

North Pacific Fishery Management Council

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MINUTES

169th Plenary Session NORTH PACIFIC FISHERY MANAGEMENT COUNCIL December 8-14, 2004 Anchorage, Alaska

TABLE OF CONTENTS

A.	CALL TO ORDER, APPROVAL OF AGENDA/MINUTES.....	2
B.	REPORTS	2
C.	NEW OR CONTINUING BUSINESS	4
C-1	Crab Rationalization	4
C-2	GOA Groundfish Rationalization	7
C-3	GOA Rockfish Demonstration Project	10
C-4	EFH and Habitat Area Particular Concern (HAPC)	11
C-5	Amendment 80 IR/IU	14
C-6	Observer Program	15
C-7	Halibut/Sablefish IFQ Program	17
C-8	Halibut Subsistence.....	19
C-9	Pacific Cod Allocations	21
D-1	GROUNDFISH MANAGEMENT	23
D-1(a)	AI Special Management Area.....	23
D-1(b)	BSAI Salmon Bycatch	24
D-1(c)	Rockfish Management Discussion Paper.....	25
D-1(d)	Non-Target Species Committee Report	26
D-1(e)	Final GOA Groundfish Specifications for 2005 and 2006	27
D-1(f)	Final BSAI Groundfish Specifications for 2005 and 2006	29
D-1(g)	Groundfish FMP Revisions.....	31
D-2	STAFF TASKING	31
D-3	OTHER BUSINESS	33
APPENDIX 1. Public Testimony List		
APPENDIX 2. AP Minutes		
APPENDIX 3. SSC Minutes		
APPENDIX 4. Motion C-1 Crab Rationalization		
APPENDIX 5. Motion C-2 GOA Groundfish Rationalization		
APPENDIX 6. Motion C-3 GOA Rockfish Demonstration Project		
APPENDIX 7. Motion C-5 IR/IU Amendment 80		
APPENDIX 8. Motion C-9 BSAI Pacific Cod Allocation		
APPENDIX 9. Motion D-1(e) GOA Groundfish Specifications		
APPENDIX 10. Motion D-1(f) BSAI Groundfish Specifications		

FORMAT FOR COUNCIL MEETING MINUTES

Each agenda item will begin with a copy of the original “**Action Memo**” from the Council meeting notebook. This will provide an “historical” background leading up to the current action. This section will be set in a different style font than the actual minutes. Any attachments referred to in the Action Memo 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 (SSC) and Advisory Panel (AP) on the subject. Last will be a section describing **Council Discussion and Action**, if any.

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Certified Stephanie D. Madsen
Stephanie Madsen, Chair

Date June 7, 2006

MINUTES

**169th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
December 8-14, 2004
Hilton Hotel
Anchorage, Alaska**

The North Pacific Fishery Management Council met December 8-14, 2004 in the Aleutian Room of the downtown Hilton Hotel in Anchorage, Alaska. In addition, the Advisory Panel met December 6-10 in the Dillingham/Katmai Room and the Scientific and Statistical Committee met December 6-8 in the King Salmon/Aspen Room. Other meetings and presentations which took place in conjunction with the Council meeting are listed below.

Crab Rationalization Workshop	6-8 pm, December 6-7	AP's room
GOAC3/WFN/Council Reception	6-9 pm, December 7	Chart Room
Enforcement Committee	1-5 pm, December 7	Iliamna Room
IFQ Implementation Committee	6-8 pm, December 8	SSC's room
Alaska Ocean Observing System Presentation	6-7 pm, December 9	AP's room

The following members of the Council, staff, SSC and AP attended the meetings.

Council

Stephanie Madsen, Chair	Tony DeGange	Doug Mecum/Earl Krygier
Dennis Austin, Vice Chair	Arne Fuglvog	Hazel Nelson
Jim Balsiger/Sue Salveson	Dave Hanson	ADM Jim Olson/CDR Mike Cerne
David Benson	Doug Hoedel	Edward Rasmuson
John Bundy	Roy Hyder for Lindsay Ball	Bob Smith for Stetson Tinkham

NPFMC Staff

Chris Oliver, Executive Director	Diana Evans	Jim Richardson
Gail Bendixen	Mark Fina	Maria Shawback
Cathy Coon	Nicole Kimball	Diana Stram
Jane DiCosimo	Peggy Kircher	Bill Wilson
Elaine Dinneford	Jon McCracken	David Witherell

Support Staff

Lisa Lindeman, NOAA-GCAK
Lauren Smoker, NOAA-GCAK
Sue Salveson, NMFS-AKR
Bridgett Mansfield, NMFS-AKR
Jeff Passer, NMFS Enforcement
Herman Savikko, ADF&G
Gretchen Harrington, NMFS-AKR
Jay Ginter, NMFS-AKR
Dr. Craig Rose, AFSC
Glenn Merrill, NMFS
Bubba Cook, NMFS
Peter Munro, AFSC
Ben Muse, NMFS-AKR
Obren Davis, NMFS-AKR

Greg Cashen, DCED
Jon Kurland, NMFS-AKR
Steve Davis, NMFS-AKR
Scott Miller, NMFS-AKR
Steve Lewis, NMFS-AKR
Kirstin Mabry, NMFS-AKR
Captain Mark Guillory, USCG
Ed Dersham, ABOF
Dr. Robin Angliss, NMFS
Kathy Kulitz, USFWS
Bubba Cook, NMFS-AKR
Andy Smoker, NMFS-AKR
Kent Lind

Scientific and Statistical Committee

Rich Marasco, Chair
Keith Criddle
Steve Hare
George Hunt

Gordon Kruse, Vice Chair
Pat Livingston
Seth Macinko
Franz Meuter

Terry Quinn
David Sampson
Farron Wallace
Doug Woodby

Advisory Panel

John Bruce, Chair
Al Burch
Cora Crome
Craig Cross
Tom Enlow
Dan Falvey, Co-Vice Chair
Lance Farr

Duncan Fields
Dave Fraser
Jan Jacobs
Bob Jacobson
Teresa Kandianis
Mitch Kilborn
Kent Leslie

John Moller
Kris Norosz
Eric Olson
Jim Preston, Co-Vice Chair
Michelle Ridgway
Jeff Stephan

Other Attendees

Below is a list of people who signed the attendance register. A list of those who provided public comment during the meeting is found in [Appendix 1](#) to these minutes.

Arni Thomson, Alaska Crab Coalition
Al Burch, Alaska Draggers Assn
Robert Mikol, Ocean Logic, Juneau
Simeon Swetzof, Jr., St. Paul
Frank Kelty, City of Unalaska
Thorn Smith, NPLA
Keith Colburn, F/V Wizard
John Iani, Seattle
Steve Grabacki, Graystar

Vince O'Shea, ASMFC, Wash DC
Donna Jones, Global Seafoods
Michael Lake, Alaskan Observers, Inc.
Beth Stewart, AEB
Buck Laukitis, NPFA Homer
Freddie Christiansen, Old Harbor
Chuck McCallum, Anchorage
Jeff Stephan, UFMA, Kodiak
Matthew Moir, APA, Kodiak

Myron Melovidov, CBSFA, F/V Aleut Crusader
Brent Paine, United Catcher Boats
Jeff Kauffman, CBSFA, F/V Bay Rose
Jake Jacobsen, Alaska Marketing Assn
Joe Childers, WGOAF
Craig Cross, Aleutian Spray Fisheries
Luci Roberts, APICDA, Juneau
Heather McCarty, Juneau
Phillip Lestenkof, St. Paul
Jeff Peterson, Old Harbor
Loh-Lee Low, AFSC
Al Cratty, Jr., Old Harbor
Lori Swanson, Groundfish Forum

Donna Parker, Arctic Storm
Karen Pletnikoff, Anchorage
Brenda Holliday, IMS/UAF
Joe Kyle, APICDA
Bill Orr, Iquique US
Russell Pritchett, Bellingham
Sinclair Wilt, Alyeska Seafoods
Karl Ohls, North Star Group
Dave Wood, US Seafoods
Susan Robinson, Fishermens Finest
Joe Sullivan, Yukon River Drainage Fisheries Assn
Andrew Larsen, Consulate General of Japan

A. CALL TO ORDER, APPROVAL OF AGENDA/MINUTES

Agenda: The agenda was approved as submitted.

Minutes of Previous Meetings: There were no minutes available for approval.

B. REPORTS

The Council received written reports from the Executive Director (B-1), NMFS Management (B-2), U.S. Coast Guard (B-4), ADF&G (B-5), USFWS (B-6), and Protected Species (B-7).

DISCUSSION RESULTING FROM REPORTS

Executive Director's Report. Chris Oliver summarized his report to the Council.

NMFS Management. Dr. Jim Balsiger presented an Eligibility Certificate to Mayor Dennis Watson of Craig, Alaska. The certificate is the first of its kind resulting from implementation of an amendment to the halibut/ sablefish IFQ program that allowed non-profit entities to set up corporations for purchasing quota shares and IFQs which they could allow individuals from their communities to fish from. Dr. Balsiger also recognized and commended the individuals and groups involved in the successful effort to establish these community protection measures.

Sue Salvesson summarized the NMFS management report to the Council, which was placed in the notebooks.

U.S. Coast Guard. Admiral Olson introduced members of the Coast Guard that were attending the meeting: Commander Mike Cerne, who will be briefing the Council, Captain Mark Guillory, and Lieutenant Dan Schaffer. Commander Cerne provided a PowerPoint presentation to the Council along with a handout which was placed in the notebooks. It was noted that several vessels have not been in compliance with the new Advanced Notice of Arrival requirement. The USCG was able to let some of these violations slide due to the fact that it is a new requirement; however, they will not be able to do so in the future. Chair Madsen requested that staff add information on the Advanced Notice of Arrival Requirement in the Council's newsletter in order to get this information out to the public on behalf of the Coast Guard.

ADF&G. Herman Savikko provided a PowerPoint presentation and a handout was placed in the notebooks. Ed Dersham reported on the Alaska Board of Fisheries proposals which the Council will have the opportunity to comment on at their February meeting. However, Mr. Dersham informed the Council that the Board will be taking final action in January on one or two of the proposals; in particular, one on vessel size limit in the Pacific cod fishery. The Chair requested Earl Krygier to verify which proposals will be before the Board of Fisheries in January in order for the Council to consider them at this meeting.

USFSW. Tony DeGange reported on the U.S. Fish and Wildlife Service's concern over the decline in Kittlitz's murrelets. Kathy Kulitz provided a PowerPoint presentation on this information.

Protected Species. Bill Wilson presented information on the recent Steller Sea Lion Recovery progress in development of a Steller sea lion recovery plan, for an up conference on Pribilof Island Collaborative's Northern Fur Seal Working Group meeting, and proposed changes in Steller sea lion trawl closures around St. George Island. Dr. Robin Angliss provided a PowerPoint presentation on the analysis for the 2005 List of Fisheries. Bridgette Mansfield provided further detail on the implications of placement of certain fisheries into Category I or II.

The SSC provided extensive comments on this agenda item. Please refer to their minutes which are included as [Appendix 3](#).

Arne Fuglvog moved that Council request NMFS extend the comment period for 60 days on the Proposed Rule for List of Fisheries. Chair Madsen further requested that the Council take this item up later during this meeting under "Staff Tasking," if NMFS does not extend the comment period. The motion carried with one abstention (Salveson, NMFS-AKR).

