

# MINUTES

## 137th Plenary Session NORTH PACIFIC FISHERY MANAGEMENT COUNCIL February 3-8, 1999

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# North Pacific Fishery Management Council

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Richard B. Lauber, Chairman

Date: April 26, 1999

## MINUTES

**137th Plenary Session  
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL  
February 3-8, 1999  
Hilton Hotel  
Anchorage, Alaska**

The North Pacific Fishery Management Council met with the Alaska Board of Fisheries on February 2, 1999 (meeting summary prepared separately), and held their 137th Plenary Session February 3-8, 1998 at the Hilton Hotel in Anchorage, Alaska. The Scientific and Statistical Committee met February 1-3 and the Advisory Panel met February 1-4, at the same location. The following members of the Council, staff, SSC and AP attended the meetings.

### Council

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

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

Not present were: Edward Robinson Wilson and Stetson Tinkham

### NPFMC Staff

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

Chris Oliver, Deputy Director  
Helen Allen  
Gail Bendixen  
Linda Roberts  
Diane Provost

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**Support Staff**

Lisa Lindeman/Lauren Smoker, NOAA-GCAK  
Jon Pollard, NOAA-GCAK  
Earl Krygier, ADF&G  
Kent Lind, NMFS-AKR  
Tim Ragen, NMFS-AKR  
Rich Ferrero, NMFS-NMML

Kim Rivera, NMFS-AKR  
John Sproul, NMFS-AKR  
Gretchen Harrington, NMFS-AKR  
Sally Bibb, NMFS-AKR  
Jay Ginter, NMFS-AKR  
Tori O'Connell, ADFG

**Scientific and Statistical Committee**

Al Tyler  
Keith Criddle  
Doug Eggers  
Steve Hare  
Sue Hills  
Dan Kimura

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

**Advisory Panel**

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

Kris Fanning  
Stephanie Madsen, Vice Chair  
Dave Fraser  
Arne Fuglvoag  
Steve Ganey  
Justine Gunderson  
Spike Jones  
Melody Jordan

Teresa Kandianis  
John Lewis  
Hazel Nelson  
Jeff Stephan  
Robert Ward  
Lyle Yeck  
Grant Yutrzenka

**Other Attendees**

The following people signed the attendance register:

Simeon Swetzof, Jr.  
Ole A. Mathisen  
David Maggi  
Todd DuBois  
Rick Sharpe  
Debby Swenson  
Thomas Abel  
Ken Roemhildt  
Phillip Lestenkof  
Shari Gross  
Steve Hughes  
Jude Henzler  
David Wilson  
Arni Thomson

Bill Jacobson  
Alec Brindle  
Amy Daugherty  
Ben Ellis  
Chris Woodley  
Steven Patterson  
Linda Kozak  
Heather McCarty  
John Henderschedt  
Beth Stewart  
Glenn Merrill  
John Iani  
Steve Davis  
Paul Clarke

Joe Plesha  
Charles Bingham  
Ruel Holmberg, Sr.  
Jennifer Chris  
Dave Allison  
Doug Forsyth  
Thorn Smith  
Neal Forde  
Lou Fleming  
John Dooley  
Dick Tremaine  
Mary Boggs  
Donna Parker  
Vince Curry

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Ed Glotfelty  
Barry B. Ohai  
Gary Johnson  
Brent Paine  
Glenn Reed  
Steve Minor  
Terry Leitzell

Douglas Holmberg  
Jim McManus  
Thor Olsen  
Marcus Hartley  
Earl Comstock  
Karl Vedo  
Joe Bersch

Dan Tucker  
Ray Cesarini  
Garry Loncon  
James T. Sipary, Sr.  
Dan S. Albrecht  
Joe Sullivan  
Jan Jacobs

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

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

Chairman Rick Lauber called the meeting to order at 8:16 a.m. on Wednesday, February 3, 1999.

Agenda and Minutes. Robin Samuelsen asked that the proposal to the Board of Fisheries for an inshore pollock fishery be added to the agenda for discussion. The agenda was approved with this addition as agenda item D-1(g). Minutes of previous meetings were not yet available for approval.

SSC Officers. The Council unanimously affirmed the re-election of Rich Marasco and Jack Tagart as Chair and Vice-Chair of the SSC for 1999.

**B. REPORTS**

The Executive Director's Report (Agenda item B-1) was provided in written form. National Marine Fisheries Service (NMFS) provided an update on the status of current amendments to the fishery management plans (Agenda item B-2). The Council also received a briefing from Bruce Leaman, IPHC, on the 1999 halibut quotas (Agenda item B-3), a report on the Groundfish Forum's experiment with net configurations (Agenda B-4), and a briefing on the new recusal regulations from David Maggi, Chief of the Ethics Division of the General Counsel, Department of Commerce (Agenda item B-5).

**DISCUSSION/ACTION RESULTING FROM REPORTS**

**Executive Director's Report**

August Meeting. Because the June agenda will be packed with final decisions on, among other things, AFA and Steller sea lion issues, the necessity for a possible early August meeting was briefly discussed. Council members preferred to wait until the April meeting to decide whether or not a special meeting should be scheduled.

Vessel Monitoring System (VMS). Council members requested a briefing from NMFS staff at the April meeting on the progress in developing and implementing a VMS. There have been some concerns raised about a national database and timely access by the regions. Sue Salvesson pointed out that the Alaska region needs to have something in place in time for the September pollock fisheries, whether or not the national system is implemented. She agreed to have NMFS staff update the Council at the April meeting.

Crab Buyback Regulations. David Benton expressed concern because of the lengthy review process surrounding national buyback program guidelines, pointing out that the AFA mandated a specific timeframe.

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NMFS indicated that the regulations are now under review by OMB. Mr. Benton asked that NMFS advise the Council how to expedite the OMB review.

Magnuson-Stevens Act Reauthorization. The Council formed a small review committee to explore possible amendments to the Act. Mr. Lauber, Dr. Pereyra, Mr. Benton, and Ms. Behnken will serve on the committee, with Mr. Lauber acting as Chair. It was suggested that the committee might hold a public "scoping" session sometime during the April meeting to gather suggestions. In response to concerns over a recent report to Congress by the Marine Fish Conservation Network, the Council discussed how best to highlight Council progress in responding to the Sustainable Fisheries Act. The Council approved a motion by Linda Behnken for staff to proceed to prepare a comprehensive report for the Chairman to provide to Congress during the oversight hearings. The report would include progress on ecosystems management and information from NMFS relative to how all councils are responding to the SFA. In addition, Council staff will report back in October regarding the costs, monetary and staff time, to prepare an annual progress report for public distribution.

Dave Benton also requested a summary of increases in the NMFS budget over the past five years compared with increases for fisheries issues in the North Pacific. Dave Hanson said he would provide that information to the Council.

**NMFS Management Report**

Sue Salveson reviewed the status of fishery management actions. Passage of the AFA and the Steller sea lion issues have forced them to delay work on other regulatory actions approved by the Council. Linda Behnken stressed that the delay in implementing the Sitka local area management plan has caused much concern in Sitka and may discourage other areas working to develop their own plans. She asked whether the plan will be in effect by the summer season. Ms. Salveson said that if the Council wishes to have this placed at a high priority, they would do the best they can to do so. Ms. Behnken also asked that the regulatory amendment to reduce the MRB for shorttraker rougheye in the Eastern GOA Pacific ocean perch fishery be available for final action in April with the intent of having it implemented in time for the July opening of the POP fishery. Ms. Salveson indicated that their intent is to have it in place by that time.

**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 Steller Sea Lions

**ACTION REQUIRED**

- (a) Receive NMFS report on implementation of emergency rule.
- (b) Recommend actions as appropriate for 1999.
- (c) Review alternatives and options for implementation in 2000.

**BACKGROUND**

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 include: (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 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. The specific motion adopted by the Council, including details related to the above measures, is attached as Item C-1(a).

These measures will be implemented by emergency rulemaking for the 1999 fisheries, as detailed in the Federal Register Notice, Item C-1(b). Follow-up amendments will have to be prepared for the year 2000 and beyond and could include similar, or additional, measures for sea lion protection. A letter from Steve Pennoyer, dated January 22, 1999 (attached as Item C-1(c)) details the issues for Council consideration.

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. So at this meeting, the Council will develop and recommend final alternatives for analysis.

**Council motion on emergency rule to protect Steller sea lions, December 1998.**

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

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

**A) Aleutian Islands**

**Close the Aleutian Islands area to directed pollock fishing.**

**B) Bering Sea (general rules - Item 7 contains more specific rules for each sector)**

- 1. Establish a quarterly system of seasonal sector allocations (among A1, A2, B, and C seasons). Seasons to start on January 20, February 20, August 1, and September 15, respectively.**
  - a) No pollock fishing between November 1 through January 19.**
  - b) CH/CVOA = critical habitat/catcher vessel operational area (excluding NW corner)**
- 2. The combined A1+A2 harvest for the non-CDQ fisheries is set at 40% of the annual non-CDQ TAC.**
- 3. Set the A1 and A2 seasonal allocations at 27.5% and 12.5%, respectively, of each sector allocation in the non-CDQ fisheries.**
- 4. No more than 30% of the annual TAC may be harvested in any single season.**
- 5. Five-day closed period between the A1 and A2 seasons.**
- 6. Allow rollover from one season to the next if it doesn't boost the following season's harvest over the 30% of annual TAC seasonal limit.**
- 7. Establish seasonal harvest measures from inside Bering Sea CH/CVOA as follows:**

***Catcher-processor Sector:***

  - a) Neither A1 or A2 harvest in CH/CVOA may exceed 40% of the respective A1 or A2 apportionments for the catcher-processor sector.**

- b) Prohibited from fishing in CH/CVOA in the B and C seasons.

*Catcher Vessels Delivering to Motherships:*

- a) Single A season beginning February 1. 50% may come from the CH/CVOA.  
b) B season starting September 1 (no C season). 50% may come from the CH/CVOA.

*Inshore Sector:*

- a) Of the overall A1/A2 inshore cap, no more than 70% shall come out of the CH/CVOA.  
b) In the B and C seasons fishing in CH/CVOA is limited to 80% of the inshore sector seasonal allocations.  
c) Vessels delivering onshore that are 99 ft LOA or less shall not be excluded from the CH/CVOA during Sept 1 through March 31 during any time that the Bering Sea onshore pollock season is open. The intent would be to close the CH/CVOA to larger boats prior to the sector's CH/CVOA cap being reached leaving sufficient quota remaining within the CH/CVOA to allow smaller boats to fish for the duration of the onshore fishery while others would be fishing outside the CH/CVOA.

*CDQ Sector:*

- a) Harvests in A1 and A2 seasons, combined, may not exceed 45% of the CDQ allocation. Closed periods do not apply.  
b) Harvests in B and C seasons to be conducted as under present regulations.
8. Existing stand-down requirements of the A season (relative to non-pollock fisheries) shall be removed.
9. Exempt Cape Sarichef from sea lion closures.

**C. Gulf of Alaska**

1. Establish the following seasons and allocations:

<u>Season</u>	<u>Start Date</u>	<u>Allocation</u>
A	Jan. 20	30%
B	June 1	20%
C	Sept. 1	25%
D	No later than 10/1; no sooner than 5 days after close of C season	25%

- a) Rollover allowed, subject to 30% rule, and November 1st closure still applies.



