

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver *Chris*  
Executive Director

DATE: September 29, 2004

SUBJECT: Habitat Areas of Particular Concern (HAPC)

ESTIMATED TIME 8 HOURS
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ACTION REQUIRED:

- (a) Initial Review of HAPC EA/RIR/IRFA.

BACKGROUND

Habitat areas of particular concern (HAPC) are a subset of essential fish habitat (EFH) that are ecologically important, sensitive to disturbance, exposed to development activities, or rare. An EA/RIR/IRFA was prepared to evaluate alternatives for designating specified HAPC sites, and implementing measures to provide additional habitat conservation within those areas. The analysis was mailed out last week, and the executive summary is attached as Item C-3(a). Three separate actions are considered in analysis:

- (1) HAPC designation and conservation of seamounts
- (2) HAPC designation and conservation of hard coral areas in the Gulf of Alaska, and
- (3) HAPC designation and conservation of hard corals areas in the Aleutian Islands.

For each action, several alternatives were considered, as detailed in the executive summary. At this meeting, the Council will review the analysis and make changes as necessary, prior to releasing the document for public review.

The joint stipulation requires that "final regulations implementing HAPC designations, if any, and any associated management measures that result from this process will be promulgated no later than August 13, 2006, and will be supported by appropriate NEPA analysis." To meet this deadline, the Council is scheduled to take final action on both the EFH EIS and the HAPC EA/RIR/IRFA in February 2005.

## Executive Summary

Habitat Areas of Particular Concern (HAPC) are site-specific areas of Essential Fish Habitat (EFH) of managed species. Identification of HAPCs provides focus for additional conservation efforts for those habitat sites that are ecologically important, sensitive to disturbance, exposed to development activities, or rare. This Environmental Assessment (EA) evaluates alternatives for designating HAPC sites in the Gulf of Alaska (GOA) and the Aleutian Islands (AI), and associated fisheries management measures to provide additional conservation of specified HAPC areas.

Three separate actions are considered in this EA: (1) HAPC designation and conservation of seamounts, (2) HAPC designation and conservation of hard coral areas in the Gulf of Alaska, and (3) HAPC designation and conservation of hard coral areas in the Aleutian Islands. Several alternatives are considered for each action, as summarized below.

### Action 1: Seamounts

Alternative 1: No action.

Alternative 2: Designate five named seamounts in the EEZ (Dickens, Giacomini, Patton, Quinn, and Welker) as HAPC, and prohibit all bottom contact fishing by Council-managed fisheries on these seamounts.

Alternative 3: Designate 16 named seamounts in the EEZ off Alaska as HAPC, and prohibit all bottom contact fishing by Council-managed fisheries on these seamounts.

### Action 2: GOA Corals

Alternative 1: No action.

Alternative 2: Designate three sites along the continental slope (in the vicinity of Sanak Island, Albatross, and Middleton Island) as HAPC, and prohibit bottom trawling or all bottom contact mobile gear (BCMG) within these areas for five years.

Alternative 3: Designate four areas in Southeast Alaska (in the vicinity of Cape Ommaney, Fairweather grounds NW, Fairweather grounds SW and Dixon Entrance) as HAPC. Bottom contact gear would be prohibited in several subareas within the HAPC designated areas.

Alternative 4: A combination of Alternatives 2 & 3.

### Action 3: AI Corals

Alternative 1: No action.

Alternative 2: Designate the six coral garden sites within the Aleutian Islands as HAPC. These areas are in the vicinity of Adak Canyon, Cape Moffett, Bobrof Island, Semisopochnoi Island, Great Sitkin and Ulak Island. Bottom contact gear would be prohibited in several subareas within the HAPC designated areas.

Alternative 3: Designate an area of Bowers Ridge as HAPC, and prohibit bottom trawling or BCMG within the area.

Alternative 4: Designate four sites in the Aleutian Islands (in the vicinity of South Amalia/Atka Islands, Kanaga volcano, Kanaga Island, and Tanaga Islands) as HAPC, and prohibit bottom trawling or all bottom contact mobile gear within these areas for five years.

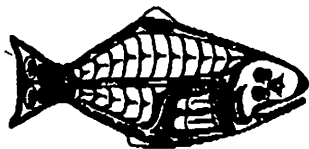
Alternative 5: A combination of Alternatives 2, 3, and 4.

Although the biological and socioeconomic effects differed among the alternatives for each action, the analysis indicated no significant impacts of any of the alternatives. In general, additional areas designated for HAPC and management measures may provide positive habitat conservation benefits, with some added costs in the way of potential forgone revenue to fisheries (potential for lost catch, along with added operational costs to catch the fish in remaining open areas). The areas proposed as HAPC are, for the most part, small relative to the overall area available for fishing.