C. NEW OR CONTINUING BUSINESS

C-1 Crab Rationalization

ACTION REQUIRED

Council Comments on Proposed Rule

BACKGROUND

In June 2001, on the direction of Congress and at the request of industry, the Council identified for analysis elements, options, and alternatives to rationalize the Bering Sea and Aleutian Islands (BSAI) crab fisheries. Using analyses provided by staff, at its meetings in June 2002, October 2002, December 2002, February 2003, and April 2003, the Council identified its preliminary preferred alternative for rationalizing the BSAI crab fisheries, a "three-pie voluntary cooperative program". As a part of the Consolidated Appropriations Act of 2004, Congress directed the Secretary of Commerce to implement the Council's preliminary preferred alternative, a copy of which is attached (Item C-1(a)). In addition, the Council further amended its preferred alternative consistent with the Congressional directive at its June 2004 meeting. A consolidated copy of the motions identifying the Council's preferred rationalization alternative is attached (Item C-1(b)). In an effort to comply with the Congressional directive, on October 29, 2004 NOAA Fisheries released a proposed rule intended to implement Amendments 18 and 19 to the BSAI King and Tanner Crabs FMP to include the Council's preferred rationalization alternative. Comments on the proposed rule are requested to be submitted to NOAA Fisheries on or before December 13, 2004.

COUNCIL ACTION

The Council has elected to undertake a review of the proposed rule to comment on its consistency with the Council motion and the Council's intent. To aid the Council, staff has prepared draft comments (Item C-1(c)) noting possible inconsistencies between the proposed rule and the Council's preferred alternative, as well as general comments concerning ambiguities in the proposed rule. Some of the more important issues that the Council may wish to address include:

- 1) The rule allows either IFQ holders or IPQ holders to initiate binding arbitration. The motion intended to allow only IFQ holders to initiate arbitration. (§680.20(h)).
- 2) The rule assumes that "harvest cooperatives" under the Council motion are intended to be FCMA cooperatives. This interpretation led the agency to conclude that any processor affiliated QS holder could not join a cooperative. The motion intended cooperatives for the limited purpose of coordinating harvest activity to allow all holders of harvest shares to achieve efficiencies and should not require FCMA qualification. (§680.21)
- 3) The rule allows a person to join a single cooperative on an "all or nothing" basis. Persons would not be permitted to join different cooperatives for different fisheries. This could limit the ability of some harvesters to achieve efficiencies in some fisheries. (§680.21(b)(4) and (5)).
- 4) The rule provides that C shares are converted to standard IFQ, if the holder joins a cooperative, effectively removing any owner on board requirement relative to C shares. The motion intended the C share pool to benefit persons actively on board vessels in the fisheries. (§680.21(d)(4)) and (§680.42(d)(5)).
- 5) The rule allows cooperatives to freely engage in intercooperative transfers without regard to individual use caps. The motion intended intercooperative transfers to be conducted through members to allow the application of use caps. (§680.21(g)).
- 6) The rule provides that persons with 10 percent common ownership with a processor share holder would receive all A shares (and no B shares). The motion intended that the exclusively A share allocation be limited to the amount of IFQ controlled by the IPQ holder, with the remainder allocated as Class A and Class B shares. (§680.40(h)(4)).
- 7) The rule revised the rules of the right of first refusal. The motion clearly identifies the terms of the right of first refusal. (§680.40(m) and (§680.41(c) and (d)).
- 8) The rule waives all use caps with respect to harvest shares. The motion establishes use caps. (§680.41(l)(2) and (4)).
- 9) The rule could limit the benefits from the license buyback to persons that purchased licenses after June 10, 2002 that were put over the use caps by the buyback. (§680.42(b)(1)(i)).
- 10) The rule does not apply a control date (June 10, 2002) to the acquisition of history in excess of the use caps for CDQ groups and vertical integration. The motion intended to apply this control date to all use caps. (§680.42(b)(3) and (4)).
- 11) The rule exempts all PQS holders from the individual IFQ caps and applies a higher use cap to those persons. The motion intended a very limited exemption that would not apply to individuals. (§680.42(b)(4)).

AP/SSC REPORT

Neither the AP nor the SSC addressed this agenda item.

COUNCIL DISCUSSION/ACTION (C-1)

Bubba Cook provided a folder of materials (placed in the notebooks) on the subject of submitting comments to NMFS on the Proposed Rule for Crab Rationalization. Lisa Lindeman provided a supplemental of a memo to Dr. Balsiger on harvesting cooperatives under the crab rationalization program. Glenn Merrill gave a PowerPoint presentation reviewing the Bering Sea/Aleutian Islands Crab Rationalization Program. Mark Fina reviewed the table of draft Council comments [item C-1(c)] on the Proposed Rule.

Following public testimony, Dr. Balsiger reminded everyone of the importance of submitting their individual comments in writing to the agency for the record.

A revised set of draft comments was handed out to the Council and placed in the notebooks. **Dennis Austin moved to approve the revised set of comments on the Proposed Rule for Crab Rationalization, and requested staff to prepare a transmittal letter on behalf of the Council to forward with their detailed comments to NMFS.** Mr. Austin stated that given the complexity of the program, their comments are intended as a constructive critique of the Council and NMFS staffs' joint endeavor to translate the original motion into federal rule. He also clarified that the Council's comments are in no way a modification to the Council's original motion.

The Council expressed concern that although the proposed rule embodies many aspects of their program, some areas do not accurately reflect the program defined by the Council motion or the Council's intent.

However, the Council commended NOAA Fisheries for their herculean effort in completing the proposed rule so quickly under pressure and expressed their appreciation of the joint effort by both NMFS and NPFMC staffs.

Dr. Balsiger stated that he would vote for this motion with the understanding that that when the agency reviews these comments, there may be conflicts for legal or other reasons where they cannot implement the Council's intent; however, NMFS will summarize all comments in the Federal Register and explain their actions.

The motion was seconded and carried without objection. The Council's comments are included as Appendix 4 to these minutes. A summary of the major comments by the Council follows:

1. The rule allows either IFQ holders or IPQ holders to initiate binding arbitration. The motion intended to allow only IFQ holders to initiate arbitration. (§680.20(h)).
2. The rule assumes that "harvest cooperatives" under the Council motion are intended to be FCMA cooperatives. This interpretation appears to have led the NOAA Fisheries to conclude that any processor affiliated QS holder could not join a cooperative. The motion intended cooperatives for the limited purpose of coordinating harvest activity to allow all holders of harvest shares to achieve efficiencies and should not require FCMA qualification. The Council noted that the December 3, 2004 memorandum of NOAA General Counsel on Harvesting Cooperatives under the Crab Rationalization Program clarifies that the cooperative system intended by the Council can be implemented consistent with antitrust law, providing NOAA Fisheries with the latitude to address this critical flaw. (§680.21)
3. The rule allows a person to join a single cooperative on an "all or nothing" basis. Persons would not be permitted to join different cooperatives for different fisheries. This could limit the ability of some harvesters to achieve efficiencies in some fisheries. (§680.21(b)(4) and (5)).
4. The rule provides that crew shares (C shares) are converted to standard IFQ, if the holder joins a cooperative, effectively removing any owner on board requirement relative to C shares. The motion intended the C share pool to benefit persons actively on board vessels in the fisheries. (§680.21(d)(4)) and (§680.42(d)(5)).
5. The rule allows cooperative to freely engage in intercooperative transfers without regard to individual use caps. The motion intended intercooperative transfers to be conducted through members to allow the application of use caps. (§680.21(g)).
6. The rule provides that persons with 10 percent common ownership with a processor share holder would receive all A shares (and no B shares). The motion intended that the exclusively A share allocation be limited to the amount of IFQ "controlled" by the IPQ holder, with the remainder allocated as Class A and Class B shares. (§680.40(h)(4)).
7. The rule revised the rules of the right of first refusal. The motion clearly identifies the terms of the right of first refusal. (§680.40(m) and (§680.41(c) and (d)).
8. The rule waives all use caps with respect to harvest shares. The motion establishes use caps. (§680.41(1)(2) and (4)).
9. The rule could limit the benefits from the license buyback to persons that purchased licenses after June 10, 2002 that were put over the use caps by the buyback. (§680.42(b)(1)(i)).
10. The rule does not apply a control date (June 10, 2002) to the acquisition of history in excess of the use caps for CDQ groups and vertical integration. The motion intended to apply this control date to all use caps. (§680.42(b)(3) and (4)).

11. The rule contains no provision for the crew loan program. This program is a critical component that should be implemented simultaneously with all other aspects of the program. In addition, the provision of seed money to fund the program from its inception would substantially increase the effectiveness of the loan program.
12. The rule exempts all PQS holders from the individual IFQ caps and applies a higher use cap to those persons. The motion intended a very limited exemption that would not apply to individuals. (§680.42(b)(4)).

C-2 GOA Groundfish Rationalization

ACTION REQUIRED

- (a) Receive report from Community Committee
- (b) Review and refine alternatives, elements, and options

BACKGROUND

Community Committee Report

The Gulf Rationalization Community Committee met December 3 in Anchorage to address several of the design and implementation issues related to the Community Fisheries Quota Program and Community Purchase Program for analysis under Gulf rationalization. The committee report will be provided to the Council at this meeting.

Alternatives, elements, and options

In June 2003, the Council identified a suite of alternatives, elements, and options to rationalize the Gulf of Alaska groundfish fisheries. At subsequent meetings, the Council has revised and refined them based on staff discussion papers and public comment.

For this meeting, staff has prepared an annotation of the Council's motion on Alternatives 2 and 3 to continue that process. The annotation provides qualitative analyses of several provisions that could be decided by the Council at this time. The provisions that may be selected could be decided solely on policy (without data analysis), should the Council choose to make those decisions. The Council may prefer to postpone some decisions until staff are able to provide quantitative analyses to allow a more complete understanding of the implications of the decisions.

To facilitate the review, staff has developed the list of provisions below which prioritizes issues for Council consideration. Priority is given to provisions for which quantitative analysis is unlikely to provide additional insight and that are likely to simplify future analyses.

Alternative 2

- Clarification of regionalization (2.2.9.1)
- Clarification of eligibility and qualified catch (2.2.2.2 and 2.2.2.3)
- Allocation of B shares to processor affiliated participants (2.2.3.2.5)
- Provisions concerning catcher processors and on-board processing (2.2.3.10 and 2.2.3.11)
- Provisions concerning cooperative formation (2.4.2.1.1 and 2.4.2.2)
- Provisions concerning foreign holdings of history (2.3.2)

Alternative 3

- Clarification of regionalization (3.7.1)
- Clarification of eligibility and qualified catch (3.3.1 and 3.3.2)
- Provisions concerning catcher processors and on-board processing (3.4.7.1. and 3.4.7.2)
- Provisions concerning cooperative formation (3.3.7 and 3.3.9)
- Provisions concerning foreign holdings of history (3.3.11 and 3.4.2.1)

Also, at its November 2004 meeting, the Alaska Board of Fisheries received a report from its Gulf of Alaska Rationalization Steering Committee. Based on the committee report, the Board adopted the attached findings for coordinating its management of groundfish fisheries in State waters with the Council's proposed rationalization of those fisheries (Item C-2(c)).