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

- 3. Pollock Trawl Exclusion Zones:**

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

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

- 4. Trip limits:**

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

**D. Other Actions**

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

- 1. The Council requests that NMFS, in consultation with the Council, the Marine Mammal Commission, ADF&G, and other relevant management agencies, coordinate an independent scientific review of the biological data, Biological Opinion, and other relevant information relating to factors affecting Steller sea lions and their prey. The purpose of the scientific review is to provide guidance to the Council as it prepares to address the long-term aspects of the Steller sea lion situation through the plan amendment process. The Council requests that the scientific peer review be completed by April 1, 1999.**
- 2. The Council requests that NMFS reconstitute the Steller Sea Lion Recovery Team to address concerns such as those expressed by the SSC to ensure that the Council has an appropriate additional source of advice as the Council prepares for long-term treatment of Steller sea lion issues.**
- 3. The Council requests that NMFS prepare and submit a budget proposal for the FY 2000 budget for a sustained research program to investigate: the efficacy of the emergency actions adopted by the Council; sea lion dietary and foraging patterns; sea lion/fishery interactions; and current trends in sea lion population dynamics.**
- 4. It is the intent of the Council that the NMFS move as quickly as possible to develop National Standards for Vessel Monitoring Systems (VMS) so that such systems can be required on fishing vessels engaged in the trawl fisheries of the Bering Sea and Gulf of Alaska. Furthermore, it is also Council intent that in developing the National Standards that the NMFS consult with affected states, Councils and other federal and enforcement agencies with the intent that the U.S. Coast Guard and other regional enforcement agencies have timely and efficient access to VMS data.**

**The Council recognizes that these management measures represent an incremental step, and are for 1999 only. To fully comply with both the ESA and MSFCMA**

**requirements, amendments to the BSAI and GOA FMPs will be necessary. Such FMP amendments may need to consider additional measures to satisfy statutory requirements."**

### **Report of the Scientific and Statistical Committee**

The SSC received an oral progress report from NMFS staff. The SSC stressed that the pace of this issue continues to make it difficult for them to provide constructive advice and stated that a draft EA or other written materials would have been helpful. The SSC pointed out that the setting alternatives for an analysis for both the emergency rules governing the pollock fishery in 1999 and subsequent rules to govern the fishery in the future is critical and that in developing those alternatives to meet the conservation need and provide realistic constraints on the fishery hinges on a clear understanding of what will meet the goal of avoiding jeopardy. The SSC had extensive recommendations for the analysts, which are found in the SSC Minutes, Appendix II to these minutes.

### **Report of the Advisory Panel**

The AP provided specific alternatives for analysis (see AP Minutes, Appendix III to these minutes). In addition, they recommended the Council form a committee of fishing and environmental industry representatives, along with NMFS staff, to develop a new survey method, specifically aimed at distribution. The AP would like the Council to continue to evaluate the hypothesis that Steller sea lions are food-limited by the lack of pollock, highlighting in particular the alternative hypothesis on the role killer whales have played in the decline of sea lions. Local knowledge of indigenous people, communities and fishermen should be pursued.

### **DISCUSSION/ACTION**

The Council received a lengthy report from NMFS staff on the final RPAs adopted as an emergency rule for the first half of 1999. Staff now must prepare analyses of alternatives for an additional emergency rule for the second half of 1999, and more permanent measures for 2000 and beyond. Council members again commented on their concerns that there is not enough scientific evidence to support the NMFS theory that the pollock fisheries are the main cause of Steller sea lion decline. They stressed the need for additional, more intense research. The Council requested an opinion from NOAA General Counsel on whether the Endangered Species Act allows for comparative studies and controlled experiments. In addition, the Council has requested a comprehensive list of research projects, both Federal and State, focused solely on sea lions and whether or not there is any coordination. An industry group, the IAW Steller Sea Lion Science Coalition requested an industry briefing on the state of knowledge on Steller sea lions and the ongoing research. Steve Pennoyer indicated they would try to work with industry to arrange a workshop in conjunction with the April Council meeting.

In developing alternatives for analysis, the Council worked from two lengthy written motions. The first, submitted by Wally Pereyra, was the AP recommendation with some modifications. Subsequently, Dave Benton moved a substitute motion. Both of these motions are appended to these minutes for reference (Appendix IV, #1 and #2, respectively). The Council recessed for the evening in order to allow time to study the proposals. The next day, Mr. Pereyra removed his motion from the floor and he and Mr. Benton modified the second motion for consideration by the Council. The motion before the Council was as follows:

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**Options for analysis:**

- 1) **Emergency Action as adopted by the NPFMC 12/98.**
- 2) **Emergency Action adopted 12/98, modified to meet the “50% principle” in the BSAI by reducing the seasonal apportionments as follows:**
  - (a) **using an equal proportional reduction across the Inshore, True Mothership, and Catcher-Processor sectors**
  - (b) **using a constant percentage point reduction across the Inshore, True Mothership, and Catcher-Processor sectors**

**Sub-options:**

- (a) **A2 start dates of February 20, March 1, or March 15**
  - (b) **5, 7, or 10 day stand-down periods between seasons**
  - (c) **revised rollover provisions identified by NMFS**
- 3) **Emergency Action adopted 12/98 modified to meet the “50% principle” as provided under (2) above, including the sub-options, plus the following:**

**GOA Specific**

- (a) **tender trip limits of 136 mt.**
- (b) **seasonal exclusive registration between W/C GOA and BSAI**
- (c) **re-examine Shelikof Strait critical foraging area**
- (d) **pollock trawl closures not included in 12/98 Emergency Action**

**BSAI Specific**

- (a) **Spatial distribution of catch:**
  - Option 1: CH and non-CH**
  - Option 2: CH and non-CH with non-CH split east/west of 170°**  
**Suboption: Range of +/- 30% of sector percentage**
  - Option 3: CH and non-CH, with 10-mile buffer around CH**
- (b) **B/C Season start dates:**
  1. **B Season start date: June 1**
    - a. **with differential application by sector keyed to co-op.**
    - b. **end Aug 15**
    - c. **end Aug 20**
  2. **C Season start dates:**
    - a. **Sept 1**
    - b. **Sept 15**
  3. **C Season end dates:**
    - a. **Oct 31**
    - b. **Nov 30**
  4. **Combine B/C season with early start date, and with cap on monthly catch. No month to exceed 20-30% of annual harvest on a sector-by-sector basis.**
- (c) **Pollock trawl closures not included in 12/98 Emergency Action**

- (d) Analysis of Aleutian closure and long-term management options.
- (e) Rollovers:
  - 1. Repeal restriction that doesn't allow harvest of uncaught CH fish.
  - 2. Rollover restrictions evaluated on a sector-by-sector basis.

**General**

The Council requests that the analysis should include discussion of the following: Safety issues related to closures; and the following fishery data:

1. Review time series of bottom trawl surveys for inter-annual variation.
2. Review time series of acoustic surveys for inter-annual variation
3. Correlate findings of acoustic and bottom trawl surveys in years when both surveys were conducted to evaluate consistency on distribution.
4. Review foreign, JV and DAP harvest patterns with reference to CPUE and total catch compared to survey distribution.
5. Review portion of commercial catch taken outside survey area.
6. Review areas in CVOA/CH that are not currently being surveyed.
7. Review all options with or without real-time survey data as a basis for establishing CH/non-CH split.
8. Leave Amak, Sarichef or other Bering Sea rookeries open as a control site to evaluate efficacy of haulout/rookery closures.

Continue to evaluate the hypothesis that Steller sea lions are food-limited by the lack of pollock. With particular attention to the alternative hypothesis on the role killer whales have played in their decline as received in public testimony. We encourage the use of local knowledge of indigenous peoples, communities and fishermen.

The Council requests that appropriate staff continue work on the items under **D. Other Action** in the motion adopted by the Council at the December, 1998 meeting.

Through discussion and friendly amendments, the motion was amended as follows:

- Under "Options for Analysis," paragraph 2), to reduce seasonal apportionments, add a new subsection "(c)", as follows: 45/55 A/(B/C) split.
- Under the sub-options in that same section, modify suboption (a) to include the date of March 15.
- Under paragraph 3), the "GOA Specific" section, subsection (a), add 272 mt as an option for tender trip limits.
- Under the same section, subsection (b) , modify to add the Eastern Gulf to the analysis of seasonal registration alternatives.

In discussion of the "real-time survey" data (Section 3., #7) Mr. Pereyra indicated his preference for "real-time" would be surveys not more than a few weeks or a month old. Mr. Pennoyer pointed out that the original Biological Opinion mentioned "surveys that yielded biomass distribution in a scientifically acceptable fashion,"

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and that he assumes that they will have to show that they are using the best available data. NMFS is already discussing how to accomplish this goal.

Mr. Pereyra also asked that the elements listed in the SSC's minutes be included in the motion. However, Mr. Benton pointed out that most of those are already encapsulated in the motion and that his intent is that the SSC's comments be addressed, including comments from previous meetings.

**The motion, as amended, carried without objection.** The final motion is appended to these minutes under Appendix IV, #3.

C-2 American Fisheries Act

**ACTION REQUIRED**

- (a) **Discussion of 1999 co-op agreements.**
- (b) **NMFS progress report on implementation of measures for 1999.**
- (c) **NMFS disapproval of emergency rules and Council response.**
- (d) **Review progress on year 2000 amendment package, and identify final alternatives and options for analysis.**

**BACKGROUND**

(a) 1999 Co-op agreements

The AFA stipulates that co-op contracts must be filed with the Council and the Secretary not less than 30 days prior to the start of fishing. While the AFA does not elaborate on the specific review role of the Council, it does stipulate that certain provisions of the co-op agreements, at a minimum, will be made available to the public by the Council. These minimums include the following:

- \*Parties to the contract (fishing companies involved)
- \*List of the vessels involved
- \*Amount of pollock to be harvested by each party to the co-op
- \*Amount of other groundfish to be harvested by each member of the co-op

The contracts must also contain provisions for payment of fish taxes to the State of Alaska for all pollock harvested/processed, and for 1999, the co-op agreements for catcher vessels delivering to catcher/processors must include restrictions to limit their participation in non-pollock fisheries to 'traditional' levels.

On December 20, 1998 we received copies of the contract agreements for the offshore sector co-op participants, including the catcher vessels that deliver offshore. On December 29 the Council forwarded a letter to the Secretary of Commerce which described apparent deficiencies in the co-op agreements, but acknowledged that this is a first-year learning experience and that fishing under these initial co-op agreements should proceed in 1999. That letter is included as Item C-2(a)(1), with the copies of the contracts themselves under Item C-2(a)(2).

The issues noted in the letter centered on the lack of specifics with regard to the harvest of non-pollock species and PSC amounts, as well as how the distribution of catch among co-op members would be affected by transfers within the co-op. The Council will likely want to discuss these issues and how future co-op agreements should be structured.

In addition to the requirements of the AFA, the Council has identified additional rules and regulations pertaining to the development and review of fishing co-op agreements outlined by the AFA. As expressed at the December 1998 meeting, these include:

- \*Limit co-op agreements to 1-6 years
- \*Prohibit linkages of membership in co-ops to delivery of non-pollock species
- \*Require disclosure of catch and bycatch statistics
- \*Require contracts be submitted by December 1 (as apposed to 30 days prior to the start of fishing stated in the AFA)

It is unclear whether these requirements could be implemented via regulations, or simply conveyed to the industry as the intent and expectation of the Council. The four issues outlined above do not lend themselves to quantitative analysis; rather, they appear to be policy issues for which the Council needs to express direction. Disclosure of catch and bycatch statistics is already listed in the AFA as a requirement for co-op vessels (though it does allow the Council and SOC to make such information available to the public in a manner they deem appropriate). Details of such a provision might best be considered within the broader development of a discussion paper already tasked by the Council - to examine disclosure of catch and bycatch pursuant to Section 211(d) of the AFA as it relates to satisfying bycatch reduction provisions of the Magnuson-Stevens Act. This issue will have to be considered within the context of State and Federal data confidentiality rules which are being examined. Item C-2(a)(3) is a copy of correspondence we sent to initiate this process.

Action relative to the co-op provisions is not required at this meeting, but should probably be resolved by the June meeting when the Council is scheduled to take action on a full suite of AFA related issues.

**(b) Progress on 1999 implementation**

At the special November Council meeting the Council took action to implement the necessary provisions of the AFA for the 1999 fisheries. This action focused on conforming the I/O3 amendment to the provisions of the AFA, and on sideboard provisions for the offshore sector which will be operating under co-op agreements in 1999. Table 1, an excerpt from our November newsletter, summarizes those actions

The relevant rulemakings to implement those measures are contained under Item C-2(b)(1). These include: (1) the FR notice establishing interim harvest specifications to implement the catcher/processor sideboard limitations; (2) an emergency rule to establish additional observer coverage requirements for those vessels, including establishing in-season authority to effect the harvest limitations for non-pollock and PSC species; (3) an emergency rule to implement the CDQ-related actions from both the AFA and the Council; (4) the final rule for Amendments 51/51 to implement the Council's inshore/offshore measures (as modified by the AFA); and, (5) the letter from NMFS describing the partial approval of those amendments. NMFS staff is available if necessary to report details of that implementation process.

