

North Pacific Fishery Management Council

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Certified Richard B. Lauber
Richard B. Lauber, Chairman
Date Oct 18, 1999

MINUTES

**138th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
June 9-14, 1999
Kodiak Inn
Kodiak, Alaska**

The North Pacific Fishery Management Council met June 9-14, 1999, at the Best Western Kodiak Inn in Kodiak, Alaska. The Scientific and Statistical Committee met June 7-9 at the Fishermens Hall, Kodiak, and the Advisory Panel met June 7-11, at the Elks Lodge in Kodiak. The following members of the Council, staff, SSC and AP attended the meetings.

Council

Richard Lauber, Chairman
Dennis Austin for Jeff Koenings
CAPT Vince O'Shea for RADM Cross
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
Darrell Brannan
Jane DiCosimo
Chuck Hamel
David Witherell

Chris Oliver, Deputy Director
Helen Allen
Gail Bendixen
Linda Roberts

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Support Staff

Lisa Lindeman, NOAA-GCAK
Jon Pollard, NOAA-GCAK
Lauren Smoker, NOAA-GCAK
Earl Krygier, ADFG
Sue Salveson, NMFS-AKR
Jay Ginter, NMFS-AKR
Bill Karp, NMFS-AFSC

Lowell Fritz, NMFS-AFSC
Sally Bibb, NMFS-AKR
Steve Meyer, NMFS Enforcement
Kent Lind, NMFS-AKR
Tim Ragen, NMFS-AKR
Rich Ferrero, NMFS-NMML
Mike Payne, NMFS-AKR

Scientific and Statistical Committee

Richard Marasco, Chair
Keith Criddle
Doug Eggers
Steve Hare
Sue Hills

Dan Kimura for Jim Balsiger
Jack Tagart, Vice Chair
Seth Macinko
Terry Quinn
Hal Weeks

Advisory Panel

John Bruce, Chair
Erica Acuna
Ragnar Alstrom
Dave Benson
Tim Blott
Al Burch
Craig Cross

Dan Falvey
Kris Fanning
Stephanie Madsen, Vice Chair
Dave Fraser
Arne Fuglvg
Steve Ganey
Justine Gundersen

Spike Jones
Melody Jordan
Teresa Kandianis
Hazel Nelson
Jeff Stephan
Robert Ward
Lyle Yeck
Grant Yutzenka

Other Attendees

The following people signed the attendance register:

Arni Thomson
Matt Doherty
David Jentry
Jim McManus
Vince Curry
Tom Abel
Bill Quinlivan
Rex Hokema
Jude Henzler
Robert Mikol
Ken Tippett
Heather McCarty
Sinclair Wilt
John Dooley
Dana Carros

Ed Glotfelty
Brent Paine
Mark Buckley
Marcia Lynn
Gary Stevens
John Henderschedt
Bryce Morgan
Bruce Jenkinson
Alec Brindle
John Young
Bill Lock
Dustin Dickerson
Jack Hill
John Iani
John Sevier

Vern Hall
Chris Peterson
Glenn Reed
Glenn Merrill
Barry Ohai
Mike Atterberry
Dave Woodruff
Gerald Davis
Donna Parker
Lloyd Johannessen
Ron Magoon
Terry Leitzell
Steve Olsen
Chris Blackburn
Frank Bohannon

Margaret Hall
Shari Gross
Dennis Deaver
Jean Franquelin
Mike Coleman
Dave Russel
Kent Leslie
LCDR J.L. McCauley
Debbie Hicks
Lisa Johnson
Kjetil Solberg
Peter J. Stitzel
Gale Vick
Craig Cross
Steve Hughes
Scott Diener
Joe Childers

Steve Toomey
Marus Alden
Paul Clarke
Jim Salisbury
C.L. Lowenberg
Jeff Stephan
Joe Bersch
Gordon Blue
Lynn Walton
Brian Beaver
Al Burch
Robert W. Melovidov
Burt Parker
Joe Sullivan
Joe Plesha
John Bundy
Thorn Smith
Dave Whaley

Todd Hiner
Dick Curran
Allison Barns
David Minks
Kevin Thurston
Stephen Faust
Dick Tremaine
Ronald Painter
Steven Patterson
Robert Czeisler
Dave Benson
Russell Moore
Robert Gustafson
Paula Brogdon
Matt Brandt
Mike Ebel
Tom Quick
Robert Wurm

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 8:00 a.m. on Wednesday, June 9, 1999. Because of weather conditions, Executive Director Clarence Pautzke, NOAA General Counsel Lisa Lindeman, and Council members Behnken, O'Shea, Pennoyer, Pereyra, and Samuelsen were not able to be present the first day of the meeting. A teleconference was arranged for Wednesday afternoon so absent members could listen in on staff reports.

Agenda and Minutes. The agenda was approved as submitted, but the order was changed to take reports first and delay any action items until all Council members could be present. Minutes April 1999 meeting were not yet available for review.

B. REPORTS

The Executive Director's report (B-1), reports on the status of the fisheries by ADF&G (B-2), NMFS (B-3), and enforcement reports by NMFS and the Coast Guard (B-4), were submitted in written form.

Discussions resulting from reports

Executive Director's Report. Council members agreed that July 28 would be acceptable for the joint meeting of the Council and Alaska Board of Fisheries. In addition to discussing recent Board actions with regard to the trawl stand-down, it was suggested that the agenda should include a discussion of the entire management process under the Crab FMP.

NMFS. Sue Salvesson reported on the progress for current amendments and regulatory actions. With regard to the salmon overfishing definition, regional staff is continuing to work with NMFS Headquarters, ADF&G

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and the Alaska Fisheries Science Center to assure that the definition approved by the Council meets the National Standard guidelines.

Ms. Salvesson also advised the Council that because of the extensive work required in the Region for each experimental fishing permit approved, and the need to more carefully consider removals and additional mortality associated with experimental fisheries, the Region is working to develop a regular cycle for submitting such proposals, similar to the groundfish amendment cycle.

NMFS provided the Council with a review of recordkeeping and reporting requirement revisions for the year 2000. Without further direction from the Council the changes will be implemented by regulatory amendment.

Council members supported a request to move fall Pacific cod halibut PSC to the turbot fishery as long as the fall Pacific cod fishery is not limited.

NMFS Enforcement. Steve Meyer advised that enforcement strength for the IFQ program is considerably less than the original estimated needs for the program. He also advised that a problem has been identified with GPS units which may create errors in the reporting system as of August 1st. The Coast Guard is aware of the problem and industry is being notified through their website and other avenues. This could also affect the effort to put the Argos system on the Atka mackerel fleet this year.

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 will be a section describing Council **Discussion and Action**, if any.

C. NEW OR CONTINUING BUSINESS

C-1 American Fisheries Act

ACTION REQUIRED

- (a) **Final action on sideboard measures (includes Implementation Committee Report).**
- (b) **Final action on AFA conformance measures (Amendments 62/62).**
- (c) **Final action on CDQ conformance measures (BSAI Amendment 66).**

BACKGROUND

(a) **Sideboard Measures**

The AFA requires the Council to submit sideboard measures, by July of 1999, for catcher vessels and for processors for non-BSAI pollock harvesting and processing. Several alternatives and options for structuring those sideboards have been developed and analyzed since late 1998 and are scheduled for action at this meeting. The design of the sideboard limits will be critical to successful implementation of pollock co-ops for the year 2000. The AFA stipulates sideboard measures for catcher processors, though alternatives and options are also being considered for that sector as

well, for implementation in year 2000. A revised analysis of alternatives was mailed to you in early May and will be presented by staff at this meeting. Regulations defining pollock co-op structure and implementation will also be discussed at this meeting and are addressed in the report from the Implementation Committee.

Sideboard measures fall into four broad categories - catcher processor sideboards, crab sideboards for catcher vessels, groundfish sideboards for catcher vessels, and processor sideboards. Following is a brief discussion and summary of the decision points for each. The Council's specific list of alternatives and options is included under Item C-1(a)(1) for additional reference.

Catcher processor sideboards

Sideboard measures for catcher processors are specifically outlined in the AFA, though AFA intent may be unclear in some areas, or is open to adjustment by the Council. If no action is taken by the Council then sideboard measures would be implemented for 2000 and beyond as they were for 1999, using the years 1995, 1996, and 1997 as the basis for groundfish and PSC sideboard limits. Specific alternatives (and therefore decision points) identified for Council consideration are as follows:

1. Whether groundfish sideboard limits will include the catch history of the 9 retired vessels, or just the 20 listed vessels (for 1999 all 29 were included, as indicated by the AFA).
2. Whether the sideboard limits would include groundfish catch history earned in pollock targets, or be based only on catch in non-pollock targets (for 1999 only non-pollock targets were included).
3. Whether to establish PSC limits for chinook salmon bycatch.
4. Whether to close all fishing (including pollock) when a sideboard limit is reached, or only close directed fishing for that non-pollock species.

In addition, the Council requested information on PSC rates for the 20 vs 29 vessels, and information on "PSC needs assuming pelagic only pollock trawling".