AP REPORT

The Advisory Panel recommended the Council approve the changes and additions to Alternatives 2 and 3 of the current GOA Groundfish Rationalization motion. Please refer to the AP Minutes for their detailed recommendations ([Appendix 2](#) to these minutes).

SSC REPORT

The SSC did not address this agenda item.

COUNCIL DISCUSSION/ACTION (C-2)

Mark Fina reviewed a staff discussion paper which described several issues in the Council's Gulf of Alaska Groundfish Rationalization motion where clarification was needed. It was suggested that the Council consider resolving several decision points on a policy basis in order to simplify the alternatives. Nicole Kimball summarized the work of the GOA Rationalization Community Committee, which the Council formed in order to refine options intended to benefit communities in the Gulf. Ed Dersham, Vice Chair of the State of Alaska Board of Fisheries, reported on the Board's progress in developing a Gulf management program for State waters and coordination of that management with the rationalization program in the Federal fisheries.

Arne Fuglvog provided four lengthy written motions that would further refine Alternatives 2 and 3, address bycatch management, and coordinate federal and state fisheries management as part of the Council's GOA groundfish rationalization program. The motions were distributed to Council members and placed in the notebooks. The Council agreed to discuss and vote on each of Mr. Fuglvog's motions separately.

Arne Fuglvog moved to adopt a statement titled, "Motion to Support Coordinated Federal/State GOA Groundfish Rationalization." The motion was seconded by Ed Rasmuson and carried without objection. It is included with these minutes in [Appendix 5](#).

Arne Fuglvog moved to adopt Alternative 2 with several changes which he explained in detail. The motion was seconded by Ed Rasmuson. Following discussion and numerous amendments; the final amended motion carried without objection and is included with these minutes in [Appendix 5](#).

Arne Fuglvog moved to adopt Alternative 3 with a few clarifications that he described. The motion was seconded by Ed Rasmuson. After approving a few amendments, the final amended motion carried without objection and is included with these minutes in [Appendix 5](#).

Lastly, Arne Fuglvog moved to adopt the following text as a preamble to his overall motion:

"To move ahead with bycatch management as a part of GOA rationalization, the Council requests staff to have an updated discussion paper of salmon and crab bycatch management alternatives in February 2005, if possible. The Council requests the following items be included:

- 1) **A set of charts showing king crab (red king and other king) and *C. bairdi* abundance in the GOA based on ADF&G crab surveys over the last 10 years. This information may be useful for understanding abundance trends for GOA king and *bairdi* crab stocks.**
- 2) **A second set of charts to show the overlap of existing trawl closures and king crab and *bairdi* abundance areas based on recent abundance surveys. This will help the Council evaluate the effectiveness of existing sea lion and crab no trawl zones in terms of controlling crab bycatch levels.**

- 3) **A third set of charts showing recent *bairdi* and king crab abundance along with fishing effort and crab bycatch rates for trawl and groundfish pot gear (separately). The charts depicting crab bycatch rates for trawl and pot gear should include bycatch rates calculated as the number of crab per ton of groundfish.”**

Mr. Fuglvog added that the number of crab per ton of groundfish requested in item 3 above, is a useful way to evaluate relative bycatch rates because it provides information on the tradeoffs of shifting fishing to alternative locations (e.g., lower target CPUE area means more fishing to make up catches, therefore possibly more bycatch).

The motion was seconded and carried without objection.

Following is a recap of the Council’s discussion and motions on this entire agenda item.

- The Council endorsed the creation of a system of coordinated management of the state and federal fisheries to achieve the goals of increased efficiencies, improved safety, improved stock conservation, reduced bycatch and reduced gear conflict. The Council expressed its support of the State of Alaska’s pursuit of legislative authority enabling the Alaska Board of Fisheries to implement a dedicated access program under which the Board could allocate fishery resources based on historic landings of skippers, crew, vessel owners and other entities.
- The Council adopted the GOA Rationalization Community Committee’s recommendations on the overall purpose statement and eligibility criteria, and requested the committee meet again to address several outstanding issues. The Council approved further changes to the purpose statement for the Community Purchase Program (CPP) and amended the eligibility criteria for that program to include an option for communities with populations of less than 7,500 (but not less than 25). Further, the Council approved several placeholder options to establish use caps on an individual community and cumulative basis. The Council also approved a new eligibility option for both the Community Fisheries Quota (CFQ) and CPP, which would qualify all Western Gulf, Western Yakutat, and Central Gulf communities eligible under the GOA Amendment 66 Community Purchase Program for halibut and sablefish.
- The Council refined several other provisions in the overall motion. First, the Council expressed its general intent that catch history should be credited a single time, either in the Federal or State fisheries. In addition, the Council expressed its intent that holders of interim LLP licenses should be excluded from the initial allocation under the program, as NOAA Fisheries should have resolved all disputes concerning the status of licenses by the time of initial allocation.
- Several aspects of the regionalization program were clarified. Specifically, the Council elected to include all “primary species” in the Central Gulf management area (including flatfish, rockfish, Pacific cod, and Area 620 and Area 630 pollock) and Central Gulf trawl sablefish in the regionalization component under all of the rationalization alternatives. The Council also modified options concerning cooperative formation, limitations on leasing of shares, owner on board requirements, overages, and processing of catcher vessel harvests on catcher processors.
- The Council also tasked staff with updating the discussion paper on GOA crab and salmon bycatch controls for review at the February meeting. Additionally, the discussion paper will include trends in crab abundance, charts showing the distribution of crab biomass from survey data relative to existing closure areas, as well as charts depicting relative bycatch rates by area.

C-3 GOA Rockfish Demonstration Project

ACTION REQUIRED

Finalize alternatives and elements for analysis.

BACKGROUND

Section 802 of Title VIII of the Consolidated Appropriations Act of 2004 directed the Secretary of Commerce to develop a rockfish demonstration program for the Central Gulf of Alaska rockfish fisheries in consultation with the Council. At its April and June 2004 meetings, the Council responded to the directive of the legislation, public testimony, and an industry stakeholder proposal, by adopting for analysis a set of alternatives and elements that could be used to select an alternative to establish the demonstration program. At its October 2004 meeting, the Council identified for analysis sideboards that would limit participation of rockfish program participants in other fisheries during the month of July. A copy of the current alternatives, elements, and options are attached hereto Item C-3(a).

To further facilitate the analysis of alternatives, staff has prepared a discussion paper for consideration by the Council at this meeting (Item C-3(b)). The discussion paper provides analyses of options within each alternative from which the Council may wish to choose specific provisions that would apply to the applicable alternative. Selection of specific provisions, instead of leaving open decision points for future resolution, could streamline analysis of alternatives. Any decisions points that Council chooses to leave unresolved could be resolved at a later meeting, including at the time of final action. The analyses provided in the discussion paper should also provide some preliminary information concerning the alternatives developed by the Council.

AP REPORT

The Advisory Panel recommended changes and additions to the current Rockfish alternatives. The AP's suggestions are included in a lengthy motion attached as [Appendix 2](#) to these minutes.

SSC REPORT

The SSC did not address this agenda item.

COUNCIL DISCUSSION/ACTION (C-3)

Jim Richardson summarized the discussion paper which analyzed options within the alternatives of the demonstration program to rationalize the Central Gulf of Alaska rockfish fishery. Following discussion and questions of staff and the Advisory Panel representative, **Arne Fuglvog moved to adopt the recommendations of the Advisory Panel (referring to pages 9 and 10 of the AP minutes dated 12/10, 3:58 pm)**. The motion was seconded by Ed Rasmuson.

The following amendments to the motion were adopted:

- **Delete the options on page 5 and 6 of the October Council motion (under the 5th bullet in Alternative 2 and 6th bullet in Alternative 3), which read: “When owner and operator are not affiliated, the license will be issued to the owner and operator, but he operator will receive the right to vessel coop linkages.”** The AP did not address these options in their minutes. [M/S Hoedel, carried without objection]
- **Delete the option added by the AP under item 6 on page 9 of their minutes, which reads, “Add an exemption that eligible processor is a processing facility with substantial investments...”** [M/S Hoedel, carried without objection]

- **Leave in option 2 under Section 9.2–CP Specific Sideboard Provisions of the October Council motion, which reads, “The history of CP vessels which opt out will be distributed pro-rata between sectors.”** The AP deleted this option from their motion on the top of page 10. [M/S Hoedel/Hyder, carried with 1 objection (Benson)]
- **Revise the AP’s new option 2 (under item 3, page 9 of their minutes) to expand upper end of the percentage range for analysis. The option would read, “For the offshore sector, Pacific cod history will be managed by MRA using a range of 1.4% to 7%.”** [M/S Bundy/Benson, carried without objection]

The main motion, as amended, carried without objection and is included in Appendix 6 to these minutes. Also included is the full set of alternatives, elements and options for the Central Gulf Rockfish Pilot Program as revised with the changes made at this meeting.

C-4 EFH and Habitat Area Particular Concern (HAPC)

ACTION REQUIRED

- a) Review Alternative 5B options analysis; finalize alternatives
- b) Review HAPC Process, and consider revisions as necessary
- c) Update on proposed Dixon Entrance HAPC area, action as necessary

BACKGROUND

Alternative 5b areas with 200 mt limit

In June, the Council added several suboptions for the Aleutian Islands portion of Alternative 5b of the EFH EIS as follows:

1. The original Alternative 5b open areas for bottom trawling with coral and sponge bycatch caps and TAC reductions (as currently analyzed in the EFH EIS).
2. Revised open areas and modifications based on Oceana’s April 29th letter to the NPFMC with:
 - a. No bycatch caps for corals/sponges, and no TAC reductions for any groundfish;
 - b. Including coral/sponge bycatch caps and TAC reductions for Atka mackerel and rockfish TACs.
3. Open areas where the cumulative bottom trawl groundfish catch is greater than or equal to 200 mt, based on observer data for 1991-2003. This option would also remove coral/sponge bycatch caps and TAC reductions for all groundfish.

During the October meeting the Council provided further direction on the third suboption. Fishing industry representatives commented that the third option currently would not encompass many of the trawled areas to be designated as open because the observer data are based on end positions only. The Council recommended the trawl groups and fishermen provide their recommendations on the boundaries for the open areas, to staff, based on specific trawl tracts encompassing start and end positions prior to the December meeting. Staff will discuss the preliminary analysis of these areas (shown as C-4(a)). At this meeting, the Council will finalize the alternative /options for the Aleutian Islands portion of Alternative 5b so that staff can complete the analysis prior to final Council action on the EFH EIS, scheduled for February 2005.

HAPC Process

In October, the Council requested that staff revise the HAPC proposal (Appendix J EFH EIS) to incorporate the joint plan teams’ recommendations. The revisions of the HAPC process are attached as Item C-4(b), and a copy of the joint plan teams recommendations are attached as Item C-4(c).

Update on proposed Dixon Entrance HAPC area

In October, the Council voted to release for public review a draft HAPC EA/ RIR that evaluates the possible designation and management of HAPCs for Gulf of Alaska corals, Aleutian Islands corals, and seamounts in the Exclusive Economic Zone. Subsequently, NMFS and Council staff discovered that one of the proposed HAPCs, located at Dixon Entrance, lies partially in a disputed zone over which both the US and Canada claim jurisdiction (see the attached map Item C-4(d)).

