


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke
Executive Director 

DATE: September 29, 1998

SUBJECT: Staff Tasking

ESTIMATED TIME
4 HOURS

ACTION REQUIRED

- (a) Review status of current tasking.
- (b) Review groundfish and crab proposals and task staff accordingly.

BACKGROUND

(a) Current Tasking

Item D-6(a) is an updated list of current Council management actions, including regulatory amendments, plan amendments, reports, and Committee meetings. These existing projects, along with continued work on Senate Bill 1221 and other pending actions such as implementation of license limitation, redeveloping funding options for the Observer Program, developing fees for the IFQ program, and analysis of halibut charterboat GHL and moratorium alternatives, will keep the staff pretty busy between now and next spring. NMFS has also identified four additional housekeeping amendments that staff are preparing internally to address changes to CDQ regulations, IFQ regulations, electronic reporting, and GOA gear requirements. The Council has already had some discussion this week regarding actions needed by the Council and NMFS to implement provisions of Senate Bill 1221, and needs to keep those in mind as we look at new proposals.

(b) 1998 groundfish and crab proposals

The BSAI and GOA Plan Teams, Crab Plan Team, and Essential Fish Habitat Core Team reviewed 38 groundfish and 1 crab proposal submitted for 1998. Plan Team recommendations are provided under Item D-6(b). A limited number of copies of the entire proposal package are available for your inspection. Of the 39 proposals, eleven proposals were ranked high, three were ranked moderate/high, one was ranked as moderate, one was ranked as moderate/low, and 16 were ranked as low priorities. Seven proposals were ranked as being in progress.

Council staff also prepared a handout that will be available by the end of the week that summarizes these proposals in a thematic fashion and incorporates comments, ranking, and workload estimates from Council staff, NMFS staff, ADF&G staff, Groundfish Plan Teams, Crab Plan Team, Ecosystem Committee, and Essential Fish Habitat Core Team. The handout groups the proposals into ten descriptive categories. Staff is available to review these proposals and provide additional comments.

STATUS OF COUNCIL TASKING

October 2, 1998

<u>ACTION</u>	<u>STATUS</u>	<u>TASKING</u>
REPORTS:		
1 IFQ Weighmaster Report	Disc Paper in Oct 98	NMFS Enforcement/IPHC
2 IR/IU Progress	Report in Oct 98	NMFS
3 Pollock/Yellowfin Sole Scales & Bins	Report in Dec 98	NMFS
MAGNUSON-STEVENSON ACT REQUIREMENTS:		
1 IFQ/CDQ Fee Program	Progress Report in Oct 98	NMFS
2 North Pacific Loan Program	Funds available in June 98	NMFS
3 Essential Fish Habitat Amendments	Submitted to SOC review Oct 2, 98	NMFS
4 Catch/Bycatch Measurement	Report in Oct 98	NMFS/ADF&G/Council
5 Bycatch Reduction Amendment Package	Report from VBA Committee in Oct 98	Council/NMFS/ADF&G/VBA Committee
6 Groundfish Over-fishing Definitions	To be submitted to SOC review Oct 7, 98	NMFS
7 Crab/Scallop O/F Definitions	Undergoing Region review	NMFS
REGULATORY AMENDMENTS:		
1 Halibut Subsistence Program	Final Action in Feb 99	Council/NMFS/IPHC
2 GOA P. cod/ATF MRBs	Final Action in Dec 98	Region
3 Sablefish Rolling Closures	Final Action in Oct 98	Region/Center
4 IFQ Amendments Indirect Ownership Revise Sablefish Use Limits Review Change in Corp/ Partnerships	Final Action in Oct 98	Council/Region

5	Sitka Sound Local Halibut Plan	Council Approved Feb 98 PR being prepared at Region	NMFS
6	Local Area Halibut Plans	As necessary	Council/ADF&G/BOF
7	IR/IU Regulatory Amdmt Pkg	In preparation. Review Oct 98	NMFS
8	GOA DSR Retention in IFQ Fisheries	Review in Oct 98	NMFS/ADF&G/Council
PLAN AMENDMENTS:			
1	SR/RE Bycatch Allocations	Effective July 22, 1998	
2	Comp. Rationalization Plan (a) LLP Amendments (b) BSAI Pollock IFQ Prgm (c) IBQs/VBAs	(a) Final Action in Oct 98 (b) On hold (c) Committee Report in Oct 98	Council/Region Council/Committee/Region/ ADF&G
3	Delegate Mgmt Authority to State/Scallop	Effective July 14, 1998	ADF&G
4	Scallop License Limitation	Initial Review in Oct 98	Council/Region/ADF&G
5	Groundfish Plan Update	On hold	Council/Region
6	Streamline Spec Process	Council Approved April 1998 PR pending	Region
7	Inshore/Offshore 3	Submitted to SOC Review 9/4/98 NOA published 9/16/98	NMFS
8	Observer Program	Review in October 1998	Center/Region/Council
9	VIP Program for <i>C. bairdi</i> in BSAI cod fishery	On hold pending other priorities	Council/NMFS
10	Reauthorize Pollock CDQ Allocations	PR published 9/3; comments due by 10/19/98	Council/NMFS/ADF&G
11	W/C GOA Stand-down	FR effective Sept 9, 1998	NMFS
12	Limited Processing for Catcher Vessels	Included in LLP amendments; Final action in Oct 98	Center/Region/Council
13	Chinook Salmon PSC	Initial review in Oct 98	ADF&G/Council
14	Vessel Registration	Submit in 1999	Council/NMFS

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| 15 | Bottom Trawl Gear Prohibition/BSAI Pollock | Proposed Rule being prepared in Region | NMFS |
| 16 | Vessel Moratorium Ext. | Submitted to SOC 9/8/98
PR being reviewed in WDC | NMFS |
| 17 | Cape Edgecumbe Pinnacle Closure | PR being prepared in Region | NMFS |
| 18 | GOA Fair Start | Review in October 1998 | NMFS/Council |

OTHER ACTIONS:

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|---|------------------------------|---|----------------------|
| 1 | Halibut Charter Control Date | 6/24/98 Control Date published in FR 6/24/98 | |
| 2 | Halibut GHL | "Notice of Inquiry" published in FR March 10, 1998
GHL Committee Report & Council Discussion in Dec 98 | Council/ADF&G/Region |
| 3 | Crab Vessel Buyback Program | Council will consider further development in Oct 98 | Council/Industry |

COUNCIL COMMITTEES:

