEMBER 1998

Roadmap for Council Discussions of AFA Tasking (December 9, 1998)
(Revised to reflect AP actions taken at this meeting)

Includes Council/AP recommendations, timelines, and *staff notations*.

*** denotes major analysis/staff time.

NEAR TERM (By July 1999 - Analyses by April 1999)

#	Action	Mechanism	Timeline	Tasking
*	Duration of GOA I/O3	Plan Amendment	1999	Council
The AP recommends the Council initiate an analysis to establish duration for GOA I/O3 to coincide with the BSAI. Motion carries unanimously (21/0). This action was taken at the December meeting				
3	Monitor NMFS development of fee system	Periodic reviews at Council meetings	1999	NMFS HQ ***
<p>The AP reiterates its October 1998 recommendation on development of fee systems:</p> <p>“The AP recommends the Council direct NMFS to work cooperatively with ADF&G, processors and fishermen to develop a standardized fee collecting mechanism which will provide consistency between current fee collection programs, the IFQ fee, CDQ program, and potential future fee programs.</p> <p>“With respect to the proposed IFQ fee program, the AP recommends it not go forward until a mechanism be included which allows fishermen to submit evidence demonstrating discrepancies between standard prices charged by NMFS and actual prices received by the individual fishermen. Motion carries unanimously (19/0).”</p>				
6	Adjust LLP for new upgrade criteria and endorsement restrictions	Technical amendment	1999	Council
<p>Staff note: <i>No AP action on this item. Upgrade criteria for eligible vessels are stipulated in the AFA, and are different than under current LLP. Regarding endorsement restrictions, AFA refers to vessels, while LLP will issue licenses to persons. An amendment is necessary to preclude the initial issuance of these endorsements; i.e., so that they cannot be transferred to another vessel. The AP understood that these licenses would be issued if they took no action.</i></p>				

NEAR TERM (By July 1999 - Analyses by April 1999)

#	Action	Mechanism	Timeline	Tasking
7b	Catcher Processor Restrictions for 2000 and beyond	Plan/reg amendment package	by July of 1999	Council ***
<p>The AP recommends, for the year 2000 and beyond, the Council initiate an analysis for the 20 + 9 vessels listed in the AFA of their bycatch in both the directed pollock and non-pollock fisheries (95, 96, 97) and associated PSC levels.</p> <p style="padding-left: 40px;">Add sub-option: Pelagic pollock fisheries.</p> <p>Motion carries 13/5.</p> <p>The AP recommends the Council revisit the policy where NMFS would allow for directed fishing of pollock and non-pollock species such that the total PSC removals do not exceed the PSC caps as established in #1 of PSC Caps (on page 2 of action memo) which states, "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." Motion carries 12/7.</p> <p>Staff note: <i>This action necessary for year 2000 and beyond. Need Council direction on whether to implement differently than for 1999. AP recommendations are from the December 1998 meeting on this issue.</i></p>				

NEAR TERM (By July 1999 - Analyses by April 1999)

#	Action	Mechanism	Timeline	Tasking
8	Catcher Vessel restrictions in other fisheries	Plan/Reg amendment	By July 1, 1999	Council ***

Crab Sideboards

AFA catcher vessel restrictions require the Council to develop conservation and management measures to prevent pollock-eligible catcher vessels (CVs) from exceeding their aggregate traditional harvest levels in other fisheries as a result of fishery cooperatives in the directed pollock fishery. The clear intent of Congress is to limit the impact of these restrictions or protective measures to catcher vessels actually participating in a co-op because there would be no reason, or need, to add restrictions on CVs that elect to fish pollock open access in the traditional manner. The CV open access pollock fishery would not have any unfair advantage to adversely impact other fisheries and may in fact depend on those other fisheries for a majority of their income.

Therefore, the AP recommends the Council's interpretation of CV protective measures, i.e., that the CV protective measures be limited to protecting against adverse results of fishery co-ops on other fisheries, and therefore, would not be applied to those pollock CV's not participating in co-ops. Also, that this be sector specific. Motion carries unanimously (19/0).

The AP recommends the Council initiate analysis of the following options to mitigate impact of possible spillover effects of AFA on other fisheries:

1. No crossover allowed into any crab fisheries for vessels with membership in a pollock co-op.
2. No crossover allowed in the Tanner crab fishery only (opilio and bairdi).
3. No crossovers at the endorsement level. (Option 3 was added during the Dec. meeting - Motion carries 13/8)

Sub-option: vessels which qualified based on bycatch of bairdi in red king crab would be restricted to bycatch of bairdi in the red king crab fishery.

Duration sub-options:

- a. Permanent based on participation in co-op
 - b. Only for year vessel is involved in co-op.
 - c. Duration of AFA (clarified by staff that this was implied in the November AP motion)
3. Measures which would restrict pollock co-op vessels to their aggregate traditional harvest including:
 - a. Restriction to the percentage of crab harvest in all species between 1995, 96, and 97.

Motion carries 17/0/2.

NEAR TERM (By July 1999 - Analyses by April 1999)

#	Action	Mechanism	Timeline	Tasking
8	Catcher Vessel restrictions in other fisheries	Plan/Reg amendment	By July 1, 1999	Council ***

Groundfish Sideboards (Note: these actions were taken during the December meeting)

In further developing CV sideboards, the AP reiterates its November motion which stated that,

“SB 1221 catcher vessel restrictions require the Council to develop conservation and management measures to prevent pollock-eligible catcher vessels (CVs) from exceeding their aggregate traditional harvest levels in other fisheries as a result of fishery cooperatives in the directed pollock fishery. The clear intent of Congress is to limit the impact of these restrictions or protective measures to catcher vessels actually participating in a co-op because there would be no reason, or need, to add restrictions on CVs that elect to fish pollock open access in the traditional manner. The CV open access pollock fishery would not have any unfair advantage to adversely impact other fisheries and may in fact depend on those other fisheries for a majority of their income.

Therefore, the AP recommends the Council’s interpretation of CV protective measures, i.e., that the CV protective measures be limited to protecting against adverse results of fishery co-ops on other fisheries, and therefore, would not be applied to those pollock CV’s not participating in co-ops. Also, that this can be sector specific.” Motion carries unanimously (19/0).

This is consistent with the language in the bill (§ 211(c)(1)(A) of the American Fisheries Act). The sideboards should restrict a vessel’s new opportunities resulting from the enactment of the American Fisheries Act. Sideboards should not be punitive in nature based solely upon a vessel’s AFA eligibility to fish for pollock in the Bering Sea/Aleutian Islands.

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 or stacking of quota.

To What BSAI Non-Pollock Fisheries the Restrictions Should Apply

1. CV restrictions should apply to those fisheries that run concurrent in time with the BSAI pollock fisheries. Priority should be given to:

- GOA pollock
- BSAI/GOA Pacific cod
- Rock sole
- Atka mackerel

2. Restrictions should apply to all non-pollock FMP fisheries. Motion carries 15/6.

NEAR TERM (By July 1999 - Analyses by April 1999)

#	Action	Mechanism	Timeline	Tasking
8	Catcher Vessel restrictions in other fisheries	Plan/Reg amendment	By July 1, 1999	Council ***

Groundfish Sideboards Continued (Note: these actions were taken during the December meeting)

When the CV Restrictions Should Apply

3. Co-op vessels harvest levels should be restricted only during the same time periods as the normal open access pollock fishery

Sub-option: Use 1998 open access season dates by sector as a base reference

Sub-option: Use 1999 sea lion modified season dates.

Nature of CV Restrictions

Option A: Absolute harvest amounts expressed in percentage of TAC in metric tons.

Option B: Restrict degree of effort measured in fishing days.

Determination of "Traditional Harvest Level"

1. The definition of "traditional" in non-pollock fisheries will be determined by catch history
- a. On basis of percentage of groundfish harvest in non-pollock fisheries.
 - b. On basis of percentage of total groundfish harvest.

Option A: Apply one time frame equally to all groundfish targets

Option B: Apply differentially to fully utilized fisheries and fisheries in which the TAC is not taken on a regular basis.

Sub-option 1: Use average catch history in the years 1995, 96, and 97.

Sub-option 2: Use catch history based on years 1992-97.

Sub-option under 1 and 2: Utilize "best 2 years"

Determination of "Aggregate"

Option A: Apply and monitor by the sector

Option B: Apply and monitor by individual co-op

Management of Non-Pollock fisheries

Co-op vessels limited to target fishing for non-pollock species during those times when the open access target fishery for the non-pollock species is open.

The AP recommends the Council ask the VBA Committee to develop options for PSC caps for co-op vessels in non-pollock fisheries.

Motion carries unanimously (21/0). Catcher vessel groundfish sideboard actions were taken during the December meeting.

NEAR TERM (By July 1999 - Analyses by April 1999)

#	Action	Mechanism	Timeline	Tasking
9	Protective measures for pollock ineligible processors	Plan/Reg amendment	By July 1, 1999	Council ***
<p>The AP recommends that any conservation or management measures that are recommended to the Secretary in protecting processors not eligible to participate in the directed pollock fishery from adverse effects as a result of the Act or as a result of fishery cooperatives in the directed pollock fishery:</p> <ol style="list-style-type: none"> 1. list the adverse effects that the measures are aimed at protecting, 2. quantify how the measures will protect the non-eligible processor from the adverse effects, and 3. document that the adverse effects have a high probability of occurring as opposed to being just perceived as a possibility of occurrence, <p>before any protective measures are implemented. Motion carries 6/2/6.</p> <p>The AP recommends a discussion paper be initiated examining options to mitigate potential adverse impacts from AFA on non-pollock processors including:</p> <ol style="list-style-type: none"> 1. The ability to allow processors not listed in Section 208 to process limited amounts of inshore pollock allocation, including requirement to participate in buyout provisions. 2. Excessive share caps on processors of 10%, 12%, 15% and 17.5%. A sub-option should also be examined which allows differential caps between pollock and non-pollock processors. 3. Restricting vessels used for processing in the inshore sector to a single geographic location. 4. Measures to restrict pollock processor activity in non-pollock fisheries to no more than historic levels including options using years 1995, 96 and 97. <p>The AP further requests the Council initiate a data gathering program to identify the benefits and impacts of AFA. Information tracked should examine state and federal fisheries and include:</p> <ul style="list-style-type: none"> ownership patterns processor activity product forms ex-vessel price employment changes market share <p>Motion carries 18/1.</p>				

NEAR TERM (By July 1999 - Analyses by April 1999)

#	Action	Mechanism	Timeline	Tasking
14	Disclose catch and bycatch info by vessel	Regulatory amendments	No time certain	Council/ NMFS
<p>The AP recommends the Council request NMFS and ADF&G initiate development of a discussion paper examining what disclosure of catch and bycatch information § 211(d) of the AFA would allow that is currently restricted, any other legal impediments to such disclosure, and how that disclosure may be beneficial in implementing §301(a)(9) and §303(a)(11) of the Magnuson-Stevens Act. Motion carries unanimously (21/0). This action was taken during the December meeting.</p> <p>Staff note: <i>Will require complementary action by NMFS and State.</i></p>				

LONG TERM (May be developed any time)