Crab sideboards for catcher vessels

The AFA contains little specific guidance for catcher vessel sideboards, other than to say "*the Council shall recommend measures to prevent the catcher vessels eligible under subsections a, b, and c of section 208 from exceeding in the aggregate the traditional harvest levels of such vessels in other fisheries under the authority of the Council as a result of fishery cooperatives in the directed pollock fishery*". The decision points for the Council, based on the alternatives and options proposed and analyzed, are as follows:

1. Whether limits would be established as crossover prohibitions (prohibit any crab fishing for certain species/areas), or restrictions to historical catch amounts, or some combination thereof.
2. If crossover limits are applied, (a) which species/areas, (b) whether applied only if joining a co-op, and (c) duration of crossover limitation.
3. If restricted to historical amounts, whether limit would be (a) in aggregate across all vessels, (b) applied on a vessel level basis for each species separately.
4. Whether sideboard limits would apply only when joining a co-op.

To assist in providing information for this set of alternatives, the Council has the EA/RIR/IRFA prepared by Council staff, as well as the analysis prepared by Dr. Scott Matulich.

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For Scallop sideboards, the decision points are:

- 1. Whether to use catch in 1996 and 1997, or just 1997, in calculating the sideboard limit.**
- 2. Whether to base that limit as a percentage of statewide harvest or as a percentage of the PSC cap.**
- 3. Whether limit would apply only if joining a co-op.**

Groundfish sideboards for catcher vessels

- 1. Whether sideboard limits would apply only if joining a co-op.**
- 2. Whether to base sideboard limits on (a) percentage of groundfish harvest in non-pollock fisheries, (b) percentage of harvest in all fisheries, or (c) percentage of TAC in non-pollock fisheries.**
- 3. Whether limits would be based on catch history from 1995-1997, or 1992-1997.**
- 4. Whether limits would be applied and monitored at the vessel class level (across all catcher vessels), sector level, or co-op level.**
- 5. Whether limits would be absolute amounts, or temporal in nature; i.e., (a) only applied during the same time as normal open access pollock fisheries, using either the 1998 dates or the 1999 dates as modified by sea lion actions, (b) limited to the season (quarter or half year) in which catch history was earned.**
- 6. Whether to create sub-sideboard limits for (a) vessels which had minimal pollock landings (less than 1,000 - 5,000 mt from 1995-1997), and/or (b) subdivide the P. cod limit between those vessels which harvested mostly pollock during the A season (prior to March 1) and those that did not.**
- 7. Whether to exempt from sideboard limits (a) prior to February 1, those CVs that fish for motherships, (b) each CV sector for the number of days in excess of 5 that each sector's pollock season is closed by regulation during the month of February.**
- 8. Whether groundfish sideboards or PSC caps would close all fishing or just directed fishing for sideboard species.**
- 9. Whether to establish PSC limits for chinook salmon. PSC limits are apportioned pro-rata to groundfish catch, though Council requested information on vessel-specific and average bycatch rates, as well as information on bycatch needs assuming pelagic-only pollock trawling.**
- 10. For GOA, sideboards are prescribed as shown in C-1(a)(1), and the only options are: (a) whether to apply only if joining a co-op, (b) whether flatfish sideboards are based on halibut bycatch or actual target groundfish catch, and (c) whether all fishing stops upon attainment of limit or just directed fishing for non-pollock species.**

The Council's BSAI Co-op Implementation Committee met in Seattle on May 17-19 and has provided the report under Item C-1(a)(2). That report provides an overall recommendation, incorporating many of the decision points outlined above. Regarding the Council's request for a qualitative analysis of inshore co-op structure (including the Dooley-Hall proposal), an outside contract is being negotiated to conduct that analysis for Council consideration this October. A report on that process will be provided by staff at this meeting.

Non-sideboard decisions

In addition to sideboard measures, there are two decisions with regard to pollock allocations to co-ops - (1) whether to use the best 2 out of 3 years pollock catch history, rather than to all three years 1995-1997, and (2) how to 'compensate' vessels with catch history delivering to catcher processors. These issues are discussed in Chapter 10.

Chapter 4 discusses definitional issues between existing regulations and AFA, specifically the definitions of 'inshore' and 'offshore' components and use of the terms 'fish' vs 'groundfish'. Specifically, the decision points are:

1. Should the duration of the BSAI and the GOA programs, and the relevant definitions, be the same? Since the Council is scheduled to approve an amendment extending the GOA program through 2004, this question is answered.
2. Should definitions of directed pollock harvest be the same in the GOA and BSAI? Staff preference is 'yes'.
3. Should the 'shoreside processor' definition apply to the processing of 'fish' or 'groundfish'? Staff preference is that it apply to 'groundfish'.
4. Should the 'inshore' and 'offshore' definitions apply to all fishing for groundfish or to directed fishing for pollock in the BSAI, directed fishing for pollock or P. cod in the GOA, or both? Staff preference is for it to apply only to the I/O species.

Chapter 4 also contains discussion of the issue of 'single geographic location' (SGL) and associated issues. The specific decision points are:

1. Should inshore floating processors be restricted (or not) to a SGL during a fishing year in which they process directed fishing amounts of an I/O species? If so, should such restriction apply statewide or just within BSAI and GOA areas separately?
2. Should the definition of 'shoreside processor' be refined, for AFA purposes, to mean the physical plant of the processor? Staff preference is yes.
3. Should regulations limit an AFA shoreside processor to receive BSAI pollock only at the same physical location at which that processor's plants existed during the qualification years of 1996 and 1997?

Chapter 5 addresses potential co-op provisions proposed by the Council including: (a) limiting co-op agreements to a specified time period (1-6 years), (b) Prohibiting linkages in co-ops to delivery of non-pollock species, (c) require disclosure of catch and bycatch statistics (already required by statute), and (d) require contracts to be submitted by December 1.

Processor sideboards

The AFA provides general direction that the Council *"submit measures by July 1999 to protect processors not eligible to participate in directed pollock fishing from adverse effects as a result of this Act or fishery cooperatives in the directed pollock fishery"*. More specific guidance is provided with regard to crab processing sideboards, in essence calling for an aggregate crab processing sideboard limit for motherships and shoreplants which does not exceed their average level in 1995-1997, and uses the 10% ownership rule in determining associated entities. Based on this direction the Council established alternatives which would limit processing of non-BSAI pollock species to no more than historic levels, using the years 1995-1997, and examining the alternatives at the entity, corporate, and facility levels. Specifically, the decision points are:

1. Whether the sideboard limits would apply to entities (as defined by the 10% ownership rule), companies, or individual plant facilities.
2. Whether the limit would apply only to AFA-eligible facilities only, or to all facilities owned by an AFA-qualified company (or affiliated with an entity through the 10% rule).
3. Whether the limit would be aggregated across all processors, at the sector level (offshore, onshore, mothership), or at the individual level (either company or entity).
4. Whether to use the years 1995-1997 as the basis, or the years 1996 and 1997 only.

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5. Whether processing sideboard limits are intended to apply to offshore and mothership sectors as well as shoreside (section 211(c) of the AFA requires sideboard limits and excessive share caps for catcher vessels and shoreside processors specifically, though the analysis contains information for all processing sectors).

Ten basic options, which represent combinations of the above choices, are specifically analyzed in the document.

(b) AFA Conformance Measures

Separate analyses, including one for CDQ related measures (discussed below), were prepared for proposed FMP changes to conform with the AFA. Final action is scheduled for this meeting on three changes to the BSAI and GOA FMPs to conform with the American Fisheries Act. In April 1999, the Council approved the analysis for public review with no changes. The executive summary is attached as Item C-1(b). Changing the percentage allocations for pollock to conform the BSAI FMP with those allocations mandated by the Act through 2004 is the subject of Action 1. Changes to replacement restrictions for AFA-eligible vessels in the BSAI FMP is the subject of Action 2. While not mandated by the AFA, Action 3 conforms with Council intent to mirror the allocation sunset dates for pollock and Pacific cod allocations in the GOA and BSAI and results in a change to the GOA FMP. During its December 1998 discussions, the Council indicated that the proposed actions under Alternative 2 for Actions 1, 2, and 3 were its preferred alternatives.

ACTION 1. BSAI POLLOCK ALLOCATIONS

Alternative 1: No action.

Alternative 2: Change the current inshore/offshore directed pollock allocations in the Bering Sea/Aleutian Islands FMP to conform with those allocations mandated by the American Fisheries Act of 1998. *Preferred*

ACTION 2. GOA POLLOCK ALLOCATIONS SUNSET DATE

Alternative 1: No action.

Alternative 2: Extend the sunset date of the current pollock and Pacific cod allocations in the GOA FMP to conform with the date mandated for the Bering Sea/Aleutian Islands area in the American Fisheries Act of 1998. *Preferred*

ACTION 3. REPLACEMENT VESSELS IN THE BSAI DIRECTED POLLOCK FISHERIES

Alternative 1: No action.

Alternative 2: Change restrictions in the BSAI FMP to conform with replacement requirements for eligible vessels under the American Fisheries Act of 1998. *Preferred*

(c) MS-CDQ Program Conformance Measures

The Council is scheduled to take final action at this meeting on two actions to conform the BSAI FMP with the American Fisheries Act: 1) to define directed fishing for pollock in the MS-CDQ program and 2) remove squid from the program. In April, the Council approved releasing a revised analysis, which incorporated additional alternatives under Action 1, to the public.