NMFS has coordinated this issue with Council staff, NOAA General Counsel, the Coast Guard, and the Department of State. Several potential options have emerged: (1) the Council could carve out the portion of the proposed HAPC that lies in undisputed US waters and proceed to designate it as an HAPC; (2) the Council could drop the Dixon Entrance HAPC proposal; (3) the Council and NMFS could initiate a request for Canada to develop corresponding regulations for the area (which would require further coordination with the Department of State); or (4) the U.S./Canada fisheries enforcement agreement could be revised to add a provision that the U.S. would enforce any prohibitions concerning bottom gear in the HAPC in the disputed area, regardless of the nationality of the fishing vessel (which would require agreement from the Coast Guard, Department of State, and Canada).

The Department of State is interested in the Council's action on this issue and the potential implications for future negotiations with Canada over the maritime boundary and fisheries enforcement. A representative from the Department of State plans to attend the December Council meeting to address this issue and answer questions.

AP REPORT

The AP did not address this agenda item.

SSC REPORT

C-4(a) Alternative 5B options analysis and finalize alternatives. The SSC recommends that future analyses of alternative 5B options include, if possible, overlays of coral and sponge catch data and coral and sponge areas previously identified by the industry for each of the sub-options. Further, the analysis should include an overlay with specific areas recently identified to contain endemic species and areas of high diversity. This would help the evaluation of the ability of the alternatives to meet the purpose of the action. The SSC recommends that GIS maps be provided that clearly display differences in area coverage between each sub-option to aid comparison among sub-options. The SSC recommends that the option proposed by Oceana and the option reflecting industry input go forward as separate alternatives (e.g. 5b and 5c).

C-4(b) Review HAPC process. The SSC notes the difficulty in evaluating current proposals in a consistent manner following established criteria. The SSC recommends that rating criteria be presented to the SSC for review prior to releasing the RFP. These criteria should be made available to the public when RFP is released.

COUNCIL DISCUSSION/ACTION (C-4)

The Council heard staff reports from John Olson and Cathy Coon on Alternative 5b options, the HAPC process, and the proposed Dixon Entrance HAPC area. Chris Oliver provided the Enforcement Committee's report on the Alternative 5B areas.

Earl Krygier made a motion on the Alternative 5b options which was seconded by Ed Rasmuson. The motion, as amended, carried without objection and follows below with amendments noted in ~~strikeout~~/underline and brackets.

The Council recognizes the difficulties with establishing the open areas in the Aleutian Islands given the limitations of the data used to develop the current set of open and closed areas. The Council believes that there needs to be a mechanism to periodically and routinely evaluate the appropriateness of these closures. This is consistent with recommendations that have come out of the United States Commission on Oceans Policy.

The Council strongly recommends to NMFS that a comprehensive mapping and scientific research program on Aleutian corals be carried out with the explicit objective of assessing the effects of these open and closed areas on coral conservation, the conservation and productivity of managed species, and the social and economic impacts of these management measures.

The Council also wishes to acknowledge the suggestion made by Oceana in October of 2002 that there needs to be a mechanism to evaluate these open and closed areas to determine if additional areas should be closed or if closed areas should be opened. One important suggestion was to allow experimental fishing to occur in areas ‘recommended by fishing interests; or where NMFS data indicate that such fishing would have minimal impact on coral habitat. Such a program would be conducted using ~~Experimental~~ Exempted [M/S Hanson/Rasmuson; carried–no objection] Fishing Permits, and would be closely tied to the scientific assessments identified above. The Council moves to include the following.

All version of Alternative 5B will include a post-implementation research and monitoring component, as well as provide for a review process to evaluate subsequent re-opening of areas as appropriate.

Elements will include:

- Seafloor mapping
- Benthic research
- Evaluation of the efficacy of mitigation measures
- Experimental fishing permits to identify additional open areas.
- Requires VMS to fish in this area

Include as a management option for Alternative 5b, 5 years after regulatory implementation the closure areas would sunset and become reopened unless scientific data validates the habitats as vulnerable [M/Benson amended Rasmuson’s paragraph to add underlined text; carried–no objection]. [M/Rasmuson; as amended, carried–1 objection–Balsiger]

Arne Fuglvog moved to adopt the following motion concerning the HAPC process. It was seconded and carried without objection.

The Council moves to adopt the following changes staff recommended with the following two additions: (1) at the top of page 7, section J.3.2, replace the word “will” with the word “may”, and (2) on page 9 add a new section J.4.5.5 periodic review, with the following language. “The Council may periodically review the efficacy of existing HAPCs and allow for input on new scientific research.” Earl Krygier moved to amend (and carried without objection) Mr. Fuglvog’s motion by adding the SSC’s recommendation to the end of this section, which reads: “The weighting criteria used to evaluate the HAPC proposals should be presented to the SSC for their review prior to releasing the RFP. These criteria should be made available to the public when the RFP is released.”

Dr. Jim Balsiger moved to adopt the motion below on the Dixon Entrance issue. Arne Fuglvog seconded the motion which carried without objection.

The Council has become aware that a portion of the proposed Dixon Entrance HAPC lies in a disputed zone over which both the United Sate and Canada claim jurisdiction. Due to concerns regarding Canada’s potential reaction the establishment of a HAPC in this area, the Council voted to remove the Dixon Entrance proposal from the HAPC Environmental Assessment.

The Council remains interested in exploring potential avenues to protect coral habitat areas at Dixon Entrance, and encourages the National Marine Fisheries Service to discuss with Canada, during bilateral fisheries meetings between the two countries, potential options for

cooperatively identifying and protecting corals in the vicinity of Dixon Entrance. Such discussion could include corals in undisputed Canadian waters in addition to corals in the disputed zone and undisputed US waters.

The Council is scheduled to take final action on the EFH EIS and the HAPC EA during the February 2005 meeting.

C-5 Amendment 80 IR/IU

ACTION REQUIRED

Finalize alternatives and options, revise problem statement for Amendment 80, and take action as necessary.

BACKGROUND

In December 2003, the Council identified for analysis a suite of components and options for sector allocations of BSAI non-pollock groundfish and PSC (Amendment 80a) and to develop a cooperative program for the Non-AFA Trawl Catcher Processor sector (Amendment 80b). In October 2004, the Council made major modifications to these components and options. Primary among these modifications was the removal of the sector allocations of groundfish (80a), other than yellowfin sole, rock sole, flathead sole, Atka mackerel, Aleutian Islands Pacific Ocean perch, Alaska plaice, and arrowtooth flounder to the Non-AFA Trawl Catcher Processor sector. The remaining unallocated portion of TAC will be available for the open access fishery, and would be available to all other participants with the appropriate LLP endorsements. A copy of the final Council motion from October 2004 is attached as Item C-5(a).

For this meeting, staff has prepared a discussion paper that addresses several elements of Amendment 80 that need further clarification or modification. Included in the discussion paper is a clean copy of the revised Amendment 80. This discussion paper is attached as Item C-5(b).

If the Council finalizes the components and options at this meeting, we anticipate completing the analysis for initial review at the April 2005 meeting.

AP REPORT

The Advisory Panel revised the problem statement and made numerous changes to the components and options. These changes are detailed in the AP minutes attached as Appendix 2.

SSC REPORT

The SSC did not address this agenda item.

COUNCIL DISCUSSION/ACTION (C-5)

The Council received a staff report from Jon McCracken. Chris Oliver provided the Enforcement Committee's report as it related to this subject.

Earl Krygier moved to adopt a revised problem statement, and list of components and options for Amendment 80, which he believes will address the various issues and concerns of those the Council has heard from in the past. Mr. Krygier stated that he had worked with Council and agency staff to produce the motion which he presented in a handout and went over in detail. Following discussion and numerous amendments, the final motion, as amended, carried without objection.

The following list summarizes changes the Council approved:

- Remove Alaska plaice and arrowtooth flounder from the list of allocated species since they are not targeted species.
- Removed several allocation options including retained and total catch over ABC and retained catch over TAC, but added retained catch of the sector over total catch of all sectors.
- Restricted access to the general limited access fishery to trawl participants (except Non-AFA Trawl Catcher Processor sector participants) with the appropriate LLP endorsements and catch history from 1995-2004, in order to minimize the “race for fish.”
- Simplified and reduced the number of PSC apportionment options to only two, one based on PSC usage and the second based on PSC usage but adjusted for flatfish allocation.
- Reinsert into the proposed action the threshold fishery option, but only for yellowfin sole.
- Finally, the Council clarified that vessels under 125’ LOA that join a Non-AFA Trawl Catcher Processor cooperative, are required to have NOAA Fisheries approved flow scales onboard the vessel and maintain observer coverage of every haul, in order to comply with GRS standards.

The complete motion of components and options is included with these minutes as [Appendix 7](#).

C-6 Observer Program

ACTION REQUIRED

- (a) Preliminary review of analysis to restructure the funding and deployment mechanism in the North Pacific Groundfish Observer Program

Background

The Council has been working for the past two years to develop a new system for observer funding and deployment in the North Pacific Groundfish Observer Program (Observer Program). Under the new system, NMFS would contract directly with observer providers for observer coverage, and this would be supported by a broad-based user fee and/or direct Federal funding. The problem statement guiding the amendment identifies data quality and disproportionate cost issues resulting from the current program structure, in which vessels and processors contract directly with observer providers to meet coverage requirements fixed in regulation. Concerns with the existing program arise from the inability of NMFS to determine when and where observers should be deployed, inflexible coverage levels established in regulation, cost-equity issues among the various fishing fleets, and the difficulty to respond to evolving data and management needs in individual fisheries.

The existing Observer Program, in place since 1990, establishes coverage levels for most vessels and processors based on vessel length and amount of groundfish processed, respectively. Vessels and processors contract directly with observer providers, in order to meet coverage levels established in regulation. In designing the original program, the Council had limited options because the MSA did not provide authority to charge industry fees to pay for the cost of observers, and no Federal funds were provided. Because of the critical need for observers and the data they provide, the Council and NMFS proceeded with the Observer Program regulations (Amendments 13/18) that are largely unchanged today. These regulations were considered ‘interim’ at the time of implementation, as NMFS and the Council began to develop a new program (Research Plan) which would require all participants in the fisheries to pay a fee based on ex-vessel revenue from their catch, with NMFS contracting directly with the observer providers. Collection of the fee under the Research Plan was authorized by an amendment to the MSA (Section 313(b)(2)). The Council adopted this plan in 1992 and NMFS implemented the program in 1994. However, due to several concerns primarily related to observer costs to industry, the Council voted to repeal the program in 1995. Therefore, the 1990 interim regulations continue to authorize the existing Observer Program today. These regulations have been extended several times, with the most recent amendment extending the program until December 31, 2007.

In sum, the analysis describes in detail the elements necessary to create a comprehensive program under each proposed alternative. This analysis is provided for preliminary review by the Council, in order to show progress on the issues addressed in the analysis and staff’s current approach. The analysis is not considered complete at this time, and is notably lacking in the sections which address issues of implementation and contracting procedures. Note that NMFS has

submitted a letter to the Council (Attachment C-6(b)), highlighting the overall need for the amendment, as well as guidance on observer remuneration and the process NMFS has established for addressing the remaining data quality, contracting, and deployment issues. NMFS and Council staff have scheduled an internal meeting in early January to, among other things, plan the completion of the document.