#	Action	Mechanism	Timeline	Tasking
10	Prevent excessive harvest/processing shares for all crab and groundfish (and excessive processing shares for pollock)	FMP/Reg amendment	No time certain	Council ***
<p>The AP recommends that the Council move forward with an FMP amendment to prevent excessive harvest/processing shares for all crab and groundfish (and excessive processing shares for pollock). The analysis should examine shares of fisheries as defined in the following options:</p> <ol style="list-style-type: none"> 1. individual crab and groundfish species 2. Pollock, non-pollock groundfish, crab. <p>Motion carries unanimously 19/0.</p> <p>Staff note: <i>This analysis likely cannot be initiated until after April, though processor caps are included in the suite of potential measures recommended by the AP regarding protection of pollock-ineligible processors.</i></p> <p>The AP recommends the Council ask staff to examine the following and report back to the Council:</p> <ol style="list-style-type: none"> 1. Definitions used in AFA and Magnuson-Stevens for consistency. 2. The ability of pollock processors to expand their operations to other geographic locations, and 3. The ability of pollock processors to transfer their processing privileges. <p>Motion carries unanimously 19/0.</p>				
17	Report to Congress on Program Performance	Develop report	By Oct 2000	Council / NMFS ***
18	GAO Report to Council on fillet production	GAO Report	By June 1, 2000	GAO
19	Council response to GAO report	Develop amendments as needed	By late 2000	Council
<p>Staff note: <i>No AP motion. May be addressed at a later meeting.</i></p>				

OPTIONAL (may be developed as necessary - timelines vary)

#	Action	Mechanism	Timeline	Tasking
12	Recommend measures to mitigate AFA impacts	FMP and regulatory amendments	As needed	Council ***
<p>*** The AP recommends the Council add to staff tasking the framework proposal submitted by Alaska Groundfish Databank for pollock co-ops in the Gulf of Alaska. Motion carries 20/0/1.</p> <p>(A motion to request the Council add to staff tasking proposal #21 restrictions on processing of trawl caught groundfish in the GOA including exempting vessels less than 60 ft, looking at trip limits, and addressing tax concerns for deliveries outside catch area, failed 7/11/1.)</p> <p><i>Staff note: The Council also may wish to consider amending the GOA I/O3 to change the duration to mirror that of the BSAI allocations. If so, we could include that in the 'technical' amendment package being prepared for April review.</i></p>				
15	If necessary, change criteria for establishing Shoreside catcher vessel cooperatives in Section 210(b)(1)	Regulatory amendment to supersede legislation	Anytime	Council ***
<p>The AP recommends the Council further address in a discussion paper, options for compensation to inshore catcher vessels with catch history delivering to catcher processors that is no longer available to them under AFA. Motion carries unanimously (19/0). Additionally, examine inserting a clause replacing language in §210(b)(1) to add an option for determining catch history for catcher vessels on the basis of the best two of three years in 1995, 96, 97. Motion carries unanimously (21/0).</p> <p><i>Staff note: Clarified by staff that this likely will require regulatory action, and we will attempt to incorporate this within the "sideboard" amendment package for review in April..</i></p>				
13	Consider changing pollock CDQ %	FMP amendment for 2002-2004	Process and in 2001	Council ***
16	If necessary, allow more shoreside processors	Via NMFS permit process	If TAC up 10% If loss of plant	Council
20	Renewal of program which expires 12/31/04	Full FMP and regulatory amendments	Analysis/ Action in 2004	Council ***

THE AP APPROVED THE FOLLOWING ADDITIONAL MOTIONS

*** The AP recommends the Council initiate analysis for the following management actions for the pollock fishery in the Gulf of Alaska

1. Trip limits of 75,000 - 400,000 maximum within a 24 hour period
2. Vessel length restriction of 125 ft.
3. Superexclusive areas
4. Limit the second trimester to 15% TAC allocation.

Motion carries 16/4

*** The AP recommends the Council initiate a regulatory amendment for examining start dates for the pollock fisheries (both A and B seasons). Motion carries unanimously 21/0.

Staff note: *The first motion above was approved by the AP in addition to measures related directly to AFA. The second motion above has already been tasked by the Council at the November meeting.*

Table 1

**Bering Sea and Aleutian Islands
Council Recommended 1999 Catch Specifications (mt)**

Species	Area	1999 Biomass	1999 OFL	1999 ABC	1999 TAC	1998 TAC	1998 Catch
Pollock	EBS	7,040,000	1,720,000	892,000	992,000	1,110,000	1,020,720
	"A" season				40% *	45%	
	"B" season				60% *	55%	
	AI	106,000	31,700	23,800	2,000 **	23,800	21,945
	Bogoslof	403,000	21,000	15,300	1,000	1,000	8
Pacific cod	BS/AI	1,210,000	264,000	177,000	177,000	210,000	179,115
Yellowfin sole	BS/AI	3,180,000	308,000	212,000	207,980	220,000	95,036
Greenland turbot	BS/AI	177,000	29,700	14,200	9,000	15,000	8,856
	BS			67%	67%	67%	
	AI			33%	33%	33%	
Arrowtooth	BS/AI	819,000	219,000	140,000	134,354	16,000	14,930
Rock sole	BS/AI	2,320,000	444,000	308,000	120,000	100,000	33,454
Flathead sole	BS/AI	636,000	118,000	77,300	77,300	100,000	24,228
Other flatfish	BS/AI	618,000	248,000	154,000	154,000	89,434	15,137
Sablefish	EBS	17,000	2,090	1,340	1,340	1,300	573
	AI	26,000	2,890	1,860	1,380	1,380	615
POP complex							
True POP	EBS	45,500	3,600	1,900	1,400	1,400	1,031
Other POP	EBS	11,600	356	267	267	267	107
True POP	AI	236,000	19,100	13,500	13,500	12,100	9,070
	Eastern			3,430	3,430	3,070	2,000
	Central			3,850	3,850	3,450	2,500
	Western			6,220	6,220	5,580	4,570
Sharp/Northern	AI	94,000	5,640	4,230	4,230	4,230	3,652
Short/Rougheye	AI	46,500	1,290	965	965	965	668
Other rockfish	EBS	7,030	492	369	369	369	205
	AI	13,000	913	685	685	685	361
Atka mackerel	AI	595,000	148,000	73,300	66,400	64,300	55,782
	Eastern			17,000	17,000	14,900	12,000
	Central			25,600	22,400	22,400	20,000
	Western			30,700	27,000	27,000	24,000
Squid	BS/AI	n/a	2,620	1,970	1,970	1,970	908
Other species	BS/AI	643,000	129,000	32,860	32,860	25,800	23,448
BS/AI TOTAL		18,243,630	3,719,391	2,247,846	2,000,000	2,000,000	1,509,849

* A:B season split for CDQ is 45%:55%

** AI pollock TAC is for bycatch only

EBS - eastern Bering Sea

BS/AI - Bering Sea & Aleutians

BS - Bering Sea

AI - Aleutian Islands

OFL - overfishing level

ABC - acceptable biological catch

TAC - total allowable catch

1998 catch as of 11/7/98

Table 2

1999 BSAI Trawl Fisheries PSC
Apportionments and Seasonal Allowances

DRAFT

Fishery Group	Halibut Mortality Cap (mt)	Herring (mt)	Red King Crab (animals) Zone 1	C. bairdi Zone 1	C. bairdi Zone 2	C. opilio COBLZ
Yellowfin sole	1,005	254	21,084	274,526	1,198,906	3,248,821
January 20 - March 31	285					
April 1 - May 10	210					
May 11 - July 10	100					
July 11 - Dec 31	410					
Rocksole/other flatfish	795	22	158,133	294,134	399,635	801,080
January 20 - March 29	485					
March 30 - July 10	130					
July 11 - December 31	180					
Turbot/sablefish/ Arrowtooth		10				44,504
Rockfish	75	8			7,836	44,504
July 11 - Dec 31	75					
Pacific cod	1,550	22	15,813	147,263	218,288	133,513
Pollock/mackerel/o.species	250	152	1,970	14,077	20,335	77,578
Pelagic Trawl Pollock		1,217				
TOTAL	3,675	1,685	197,000	730,000	1,845,000	4,350,000

Note: Includes 7.5% CDQ allocation.

Unused PSC allowances may be rolled into the following seasonal apportionment.

30% of the red king crab PSC for the rock sole fishery is apportioned to the 56 - 56o10' RKCSA strip.

Accounts for the reductions in halibut and crab PSCs due to ban on pollock bottom trawling

(halibut: -100 mt; RKC: -3,000; Z1 bairdi: -20,000; Z2 bairdi: -30,000; opilio: -150,000 crab)

Accounts for adjustments due to changes in biomass for herring, red king crab, Z2 bairdi, and opilio.

Table 3 1999 BSAI Non-Trawl Fisheries PSC Bycatch Allowances
and fixed gear Pacific cod seasonal apportionments

Fishery Group	Halibut Mortality (mt)	Seasonal Apportion of cod TAC (mt)
Pacific Cod	810	
Jan 1 - April 30	495	60,000 first tr.
May 1 - September 14	0	8,500 second tr.
Sept. 15 - Dec. 31	315	15,000 third tr.
Other Non-Trawl*	90	
May 1 - September 14	45	
Sept. 15 - Dec. 31	45	
Groundfish Pot	Exempt	
TOTAL	900 mt	83,500

Note: unused halibut PSC or P. cod TAC from first trimester will be rolled into the third trimester.

Any halibut PSC removed from the CDQ fisheries will be replaced from PSC apportioned from the third trimester.

* Includes hook & line fisheries for rockfish and Greenland turbot.

Sablefish hook & line fisheries will be exempted from the halibut mortality cap.

Jig gear will also be exempted from the halibut mortality cap.