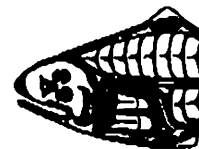
The alternatives to designate seamounts, and restrict fishing activities, were proposed as precautionary measures. Very little fishing currently occurs on the seamounts. Submersible observations from some seamounts have shown them to be distinctive in bottom type and the occurrence of living substrates on them. The biological and ecosystem effects provided by the alternatives remain unknown or insignificant relative to the status quo. However, as a precautionary measure, seamount protection provides positive benefits by eliminating effects of fisheries on potentially endemic (local and self recruiting) populations of fish on these seamounts.

The proposed HAPC areas designed to further conserve hard corals in the Gulf of Alaska may have positive local effects. For alternative 2, the distribution of corals along the slope remains unobserved, so it is difficult to ascertain if effort redistribution from these areas would occur in areas with more or less habitat complexity. For Alternative 3, direct submersible observations and side scan sonar indicate higher aggregations within the designated HAPC areas than nearby outside areas, so effort redistribution away from these areas may have positive effects on habitat complexity. The effect on the fisheries of any of these alternatives would be small (<1%, except for the deepwater flatfish fishery under alternative 2) relative to the overall fisheries in the Gulf of Alaska area.

Alternatives to designate HAPC areas in the Aleutian Islands, and associated management measures, may differ in effects. Alternative 2 would provide benefits to corals, but at some cost to the fisheries, particularly the brown crab fishery and the Petrel Bank red king crab fishery. Because Bowers Ridge has had very little fishing effort in recent years, Alternative 3 may have minimal short-term impacts to the fleet. Alternative 4 sites, offered by fishing skippers as sites containing high relief coral areas, may also have small short-term impacts on the fleet. Except for the six coral garden sites proposed under Alternative 2, there are no submersible observations of the areas described by the alternatives. Thus, it is difficult to understand the overall ecological effects of effort redistribution. Although research is lacking, in general some positive effects on habitat biodiversity would accrue by moving fishing effort away from areas that are thought to have corals, and allowing effort to concentrate more on areas with faster recovery times.



**F/V Pacific Dawn and F/V Nancy K  
James E. Phillips and Patricia A. Phillips  
USS 3371 Lot 1 / P.O. Box 33  
Pelican, AK 99832  
(907) 735-2240**



RECEIVED  
SEP 23 2004

N.P.F.M.C.

September 23, 2004

Dear North Pacific Fishing Management Council:

Concerning Essential Fish Habitat (EFH): I disagree with the area proposed at the Fairweather grounds for EFH.

Halibut is a deep water species whose habitat is in the northern pacific gulf waters. Fishermen have to work hard to deliver legally caught fish. Our Alaska fisheries are carefully managed and monitored. And restrictions to bottom and pelagic trawl are in place for this area.

It is tough enough staying economically viable in a fisheries regime with strict Federal regulations and restrictions that already provide ample habitat protections. Existing management measures already apply needed conservation protections.

There is also adequate consultation among scientists, industry participants and government agencies to cooperatively manage for species abundance.

The Fairweather grounds are historically productive longline fishing grounds. The Canadian halibut longline fleet used to bring in boatloads of halibut from the Fairweather grounds. The American/Alaskan longline fleet has continuously fished the same grounds with similar highly productive results. This attempt to close an area with little publication to the fleet is not in line with sustainable economic community protections.

Please do not designate the Fairweather grounds as EFH. Thank you.

Sincerely,

*Patricia Phillips*  
Patricia Phillips

COMMISSIONERS:

CLIFF ATLEO  
PORT ALBERNI, B.C.  
JAMES BALSIGER  
JUNEAU, AK  
RICHARD J. BEAMISH  
NANAIMO, B.C.  
RALPH G. HOARD  
SEATTLE, WA  
PHILLIP LESTENKOF  
ST. PAUL, AK  
JOHN SECORD  
VANCOUVER, B.C.

# INTERNATIONAL PACIFIC HALIBUT COMMISSION

ESTABLISHED BY A CONVENTION BETWEEN CANADA

AND THE UNITED STATES OF AMERICA

DIPECTOR  
BRUCE M. LEAMAN

P.O. BOX 95009  
SEATTLE, WA 98145-2009

TELEPHONE  
(206) 634-1838

FAX:  
(206) 632-2983

June 14, 2004

Mr. Chris Oliver, Executive Director  
North Pacific Fishery Management Council  
604 W 4<sup>th</sup> Ave. Ste. 306  
Anchorage, AK 99501-2252

RECEIVED

JUN 27 2004

N.P.F.M.C.