The CDQ Implementation Committee met on May 21, 1999. The Committee recommended adding alternatives to the analysis to: 1) increase the percentage by haul for defining pollock directed fishing (above 40% threshold recommended in the analysis); 2) combine weekly threshold and annual limit by CDQ group; and 3) use a targeting algorithm for calculating halibut mortality. The committee did not have a recommendation on Action 1 during the meeting, but may recommend a preferred alternative this week. The committee did recommend Action 2, Alternative 2 to not allocate 7.5% of the BSAI squid TAC to the CDQ program. The revised analysis (including the Action 1 options recommended by the committee) was mailed on May 27; the alternatives and a brief discussion of each are listed below.

ACTION 1. Defining directed fishing for pollock CDQ

NOTE: Under Action 1, Alternatives 2 and 3 focus on a 40% threshold to evaluate the percentage of pollock in the total catch by haul, delivery, or week for purposes of defining directed fishing for pollock. However, the information presented in the analysis provides information about a range of percentage thresholds from 0% to 100%. Therefore, the analysis would support alternatives for different percentage thresholds.

Alternative 1: No Action. Do not amend 50 CFR 679 to be consistent with the requirements of the AFA.

This alternative cannot be selected under the AFA, because it would result in regulations that conflict with statute.

Alternative 2: Regulations currently in effect for 1999 under an Emergency Interim Rule

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

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

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

(1) For each haul by a catcher/processor, the round weight of pollock represents 40 percent or more by weight of the total round weight of all groundfish in the haul.

(2) For each delivery by a catcher vessel, the round weight of pollock represents 40 percent or more by weight of the total round weight of all groundfish delivered to the processor.

Alternative 3: Directed fishing for pollock CDQ would be based on the percent of pollock in all CDQ hauls for the weekly reporting period for a catcher/processor and in each CDQ delivery by a catcher vessel.

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

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

(1) For all CDQ hauls in a weekly reporting period by a catcher/processor, the round weight of pollock represents 40 percent or more by weight of the total round weight of all groundfish in the CDQ hauls.

(2) For each delivery by a catcher vessel, the round weight of pollock represents 40 percent or more by weight of the total round weight of all groundfish delivered to the processor.

Option 1: In conjunction with Alternative 3 (40% by week threshold), the amount of pollock that could accrue against the pollock incidental catch allowance would be limited to an annual amount which would be expressed as a percent of the total CDQ allocations for flatfish species groups for each CDQ group. The CDQ Implementation Committee, at its May 21, 1999, meeting, suggested that this option be added to the analysis to provide an upper limit on the amount of pollock incidental catch that would accrue against the pollock incidental catch allowance. The annual limit would be implemented together with the 40% threshold by week for catcher/processors and by delivery for catcher vessels. All of the pollock in each haul or delivery in which pollock was less than 40% of the total groundfish catch would accrue to the pollock incidental catch allowance until the annual limit was reached. Then, all of the pollock caught in the CDQ fisheries, regardless of whether pollock was less than 40% of the haul or greater than 40% of the haul, would accrue against the pollock CDQ allocation. This option was suggested by the CDQ Implementation Committee because NMFS expressed concern that a threshold of 40% by week could result in a significant increase in the projected catch of pollock that would accrue to the incidental catch allowance.

The CDQ Implementation Committee suggested that the annual pollock incidental catch limit for the CDQ fisheries would be a percentage of the CDQ allocations in which pollock was expected to be caught incidentally, which would be primarily the flatfish fisheries. In the example discussed at the Implementation Committee meeting, 20% of the annual CDQ allocations for flatfish would be the annual limit.¹ In 1999, that sum of the flatfish CDQ allocations is 41,945 mt² - 20% of this amount would be 8,389 mt of pollock.

Alternative 4: Directed fishing for pollock CDQ would be determined based on the predominant species in the total groundfish catch for each haul or delivery.

This alternative would define directed fishing for pollock in the same manner that target fisheries are determined to assign halibut bycatch mortality rates for the groundfish CDQ fisheries. The 1999 annual groundfish specifications identified twelve different trawl gear target fisheries, including midwater pollock and non-pelagic pollock. Each of these target fisheries has an assumed halibut bycatch mortality rate associated with it which is used to convert total halibut bycatch to halibut

¹20% was used in this example because it is the maximum retainable bycatch percent for defining directed fishing for pollock in the open access fisheries. However, the CDQ Implementation Committee noted that this percent may not be appropriate because, under Alternatives 3, pollock is being evaluated as a proportion of total catch in a week, not as a proportion of the retained catch onboard the boat.

²5,797 mt flathead sole, 9,000 mt rock sole, 15,598 mt yellowfin sole, and 11,550 mt of other flatfish for a total of 41,945 mt.

bycatch mortality. In the CDQ fisheries, the halibut bycatch mortality is then subtracted from the CDQ group's halibut prohibited species quota. In order to determine the appropriate halibut bycatch mortality rate to apply, the CDQ groups and NMFS classify each haul and delivery into one of these twelve target fishery categories on the basis of the predominant species in the total groundfish catch. Flatfish species are aggregated into one species group and the other species are aggregated into total allowable catch (TAC) categories, which may be a single species (e.g. pollock) or a species group (e.g. "other species"). Appendix A includes a table describing the target fishery classifications for assigning halibut bycatch mortality rates to all gear and target fisheries.

Under this procedure, a haul or delivery would be classified into one of the two pollock target fisheries based on the following criteria:

Midwater pollock if pollock is equal to or greater than 95% of the total groundfish in the haul by a catcher/processor or the delivery by a catcher vessel.

Non-pelagic pollock fishery if pollock is the largest percent of the total groundfish catch, but does not meet the 95% requirement for midwater pollock. The catch of pollock is compared to the aggregate of all flatfish species and to the catch of all other TAC species or species groups individually.

This approach to assigning a target fishery could be adapted to defining directed fishing for pollock CDQ by using the following definition:

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

(1) For each haul by a catcher/processor, the round weight of pollock represents the largest percent of the total round weight of all groundfish in the haul when compared to the aggregate of all flatfish species and to all other groundfish species based on their TAC categories.

(2) For each delivery by a catcher vessel, the round weight of pollock represents the largest percent of the total round weight of all groundfish in the delivery when compared to the aggregate of all flatfish species and to all other groundfish species based on their TAC categories.

Alternative 5: Directed fishing for pollock CDQ would be based on the retained catch composition during a fishing trip under the same regulations that define directed fishing for the non-CDQ fisheries.

The CDQ group would identify whether a vessel is directed fishing for pollock CDQ on the CDQ catch report.

For vessels directed fishing for pollock CDQ:

- All pollock caught would accrue against the CDQ group's pollock CDQ allocation regardless of the percentage of catch pollock represented.
- All pollock would be required to be retained under Improved Retention/Improved Utilization (IR/IU) requirements.

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For vessels not directed fishing for pollock CDQ:

- **No limit is placed on the amount of pollock that could be caught by vessels that are not directed fishing for pollock.**
- **The vessel would be prohibited from retaining in excess of the maximum retainable bycatch amount of pollock during the fishing trip. All pollock caught above the MRB amount would be required to be discarded under the IR/IU requirements.**
- **As long as the MRBs are followed, all pollock caught by these vessels would accrue against the pollock incidental catch allowance.**

ACTION 2. SQUID CDQ

Alternative 1: Status quo, continue to allocate 7.5% of the squid TAC to the CDQ Program and prohibit CDQ groups from exceeding their squid CDQ.

Alternative 2: Do not allocate 7.5% of the squid TAC to the CDQ Program. Squid caught while CDQ fishing would accrue against the non-CDQ squid TAC and the catch of squid would not limit the CDQ fisheries (unless the overall catch of squid reached an amount that would affect all BSAI fishing).

Report of the Scientific and Statistical Committee

The SSC acknowledged that although time constraints prevented a more thorough analysis of the sideboard issues under the American Fisheries Act, that staff responded to previous SSC comments and recommendations as much as time would permit. The SSC pointed out that due largely to the speed with which decisions are being made on these issues, the EA/RIR does not contain sufficient information to judge the relative benefits and costs of the different options for sideboard measures. They specifically disagreed with an assumption in the analysis that the sideboards will not have significant impacts because the measures are designed to preserve the status quo. Please see the SSC Minutes (Appendix II to these minutes) for more detailed comments.

Report of the Advisory Panel

The AP recommended the Council adopt the following measures:

Catcher Processor Sideboards

The AP reiterates its recommendation from November 1998:

Groundfish:

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

PSC Caps:

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

Catcher Vessel Sideboards

BSAI Groundfish Sideboards

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

BSAI PSC Sidebar Caps

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

GOA Groundfish Sideboards

1. Shall be based on vessel catch between 1995-97.
2. Shall be based on non-pollock groundfish catch in non-pollock targets as a ratio of the AFA vessels' catch to TAC.
3. Shall be based on the pollock catch in the pollock target as a ratio of the AFA vessels' catch to TAC, and shall be apportioned seasonally.
4. NMFS will determine the bycatch needs for pollock and non-pollock fisheries and allow for directed fishing for non-pollock target species such that the total catch of those species should not exceed the caps.