The Council's action at this meeting is to review the preliminary analysis and provide feedback as necessary. The Council was notified of the document being posted on its website on December 1, and a hard copy of the document was sent on November 29. A discussion of the schedule may also be necessary at this meeting. Initial Council review of the draft analysis will likely need to be scheduled for April 2005 at the earliest, depending on whether or not the Council would like the OAC to review the document prior to Council initial review.

AP REPORT

The AP did not address this agenda item.

SSC REPORT

The SSC recommended the following issues be addressed in the analysis:

1. A detailed discussion of the benefits that would arise from implementation of the alternatives being considered.
2. A section that discusses how government operating costs will be affected by the various alternatives.
3. More detail and examples of implementation issues.
4. An analysis of the current level of bias in data from the segment of the fleet with only 30% coverage.
5. Congressional action required to implement the program should be discussed. Overtime and hazard pay issues should also be discussed.

The SSC believes that incorporation of the items identified above will be important for the evaluation of the overall benefits and costs of the new observer program, as well as, the distribution of costs and benefits. The detailed suggestions are included in the SSC minutes attached as [Appendix 3](#).

COUNCIL DISCUSSION/ACTION (C-6)

The Council heard a staff report from Nicole Kimball covering the history and review of analysis on restructuring of the North Pacific observer program. Kent Lind, working under contract to the Council, provided a PowerPoint presentation concerning the scope of the analysis and alternatives.

The Council noted that the four-tier system of coverage being proposed had merit and they would like it to be developed further; however, they suggested modifying the terminology from "tier" to "level," to eliminate possible confusion with stock assessment terminology. The system would place vessels and processors into one of four coverage levels based on their fishery and operating mode, for the purpose of establishing uniform criteria for determining what level of coverage is required in each fishery.

The Council agreed with the SSC's suggested additions to the analysis for the initial review draft, including but not limited to: further discussion of the observer compensation and overtime issues; the potential contract model; criteria to be used in determining coverage levels in the <100% fisheries; discussion of the impact on government operating costs, and refinement of the coverage concept outlined above. Council and NMFS staff are meeting in January to plan the completion of the document.

The Council requested that the Observer Advisory Committee meet prior to Council initial review of the analysis, which is tentatively scheduled for April 2005. The Council will also evaluate whether all affected sectors are adequately represented on the committee, specifically, the <60' sector and CDQ sector.

C-7 Halibut/Sablefish IFQ Program

ACTION REQUIRED

- (a) Receive report from IFQ Implementation Team regarding four proposals
- (b) Final Action on regulatory amendment for IFQ/CDQ Area 4C/4D
- (c) Final Action on regulatory amendment for IFQ omnibus actions

BACKGROUND

IFQ Implementation Team report

At its October meeting, the Council requested that staff prepare a discussion paper on four proposals to revise the IFQ program for review and recommendations by the IFQ Implementations Team (Item C-7(a)(1)). The four proposals would: (1) allow non-IFQ species to be frozen onboard while directed fishing for halibut and sablefish; (2) allow category A quota shares to be fished at any time and in any sequence with category B, C, and D quota shares; (3) allow the use of pot longline gear in the Bering Sea sablefish fishery during June; and (4) institute forfeiture of never-activated IFQ permits (Item C-7(a)(2)). The Team will convene on December 8 to review the proposals. In December, the Council may decide to initiate analysis of some or all of these proposals for action in 2005.

Halibut IFQ/CDQ regulations for IPHC Areas 4C/4D

In October, the Council approved sending out an analysis of alternatives that may allow holders of Area 4C halibut Individual Fishing Quota (IFQ) and Community Development Quota (CDQ) to harvest such Pacific halibut IFQ/CDQ in IPHC Area 4D. Currently, halibut IFQ and CDQ allocated in a particular area may only be harvested in that same area, in accordance with biomass-based quotas, except that halibut CDQ (only) allocated in Area 4D may be harvested in Area 4E. The alternatives would allow additional fishing opportunities to allow Area 4C IFQ and CDQ quotas to be fully harvested by two CDQ groups on behalf of two Pribilof Island communities (St. Paul and St. George), and all Area 4C IFQ holders, by allowing them to be fished in Area 4D. At this meeting, the Council will decide whether to change existing regulations.

Complementary action by the IPHC during its January 2005 meeting would be necessary for regulations to become effective in 2005, if approved by the Secretary of Commerce. The analysis was mailed to the Council and made available to the public in early October. The alternatives include:

- Alternative 1. No action.
- Alternative 2. Allow holders of Area 4C IFQ and CDQ to harvest such IFQ/CDQ in Area 4D.

Halibut and Sablefish IFQ amendments

In October 2004, the Council approved sending out an analysis of alternatives to amend the regulations implementing the IFQ program for fixed gear Pacific halibut and sablefish fisheries in and off Alaska. Seven separate amendments are presented in the analysis: (1) allow the use of medical transfers; (2) tighten the criteria allowing the use of hired skippers; (3) add vessel clearance requirements to the Bering Sea and Aleutian Islands sablefish fisheries; (4) amend the sablefish product recovery rate for bled sablefish; (5) amend the halibut block program; (6) amend halibut quota share categories; and (7) amend fish-down regulations. The seven actions proposed for this amendment are attached as Item C-7(c).

The analysis was revised at Council request, where such information was available. It was distributed to the Council and made available to the public in early October. The Council's action at this meeting is to decide whether to approve any, all, or some of the proposed actions. It is unlikely that the proposed changes, if adopted, could be implemented for the start of the 2005 fishing year.

AP REPORT

The Advisory Panel recommended alternatives and actions for analysis in the Halibut/Sablefish IFQ program. Please refer to their recommendations in the AP minutes ([Appendix 2](#) to these minutes).

SSC REPORT

The SSC did not address this agenda item.

COUNCIL DISCUSSION/ACTION (C-7)

Ed Dersham presented the Alaska Board of Fisheries' comments on halibut subsistence. Jane DiCosimo presented the staff report and provided two handouts that were placed in the notebooks: IFQ Implementation Team minutes and errata sheet of Tables 6.1 and 6.8 to the Omnibus EA/RIR. Diana Evans presented the staff report pertaining to Action 5 and referring to the tables handed out.

Halibut IFQ/CDQ in Area 4C/4D Amendment

Arne Fuglvog moved to change the existing regulations by adopting Alternative 2 with an option for a three-year review. The motion was seconded and carried with one objection (Hyder). The Council's preferred alternative now reads:

**Alternative 2 Allow holders of Area 4C IFQ and CDQ to harvest such IFQ/CDQ in Area 4D.
At the end of the third year after implementation, the action will be evaluated.**

Halibut and Sablefish IFQ regulatory amendments

Arne Fuglvog moved to adopt the Advisory Panel's recommendations on the seven actions proposed for the halibut and sablefish IFQ program, with one exception, to delete Area 3B from Action 6. The motion was seconded. **John Bundy moved to reinsert 3B in Action 6.** The amendment was seconded and carried 6 to 5 (with Balsiger, Benson, Bundy, Hoedel, Hyder, and Rasmuson in favor). A motion by Dr. Balsiger to change the blood loss value to 0.983 failed 6 to 5 (with Krygier, Fuglvog, Hoedel, Nelson, Rasmuson, and Madsen opposing). The final motion, as amended, carried 9 to 2 (with Madsen and Krygier objecting). The Council's final motion as amended follows:

Action 1 Allow the use of medical transfers

Alternative 2 Allow medical transfers

Evidence of qualifying medical conditions: **Option 2: Licensed medical doctor or nurse practitioner, or their local representative**

Limits to medical transfer: **Option 2: 2 out of 5 years**

Action 2 Tighten the criteria allowing the use of hired skippers

Alternative 2, suboption (b) To use the hired skipper exception, a QS holder must demonstrate at least a 20% vessel owner interest in the vessel to be used and have continuously owned the vessel as documented by the contemporary abstract of title for the previous 12 months. Allow for replacement vessel in the event of a constructive loss

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

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

Participants must comply with either Option 1 or Option 2.

Option 1. Add check-in/check-out for the Aleutian Islands and Bering Sea sablefish fishery (Dutch Harbor, Adak, St Paul, St George, Atka, Akutan)

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

Action 4 Amend the sablefish product recovery rate for bled sablefish

Alternative 2 Change product recovery rate from 0.98 to 1.0.

Action 5 Amend the halibut block program

Alternative 2, suboption (a) In Areas 2C, 3A, 3B, 4A, 4B, 4C, and 4D, increase the block limit to 3 blocks, unless unblocked QS is held in which case the limit is one block.

Alternative 3 In Areas 3B and 4A, for all QS blocks that yield more than 20,000 lb, divide into one block of 20,000 lb with the remainder to be unblocked QS.

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

Action 6 Amend halibut quota share categories

Alternative 2 In Areas 3B and 4C, allow IFQ derived from D category QS to be fished on category C vessels.

Action 7 Amend fish down regulations

Alternative 2 Eliminate the exception to the fish down regulations for Area 2C halibut and Southeast area sablefish, and allow all category B QS to be fished on a vessel of any size.

C-8 Halibut Subsistence

ACTION REQUIRED

Final action on six subsistence halibut regulatory amendments

BACKGROUND

In October 2004, the Council approved the release of an analysis for six proposed amendments to regulations implementing the subsistence fishery for Pacific halibut. These regulatory amendments consist of one action that was bifurcated from an April 2002 preferred alternative, together with new proposals that the Council adopted for analysis in October 2003. Action 1 would revise subsistence gear and harvest limits and add a community harvest permit program in Kodiak, Prince William Sound, Cook Inlet, and revise subsistence gear and harvest limits in the Sitka Sound local area management plan, with an option to apply those latter measures to all of Southeast Alaska. Action 2 would add Port Tongass Village and/or Naukati to the list of eligible subsistence halibut communities. Action 3 would implement a possession limit equal to one or two daily limits. Action 4 would either eliminate a prohibition on the use of charter vessels for hire or revise the regulatory language to more explicitly define who may harvest subsistence halibut from the charter vessel. Action 5 would revise the regulations that allow a \$400 customary trade limit for subsistence halibut to eliminate cash trade, lower it to \$100, or more narrowly define with whom exchanges for cash may occur. Action 6 would allow the use of special permits by tribes whose traditional fishing grounds are located within areas designated as non-subsistence use areas. The analysis was distributed in early October.

The actions and alternatives under consideration are listed under Item C-8(a). The Alaska Board of Fisheries informed the Council on its positions regarding the six proposed amendments in a letter to the Chair, dated November 17, 2004 (Item C-8(b)). Supplemental data was recently provided by ADF&G for Southeast and Westward areas (Item C-8(c)). If approved, it is unlikely that the proposed changes could be implemented for the start of the 2005 fishing year.

**Action 3. Create a subsistence halibut possession limit for Area 2C, and/or 3A, and/or 3B.
Alternative 2. Create a possession limit equal to one daily limit.**

Action 4. Revise the definition of charter vessels.

Alternative 3. A charter vessel is one that is registered as such with the Alaska Department of Fish and Game. Restrict the use of the charter vessel to the owner of record and the owner's immediate family (the owner must be an eligible subsistence user). Prohibit the use of a charter vessel for subsistence fishing while clients are on board. Prohibit the transfer of subsistence halibut to clients.