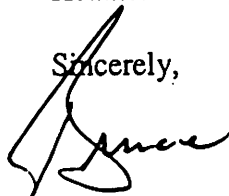
Dear Chris:

The Council staff will be conducting analyses of the options being considered by the Council for deepwater coral habitat under Habitat Areas of Particular Concern (HAPC). We were able to sit in on Cathy Coon's thorough review of the options for the Advisory Panel last week in Portland. However, in reviewing the background document we believe there may be an oversight in the draft Environmental Assessment outline that could result in an underestimation of impacts of the options on the directed fishery for Pacific halibut in the HAPC. It appears that this oversight may have occurred only because Pacific halibut is not managed under a NPFMC fishery management plan. While the Commission management of halibut is not governed by Council initiatives, we do try to be coherent with most of the Council programs.

Section 4 of the draft (Environmental Consequences of the Alternatives) does not consider Pacific halibut under the sections on Effects on Target Species, rather it is considered only under the sections on Effects on Other Fisheries: Effects on Incidental Catch of Prohibited Species. In the case of most of the HAPC currently under consideration, the primary impact on halibut would be through restrictions on the directed halibut longline fishery in these areas, rather than changes in the incidental capture of halibut by other non-target fisheries. We believe that the directed fishery for Pacific halibut should also be included in the analyses of Effects on Target Species.

We have been assisting Cathy through provision of as detailed information on the directed halibut fishery as we can release and believe this should be incorporated in that analysis. I spoke briefly with Cathy at the meeting and believe she shares this view. Heather Gilroy is our staff contact for this issue.

Sincerely,



Bruce M. Leaman  
Executive Director

COMMISSIONERS:

CLIFF ATLEO  
PORT ALBERNI, B.C.  
JAMES BALSIGER  
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RICHARD J. BEAMISH  
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August 11, 2004

Cathy Coon  
North Pacific Fishery Management Council  
605 W 4<sup>th</sup> Ave.  
Anchorage, AK 99501

Dear Cathy,

As you know, the data to determine if fishing occurred in the HAPC area is from our log book database, from records where latitude and longitude exist. The log sheets in IPHC possession have been edited by IPHC staff and therefore, differ from the skipper's original. These data are IPHC property and we have a strict policy concerning the release of log book data. Data are published by aggregate, by larger geographic areas (in the case of IPHC: roughly 3600-square nautical mile statistical areas), and require three or more vessels. Although the fleet is required by IPHC regulations to record halibut log information, IPHC only collects information that is given voluntarily. IPHC started collecting information in the 1930s and the fleet does not understand the IPHC release policy. We recognize that it may be in the best interest of the halibut fleet to provide detailed information; however, some of the HAPC areas are very small and reveal individual fishing locations. We originally provided 2002 halibut catch information for all HAPCs from log book data by total catch categories (>100,000, 100,000-200,000, 200,000-400,000 pounds, etc). In further discussions, we said we would review other options and provided halibut catch (1995-2002) for two of the larger HAPC areas. We have now reviewed the rest of the HAPC areas and have tried to reach a compromise between our release policy and providing halibut data by HAPC, by providing halibut catch information for the larger HAPC areas and for areas where no fishing occurred. Additionally, we have provided information for two areas combined (Brobof 1,2 and Kanaga Volcano). This information is enclosed. Additionally, for several of the remaining areas in the Bering Sea (Cape Moffet 1,2,3 Kanaga, Tanaga) we will be contacting the fishers who harvested in these areas to inform them of the HAPC issue, and inviting them to provide comments directly to you.

We recognize you need to provide information on all areas to the Council. We do have the information for the smaller areas and would like to determine if there is a method to provide this information without compromising our release policy. In reviewing the June 2004 Council report, the criteria definitions are listed as "significantly negative", "insignificant", "significantly positive", and "unknown" for effects on harvest levels of groundfish. Is there a method for us to review the smaller areas and answer these questions in a similar manner?

After you review this information, please give me a call at (206) 634-1838 ext. 206 to discuss how to proceed.