**(c) Disapproval of emergency rule recommendations by the Council**

At the December meeting the Council requested two emergency rules under the AFA agenda item. First, the Council passed an emergency rule that deals with pollock-to-opilio crab crossover vessels. The motion was, "of those vessels qualified under the American Fisheries Act to participate in the BSAI directed fisheries for opilio crab, only the vessels that landed opilio crab during the directed fishery for that species in 1996 or 1997 may participate in the directed fishery for that species in 1999." This action would reduce the number of vessels eligible for the opilio fishery in 1999 by approximately 30.

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The second action was to “request NMFS to implement an emergency rule freezing participation in the pollock and non-pollock fisheries, in the BSAI and GOA, in place for 1999. Each gear type — trawl, trawl catcher processor, longline, longline catcher-processor, pot, pot catcher processor — would be limited to the average harvesting and processing levels achieved (as a proportion of TAC) in each GOA and BSAI non-pollock fishery for the years 1996, 1997, and 1998. Limitations under this emergency rule would not apply to (1) pollock catcher processors eligible to harvest pollock under the AFA in 1999, (2) trawl catcher vessels delivering catch to catcher processors under the AFA, or (3) to CDQ operations.”

NMFS’ letters explaining the disapproval of these actions, as well as related correspondence, are included under Item C-2(c)(1). We have placed this issue on the agenda so that the Council can further discuss these actions and clarify their rationale and intent with respect to these requested actions.

The Council also took formal action to put the industry on notice that 1999 will not count in determining catch histories as they pertain to developing sideboards to protect non-pollock fisheries. NMFS has published an advanced notice of proposed rulemaking alerting the industry to this action (Item C-2(c)(2)).

**(d) Progress on sideboard analyses/final identification of alternatives and options**

In December you developed an initial set of alternatives, elements, and options for the various sideboard amendments due for submittal to the SOC by July. At that time we were working from a ‘roadmap’ drafted by staff, which included the recommendations from the AP. At the Council’s request, a redline version of that document was prepared which reflects the changes you made in December (Table 2). The resulting list of alternatives and options for each issue was then described in our December newsletter and these are reiterated in the discussion paper/preliminary analysis prepared for this meeting (Item C-2 Supplemental). This will be the document we work from at this meeting to describe the progress to date and to get necessary clarifications from the Council. You will need to finalize the alternatives and options at this meeting so that we can complete the analysis for initial review in April, with a final decision in June. Item C-2(d)(1) contains comments received on this issue since the December meeting.

TABLE 1.

November 1998 Actions on AFA

- **Comment to the Secretary of Commerce to revise the following IO3 regulations to be compatible with the various elements of the Act:**
  1. **the allocation percentages and duration of allocations as written in the Act.**
  2. **the 2.5% set aside for catcher vessels delivering shoreside is no longer necessary.**
  3. **the exclusion of offshore catcher vessels from fishing in the CVOA during "B" season is no longer necessary.**
- **Adopted NMFS' recommendation to exempt squid from the CDQ program under emergency rule-making, and requested that the CDQ groups develop bycatch avoidance programs for other potential limiting species.**
- **Approved an emergency rule to require two observers (at least one of which must be multispecies CDQ certified) on all eligible catcher/processors listed in the Act.**
- **Regarding the review process for co-op contracts in the pollock fisheries, the Council initiated development of a discussion paper examining the following conditions for cooperative agreements:**
  1. **limiting co-op agreements to a range of 1-6 years.**
  2. **prohibiting linkage of membership in co-ops to delivery of non-pollock species.**
  3. **requiring disclosure of information on catch and bycatch by co-op participants, per**

AFA.

  4. **contracts must be submitted to Council by December 1 (for following year's co-op).**
- **These above requirements would be applicable to co-ops forming for year 2000 fisheries; for the 1999 catcher/processor co-ops, the review process will follow the basic guidelines contained in the Act.**
- **The Council further requested that NOAA General Counsel clarify the Council's ability to supersede provisions in §210(b) and §208(f) of the Act. These refer to (respectively) co-op conditions for catcher vessels delivering shoreside, and eligibility requirements for shoreside processors.**
- **Regarding catcher/processor sideboards to protect non-pollock fisheries, the Council concurred with NMFS' plan to prohibit AFA-listed vessels from exceeding the "inside critical habitat" harvest percentage of the Atka mackerel caps as spelled out in §211 paragraph (b)(2)(c). These and other catch limitations described below will be implemented via the specifications process for 1999 fisheries.**
- **The Council approved the following guidelines for managing non-pollock target fisheries by the listed catcher/processors under AFA:**



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**Groundfish:**

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

**PSC Caps:**

- 1. Total PSC cap for listed vessels will be established on the basis of percentage of PSC removals in the non-pollock groundfish fisheries in 1995, 96, 97.**
  - 2. NMFS will allow for directed fishing of non-pollock species such that the total PSC removals do not exceed the PSC cap as established in #1.**
  - 3. The listed vessels' PSC caps will not be apportioned and will be managed under open access season apportionment closures.**
- The Council also initiated an amendment to analyze pollock season opening dates (A & B season), and the removal of the stand-down provisions for inshore/offshore catcher vessels in the pollock fishery. This will be prepared in 1999 for possible application to the 1999 "B" season, and for year 2000 and beyond. For early 1999, all opening dates and stand-down provisions remain in effect.**

**The SSC did not address this agenda item.**

**Report of the Advisory Panel**

The AP recommended that the Council request NMFS to prepare a preliminary report on the 1999 co-ops for the October 1999 meeting, with a final report for the February 2000 meeting. The AP provided several points which should be included in the report (see AP minutes, Appendix III to these minutes).

With regard to the amendment analysis for the AFA issues, the AP provided an extensive list of options (see AP minutes). In addition, they recommended the Council request staff to initiate a discussion paper examining alternatives to specific sideboards that would allow vessels in any federal fishery, applicable to both BSAI and GOA, to form co-ops.

**DISCUSSION/ACTION**

Staff provided the Council with a working document which included previous Council action in December, as well as the current recommendations of the Advisory Panel ("Council Working Document for AFA," dated Saturday, February 6, 1999 (see Appendix V (#1) to these minutes).

Dave Benton moved to use the Council Working Document for AFA as a range of alternatives for analysis, with the following changes:

- Page 3, under Groundfish Sideboards, BSAI, To Whom do Restrictions Apply, Change the first sentence to re-insert the words "to all Section 208 eligible vessels." [Sideboards apply to all Section 208 eligible vessels.] Under the suboption, re-insert the words "Suboption: Applies", to then read "Suboption applies to Section 208 vessels only if they join a co-op."
- Page 5, under Assign PSC Caps for Co-op Catcher Vessels in Non-Pollock Fisheries, revise the first sentence to read, "Determine PSC caps based on catch history ratios (1995, 1996, and 1997. (underlined text added)

Continuing on the same page, in the section titled GOA, revise to read as follows:

1. Apply the following sideboards only to AFA Section 208 eligible catcher vessels.  
Suboption:        only if participating in a co-op.
  2. Any non-pollock catch limitations for AFA Section 208 eligible vessels are aggregate caps, not quotas or allocations.
  3. Vessel catch history consists of the years 1995, 96, and 97.  
Suboption:        Fishery is released seasonally by quarter proportionally to when caught during qualifying years.
  4. No changes.
  5. (on Page 6)        In the second line of Section 5, strike "pollock co-op" and insert "Section 208", to read: Target catch of each non-flatfish species available to AFA Section 208 vessels  
    ". . . ."
- Page 7, under Processor Sideboards, in the middle of the page, under the paragraph beginning, "An analysis be initiated examining. . .", there are four issues.
    1. No change.
    2. Changed to read, "Excessive share caps on AFA processors of 10%, 12%, 15% and 17.5% for BSAI pollock. Non-pollock BSAI groundfish, and BSAI crab fisheries should also be examined. A sub-option should also be examined which allows differential caps between pollock and non-pollock processors:  
Suboptions:    (a)    range for analysis of 10%, 17.5% and 40%;  
                      (b)    1995-1997 average.
    3. No change.
    4. No change.
  - Page 7, at the bottom, under the sentence, "In order to further the analysis mandated by the AFA, the AP recommends the following:", delete item 2 ["Processing efforts information should aggregate the mothership, offshore and inshore sectors. Renummer the following items to 2 and 3.
  - Page 8, under the newly renumbered option 3 of the same series, revise suboption c, as follows:  
Be applied by species groups (pollock, other groundfish, crab) and FMP areas (BSAI).
  - Page 9. Delete the entire section entitled "General". [To initiate a discussion paper examining alternatives to specific sideboards that would allow vessels in any federal fishery, applicable to both BSAI and GOA, to form co-ops.]

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The motion was seconded by Linda Behnken.

Lisa Lindeman advised that with regard to the first option in the group of four options in the middle of page 7, "the ability to allow processors not listed in Section 208 to process limited amounts of inshore pollock allocation, including requirement to participate in buyout provision," it is General Counsel's opinion that this would be an attempt to amend Section 208 of the AFA, which is not under the Council's purview. Mr. Benton indicated that he had decided to leave this option in so that there would be an explanation in the analysis as to what the Council's limitations are in this matter. After discussion, it was decided to drop the option from the analysis, but to append the legal opinion to the analysis.

During discussion the following amendments and clarifications were made:

- Page 7 After the discussion above, the option was dropped and the following options re-numbered, 1, 2, and 3.
- Page 7 Immediately following these three options, with regard to the paragraph regarding initiation of a data gathering program to identify the benefits and impacts of AFA, it was clarified that this program would be dealt with on a separate timeframe. Although work will be ongoing, there will not be any final report by April. Mr. Pennoyer said that NMFS will provide a report on what types of reporting will be required and what methods are available. NMFS will also be working with the Social and Economic Data Committee on this issue.
- Page 7 Dennis Austin moved to delete, under Processor Sideboards, the option to analyze "Excessive share caps on AFA processors of 10%, 15% and 17.5% . . ." The motion was seconded by Joe Kyle. After further discussion, Mr. Austin proposed that the issue not be deleted entirely from the analysis, but be put on a separate time track for analysis and Council discussion at the December 99 Council meeting. This was accepted as a friendly amendment to the main motion.
- Page 3 Doug DeHart moved to amend option 3 under the section, When the CV Restrictions Should Apply, to add two sub-options, as follows:
  - (a) exempt those catcher vessels that fish for motherships from BSAI groundfish sideboards prior to February 1 each year;
  - (b) exempt each catcher vessel sector from BSAI groundfish sideboards for the number of days in excess of five (5) that each catcher vessel sector's pollock season is closed by regulation during the month of February. These two suboptions were accepted as a friendly amendment to the main motion.
- Page 3 Mr. DeHart also offered a motion to amend the section, To Whom do Restrictions Apply, to add suboptions to consider exemption from sideboards for vessels that delivered smaller deliveries. The motion add a suboption as follows: An exemption for those catcher vessels whose average annual pollock history in 1995, 1996, and 1997 is less than: (a) 1,000 mt; (b) 2,500 mt; (c) 4,000 mt.

NMFS staff indicated that exempting vessels from a cap being monitored may allow them to catch more fish, affecting other fisheries. Under the AFA NMFS and the Council are required to mitigate effects on other fisheries. However, it was decided that a qualitative analysis to determine potential effects on other fisheries would be included in the analysis.

Benton suggested the following: add suboption under the "To Whom Restrictions Should Apply, to create sub-sideboard cap for catcher vessels with average pollock landings from 1995-97, which were less than: (1) 1,000 mt; (2) 3,000 mt; (3) 5,000 mt. This wording was accepted as a substitute for Mr. DeHart's motion and incorporated into the main motion.