- | | | |
|----|-------------------------------|------------------------------------|
| 1 | Observer Advisory Committee | Met Sept 23-24 |
| 2 | Ecosystem Committee | Will meet Oct 7 |
| 3 | Crab Rebuilding Committee | Meet as necessary |
| 4 | Enforcement Committee | Meet as necessary |
| 5 | VBA Committee | Met May 13 |
| 6 | HMAP/IVCP Committee | Met May 14 |
| 7 | IFQ Implementation Team | Meet as necessary |
| 8 | W/C GOA Mgmt Committee | Met by teleconference Sept 25 |
| 9 | IR/TU Monitoring Committee | Met Sept 21; teleconference Nov 23 |
| 10 | Socio-economic Data Committee | Will meet Oct 6 |
| 11 | Halibut GHL Committee | Met June 19; next mtg early Dec |
| 12 | CDQ Implementation Cmtee | Met Sept 11 |
| 13 | BOF/Council Committee | Met July 29 |

Groundfish Plan Team review of 1998 amendment proposals received through September 11							
No.	Proposal	Proposer	Area	Amendment	Effect*	Rank	Time
Groundfish Bycatch Management							
6	prohibit the use of IR/TU species as fishmeal as a primary product	Groundfish F	both	plan	B	M	L
14	decrease PSCs by 5, 7.5, or 10% annually over 5 years	AMCC	both	regulatory	B	M/L	
17	require retention of shorttraker/rougheye rockfish bycatch in IFQ fisheries	ALFA	GOA	regulatory	C	H	L
26	donate proceeds of trawl halibut for research; prohibit non-pelagic trawling	GOA CCC	GOA	regulatory	A	L	L
27	ensure prohibited species bycatch mortality is assigned to correct target	NMFS/AKRO	both	regulatory	E	H	L
37	reduce MRB for SR/RE and thornyhead rockfish to 7%	NMFS/AKRO	GOA	regulatory	B	H	M/H
39	avoid closure of CDQ pollock fishery from bycatch of squid, 'other species'	CDQ Comte.	BSAI	plan	E	H	L
Crab Bycatch Management							
3	extend State water ban on non-pelagic trawling in Cook Inlet to EEZ	ADF&G	GOA	regulatory	C	H	
7	create additional trawl closure areas due to high opilio bycatch rates	Hillstrand (2)	BSAI	plan	B	L	M
8	create additional trawl closure areas due to high bairdi bycatch rates	Hillstrand (2)	BSAI	plan	B	L	M
9	subdivide crab zones 1 & 2 and red king, tanner and snow crab PSCs	Hillstrand (2)	BSAI	plan	B	L	M
10	create Bristol Bay closed area to tanner & bairdi trawls & scallop dredge	D. Hillstrand	BSAI	plan	B	L	M
28	count PSC crab by weight instead of numbers	fraser	BSAI	plan	B	M/H	
LLP amendments/Capacity Reduction							
4	amend LLP to create species endorsements for target fisheries	Groundfish F	BSAI	plan	A	L	M
29	amend LLP/allow use of mid-water trawls E of 140 W in rockfish&pollock	fraser	GOA	plan	A	M/H	
30	develop comprehensive IFQ program for groundfish and crab	fraser	both	plan	E	H	
34	amend the LLP to create species endorsements for the pollock fishery	fraser	both	plan	A	L	M
35	develop options for a permit buyback program for BSAI crab fisheries	Blue	Crab	plan	E	P	
Observer Program changes							
1	adjust observer requirements for vessels > 60 ft in IFQ program	FVOA	both	regulatory	E	L	L
2	adjust observer requirements in trawl fisheries	AGDB	both	regulatory	E	L	L
GOA pollock and Pacific cod management							
20	adjust CGOA pollock trimester allocation to: 37.5 (min.)/25 (max.)/37.5 %	AGDB	GOA	regulatory	E	P	
21	limit delivery&processing of trawl-caught groundfish within Areas 620-640	AGDB	GOA	regulatory	A, E	L	
32	limit catcher vessels in CGOA pollock fisheries to <125 ft	ADA	GOA	plan?	A	L	
33	synchronize Central GOA (620-630) pollock openings with BSAI openings	ADA	both	regulatory	A	P	
Other Fishery Management							
5	start third quarter trawl fisheries on first Sunday after July 4	Groundfish F	both	regulatory	E	H	L
18	allocate sablefish: 95% to fixed gear, 5% to trawl gear	Clipper Sfd.	BSAI	plan	A	L	
25	framework season starts in fixed gear Pacific cod fishery	NPLA	BSAI	plan	E	L	
38	start CDQ trawl fisheries on January 1	CDQ Comte.	BSAI	plan	E	L	
Habitat Areas of Particular Concern							
11	identify locations of living substrate in shallow and deep water	AMCC	both	plan	H	H	M
12	analyze seamounts/pinnacles, ice edge, shelf breaks, etc. for HAPC desig.	AMCC	both	plan	H	H	H
13	establish framework procedure to assess impacts on specific HAPC sites	AMCC	both	plan	H	H	M/H
16	designate three specific places as HAPC	AMCC	both	plan	H	H	M/H
19	establish a no fishing zone to protect bairdi crab critical habitat	J. Steele	BSAI	plan	H	L	
31	establish process to identify HAPC for red king crab and c. bairdi in Kodiak	UFMA	GOA	plan	H	M/H	
Marine Mammal Concerns							
15	limit percent allocation, temporal closures, etc. in pollock 'A' season	AMCC	BSAI	regulatory	B	P	
22	extend application of trawl exclusion zones and reduce pollock TAC	Gpeace/AOC	GOA	plan	B	P	
23	seasonal/area closures, yr-round CVOA, close AI, reduce pollock TAC	Gpeace/AOC	BSAI	plan	B	P	
24	extend application of trawl exclusion zones to protect Steller sea lions	Gpeace/AOC	BSAI	plan	B	P	
Essential Fish Habitat							
36	spread bycatch discards over wide area to eliminate bottom putrefication	N. Hillstrand	both	regulatory	B	L	

A=allocation, B=bycatch reduction, C=conservation, E=efficiency, H=Habitat Area of Particular Concern, P=in progress, NA=not applicable

Review of HAPC Proposals

Essential Fish Habitat Core Team

The Essential Fish Habitat (EFH) Core Team met on September 14 to review amendment proposals regarding EFH and habitat areas of particular concern (HAPC). The Council had issued a call for proposals to amend fishery management plans to improve management of the fisheries. The call for proposals highlighted the need to further amend FMPs to identify HAPC and establish conservation measures to minimize, to the extent practicable, adverse impacts from fishing on HAPC. A total of six HAPC proposals were submitted by the public prior to the deadline. These proposals were numbered based on the order they were received.

During review of the proposals, the Team discussed how plans would be amended in the future to identify HAPC. The problem stems from a lack of information on location of HAPC types. For example, living substrates in shallow water is an HAPC type, but information on the distribution of kelp, eelgrass, rockweed, bryozoans, mussels, etc., is far from complete. So the question was, do we amend the plan each time new areas are located, or do we just define HAPC as habitat types? The Team believes that the plan should define HAPC as habitat types, similar to the way the current EFH amendment package identifies three such habitat types. Hence, any location that contains these habitat types are considered HAPC, even if we don't know exactly where they exist at this time. Under this approach, the FMPs would be amended to include descriptions of habitat types as HAPC, and could include maps showing the known distribution of these habitat types, based on current information.