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

Alternative 4. Eliminate the \$400 customary trade limit but allow—Customary trade is limited to:

- 1. Rural residents eligible for subsistence harvest of halibut may be reimbursed by other residents of their rural community for actual trip expenses for ice, bait, food, and/or fuel directly related to the harvest of subsistence halibut.**
- 2. Members of an Alaska tribe eligible for subsistence harvest halibut may be reimbursed by other members of an Alaska tribe for actual trip expenses for ice, bait, food, and/or fuel directly related to the harvest of subsistence halibut. Subsistence caught halibut cannot enter commerce.**

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

Alternative 2. Allow the use of educational permits, and ceremonial permits in non-subsistence use areas by tribes whose traditional fishing grounds are located within these areas, with the associated permit limit.

The NPFMC recognizes that the current halibut subsistence regulations for Area 2C (except for those in the Sitka LAMP area and not including gear and bag limits provided under community harvest permits) of 30 hooks/20 fish per day for an individual and vessel may need further review.

The first year of halibut survey results show the effort/catch in Area 2C is the highest in any area in Alaska and indicates a higher level of catch than previously estimated by IPHC. Further data is necessary to assess the impacts of this level of harvest and effort and better understand the trends of the fishery.

While the Sitka LAMP options may not be appropriate to all of 2C, further options to manage the fishery should be evaluated.

The Council encourages the subsistence stakeholders of Area 2C (subsistence and commercial harvesters, tribes, processors and communities) to work together to develop and submit proposals by the fall of 2006 to be considered by the Council for potential action. It is anticipated that by this date the Council and users will have 3 years of survey data and an evaluation of the effects of both the halibut subsistence II and III regulatory changes. The Council encourages NMFS to implement cooperative tribal monitoring projects as soon as possible to assist in providing greater information to the Council and users.

C-9 Pacific Cod Allocations

ACTION REQUIRED

Review discussion paper on BSAI Pacific cod allocations and develop problem statement and alternatives for analysis

BACKGROUND

At its October 2004 meeting, the Council initiated a discussion paper (Attachment C-9(a)) as a starting point to a new plan amendment to retain or alter the current (non-CDQ) BSAI Pacific cod allocations. Part of the impetus for this discussion paper is related to the Council's action on BSAI Amendment 80 at its October 2004 meeting. Prior to October, the components and options for Amendment 80 included allocations of all groundfish species (excluding AFA pollock and fixed gear sablefish) to all sectors fishing in the BSAI. In October, the Council approved eliminating Pacific cod from this analysis, and focused the analysis on establishing sector allocations for flatfish species only for the non-AFA trawl catcher processor sector. The Council then initiated this discussion paper for a separate amendment package.

The action at this meeting is to review the discussion paper which outlines prior Council actions regarding the BSAI Pacific cod allocations, the relevant problem statements associated with these actions, and potential decision points related to structuring new alternatives and options for analysis. The Council may also decide to develop a problem statement and alternatives for analysis at this time.

AP AND SSC REPORT

Neither the AP nor the SSC addressed the agenda item.

COUNCIL DISCUSSION/ACTION (C-9)

The Council received a report from Nicole Kimball on the potential scope of a new amendment to evaluate and modify the allocations of BSAI Pacific cod to all participating gear sectors.

Arne Fuglvog moved to adopt the draft Problem Statement(s) and list of strawman components and options for the BSAI Pacific cod sector allocations, which was distributed to the Council. The motion was seconded by Ed Rasmuson. Mr. Fuglvog explained his motion in detail and stated that the components and options were based loosely on Amendment 80a. The Council made several changes through discussion and amendments to the motion with unanimous agreement.

The problem statements focused on two issues: (1) BSAI Pacific cod allocations to all gear sectors; and (2) apportionment of the BSAI Pacific cod sector allocations between the BS and AI subareas. The first part of the problem statement notes the annual inseason reallocations of TAC among gear sectors and concerns that the current BSAI Pacific cod allocations do not adequately reflect actual use by sector. The second part of the problem statement addresses the need to establish a methodology by which to maintain sector allocations and minimize competition among gear groups, should the BSAI Pacific cod TAC be apportioned between the BS and AI subareas during a future specifications process.

The Council's motion will result in a scoping document for public consideration. At the February meeting, the staff will provide a discussion paper or annotated motion to identify potential issues and further define the components and options. The primary difference from the options provided under Amendment 80 is the absence of eligibility requirements for each sector, the intent being to simplify the action and focus only on sector allocations. The paper will include a discussion of the various eligibility requirements currently established for each sector and the issue of latent licenses in the trawl sectors. The Council will be looking for specific feedback in February on the following: (1) options for allocating halibut PSC among the trawl sectors (Part B, Components 1 and 2); (2) how to consider catch history from the nine catcher processors whose fishing rights were extinguished under the AFA; and (3) the need for eligibility requirements.

The final motion, as amended, carried without objection and is provided in these minutes as Appendix 8.

D. FISHERY MANAGEMENT PLANS

D-1 GROUND FISH MANAGEMENT

D-1(a) AI Special Management Area

ACTION REQUIRED

Review preliminary discussion paper and provide direction.

BACKGROUND

In June 2004, the Council requested staff to examine the biological, social, economic, and management issues specific to the Aleutian Islands area, and to provide recommendations for designating this area as a special management area, or as a separate FMP, or potentially developing an ecosystem-based plan for this region.

The Council's request is addressed in the attached discussion paper (Item D-1(a)1), in two parts. First is a discussion of whether the unique characteristics of the Aleutian Islands should lead fishery managers to consider the area separately from the Bering Sea. The physical and biological characteristics of the Aleutian Islands are presented, as well as State and Federal fishery, marine mammal and seabird, cultural heritage, and research issues. The paper then examines the types of area-specific management that could be applied to the Aleutian Islands, and considers benefits and disadvantages of each. As the Council's request was made under a groundfish agenda item, the paper focuses the discussion on management options for the Aleutian Islands groundfish fisheries. There are three management options discussed in the paper: to create a special management area within the BSAI Groundfish FMP; to create a separate AI Groundfish FMP; and to develop a Fishery Ecosystem Plan for the Aleutian Islands area, and adopt additional management measures in the BSAI Groundfish FMP as necessary. A draft outline of the discussion paper is included below.

At the December 2004 meeting, the Council will decide whether the issue of area-specific management for the Aleutian Islands should be pursued. If the Council directs staff to continue work on this issue, our next tasks could be as follows. Between the December and February (or April, depending on Council priorities) meetings, the discussion paper would be further developed. As yet, none of the management options discussed in this paper have been ground-truthed with other agencies. The USFWS, through the Alaska Maritime National Wildlife Refuge, owns most of the land in the Aleutian Islands area. Additionally, we intend to consult with the various divisions of NMFS and NOAA GC, and the State of Alaska. Although there is not time for extensive stakeholder outreach between these meetings, due in part to the holidays, staff will welcome all input from interested stakeholders. Based on these meetings, and further refinement of the issues, the discussion paper will be finalized.

At the next meeting, the Council could be in a position to initiate an action based on the discussion paper. This action could be to develop a plan and associated analysis to implement one or all of the management options. The identification of HAPC sites (and EFH mitigation measures) in the Aleutian Islands will be decided in February, and the nature of that Council discussion and decision may provide further insight into the question of area-specific management in that area. The discussion paper lays out three types of management options for the Aleutian Islands area, all of which can vary in their specific implementation. The Council will be able to indicate whether staff should continue to explore all of the management options, or whether the analysis in the discussion paper is sufficient to narrow down the type of management the Council would wish to implement. Additionally, the Council may wish to develop a problem statement for why area-specific management is being developed. At future meetings, staff will return to the Council with a practical plan for implementing the Council's management options, and alternative ways of developing the program.

AP REPORT

The AP did not discuss this agenda item.

SSC REPORT

The SSC encouraged further development of the discussion paper on future management alternatives for the Aleutians and provided suggestions which are contained in their attached minutes ([Appendix 3](#)).

COUNCIL DISCUSSION/ACTION (D-1a)

Due to time constraints, the Council did not discuss this agenda item. It will be taken up in February 2005.

D-1(b) BSAI Salmon Bycatch

ACTION REQUIRED

Develop a problem statement and alternatives for analysis.

BACKGROUND

In October 2004, the Council tasked staff to develop a draft problem statement relative to current fishery conditions in the Chinook and chum salmon savings areas of the Bering Sea. Compared to the 1990-2001 annual bycatch average of 37,819 Chinook salmon and 69,322 'other' salmon (nearly all chum salmon), the 2003 bycatch amounts were high, and the 2004 amounts were the highest on record (see below).

	<u>Chinook</u>	<u>Chum</u>
2003	54,911	197,091
2004 (thru 11/15)	62,471	456,885

A short issue paper on this issue, including a draft problem statement, is attached as Item D-1(b)(1). Background information on salmon bycatch taken in Alaska groundfish fisheries is attached as Item D-1(b)(2).

At this meeting, the Council may initiate a plan amendment to improve salmon bycatch controls. Specifically, the Council will develop a problem statement and propose alternative management measures for analysis.

AP REPORT

The AP did not address this agenda item.

SSC REPORT

The SSC recommends a thorough review of the entire approach to salmon bycatch management in the BSAI. Please see [Appendix 3](#) for the SSC's full report.

COUNCIL DISCUSSION/ACTION (D-1b)

The Council approved a draft problem statement and five alternatives for initial consideration to address the salmon bycatch problem. The Council requested staff to prepare a preliminary discussion paper and action plan to address the analytical components and timelines associated with the various alternatives. The Council will review these items at their February 2005 meeting.

Earl Krygier moved to adopt the following problem statement:

In the mid-1990s, the Council and NFMS implemented regulations to control the bycatch of Chum salmon and Chinook salmon taken in BSAI trawl fisheries. These regulations established closure areas in areas and at times when salmon bycatch had been highest based on historical observer data. Unfortunately, these regulations did not appear to have been effective in 2003 and 2004, when record amounts of salmon bycatch were taken. Information from the fishing fleet indicates that bycatch was exacerbated by the regulations, as much higher salmon bycatch rates were encountered outside of the closure areas. To address this problem, the Council will examine and consider other means to control salmon bycatch.

Dave Benson seconded the motion. **Mr. Benson then moved to amend the motion in order to address economic impacts by adding the following sentence before the last sentence: “Further, the closure areas impose increased costs on the pollock fleet.”** John Bundy seconded the amendment which carried without objection.

Hazel Nelson moved to amend the Problem Statement by adding the following sentence: “Some of these bycaught salmon likely include Chinook and chum stocks of concern (under the State of Alaska’s definition of stocks of concern).” The amendment was seconded and carried without objection.

The Problem Statement as amended carried without objection.

Ms. Nelson moved to adopt the following preliminary Bering Sea salmon bycatch alternatives:

- Alternative 1. Status quo.**
- Alternative 2. Eliminate the regulatory salmon savings area closures.**
- Alternative 3. Suspend the regulatory salmon savings area closures on a year-by-year basis so long as the pollock cooperatives have in place a salmon bycatch “hot zone” closure system.**
- Alternative 4. Establish new regulatory salmon savings area closures based on current salmon bycatch data.**
- Alternative 5. Develop a regulatory individual vessel salmon bycatch accountability program.**

The motion was seconded.