- Page 3 Under Scallop Sideboards, Option 2, Ms. Behnken recommended deleting 1995 and using only 1996 and 1997 as the qualifying years (this was subsequently made into two suboptions: (a) 1996, 1997, and (b) 1997). Ms. Behnken pointed out that 1995 was the year of the "Mr. Big" incident and the fishery closed prematurely. Also, under this section, Option 2, Mrs. Behnken recommended deleting two suboptions: (a) based on percentage of GHL; and (b)(2) by management area because the State has indicated that these two options are not very feasible. Both of these recommendations were accepted as friendly amendments.
- Page 3 Under When CV Restrictions Should Apply, Ms. Behnken suggested moving the two suboptions under Item 2 as suboptions under Item 1 after staff indicated that was the proper place for them, and then suggested a new suboption under Item 2: limiting fishing to the quarters during the year when the catch history was earned. During discussion it was agreed that another suboption would be limiting fishing to the half-year during the year when catch history was earned. Staff indicated that if TACs do not fall by quarter or half-year it may be difficult to calculate the percent of the sideboard vessels should receive by quarter or half-year. Seasons may be more appropriate, i.e., A or B seasons. These options was incorporated into the analysis understanding that staff may not be able to fully analyze this option on a quarter or half-year basis.
- Page 2 Under Crab Sideboards, Under "Options for Section 208 Vessels," Item 2, Ms. Behnken suggested adding a suboption: Crossovers to opilio fishery limited to those vessels that participated in 1996 or 1997. And, under Item 5, add a new option (c): No sale, lease or stacking of vessel catch history in any crab fishery. These recommendations were both accepted as a friendly amendment.

Ms. Behnken also moved to include for analysis the industry proposal submitted by Margaret Hall and John Dooley (Independent Catcher Vessels) to allow the catcher vessels delivering shoreside to deliver to any one of the processors eligible under Section 208 of the AFA, instead of restricting them to the processors they are currently restricted to. The motion was seconded by Wally Pereyra. Ms. Behnken said that she understood that this may have to be analyzed separately. Staff indicated that the analysis could be quite complex and probably could not be accomplished by April. Mr. Benton did not accept this as a friendly amendment. After discussion the motion was withdrawn from the floor and the Council agreed to direct staff to initiate a discussion paper discussing the economic and policy issues associated with formation of processor/catcher vessel (and mothership/catcher vessel) cooperatives under the AFA, including the alternatives outlined in the Independent Catcher Vessel proposal. The timeline would be to have a preliminary report to the Council in June 1999 and a final report in October 1999.

- Page 5 Under the section, Assigning PSC Caps for Co-op Catcher Vessels in Non-Pollock Fisheries, under the second paragraph regarding a discussion paper establishing chinook salmon PSC, revise the lead-in sentence, as follows: "Include discussion paper establishing chinook PSC sideboard for co-op pools and/or sectors on a pro-rata basis in pollock based on final Council action on

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chinook bycatch caps." [added words are underlined] This was accepted as a friendly amendment.

- Page 10 Lisa Lindeman, NOAA General Counsel, advised that the recommendation of the AP to send a letter to Senator Stevens regarding NMFS funding may be construed as lobbying Congress which Councils are not allowed to do. Dave Benton pointed out that he understands that the Pacific Council has sent similar letters. Ms. Lindeman said she would look into the issue. Council members agreed that the letter should be sent instead to the Secretary of Commerce.

During discussion of the amendments to the motion, Joe Kyle moved to include an analysis to split the allocation of the fixed gear total allowable catch in the BSAI Pacific cod fishery between the freezer longline component and other fixed gear components. The motion was subsequently withdrawn from the main motion on the floor with the understanding that the Council will notice the public of their intent to pursue this as a separate amendment, with initial discussion at the April 1999 meeting. Mr. O'Leary stressed that industry wants this in place for the 2000 fishing year. Steve Pennoyer said he thought it could be accomplished early in the year 2000, but probably not by January 1.

Wally Pereyra asked that one of the issues dropped from the amendment (Page 9, under General - the discussion paper examining alternatives to specific sideboards that would allow vessels in any federal fishery to form co-ops) be kept in mind and pursued at a later date.

Prior to the vote, Mr. Benton stressed that throughout the document the Council has tried to adhere to the qualification years of 1995, 1996 and 1997 as used in the AFA and tried to adopt measures as consistent as possible with the AFA. However, he wanted it noted that in the instances where the Council has deviated from those years and measures there are specific and germane aspects to the fishery or issue that would warrant analysis of other options besides those in the AFA.

**The main motion, as amended, carried without objection.** Final Action is found in Appendix VI (#2) to these minutes.

C-3 Seabird Protection

**ACTION REQUIRED**

**Initial review of EA/RIR for additional seabird avoidance measures.**

**BACKGROUND**

**Measures implemented in 1997 to protect seabirds in the groundfish and halibut fixed gear fisheries have not prevented additional takes of the endangered short-tailed albatross in these fisheries. Two short-tailed albatross were taken in late September 1998 in the BSAI Pacific cod fishery. Both vessels that hooked these birds were using the required seabird avoidance devices.**

**At its December 1998 meeting, the Council approved the development of an analysis of additional seabird avoidance measures at the request of industry. The alternatives in the analysis are listed in Item C-3(a). The full analysis is included as Item C-3(b).**

### **Report of the Scientific and Statistical Committee**

The SSC noted that the EA/RIR was not available for review prior to the meeting and consequently they could not comment on its suitability for public review. The SSC did note, however, that the seabird issue is an ESA problem but does not involve a jeopardy finding. They noted that the problem associated with short-tailed albatross and longline fisheries is clearly defined, the timetable for taking action is reasonable, provisions have been made for experimentation, and concern expressed for minimizing the cost to industry. However, the SSC did point out some shortcomings in the current analysis (see SSC Minutes, Appendix II to these minutes for details). They also noted that because of the extremely small numbers of bycatch of short-tailed albatross and because little quantitative information is available concerning the efficacy of proposed measures, it is unlikely that meaningful estimates of bycatch reduction can be made.

### **Report of the Advisory Panel**

The AP recommended the Council release the EA/RIR on seabird avoidance measures for public review, with the addition of:

1. A more detailed description of the type of devices which would meet the "towed buoy bag" requirement.
2. Expand Section 1.4.1 to include a more detailed description of the size of the vessels, gear types and setting techniques including those used in each of the listed fisheries.
3. Add a sub-option to all alternatives to apply the measure to specific gear types and vessel size.
4. Include information on the IPHC bird avoidance study, information on seabird interaction during IPHC charters and survey data from IPHC longline surveys.

### **DISCUSSION/ACTION**

**Linda Behnken moved to send the EA/RIR out for public review after incorporating the recommendations of the Advisory Panel and issues discussed during public testimony, i.e., geographic information on interactions of seabirds and vessels, and delisting criteria information if available. SSC comments should be addressed to the extent possible. The motion was seconded by Joe Kyle and carried without objection.**

Mr. Pereyra asked that comments from the trawl industry regarding their experiences should be pursued to determine if certain species are attracted to ground fish versus whole fish.

#### **C-4 IFQ/CDQ Issues**

### **ACTION REQUIRED**

- (a) **Receive status report on the NMFS Cost Recovery Fee Collection Program.**
- (b) **Receive status report of 1999 MSCDQ fisheries and review staff tasking of amendments.**

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BACKGROUND

(a) IFQ/CDQ fee collection program

John Sproul will update the Council on the status of the cost recovery fee collection program (Item C(4)(a)). The IFQ Cost Recovery Plan implementation has been delayed recently due to higher priority activities by the Alaska Region. A proposal for the CDQ Cost Recovery Plan is scheduled for committee review by June 1999.

(b) MSCDQ fisheries

Sally Bibb will provide a summary report of the 1998 CDQ fisheries. She will also present an overview of the halibut CDQ proposed rule. The proposed rule is scheduled to be published in the *Federal Register* prior to Council discussion on this issue, and the Council may wish to provide comments at this time.

Sally has also prepared a discussion paper of the five analyses for changes to the MS-CDQ program requested by the Council at the October 1998 meeting (Item C(4)(b)). One new proposal for analysis has also been submitted. Staff is seeking Council direction on prioritizing the preparation of these six analyses and procedures for new proposals, such as an annual call for proposals. The CDQ Committee has also reviewed the discussion paper and its recommendations for prioritizing the analyses will be presented at the meeting.

Neither the AP nor the SSC addressed this agenda item.

DISCUSSION/ACTION

(a) IFQ/CDQ Fee Program

John Sproul, NMFS-Alaska Region, reported that implementation of the IFQ Cost Recovery Plan has been delayed because of higher priority regulatory mandates such as the AFA and Steller sea lion emergency rules. The draft proposed rule for the Plan is complete and ready for agency review and the draft recordkeeping and reporting forms are complete and also ready for agency review. The EA/RIR is still being prepared for agency review. The proposed rule should be available for public comment by April 1, 1999. Steve Pennoyer pointed out that fees will not be collected in 1999 because the program would not be initiated until well into the fishing year. The CDQ Cost Recovery Plan is expected to be available for review by the appropriate Council committees by June 1999.

(b) Multi-species CDQ Amendments

Sally Bibb, NMFS-Alaska Region, provided an update on preparation of amendments to the multi-species CDQ program. In addition to working on priority issues precipitated by the AFA, there are currently six issues to be analyzed and implemented. Regional staff requested input from the CDQ Implementation Committee to prioritize the issues for analysis. The Committee offered the recommendations shown to the left of each issue.

Priority

- |   |    |  |
|---|----|--|
| 3 | A. | Alternative CDQ quota management measures;           |
| 1 | B. | Observer coverage requirements for shoreside plants; |
| 4 | C. | 6,000 lb halibut trip limit in area 4E;              |
| 5 | D. | Crab season start date;                              |

- 6 E. CDQ trawl fisheries season start date;
- 1 F. Observer coverage requirements for longline catcher vessels;
- 2 New CDQ Area 4D/E boundary.

**Dave Fluharty moved that those vessels fishing in CDQ arrangements which deliver iced, headed and gutted product be required to have 30% observer coverage for all CDQ-harvested species. This action would be reviewed in two years to review rates and adjust as appropriate. The motion was seconded by Wally Pereyra.**

**Mr. Pereyra moved to amend that all vessels operating under these conditions would be required to have sufficient IFQ to cover all bycatch or overage above any CDQ amount. This was accepted as a friendly amendment.**

There was discussion regarding whether the motion would include Class B vessels that a CDQ group may contract with in mid-season to help harvest its quota. Mr. Fluharty suggested that if that is the normal pattern for the prosecution of the fisheries it may be appropriate, but he did not have the information to determine that.

Dave Benton said he could support the motion if it was more narrowly constructed so additional vessels would not be included. He suggested the following language:

**Exempt from present observer requirements ice-boat style vessels not greater than 80 ft. and which have been operated in the CDQ halibut and sablefish fishery prior to 12/31/98.**

Mr. Fluharty accepted this language as a friendly amendment. It was clarified that the intent is to only exempt those vessels that now have a stake in the CDQ group and allow them to continue to operate as they have in the past, and not to allow new vessels to be exempted.

**Linda Behnken moved to task NMFS to bring back sampling protocols for future Council consideration to allow 30% coverage for Class B vessels in the halibut/sablefish CDQ fisheries. The intent would be that NMFS would report to the Council in October. The motion was seconded by Robin Samuelsen, but subsequently accepted as a friendly amendment.**

Further discussion clarified that the motion does not include a "sunset" of two years, simply a review. However, Mr. Pennoyer said that there would be an exemption for the short-term in anticipation of an analysis to determine the ramifications and possible effects on other sectors of industry, and that a review would probably be undertaken sooner than two years.

NMFS staff was asked whether this exemption could be implemented for the 1999 season. Sally Bibb indicated that if it is the council's priority, a proposed rule could be prepared and published in the *Federal Register* prior to the Council's next meeting. The Council could comment to the Secretary on the proposed rule, if they saw a need to do so.

**The motion, as amended, carried with Pereyra objecting.**

**With regard to priorities for amendment analyses to the multi-species CDQ program, Linda Behnken moved to adopt the priorities recommended by the CDQ Implementation Committee, as follows: Observer coverage requirements for shoreside plants; observer coverage requirements for longline catcher vessels, CDQ Area 4D/E boundary with the intent that the boundary change be implemented for**



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**the 1999 season. The remaining four amendment issues would be developed as soon as time permits after the above priorities were completed.** The motion was seconded. Ms. Behnken noted that the Council has already addressed the observer coverage requirements for longline catcher vessels.