The Core Team's review of each proposal is provided below. Note that these are not National Marine Fisheries Service recommendations, but instead, just recommendations from the Core Team including Council staff.

Proposal 11 This proposal seeks to identify those areas where living substrate in shallow and deep water occur in the BSAI and GOA. Living substrates in shallow and deep waters were identified as HAPC types in the EFH amendment package. The next step is to locate where these types exist so that further protection measures, if necessary, can be implemented. The Core Team supports analysis of this proposal, and that this analysis should be done as part of a comprehensive package.

Proposal 12 This proposal seeks to add several additional habitat types as HAPC, including seamounts/pinnacles, ice edge, shelf break, and biologically consolidated fine-grained sediments. The proposers have provided scientific justification and references in support of this proposal. The Team agrees that these habitat types may qualify as HAPC. Consequently, the Core Team supports analysis of this proposal, and that this analysis should be done as part of a comprehensive package.

Proposal 13 This proposal establishes a procedure to assess potential adverse impacts to HAPC. This would be accomplished by overlaying areas of potential adverse impacts on known HAPC locations, so as to determine if there are any gaps in habitat protection. This process will be required before any steps can be taken to minimize potential adverse impacts. Although the proposal suggests that the public propose protection measures, the Core Team felt that it would be more appropriate for the Team to initially develop alternatives for consideration. The Team agrees that this proposal is a logical step in the identification of adverse impacts on HAPC, but noted that information on the whereabouts of HAPC habitat types is incomplete. That stated, the Core Team supports analysis of this proposal, and that this analysis should be done as part of a comprehensive package.

Proposal 16 This proposal seeks to nominate three specific places (PWS black hole, Chirikov Basin, and Kodiak red king crab areas) as HAPC. The proposers have provided scientific justification and references in support of this proposal. The Team believes that these specific areas, if indeed HAPC, should fall out of analysis of proposals 11 and 13. However, the PWS black hole may be just one of a whole other HAPC habitat type not previously considered. As such, the Core Team recommends that this proposal, particularly the nomination for the PWS black hole, be given some consideration in a comprehensive HAPC analysis.

Proposal 19 This proposal seeks to establish a "no fishing zone" in a specified area of the Bering Sea. The stated objective of the proposal is to protect critical habitat for *C. bairdi* crab. The Team believes that "no fishing zones" may be appropriate to protect EFH in some situations, but noted that the proposed location did not overlay EFH identified for *C. bairdi*. The Team further noted that the Crab Plan Team reviewed this proposal and determined that *C. bairdi* were widely distributed over mud and silt substrates, and that the distribution shifted from year to year. The Core Team was apprised of the upcoming rebuilding plan for this crab stock and suggested that some aspects of this proposal be given consideration in the rebuilding analysis.

Proposal 31 This proposal would establish the Kodiak red king crab areas as HAPC. These areas likely contain some shallow water living substrate, an HAPC habitat type identified in the EFH amendment package. The Team believes that these areas were originally developed to address both bycatch and crab habitat concerns, and therefore may not be adequate, per se, as HAPC. The Team believes that the lines drawn on the map for these areas may not adequately describe the shallow water living substrate found in the area and used by red king crab. This information may become available as part of the analysis of proposal 11. An issue was raised about defining HAPC for red king crab, given that this is not an FMP species. It was noted that these areas cannot be designated as HAPC just because GOA crab occur there. However, the Team believes that HAPC identified (shallow water living substrate) may be ecologically important for a number of FMP managed species in addition to crab. If not appropriate for designation as HAPC, managers are not precluded from taking action under the GOA groundfish FMP to protect crab habitat from potential fishing gear impacts. The Core Team recommends that this proposal be given some consideration in a comprehensive HAPC analysis.

A comprehensive analysis of HAPC proposals has been suggested by the Core Team. This analysis will require considerable staff time. NMFS and ADF&G habitat staff will be required to produce maps showing the known distribution of HAPC components already defined (e.g., eelgrass, kelp, corals) and those being proposed (e.g., biologically consolidated sediments, seamounts/pinnacles). This may require significant efforts to find the information, format the data, and produce charts, in addition to the normal development of an EA/RIR package.

In summary, the majority of those proposed changes fall into the following categories: (1) they are being addressed through other means and require no regulatory change, or (2) they relate to changes being evaluated through the more comprehensive program review, and are premature.

The OAC recommended to proceed with the following proposed changes: (1) base plant coverage on weekly reporting period instead of monthly; (2) establish housing standards for shore plant observers; and allow sharing of shore plant observers, except for pollock fisheries.

The OAC had discussions, but no specific recommendation, regarding the four proposals from NMFS.

LLP/Comprehensive Rationalization

Five industry proposals were submitted to address allocation issues in the groundfish fisheries. One was ranked high and one was ranked as medium/high priority. The crab buyback program was ranked as in progress, but staff have not yet been tasked to prepare this analysis. The Council is also scheduled to take final action at this meeting on several changes to the LLP, one of which will directly affect the buyback program. Staff will also need to evaluate the impacts of Senate Bill 1221 on the current LLP.

4. Add species endorsement to LLP (Groundfish Forum). This BSAI plan amendment proposal addresses allocation issues. The Plan teams noted that this measure has previously been considered by the Council in the original LLP (Amendments 39/41).
PLAN TEAM RANK: LOW **STAFF WORKLOAD: MEDIUM/HIGH**

34. Species endorsement for pollock fishery (Fraser). This BSAI and GOA plan amendment proposal addresses allocation issues. The Plan Team noted that this measure has previously been considered by the Council in Amendments 39/41.
PLAN TEAM RANK: LOW **STAFF WORKLOAD: MEDIUM**

29. Allow use of MW trawl gear east of 140° in rockfish and pollock fisheries (Fraser). This is a GOA plan amendment addressing allocation issues. The Plan Teams noted that this action might result in a redistribution of POP removals by allowing pelagic trawls in the directed fishery, and that this gear has very little bycatch (95% of the target is POP).
PLAN TEAM RANK: MEDIUM/HIGH **STAFF WORKLOAD: MEDIUM**

30. Establish IFQs for groundfish and crab (Fraser). This is a BSAI and GOA plan amendment proposal addressing economic efficiency issues. This proposal seeks to amend the crab and groundfish FMP to develop a comprehensive IFQ system for these fisheries. The Crab Team supports this proposal in that it addresses overcapacity and the race for fish. The Team noted, however, that there might be other options available for crab fishery management, such as individual transferrable pot quotas (ITPQs). The Groundfish Plan Teams noted that this proposal would address many other allocative groundfish proposals. They noted that the analysis could be ready for final action in time for the expiration of the Congressional moratorium on IFQs.
PLAN TEAM RANK: HIGH **STAFF WORKLOAD: HIGH**