Sincerely,  
Heather Gilroy  
Fisheries Statistics Program Head

# Public Testimony Sign Up Sheet

Agenda Item C-3(a) HAFC

NAME (PLEASE PRINT)		AFFILIATION
1	3 Jim Ayers	Oceana
2	6 Linda Behnken	ALFA
3	7 Donna Parker	HSOC
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

**C-3 (a) Habitat Areas of Particular Concern**

The AP recommends adding an option to action 2, alternative 3 GOA Corals in SE as follows: Prohibit bottom trawling in subareas and designate remainder of HAPC as a research priority for longline gear impacts. *Motion passed 11/2*

Additionally, the AP recommends information on Canadian bottom contact fisheries in the proposed Dixon Entrance HAPC be included in the analysis. *Motion passed 17/0.*

**C-3 (d) Alternative 5B** The AP endorses the Aleutian Island trawl industry's attempt to provide data to modify alternative 5B boundaries based on the 200 MT approach. We request the council provide an opportunity and timeframe for this data to be analyzed prior to the December council meeting. *Motion passed 15/1.*

**C-7 Halibut Subsistence**

The AP recommends the following actions and alternatives:

Action 1. Revise the subsistence halibut regulations for gear and harvest to address local area issues.

Alternative 1. No action.

(a) - (c): 30 hooks  
three times the individual gear limit

(d): 30 hooks per vessel

Alternative 2. Change gear and annual limits in local areas.

(a) in Kodiak road zone and Chiniak Bay:

Issue 1. Gear limit, annual limit, and community harvest permit program:

Option 1. 5 hooks and 20 fish annual limit

Option 2. 10 hooks and 20 fish annual limit

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

Option 1. one hook limit (no stacking)

Option 2. two times the hook limit

(b) in Prince William Sound:

Issue 1. Gear limit and community harvest permit program:

Option 1. 5 hooks

Option 2. 10 hooks

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

Option 1. one hook limit (no stacking)

Option 2. two times the hook limit

(c) in Cook Inlet:

Issue 1. Gear limit and community harvest permit program:

Option 1. 5 hooks

Option 2. 10 hooks

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

Option 1. one hook limit (no stacking)

Option 2. two times the hook limit

(d) in Sitka Sound LAMP:

Seasonal gear and vessel limits:

June 1 to August 31

15 hooks per vessel

no power hauling

5 halibut per day/vessel

September 1 to May 31

(30 hooks per vessel)

(power hauling allowed)

10 halibut per day/vessel



**Option: Apply Sitka Sound LAMP restrictions to all of Area 2C Motion passed 15/1**

Option for areas (a) - (d): Require mandatory retention of rockfish. A fisherman would be required to stop subsistence halibut fishing for that day if the legal limit of rockfish allowed under State regulations were caught. This applies to the current State limits for rockfish only. Subsistence users would not be restricted below current bag limits.

**Action 2. Revise the list of eligible subsistence halibut communities.**

Alternative 1. No action.

Alternative 2. Add to list of eligible communities:

Option 1. Naukati

Option 2. Port Tongass Village

**Action 3. Create a subsistence halibut possession limit for areas 2C and/or 3A and/or 3B.**

Alternative 1. No action.

Alternative 2. Possession limit equal to two daily bag limits

**Alternative 3. A limit of one daily bag limit Motion passed 17/0**

**Alternative 4. Possession limit equal to two daily vessel limits**

**Alternative 5. Possession limit equal to one daily vessel limit Motion passed 13/1**

**Action 4. Revise the definition of charter vessels.**

Alternative 1. No action.

Alternative 2. Allow the use of charterboats for subsistence halibut fishing

Alternative 3. Adopt the State of Alaska definition of charter vessels to redefine a charterboat vessel as State- licensed and restrict their use in the subsistence fishery to the owner and identified immediate family members (father, mother, brother, sister, children, legally adopted children). registered. Restrict the use of charter vessel to the owner of record and immediate family (owner must be a qualified subsistence user). Prohibit the use of a charter vessel for subsistence fishing while clients are on board. Prohibit the transfer of subsistence halibut to clients. Motion passed 14/0.

*Suboption: Prohibit use of a charter vessel June 1-August 30 for subsistence fishing for halibut. Motion failed 7/7. Minority Report: The minority voted to limit use of a charter vessel by the owner and their immediate family to the season September 1 – May 31. We feel this may help resolve abuses of subsistence provisions by charter vessels while providing for traditional halibut subsistence harvest practices outside the primary charter season. Signed: Duncan Fields, Michelle Ridgway, Eric Olson.*

**Action 5. Revise the \$400 customary trade limit for subsistence halibut by IPHC regulatory area.**

Alternative 1. No action.

Alternative 2. Revise the customary trade limit to \$100.