Table 4

FINAL 1999 GULF OF ALASKA GROUND FISH SPECIFICATIONS									
Council recommendations (mt) for 1999									
Species	Area	1998				1999			
		OFL	ABC	TAC	Catch ¹	Area	OFL	ABC	TAC
Halibut	W (61)		29,790	29,790	29,311	W (61)		23,120	23,120
	C (62)	170,500	50,045	50,045	49,128	C (62)	134,100	38,840	38,840
	C (63)		39,315	39,315	39,047	C (63)		30,520	30,520
	E	15,600	10,850	5,580	6,367	W. Yakutat	12,300	8,440	2,110
	Total	186,100	130,000	124,730	123,853	E. Yak./SEO			6,330
	Total					Total	146,400	100,920	100,920
Pacific Cod ²	W		27,260	23,170	19,845	W		29,540	23,630
	C		49,080	41,720	41,632	C		53,170	42,935
	E		1,560	1,170	850	E		1,690	1,270
	Total	141,000	77,900	66,060	62,327	Total	134,000	84,400	67,835
Flatfish, Deep Water	W		340	340	16	W		240	240
	C		3,690	3,690	2,348	C		2,740	2,740
	E		3,140	3,140	108	W. Yakutat		1,720	1,720
	Total	9,440	7,170	7,170	2,472	E. Yak./SEO		1,350	1,350
	Total				Total	8,070	6,050	6,050	
Rex Sole	W		1,190	1,190	439	W		1,190	1,190
	C		5,490	5,490	2,197	C		5,490	5,490
	E		2,470	2,470	35	W. Yakutat		850	850
	Total	11,920	9,150	9,150	2,671	E. Yak./SEO		1,620	1,620
	Total				Total	11,920	9,150	9,150	
Flatfish, Shallow Water	W		22,570	4,500	269	W		22,570	4,500
	C		19,260	12,950	3,199	C		19,260	12,950
	E		1,320	1,180	72	W. Yakutat		250	250
	Total	59,540	43,150	18,630	3,540	E. Yak./SEO		1,070	1,070
	Total				Total	59,540	43,150	18,770	
Flathead Sole	W		8,440	2,000	568	W		8,440	2,000
	C		15,630	5,000	1,171	C		15,630	5,000
	E		2,040	2,040	8	W. Yakutat		1,270	1,270
	Total	34,010	26,110	9,040	1,747	E. Yak./SEO		770	770
	Total				Total	34,010	26,110	9,040	
Arrowtooth	W		33,010	5,000	2,997	W		34,400	5,000
	C		149,640	25,000	9,687	C		155,930	25,000
	E		25,690	5,000	379	W. Yakutat		13,260	2,500
	Total	295,970	208,340	35,000	13,063	E. Yak./SEO		13,520	2,500
	Total				Total	308,880	217,110	35,000	
Sablefish ³	W		1,840	1,840	1,425	W		1,820	1,820
	C		6,320	6,320	5,778	C		5,590	5,590
	W. Yakutat		5,960	2,473	1,877	W. Yakutat		5,290	2,090
	E. Yak./SEO			3,487	3,421	E. Yak./SEO		-	3,200
	Total	23,450	14,120	14,120	12,501	Total	19,720	12,700	12,700
Rockfish, Other Slope	W		20	20	47	W		20	20
	C		650	650	701	C		650	650
	E		4,590	1,500	112	W. Yakutat		470	470
	Total	7,560	5,260	2,170	860	E. Yak./SEO		4,130	4,130
	Total				Total	7,560	5,270	5,270	
Rockfish, Northern	W		840	840	67	W		840	840
	C		4,150	4,150	2,974	C		4,150	4,150
	E		10	10	10	E		-	-
	Total	9,420	5,000	5,000	3,051	Total	9,420	4,990	4,990
Pacific Ocean Perch	W		1,810	1,810	850	W	2,610	1,850	1,850
	C		6,600	6,600	7,501	C	9,520	6,760	6,760
	E		4,410	2,366	610	W. Yakutat	6,360	1,350	820
	Total	18,090	12,820	10,776	8,961	E. Yak./SEO		3,160	3,160
		Total				Total	18,490	13,120	12,590

Species	Area	1998				1999			
		OFL	ABC	TAC	Catch ¹	Area	OFL	ABC	TAC
Shorthead/Rougheye	W		160	160	124	W		160	160
	C		970	970	865	C		970	970
	E		460	460	701	E		460	460
	Total	2,740	1,590	1,590	1,690	Total	2,740	1,590	1,590
Rockfish, Pelagic Shelf ⁴	W		620	620	60	W		530	530
	C		3,260	3,260	2,477	C		3,370	3,370
	E		1,000	1,000	572	W. Yakutat		740	740
						E. Yak./SEO		240	240
Total	8,040	4,880	4,880	3,109	Total	8,190	4,880	4,880	
Rockfish, Demersal Shelf	SEO	950	560	560	306	SEO	950	560	560
Atka Mackerel	Gulfwide	6,200	600	600	316	Gulfwide	6,200	600	600
Thornyhead	W		250	250	206	W		260	260
	C		710	710	572	C		700	700
	E		1,040	1,040	352	E		1,030	1,030
	Total	2,840	2,000	2,000	1,130	Total	2,800	1,990	1,990
Other Species	Gulfwide		NA	15,570	3,698	Gulfwide		NA	14,600
GULF OF ALASKA	TOTAL	817,270	548,650	327,046	245,295	TOTAL	778,890	532,590	306,535

¹catch through November 7, 1998.

²TAC reduced by 15% GHLL for W/C state fishery apportionment (25% for EGOA)

³WY and EY/SEO ABC combined; 5% trawl TAC allowance in EY/SEO reallocated to WY, so: 90% of WY=fixed gear; 100% of EY/SEO=fixed gear

⁴nearshore component removed from PSR in 1998

Table 5. Summary of halibut discard mortality rates (DMRs) in the Bering Sea/Aleutian Islands (BSAI) groundfish fisheries during 1990-1997 and recommendations for Preseason Assumed DMRs to use in monitoring halibut bycatch mortality in 1998.

Gear and Target	1990	1991	1992	1993	1994	1995	1996	1997	2-Year Mean	Used in 1998	Recommendations for 1999
<i>Trawl</i>											
Atka mackerel	66	77	71	69	73	73	83	85	84	83	85
Bottom pollock	68	74	78	78	80	73	79	72	76	76	76
Pacific cod	68	64	69	67	64	71	70	67	69	71	69
Other Flatfish	80	75	76	69	61	68	67	71	69	68	69
Rockfish	65	67	69	69	75	68	72	71	72	70	72
Flathead sole	-	-	-	-	67	62	66	57	62	64	62
Other species	-	-	-	-	-	-	-	-	-	71	69
Pelagic pollock	85	82	85	85	80	79	83	87	85	81	85
Rock sole	64	79	78	76	76	73	74	77	76	74	76
Sablefish	46	66	-	26	20	-	-	-	23	23	23
Turbot	69	55	-	-	58	75	70	75	73	73	73
Yellowfin sole	83	88	83	80	81	77	76	80	78	77	78
<i>Pot</i>											
Pacific cod	12	4	12	4	10	10	7	4	6	9	4
Other species	-	-	-	-	-	-	-	-	-	9	4
<i>Longline</i>											
Pacific cod	19	23	21	17	15	14	12	11	12	11	11
Rockfish	17	55	-	6	23	-	20	4	12	22	12
Other species	-	-	-	-	-	-	-	-	-	12	11
Sablefish	14	32	14	13	38	-	-	-	-	-	-
Turbot	15	30	11	10	14	9	15	22	19	12	19
IFQ	-	-	-	-	-	14	20	31			

Table 6. Summary of halibut discard mortality rates (DMRs) in the Gulf of Alaska (GOA) groundfish fisheries during 1990-1997 and recommendations for Preseason Assumed DMRs to use in monitoring halibut bycatch mortality in 1999.

Gear and Target	1990	1991	1992	1993	1994	1995	1996	1997	2-Year Mean	Used in 1998	1999 Recommendation
<i>Trawl</i>											
Atka mackerel	67	89	81	67	53	-	60	-	57	57	57
Bottom pollock	51	62	66	57	48	66	79	66	73	73	73
Pacific cod	60	62	66	59	53	64	70	62	66	67	66
Deep wtr flats	61	58	70	59	60	56	71	61	66	64	66
Shallow wtr flats	66	71	69	65	62	70	71	71	71	71	71
Rockfish	65	75	79	75	58	71	65	63	64	68	64
Flathead sole	-	-	-	-	54	64	67	74	71	67	**
Other species	-	-	-	-	-	-	-	-	-	67	66
Pelagic pollock	71	82	72	63	61	51	81	70	76	66	76
Sablefish	70	60	68	59	67	58	80	61	71	67	71
Arrowtooth fldr	-	-	-	-	-	-	66	48	57	66	57
Rex sole	-	-	-	-	56	76	63	47	55	69	55
<i>Pot</i>											
Pacific cod	12	7	16	24	17	21	7	4	6	14	6
Other species	-	-	-	-	-	-	-	-	-	14	6
<i>Longline</i>											
Pacific cod	15	18	13	7	11	13	11	22	16	12	16
Rockfish	6	-	-	7	-	4	13	-	9	9	9
Other species	-	-	-	-	-	-	-	-	-	12	16
Sablefish	17	27	28	30	22	-	-	-	-	-	-
IFQ	-	-	-	-	-	40	16	15	16	-	-

** Recommend 58% for the Catcher vessel fleet, 74% for the Catcher/Processor fleet.

North Pacific Fishery Management Council

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



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Certified by John Bruce

Date 2-4-99

ADVISORY PANEL MINUTES DECEMBER 7-10, 1998 ANCHORAGE, ALASKA

Advisory Panel members in attendance:

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

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

The Advisory Panel (AP) unanimously approved both their October and November 1998 meeting minutes.

C-1 Steller Sea Lions (SSL)

Members of the NPFMC's Advisory Panel recognize that SSL are an important component of the North Pacific ecosystem. The AP also acknowledges that NMFS has determined, pursuant to Section 7 of the ESA, that the BSAI and GOA pollock fisheries may reduce the likelihood of survival and recovery of SSL in the wild.

While the ESA places ultimate authority for a jeopardy determination with NMFS, the statute requires the agency to "use the best scientific and commercial data as well as traditional knowledge available." The AP is concerned this is not currently the case and that the agency: (1) failed to consider a large body of relevant scientific information in making the jeopardy determination; (2) failed to assess the efficacy of existing SSL protective measures prior to revised management actions; (3) did not consult with, or maintain the activity of the SSL Recovery Team; (4) has not been responsive to an internal federal policy regarding peer review of ESA activities; (5) failed to provide any analyses to the AP to quantify the impacts of the proposed RPAs on SSL and the coastal communities; (6) has not provided enough time for a thorough deliberative process to address

the final Biological Opinion; and (7) failed to include objective or reasonable criteria in a formal recovery plan process.

In light of the above conditions, the AP respectfully requests that the Council recognize that all actions undertaken by the AP regarding the Final Biological Opinion on SSL are done so under duress, under an unsatisfactory time constraint, and without sufficient and appropriate information.

Motion carries 15/5

Bering Sea/Aleutian Islands

The AP recommends the Council adopt the following measures when considering RPAs:

A. Critical Habitat

1. The critical habitat should not be expanded to include the entire CVOA, but should continue to exclude the areas to the east and west that are currently excluded.
2. RPA's should be applied only in critical habitat, not in areas outside critical habitat. This would eliminate the B season allocation split to areas east and west of 170° and would allow continuation of two seasons (A and B) outside critical habitat.
3. Rollover should be allowed from one season to the next so long as no season exceeds 30%.
4. Protective zones: newly listed haul-outs should be limited to 10-mile closures in both the GOA and BSAI. Some eastern Bering Sea haul-outs in closest proximity to the heaviest fishing areas are showing increasing counts of Steller sea lions, perhaps indicating absence of negative impact from the fishery.
5. Vessels less than 99' delivering onshore be exempt from critical habitat catch constraints. Motion carries 12/7/1.

B. Industry Sector Variations

Each industry sector should be able to have its own seasonal apportionment and start dates.

Rationale: Management measures have varying impacts on different sectors. We can achieve the objectives for Steller sea lions better with sector variation. For example, we can achieve daily catch rates of pollock significantly lower than 1998 through varying start dates and seasons. Historically, catch rates have been 3,500-5,000 tons per day for the inshore sector; 1,250-1,900 tons per day for motherships' catcher boats; and in excess of 12,000 tons per day for catcher-processors. The AFA removal of 9 catcher processors will reduce the catcher-processor rate to 7,500 to 9,000 tons per day. Co-op operations could further reduce daily catch rates.

Proposal:

1. A-1/A-2 Seasons:

Catcher processor seasons:	Jan. 26 (Jan. 20 with co-op) and February 20
Motherships:	February 1
Onshore:	Jan. 20 and February 20

2. B and C Seasons:

Catcher processor seasons:	Aug. 1 (combined outside critical habitat)
Motherships:	Aug. 15 and Sept. 10
Onshore:	Aug. 1 and Sept. 5

NOTE: if catcher processors organize a cooperative for 1999, catcher processor open seasons should be longer since the cooperative will spread the fishery.