35. Adjustments for crab buyback program (CRAB Group). This is a generic proposal suggesting that amendments be prepared as necessary to attain consistency between the crab FMP and the permit buyback program for the BSAI crab fisheries. A business plan for the buyback program has already been developed by industry and awaits further Council action on license limitation prior to moving ahead. The Team agreed that reducing capacity of the fleet would be beneficial (additional comments are provided in the Crab Team minutes). The Plan Teams noted that the CRAB Group's Business Buyback Plan would simplify analysis of alternatives.
PLAN TEAM RANK: IN PROGRESS **STAFF WORKLOAD: MEDIUM**

- Proposals 4 and 34 are similar and could be combined into a single analytical package for Council consideration for final action at the June 1999 meeting. In general, Proposal 34 is currently included in S. 1221. Proposal 4 is broader, but some of the concerns presented by the proposal's author may be relieved by the spillover provisions in the current S.B. 1221 draft. (Darrell Brannan, Chris Oliver, and Chuck Hamel).
- Proposal 29 is unrelated to the above two proposals but could also be included in the analysis or prepared separately. It would revise an action taken by the Council under LLP which eliminated all trawling east of 140°W longitude. Council staff would likely prepare this EA/RIR for final action at the June 1999 meeting (Darrell Brannan, Chris Oliver, and Chuck Hamel).
- Proposal 30 would be a separate analysis and could not be implemented until the moratorium on new IFQ programs is lifted (October 1, 2000). Given the complexity of an IFQ program for all species, it is not likely that such a program could be implemented before that date even if the analysis were started immediately. Council staff (Darrell Brannan, Chris Oliver, and Chuck Hamel) would likely prepare this EA/RIR with help from both the NMFS Region and Center, as well as outside consultants. A multi-faceted project, this would likely take through the end of 1999 to complete. Note that Bering Sea pollock fisheries were the latest focus of the Council relative to IFQs, and the pollock fisheries were just addressed by S.B. 1221.
- Proposal 35 would also be a separate analysis. The crab industry has been working towards achieving consensus on details of the buyback plan, but action by the Council at this meeting may affect the details of the buyback plan. The Council may wish to pursue amendments to make the LLP consistent with the buyback plan, or they may wish to keep the FMP as it is and request that the buyback plan be altered to conform. If FMP amendments are sought, an analysis could be brought to final action at the June 1999 Council meeting, depending on the extent of such amendments. Regardless, staff will have to work this winter to prepare the necessary analyses of the buyback plan itself, prior to submittal of that plan to the SOC. Council staff (Chris Oliver, Darrell Brannan, Chuck Hamel) would likely have responsibility for these analyses, with some assistance from NMFS.

Groundfish Bycatch Mitigation

Eight proposals were submitted to reduce or manage bycatch in the open access and multi-species CDQ fisheries. Three were ranked as high priority (two were agency proposals), and one was ranked as medium/high priority.

3. Extend ban on non-pelagic trawling to Cook Inlet to protect crab (ADFG). This is a GOA regulatory amendment submitted by the State of Alaska so that federal and state regulations would conform to address conservation of the GOA crab stocks. The Joint NPFMC/BOF Committee requested a high priority for this proposal.
PLAN TEAM RANK: HIGH **STAFF WORKLOAD: LOW**
6. Prohibit the production of fish meal from IR/IU species in the BSAI and GOA as a primary product (Groundfish Forum). This plan amendment would address bycatch reduction and may have some allocative impacts due to the different processing abilities of vessels. The Plan Teams noted that this action may result in further reducing the harvest of small pollock and cod.
PLAN TEAM RANK: MEDIUM **STAFF WORKLOAD: LOW**
14. Phase-in PSC reductions (AMCC). This is a BSAI and GOA regulatory amendment proposal to reduce bycatch. It proposes to decrease all prohibited species catch limits by 5, 7.5, or 10% each year in the BSAI and GOA. The Plan Teams noted that this proposal conforms with MSA requirements to reduce bycatch. The Crab Team noted that crab bycatch limits were only recently reduced, and

were driven by industry negotiations (allocative decisions). At this time, the Team does not have conservation concerns about the bycatch level of red king crab. The Team also feels that the current *C. opilio* caps should be in place for a few years, then re-evaluated for possible changes. Regarding *C. bairdi*, the team will address all sources of mortality, including PSC bycatch, as part of the rebuilding plan. In general, the Team felt that the proposed reduction was generic, and that bycatch limits should be based to some extent on population abundance. Team members further noticed that there were other options available to reduce bycatch (such as VBAs).

PLAN TEAM RANK: MEDIUM/LOW STAFF WORKLOAD: HIGH

17. Require retention of rougheye and shortraker rockfish as bycatch in IFQ fisheries (ALFA). This is a GOA regulatory amendment proposal and aims to reduce and increase accounting of bycatch. The Plan Teams noted that this proposal should also include thornyheads and other rockfish, and should also be expanded to apply to the BSAI. They noted that higher reported removals may close other fisheries.

PLAN TEAM RANK: HIGH STAFF WORKLOAD: LOW

26. Sell Halibut PSC by GOA flatfish trawl fleet; phase out non-pelagic trawling (GOA CCC). This is a GOA plan amendment proposal to allow retention of trawl halibut bycatch in the GOA and donate proceeds of its sale to a fund for research and to phase out non-pelagic trawling in the GOA. If approved, it should also be expanded to the BSAI. Not all halibut are dead when caught by trawls and may result in increased halibut bycatch mortality. This proposal took the place of the agenda item to address concerns expressed by the Gulf Coastal Communities Coalition.

PLAN TEAM RANK: LOW STAFF WORKLOAD: HIGH

27. Ensure prohibited species bycatch mortality is assigned to a correct target fishery (NMFS). This is a BSAI and GOA regulatory amendment submitted by NMFS for a housekeeping change to correct regulatory inconsistencies and improve future analyses. The Teams identified no fisheries impacts.

PLAN TEAM RANK: HIGH STAFF WORKLOAD: LOW

28. Shift to weight based system for accounting crab bycatch in BSAI (Fraser). This BSAI plan amendment would address bycatch reduction by changing PSC limits for crab from a number-based limit to a weight-based limit. The Crab Team supports the weight-based concept, as it minimizes impacts to crab when the population is composed of large animals, and also minimizes potential costs to the industry when there are large numbers of small animals. However, the Plan teams and Crab Team noted that such a system may require re-prioritizing observer duties.