With regard to the analysis for shoreside plant observer coverage, Ms. Behnken clarified that the alternatives outlined in the current NMFS document be used. The time for these analyses would be the same as for the previous motion -- NMFS would proceed with a proposed rule without returning to the Council for further review. The Council could comment during the Secretarial comment period, if necessary.

Mr. Samuelson asked that the 6,000 lb. trip limit be included in the priorities for implementation in 1999.

Ms. Behnken accepted this as a friendly amendment after NMFS staff indicated that they could accomplish work on this regulation as soon as the halibut regulations for 1999 are published.

**The motion carried, as amended, without objection.**

**C-5     Halibut Charter GHL**

The Council was scheduled to review the staff discussion paper and recommendations of the SSC and AP and provide input to staff for development of management alternatives. However, due to the press of time, the Council deferred this agenda issue to the April 1999 meeting. This item will be placed first on the agenda after the normal reports.

**Report of the Scientific and Statistical Committee**

In addition to issues raised in the discussion paper, the SSC suggests that the analysis address the following:

- (1) The tradeoff between profits earned by charter operators and net benefits obtained by charter customers. For example, while an appropriately specified moratorium may conserve or increase profits for charter operators, it may constrain or reduce the net benefits obtained by charter customers.
- (2) The distribution of risk associated with alternative specifications of the GHL. For example, if the charter fishery is allocated a fixed tonnage or number of halibut rather than a fixed percentage of the TAC, the commercial fishery will absorb reductions (increases) in the TAC.
- (3) The sensitivity of exvessel demand (elasticity) for halibut and the sensitivity of demand (elasticity) for halibut charters.
- (4) Differences in the regional economic impacts of commercial and charter fishing.

**Report of the Advisory Panel**

The AP recommended the Council move forward with the Halibut Charter GHL analysis and provided a revised list of alternatives to be considered (see AP Minutes, Appendix III to these minutes).

C-6 Ecosystems Management

**ACTION REQUIRED**

- (a) Receive report from NMFS Ecosystem Principles Advisory Panel.
- (b) Receive report from the Council's Ecosystem Committee.

**BACKGROUND**

**Ecosystem Principles Advisory Panel**

The Sustainable Fisheries Act required NMFS to establish an advisory panel to develop recommendations on how to apply ecosystem principles in fishery conservation and management activities. The panel was tasked to report on the extent to which ecosystem principles are being applied, including research activities, and propose actions by the Secretary and Congress that should be undertaken to expand the application of ecosystem principles in fishery conservation and management.

Council member Dave Fluharty chaired this panel, and will report their preliminary findings. Chris Blackburn and Tory O'Connell also were members.

**Ecosystem Committee**

The Ecosystem Committee held a workshop on January 21-22 in Anchorage to examine opportunities for better incorporation of ecosystem information and theory into fishery management in the North Pacific. Several presentations were made on the implications of climate variability and regime shifts to fishery management, and the role of marine reserves as a management tool. The Committee also reviewed recommendations from the NMFS Ecosystem Principles Advisory Panel and the National Research Council (NRC) Report on Ecosystem Management for Sustainable Marine Fisheries to see if there are additional ecosystem-based management measures that could be considered for the North Pacific.

A summary of the workshop, including Committee recommendations, will be distributed at the Council meeting.

**Report of the Scientific and Statistical Committee**

The SSC continues to support and encourage the work of the Council's ecosystem committee as an avenue to work toward sustainable fisheries and a better understanding of ecosystem dynamics, and concurred with the committee's recommendations.

**The Advisory Panel did not address this agenda item.**

**Ecosystem Committee Recommendations:**

- Urge NMFS to make Habitat Areas of Particular Concern mapping (and research) a priority.
- Request observer program to record catch of corals and sponges from all fisheries.
- Identify as a research need the effects of longline and pot gear on benthic fish habitat.
- Request plan team to examine shortraker/rougheye catch and biomass data to see if TACs need to be separate. Additionally, MRBS for the shortraker/rougheye trawl fishery should be re-evaluated.

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- Recommend the Bering Sea and Gulf of Alaska be candidates for a Fishery Ecosystem Plan, and review how the principles and policies are addressed by the NPFMC.
- Review the National Research Council's recommendations and evaluate how the NPFMC meets these, and identify ways that address these recommendations, where possible. A report should be provided to the Council in April, or as soon as possible.

**DISCUSSION/ACTION**

The Council concurred with the recommendations of the Committee. At the request of Robin Samuelson, a request for reports of any occurrences or items of interest related to environmental changes and conditions will be published in the newsletter and distributed widely to fisheries organizations and coastal communities to gather practical information.

C-7 Social and Economic Data

**ACTION REQUIRED**

- (a) **Status report from Committee.**
- (b) **Review Committee recommendations.**

**BACKGROUND**

The Social and Economic Data Committee was appointed by the Council in April 1998. Since then the Committee has held several meetings to develop recommendations which would improve the quality of social and economic data that are collected on a routine basis. At this meeting the Committee will report back to the Council on their progress to date. The report will provide specific recommendations to improve data collection in the short term. These measures include requesting the Council to initiate a regulatory amendment to require at-sea processors to file the Alaska Commercial Operators Annual Report (ACOAR).

Other recommendations by the Committee do not require the initiation of amendment packages at this time. Instead they focus on continued public support of this effort by the Council, and support for continuing the development of the "Fishery Atlas" concept proposed by the Committee.

The complete Committee Report is attached at Item C-7(a).

**Report of the Scientific and Statistical Committee**

The SSC felt the committee report and the working group's deliberations represent a useful step toward enhancing social and economic data resources. While these data will ultimately support improved assessments of the status quo magnitude and distribution of net benefits and predictions of how these benefits may change in response to various management decisions, the SSC cautioned that this is a long-lived process analogous to development of the data now routinely collected to support stock assessment models. Moreover, the data collection initiatives explored by the Social and Economic Data Committee are not comprehensive. Specifically, while data generated by the operating cost surveys and the proposed changes to COAR and Fish Ticket reporting requirements will contribute to improved estimates of current net economic benefits, additional information (e.g., cold-storage holdings and other inventories, export and import volumes and prices), would be necessary for modeling exvessel and wholesale product price formation processes.

Similarly, while the fishery atlas will help to describe present and past social and economic context of the fishery, it is unlikely to serve as the basis for predictive models of the social and economic consequences of various management actions. Additional data priorities are identified in the SSC Minutes (Appendix II to these minutes.) The SSC is particularly supportive of the Committee's recommendation in favor of the establishment of an instrument for gathering information about participation by fishing crew and processing employees.

**The Advisory Panel did not address this agenda item.**

## **DISCUSSION/ACTION**

**Linda Behnken moved to approve the Committee Report and the Committee's direction, and to initiate an analysis for a regulatory amendment to require processors operating in the EEZ off Alaska to complete and submit the Alaska Commercial Operator's Annual Report (COAR). The motion was seconded by Dave Benton and carried without objection.**

During discussion, Mr. Benton suggested that AKFIN be used as a vehicle in developing the "atlas" described in the Committee report. He also said that there is already much information available within different agencies and hopes to be able to assign staff to pull together some of the information.

### **C-8 Research Priorities**

#### **ACTION REQUIRED**

**Discuss and identify research priorities.**

#### **BACKGROUND**

**During their November meetings, the Groundfish Plan Teams reviewed and endorsed the February 1998 list of research priorities developed by the SSC (Item C-8(a)). However, the Teams highlighted the following items for priority consideration:**

- 1. Expand bottom trawl surveys in the GOA and Bering Sea to include slope areas.**
- 2. Collect bycatch information in the directed halibut fisheries using observer coverage. Logbook information is inadequate to quantify bycatch of halibut and other groundfish species.**
- 3. Conduct multispecies analysis of stocks.**
- 4. Map nearshore and shelf habitat.**
- 5. Analyze survey information on non-target species.**

**After receiving comments from NMFS and the SSC at this meeting, the Council will forward the priorities to NOAA for use in preparing its annual budget.**

#### **Report of the Scientific and Statistical Committee**

The SSC updated the list of research priorities from last year by incorporating Plan Team recommendations and its own new thoughts (see SSC Minutes, Appendix II to these minutes, for the entire list). The SSC emphasized that the list is not inclusive of all needed research nor is it prioritized; rather that it represents a compilation of research ideas recognized by the SSC as deserving attention by NMFS, ADF&G, IPHC, other agencies, and institutions of higher learning. The SSC wants to emphasize the new importance of sea lion and pollock related research.

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The Advisory Panel did not take up this agenda item.

DISCUSSION/ACTION

At the suggestion of Executive Director Clarence Pautzke, Council members agreed that the current method of submitting research priorities for the NMFS budget is not very effective. The Executive Director will work with NMFS staff to develop a more timely and effective way of submitting research priorities. Council members agreed that recommendations should be more narrowly focused on the pressing research needs to aid the Council in fisheries management. In particular, Council members stressed the need for sablefish stock assessments, Steller sea lion research and Bering sea pollock research.

D. FISHERY MANAGEMENT PLANS

D-1 Groundfish Management

(a) *Improved Retention/Improved Utilization*

ACTION REQUIRED

Final approval of IR/IU program changes.

BACKGROUND

Final action on IR/IU program changes was rescheduled from the December Council meeting. The public review draft of the EA/RIR is attached as Item D-1(a)(1). The December 1998 AP minutes related to this item are attached as Item D-1(a)(2). The IR/IU Committee recommendations are attached as Item D-1(a)(3). The SSC did not address this issue in December.

ACTION 1: FMP Amendment to Allow Discards of Adulterated Fish

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

ACTION 2: Increase the Maximum Allowable Roe Percentage

**Aleutian Islands Subarea:**

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

**Bering Sea Subarea:**

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

ACTION 3: Modify the List of Product Forms against which Pollock Roe may be Retained

- Alternative 1:** No action.

**Alternative 2: Add kirimi to the list of product forms.**

**Alternative 3: Remove fishmeal from the list of product forms.**

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

**Alternative 1: No action.**

**Alternative 2: Treat bait and consumed fish as whole fish product.**

**Alternative 3: Take bait and consumed fish "off the top" before calculating utilization rates.**

**IR/IU performance review**

**The Council has previously discussed the preparation of two reports on its IR/IU program. Council and NMFS staff agree that the Sustainable Fisheries Act mandate under Section 313(i) to provide a report to the Secretary on the advisability of requiring full retention and utilization has been met by the Council via its submission of Amendments 49/49 (IR/IU) to the Secretary. In October 1998, the Council requested that NMFS provide a performance review of the first year (1998) of the Improved Retention/Improved Utilization Program. A report is scheduled for later in 1999.**

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**AP MINUTES (December 1998)**

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

***Action 1***

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

***Action 2***

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

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

***Action 3***

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

***Action 4***

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

Improved Retention/Improved Utilization Implementation Committee Meeting  
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The IR/IU Implementation Committee meeting convened via teleconference on Friday, December 4, at 10:00 am to review and provide recommendations to the Council on the public review draft of the IR/IU EA/RIR dated November 1998. Members attending were Joe Kyle (Chairman), John Gauvin, John Iani, Teresa Kandianis, Paul MacGregor and Glenn Merrill for Beth Stewart. Chris Blackburn, Steve Hughes, Bob Mikol, Thorn Smith and Arni Thomson were absent. Agency staff in attendance were Jane DiCosimo, Kent Lind, and Seth Macinko.

The committee reviewed revisions to the public review draft of the analysis.

**ACTION 1.** The committee recommends the four changes listed under Action 1 to allow discards of adulterated fish.

**ACTION 2.** The committee recommends Alternative 2, 8% maximum retainable roe retention in the Aleutian Islands and Alternative 1, no action in the Bering Sea. The Bering Sea rate may need to be revisited at a later date as a result of the finding of jeopardy for Steller sea lions and the American Fisheries Act.

**ACTION 3.** The committee recommends Alternative 2 to add a product recovery rate for kirimi. The analysis does not support removing fish meal against which pollock roe can be retained because the amount of roe retained against fish meal as a primary product is small. If the Council wishes to address meal as a primary product, it should be taken up as a separate action.

**ACTION 4.** The committee recommends Alternative 3 to take bait and consumed fish off the top before calculating utilization rates.

The committee adjourned at approximately 11 am.