C. TAC Split Inside and Outside Critical Habitat

The TAC split inside and outside critical habitat should be spread over three years, with 75% allowed in 1999, 62.5% in 2000, and 50% in 2001, or adjusted otherwise in the A season to reflect the pollock stock distribution as determined in winter trawl surveys.

Rationale: Without the pollock stock distribution data, there is a high likelihood that the fishery will be displaced into areas where few or no fish are available. This would make the RPA economically infeasible for the industry to accomplish. Forcing industry to fish outside critical habitat also increases the likelihood of bycatch and gear conflict problems. In addition, all motherships, most onshore catcher boats, and offshore catcher vessels delivering to catcher processors run severe safety risks fishing outside critical habitat. Most onshore catcher boats cannot deliver quality fish to onshore processors from that distance. For fillet production, use of fish delivered with such long running times is probably impossible. Of all the RPA's, the shift of fishing effort from one area to another without real time biomass distribution data is most problematic. It is also inconsistent with the objective of dispersing fishing effort in proportion to the distribution of the exploitable pollock biomass.

Motion carries 16/5.

MINORITY REPORT
C-1 - BSAI Sea Lion RPAs

We, the undersigned member of the AP, oppose the AP recommendation on BSAI RPAs for Steller sea lion concerns. We note that every item in this recommendation violates the principles NMFS provided in the Biological Opinion. These principles are the floor; they constitute the minimum that should be done at this time.

Signed	Steve Ganey	Robert Ward
	John Lewis	Dan Falvey
	Arne Fuglvog	

Gulf of Alaska

The AP recommends the Council adopt the following measures when considering RPAs:

Temporal Dispersion:

<u>Season</u>	<u>Start Date</u>	<u>Allocation</u>
A	January 20	30%*
B	June 1	20%
C	September 1	50%

Trawling for pollock is prohibited from November 1 through January 19.

Spatial Dispersion:

1. 70% cap of GOA TAC taken in SSL critical habitat during 1999
2. Reduction schedule as follows:

<u>Year</u>	<u>% TAC from SSL Critical Habitat</u>
2000	65%
2001	60%
2002	55%
2003	50%

3. Subject to annual review as stated in the Final Biological Review (p. 120)
4. NMFS be required to implement a research program designed to quantify the efficacy of this mitigation measure prior to the A season in the year 2000.

Pollock Trawl Exclusion Zones

The AP requests the following eleven haul-outs be removed from the list of no trawl zones for pollock:

Key Fishing Areas:

1. Cape Barnabas
2. Ugak Island
3. Gull Point
4. Cape Ugat
5. Cape Ikolik (summer haul-out only)
6. Chiswell Island (summer haul-out only)
7. Rugged Island (summer haul-out only)
8. Pt. Elrington
9. Needles
10. Sea Lion Rocks (Sand Point)
11. Mitrofanina

The AP notes the following justification for these GOA proposed SSL mitigation measures as proposed by the processing and harvesting sectors of Kodiak, Sand Point, Seward, and Cordova and associated communities.

Temporal Dispersion:

To more evenly distribute the trawl fisheries we propose adoption of the trimester seasonal apportionment which was originally developed by NMFS in the October 23, 1993, *Draft Summary Biological Opinion* with one additional change. The only change from the NMFS proposal is to move 5% of the allocation from the A season to the B season (*). We felt that the original suggestion of 35% harvest in January should be

modified to 30%, reflective of NMFS' primary concern for available prey during the winter months. Shifting allocation into the B season is also consistent with NMFS' concerns in the final Biological Opinion.

The trimester approach will ensure the economic viability of the fishery by providing for consistent employment of the vessel and shore-based work force. It will also prevent cost increases resulting from switching back and forth more often between different fisheries.

The trimester approach, allowing for longer seasons, is safer for the fishermen. This is consistent with the management position taken by the Secretary, the Council, and supported by the industry for the halibut and sablefish fisheries.

We oppose adopting a quarterly approach because it will intensify pulse-type fishing which is exactly the opposite result NMFS requires to protect SSL (see Biological Opinion, p.115). Quarterly allocations will also result in work force disruptions and increased community costs. The Council will recall that a quarterly approach became unmanageable as TAC levels declined.

Spatial Dispersion:

To more evenly distribute the pollock trawl fishery with respect to SSL critical habitat we propose an incremental phase-out reduction in pollock removals from critical habitat. During 1990-1997, approximately 70% of the GOA pollock TAC was taken annually in SSL critical habitat.

Employing a phase-out approach to protect SSL from alleged competition with the pollock fishery is consistent with the Council's 1998 recommended regulatory amendment to the Secretary on the incremental shift in Atka mackerel harvest through 2002. The NMFS issued a non-jeopardy finding for the Atka mackerel fishery in the Final Biological Opinion.

The 70% cap for the 1999 season will not permit a significant increase in the TAC taken in SSL critical habitat. In the past, the GOA fishery has taken a maximum of 93% of the TAC in SSL critical habitat.

The most significant problem with a reduction in TAC from critical habitat is that it will force fishermen, many operating on small vessels, further offshore exposing them to increased peril. This result is inconsistent with National Standard 10 of the Magnuson-Stevens Act.

The proposed phase-out reduction schedule will allow sufficient time for fishermen to adjust their fishing practices, to find new areas where they can operate, and provide time for them to seek alternative fisheries and make the necessary economic adjustments to purchase new gear.

Pollock Trawl Exclusion Zones:

In the GOA, NMFS is proposing 43 new trawl exclusion zones in addition to the 9 zones already existing. Of the 52 total no-trawl zones, Gulf fishermen identified 11 as absolutely essential fishing areas which the fishing industry simply cannot afford to lose.

Industry provided information indicating Areas 1-5 are used marginally by SSL but remain key fishing locations. Cape Barnabas has not had any animals recorded since 107 were counted in 1985. Cape Ikolik has only been used since 1992 and has averaged only 71 animals since that time.

Anecdotal evidence from fishermen indicate increased summer SSL activity in Area 5 (Cape Ikolik), and we suggest the area be protected as a summer haul out along with Areas 6 and 7. The industry utilizes all these areas during rough weather during the winter fishery.

Also, Areas 6 and 7 are located near Seward. Local fishermen fish these areas in the winter season. If access to these areas is lost, Seward fishermen have no alternative fishing locations available during inclement weather. The City of Seward will also lose significant income if access is denied to these key areas.

Areas 8 and 9 are critical to Cordova fishermen and the City of Cordova. Cordova is a remote fishing-based community with little or no alternative winter season revenue sources. Loss of access to these key areas will be economically devastating. Local Cordova fishermen forced to relocate will likely move 70 miles offshore beyond Middleton Island. The safety concerns created by this action will be significant. This area periodically experiences some of the most extreme weather in the North Pacific.

Closing Area 10 (Sea Lion Rocks) will shut down the Sand Point local summer/fall fishery which is prosecuted almost exclusively in this area. Area 11 (Mitrofanina) is the closest fishing location for vessels traveling from Area 610. If this area is closed, fishermen will have to travel 10 hours further to reach alternative fishing areas. This will increase the safety factor of fishermen having to steam greater distances.

According to the Final Biological Opinion (p.120), the efficacy of these new trawl exclusion zones is required to be assessed annually. Accordingly, we include as part of our request:

1. NMFS implement an intra-year, multi-season survey designed to collect statistically valid density estimates of haul-out and rookery areas to start during 1999.
2. NMFS implement a program designed to test the efficacy of the trawl exclusion zones prior to the start of the A season in the year 2000.

GOA fishermen are extremely concerned over losing 41 trawl exclusion zones within their traditional fishing grounds with the current minimal level of scientific justification. We believe this is more than enough to meet the immediate requirements set fourth in the Final Biological Opinion. Any additional loss of the 11 key fishing areas highlighted above will preclude fully prosecuting the pollock fishery, force fishermen to relocate locate to new areas, increasing both safety-at-sea concerns and travel/maintenance costs, and will negatively impact the economy of Southwest Alaska's coastal communities.

Motion carries 20/1.

Further, the AP requests the Council identify the following as additional research priorities for the GOA and BSAI:

1. NMFS must assess the efficacy of prior/current SSL mitigation measures.
2. Since competition is the primary justification for the finding of jeopardy, NMFS must be required to develop and implement a research program designed to quantify the level of competition between fishing and SSL decline.
3. The SSL Recovery Team must be fully funded and incorporated into the process.
4. The Final Biological Opinion should be formally peer reviewed by a number of independent scientists. The peer review results should be made available to the public for comment.

5. NMFS should begin formal consultation as required with tribal entities.
6. Establish marine mammal recovery plan team that would operate like the incidental take reduction teams established under the MMPA. These teams should include university scientists, NMFS and other agency scientists (like USGS), environmental industry, fishing industry representatives and representatives from tribal entities for the purpose of identifying research needs and long-term mitigation measures and goals, and to establish methods and criteria necessary to evaluate the efficacy of past and future mitigation measures.
7. Initiate pollock biomass distribution surveys at the earliest possible date to answer seasonal distribution questions both in and outside of critical habitat and to test the competition hypothesis.

Motion carries unanimously (20/0).

C-2 American Fisheries Act (AFA)

7b Catcher Processor Restrictions for 2000 and Beyond

The AP recommends, for the year 2000 and beyond, the Council initiate an analysis for the 20 + 9 vessels listed in the AFA of their bycatch and associated PSC levels with options to include:

- a. directed pollock and non-pollock fishery (95, 96, 97).
Add sub-option: Pelagic pollock fisheries.
- b. non-pollock fisheries only (95, 96, 97).

Motion carries 13/5.

The AP recommends the Council revisit the policy where NMFS would allow for directed fishing of pollock and non-pollock species such that the total PSC removals do not exceed the PSC caps as established in #1 of PSC Caps (on page 2 of action memo) which states, "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." Motion carries 12/7.

8 Catcher Vessel Restrictions in Other Fisheries

The AP recommends the council add Alternative 3: No crossovers at the endorsement level. Motion carries 13/8.

The AP recommends the Council initiate action to change the sunset date for GOA I/O3 to coincide with the BSAI new date of 2003. Motion carries unanimously (21/0).

Groundfish Sideboards

In further developing CV sideboards, the AP reiterates its November motion which stated that,

“SB 1221 catcher vessel restrictions require the Council to develop conservation and management measures to prevent pollock-eligible catcher vessels (CVs) from exceeding their aggregate traditional harvest levels in other fisheries as a result of fishery cooperatives in the directed pollock fishery. The clear intent of Congress is to limit the impact of these restrictions or protective measures to catcher

vessels actually participating in a co-op because there would be no reason, or need, to add restrictions on CVs that elect to fish pollock open access in the traditional manner. The CV open access pollock fishery would not have any unfair advantage to adversely impact other fisheries and may in fact depend on those other fisheries for a majority of their income.

Therefore, the AP recommends the Council's interpretation of CV protective measures, i.e., that the CV protective measures be limited to protecting against adverse results of fishery co-ops on other fisheries, and therefore, would not be applied to those pollock CV's not participating in co-ops. Also, that this can be sector specific." Motion carries unanimously (19/0).