PLAN TEAM RANK: MEDIUM/HIGH STAFF WORKLOAD: MEDIUM/HIGH

36. Disburse discard over large area (Hillstrand). This is a regulatory amendment to both plans to spread bycatch discards over a wide area to eliminate bottom putrefaction. The Teams noted that the proposal addressed real concerns of unknown biological impacts by discharges, but that this proposal was more appropriate for changes to EPA regulations.

PLAN TEAM RANK: Not Applicable STAFF WORKLOAD:

37. Reduce GOA MRB for shortraker/rougheye and thornyhead rockfish (NMFS). This is a plan amendment proposal to reduce MRBs for GOA shortraker/rougheye rockfish and thornyhead rockfish to 7%.

PLAN TEAM RANK: HIGH STAFF WORKLOAD: MEDIUM/HIGH

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Proposal 3 could be analyzed by ADF&G staff.

Proposal 28 would require a significant change in observer duties, as observers would be required to measure and weigh crab. Data required to analyze this proposal may not be available at this time. If the Council wishes to proceed with this analysis, a discussion paper could be prepared for the February meeting (David Witherell and Bill Karp).

Proposal 6 for an IR/IU change was discussed at length during the original IR/IU amendment process where it was decided to allow meal as a primary product. It could be prepared by NMFS SF staff for final action at the June 1999 meeting.

Proposals 14 would be a significant economic/allocation issue with attendant complex analyses, and would require significant time from either Council or NMFS economists. It is unlikely that this analysis could be completed before late in 1999 (depending on whether other major projects are pursued).

Proposal 17 to retain IFQ bycatch is an unrelated action, but could be combined with an October 1998 initial review document on a similar analysis for DSR. Council and ADF&G staff would likely prepare this EA/RIR.

Proposal 26 to retain and sell halibut trawl bycatch would be prepared by Council staff.

Proposal 27 is a housekeeping amendment and would be prepared by NMFS SF staff.

Proposal 36 was deemed not applicable to the Council proposal cycle.

Proposal 37 to reduce GOA rockfish MRBs could be combined with a 1997 proposal approved last year by the Council to changes GOA arrowtooth and Pacific cod MRBs. NMFS SF staff would likely prepare this EA/RIR.

Crab Bycatch Closures

Four plan amendment proposals to close BSAI fishing grounds were submitted by industry and ranked as low priorities by the Plan Team.

7. Study and close areas of high *opilio* crab bycatch to trawling in BSAI (Hillstrand/ERA). This proposal seeks to create trawl closure zones in areas of high *C. opilio* bycatch rates. Crab Team members were concerned about movement of *C. opilio* crab. Survey data indicate that this stock can have widespread distribution, and the centers of concentration shift annually. Hence, an area that appears to be a low bycatch area this year may contain a lot of snow crabs next year, and vice-versa. The Team was also concerned about tradeoffs with other PSC's by shifting the fleet into other areas. Most Team members felt that the PSC cap approach was adequate to control snow crab bycatch.
PLAN TEAM RANK: LOW **STAFF WORKLOAD: MEDIUM.**
8. Close areas of high *bairdi* bycatch to trawling and dredging in BSAI (Hillstrand). This proposal seeks to create trawl closure zones in areas of high *C. bairdi* bycatch rates. Many of the comments for proposal 7 apply. The team noted that more information on Tanner crab bycatch will be generated from the rebuilding analysis, and ideas from this proposal could be incorporated.
PLAN TEAM RANK: LOW **STAFF WORKLOAD: MEDIUM.**
9. Divide zones 1 and 2 and allocate crab PSCs among new areas (Hillstrand/New ERA). This proposal seeks to subdivide the bycatch limitation zones into smaller management areas. The Crab Team noted that a possible drawback of this would potentially limit the fleet from avoiding areas of high bycatch. Also, because the distribution of crab changes, small areas with specific bycatch limits could potentially create a worse situation for bycatch, and add to the management costs for the groundfish fleet. That said, the Team agreed that bycatch limitation zones for Tanner crab should be examined in the analysis of the *C. bairdi* rebuilding plan. If information warrants splitting the stock into two separate stocks, bycatch management zone boundaries may need to be changed.
PLAN TEAM RANK: LOW **STAFF WORKLOAD: MEDIUM.**

10. Create Bristol Bay closed area to tanner & bairdi trawls & scallop dredges (Hillstrand). This proposal is the same as Proposal 8 but the author associates it with EFH. Comments for Proposal 8 apply here.
PLAN TEAM RANK: LOW **STAFF WORKLOAD: MEDIUM.**

The Council recently addressed crab bycatch and area closures with BSAI Amendments 37, 40, and 41. The current closure areas encompass 30,000 square miles, or about 25% of the Bering Sea shelf fished by trawl gear. Proposal 9 will be addressed to some extent in the *C. bairdi* rebuilding plan, which will be ready for final action at the June meeting. The analysis would be prepared by ADF&G, NMFS, and Council staff (David Witherell). The other proposals could be tabled for now.

Habitat Areas of Particular Concern

The Council received six proposals for BSAI and GOA plan amendments in response to its call to address identification of HAPC. The first four were ranked by the Plan Teams and EFH Core Team as high priority. The EFH Core Team indicated that it would bundle these proposals for analysis. One other proposal was ranked as medium/high priority. No staff have yet been tasked with development of an analysis.

11. Analysis of living substrates for consideration as HAPC (AMCC). This proposal seeks to identify those areas where living substrate in shallow and deep water occur in the BSAI and GOA. Living substrates in shallow and deep waters were identified as HAPC types in the EFH amendment package. The next step is to locate where these types exist so that further protection measures, if necessary, can be implemented. The EFH Core Team and Plan Teams support analysis of this proposal, and that this analysis should be done as part of a comprehensive package. Crab Team: This proposal seeks to identify specific locations of HAPC living substrate. The first step would be to look at what we have for information; the second step would be to identify research needs. The Crab Plan Team supports this proposal.
PLAN TEAM RANK: HIGH **STAFF WORKLOAD: MEDIUM**
12. Analyze seamounts, pinnacles, ice edge, shelf break and fine grain sediments as HAPC (AMCC). This proposal seeks to add several additional habitat types as HAPC, including seamounts/pinnacles, ice edge, shelf break, and biologically consolidated fine-grained sediments. The proposers have provided scientific justification and references in support of this proposal. The Team agrees that these habitat types may qualify as HAPC. Consequently, the EFH Core Team and Plan Teams support analysis of this proposal, and that this analysis should be done as part of a comprehensive package. Crab Team: This proposal seeks to examine particular areas as HAPC designation. In particular, the Team noted that two areas, the shelf break and fine-grained sediments, are important for *C. bairdi* and *C. opilio* crab. The Crab Team supports continued research to examine the importance of these habitats.
PLAN TEAM RANK: HIGH **STAFF WORKLOAD: MEDIUM**
13. Establish framework procedure for EFH and designating HAPC (AMCC). This proposal establishes a procedure to assess potential adverse impacts on specific areas designated as HAPC. This would be accomplished by overlaying areas of potential adverse impacts on known HAPC locations, so as to determine if there are any gaps in habitat protection. This process will be required before any steps can be taken to minimize potential impacts. Although the proposal suggests that the public propose protection measures, the Core Team felt that it would be more appropriate for the Team to initially develop alternatives for consideration. The Team agrees that this proposal is a logical step in the identification of adverse impacts on HAPC, but noted that information on the whereabouts of HAPC habitat types is incomplete. That stated, the Crab Team, EFH Core Team and Plan Teams support analysis of this proposal, and that this analysis should be done as part of a comprehensive package. The Crab Team also supports continued research on fishing gear impacts.
PLAN TEAM RANK: HIGH **STAFF WORKLOAD: MEDIUM**