Dennis Austin moved to amend by adding a suboption to Alternative 3 which reads as follows: Develop an individual vessel accountability program that may be implemented if, after three years, it is determined the pollock cooperatives’ “hot zone” closure system has not reduced salmon bycatch (this was an alternative submitted by United Catcher Boats). The amendment was seconded and carried without objection.

The Council clarified its intent that the individual vessel accountability program in the Alternative 3 suboption would be administered by the agency through a vessel incentive type program, and not by individual vessels through coop agreements. Also, the Council noted that there may be short- and long-term approaches for reducing bycatch which could be implemented in stages. The Council would like to see the various alternatives assigned to either the short- or long-term lists.

The main motion as amended carried without objection.

D-1(c) Rockfish Management Discussion Paper

ACTION REQUIRED

- (c) Review rockfish management discussion paper (T)

BACKGROUND

Rockfish Management

In June 2004, the Council requested that staff prepare a discussion paper on appropriate elements related to rockfish management. Specifically, staff was directed to address current management policy, potential changes to harvest rates

as recommended by Goodman et al. (F₄₀ Review), alternative management measures (e.g., spatial management), and habitat considerations.

As a first step, Council and ADF&G staff met with the Rockfish Working Group (RWG) in September 2004. The RWG, comprised of AFSC rockfish assessment scientists, will contribute to the preparation of the discussion paper. The RWG recommended that the paper address a Scientific and Statistical Committee request from December 2003 (Item D-1(c)(1)), specific management issues it identified (Item D-1(c)(2)), and previous RWG reports provided to the Council in 2003. Staff has further developed the outline for the discussion paper (Item D-1(c)(3)) that will be presented to the Council at its February meeting.

AP REPORT

The AP did not address this agenda item.

SSC REPORT

The SSC appreciates the cooperative effort given to development of the discussion paper on rockfish management and looks forward to receiving the full report as expected in February 2005. In addition, to the items listed in the outline, which includes some of the items previously requested by the SSC, the SSC requests that Council staff and the RWG include a discussion of bycatch management and, under item 5, a listing of species and the pertinent issues for each species or species groups. Also, the SSC requests that the discussion paper address the local depletion issues as previously requested by the SSC in December 2003.

COUNCIL DISCUSSION/ACTION (D-1c)

Due to time constraints, the Council did not discuss this agenda item. It will be taken up in February 2005.

D-1(d) Non-Target Species Committee Report

ACTION REQUIRED

(d) Receive report from Non-Target Species Committee

BACKGROUND

Non-Target Species Committee

The Non-Target Species Committee was formed in October 2003 to develop improved ways to manage non-target species. In May 2004, the Committee convened jointly with the ad hoc working group, comprised of Scientific and Statistical Committee and Plan Team members, to review the draft problem statement, objectives, and suite of management alternatives recommended by the group for analysis (Item D-3(d)(1)). At its fourth meeting in September 2004, the committee adopted a draft problem statement for Council consideration and requested additional guidance on its mission (Item D-3(d)(2)). The committee convened again in November 2004 to draft a problem statement for non-target rockfish and a suite of alternatives for analysis. The minutes and proposed alternatives are under Item D-1(d)(3). The draft rockfish problem statement will be provided at the Council meeting.

AP REPORT

The AP did not address this agenda item.

SSC REPORT

The SSC recommends that criteria be clearly specified by the non-target working group in determining which species are sensitive and clearly define the threshold for which species are non-specified.

COUNCIL DISCUSSION/ACTION (D-1d)

Due to time constraints, the Council did not discuss this agenda item. It will be taken up in February 2005.

D-1(e) Final GOA Groundfish Specifications for 2005 and 2006

ACTION REQUIRED

Approve 2005 BSAI/GOA EA and GOA Final Stock Assessment and Fishery Evaluation (SAFE) report, and approve final GOA groundfish specifications for 2005 and 2006:

1. Acceptable Biological Catch (ABC), and annual Total Allowable Catch (TAC).
2. TAC considerations for the State Pacific cod fishery.
3. Prohibited Species Catch Limits.

BACKGROUND

At this meeting, the Council makes final recommendations on groundfish and bycatch specifications as listed above to manage the 2005 and 2006 Gulf of Alaska (GOA) groundfish fisheries.

GOA SAFE Document

The groundfish Plan Teams met in Seattle November 15-19 to prepare the final SAFE reports and to review the status of groundfish stocks. The GOA SAFE report forms the basis for the GOA groundfish specifications for the 2005 and 2006 fishing years. Note that there are three volumes to the SAFE report: a stock assessment volume, a fishery evaluation volume ("economic SAFE"), and an ecosystems considerations volume. These three volumes, together with the BSAI SAFE, are incorporated into the Environmental Assessment for the 2005 and 2006 groundfish total allowable catch specifications. The SAFE reports and the EA were mailed to you in late November. The GOA Plan Team and Joint Plan Team minutes are attached as Items D-1(e)(1) and (2).

Under Amendments 48/48 to the GOA and BSAI FMPs, OFLs, ABCs and TACs may be specified for a period of up to two years. For this reason, catch specification recommendations are provided for both 2005 and 2006. This amendment also allowed for biennial assessments for long-lived GOA species as trawl surveys in the GOA are conducted on a biennial cycle. These species, including rockfishes, flatfishes and Atka mackerel do not have full assessments in the 2005 GOA SAFE report. Instead, updated information and projections are provided in an Executive Summary version of the annual stock assessment chapter. Not all of these species have updated projections, thus many of the OFL and ABC recommendations are rollovers from 2004. A full assessment for each GOA target species will be provided next year following the annual groundfish trawl survey.

ABCs, TACs, and Apportionments

At this meeting, the Council will establish final catch specifications for the 2005 and 2006 fisheries. The SSC and AP recommendations will be provided to the Council during the meeting. Item D-1(e)(3) lists the 2004 specifications and catch (through November 6, 2004) and GOA Plan Team recommendations for OFLs and ABCs for 2005 and 2006. The sum of the Plan Team's recommended ABCs for 2005 is 539,263 mt. The sum of the ABCs increased 6% compared with last year. The ABC levels increased in pollock (+27%), deep water flatfish (+12%), arrowtooth flounder (+11%), Pacific ocean perch (+2%), pelagic shelf rockfish (+2%) and northern rockfish (+5%). Of these stocks, a full assessment was prepared only for pollock this year; the other ABC increases were based on projected biomass increases. The species with ABCs that declined relative to 2004 are Pacific cod (-6%), sablefish (-4%), flathead sole (-13%), and demersal shelf rockfish (-9%). Of these stocks, full assessments were prepared for Pacific cod and sablefish. The ABCs for the remaining stocks were rolled over from the 2004 ABCs. Full assessments for all GOA stocks will be prepared next year.

The abundances of Pacific cod, Pacific Ocean perch, northern rockfish, dusky rockfish, thornyhead rockfish, flathead sole, Dover sole, and arrowtooth flounder are above target stock size. The abundances of pollock and sablefish are below target stock size. The relative abundances of other deep-water flatfish, shallow-water flatfish, rex sole, shortraker rockfish, roughey rockfish, demersal shelf rockfish, other pelagic shelf rockfish, other slope rockfish, Atka mackerel, and skates are unknown. None of the groundfish stocks are overfished or approaching an overfished condition.

In 2004 skates species were removed from the "other species" category in the GOA FMP and moved to a target species category. A recommendation was made by the GOA Plan Team to split big skates and longnose skates by species (for OFLs) and areas (for ABCs) for 2005. The Team also recommends breaking shortraker rockfish and roughey rockfish

out from the combined category in which they are currently managed such that individual OFLs and ABCs may be specified by species. Please also refer to letter from NMFS under D-1(f)(3).

The Team recommended that the Council initiate two amendments to the GOA groundfish FMP. The first recommendation is to initiate an amendment to change the language regarding how the "other species" TAC is currently calculated. The second recommendation is to initiate an amendment to remove Dark rockfish from the FMP and turn management of this species over to the State of Alaska. The rationale for both recommendations are provided in the GOA Plan Team minutes.

AP REPORT

The AP recommended the Council approve the 2004 SAFEs and the EA for BSAI and GOA.

The AP recommended the Council adopt the 2005 and 2006 SSCs ABCs as TACs for all stocks with the with exceptions noted in a chart included in the AP minutes. Additionally, they recommended:

- The Pcod TAC should be reduced according to the table in order to account for the apportionment to the State waters fishery in 2005 and 2006
- For the following species the 2004 TAC should be rolled over to 2005 and 2006.
 - Shallow water flatfish and flathead sole in the central and western GOA
 - Arrowtooth flounder gulfwide
 - Other slope rockfish in EYAK/SEO

(see chart in the AP minutes for recommended changes)

- The halibut PSC apportionments annually and seasonally for 2004 as listed should be rolled over for 2005 and 2006

SSC REPORT

The SSC concurred with all of the Plan Team's recommendations for OFLs and ABCs for 2005 and 2006 GOA groundfish, and made specific suggestions regarding the chapter assessments to the authors. Their detailed minutes are available as [Appendix 2](#).

COUNCIL DISCUSSION/ACTION (D-1e)

The Council received detailed reports on Gulf of Alaska groundfish stocks and recommended specifications for 2005 and 2006 from Diana Stram (NPFMC) and Jim Ianelli (AFSC). Ben Muse (NMFS-AKR) provided a report on the Environmental Assessment for both the Gulf and Bering Sea areas. Handouts of a PowerPoint presentation and table of Plan Team/SSC recommended specifications for 2005-2006 were placed in the notebooks.

Roy Hyder moved to approve the 2004 SAFE and EA for Groundfish in the Gulf of Alaska and Bering Sea/Aleutian Islands areas. Doug Hoedel seconded the motion. **An amendment to approve the 2004 SAFE for the Gulf of Alaska only was approved without objection.** The motion carried unanimously.

Mr. Hyder then moved to adopt the following motion with regard to Specifications:

The Council recommends adopting the 2005 and 2006 SSC-recommended ABCs as TACs for all stocks with the exceptions noted below (see Table 1 for recommended changes; contained in [Appendix 9](#) to these minutes).

- **The Pacific cod TAC should be reduced according to the table in order to account for the apportionment to the State waters fishery in 2005 and 2006**
- **For the following species, the 2004 TAC would be rolled over to 2005 and 2006.**
 - **Shallow water flatfish and flathead sole in the central and western GOA**

- Arrowtooth flounder gulfwide
 - Other slope rockfish in EYAK/SEO
- (see Table 1 for recommended changes; contained in Appendix 9 to these minutes)

NOTE: The Council recommends that shortraker and rougheye rockfish catch and bycatch be closely monitored by NMFS. The concern is potential overfishing of these rockfish stocks.

GOA groundfish PSC. The halibut PSC apportionments annually and seasonally for 2004 as listed should be rolled over for 2005 and 2006.