This is consistent with the language in the bill (§ 211(c)(1)(A) of the American Fisheries Act). The sideboards should restrict a vessel's new opportunities resulting from the enactment of the American Fisheries Act. Sideboards should not be punitive in nature based solely upon a vessel's AFA eligibility to fish for pollock in the Bering Sea/Aleutian Islands.

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 or stacking of quota.

To What BSAI Non-Pollock Fisheries the Restrictions Should Apply

CV restrictions should apply to those fisheries that run concurrent in time with the BSAI pollock fisheries. Priority should be given to:

- a. GOA pollock
BSAI/GOA Pacific cod
Rock sole
Atka mackerel
- b. Restrictions should apply to all non-pollock FMP fisheries. Motion carries 15/6.

When the CV Restrictions Should Apply

1. Co-op vessels harvest levels should be restricted only during the same time periods as the normal open access pollock fishery.

Sub-option: Use 1998 open access season dates by sector as a base reference

Sub-option: Use 1999 sea lion modified season dates.

Nature of CV Restrictions

Option A: Absolute harvest amounts expressed in percentage of TAC in metric tons.

Option B: Restrict degree of effort measured in fishing days.

Determination of "Traditional Harvest Level"

The definition of "traditional" in non-pollock fisheries will be determined by catch history

1. On basis of percentage of groundfish harvest in non-pollock fisheries.
2. On basis of percentage of total groundfish harvest.

Option A: Apply one time frame equally to all groundfish targets

Option B: Apply differentially to fully utilized fisheries and fisheries in which the TAC is not taken on a regular basis.

Sub-option 1: Use average catch history in the years 1995, 96, and 97.

Sub-option 2: Use catch history based on years 1992-97.

Sub-option under 1 and 2: Utilize "best 2 years"

Determination of "Aggregate"

Option A: Apply and monitor by the sector

Option B: Apply and monitor by individual co-op

Management of Non-Pollock fisheries

Co-op vessels limited to target fishing for non-pollock species during those times when the open access target fishery for the non-pollock species is open.

The AP recommends the Council ask the VBA Committee to develop options for PSC caps for co-op vessels in non-pollock fisheries.

Motion carries unanimously (21/0).

14 Disclose Catch and Bycatch Info by Vessel

The AP recommends the Council request NMFS and ADF&G initiate development of a discussion paper examining what disclosure of catch and bycatch information §211(d) of the AFA would allow that is currently restricted, any other legal impediments to such disclosure, and how that disclosure may be beneficial in implementing §301(a)(9) and §303(a)(11) of the Magnuson-Stevens Act. Motion carries unanimously (21/0).

D-1 Groundfish Amendments

The AP recommends the Council adopt Alternative 2, which requires full retention of DSR in the fixed gear fisheries in GOA regulatory area 650. The AP further recommends the Council request the State require processors to accept and weigh deliveries of DSR. Motion carries unanimously (18/0).

D-2(b) Improved Retention/Improved Utilization (IR/IU)

Action 1

The AP recommends the Council adopt the changes listed under Action 1 to allow for the discard of adulterated fish. We further request NMFS allow for Council review of the proposed rule implementing this action. Motion carries unanimously (18/0).

Action 2

The AP recommends the Council adopt the IR/IU Committee's recommendation of Alternative 2 - 8% maximum retainable roe retention in the Aleutian Islands, and Alternative 1, no action in the Bering Sea. Motion carries unanimously (18/0).

Further, the AP requests the Council initiate a discussion paper reviewing any data available regarding roe recovery rates of individual vessels in the BSAI including primary production in which the roe was retained. Motion carries unanimously (18/0).

Action 3

The AP recommends the Council adopt the IR/IU Committee's recommendation of Alternative 2 to add a product recovery rate for kirimi. The AP agrees with the committee that the analysis does not support removing fish meal against which pollock roe can be retained because the amount of roe retained against fish meal as a primary product is small. If the Council wishes to address meal as a primary product, it should be taken up as a separate action. Motion carries unanimously (18/0).

Action 4

The AP recommends the Council adopt Alternative 3 to take bait and consumed fish off the top before calculating utilization rates. Motion carries unanimously (18/0).

D-3 (a, b) BSAI 1999 Specifications and SAFE

The AP recommends the Council approve the Bering Sea/Aleutian Islands (BSAI)1999 SAFE document. Motion carries unanimously 21/0.

The AP recommends the Council approve the SSC's recommended 1999 ABCs. Motion carries unanimously (21/0).

The AP recommends the Council approve the ABCs as TACs except for Bogoslof pollock, yellowfin sole, arrowtooth, rocksole, and central and western Aleutians Atka mackerel (See Attachment 1). Motion carried unanimously (21/0).

(A motion to set Greenland turbot TAC at 9,000 mt failed 9/10/1.)

**MINORITY REPORT
D-3, BSAI 1999 Greenland Turbot TAC**

We, the undersigned members of the AP, oppose setting the BSAI Greenland turbot TAC equal to ABC. Rather, we support the BSAI Plan Team's precautionary recommendation of setting a TAC that would prevent significant increases in the catch of Greenland turbot for the following reasons:

1. If the recommended ABC of 14,200 mt were actually harvested, it would equal the highest catch since 1985 even though age 1+ biomass in 1999 is projected to be only half of what it was in 1985;
2. The estimated age 1+ biomass has trended downward continually since 1972 and the three most recent recruitment estimates constitute the three lowest values in the time series;
3. Two potentially significant sources of unreported mortality are not appropriately considered in the assessment of this species — killer whale depredation of longline catch and the amount of turbot discards in the other fisheries, especially the sablefish fishery.

In short, it is difficult to justify a significant increase in catch for this stock that has declined so consistently for so long. Based on these concerns, we support a 1999 Greenland turbot TAC of 9,000 mt.

Signed:	Steve Ganey	Dan Falvey	Spike Jones	Dean Paddock
	Tim Blott	Arne Fuglvog	John Lewis	Robert Ward

The AP recommends the directed pollock fishery be prosecuted exclusively as mid-water fishery in 1999. Motion carries unanimously (21/0).

The AP recommends the Council approve the pollock A/B season apportionment at 45% / 55%, respectively. Motion carries unanimously (21/0).

The AP recommends the Council approve the 1999 BSAI PSC apportionments and seasonal allowances for the trawl fisheries as shown in Attachment 1, page 2. Motion carries unanimously (21/0).

The AP further recommends the Council adopt the non-trawl industry recommended 1999 BSAI PSC bycatch allowances and fixed gear Pacific cod seasonal apportionments as shown in Attachment 1, page 2. Motion carries unanimously (21/0).

The AP recommends the Council adopt the halibut mortality rates as shown in Table 12 of agenda item D-3(e). Motion carries unanimously (20/0).

D-3 (c-e) GOA 1999 Specifications and SAFE

The AP recommends the Council approve the Gulf of Alaska (GOA) 1999 SAFE document. Motion carries unanimously (21/0).

The AP recommends the Council approve the SSC's 1999 ABCs using the 1350/3160 W. Yak/SEO split for POP and the 740/240 split for pelagic shelf rockfish. Motion carries unanimously (20/0).

The AP recommends the Council approve setting the TACs at the SSCs ABCs except shallow water flats, flathead sole, arrowtooth flounder, other shelf rockfish, Pacific cod and pollock (see Attachment 2). Motion carries 18/4.

The AP recommends the Council approve the trawl gear and hook and line PSC halibut limits as shown in Attachment 2 (same as 1998). Motion carries unanimously (21/0).

The AP recommends the Council request NMFS release the trawl halibut PSC for the third quarter on July 11. Motion carries unanimously (21/0).

The AP recommends the Council approve the halibut discard mortality rates as shown in Table 13 of the action memo and, further, approve the flathead sole halibut mortality rate split of 58% for the catcher vessel fleet and 74% for the catcher processor fleet. Motion carries unanimously (20/0).

The AP requests the Council recommend NMFS increase its efforts to incorporate observer data and log book information on CPUE, length, sex, and age data into the sablefish stock assessment for 1999. We further request NMFS develop and test new assessment techniques such as port sampling and pre-recruits surveys to improve the accuracy of the sablefish assessment under the IFQ fishing regime. Funds from the IFQ fee program should be prioritized for this work. Motion carries unanimously (21/0).

North Pacific Fishery Management Council

Richard B. Lauber, Chairman
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Certified *Paul Bendayan*
Date 1/22/99

MINUTES Scientific and Statistical Committee December 6-8, 1998

The Scientific and Statistical Committee of the North Pacific Fishery Management Council met December 6-8, 1998 at the Hilton Hotel in Anchorage, AK. All members were present:

Richard Marasco, Chair
Harold Weeks
Sue Hills
Doug Eggers

Jack Tagart, Vice-Chair
Terrance Quinn
Keith Criddle
Dan Kimura

Doug Larson
Seth Macinko
Al Tyler
Steve Klosiewski

C-1 STELLER SEA LIONS

The SSC received the staff presentation by Tim Ragen (NMFS), and public testimony from: Rick Marks, John Roos (PSPA), Ken Stump (Greenpeace/American Oceans), Glenn Merrill (Aleutian East Borough), Chris Blackburn (AGDB), Steve Drage (ADA), Vidar Westpestad (PWCC), Donna Parker (Arctic Storm), Paul MacGregor (APA), Mike Hyde (American Seafoods), Francine Bennis (AMCC).

In general, the SSC shares the discomfort with the speed of the process expressed in public testimony and by others. The process has hampered the SSC's ability to thoroughly review the document. Further, it has provided less peer review than is desirable. There is inadequate understanding of the roles of the Council, the public, and the SSC in the ESA legal process. The SSC was told that once a Section 7 consultation is initiated, the questioned activity cannot take place until that Opinion is finished and signed, so that the speed of the process was a result of an effort on the part of NMFS to complete the Opinion in time for the 1999 pollock fishery to take place. All parties involved in the process would benefit from a clarification of the roles of the various bodies.

Biological Opinion. The SSC again shares the general discomfort over the large amount of uncertainty in the data and large data gaps. Uncertainty allows many approaches and interpretations, none of which can be overwhelmingly supported by rigorous science at this time. However, the basic facts remain: 1) the Western Steller Sea Lion numbers are greatly reduced, 2) the stock has been listed as endangered, 3) pollock forms a large part of their diet, and 4) pollock fisheries remove potential prey. These facts have led to the formation of the working hypothesis that competitive interactions between the fishery and the Steller sea lions somehow make survival for this endangered species more difficult. There is a lack of data with which to test this

hypothesis. The findings in the Biological Opinion rely on various correlations. Simple correlations do not by themselves establish causation. Under the ESA, unlike more familiar Council situations, if the activity in question cannot be shown to NOT cause jeopardy or adverse habitat modification, then the endangered species, in this case the Steller sea lions, are given the benefit of the doubt. The SSC also notes that, although the original cause of the decline is of interest scientifically, it may be irrelevant in this process. Other factors such as environmental conditions or fishing may also be important now. Fishing does not have to be the primary cause of the current decline for the fishery to be the subject of an ESA Section 7 consultation. Fishing is the activity about which the Opinion is written, and the only activity that can be modified.