16. Analyze three specific cites for HAPC (AMCC). This proposal seeks to nominate three specific places (PWS black hole, Chirikov Basin, and Kodiak red king crab areas) as HAPC. The proposers have provided scientific justification and references in support of this proposal. The Team believes that these specific areas, if indeed HAPC, should fall out of analysis of proposals 11 and 13. However, the PWS black hole may be just one of whole other HAPC habitat type not heretofore considered. The Crab Team limited its comments only to the Chirikov Basin area, as it is within the BSAI. The Team notes that this area may be very important for whales, it was not considered to be a HAPC for crab. Although there are some *C. opilio* and blue king crab in the area, they are not commercial size or quantity. The Crab Team, EFH Core Team, and Plan Teams recommend that this proposal be given some consideration in a comprehensive HAPC analysis.

PLAN TEAM RANK: HIGH

STAFF WORKLOAD: MEDIUM

19. Establish "no fishing zone" in BSAI to protect bairdi crab (Steele). This proposal seeks to establish a "no fishing zone" in a specified area of the Bering Sea. The stated objective of the proposal is to protect critical habitat for *C. bairdi* crab. The Crab and Plan Teams believes that "no fishing zones" may be appropriate to protect EFH in some situations, but noted that the proposed location did not overlay EFH identified for *C. bairdi*. The Crab Team noted that *C. bairdi* are widely distributed over mud and silt substrates at depths greater than 200 feet, and that the distribution shifted from year to year. The Team suggests that closure areas be given some consideration in the *C. bairdi* rebuilding analysis. The Team further noted that *C. bairdi* were widely distributed over mud and silt substrates, and that the distribution shifted from year to year. The Core Team was apprised of the upcoming rebuilding plan for this crab stock and suggested that some aspects of this proposal be given consideration in the rebuilding analysis.

PLAN TEAM RANK: LOW

STAFF WORKLOAD: MEDIUM

31. Establish HAPC for crabs in GOA (UFMA). This proposal would establish the Kodiak red king crab areas as HAPC. These areas likely contain some shallow water living substrate that is critical for red king crab juvenile survival. The EFH Core Team believes that these areas were originally developed to address both bycatch and habitat concerns, and therefore may not be adequate, per se, as HAPC. The Team believes that the lines drawn on the map for these areas may not adequately describe the shallow water living substrate found in the area and used by red king crab. This information may become available as part of the analysis of proposal 11. An issue was raised about defining HAPC for red king crab, given that this is not an FMP species. The Team believes that HAPC identified (shallow water living substrate) was ecologically important for a number of species in addition to crab. Further, managers are not precluded from taking action to protect crab habitat from potential fishing gear impacts. The Core Team recommends that this proposal be given some consideration in a comprehensive HAPC analysis.

PLAN TEAM RANK: MEDIUM/HIGH

STAFF WORKLOAD: MEDIUM

Proposals 11, 12, 13, and 16 would not require regulatory actions, but instead would identify those vulnerable and sensitive habitats that may require additional protection from potential fishing and non-fishing impacts. A scoping paper would be a first step to available data and required research. This scoping analysis would require significant work by the NMFS habitat scientists, but would also benefit from input by Council and ADF&G staff. Final action could be taken at the June 1999 meeting (David Witherell, NMFS and ADF&G staff).

Proposal 19 and 31 could be: (1) combined into a single analysis or (2) prepared as separate analyses to examine crab habitat protection in the separate FMPs (David Witherell and David Ackley).

the timing and location of pollock removals. Two previous apportionment changes were implemented in 1997 and 1998.

PLAN TEAM RANK: IN PROGRESS

STAFF WORKLOAD: LOW

21. Restrictions on processing of trawl caught groundfish in GOA (AGFDB). The Plan Teams noted that this proposal for regulatory changes addressed efficiency and allocations, and had no biological impacts.

PLAN TEAM RANK: LOW

STAFF WORKLOAD: LOW

32. Limit catcher vessel size in GOA to 125 ft (ADA). This proposal was identified as allocative. It would also lower Observer data on catches. No other biological impacts were identified.

PLAN TEAM RANK: LOW

STAFF WORKLOAD: LOW

33. Synchronize pollock openings between GOA and BSAI (ADA). This regulatory amendment proposal addresses the same goal as Proposal 20, and may have impacts on Steller sea lions. The Teams deemed this proposal as in progress because of the pending biological opinion.

PLAN TEAM RANK: IN PROGRESS

STAFF WORKLOAD: LOW

To be in place for 2000, final action on these analyses would need to take place at the June 1999 meeting:

Proposal 20 and 33 could be combined into a single analysis, along with other possible alternatives identified as a result of the pending biological opinion, such as Proposals 15, 22, 23, and 24. NMFS staff would likely prepare the analysis .

Proposals 21 and 32 are unrelated but could be combined into one analytical package. NMFS or Council staff (Jane DiCosimo) could prepare the analysis.

Allocations

18. Change fixed/trawl gear allocation for sablefish in BSAI. (Clipper Seafoods). This is a BSAI plan amendment to raise the fixed gear allocation to 95%, with 5% as trawl bycatch (the current allocation is 50/50 in the BS and 75%-fixed/25%-trawl in the AI). The Teams noted that catches by gear type result in differentially sized fish with as yet unquantified impacts on stocks and noted that unharvested TACs are reassigned to other fisheries.

PLAN TEAM RANK: LOW

STAFF WORKLOAD: LOW

Proposal 18 is allocative in nature and would require economic analyst time, but could be prepared by NMFS or Council staff (David Witherell). To be in place for 2000, final action would need to take place at the June 1999 meeting.

Multi-Species CDQs

38. Start CDQ trawl fisheries on January 1 (CDQ Implementation Committee). This is a BSAI plan amendment proposal. The Plan Teams expressed concern regarding halibut and salmon bycatch in the CDQ fisheries at this time of year.