Alternative 3. Eliminate the customary trade limit (\$0)

**Alternative 4. Allow the customary and traditional practice of sharing halibut expenses between:**

**Option 1: Members of an Alaskan Tribe**

**Option 2: Members of any recognized Alaska tribe**

**Option 3: Alaska rural residents**

**Option 4: Any qualified halibut subsistence user eligible under this program**

**Option 5: Provisions included under the terms of a community harvest permit**

*Motion passed 16/0*

**Alternative 5. Develop recordkeeping requirements for trade involving cash Motion passed 16/0**

**Action 6. Allow subsistence halibut fishing in non-subsistence areas under special permits.**

Alternative 1. No action.

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

The AP wishes to note its concern over the accuracy of the subsistence survey for SHARC card members. Reporting on the survey is entirely voluntary. The AP believes survey results need to be verified through dockside sampling or other appropriate independent verification methods. The magnitude of the subsistence harvest increases in some areas dictate increased verification for conservation reasons. *Motion passed 15/0.*

### C-6 Halibut Sablefish IFQ Program

#### *IFQ/CDQ 4C/4D*

The AP recommends the Council move the regulatory package for IFQ/CDQ area 4C/4D forward for public review, with following changes:

Alternative 1. No action.

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

~~Option: Allow holders of Area 4D IFQ and CDQ to harvest such IFQ/CDQ in Area 4C.~~

At the end of the 3<sup>rd</sup> year after implementation, the program will be evaluated. *Motion passed 17/0*

#### *Halibut and Sablefish IFQ program*

The AP recommends the release regulatory amendment package for IFQ amendments for public review, with the following changes:

Action 1. Allow the use of medical transfers.

Alternative 1. No action.

Alternative 2. Allow medical transfers.

Add options for evidence of qualifying medical conditions

**Option 1: State certified medical professional**

**Option 2: Licensed medical doctor or their representative**

**Add a section "Limits to medical transfer"**

1. 3 out of 6 years

2. 2 out of 5 years

Action 2. Tighten the criteria allowing the use of hired skippers.

Alternative 1. No action.

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

a. 6 months

b. 12 months

c. 24 months

d. year to date plus previous calendar year

**Add option to allow for replacement vessel in the event of a loss**

Action 3. Add vessel clearance requirements to the Bering Sea and Aleutian Islands sablefish fisheries.

Alternative 1. No action.

Alternative 2. Add vessel clearance requirements to the BS and AI sablefish regulations.

Option 1. Add check-in/check-out for the Aleutian Islands and Bering Sea sablefish fishery (e.g., in Dutch Harbor, Adak, St Paul, St George) **The AP recommends the list of communities mirror the list of communities from IPHC for the Halibut Sablefish Check-in Check-out.**

Option 2. Require VMS when fishing in the Aleutian Islands and Bering Sea sablefish fishery

Action 4. Amend the sablefish product recovery rate for bled sablefish.

Alternative 1. No action.

Alternative 2. Change product recovery rate from 0.98 to 1.0.

**Expand the discussion on the amount of additional blood loss realized from bled fish (gear code 03) vs. round fish (gear code 01) landed using normal handling practices such as gaffing. The discussion should focus on the role of this difference in determining an appropriate PPR for bled sablefish.**

**Expand the discussion of the impact of changing the PPR on the stock assessment model.**

Action 5. Amend the halibut block program in Areas 2C, 3A, 3B, 4A, 4B, 4C, and 4D

Alternative 1. No action.

Alternative 2. Increase block limits to 3 or 4 blocks

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

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

Alternative 5. Increase the Areas 2C and 3A halibut sweep-up level to the 5,000 lb equivalent in 1996 QS units.

**Request staff add a table that shows consolidation of quota share over time by size of holdings**

**Request staff add a table that provides CEY projections for next 3 years in Area 3B and 4ABC**

Action 6. Amend Area 3B, 4A, 4B, 4C, and 4D halibut quota share categories

Alternative 1. No action.

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

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

Alternative 4. Combine C and D category QS

Action 7. Amend fish down regulations for Area 2C halibut and Southeast Outside District sablefish

Alternative 1. No action.

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

*Motion passed 16/0*

Additionally, the AP requests the Council staff task with developing a discussion paper that reviews 3 proposals

1. Alaskan Leader Fisheries: Allowing frozen other species on board while fishing IFQ
2. Hubbard: Fish A and/or B, C, D shares any time any order
3. Thompson: Allow use of pot gear in the sablefish fishery during June *Motion passed 16/0*

Further, the AP requests the Council schedule Halibut Sablefish IFQ agenda item as the first item on the agenda for the December 04 meeting. *Motion passed 16/0.*