Neither the SSC nor the AP addressed this agenda item at this meeting.

#### DISCUSSION/ACTION

Linda Behnken moved to approve the recommendations of the IR/IU Committee and Advisory Panel, with changes to Action 2: Raise the maximum retainable roe retention in the Aleutian Islands and Bering Sea to 8%. Request an annual report to monitor the amount of product going into fish meal to give the Council an opportunity to review and determine whether there is a dramatic increase in the production of fish meal. In addition, initiate an analysis to look at the issue of whether meal should be considered a primary product. The analysis should particularly look at the socio-economic impacts, particularly in the flatfish fisheries, and the ability to adequately track it as a primary product.

The other three actions included in this motion are:

**Action 1: Allow Discards of Adulterated Fish.** Under this action, regulatory action would be taken to add a definition of "adulterated," to prohibit the intentional adulteration of fish, limit the discard of adulterated fish, and to establish recordkeeping and reporting requirements for adulterated fish.

**Action 3: Modify the List of Product Forms against which Pollock Roe May be Retained** - to add a product recovery rate for kirimi.



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**Action 4: Clarification of Retention and Utilization Requirements for Non-Product Uses of IR/IU Species**  
- to take bait and consumed fish "off the top" before calculating utilization rates.

The motion was seconded by Robin Samuelsen.

Robin Samuelsen moved to amend the maximum retainable roe in the Bering Sea and Aleutian Islands to 9%. The motion was seconded and carried, 10 to 1, with Behnken voting against. Krygier was voting for Benton and Salveson voting for Pennoyer.

The amended motion carried without objection.

With regard to the new analysis regarding meal as a primary product, Sue Salveson suggested that it would be more informative if they had at least one year's experience with the IR/IU program. Ms. Behnken reluctantly agreed to postpone the initiation of the analysis at this time.

*(b) GOA Demersal Shelf Rockfish Retention*

**ACTION REQUIRED**

**Final approval of a regulatory change to require full retention of demersal shelf rockfish in GOA fixed gear fisheries.**

**BACKGROUND**

**Final action on regulatory changes to require retention of demersal shelf rockfish (DSR) in GOA fixed gear fisheries was rescheduled from the December Council meeting. This action addresses concerns by ADF&G biologists over the high level of unreported mortality of DSR believed to be occurring in the directed and bycatch fisheries. Currently, the DSR maximum retainable bycatch limits fishermen to 10 percent by weight of DSR against their halibut longline harvest. Any poundage in excess of the 10 percent limit is discarded at sea. Amending the regulations to require all DSR bycatch to be landed would enhance efforts to increase the accuracy of the accounting of total bycatch mortality of these fish and possibly lead to a change in the maximum retainable bycatch (MRB) for this assemblage. The proposed action under either Alternative 2 or 3 would reduce waste and enhance estimates of total removals of DSR species for stock assessment purposes.**

**The public review draft of the EA/RIR was mailed to you on November 25, 1998. The analysis was revised to include an option to Alternative 2 to require IFQ registered buyers to accept deliveries of rockfish and Pacific cod as a condition of their permit, and clarification of prices and markets for DSR species, as recommended by the Council. The December 1998 AP minutes are quoted below. The SSC did not address this issue in December.**

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

**Since the AP considered this issue in December, NOAA General Counsel has expressed reservations regarding the legality of Alternative 2 as released to the public in the EA/RIR. In response, General Counsel has suggested revising the public review draft of the EA/RIR to include a revised Alternative 2 and a new Alternative 3. The newly revised analysis is provided in your supplemental folder. Council, ADF&G, NOAA General Counsel and Alaska Department of Law staff will be available to address this issue.**

Neither the SSC nor the AP addressed this agenda item at this meeting.

#### DISCUSSION/ACTION

Linda Behnken moved to adopt Alternative 3, options (a-d), with no additional suboptions under (d):

- (a) Eliminate the maximum retainable bycatch limit for DSR;
- (b) require full retention of DSR to food grade standards by federally-permitted vessels in the fixed gear fisheries in the GOA Regulatory Area 650;
- (c) permit fishermen to sell an amount of retained DSR that is up to, but not more than 10 percent of other retained catch;
- (d) after DSR has been landed, weighed and reported on a fish ticket, require fishermen to surrender the excess to the State.

The motion was seconded by Robin Samuelson.

In speaking to the motion, Ms. Behnken pointed out that the goal is to reduce waste first, then reduce bycatch to the extent that retention of DSR acts as an incentive to avoid catching rockfish, and to improve accountability of removals in this fishery. Ms. Behnken recognized that there may be some legal issues to be resolved with regard to this program but stressed that the Council cannot continue to allow legal issues to deter them from reducing waste and bycatch in the fisheries as mandated by the Magnuson-Stevens Act and that perhaps it may be time to seek changes in the laws that impede the Council's progress.

By friendly amendment, the motion was amended to state that fish forfeited under this program would not count toward fishing history in any future IFQ or limited access program. The motion carried without objection.

(c) *BSAI Chinook Salmon PSC*

#### ACTION REQUIRED

Take final action on amendment to reduce BSAI chinook salmon bycatch.

#### BACKGROUND

The Magnuson-Stevens Act amendments emphasized the importance of bycatch effects on achieving sustainable fisheries. National Standard 9 mandates that conservation and management measures shall, to the extent practicable: (1) minimize bycatch; and (2) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch. To comply with these provisions of the Act, the Council highlighted the need for additional bycatch management measures during the 1997 call for proposals, and initiated development of several proposals received.

One proposal approved for analysis would lower the chinook salmon bycatch limits that trigger a closure of the Chinook Salmon Savings Areas in the Bering Sea. This proposal, submitted by the Yukon River Drainage Fisheries Association, identified that the current bycatch trigger of 48,000 chinook salmon is inadequate and does not reduce chinook salmon bycatch. Additionally, bycatch of chinook salmon after April 15 does not apply towards the PSC limit that triggers a closure.

In April 1998, the Council reviewed a draft analysis, and requested that the analysis be revised to include additional alternatives, including hotspot area closures at the start of the fishing year and an option that the closure would apply only to the pollock fishery. Further, the Council requested

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that the analysis discuss several issues, including a requirement for 100% observer coverage on vessels over 60' when fishing in the hotspot area, use of vessel monitoring systems on vessels fishing for pollock, accuracy of basket sampling for salmon, measures to ensure accurate enumeration of catch, and possible gear interactions resulting from a hotspot closure.

In October 1998, the Council reviewed a revised draft analysis and recommended several minor additions be incorporated into the analysis prior to public review. The revised analysis, which was released for public review on January 5, examines the following alternatives:

**Alternative 1:** No Action. Trawling is prohibited in the Chinook Salmon Savings Areas (CHSSA) through April 15 upon attainment of a bycatch limit of 48,000 chinook salmon in the BSAI.

**Alternative 2:** Include salmon taken after April 15 toward the bycatch limit of 48,000 chinook salmon. The Chinook Salmon Savings Areas would close upon attainment of the bycatch limit, whenever this would occur. Hence these areas could close, or remained closed, during the pollock 'B' season.

**Alternative 3:** Reduce the trigger level to 36,000 chinook salmon in the BSAI. Trawling would be prohibited in the Chinook Salmon Savings Areas through April 15 upon attainment of a bycatch limit of 36,000 chinook salmon in the BSAI.

**Option 1** (applicable to Alternatives 2 and 3): Seasonally allocate the PSC limit, such that there are separate triggers for the pollock 'A' and 'B' season.

**Option 2** (applicable to Alternatives 2 and 3): Begin accounting toward the PSC limit at the start of the 'B' season (currently September 1), with the amount carried over to the next pollock 'A' season.

**Alternative 4:** Annual closure of specific "hot spot" blocks. These specific blocks are the five contiguous blocks of the current Chinook Salmon Savings Area that in the vicinity of Unimak Island. These have been labeled in the document as 200, 201, 202, 227, 228, and 254. Block 201 has been further subdivided in half east to west and labeled as 997 (the eastern half) and 998 (the western half).

**Option 1:** Consider a seasonal closure of the selected blocks.

**Option 2** (applicable to Alternative 4 and Option 1): The closure would only apply to the pollock fisheries although chinook salmon bycatch in all fisheries would apply toward a cap if in effect.

**Alternative 5:** Alternative 4 would be combined with Alternatives 1, 2, and 3. A cap would apply to closure of the "hot spot" blocks.

An executive summary of the analysis is attached as **Item D-1(c)(1)**. Dave Ackley (ADF&G) will be on hand to discuss the results of his analysis.

**Item D-1(c)(2)** contains correspondence received on this subject.

#### Report of the Scientific and Statistical Committee

The SSC reiterated a comment previously provided on this issue - that because chinook salmon bycatch levels are historically low relative to the directed catch (commercial and subsistence) the proposed bycatch management measures are largely allocative among the competing fisheries. Proposed alternatives variably distribute the conservation burden for the chinook stocks between the groundfish and directed salmon fisheries.

The SSC noted that while the current document offers a thorough evaluation of where and when chinook salmon bycatch occurs, and the differences in anticipated catch as a consequence of the proposed alternatives, the consideration of the costs and benefits associated with the alternatives is limited.

The SSC pointed out that there is some question whether the data analyzed in the EA/RIR are realistically predictive of outcomes expected in the upcoming groundfish fishery given the very substantial changes in management resulting from the recent AFA, and management measures related to the Steller sea lion biological opinion. Regardless, the EA/RIR does attempt to provide qualitative insight on the direction and type of impact resulting from these actions. The SSC notes that data on the river of origin of chinook salmon bycatch is dated, and it is not known if more timely data would change the inference on this topic. The SSC also noted that there is continued controversy with respect to the accuracy of chinook salmon bycatch estimates.

In spite of these concerns, the SSC believes the data reflect the trend and spatial pattern of salmon bycatch in Bering Sea groundfish fisheries. The spatial and temporal patterns have been very consistent in the foreign, JV and domestic groundfish fisheries. (See SSC Minutes for more extensive comments.)

### **Report of the Advisory Panel**

The AP recommended the Council require, as part of this action, a sampling regime with an accurate level of estimates as illustrated in the June 1997 report by Jack Turnock and William Karp titled, "Estimation of Salmon Bycatch in the 1995 Pollock Fishery in the BSAI - a comparison of methods based on observer sampling and counts of salmon retained by fishing vessel and processing plant personnel."

The AP recommended that the Council reduce the chinook salmon bycatch cap incrementally from 41,000 to 29,000 over four years beginning in the year 2000. The accounting for the cap would begin January 1 and continue year-round. Non-pollock fisheries would be exempt from the closure and those fisheries' chinook PSC bycatch would not be counted toward the cap.

Additionally, the AP recommended the Council initiate an analysis, for time certain implementation in 2001, to apportion the chinook salmon PSC by:

1. sector
2. individual co-op
3. individual vessel.

(The incremental reduction is contingent upon this action to provide the tools necessary for individual accountability.)

Further, the AP recommended the Council delete the two Pribilof blocks from the closure area and recommended adding block 226 to the closure area. In the event the cap is triggered in the A season, the chinook savings area would close immediately. The closure would be removed at the beginning of the B season, but would be reinitiated September 1.

### **DISCUSSION/ACTION**

**Earl Krygier moved the AP recommendations as printed above.** The motion was seconded by Robin Samuelsen.

Mr. Krygier said that the AP motion addresses the concerns of Council members and industry regarding enumeration and the amount of the cap. By taking the current cap and annualizing it, there could be a significant reduction in bycatch and phasing it down will give incentives to reduce bycatch.

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**Linda Behnken moved to reduce the phase-in period to three years.** This was accepted as a friendly amendment. Upon discussion, it was clarified that the phased-in caps would be as follows: Beginning in the year 2000 - 41,000 salmon; 2001 - 37,000 salmon; 2002 - 33,000 salmon; and in 2003 - 29,000 salmon.

**Joe Kyle moved to review this Council action in two years to determine its efficacy.** This was accepted as a friendly amendment.

During Council discussion concerns were again raised about the reliability of current counting estimates. Sue Salveson responded that NMFS is now in a better position to work with industry to get a higher level of sampling within hauls. She also proposed that NMFS continue to work with industry to assess monitoring tools with the additional observer coverage in the at-sea and mothership sectors to come up with a better methodology for determining salmon bycatch.