RPA "Guidelines." Continuing with the working hypothesis, the Opinion gives RPA guidelines to reduce the probability of competitive interactions in the times and places where Steller Sea Lions are thought to forage. Unfortunately, the present state of knowledge does not permit any assessment of the probable success of the RPAs in stemming or reversing the present declines. Although we were told that the Guidelines cannot be changed, the SSC warns that some of them may have unintended consequences, some potentially detrimental to sea lions. For example, in public testimony it was brought out that the provision for no rollovers among seasons could result in four "races for fish." Also, although the general objective of increased protection near rookeries and haulouts is certainly reasonable and warranted, the detailed designation of the criteria for which new areas should be protected should receive further examination.

Emergency Measures. Although the SSC was requested to comment on appropriate actions that might be taken at this meeting to meet the RPAs for the 1999 fishery, the SSC declines to do so. We were not presented with information to complete such a task..

Future Directions. The SSC notes that to date, this process has been primarily a legal one rather than a scientific one in the sense to which we are accustomed. As it appears that this situation will continue for some time, perhaps a briefing on the ESA process would be useful for the Council family. This may clarify the possible roles for the Council in this process, what kinds of actions the Council might take in future that could trigger consultations such as this, and what is necessary to change RPAs once they are put in place.

The SSC continues to believe strongly that any management measures that are taken must incorporate, as an integral part, thorough monitoring and evaluation measures. The monitoring outlined on page 120 of the Opinion is not sufficient. Further, the SSC reiterates the recommendation that adaptive management measures be designed to test the competitive interaction hypothesis so that something is learned that may help in the future. For example, a panel was convened by NMFS in May of 1997 to advise on research to test the efficacy of the no-trawl zones in place at that time. The Panel's report and NMFS' subsequently developed plans may provide a starting place for such measures.

Public testimony and subsequent SSC discussion brought up several interesting ideas for further exploration and research such as evaluating the effectiveness of time/area restrictions already in place in the GOA, evaluation of the dynamics of the Bogoslof rookery in relation to the closing of that area to pollock fishing, examination of other pinnipeds with high fetal mortality rates and the causes thereof, and surveys of pollock distribution at other times of the year and before and after fisheries.

Clearly many alternates to the primary hypothesis underlying the Opinion can be formulated. Testing the array of hypotheses will require collection of new data and re-analysis of existing data. Rather than attempt to detail the research and data collection needs here after inadequate time for review and discussion, the SSC strongly recommends that a group be convened specifically for this task. The SSC recognizes that several Steller sea lion advisory groups already exist, such as the Steller sea lion recovery team, but the SSC believes that none of the groups have the specific terms of reference and membership that would be required to make timely progress on this issue.

D-1(b) EXPERIMENTAL FISHING PERMIT

The SSC received an oral report from John Gauvin (Groundfish Forum) and Craig Rose (NMFS, AFSC) on the use of an experimental halibut excluder device in flatfish trawling. The SSC encourages the permittees to develop a full report to assist the SSC in offering comments on the experimental design and extrapolations from the results. Pending a full report, it appears that the experiment was successful demonstrating promising results. The experiment also represents interesting complement to the previous experiment conducted by this group involving individual bycatch accounts.

D-3 GROUND FISH SAFES

General considerations

The passage of Amendment 44 has codified a harvest policy approach for setting upper limits to ABCs and overfishing levels (OFLs). The maximum permissible ABC and OFL is determined based on the level of available information (tier) with the option of the Plan Teams and the SSC to recommend a lower level based on additional considerations such as the trend in recruitment, level of the population, uncertainty in the stock assessment, and ecosystem considerations. The Plan Teams have proposed ABCs lower than the maximum allowed for GOA Pacific cod; roughey, northern, other slope, pelagic, and demersal shelf rockfishes, and Atka mackerel; and for BSAI walleye pollock, Pacific cod, Greenland turbot, Atka mackerel, and Other Species. There are compelling and well stated reasons for these recommendations, and the SSC has concurred in nearly all (GOA Pacific cod and BSAI other species being the two exceptions). However, the SSC is concerned that deviating from the Amendment 44 tiers may create a perception of arbitrariness. The process of setting maximum ABCs is intended to have several conservative elements incorporated into it, and it is desirable to have an easily understood set of rules (ideally quantitative and consistent) to explain the need for additional conservatism. We recognize that this may not be possible given the uncertainty inherent in stock assessments and ecological relationships. Nevertheless, the SSC is interested in working with the Plan Teams toward this goal. As an initial step, the SSC suggests that the Plan Teams include a summary table listing the appropriate tier for each species, the corresponding maximum fishing mortality rate and ABC, and the recommended fishing mortality rate and ABC when reduced for added conservation concerns. Table 3 of the GOA SAFE summary and Tables 4 and 6 of the BSAI SAFE summary already provide some of this requested information and could serve as templates. The SSC also urges the Teams to evaluate their ABC/OFL policy statement and determine whether it can be suitably modified or refined to codify reductions to maximum ABC based on considerations related to recruitment levels, environmental relationships, and/or ecosystem considerations.

D-3 (a,b) BS/AI SAFE

BS/AI - WALLEYE POLLOCK

The SSC received the Plan Team report from Grant Thompson and was also able to question the Chapters' lead author, Jim Ianelli. Public testimony was received from Ed Richardson, At Sea Processors; Vidar Weststad, Pacific Whiting Conservation Coop, Ken Stump, Greenpeace American Oceans Campaign.

The SSC recommendations of ABC and OFL by management area are:

EBS	ABC = 992,000 mt
	OFL = 1,720,000 mt

AI	ABC = 23,800 mt
	OFL = 31,700 mt

Bogoslof ABC = 15,300 mt
 OFL = 21,000 mt

The SSC commends the authors for the new assessment which now reliably estimates a full probability density function (pdf) for F_{MSY} . The SSC concurs with the authors and Plan Team that EBS pollock now quantifies for management under Tier 1 of Amendment 44. Under both Model 1 (author's choice) and model 2 (Plan Team's choice) the projected level of spawning stock biomass is somewhat below the new point estimate of B_{MSY} (1,740,000 mt), placing EBS pollock in Tier 1b.

The maximum allowable ABC under Tier 1b of Amendment 44 is 1,370,000 mt, based on the MSY fishing rate. The SSC recommends a lower ABC based on $F_{40\%}$. We recommend continuation of this harvest strategy for consistency with previous years as well as for the first six reasons listed by the Plan Team. 1) The 1998 trawl survey biomass estimate is the lowest since 1980 and the second lowest in the entire time series; 2) future catches and biomass levels will be heavily dependent on the strength of the 1996 and 1997 year classes, the estimate of which are currently accompanied by high levels of uncertainty; 3) the projected 1999 spawning biomass is only 31% of the estimated pristine level (if no stock-recruitment relationship is assumed; 4) pollock has been the most common item in the diet of steller sea lions; 5) the impacts of Russian harvests of pollock in the Western Bering Sea on future recruitment to the Eastern Bering Sea stock are currently unknown by potentially significant; 6) the age distribution of the stock is narrower than was the case during the late 1980s and early 1990s, raising possible concern about the short-term spawning capacity of the stock.

With the harvest strategy established, the next decision is model of choice. The SSC concurs with the Plan Team that model 2 should be used. The difference between models 1 and 2 is the number of years over which selectivity is averaged (10 years versus 3 years). The SSC notes that a short-term average may be better approximate the current way the EBS pollock fishery is prosecuted. However, neither estimate may be accurate next year, the SSC had no compelling reason to change the Team's recommendation. The remainder of the nine model runs were presented primarily in response to requests of the Council family, or to explore aspects of the model's behavior.

In the Aleutian Island, the SSC accepts a rollover of ABC and OFL, because there is no new information available. The SSC encourages the collection of new information on stock structure and population size to improve this assessment. Public testimony indicated interest from industry in carrying out a scientific survey if a way can be found to obtain an exempted fishing permit.

In the Bogoslof, the Team used the same procedure as in the past with the latest survey estimate. The SSC concurs with this approach.

BS/AI - PACIFIC COD

The SSC endorses the ABC of 177,000 mt recommend by the analyst and Plan Team (down from 210,000 last year). Last year, the SSC determined that reliable estimates of $B_{40\%}$, $F_{40\%}$, and $F_{30\%}$ existed, and that Pacific cod qualified for management under Tier 3 of Amendment 44. The undated point estimates of $B_{40\%}$, $F_{40\%}$, and $F_{30\%}$ from the present assessment area 343,000 mt, 0.29, and 0.41 respectively. Fishing at the $F_{40\%}$ rate (0.29) is projected to result in a 1999 spawning biomass of 328,000 mt, thereby placing Pacific cod in sub-Tier "b" of Tier 3. Fishing at the slightly lower rate 0.28 is projected to result in a 1999 spawning biomass of 329,000 yielding a maximum permissible F_{ABC} value of 0.28. Fishing at this instantaneous rate yields a maximum permissible ABC of 196,000 mt. The SSC concurs with the recommendation to set 1999 ABC at 177,000 mt, about 9% below the maximum permissible level. The recommendation is supported because the estimated trawl survey biomass had decreased for four years in a row to the point only slightly higher than the all-time

low and because the last three year classes (assessed at age 3) have all been below average. The F_{OFL} , 0.39, yields an OFL of 264,000 mt.

The SSC commends the analyst for his attention to a plan for examining the adequacy of sampling the fishery catches, and an investigation of potential biases due to sampling with respect to the complexities of gear and season data categories, as stated in the October 1998 minutes.

The SSC heard testimony from the trawling industry (Ed Richardson and Dr. Jose-Antonio Perez-Comas) expressing concern about the representativeness of the trawl survey in sampling larger cod. The SSC has previously noted that Pacific cod may not be well sampled by the NMFS survey. An analysis of the "goodness of sampling" in the commercial gear sectors will help to resolve this problem.

BS/AI - YELLOWFIN SOLE

The SSC concurs with the Plan Team's recommendation for ABC (212,000 mt; $F_{40\%}=0.11$; Tier 3a) and OFL (308,000 mt; $F_{30\%}=0.16$). The modeling approach is the same as used last year. Although the 1998 Bering Sea survey reflects an estimated 8% increase in biomass, the recommended ABC has declined due to changes in the population age structure and the relatively late age at which this species recruits to the survey and the fishery.

BS/AI - GREENLAND TURBOT

The SSC concurs with the Plan Team's recommendations for ABC (14,200 mt) and OFL (29,700 mt). As discussed in the assessment, the recommended ABC level is some 24% lower than the maximum permitted under Tier 3b of Amendment 44. The maximum permissible value of F_{ABC} , 0.21, translate into a 1999 catch of 20,000 mt. The assessment, is considered conservative because it doesn't include biomass estimates for portions of the species range (deep waters and Aleutian Islands), and low weighting of increasing trends in the long-line survey indexes. Nevertheless, we agree that it is undesirable to increase exploitation on this species given continued declines in biomass and repeated low recruitment. We agree with the Plan Team's recommended approach to reduce the 1998 ABC by the ratio of the projected 1999 age 2+ biomass (177,000 mt) to the 1998 age 2+ biomass (188,000 mt). This ratio is 0.94 which applied to the 1998 ABC of 15,000 mt yields a recommended 1999 ABC of 14,200 mt.