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5. Shall apply only to vessels that are members of co-ops under Section 210(a)(1) of the AFA.
6. Shall apply at the AFA-eligible catcher vessel sector level in 2000. However, NMFS shall publish the proportion of the cap represented by the aggregate catch history of the vessels in each co-op, and encourage the formation of an interco-op agreement to monitor the sub-division of the caps at the co-op level. NMFS shall require each co-op agreement to contain provisions that would limit its participants to their collective 1995-97 harvest in other fisheries.
7. Shall be applied throughout the year except vessels with less than 1700 mt of annual average pollock catch history shall be exempt from pollock and cod sideboards only.

GOA PSC Sideboards Caps

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

Crab Sideboards

1. Shall apply to vessels which are members of co-ops under Section 210(a)(1) of the AFA.
2. Shall limit participation in the:
 - a. St. Matthews and Pribilof king crab fishery to those vessels that are LLP qualified under Alt. 9, hold a LLP endorsement for that fishery, and that had a landing in 1995, 96 or 97, and will be capped at the average history 1995-97.
 - b. Opilio crab fishery to those vessels that are LLP qualified under Alt. 9, hold a LLP endorsement for that fishery, and that had a landing in 1995, 1996, or 1997, and will be capped at the average history 1995-97.
 - c. Bristol Bay king crab fishery to those vessels that are LLP qualified under Alt. 9, and hold a LLP endorsement for that fishery and be capped at the aggregate of 1995, 96, and 97.
 - d. Adak red king crab and brown crab fisheries to those vessels that are LLP qualified under Alt. 9, and hold a LLP endorsement for that fishery and be capped at aggregate of the last two years the fishery was open.
 - i. If bairdi is managed as a separate directed fishery, vessels that are LLP qualified under Alt. 9 and hold a LLP endorsement with a landing in 1995 or 1996 shall be eligible and capped at the average for those years.
 - ii. If bairdi is managed as retainable bycatch in a directed red king crab fishery, vessels that are LLP qualified under Alt. 9 and hold a LLP endorsement for that fishery shall be eligible.
3. Shall apply at the AFA CV sector level in 2000. However, NMFS shall publish the proportion of the cap represented by the aggregate catch history of the vessels in each co-op, and encourage the formation of an interco-op agreement to monitor the sub-division of the caps at the co-op level. NMFS shall require each co-op agreement to contain provisions that would limit its participants to their collective 95-97 harvest in Opilio, St. Matthews, and Pribilofs crab fisheries.
4. Crab sideboards shall apply as long as AFA is in effect.
5. Prohibit the sale, lease, transfer or stacking of LLP licenses or endorsements by AFA-eligible catcher vessels. In addition, any acquisition of a license/endorsement shall be subject to the aggregate cap and shall only increase the aggregate cap by the amount of the catch history of the acquired vessel's license.

Scallop Sideboards

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

Non-Sideboard decisions

Compensation in Shoreside Sector Co-ops

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

AFA Conformance Measures (Amendment 62/62)

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

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

Additionally:

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

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

Single Geographic Location

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

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CDQ Conformance Measures

Action 1: Defining directed fishing for pollock CDQ

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

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

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

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

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

Further, the AP requests that the amount of CDQ pollock counted against the ICA be identified by fishery and be revised by the Council annually.

Action 2: Squid CDQ

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

AFA Processor Sideboards

The AP was unable to provide the Council with a recommendation on this item as a single action.

DISCUSSION/ACTION

Catcher Processor Sideboards

Bob Mace moved to approve the catcher processor sideboards as recommended by the Advisory Panel in their June 10, 1999 minutes. The motion was seconded by Joe Kyle.

It was clarified that the motion included only the AP's recommendations on catcher processor sideboards for both groundfish and PSC caps.

Note: Wally Pereyra recused himself from all votes on the catcher processor sideboard measures. NOAA General Counsel explained that under the new recusal regulations, no affected individual may vote on any Council decision that would have a significant and predictable effect on a financial interest disclosed

in his or her financial disclosure report, or from other information received at a Council meeting. Because Mr. Pereyra has ownership of more than 10% of the vessels using the same gear type within the fishery in question, Ms. Lindeman determined that he should recuse himself on the catcher processor sideboard measures.

The following amendments and/or clarifications were made to the motion:

- Under Groundfish, item 1, add the following underlined text to the end of the parenthetical phrase: (for Pacific cod, 1997 only; for POP in the Aleutians, 1996 and 1997)
- Catcher processor sideboards for both groundfish and PSC caps are a package and disapproval of any component would be disapproval of the whole package and returned to the Council for further action. (Applicable to catcher processor sideboards only.)
- All sideboard calculations will be based on best estimates of landed catch.
- NMFS will manage all fisheries such that sideboards and PSC caps are not exceeded.

The amended motion failed on a tied vote of 5 to 5 (in favor: Mace, O’Leary, Pennoyer, Samuelsen, Lauber; against: Austin, Behnken, Benton, Fluharty, Kyle; Pereyra abstained).

The motion was subsequently brought up for reconsideration by Dave Benton and carried 8 to 2, with Austin and Fluharty voting against and Pereyra abstaining.

Catcher Vessel Sideboards

Bob Mace moved to approve the AP recommendations for catcher vessel sideboards. The motion was seconded and clarified and amended as follows:

- Shall apply to all AFA-eligible vessels, regardless of participation in a co-op (both BSAI and GOA).
- Delete the provision numbered 6.a. in AP recommendations, “Sideboards applying to the CV and P. cod allocation shall be lifted April 1. . .”.
- Clarify that catch history is “landed” catch history (throughout motion).

The amended motion carried, 7 to 2, with Austin and Pereyra voting against; Fluharty and Kyle were out of the room during the vote.

BSAI PSC Sideboard Caps

Bob Mace moved to adopt the AP recommendations for BSAI PSC sideboard caps. The motion was seconded by Dave Benton and carried without objection.

GOA Groundfish Sideboards

Bob Mace moved to adopt the AP recommendations for GOA groundfish sideboards. The motion was seconded and amended as follows:

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- Amend #7 under GOA Groundfish Sideboards, to add the following underlined text to the end of sentence: . . .shall be exempt from pollock and cod sideboards and from those Gulf groundfish fisheries in which they participated in 1995, 1996, or 1997.

The motion carried, 9 to 2, with Austin and Pereyra voting against.

GOA PSC Sideboard Caps

Bob Mace moved to adopt the AP recommendations for GOA PSC sideboard caps. The motion was seconded and carried without objection.

Crab Sideboards

Bob Mace moved to adopt the recommendations of the AP for crab sideboards. The motion was seconded by Joe Kyle.

Dave Benton moved the following substitute motion:

- A. Crab Sideboards shall apply to all AFA vessels.
- B. Bristol Bay Red King Crab (BBRKC)
 - 1. Those AFA vessels that hold a BBRKC endorsement shall be capped at their historic 2-year (95,96) average share of the total 95-96 harvest. These vessels shall be managed in the aggregate.
 - 2. This share of future catch shall apply to the pre-season BBRKC GHL.
- C. Opilio -- Exempt all AFA LLP Alternative 9 Tanner crab endorsed vessels from opilio sideboards if they harvested opilio more than 3 of 10 years (88-97).
- D. Bairdi
 - 1. No bairdi endorsements issued, which would eliminate all AFA vessels from the directed bairdi fishery.
 - 2. If there is a BBRKC fishery where bairdi bycatch is allowed for conservation reasons. The AFA Tanner crab endorsed vessels may retain bycatch bairdi.
- E. Prohibit the sale, lease, transfer or stacking of Crab LLP licenses or endorsements by AFA-eligible catcher vessels.

The motion was seconded and amended and/or clarified as follows:

- Clarified wording under 'Bairdi', #1, to read as follows: AFA qualified vessels that receive an LLP endorsement for bairdi cannot participate in the directed bairdi fishery. In addition, the following underlined wording is added: ". . .are excluding from participating in the directed bairdi fishery, except as follows: If and when the bairdi rebuilding goal is reached, the only AFA vessels allowed to participate would be those with catch history in 1995 or 96. These vessels would be capped at their aggregate historic catch for 1995-96."

- AFA LLP Alternative 9 vessels holding an LLP endorsement for either the St. Matthews or Pribilof king crab fishery, and had a landing in that fishery in 1995, 96, or 97, may participate in that fishery. For Adak red king crab and brown crab fisheries, a qualified vessel which had a landing in the last two years the fishery was open may participate in those fisheries.

The motion, as clarified and amended, carried unanimously.

Mr. Benton advised the Council that the State will convene an industry workgroup to discuss implementation of crab sideboards and report back to the Council, possibly during the joint meeting with the Alaska Board of Fisheries.

Scallop Sideboards

Bob Mace moved to adopt the recommendations of the AP with regard to scallop sideboards. The motion was seconded and carried without objection.