PLAN TEAM RANK: LOW

STAFF WORKLOAD: LOW

39. Avoid closure of the CDQ pollock fishery from bycatch of squid or "other species" (CDQ Implementation Committee). This is a BSAI plan amendment proposal that CDQ representatives identified the 'squid box' as an issue over the last few years. The committee offered a suite of alternatives for analysis and requested the Council assign this a high priority. The Teams identified

that the Council also had other alternatives to address the problem, such as adjusting ABC and TAC for these species groups. NMFS MS-CDQ staff would likely prepare this EA/RIR.

PLAN TEAM RANK: HIGH

STAFF WORKLOAD: LOW

Proposals 38 and 39 would be separate analyses. NMFS MSCDQ staff (Sally Bibb) would likely prepare the EA/RIR for Proposal 39. NMFS MSCDQ or Council staff would prepare the analysis for Proposal 38. Final action would be needed by June 1999 for both actions to be in place for 2000.



ATTACHMENT 1
UNITED STATES DEPARTMENT OF COMMERCE 27 RC
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

August 17, 1998

RECEIVED
AUG 19 1998

N.P.F.M.C

Clarence Pautzke
Executive Director
North Pacific Fishery
Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252

Dear Clarence:

Attached is regulatory amendment proposal to ensure that prohibited species bycatch mortality is assigned to the appropriate target fishery category and to avoid the assignment of prohibited species bycatch mortality to target fishery categories that are closed to directed fishing. This action would require a regulatory change. This proposal comprises the Alaska Region's submission for the North Pacific Fishery Management Council's 1999 amendment cycle.

For your information, the Alaska Region also is planning to do the following "housekeeping" actions. First, a provision will be added to the CDQ regulations that would allow CDQ groups to request a hearing for actions that may adversely affect them (i.e., decreases in allocations of the Community Development Quota (CDQ) reserve, or suspensions or terminations of CDQ Plans). Second, revisions will be made to bring consistency to the IFQ Loan Program and the IFQ Program by prohibiting persons from leasing "A" shares purchased with a loan obtained through the IFQ Loan Program. Currently, persons can lease "A" shares; however, the Magnuson-Stevens Fishery Conservation and Management Act requires that an owner of any shares purchased with a loan through the IFQ Loan Program, "A" or otherwise, must be aboard the vessel from which those shares are used to account for the harvest of IFQ species. Third, a provision will be added to allow submission of appeals to the Alaska Region by electronic means. This provision was requested by the Administrative Appeals Section to facilitate the public's access to the appeals process. Finally, the Alaska Region plans to review the validity of maintaining the requirement for net sounder devices in certain part of the Gulf of Alaska. If the need for these devices cannot be justified, the Alaska Region plans to eliminate that requirement from the regulations.

The four "housekeeping" actions referenced above are not an exhaustive list of all the tasks that will be accomplished by the Alaska Region during this cycle. However, I thought that I would inform you of these actions at this time because they are changing.



to our fishery management regulations that became apparent during our discussions on which proposals should be submitted to the Council during this cycle

Sincerely,



Steven Pennoyer
Administrator, Alaska Region

Attachment

Sue Salvesson
NMFS, Alaska Region
September 18, 1998
99obsreg.wpd

Potential short-term changes to the North Pacific Groundfish Observer Program (NPGOP) and associated issues

Observers, industry representatives, and NMFS staff have proposed changes to regulations implementing the NPGOP. Many of these proposals address desired changes and, pending OAC and Council concurrence, could be developed as regulatory amendments. Other proposals could be addressed through other than regulatory means, while several others address issues that cannot readily be resolved without further guidance from the OAC and Council. A summary of the proposed changes and initial responses by NMFS staff follow:

PROPOSALS		NMFS INITIAL RESPONSE
Received from observers		
1.	Establish a minimum 65% retention rate for observers	NMFS consistently has expressed concern that the number of trips completed by an observer does not sufficiently gauge the quality of the observer or of the data collected. Since 1997, NMFS has evaluated observers based on both experience and quality of data. In the future, this approach might be incorporated into an incentive program to retain quality observers through rulemaking. Prior to this action, however, NMFS must conduct an analysis of its program to assess evaluation criteria based on performance and duration of experience. We believe 2 full years of data would be required to provide for a meaningful analysis. NMFS could initiate such an analysis during 1999 and present results to the OAC for its assessment and further input.
2.	Add a regulation prohibiting contractors from distributing personal information on observers (e.g., resumes) to the fishing industry	NMFS has a long standing policy that contractors not distribute personal information on observers to the industry. Although NMFS does not have evidence that this policy is being violated, observers contend that this policy is being ignored by some contractors. As a result, NMFS proposes to incorporate its existing policy into regulations so that enforcement action could be taken against any contractor who continues to distribute personal information.
3.	NMFS observer safety policy provides observers the option of refusing to board a vessel for deployment if the observer believes the vessel to be unsafe. The expectation that observers will utilize this right is unrealistic and strong disincentives exist for refusing to board a vessel. NMFS must evaluate safety situations in a manner that does not hold up a vessel without cause while ensuring a safe environment for observers..	NMFS and the USCG concur that the existing national observer safety standards can create an undesirable situation for observers who believe a vessel poses safety concerns. Preliminary discussions with the USCG indicate that the USCG may be able to serve as an intermediary to resolve some safety issues between observers and vessel owners/operators. NMFS will continue to pursue this option with the USCG.

4.	Regulations should be implemented that stipulate standards for observer housing at shoreside plants that reflect the standards established in regulations for vessels. These standards should include: a clean, dry and quiet room; communications equipment such as a phone or VHF radio; and transportation to the plant if the plant is more than 1 mile from housing facilities.	NMFS agrees that the recommended housing standards for shoreside observers are reasonable and should be established in regulations.
5.	Modify regulations so that one observer is not covering more than one 100% coverage plant and not more than two 30% coverage plants	NMFS understands that logistic problems and potential coverage concerns arise from the sharing of observers and this practice could expand beyond processors currently engaged in this practice. NMFS recommends that the OAC assess this issue and provide recommendations.
6.	Establish guidelines (not regulations) for observer sampling stations onboard all vessels.	Existing regulations specify standards for observer sampling stations for vessels participating in the MSCDQ program. NMFS believes that extending these standards beyond the CDQ fisheries would be premature. Furthermore, NMFS is in the process of compiling vessel profiles for purposes of observer sampling protocol and this process should be completed before regulatory provisions are implemented for mandatory sampling stations. Furthermore, compliance standards must be established in regulations. Vessels wishing to voluntarily set up observer sampling stations can use the standards established for vessels in the MSCDQ program.
7.	Regulations should be implemented that any NMFS observer program staff may be deployed at NMFS's discretion on any vessel at any time in lieu of or in addition to the vessel's regular observer.	NMFS agrees and intends to pursue appropriate regulations. However, such regulations will need to be carefully developed to explain why such authority is necessary, define the circumstances that would invoke this authority, and develop the logistical procedure NMFS and affected vessels would be required to undertake.
8.	Require NMFS to have non-monetary contractual arrangements with contractors to provide greater control and oversight over contractor performance.	<p>Under the existing funding infrastructure for the observer program, NMFS likely does not have the authority to regulate the nature of business relationships between contractors and industry clients in a manner that would constrain competitive choices and more directly address performance and conflict of interest concerns. A contractual relationship between NMFS and contractors likely is possible only if NMFS is paying contractors to provide specified services.</p> <p>NOAA GC has noted that enforcement action already can be taken against contractors that do not adhere to regulations stipulating contractor performance requirements at 679.50(i)(2). A history of noncompliance and enforcement actions against a particular contractor can be used by NMFS as a basis for decertification.</p>