Mr. Pereyra said that he could accept the AP motion although he feels that 7,000 salmon is in excess of what the non-pollock fishery has been taking in the last three years which is about 5,700. He also felt that the Council is being more aggressive than it appears and that the four-year plan would be more appropriate, particularly in light of the radical changes in the pollock fishery under the American Fisheries Act.

In discussion of sector allocations, Ms. Salveson indicated that she doesn't think the current analysis was set up to analyze sector-by-sector allocations and the ramifications of that type of allocation and that it may be premature until NMFS has had time to assess AFA co-op management considerations and determine their ability to manage bycatch within each sector. She suggested a future presentation by staff lay out for the Council relevant information in the analysis that would indicate the respective potential impacts of sector allocations on the listed catcher processors, motherships, and the inshore sector, including the amounts of fish that would be allocated to each.

**The motion, as amended, carried without objection.**

*(d) VBA/HMAP Committees*

**ACTION REQUIRED**

**Receive report from Vessel Bycatch Accountability (VBA) and Halibut Mortality Avoidance Program (HMAP) Committees and consider implementing pilot programs.**

**BACKGROUND**

**In October 1998, the VBA/HMAP Committees reported on their findings, and recommended that a pilot program be developed for both VBA and HMAP. The Council tasked the committees to hammer out the details of VBA and HMAP pilot programs. In December, the Council also tasked the VBA committee with developing options for PSC caps for co-op vessels in non-pollock fisheries as part of the American Fisheries Act amendment measures.**

**The Committees met again on January 7-8 at the Alaska Fisheries Science Center. Minutes from the meeting are attached as Item D-1(d)(1). Committee chairs Steve Hughes (VBA) and Beth Stewart (HMAP) will be available to report on the Committee's findings and recommendations. At this meeting, the Council will review the committee report and determine the next steps.**

**Neither the SSC nor the AP discussed this agenda item.**

## DISCUSSION/ACTION

With regard to the HMAP proposal Linda Behnken moved to indicate Council support for the current work on the program and encouraged the Groundfish Forum or other interested industry to provide a more fully developed proposal for future Council consideration. The motion was seconded by Dave Fluharty and carried without objection.

Sue Salvesson indicated that the current suggestion to proceed with an experimental fishery probably is not feasible because NMFS would be required to allocate PSC to pools. She said that regulatory action would more than likely be needed and pointed out the current heavy workload of NMFS.

With regard to VBAs, NMFS staff said that any analysis and regulations would be more complicated and will take considerably more time to develop. Linda Behnken moved to request that NMFS work with the Observer Program and the Observer Oversight Committee to address some of the concerns NMFS has with VBAs and to provide recommendations to the Council on what rulemaking might be appropriate. The motion was seconded by Kevin O'Leary and carried without objection. Ms. Behnken indicated that she understood that with current priorities NMFS may not be able to address this in the immediate future.

### *(e) Pelagic Trawl Definition*

#### ACTION REQUIRED

Discuss differences between state and federal definitions of pelagic trawls.

#### BACKGROUND

In March 1999, the Board is scheduled to take complementary action for state waters to mirror the bottom trawl ban in federal waters adopted by the Council in June 1998. The Board sent a letter to the Council (see Attachment 2(b)(1) of joint Council/Board meeting) which identifies a conflict between the federal and state definitions of pelagic trawl gear. The federal definition is included as Attachment 2(b)(2) of the joint NPFMC/BOF meeting. At its meeting in January 1999, the Joint Board/Council Committee recommended that this issue be referred to the Council's Enforcement Committee. A report would be scheduled at the next joint Committee meeting (tentatively in July 1999), allowing possible action by both the Council and BOF in the fall of 1999.

Neither the SSC nor the AP discussed this agenda item.

## DISCUSSION/ACTION

The Council tasked the Enforcement Committee to meet with industry and other interested public to identify: 1) if a conflict occurs between the state and federal definitions of pelagic trawl gear; 2) if a problem occurs as a result of conflicting gear definitions; and 3) a new definition of pelagic trawl gear, if needed. The committee will report its conclusions to the Joint BOF/NPFMC at its next meeting.

### *(f) Total Weight Measurement*

#### ACTION REQUIRED

Consider adequacy of current methods.

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**BACKGROUND**

Sections 313(h)(1) and (2) of the Magnuson-Stevens Act require that the Council assess and make determinations about the adequacy of the total catch weight estimates on which the management of the North Pacific groundfish fisheries is based. At its meeting in February 1998, NMFS provided information to the Council on the accuracy of catch estimates for groundfish and prohibited species. Based on this and other information, the Council's SSC determined that the North Pacific groundfish fisheries are one of the best monitored fisheries in the world, although improvements always can be made. Also in February, ADF&G reported that its harvest enumeration methods for all scallop, salmon, crab, and groundfish species managed under FMPs, were adequate to meet the requirements of the Act.

The Council then requested analysis of a requirement for either certified bins or scales in the offshore BSAI pollock and yellowfin sole fisheries. It also requested NMFS to prepare a matrix of current measures used in each fishery and a framework plan to improve total catch estimation over time, and report back to the Council as staff availability allows. And finally, the Council asked NOAA GC to provide a legal opinion on whether the Council was meeting the requirements of the Sustainable Fisheries Act.

In October 1998, NMFS reported back to the SSC and AP on catch accounting methodology for each BSAI and GOA fishery. Item D-1(f)(1) contains the NMFS report and SSC and AP comments. The Council did not have time to receive this report in October. Since the February 1998 meeting NMFS has implemented at-sea scale performance standards and criteria as a precursor to the at-sea scale requirements established for the MS CDQ program. Currently, 20 catcher/processors and two motherships have scales approved by NMFS for use in the MS CDQ fisheries. The AFA also requires all pollock catcher/processor vessels to have NMFS-approved scales onboard by 2000. Therefore, with the exception of pollock mothership operations, the pollock fishery will be using scale weight measurements of catch by the year 2000, as will some other non-pollock catcher/processors that participate in the MS CDQ fisheries.

Time is needed to assess the new at-sea scale weight measurement program before it is further expanded. NMFS should be requested to report to the Council at the end of 1999 and 2000 on the use of scales for total catch weight measurements so that the Council can better assess the feasibility of expanding this program beyond the pollock and MS CDQ fisheries.

**DISCUSSION/ACTION**

This agenda item was deferred in light of previous discussions of catch measurement. The Council will receive a full report at the end of each year assessing the development and progress of the at-sea scales program.

*D-1(g) State Waters Pollock Fishery*

During the joint Council/Board meeting earlier in the week the Council was advised of a proposal before the Board to initiate State water pollock fisheries. Council members, concerned about the possible impacts of these fisheries on the federal pollock fisheries, requested that the joint Council/Board Committee more fully discuss the proposal. Council members were encouraged to provide comments directly to Kevin O'Leary for discussion at the Committee meeting.

D-2 Scallop License Limitation Program

**ACTION REQUIRED**

**Final action on amendment to establish a license limitation program for the scallop fishery.**

## BACKGROUND

In December 1996, the Council approved for analysis a proposal to establish a license limitation program for the Alaska scallop fishery. Amendment 4 has been proposed to establish a license limitation system for the scallop fishery to replace the Federal vessel moratorium, which is scheduled to expire in the year 2000.

At its October 1998 meeting, the Council reviewed the analysis and added two alternatives. The Council also clarified that licenses would be issued to current moratorium permit holders for those permits that were fished in qualifying years.

A revised analysis was released for public review on December 30, 1998. The alternatives and options analyzed were as follows:

**Alternative 1:** No Action. The fishery would revert back to open access in the year 2000.

**Alternative 2:** Vessel owners who qualify for Federal moratorium permits would receive a license (for a total of 18 licenses).

**Alternative 3:** Vessel owners who qualify for State moratorium permits would receive a license (for a total of 10 licenses).

**Alternative 4:** Holders of either Federal or State moratorium permits that landed scallops in 1996 or 1997 would receive a license (for a total of 10 licenses).

**Alternative 5:** Holders of either Federal or State moratorium permits that landed scallops in 1996, 1997, or 1998 (through 10/9/98) would receive a license (for a total of 11 licenses).

**Alternative 6:** Holders of either Federal or State moratorium permits that landed scallops in two of the three years (1996, 1997, 1998 through 10/9) would receive a license (for a total of 9 licenses).

In addition, two options, applicable to Alternatives 2-6, were analyzed.

### **Option 1: Area Endorsements**

**A:** (1) Separate endorsements for Cook Inlet and statewide areas based on recent activity.

(2) Separate endorsements for Cook Inlet and statewide areas based on recent or historic activity.

**B:** No area endorsement. All licenses are statewide.

**C:** (1) No area endorsements. All licenses are statewide, but Cook Inlet vessels would be restricted to a single 6 ft dredge in all areas based on recent activity.

(2) No area endorsements. All licenses are statewide, but Cook Inlet vessels would be restricted to a single 6 ft dredge in all areas based on recent or historic activity.

### **Option 2: Vessel Reconstruction and Replacement**

**A.** No restrictions on reconstruction or replacement.

**B:** Maximum LOA restricted to 120% of the vessel length on January 23, 1993



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**C: Maximum LOA restricted to 120% of the LOA of the vessel on which the permit was used in 1996 or 1997.**

**D. No increases in vessel length allowed.**

**The analysis indicates that all alternatives to the status quo provide more long-term stability to this fishery and to the communities that support the fishery. The number of licenses issued under Alternatives 3-6 would be more in line with the number of full-time scallop vessels that recent harvests can support at a break-even level. The break-even level estimated in the analysis is 6 to 7 vessels, based on current exvessel prices and landings. Although the number of licenses issued (9-11) would still exceed the number that could efficiently harvest the resource, most participants would have an opportunity to catch enough scallops to make normal returns on investments, without accruing excessive profits. Nevertheless, each additional vessel participating in the fishery or other additional increases in harvesting capacity impose additional costs to existing participants, including vessel owners and crew. Table 3.4.2 from the analysis (below) lists the number of vessels qualifying under each alternative and option. An Executive Summary of the analysis is attached as Item D-2(a). Comments received are under item D-2(b).**

**This analysis was reviewed by the Joint Council/Board of Fish Committee, which expressed a desire to eventually have one limited entry program for both Federal and State waters, noting that action by the Legislature (or CFEC possibly) may be required to complement the Council's limited entry program. The Committee continues to support a common set of qualifying rules for the scallop fishery.**

**At this meeting, the Council is scheduled to take final action on this amendment.**

**Table 3.4.2 Vessels that would qualify for licenses under the alternatives, based on preliminary CFEC fish ticket data.**

Vessel	LOA <sup>1</sup>	Alt. 2	Alt. 3	Alt. 4	Alt. 5	Alt. 6	Areas Fished in 1996-98	# of years vessel fished 1980-98
Alaska Beauty	98	yes	yes	yes	yes	NO	Cook Inlet	3
Northern Explorer	70	yes	yes	yes	yes*	yes*	Cook Inlet; Statewide in 1998	6
Kilkenny	75	yes	NO	yes	yes	yes	Cook Inlet	4
Wayward Wind	52	yes	yes	yes	yes*	yes*	Cook Inlet w/leased vessel	4+ (see note 3)
Pursuit	101	yes	yes	yes	yes	yes	Statewide	19
Jacqueline&Joseph <sup>2</sup>	96	yes	yes	NO	yes	NO	Statewide in 1998	9
Rush	72	yes	yes	NO	NO	NO	Did not fish for scallops	7
Provider	124	yes	yes	yes	yes	yes	Statewide	10
Trade Wind	88	yes	yes	NO	NO	NO	Did not fish for scallops	4
Carolina Boy	96	yes	yes	yes	yes	yes	Statewide	6
Carolina Girl 2	96	yes	yes	yes	yes	yes	Statewide	6
Ocean Hunter	100	yes	NO	yes	yes	yes	Statewide	10
Forum Star	97	yes	NO	yes	yes	yes	Statewide	5
Mr. Big	146	yes	NO	NO	NO	NO	Did not fish for scallops	4
Lorraine Carol	88	yes	NO	NO	NO	NO	Did not fish for scallops	3
Fortune Hunter	82	yes	NO	NO	NO	NO	Permit transferred in 1998	3
Arctic Rose <sup>2</sup>	224	yes	NO	NO	NO	NO	Did not fish for scallops	2
Pheonix	104	yes	NO	NO	NO	NO	Did not fish for scallops	6
<b>TOTAL NUMBER</b>		<b>18</b>	<b>10</b>	<b>10</b>	<b>11</b>	<b>9</b>		
Option 1A (1) Statewide endorsements			15	10	6	8	7	
Option 1A (1) Cook Inlet endorsements			4	3	4	4	3	
Option 1A (2) Statewide endorsements			15	10	7	9	8	
Option 1A (2) Cook Inlet endorsements			4	3	4	4	3	

\* Potentially could be endorsed for both statewide and Cook Inlet areas under Option 1A.