Processor Sideboards

Linda Behnken moved that it is the Council's intent to develop and implement processor sideboards as required by American Fisheries Act (AFA) and that an industry committee be established to work with state and federal managers to resolve implementation issues as outlined in the very complex chapter that staff has provided on processor sideboards. As direction to the committee, the sideboards should be applied to all AFA facilities at the company level, except for those facilities that are owned and operated by a CDQ group. These sideboards should be applied on a year-round basis to all pollock and non-pollock groundfish species. The motion was seconded and modified or clarified as follows:

- The "directions to the committee" (everything after the first sentence) were deleted. Council discussion clarified that while these may be the main focus, the committee should not be constrained in their discussions of alternatives. The committee would not be restricted to processor "sideboard issues," but could consider any AFA issues relating to processors.
- The committee would be broad based and include representatives of both AFA and non-AFA processors, AFA and non-AFA fishermen, and fishery managers and analysts. The committee would provide a report to the Council and public by September 15, in preparation for the Council's October 1999 meeting.

The amended motion carried without objection.

Excessive Share Limits

Dave Benton moved to adopt the AP recommendation that the Council will publish notice that it intends to move forward with an analysis for excessive shares and may not recognize processing history after the date of the passage of the American Fisheries Act. The motion was seconded by Linda Behnken.

Dennis Austin moved to amend to use June 12, 1999 as the control date. The motion was seconded by Wally Pereyra and failed, 8 to 3, with Austin, Mace and Pereyra voting in favor.

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The main motion carried, 9 to 2, with Austin and Pereyra voting against.

During a discussion of timing for the analyses and implementation of crab processor sideboards, staff pointed out that the Act requires implementation on January 1, 2000. This timing will only allow analysis and implementation of the measures currently in the AFA. If the Council wishes to change those measures, a trailing amendment will be required.

Dave Benton moved to request that staff review the current AFA analysis for processor sideboards, paying particular attention to crab processing sideboards and to supplement the analysis, if necessary, to assure adequate analysis of crab processor sideboards to consider at the October meeting, and to ask NMFS to provide the Council the opportunity to comment on the draft regulations for crab processor sideboards, which will go forward as prescribed in the AFA, at the October meeting. The motion was seconded and carried, 9 to 2, with Mace and Pereyra voting against.

Under discussion of this subject, **Dennis Austin moved that, in absence of preemptive concerns on the part of the Board of Fisheries, that the Council petition the Board to rescind the recent changes in the opening date for the Bristol Bay red king crab fishery as well as the stand-down provisions, in light of action taken by the Council to achieve most of the objectives and concerns of the Board when they implemented those measures. The motion was seconded by Wally Pereyra and failed, 8 to 3, with Austin, Mace and Pereyra voting in favor. Council members felt that because the Council and Board have already agreed to a joint meeting to discuss these issues, it would be premature to petition them at this time.**

Non-Sideboard Provisions

Single Geographic Location

Bob Mace moved that the Council clarify that AFA-eligible inshore processors may only receive BSAI pollock at the same physical location at which that onshore processor received BSAI pollock during the qualifying years of 1996 and 1997. The motion was seconded carried without objection.

Wally Pereyra pointed out that if a processor is in a cooperative arrangement the Council should not be concerned about where they process pollock because the amount they can take is fixed. **Mr. Pereyra moved to amend the motion to apply only when a vessel is not in a cooperative arrangement. The amendment was seconded and carried without objection.**

The main motion, as amended, carried without objection.

After receiving further information and advice from NOAA General Counsel, **Kevin O'Leary moved to reconsider the motion. The motion to reconsider carried with Mace objecting (Pereyra was out of the room for this vote).**

Kevin O'Leary moved to approve the original motion, without the Pereyra amendment. The motion was seconded and carried without objection.

Later in the meeting, Dennis Austin moved to reconsider his vote on this motion. The motion to reconsider carried, however, a motion to re-instate Wally Pereyra's original amendment failed, with Austin and Pereyra voting against.

Compensation in Shoreside Sector Co-ops

Bob Mace moved to adopt the AP recommendations to (1) Provide compensation to vessels with offshore history greater than 499 tons (as per Table 10.5 in the analysis); and (2) Utilize the best 2 of 3 years to determine the share of the inshore pollock allocation each vessel brings to a co-op. The motion was seconded by Joe Kyle and carried without objection.

The entire final action on sideboards and the general provisions approved above were brought up for reconsideration later in the meeting. The approved actions were reaffirmed on the reconsideration vote which carried without objection.

The Council's final action on this agenda item is included in Appendix III to these minutes.

AFA Conformance Measures (Amendments 62/62)

Bob Mace moved to adopt the staff preferred alternatives, as follows:

Action 1: BSAI Pollock Allocations: Change the current inshore/offshore directed pollock allocations in the BSAI FMP to conform with those allocations mandated by the AFA of 1998.

Action 2: GOA Pollock Allocations Sunset Date: Extend the sunset date of the current pollock and Pacific cod allocations in the GOA FMP to conform with the date mandated for the BSAI in the AFA of 1998.

Action 3: Replacement Vessels in the BSAI Directed Pollock Fisheries: Change restrictions in the BSAI FMP to conform with replacement requirements for eligible vessels under the AFA of 1998.

The motion was seconded by Joe Kyle.

NMFS staff advised the Council that at this time there are some concerns with the action recommended for replacement requirements (Action 3) because of possible conflicts between the LLP program and AFA provisions.

The motion was amended to delete Action 3 from consideration at this time. The amended motion carried without objection.

Other clarifications of intent were:

- Conforming the definitions of directed pollock harvests in the GOA and BSAI so they are the same.
- Substituting the term "groundfish" for "fish" in the AFA definition of "shoreside processor."
- Applying the inshore/offshore restrictions only to directed fishing for pollock in the BSAI and GOA and directed fishing for Pacific cod in the GOA. However, for the purpose of GOA catch accounting, all processors will be categorized "inshore" or "offshore."
- Clarify that "shoreside processor" for purposes of Section 208(f) of the AFA means only the physical facility or vessel which processed pollock in the qualifying years 1996 and 1997, and not the entire corporate entity which owns or controls that facility or vessel.

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CDQ Conformance Measures (BSAI Amendment 66)

Bob Mace moved the AP recommendations for Action 1: Defining directed fishing for pollock CDQ, as follows:

Adopt Alternative 2 (regulations currently in effect for 1999 under an Emergency Interim Rule), changed as follows:

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

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

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

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

Additionally, The amount of CDQ pollock counted against the incidental catch allowance (ICA) is to be identified by fishery and be reviewed by the Council annually.

The motion was seconded and carried without objection.

Linda Behnken moved to reconsider. The motion for reconsideration carried without objection.

Linda Behnken moved to amend the last statement of the motion to read: The Council requests that the amount of CDQ pollock counted against the ICA is to be identified by fishery and CDQ group, and be reviewed by the Council annually. It is the Council's intent that the CDQ groups make every effort to insure that the incidental catch of pollock in non-pollock fisheries does not exceed historic catch levels. The motion was seconded and carried without objection.

Bob Mace moved to adopt the AP recommendation for Action 2 - Squid CDQ: Do not allocate 7.5% of the squid TAC to the CDQ program. Squid caught while CDQ fishing would accrue against the non-CDQ squid TAC and the catch of squid would not limit the CDQ fisheries (unless the overall catch of squid reached an amount that would affect all BSAI fishing). The motion was seconded and carried, 9 to 2, with Austin and Pereyra voting against.

Other Measures

Co-op Agreements

Linda Behnken moved that co-op agreements may be of 1 to 6 years duration depending on the sector, provided that all co-op agreements are annually reviewed by the Council. The motion was seconded by Dave Benton and carried without objection.

Linda Behnken moved to require co-op agreements, regardless of duration, be submitted to the Council by December 1 of the year preceding fishing under the co-op. The motion was seconded and carried without objection.

Dave Benton moved that the Council would advise that co-op agreements should not require a co-op member vessel to deliver non-pollock species to that co-op; and that co-op agreements should require disclosure of catch and bycatch statistics, in conformance with the AFA. The motion was seconded by Linda Behnken and carried without objection.

It was suggested that co-op agreements should include a clause that would indicate that co-op member vessels could not be "required" to deliver non-pollock species to that co-op.

C-2 Steller Sea Lions

ACTION REQUIRED

Final review of amendment package for implementation in 2000. Emergency action for second half of 1999.

BACKGROUND

Independent Review

The Council requested that an independent panel review the scientific basis for NMFS conclusions that the proposed 1999-2002 pollock fisheries were likely to jeopardize the continued existence of the western population of Steller sea lions and adversely modify its critical habitat. The panel consisted of world renowned marine mammal scientists, and was chaired by W. Don Bowen (Bedford Institute of Oceanography, Nova Scotia, Canada). The panel met in public sessions April 26-28 at the Alaska Fisheries Science Center. Their conclusions are contained in the Executive Summary of their report (Item C-2(a)). The full report is available on the Council's web site.