BS/AI - ARROWTOOTH FLOUNDER

The SSC concurs with the Plan Team's recommendation of ABC (140,000 mt; $F_{40\%}=0.23$; Tier 3a) and OFL (219,000 mt; $F_{30\%}=0.36$). The 1998 survey indicated a 28% decline in biomass, while new modeling parameters that incorporate a changed sex ratio into the assessment suggested a significant biomass increase. This result strongly contradicted the observed biomass decline and suggested that retaining the current modeling approach is preferable for at least one more year.

BS/AI - ROCKSOLE

The SSC concurs with the Plan Team's recommendation for ABC (309,000 mt; $F_{40\%}=0.16$; Tier 3a) and OFL (444,000 mt; $F_{30\%}=0.23$). The 1998 bottom trawl survey shows a 20% decline in estimated biomass; the modeling approach for this population is unchanged.

BS/AI - FLATHEAD SOLE

The SSC concurs with the Plan Team's recommendation for ABC (77,300 mt; $F_{40\%}=0.25$; Tier 3a) and OFL (118,000 mt; $F_{30\%}=0.39$).

A new length structured synthesis model (previewed last year) moves this stock from Tier 4 to Tier 3 for specifications settings. Survey biomass declined an estimated 14%.

BS/AI - OTHER FLATFISH

We concur with the Plan Team's recommendation for ABC (154,000 mt; $F_{40\%}=0.29$; for Alaska plaice, $F_{40\%}=0.16$ for others; Tier 3a) and OFL (248,00 mt; $F_{30\%}=0.47, 0.23$ respectively). This species group is dominated by Alaska plaice. The 1998 bottom trawl survey showed a 30% decline in Alaska plaice, while other species in this group increased by approximately 5%. Biological parameters for Alaska plaice are used as proxies for the other species in setting specifications. There are no substantive model changes from 1997 to 1998; but significant changes in emphasis factors and estimates of natural mortality occurred in the 1997 assessment.

General Flatfish concerns

BSAI flatfishes - other than Greenland turbot - have shown high abundance supported by strong recruitment in recent years. We note an apparent pattern of below average recruitment for all flatfishes other than yellowfin sole in the 1990's. This may be a consequence of low recruitment of younger age-classes to the survey. However, it may also be a harbinger of lower productivity patterns which may reduce future harvest specifications.

Fran Bennis (AMCC), provided the only public testimony on flatfish specifications. Ms. Bennis expressed support for very conservative Greenland turbot specifications and expressed some concern for the levels of Alaska plaice discards.

BS/AI/GOA combined - SABLEFISH

The biomass for this species continues to decline as the strong year-classes of the late 1970's and early 1980's die out. Projected spawning biomass is about 31% of the unfished level. The combined biomass is expected to decline until 2002, and then stabilize. There is increasing evidence that the 1995 year-class is stronger than average.

The SSC supports the Plan Team's recommendation for a combined ABC of 15,900 mt. Projected spawning biomass is 155,000 mt, which is less than $B_{40\%}$ (202,000 mt). ABC is based on the adjusted $F_{40\%}$ (0.11). OFL levels are based on the adjusted $F_{30\%}$ (0.17). ABC's and OFL's are distributed among management area's based on exponential weighted moving average of biomass distribution among areas.

<u>Area</u>	<u>Average Biomass</u>	<u>ABC (mt)</u>	<u>OFL (mt)</u>
Gulf of Alaska	84.0%	12,700	15,650
Eastern Bering Sea	7.7%	1,340	1,650
Aleutian Islands	8.3%	1,860	2,300
TOTAL	100%	15,900	19,600

The same averaging procedure was used to apportion ABC within the Gulf of Alaska.

<u>Area</u>	<u>ABC</u>
Western Gulf of Alaska	1,820
Central Gulf of Alaska	5,590
West Yakutat	1,920
East Yakutat/SE Outside	3,370
TOTAL	12,700

The SSC questioned whether the IFQ selectivity (1995-1997) represents actual changes in selectivity due to IFQ, or whether the IFQ selectivity just represents change in selectivity over time. It was also noted that it would be more consistent to compare fishing and survey selectivities or similar timer periods (e.g. 1995-1997).

The SSC discussed bias in the retrospective analysis of the sablefish model and concluded that isolating the cause of bias might significantly improve model performance.

BS/AI - PACIFIC OCEAN PERCH

The SSC concurs with the Plan Team's ABC's and OFL's for the EBS/AI Pacific ocean perch. Catch data for 1997 was revised and 1998 data added. An $F_{40\%}$ management strategy was used in place of the $F_{44\%}$ strategy used last year. Changes in stock productivity for POP in the EBS/AI region indicated that a standard $F_{40\%}$ harvest strategy may be more appropriate than an $F_{44\%}$ strategy. The models were left unchanged from last year, which means that the EBS and AI populations were modeled separately. For the EBS, a Tier 3b adjusted $F_{40\%}=0.040$ give an ABC=1,900 mt; and an adjusted $F_{30\%}=0.066$ gives an OFL=3,600 mt. For the AI, a Tier 3a $F_{40\%}=0.068$ gives and ABC=13,500 mt; and $F_{30\%}=0.095$ gives an OFL=19,100 mt. Based on surveys, the AI ABC is apportioned between WAI=6,220 mt, CAI=3,850 mt, and EAI=3,430 mt. The SSC suggests that the assessment authors consider combining POP in the EBS and AI regions into one assessment model. The limited survey data for POP in the EBS makes such an approach attractive.

BS/AI - OTHER ROCKFISH

The SSC concurs with the Plan Team's ABC's and OFL's for EBS/AI Other rockfish. Although catch tables were updated, there are no new survey data on which to base a change in the assessment. The ABC's and OFL's for 1999 are unchanged from 1998:

<u>Species Group</u>	<u>ABC</u>	<u>OFL</u>
<u>Aleutians</u>		
Northern/Sharpchin	4,230	5,640
Shortraker/rougheye	965	1,290
Other rockfish	685	913
<u>Eastern Bering Sea</u>		
Other red rockfish	267	356
Other rockfish	369	492

BS/AI - ATKA MACKEREL

The SSC accepts the Team's and analysts recommendations for an ABC of 73,300 mt (based on $F_{52\%}$) and an OFL of 148,000 mt (based on $F_{30\%}$). The ABC is below than the maximum permissible, because there is great uncertainty in survey estimates, the stock has declined markedly, and the Plan Team had other concerns about the stock and lack of information about it.

BS/AI - SQUID AND OTHER SPECIES

The squid and other species category includes a group of otherwise unrelated species. While some of these species are targeted in other regions, there is little directed fishing effort on these species in the BSAI at this time. The SSC heard public testimony from Paul Peyton on this agenda item.

The SSC concurs with the Plan Team's recommendation for squid ABC (1,970 mt) and OFL (2,620 mt). These recommendations are based on the application of Tier 6 criteria under Amendment 44. Although the SAFE includes a surplus yield representation of squid population dynamics, the SSC concurs with the Plan Team judgement that the model is preliminary and should not be used as a basis for OFL and ABC determination this year. Nevertheless, the SSC encourages further development of this model.

The SSC disagrees with the Plan Team recommendations for the other species ABC (25,800 mt). The SSC notes that $M=0.20$ has been accepted as a reasonable estimate of natural mortality for the other species category. Given an estimate of M , other species fall into Tier 5 under Amendment 44. Tier 5 allows F_{ABC} to be up to 75% of M . That is, ABC could be set as high as 96,500 mt ($643,000 \text{ mt} \cdot 0.15$). Rather than move immediately from the 1998 ABC of 25,800 mt, to the ABC the SSC recommends a 10-year phase-in. The SSC recommendation for the 1999 ABC is $25,800 + 1/10 (96,500 \text{ mt} - 25,800 \text{ mt}) = 32,865 \text{ mt}$.

The SSC concurs with the recommended OFL level calculated from $F=M=0.2$. This level is 129,000 mt.

D-3 (c, d) GOA SAFE

Eastern Gulf Split

The split of the Eastern Gulf management area into W. Yakutat and E. Yakutat/SE Outside because of the trawl ban in the latter area has caused an evaluation of whether ABCs need to be adjusted. The Plan Team has established a philosophy that ABCs should be split if a directed harvest is likely to result in a disproportionate removal in relation to estimated biomass. This situation is more likely to occur with sedentary species with a high proportion of biomass toward the East. The SSC accepts the Team approach and specific recommendations with one exception subject to the comments listed below. The SSC recommends no split of walleye pollock in the Eastern Gulf, because it is a migratory population and its harvest in W. Yakutat should not damage the overall Eastern Gulf population.

The SSC recognizes that the Team procedure is an interim procedure for this year and that improvements need to be made. First and foremost, the RACE Division needs to examine the triennial survey design to determine if credible estimates of biomass in West Yakutat and/or the proportions of biomass in the West and East, can be obtained. Second, the Team needs to develop a stronger rationale for deciding to split particular species. The management and fishing consequences of making a split should be determined (particularly for some rockfish components such as northern rockfish in which an amount as low as 10 mt can be the result of a split). Third, the SSC recommends that splitting should be done more consistently for the various rockfish species complexes next year, because these components maybe most vulnerable to overfishing. Fourth, the Team

should reexamine the use of the upper 95% confidence level. In most cases, the SSC suspects that the point estimate is the most appropriate choice and a rationale should be given for deviating from this default.

GOA - WALLEYE POLLOCK

The SSC heard public testimony from Chris Blackburn, AGDB; Ken Stump, Greenpeace.

The walleye pollock fishery in the Gulf will largely depend on the 1994 year-class over the next six years. Indications are that year-class sizes during the decade of the 1990's have been well below average except for the 1994 year-class. It will take another year to evaluate fully the potential of this year-class for the fishery.

The SSC accepts the Plan Team recommendations for assessment model A, ABCs (W/C - 94,400 mt, EG - 8,620 mt) and OFLs (W/C - 134,100 mt, EG - 12,300 mt), as well as apportionments to Shumagin, Chirikof and Kodiak. The W/C ABC is an adjusted $F_{40\%}$ and the OFL is an adjusted $F_{30\%}$.

The SSC disagrees with the split recommended by the Plan Team for the EG. Because pollock is a migratory species and there is no evidence that EG pollock can be partitioned into different stocks, the SSC does not believe that harvest in West Yakutat of the EG ABC would damage the EG population. Therefore, the SSC recommends that there be no split in the EG for pollock. In order to have a rational means to split the EG ABC, an understanding of seasonal pollock distribution in the EG is needed, because the fishery occurs in the winter while surveys occur in the summer.

Prince William Sound Pollock -- As reported in 1995, 1996, and 1997, the SSC remains unconvinced that PWS pollock fishery exploits a resource that is entirely independent of the assessed GOA pollock population. The SSC hopes that an age-structured analysis of the GOA pollock stock will shed some light on this issue. The SSC reviewed a report of recent ADF&G surveys and strongly encourages NMFS and ADF&G to coordinate the upcoming GOA triennial survey with ongoing ADF&G surveying activities. An effort should be made to collect and contrast age and length data from these surveys. The 1999 GHLL for PWS is 2,100 mt of pollock. The SSC recommends that this quantity be subtracted from the GOA ABC in proportion to the combined regional ABCs for the Western/Central and Eastern GOA regions.