Received from Industry

Revise shoreside observer coverage requirements to base coverage levels during a calendar month on other than landed amounts of groundfish received during that month

NMFS is open to consideration of revising coverage requirements based on landed amounts of groundfish during a weekly reporting period. Pros and cons exist to this proposed change that NMFS will discuss with the OAC.

Recommended by NMFS staff

10 Assure that shoreside deliveries by observed vessels are adequately monitored and sampled. This could require that the catcher vessel observer stay until the delivery is sorted (can take several days) or revise shoreside observer requirements.

NMFS would like to discuss this issue with the OAC. No specific regulatory actions are proposed at this time.

11 Require catcher vessel owners to purchase and maintain computers for use by observers onboard their vessels. Computer equipment standards would be similar to those currently specified for catcher/processor vessels.

NMFS increasingly is moving toward electronic reporting of observer and industry catch data to provide more timely management of the groundfish fisheries. Use of computers to input observer data collected onboard catcher vessels would enhance NMFS's prohibited species catch monitoring, allow for more effective management of observers, improve the quality of observer reports and data, reduce the amount of time spent by observers doing paperwork and verifying reports, and reduce observer debriefing time.

12 Increase observer coverage for true mothership processor operations that receive unsorted codends from catcher vessels. Although 2 observers are required in the pollock 'B' season to monitor salmon bycatch, only 1 observer is required during the pollock 'A' season.

The high volume catch and processing operations conducted by mothership operations result in a relatively low percentage of the hauls being observed by a single observer onboard these vessels. Requiring two observers at all times onboard motherships receiving unsorted codends from catcher vessels would enhance the quality of the observer data collected for these operations. This provision would not apply to motherships treated as shoreside processors for purposes of catch accounting.

13 Clarify the definition of a "fishing day" for purposes of determining observer coverage requirements for vessels using pot gear

An increasing number of instances have occurred where vessels using pot gear circumvent the intent of regulation requiring 30 percent coverage. These vessels can take an observer onboard, retrieve one pot, retain any groundfish caught, and satisfy requirements for one day of observer coverage. OAC assessment of this situation and appropriate recommendations would be useful.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

DIVISION OF COMMERCIAL FISHERIES

D-1
WKS
TONY KNOWLES, GOVERNORP.O. BOX 25528
JUNEAU, ALASKA 99802-5528
PHONE: (907) 465-4210

October 5, 1998

Dear Ms. Bennis:

You have asked for ADF&G's review of the Alaska Marine Conservation Council's proposal to the North Pacific Fisheries Management Council that nominates the Type I, Type II, and Type III red king crab protection areas in the Gulf of Alaska (GOA) Groundfish Fisheries Management Plan (FMP) as Habitat Areas of Particular Concern (HAPC). Our understanding of HAPC is that it is intended to identify those areas that are known to be important to species that are in need of additional levels of protection from adverse effects. From our understanding of the Essential Fish Habitat (EFH) requirements, we do not believe that pursuing HAPC designation for any king crab habitat area in the GOA is an effective means for protecting that species' habitat. As far as we know, NMFS still maintains that it is appropriate to describe and identify EFH only for those species managed under an FMP. Accordingly, habitat for red king crab cannot be identified as HAPC in the GOA Groundfish FMP, even though a habitat assessment for the species is included as an appendix, because red king crabs are not managed under that FMP. Important habitat areas for non-FMP species can be identified and management measures can be instituted to protect those species and their habitat under the FMP, but that is not a part of the EFH/HAPC requirements of the Magnuson-Stevens Act Provisions. The current designation of Type I, II, and III areas for protection of red king crab in the GOA Groundfish FMP is an example of such management measures.

The GOA Groundfish FMP affords protection to red king crabs within the Type I and Type II trawl-restriction areas. These areas could also provide some protection to juvenile and adult Tanner crabs. The Type I areas were designed to provide some year around protection to red king crabs and their habitat in areas known to be vitally important for mating by adults, settling by larvae, and survival of juvenile crabs. A degree of protection is provided by prohibiting bottom trawling. However, we are unsure of bottom impacts by pelagic trawls that do contact the bottom. The Type II areas were designed to protect mature crabs during the mating and molting periods in other areas known to be of importance for such activities.

The "high relief habitat or coarse substrate such as boulders, cobble, shell hash, and living substrates such as bryozoans and stalked ascidians" that you refer to is, in fact, very important for 0-2 year old juvenile crabs and is largely protected by closures to bottom trawling in state waters. The state-waters closures and the Type I areas serve to provide

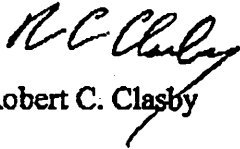
habitat protection to most of the areas cited as supporting "80% to 90% of known female king crab stocks." At this time we lack evidence that further restrictions to trawling in the Type II areas are either important or necessary for the recovery of red king crab in the Kodiak area.

The Type III areas were designed to protect the mature crabs expanding their range into more offshore areas after a recruitment event. I note, however, that the actual trawl restrictions that would be initiated in a Type III area remain ambiguous under the current rule and that the "triggers" that initiate and terminate trawl restrictions in the Type III areas need to be clarified or re-addressed.

Having said that, ADF&G is committed to assuring that shellfish habitats are afforded needed protection and we would support proposals correcting any deficiencies identified in the current level of protection for shellfish in the GOA. Specific benefits of the existing trawl-restriction areas need to be quantified and areas important to assemblies of recruitment species need to be defined for effective trawl closure areas. We would support this type of study and to this end, we may be able to contribute some staff assistance should the Council choose to pursue such a study.

Francine, thank you for your interest in Gulf of Alaska shellfish issues. We appreciate this opportunity to provide you with our review of this proposal.

Sincerely,



Robert C. Clasby

Cc: Pete Probasco
Richard Lauber