Final Action for 2000; Emergency Rules for Rest of 1999

In December, the Council reviewed the Biological Opinion (Section 7 consultation) from NMFS, which concluded with a 'Jeopardy Finding' relative to the pollock fisheries in both the BSAI and the GOA. In order to allow these fisheries to be prosecuted in 1999, the Council took emergency action to implement measures consistent with NMFS' proposed Reasonable and Prudent Alternatives (RPAs). The RPAs, in summary, proposed spatial and temporal distribution of the pollock fisheries as well as additional closure areas around specific rookery and haul-out sites used by sea lions. For the BSAI, the Council's actions included: (1) separating the pollock fisheries into four seasons (A1, A2, B, and C seasons), with a limit of 30% of the total TAC coming from any one season; (2) reducing the overall roe season fishery to 40% of the annual total TAC; (3) limiting the overall A season removals from the sea lion critical habitat area/catcher vessel operational area (CH/CVOA) to 62.5% of the total

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TAC for those seasons; (4) eliminating a directed pollock fishery in the Aleutian Islands subarea; and, (5) expanding closure areas around rookery and haul-out sites. For the GOA, the Council also created four seasons with limits on the percentage of the TAC which can be taken from any one season, expanded the closure areas around rookery and haul-out sites, and established a 300,000 pound trip limit for pollock in the western and central Gulf areas.

These measures were implemented by emergency rulemaking for the first half of 1999. At the June 1999 meeting, the Council will need to take final action on permanent regulations to protect Steller sea lions for 2000 and beyond, as well as adopt additional emergency rules for the second half of 1999. The Council's motion from the April meeting is included as Item C-2(b).

Report of the Scientific and Statistical Committee

The SSC pointed out that there is no unequivocal evidence to suggest that the pollock fishery has had detrimental effects on the sea lion population. In a statement of concern, the SSC stated, ". . .there is no scientific way to choose the appropriate suite of management measures to balance ESA concerns with the needs of the fisheries. It may be that the most important thing to do is to set up a system for the future that better allows us to understand the relationship among the fisheries, the various species and their interconnections, and the environment." The SSC also stressed that it is important to ensure that management measures be designed and implemented in such a way that their efficacy can be determined. If uniform management measures are implemented across all areas, it will be impossible to identify which, if any, are responsible for mitigating the decline of Steller sea lion populations. In addition to pursuing adaptive management, the SSC recommended that a workshop be held to brainstorm possible adaptive designs. See the SSC Minutes, Appendix II to these minutes, for detailed comments on the analysis.

Report of the Advisory Panel

The Advisory Panel had the following specific recommendations:

Gulf of Alaska

2.5 Options for Temporal Dispersion in the GOA

2.5.1 Options for season dates and TAC apportionments

Option 3 (as amended in table below):

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

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

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

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

2.5.3 Options for trip limits in the GOA

Catcher Vessel Trip Limits

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

Tender vessel trip limits

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

2.6 Options for spatial dispersion in the GOA

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

2.7 Options for pollock no-trawl zones in the GOA

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

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

Bering Sea

Temporal Dispersion Package

Inshore Sector Seasons

A1 season — Jan 20 - Feb 15

Stand down 5 days

A2 season — Feb 20 - April 15

B season 1999 — August 1 until quota achievement

B-C standdown 5 days inside CH/CVOA

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

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

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Mothership Sector Seasons

- A1 and A2, single season — Feb 1 - April 15
No standdown between A1 and A2
- B and C season, single season — Sept 1 - Nov 1
No standdown inside CH/CVOA
Operate only outside CH/CVOA during other sector B-C standdown

Catcher Processor Sector Seasons (including 7 catchers)

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

CDQ Sector Seasons

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

Pollock Allocation RPAs Package

AFA Allocations Apply.

Seasonal Allocations by Sector

Seasonal TAC apportionments

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

CH/CVOA Percentages

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

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

General

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

Sarichef Steller sea lion haulout

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

Aleutian Islands

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

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

DISCUSSION/ACTION

NOTE: Council members Mace and Pereyra left the meeting before the Steller sea lion issue was addressed.

Joe Kyle moved to approve the recommendations of the Advisory Panel. The motion was seconded by Robin Samuelsen.

The following motions were made to modify the AP recommendations:

- Under Section 2.5.2, Seasonal Exclusive Area Requirements, **Kevin O’Leary moved to exempt vessels under 125 ft from the provisions of exclusive registration in Areas 620 and 630, with a line at 157°E. The motion was seconded by Robin Samuelsen and carried, 8 to 1, with Samuelsen voting against.** Mr. O’Leary explained that smaller vessels with little catch history in the Bering Sea need to be able to participate in the Gulf of Alaska fisheries in order to survive. It was clarified that Area 610 will remain an exclusive registration area.
- Under Section 2.5.3, Trip Limits in GOA, **Linda Behnken moved to request that NMFS and enforcement consider options to allow expanding the trip limit to some sort of multi-trip cap, or seasonal basis, and allowing some overage on a trip basis (e.g., 10%), providing they do not exceed the multi-trip cap. The motion was seconded by Dave Benton and carried without objection.** Enforcement for vessels making a single trip would be the dealt with in the normal way. It was clarified that this is Council advice and intent for NMFS to consider.
- Under Section 2.6, Spatial Dispersions in the GOA, it was clarified that this would apply to the A and B seasons only.
- Under Section 2.7, Tim Ragen (NMFS) advised that the AP’s recommendation would not be in compliance with the RPAs. **Linda Behnken moved to implement the trawl exclusion zones as specified by the RPAs. The motion was seconded by Steve Pennoyer, and failed, 7 to 2, with Behnken and Pennoyer voting in favor.** Dave Benton pointed out that there are already a significant

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number of closures in the area, and seasonal exclusive registration should help disperse effort. The Council will also be taking measures in the BSAI that will contribute to the overall suite of measures.

- Under Section 2.7 in the AP recommendations, **sections (b) and (c) were amended to use the 60 ft length limit only after NMFS staff advised that the trip limits and the 10% removal limit would be difficult to manage under the current reporting system.**
- Although the Council voted to exempt eight areas from the trawl exclusion zones, Council members stressed that they want to be sure that these actions do not cause further decline. Uncertainty of data was one reason mentioned for exempting these areas. However, the Council requested that NMFS very carefully monitor the 1999 removals for those areas and report back at the February 2000 Council meeting on rates of removals from these areas and provide comments on the effects that any removals may have on the overall recovery of the Steller sea lion.
- There would be a year-round 20-mile closure around the Cape Sarichef Steller sea lion haulout.
- Regarding Prince William Sound haul-outs, it was pointed out they are under the management of the Alaska Board of Fisheries and the Council's recommendations would only be advice to the Board. Council members agreed to send a letter to the Board identifying all Council actions taken with regard to Steller sea lions and encouraging the Board to review those actions and consider complementary or coordinated actions to address endangered species concerns. In addition, the letter would express the Council's support for the current Board proposal to reduce pollock harvests in the Pt. Elrington/The Needles area.
- 1 November to 19 January - continued closure in the Bering Sea with extension to Gulf.
- Seasonal caps: 30% of the annual TAC.
- A1/A2 versus B/C split: 40/60.
- Rollovers would be allowed to the extent consistent with seasonal cap and areal apportionment (CH/CVOA).
- Retain the Aleutian Islands closure.
- Under "Bering Sea, Temporal Dispersion Package," the stand-down between A1 and A2, and between B and C seasons, would be 7 days for the Inshore Sector. Beginning and ending dates would be adjusted by NMFS to reflect the 7-day standdown period.
- Under "Bering Sea, Temporal Dispersion Package," for the Catcher Processor Sector, adopt a 7-day standdown, between the A1 and A2 season in the CH/CVOA; no standdown between the A1 and A2 season outside the CH/CVOA, with a sector-specific maximum daily catch rate of 2,000 metric tons.
- Under "Bering Sea, Temporal Dispersion Package," for the Mothership Sector, add the provision for no standdown outside the CH/CVOA from Feb. 15-22, with a daily maximum catch rate of 2,000 metric tons.

- For the CDQ Sector, 7 day standdown between A1 and A2 seasons, with no standdown outside the CH/CVOA, with the maximum daily catch rate of 2,000 mt, from Feb. 15-22.
- With regard to maximum daily catch rates, Council intent is that NMFS, in consultation with industry, may adjust maximum daily catch rates for each sector to comply with RPAs. (For example, option is to agree to that maximum daily catch rate throughout the A1/A2 seasons, or take the stand-down.) This would only apply to outside CH/CVOA stand-downs. Inside the CH/CVOA, stand-downs would remain.
- After discussion and motions, the Pollock Allocation RPAs Package was amended to read as follows:

AFA Allocations Apply.

Seasonal Allocations by Sector

Seasonal TAC apportionments

	A1	A2	B	C
Inshore	27.5%	12.5%	30%	30%
C/P	27.5%	12.5%	30%	30%
Mothership	40%		60%	
CDQ	45%		55%	

Area Allocations by Sector

CH/CVOA Percentages 1999

	A1	A2	B	C
Inshore	56%	56%	45%	63%
C/P	33%	33%	0%	0%
Mothership	50%		0%	
CDQ	82.5%		56%	

CH/CVOA Percentages 2000

	A1	A2	B	C
Inshore	56%	56%	27%	45%
C/P	33%	33%	0%	0%
Mothership	50%		0%	
CDQ	82.5%		37%	

NOTE 1: Phase-in reduction in total B/C season CH/CVOA removals (B season 25% in 1999 and 15% in 2000 - C season 35% in 1999 and 25% in 2000.