<sup>1</sup> LOA (length overall in feet) from moratorium permit or other sources.

<sup>2</sup> Jacqueline and Joseph renamed Arctic Queen; Arctic Rose renamed Seawind.

<sup>3</sup> Wayward Wind qualified for moratorium with 4 years landings (1983, 84, 85, 87); the permit holder fished the F/V LaBrisa in 1994, and fished the permit on leased vessels (Billy D and Trina) in 1996 and 1997.

The SSC did not discuss this agenda item.

### Report of the Advisory Panel

The AP recommended the Council adopt Alternative 5, Option 1 C(2) and Option 2C, as follows:

**Alternative 5**, Holders of either Federal or State moratorium permits that used their moratorium permits to make legal landings of scallops in any one year 1996, 1997, or 1998 (through 10/9/98) would receive a license. The federal or state moratorium qualification period would serve as the historic qualifying period and the years 1996, 1997 and 1998 would serve as the recent qualifying period. Under this alternative, a total of 11 licenses would be issued; one for each vessel.

**Option 1C(2)** with language revisions as follows: *No area endorsements. All licenses statewide, but vessel licenses are endorsed for maximum legal gear if that gear was used during the recent or historic qualifying period. Other vessels would be restricted to the maximum legal gear approved for use in the Cook Inlet area.*

**Option 2C** *Maximum vessel length would be restricted to 120% of the LOA of the vessel on which the permit was used in 1996 or 1997 on or before December 31, 1997. If a permit was used on more than one vessel in 1996 or 1997, maximum LOA would be calculated using the longest vessel.*

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The AP further recommended that excessive shares (as defined under the LLP) for the scallop fishery be established as a maximum of 2 scallop licenses that can be held by a person, corporation or other entity. Those persons who exceed this limit in the initial allocation will be allowed to hold the number of licenses for which they initially qualify under a grandfather provision. Ownership will be defined by the 10% rule as defined under the American Fisheries Act (*if any entity owns or controls 10 percent of another entity, they are considered one entity*).

**DISCUSSION/ACTION**

Linda Behnken moved to adopt the following:

**Alternative 6: Holders of either federal or state moratorium permits that used their moratorium permits to make legal landings of scallops in two of the three years, 1996, 1997, 1998, through October 9, 1998, would receive a license. The federal or state moratorium qualification period would serve as the historic qualifying period and the years 1996, 1997, and 1998 would serve as the recent qualifying period. Under this alternative a total of 9 licenses would be issues, one for each vessel.**

**Further, there would be no area endorsements. All licenses statewide, but vessel licenses are endorsed for maximum legal gear if that gear was used during the recent or historic qualifying period. Other vessels would be restricted to the maximum legal gear approved for use in the Cook Inlet area.**

**Maximum vessel length would be restricted to 100% of the length overall of the qualifying vessel on February 8, 1999. Further, licenses would be issued to the owner of the qualifying vessel as of February 8, 1999, date of final Council action.**

The motion was seconded by Wally Pereyra.

Ms. Behnken stressed that this is a very sensitive resource and a highly overcapitalized fishery. She also pointed out that the Alaska Board of Fisheries has requested the Council to take significant action to address overcapitalization in the fishery.

Joe Kyle moved to substitute the AP motion for the Council's action:

**Alternative 5, Holders of either Federal or State moratorium permits that used their moratorium permits to make legal landings of scallops in any one year 1996, 1997, or 1998 (through 10/9/98) would receive a license. The federal or state moratorium qualification period would serve as the historic qualifying period and the years 1996, 1997 and 1998 would serve as the recent qualifying period. Under this alternative, a total of 11 licenses would be issued; one for each vessel.**

**Option 1C(2) with language revisions as follows: *No area endorsements. All licenses statewide, but vessel licenses are endorsed for maximum legal gear if that gear was used during the recent or historic qualifying period. Other vessels would be restricted to the maximum legal gear approved for use in the Cook Inlet area.***

**Option 2C *Maximum vessel length would be restricted to 120% of the LOA of the vessel on which the permit was used in 1996 or 1997 on or before December 31, 1997. If a permit was used on more than one vessel in 1996 or 1997, maximum LOA would be calculated using the longest vessel.***

The motion was seconded by Wally Pereyra.

Linda Behnken offered a friendly amendment to re-word Option 2C as in the original motion: 100% of the LOA of qualifying vessel as of February 8, 1999, and issued to the owner of the qualifying vessel as of that date. This was accepted as a friendly amendment to Mr. Kyle's motion.

The substitute motion failed, 8 to 3, with Kyle, Pereyra and Lauber voting in favor.

Dennis Austin moved to amend the original motion, substituting Option 1C(1) in place of 1(C)(2):

No area endorsements. All licenses are statewide, but Cook Inlet vessels would be restricted to a single 6 ft dredge in all areas based on recent activity. The motion was seconded.

Linda Behnken moved to amend the motion to allow two six-foot dredges in all areas (referring to a single vessel, the *Wayward Wind*). The motion was seconded by Kevin O'Leary and failed, 9 to 2, with Behnken and O'Leary voting in favor.

Mr. Austin's amendment carried, 8 to 3, with Behnken, O'Leary, and Lauber voting against.

The main motion, as amended, carried 7 to 4, with Behnken, Kyle, Pereyra and Lauber voting against.

With regard to the excessive share issue, Linda Behnken moved to approve the AP recommendation, adding that grandfather rights would be extinguished if a corporation changed (using the same regulations as in the IFQ program) in order to prevent corporations from existing in perpetuity.

Ms. Behnken restated the motion as follows: Excessive shares (as defined under the LLP) for the scallop fishery would be established as a maximum of two scallop licenses that can be held by a person, corporation or entity (as defined under the Magnuson Act).

The motion was seconded by Earl Krygier and carried 8 to 2, with Pereyra and Lauber voting against. Mr. Samuelsen was not present for the vote.

#### D-3 BSAI Crab

#### **ACTION REQUIRED**

Receive progress report on *C. bairdi* rebuilding plan analysis.

#### **BACKGROUND**

The Bering Sea Tanner crab (*C. bairdi*) stock will be declared "overfished" based on the minimum stock size thresholds (MSST) proposed for crab under Amendment 7 to the BSAI king and Tanner crab FMP. The national standard guidelines require a rebuilding plan for any overfished stock, with a rebuilding period less than 10 years unless dictated otherwise by life history characteristics. In October 1998, the Council voted to move forward with an aggressive rebuilding plan for this stock. Since that time, the Crab Plan Team has been working on the rebuilding plan analysis. Minutes from Plan Team's last meeting are attached as Item D-3(a).

Scientific data suggest that the *bairdi* stock may actually be comprised of two separate stocks east and west of a dividing line in the vicinity of 168° W (just east of the Pribilof Islands), based on

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differences in growth, size frequencies, size at maturity, and genetic work. The Team will need to develop new overfishing, MSST, and MSY definitions for each stock, as well as develop two separate rebuilding plans.

The plans will be composed of three parts: a new harvest strategy, evaluation of bycatch control measures, and habitat protection. ADF&G is developing a new harvest strategy for Tanner crabs, on which the Board of Fisheries will act in March. ADF&G is analyzing a stairstep harvest rate and associated thresholds, along the lines of the strategy developed two years ago for Bristol Bay red king crab. The approach was recommended by the plan team and advocated by NMFS.

The second part of the rebuilding plan is an evaluation of bycatch control measures in both the crab and groundfish fisheries (the scallop fishery does not have high bycatch of *bairdi*). The *opilio* crab fishery may be prohibited from fishing in areas with high bycatch rates of *bairdi*. New research indicates that mortality of *bairdi* may be high when subjected to windchill in freezing temperatures. For groundfish fisheries, new bycatch limits or zones may be proposed based on stock separation.

Habitat protection will also be considered. Unlike red king crab, Tanner crab do not seem to require well defined habitat types for settlement. Survey data, groundfish observer data, and crab observer data will be examined for any "hotspot" habitat areas for *C. bairdi*. Protection of important habitat areas could range from designation as a habitat area of particular concern to year-round or seasonal closure to specific or all gear types.

Staff will discuss proposed contents of the plan and a timeline for analysis. The analysis may be ready for initial review in April.

**Report of the Scientific and Statistical Committee**

The SSC received a progress report on the development of an analysis but did not provide any comment at this time.

**The Advisory Panel did not address this agenda item.**

**DISCUSSION/ACTION**

The Council received a progress report on development of the analysis which will be provided for Council review at the April meeting.

D-4 Salmon FMP

**ACTION REQUIRED**

**Review Overfishing Definition for the Salmon FMP.**

**BACKGROUND**

In June 1998, the Council approved revised definitions of overfishing, MSY, and OY as Amendment 6 to the Salmon FMP. In November, we received a letter from Terry Garcia, Deputy Administrator for NOAA, pointing out that the salmon overfishing analysis needed revision to allow the agency to determine whether it complies with the national standards. Staff from the NMFS Regional Office, the Science Center, and ADF&G have been working on this issue, and will report to the Council.

## **Report of the Scientific and Statistical Committee**

The SSC reviewed the revised overfishing definition developed for the Salmon FMP. The definition under Alternative 2 (preferred) applies to chinook salmon (Tier 1) and coho salmon (Tier 2,3) explored by the southeast Alaska troll fishery. The definitions reflect the overfishing policies of the State of Alaska, and the Pacific Salmon Commission (PSC) and are consistent with the Magnuson-Stevens Act's National Standard 1.

The SSC noted that the mortality rates under Tier 1 are accumulated from 1997 (the year the PSC letter of agreement was implemented) until the most recent time. Over time these rates would become insensitive to catches exceeding management targets. The SSC recommended that the rates be accumulated only over the previous T years, where T is the average life span of the chinook salmon stocks exploited.

## **ABC/OFL DISCUSSION**

Grant Thompson (AFSC) gave a thorough overview of recent events concerning ABC/OFL determinations. Passage of the MSFCMA in 1996 led to the Council's redefinition of overfishing and the development of Amendments 56/56 to the BSAI and GOA FMPs. Following the advice of the Plan Teams, SSC and AP, the Council approved Alternative 2; approval from DOC came just last week.

The Council's alternative does not follow NMFS Guidelines exactly. In particular, a minimum stock size threshold allowing rebuilding to a target level within a given number of years was not in the alternative. It is unclear at this point what the difference means for the annual ABC/OFL process.

Dr. Thompson also distributed a revised version of his paper presenting his vision of how to optimize the elusive harvest control rules. The SSC continues to support his and others' work on improving the basis for determinations of ABC and OFL.

**The Advisory Panel did not address this agenda item.**

## **DISCUSSION/ACTION**

Gretchen Harrington, NMFS-Alaska Region, gave a brief report to the Council on the re-development of the overfishing definition for the Salmon FMP. The revised analysis has been submitted to the NMFS Central Office for review.

## **E. FINANCE REPORT**

The Finance Committee met February 5, 1999 to discuss the FY 1999 budget, and approved expenditures for consulting fees to assist in AFA amendment issues, funds to hire an additional staff analyst/economist, funds to support State analyses examining the relationship of AFA-eligible vessels to the BSAI crab fisheries, and an addition to travel funds for the Socioeconomic Committee if funds are not available in the regular Administrative Travel budget.

## **F. PUBLIC COMMENTS**

There were no further public comments.

## **G. ADJOURNMENT**

Chairman Lauber adjourned the meeting at approximately 4:39 p.m. on Monday, February 8, 1999.1.