GOA - PACIFIC COD

The SSC recognizes the concerns of the Plan Team that spawning biomass has shown a decreasing trend during the current decade due to decreased recruitment. In the face of this decline it is difficult to accept the increase in ABC proposed by the analyst. Nevertheless, the ABC recommendation represents the best scientific estimate and uses new data from the 1998 fishery. In order to recognize the best estimate in light of recent biomass decline, the SSC recommends an ABC stepped up from last year as the average value of the two: 77,900 mt and 90,900 mt, resulting in an ABC 84,400 mt. The 1999 OFL ($F_{30\%}=0.52$) is 134,000 mt based on Tier 3a.

GOA - FLATFISH

The SSC concurs with the Plan Team's recommendations for ABC and OFL levels for the deepwater, rex sole, shallow water and flathead sole groups. These recommendations are identical to those for 1998 except that there is no longer an extrapolation to estimate Dover sole biomass at unsurveyed depth strata. This effectively reduces the recommended deepwater ABC by 15.6%, but this is not expected to be constraining to industry based on a comparison of 1998 TAC and catch levels.

Recommended ABC and overfishing levels are:

	<u>ABC</u>	<u>F_{ABC}</u>	<u>OFL</u>	<u>F_{OFL}</u>	<u>Tier</u>
Deep water	6,050	0.075	8,070	0.10	5,6
Rex sole	9,150	0.15	11,920	0.20	5
Shallow water	43,150	0.15-0.17	59,450	0.2-0.25	4,5
Flathead sole	26,110	0.15	34,010	0.20	5
Total	84,460				

The SSC also concurs with the recommended biomass-based regulatory area apportionments of ABC. As noted elsewhere in our minutes, we encourage 1999 survey design and analysis to help us understand and resolve how to recommend harvest limit apportionments between West Yakutat/East Yakutat-Southeast Outside subareas.

<u>Species Group</u>	<u>Western</u>	<u>Central</u>	<u>WYAK</u>	<u>EYAK/SEO</u>	<u>Total</u>
Deep water	240	2,740	1,720	1,350	6,050
Rex sole	1,190	5,490	850	1,620	9,150
Shallow water	22,570	19,260	250	1,070	43,150
Flathead sole	8,440	15,630	1,270	770	26,110
Total	32,440	43,120	4,090	4,810	84,460

GOA - ARROWTOOTH

The SSC concurs with the Plan Team’s recommendation for ABC (217,110 mt) and overfishing (308,875 mt). Arrowtooth flounder specifications fall under Tier 3a. $F_{ABC}=F_{40\%}=0.189$, $F_{OFL}=F_{30\%}=0.278$.

Recommended area apportionments are:

<u>Western</u>	<u>Central</u>	<u>WYAK</u>	<u>EYAK/SEO</u>	<u>Total</u>
34,400	155,930	13,260	13,520	217,110

The recommended values are based on a length based stock synthesis model. An analysis based on AD Model Builder is presented in an appendix. It is expected this new model will be applied next year; if applied this year it would have result in a higher biomass estimates due to differences in selectivities. However, it would also estimate $F_{40\%}$ at a lower value, and the comparable ABC would decline by 17%.

GOA - SLOPE ROCKFISH

The SSC supports the Plan Team’s ABC recommendations for GOA shortraker/rougheye, norther rockfish, and other slope rockfish.

Because little new information is available for the assessment of these species, the recommended ABC and OFL levels are the same as those adopted by the Council for 1998.

Pacific Ocean Perch

The SSC supports the Plan Team’s ABC for Pacific ocean perch. The stock assessment model was updated to include age data from the 1996 trawl survey, which again supported the experience of a strong 1996 year-class. The catchability coefficient for the preferred stock synthesis model was $q=2.8$, which makes for a

relatively conservative assessment. Using Tier 3b, the adjusted $F_{40\%}=0.60$ with an ABC=13,120 mt. The corresponding overfishing level using the adjusted $F_{30\%}=0.086$ is 18,490 mt.

	<u>ABC's mt</u>	<u>OFL mt</u>
W	1,850	2,610
C	6,760	9,520
WYAK	820	
EYAK/SEO	<u>3,690</u>	<u>6,360</u>
Total	13,120	18,490

Shortraker/rougheye - The current estimates of exploitable biomass are 16,670 mt for shortraker rockfish and 48,710 mt for rougheye rockfish. As in the past, the average of the exploitable biomasses for the 1990, 1993 and 1996 surveys were used to arrive at this estimate. Applying the definition for ABC and OFL places shortraker rockfish in Tier 5 where $F_{ABC}<0.75 M$. Thus, the recommended F_{ABC} is 0.023 ($0.75*0.03$). Applying Tier 4 to rougheye rockfish ($F_{ABC}<F_{40\%}$) results in $F_{ABC}=M=0.025$, which is less than $F_{40\%}=0.032$. ABCs for these species are 370 mt and 1,220 mt, respectively. Overfishing is defined by $F_{30\%}=0.046$ for rougheye rockfish and $F=M=0.03$ for shortraker or 2,740 mt

	<u>ABC's mt</u>	<u>OFL mt</u>
W	160	
C	970	
E	<u>460</u>	<u> </u>
Total	1,590	2,740

Northern Rockfish - Because little new assessment information is available for northern rockfish, the 1999 ABC is set equal to the 1998 value.

	<u>ABC's mt</u>	<u>OFL mt</u>
W	840	
C	4,150	
E	<u>0¹</u>	<u> </u>
Total	4,990	9,420

Other slope rockfish - Because little new assessment information is available for other slope rockfish, the 1999 ABC is set equal to the 1998 value.

	<u>ABC's mt</u>	<u>OFL mt</u>
W	20	
C	650	
WYAK	470 ¹	
EYAK/SEO	<u>4,130</u>	<u> </u>
Total	5,270	7,560

1/ The EGOA ABC of 10 mt, for northern rockfish has been included in the WYAK ABC for other slope rockfish.

PELAGIC SHELF ROCKFISH

The SSC supports the Plan Team's ABC recommendations on Pelagic shelf rockfish.

Under Amendment 46 of the GOA FMP, black and blue rockfish management were transferred to the State of Alaska. The 1990, 1993, and 1996 trawl survey data were reassessed excluding these species and a Tier 4 strategy applied ($F=M=0.09$). This is more conservative than an $F_{40\%}$ strategy of 0.10. The resulting ABC is 4,880 mt. An OFL based on $F_{30\%}=0.15$ gives a value of 8,190 mt.

	<u>ABC's mt</u>	<u>OFL mt</u>
W	530	
C	3,370	
WYAK	560	
EYAK/SEO	<u>420</u>	
Total	4,880	<u>8,190</u>

GOA - DEMERSAL SHELF ROCKFISH

The SSC supports the Plan Team's ABC and OFL for demersal shelf rockfish.

The recommended values are unchanged from the 1998 recommendations, but additional information is presented concerning survey, survey data, and the line transect method.

<u>ABC's mt</u>	<u>OFL mt</u>
530	950

GOA - THORNYHEAD ROCKFISH

The SSC supports the Plan Team's ABC for thornyheads.

Catch data were updated and the resulting ABC was decreased by 10 mt to 1,990 mt. The OFL was decreased by 40 mt to 2,800 mt.

	<u>ABC's mt</u>	<u>OFL mt</u>
W	260	
C	700	
E	<u>1,020</u>	
Total	1,990	<u>2,800</u>

GOA - ATKA MACKEREL

The SSC concurs with the Team and analysts that only limited information is available and that a rollover of last year's ABC of 600 mt to satisfy bycatch needs in other fisheries is warranted. The OFL is 6200 mt, the average catch for 1978-1995. The SSC encourages AFSC and the analysts to develop a research plan to collect the necessary information to do an integrated assessment with the Aleutian Islands component.

Evaluation of 16 bit versus 32 bit Stock Synthesis

In the last assessment the SSC noted that a large change the stock assessment of GOA Pacific ocean perch (POP) could only attributed to changing from a 16 bit to a 32 bit version of stock synthesis. In the current

GOA POP stock assessment, the difference in model fit between the two versions of stock synthesis are explored. However, the presentation leaves open the question whether these results are due to precision only, or if one version of stock synthesis had a coding “bug”. One further way the difference between the 16 bit and 32 bit versions of stock synthesis can be examined to initiate the 16 bit version at the solution of 32 bit version. One would suspect that the solution from the 16 bit version would then be unchanged from the initial values should the differences be due to precision alone.

State waters catch accounting

There is a need for consistency and coordination in the assessment and management of stocks that co-occur in State and Federal waters. Where this consistency is missing, it is possible that components of the stock may be unassessed, resulting in low ABC recommendations (e.g., PWS pollock). Similarly, stocks may be underharvested if state waters catches are assessed against the Federal TAC despite the GHL having been subtracted from the ABC (e.g., P. cod).

The SSC recommends that Federal and State agencies coordinate in the assessment and management of shared stocks. Surveys and other measures for estimating abundance and stock composition should, to the extent possible, be coordinated to provide estimates of abundance throughout those portions of State and Federal waters utilized by these stocks. Where possible, State and Federal resource managers should agree to common management objectives, particularly with respect to exploitation rates and to scaling fishing removals to reflect temporal and spatial differences in stock density. Timely reporting of catch information is crucial to ensure that TAC limits are not exceeded.

Models intended to reflect stock dynamics should clearly indicate that portion of the stock that they attempt to represent and should employ appropriate catch and abundance data series.

Ecosystem Considerations

This chapter continues to present a diverse suite of topics that place North Pacific fisheries in a broader context. We appreciate that the Teams continually seek present new material and limit repetition of past material.

We are very supportive of the proposed new direction of this chapter which will emphasize ecosystem-based management indices and ecosystem status indicators. We are also similarly supportive of efforts to coordinate and integrate Bering Sea ecosystem research.

Of the four specific ecosystem concerns raised by the Plan Teams; fishery effects on species composition warrants particular notice. We strongly encourage assessment authors, and the Plan Teams and other researchers to develop and present time series of biomass trends and exploitation rates that facilitate direct comparisons. Stock assessments often present time series of data, but changes in modeling often to lead to changes in biomass estimates independent of actual changes in resource. Thus, it is difficult for the public and those not closely familiar with stock assessment details to maintain a broad yet accurate conceptual picture. These same time series will also facilitate a perspective on multi-species patterns that are essential to developing an ecosystem level perspective.

D-3(e) HALIBUT DISCARD MORTALITY RATES

Gregg William (IPHC) presented the proposed 1999 halibut discard mortality rates (DMRs) to be used for PSC cap accounting. He also presented information on more in-depth analyses of DMRs in the GOA flatfish sole and deepwater flatfish fisheries.

Theresa Kandianis offered testimony that the disparity between DMRs for catcher vessels and catch-processors in the GOA flathead sole fishery is surprising given the small vessel and tow sizes of GOA catch processors in this fishery.

North Pacific Fishery Management Council

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MEMORANDUM

TO: Council Members

FROM: Helen Allen
Executive Secretary

DATE: June 28, 1999

SUBJECT: Final Minutes

Enclosed for your records are the finalized minutes for the: October, November, December 1998, and February 1999 Council meetings.

Enclosures

North Pacific Fishery Management Council

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



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Telephone: (907) 271-2809

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MEMORANDUM

TO: Distribution

FROM: Helen Allen
Executive Secretary

DATE: June 28, 1999

SUBJECT: Completed Minutes for the October, November, December 1998, and February 1999 Meetings of the North Pacific Fishery Management Council

Enclosed for your files are the completed minutes for the NPFMC meetings mentioned above.

Enclosures