NOTE 2: B to C rollovers permitted but not to exceed 30% directed pollock allocation in any season

This final motion carried, 7 to 2, with Behnken and Samuelsen voting against (with Mace and Pereyra absent).

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Dennis Austin moved to request NMFS to report at the December meeting on adaptive management strategies and to conduct a workshop related to that effort in late summer or early fall to assist the agency in drafting an adaptive management plan. The motion was seconded by David Benton and carried without objection.

Final Council action on this agenda item is found in Appendix IV to these minutes.

C-3 Pacific Cod Fixed Gear Allocations

ACTION REQUIRED

Initial review of EA/RIR/IRFA for release to public review.

BACKGROUND

In April the Council developed alternatives that would apportion the fixed gear BSAI Pacific cod allocation among freezer longliners, longline catcher vessels, and pot gear vessels (or all longline and pot vessels). The non-CDQ Pacific cod TAC in the BSAI is currently allocated 51 percent to fixed gear, 47 percent to trawl gear, and 2 percent to jig gear. Only the portion of the BSAI Pacific cod TAC that is allocated to fixed gear vessels is being considered as part of this amendment package. Four alternatives (plus sub-options) are currently under consideration by the Council, in addition to the status quo. The options are based on various catch history combinations from the years 1995-98 (Table 1). While the Council only selected four main alternatives, it has the latitude to select any allocation percentage that falls within the range of the options being considered. For example, if the Council wanted to allocate 20 percent of the fixed gear quota to pot vessels and 80 percent to longline vessels, they would have that option available.

Table 1: Distribution of Pacific cod catch (in mt) within the fixed gear sector, excluding roll-over catch.

Options (Years)	Freezer Longliners			Longline Catcher Vessels			Pot		
	Vessels	Catch	%	Vessels	Catch	%	Vessels	Catch	%
#1: (96, 97)	44	197,490	79.2%	36	402	0.2%	129	51,541	20.7%
#2: (97, 98)	42	200,393	85.4%	26	234	0.1%	123	34,082	14.5%
#3: (96-98)	48	285,555	81.6%	42	421	0.1%	154	64,037	18.3%
#4: (95-98)	53	374,193	81.6%	59	1,182	0.3%	193	83,130	18.1%

Source: ADF&G Fishtickets and NMFS Blend data 1995-98.

If the catch that occurred because a portion of the trawl or jig gear allocation was rolled over to fixed gear vessels is included with the above figures, it will increase the longline vessel's percentage of historical catch by about 1 percent and decrease the pot vessel's percent of catch by the same amount. Both methods of calculating historical catch are included in the EA/RIR/IRFA. Using the allocation percentages above, the 1999 TACs, and an ex-vessel price of \$0.30 per pound, the four alternatives would result in the following catches and revenues by sector. Selecting the two most recent years of complete data (option #2) would result in the pot vessels receiving the smallest allocation (9,946 mt). Option #1 would allocate pot vessels the largest allocation (14,152 mt). It is estimated that these allocations would result in the pot vessels generating \$6.6 and \$9.4 million in

ex-vessel revenue, respectively. The longline fleet is expected to generate between \$36.9 and \$38.8 million annually under these options.

Table 2: Estimates of BSAI Pacific cod catch and revenue, based on 1999 TAC.

Options	Freezer Longliners			Longline Catcher Vessels			Pot		
	%	Catch	\$ Mil	%	Catch	\$ Mil	%	Catch	\$ Mil
#1: (96, 97)	79.2%	54,238	\$36.8	0.2%	110	\$0.07	20.7%	14,152	\$9.4
#2: (97, 98)	85.4%	58,485	\$38.7	0.1%	69	\$0.05	14.5%	9,946	\$6.6
#3: (96-98)	81.6%	55,882	\$37.0	0.1%	82	\$0.05	18.3%	12,536	\$8.3
#4: (95-98)	81.6%	55,903	\$37.0	0.3%	178	\$0.12	18.1%	12,419	\$8.2

Assumptions: Price of \$0.30 per pound for all sectors and the 1999 TACs continued into the future.

Future roll-overs of jig or trawl apportionments would be allocated by the same formula used to divide the fixed gear Pacific cod quota. Which means if the fixed gear allocation was divided using option #1, then any roll-overs would also be allocated 79.2 percent to freezer longliners, 0.2 percent to longline catcher vessels, and 20.7 percent to pot vessels.

The Council also included a provision stating that during each year an allocation of Pacific cod between the components of the fixed gear sector that is under Council consideration is not implemented, the Council would, at the time it adopts final groundfish specifications in December of the prior year, apportion 10 percent of the BSAI Pacific cod fixed gear TAC to the second trimester, and apportion no halibut PSC to the second trimester. This provision would allow only pot vessels to target Pacific cod in the second trimester of the year.

Information that is currently available on the 1999 fishery has also been included in the document, but the Council has noticed members of industry that catch from that year would not count towards the allocation. Excluding 1999 from the catch history calculations is expected to discourage fishermen from increasing their effort in the Pacific cod fishery, in an effort to improve their personal or their sector's catch history. Also using a partial year's catch in this analysis may lead to misleading results, since longline vessels harvest a greater percentage of their catch in the early part of the year when compared to pot gear vessels.

If this document is deemed adequate for public review, a final decision on this amendment package will be scheduled for the October Council meeting in Seattle. At that same meeting an initial review of the follow-up amendment to limit the number of vessels eligible to participate in the BSAI cod fishery is also expected to be available. The options to be included in that amendment package were provided to the staff by the Council at the April meeting.

Report of the Scientific and Statistical Committee

The SSC felt that the analysis should not be released for public review until several issues are resolved, the analysis revised, and the SSC has the opportunity to review the revisions. They suggested the document be provided to the SSC for a review by teleconference prior to release. See the SSC Minutes, Appendix II to these minutes, for specific comments on the analysis.

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Report of the Advisory Panel

The Advisory Panel had several recommended changes and additions, including the SSC's recommendations, to be incorporated into the analysis prior to public review. They suggested the analysis be revised and made available for additional review at the October Council meeting, prior to being released for public review and comment. See AP Minutes, Appendix V to these minutes.

DISCUSSION/ACTION

Kevin O'Leary moved to approve the following problem statement for the Pacific cod allocation analysis:

The hook and line and pot fisheries for Pacific cod in the BSAI are fully utilized. Competition for this resource has increased for a variety of reasons, including increased market value of cod products and a declining ABC/TAC.

Longline and pot fishermen who have made significant long-term investments, have long catch histories, and are significantly dependent on the BSAI cod fisheries need protection from others who have little or limited history and wish to increase their participation in the fishery.

This requires prompt action to promote stability in the BSAI fixed gear cod fishery until comprehensive rationalization is completed.

The motion was seconded by Joe Kyle and carried without objection. (Pereyra and Mace had left the meeting.)

Kevin O'Leary moved to send the analysis out for public review after incorporating AP and SSC comments, to the extent possible in order to provide enough time for public review before the October Council meeting. The motion was seconded by Joe Kyle.

Steve Pennoyer pointed out that even if the Council takes final action in October, implementation may not occur prior to the season opening because of other amendments in progress.

Linda Behnken moved to amend the Advisory Panel recommendation to add an option for a set-aside for catcher vessel longline vessels less than 60', of up to 2%, with rollover provisions to include the following two options for analysis:

- up to 2% of the TAC, and (b) 2% of the fixed gear quota.

The motion was accepted as a friendly amendment and the main motion, as amended, carried unanimously (with Mace and Pereyra absent).

C-4 Magnuson-Stevens Act Reauthorization

ACTION REQUIRED

Discussion of potential reauthorization issues.

BACKGROUND

The Magnuson-Stevens Act is up for reauthorization in 2000. It is looking more and more likely that there will be some House oversight hearings this summer in July. The topic also will be on the Council Chairmen's meeting scheduled for the end of June in Rhode Island. Item C-4(a) has recommendations from the Gulf and Pacific councils and Alaska Marine Conservation Council. NMFS also is working up their recommendations, but they may not be available until the chairmen's meeting. We should take public input on any burning issues in our area and then be prepared to carry forward to the chairmen's meeting, those issues deemed important by the Council.

This agenda item was not addressed because of a lack of time.

D. FISHERY MANAGEMENT PLANS

D-1 Groundfish Amendments

ACTION REQUIRED

- (a) Council discussion of Halibut Mortality Avoidance Program (HMAP) pilot program.
- (b) Review experimental fishery permit for AFDF bait test project.
- (c) Review NOAA GC opinion on DSR retention and reconsider previous action.
- (d) Electronic shoreside catch reporting. (This item postponed to a future meeting.)

BACKGROUND

(a) HMAP Pilot Program

In April 1999, the Council reviewed a proposal from Groundfish Forum to develop a HMAP pilot program for the 2nd quarter GOA deepwater flatfish fishery and the BSAI July 'O Flatfish' fishery. The Council initiated analysis of a regulatory amendment to implement a HMAP pilot program. Some preliminary analysis has been completed, but there are a number of issues that still need to be analyzed, especially issues dealing with implementation and monitoring. NMFS staff will be on hand to discuss these issues.

Note that the proposer requested that regulations be in place for a pilot program in the 2000 fisheries. To meet this request, initial and final review would need to occur at the October meeting. The proposal from Groundfish Forum is attached as Item D-1(a)(1).

(b) AFDF Bait Test Project

The Alaska Fisheries Development Foundation (AFDF) has applied to NMFS for an experimental fishing permit (EFP) pursuant to their ongoing project 'Development of a New, Functionally Enhanced, Longline Bait Fabricated from Alaskan Seafood Waste'. The project addresses at least two key fisheries issues - selective fishing methods and seafood waste utilization. Phase I of that project included bait development and lab testing on captive fish, while Phase 2 requires field trials under commercial fishing conditions. Because these field trials are scheduled to take place in July and September in the Central Gulf of Alaska, and cod fisheries will be closed to directed fishing at that time, a permit is required. The applicants are also seeking permits from the State of Alaska to allow for field trials in the State water fisheries (which only allow pot and jig gear currently), but are seeking the federal permit to give additional flexibility to the field trial locations. The process for NMFS to grant the EFP includes consultation with the Council. If approved by the Council there is no guarantee that the necessary paperwork can be completed in time for the July field trials (and the

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applicant would have to rely on a State water permit), but likely could be completed in time for the September test fishery.

Item D-1(b) is a copy of the request to NMFS, including a project description and research plan. Specific project objectives for Phase 2 are listed on page 2-3 of the plan. In addition to testing the viability and desirability of the bait under commercial fishing conditions, species selectivity of the bait is also an important factor. The timing is for one 8-day trial in mid-late July, with a 12-day trial expected in September/October. The expected requirements of the project are 10,000 to 20,000 pounds of Pacific cod (the target species), 500 to 1,000 pounds of red rockfish, and 4,000 to 12,000 pounds of halibut bycatch (this is a high estimate, noting that the contracted vessel would have halibut IFQs to cover and retain the halibut). If the halibut were not covered by IFQs, total mortality of discarded halibut would be 400 to 1,200 pounds (assuming a 10% mortality rate). The applicants are requesting retention and sale of all marketable catch under the EFP, while a State permit would require discarding of the catch (other than halibut covered by IFQ).

(c) DSR Retention

At its February 1999 meeting, the Council adopted a motion to recommend that NMFS implement a regulatory change to require full retention of demersal shelf rockfish (DSR) by federally permitted vessels in the GOA fixed gear fisheries by: (1) eliminating the maximum retainable bycatch limit for DSR; (2) requiring full retention of DSR by federally permitted vessels in the fixed gear fisheries in the GOA Regulatory Area 650; (3) permitting fishermen to sell an amount of retained DSR that is up to, but not more than, 10 percent of other retained catch; and (4) after DSR has been landed, weighed and reported on a fish ticket, requiring fishermen to surrender the excess to the State. Further, the Council noticed its intent that surrendered fish would not accrue to catch history in the event of development of a license limitation or IFQ fishery for this rockfish assemblage and that surrendered fish should be handled so as to be fit for human consumption (food grade quality).

At the time of the vote, NOAA General Counsel reported to the Council that it would provide an opinion as to whether, as stated in part (4) above, the recommended Council action, mandatory surrender of DSR in excess of the permitted amount to the State, was authorized by the Magnuson Act and consistent with other applicable law. Lauren Smoker, NOAA GC staff, will present that opinion. The Council may wish to reconsider its February 1999 decision. The public review version of the analysis is attached as **Item D-1(c)**.

Report of the Scientific and Statistical Committee

The SSC had no comments on the HMAP proposal at this time, and expressed no objection to AFDF's request for an experimental fishery permit.

Report of the Advisory Panel

The Advisory Panel recommended the Council move the HMAP analysis forward for initial review during the summer and final action in October, for implementation in 2000. The AP expressed support for the AFDF request for an experimental fishery permit.

DISCUSSION/ACTION

(a) HMAP Pilot Program

Linda Behnken moved to approve the AP recommendation to move forward with an analysis for review and final action in October, with the intent of implementation in 2000. The motion was seconded and carried without objection. (Mace and Pereyra absent.)

(b) Experimental Fishery Permit

Linda Behnken moved to express support for AFDF's request for an experimental fishery permit for their bait test project. The motion was seconded and carried without objection. (Mace and Pereyra absent.)

(c) NOAA GC Opinion on DSR Retention

The Council was advised by Lauren Smoker, NOAA GC-Alaska Region, that the Council cannot require mandatory surrender of excess demersal shelf rockfish, and recommended the Council's previous action be amended to give fishermen options for dealing with excess DSR.

Linda Behnken moved to rescind action previously taken on retention of demersal shelf rockfish. The motion was seconded by Robin Samuelsen and carried without objection. (Mace and Pereyra were absent.)

Linda Behnken moved to substitute the following language for Paragraph (D) of the previously approved options for retention of demersal shelf rockfish.

- (D) Fishermen may do one or all of the following amounts of DSR that are in excess of the amount that may be sold:**
- (1) voluntarily surrender to the State of Alaska amounts of DSR that are in excess of the amount that may be sold;**
 - (2) retain amounts of DSR that are in excess of the amount that may be sold for personal use; or**
 - (3) donate amounts of DSR that are in excess of the amount that may be sold to a state-recognized charity that provides meals for the homeless, the needy, the sick or infirm, or the elderly.**

The motion was seconded by Robin Samuelsen and carried without objection. (Mace and Pereyra were absent.)

Ms. Behnken stressed that the regulations should make it be very clear that the fish must be weighed prior to any processing to attain the goal of ensuring accurate accounting of fish.

D-2 Crab Management

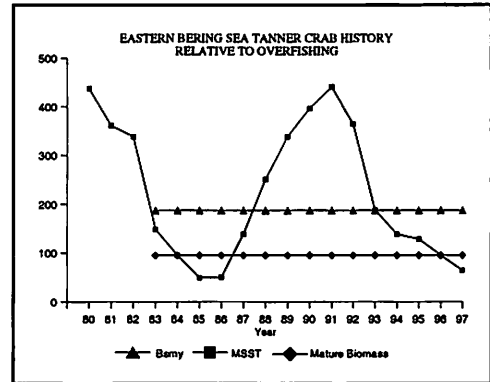
ACTION REQUIRED

Initial review of Bering Sea Tanner crab rebuilding plan.

BACKGROUND

Tanner Crab Rebuilding Plan

The Bering Sea Tanner crab (*C. bairdi*) stock was declared “overfished” on March 3, 1999, because the 1997 *C. bairdi* spawning biomass (64.2 million pounds) was below MSST (94.8 million pounds of biomass; see adjacent figure). The stock has continued to decline in 1998, with spawning biomass estimated to be 36.9 million pounds.



Section 304 of the Magnuson-Stevens Act requires that a rebuilding plan be developed within one year of an overfishing determination. The national standard guidelines further require a rebuilding period less than 10 years unless dictated otherwise by life history characteristics.

A draft rebuilding plan was distributed in March. In April, the SSC reviewed the draft and recommended that the time required to rebuild the stock to the Bmsy level be modeled. A revised analysis was distributed on May 19, 1999. An executive summary of this analysis is attached as Item D-2(a).

At this meeting, the Council is scheduled to initially review the analysis. Final action is scheduled for October.

Report of the Scientific and Statistical Committee

The SSC noted that because of imposed national guidelines, the analysts made their calculations for rebuilding on a stock recruitment relationship that they admit is questionable. The SSC suggested that although the approach taken in the document is a reasonable effort to address national guidelines, there are some modifications to the approach that could lead to an improved analysis. With modifications, the SSC recommended the analysis be released for public review. Please see the SSC Minutes, Appendix II to these minutes, for specific suggestions for revisions to the analysis.

Report of the Advisory Panel

The AP recommended the Council release the analysis for public review, with the following inclusions:

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

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

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

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

DISCUSSION/ACTION

Linda Behnken moved to send the analysis out for public review after incorporating SSC suggestions and adding the first two Advisory Panel recommendations. In addition, include an option under Bycatch Controls, Option 2, as follows:

1. Analyze .5% of the bairdi population with the maximum PSC limit of 2 million Tanner crab.

In addition, expand the discussion of habitat impacts, including fishing impacts, and bycatch on stocks at these reduced levels to the extent possible without delaying distribution of the document for public review. The motion was seconded by Robin Samuelsen and carried without objection. [Mace and Pereyra were absent.]

Earl Krygier advised that he would put together a meeting with crab and trawl industry participants to explore ways and/or areas to reduce impacts on bairdi crab. Interested Council members and Council staff would be included in the meeting.

E. ADJOURNMENT

Chairman Lauber adjourned the meeting at approximately 4:00 p.m. on Monday, June 14, 1999.