2005 Trawl		2005 Hook and Line		
Jan 20 – Apr 1	550 mt	1st trimester	Jan 1 – Jun 10	250 mt
Apr 1 – Jul 5	400 mt	2nd trimester	Jun 10 – Sep 1	5 mt
Jul 5 – Sep 1	600 mt	3rd trimester	Sept 1 – Dec 31	35 mt
Sept 1 – Oct 1	150 mt			
Oct 1 – Dec 31	300 mt	DSR	Jan 1 – Dec 31	10 mt
TOTAL	2,000 mt			300 mt

Season	Trawl fishery categories		
	Shallow Water	Deep Water	Total
Jan 1 - Apr1	450 mt	100 mt	550 mt
Apr 1 - Jul 5	100 mt	300 mt	400 mt
Jul 5 - Sep 1	200 mt	400 mt	600 mt
Sept 1 - Oct 1	150 mt	any rollover	150 mt
Oct 1 - Dec 31	no apportionment		300 mt
TOTAL	900 mt	800 mt	2,000 mt

The motion was seconded by Doug Hoedel and carried without objection.

Further, the following changes were made to species categories:

- Given enhanced observer sampling and identification protocols, the Council recommended breaking out shortraker and rougheye rockfish from the combined category in which they were being managed, such that individual OFLs, ABCs and TACs are specified by species.
- Due to continuing conservation concerns for GOA skate species, and the lack of available information prior to the 2005 trawl survey, the Council recommended splitting out Big skates and Longnose skates by species and area in the GOA. Gulfwide OFLs and area-specific ABCs and TACs were established separately for Big skates and for Longnose skates. For the “other” skates (combined *bathyraja spp.*) complex, OFL, ABC and TAC remain Gulfwide

D-1(f) Final BSAI Groundfish Specifications for 2005 and 2006

ACTION REQUIRED

Final action to approve the 2005 BSAI/GOA EA, BSAI Final Stock Assessment and Fishery Evaluation (SAFE) report, and approve final BSAI groundfish specifications for 2005 and 2006:

1. Acceptable Biological Catch (ABC), and annual Total Allowable Catch (TAC);
2. Seasonal apportionment of the fixed gear Pacific cod TAC; and
3. Bycatch allowances, and seasonal apportionments of Pacific halibut, red king crab, Tanner crab, opilio crab, and herring to target fishery (PSC) categories.

Approve halibut discard mortality rates for 2005 CDQ groundfish fisheries.

BACKGROUND

At this meeting, the Council makes final recommendations on groundfish and bycatch specifications as listed above to manage the 2005 and 2006 Bering Sea/Aleutian Islands (BSAI) groundfish fisheries.

AP REPORT

The AP recommended the Council approve the 2003 SAFEs and the EA for BSAI and GOA.

The AP recommended the Council adopt the 2005 and 2006 ABCs as TACs, and recommend that the 2005 and 2006 OFL and ABC for Atka mackerel be rolled over from the 2004 OFL and ABC rather than the projected numbers put forward initially by the plan teams and SSC given the scientific report provided to the Council by the stock assessment authors at the AFSC to this effect. Further, the AP recommended seasonal apportionments of fixed gear Pacific cod TAC, bycatch allowances, and seasonal apportionments of Pacific halibut, red king crab, Tanner crab, opilio crab, and herring to target fishery (PSC) categories, modified for herring; and halibut discard mortality rates for 2005 CDQ groundfish fisheries, as included in tables in the AP minutes.

SSC REPORT

The SSC concurred with all of the Plan Team's recommendations for OFLs and ABCs for 2005 and 2006 BSAI groundfish. The SSC also provided extensive comments on the Ecosystems Considerations and Economic Status sections of the SAFE, and provided comments and guidance for authors. Refer to the SSC Minutes ([Appendix 3](#) to these minutes) for more specific comments.

COUNCIL DISCUSSION/ACTION (D-1f)

The Council received detailed reports on Bering Sea/Aleutian Islands groundfish stocks and recommended specifications for 2005 and 2006 from Jane DiCosimo (NPFMC) and Dr. Loh-Lee Low (AFSC). Ms. DiCosimo noted that the BSAI Specifications table [item D-1(f)(2)] in the notebooks is incorrect and requested Council members instead use the table handed out in the AP minutes yesterday. Several other handouts (PowerPoint presentations, BSAI SAFE Introduction) were distributed and placed in the notebooks.

Roy Hyder moved to approve the 2004 SAFE for Groundfish in the Bering Sea/Aleutian Islands area and to adopt a lengthy motion with regard to the 2005-2006 BSAI Specifications (see [Appendix 10](#) to these minutes). Arne Fuglvog seconded the motion.

John Bundy moved to amend the specifications as shown below:

<u>For 2005 TAC only</u>	
Decrease Pollock to	1,478,500 (-2500)
Increase Yellowfin sole to	90,686 (+3200)
Increase Rock sole to	41,500 (+500)
Increase Flathead sole to	19,500 (+500)
Decrease Alaska plaice to	8,000 (-2000)
Increase Other flatfish to	3,500 (+500)
Decrease Other species to	<u>29,000</u> (-200)
Total	2,000,000

Dave Benson seconded the amendment, which carried without objection.

Sue Salvesson moved to amend Table 7 of the main motion by changing the last opening dates from July 4 to July 5, for Yellowfin sole, Rock sole, and Turbot to be consistent with the rockfish in the Gulf of Alaska. There being no objection, the amendment carried.

The Council noted that although the PSC table contains no numbers for *C. opilio*, the formula was approved and that number will be determined next week.

The final motion as amended, carried without objection and is included as Appendix 10 to these minutes.

D-1(g) Groundfish FMP Revisions

ACTION REQUIRED

Final action on BSAI and GOA Groundfish FMP revisions.

BACKGROUND

Groundfish FMP amendments 83/75 will implement housekeeping changes that reorganize the content of the FMPs, technically edit the language, and update certain descriptions within the FMPs that do not reflect the current status of the groundfish fisheries. The most recent versions of the draft revised FMPs were distributed to the Council family at the end of August, and are dated August 13, 2004.

Notes on the FMP revisions, and on final action for these amendments, as well as a series of attachments including addendums to the August 13, 2004 drafts, are described in the attachments to this action memo.

AP AND SSC REPORT

Neither the AP nor the SSC addressed this agenda item.

COUNCIL DISCUSSION/ACTION (D-1g)

Diana Evans presented an overview of the “housekeeping” amendments to the groundfish FMPs.

Arne Fuglvog moved to approve Amendments 83/75 to the BSAI and GOA Groundfish FMPs, which include housekeeping changes that reorganize the content of the FMPs, technically edit the language, and update certain descriptions within the FMPs that do not reflect the current status of the groundfish fisheries. Additionally, Mr. Fuglvog moved a substantive change to the BSAI groundfish FMP that would remove language in the FMP that allows TAC or OY to be set higher than ABC or the sum of ABCs, respectively. This change has been identified as a priority item by the Council in the implementation of the recently-adopted programmatic groundfish management policy. The motion was seconded and carried without objection.

D-2 Staff Tasking

ACTION REQUIRED

Review tasking and Committees and provide direction.

BACKGROUND

Committees

The list of Council committees is attached as Item D-2(a). At this meeting, the Council will appoint membership for the Scientific and Statistical Committee and Advisory Panel during an executive session. Appointments will be announced at the conclusion of the Council meeting, and listed in the newsletter.

Projects and Tasking

Item D-2(b) is the three meeting outlook, and Item D-2(c) is the summary of current projects and tasking. New items from the last meeting that now appear on this list are the Groundfish Management Policy Implementation Actions (#1) and Pacific Cod Allocations (#16). The Pacific cod allocation item was discussed earlier in the meeting under the C-9 agenda item. The Groundfish Management Policy Implementation Actions will be a staff tasking item at every to evaluate priorities and progress toward achieving the policy goals, adopted as part of the Programmatic Groundfish SEIS.

At the June meeting, the Council identified priority areas for implementing the groundfish management policy previously adopted as part of the Groundfish Programmatic SEIS. The list of priorities, and a review of ongoing activities to address these actions, is attached as Item D-2(d). Many of the priorities are being addressed directly or indirectly through current Council initiatives, either as amendments underway or in the form of developmental discussion papers. Some of them have yet to be explicitly initiated, and their development may be subject to various possible approaches (alternatives). We agreed in October that we would revisit this list sometime in the spring of 2005, once some of the major current initiatives become more defined, and discuss a specific process for addressing the PSEIS priorities.

At this time, both the Council and its staff are subsumed with existing projects, and preparations for the 'Managing Our Nation's Fisheries II' Conference. However, a few weeks of staff time may become available over the winter months to begin working on new or previously tasked projects that have not yet been initiated. Prioritization of the Pacific cod allocations, and/or salmon bycatch measures, would likely subsume this available staff time. We do have some contracting resources available to assist in these projects.

AP AND SSC REPORT

Neither the AP nor the SSC addressed this agenda item.

COUNCIL DISCUSSION/ACTION (D-2)

The Council decided to initiate the following analyses:

Revise Other Species TAC Calculation in GOA. Currently under the GOA FMP, the TAC for other species is calculated as equal to the sum of the TACs for all of the target species. No OFL or ABC is specified for this complex. As an interim measure and prior to a more comprehensive non-target species initiative, the Council recommended that an analysis examine the following alternatives:

Alt. 1: Status Quo (other species TAC = 5% of the sum of all target species TACs)

Alt. 2: Other species TAC < 5% of the sum of the target species TACs. This would allow for some conservative flexibility in establishing other species TAC below the maximum allowed.

Alt. 3: Establishing an OFL, ABC and TAC for the aggregate other species complex.
(M/Fuglvog S/Nelson; no objection)

Remove Dark Rockfish from GOA FMP. Dark rockfish are currently part of the pelagic shelf rockfish complex, although they are primarily located in nearshore waters. Removing them from the FMP entails turning dark rockfish over to the State for management. This was previously done in 1998 in the GOA for black and blue rockfish, two other primarily nearshore rockfish species. (M/Fuglvog; no objection)

Staff will report back to the Council at the February 2005 meeting regarding timing and prioritization of these two amendments.

Breakout of “Other Species” in BSAI & GOA: The Council also discussed a potential plan amendment to break out sharks, skates, sculpins, and octopi from the “other species” category and set specifications at the group level as an interim step for revising management of non-target species. The proposed action would result in separate specifications for the four groups. The staff will prepare an action plan for review by the Council at their February 2005 meeting. (M/Salveson S/Fuglvog; no objection)

Hazel Nelson moved to recommend that the Council direct NMFS to implement Amendment 71a as soon as possible with the Proposed Rule no later than March 1, 2005. Ms. Nelson stated that the amendment would put rules in place that the CDQ program needs. Earl Krygier seconded the motion which carried without objection.

Arne Fuglvog moved that the Council request staff to prepare a discussion paper to review the issue of an apparent “loophole” in the Western GOA 300,000-pound pollock trip limit regulation. The Council requests that the paper explain what the current regulations are, how they are being interpreted that allows this activity to occur, and what possible changes could be made to address this serious allocation issue. Dave Benson seconded the motion which carried without objection.

D-3 Other Business

The Council received a detailed PowerPoint presentation from John Guavin on the Central Gulf of Alaska Flatfish Project, which he was contracted to complete for the Alaska Dragger Association and the Alaska Fisheries Development Foundation. The project involved a comprehensive review of methods to limit halibut bycatch by trawlers, including various halibut excluder devices and using SeaState technology. Mr. Gauvin believes the technology is available to help avoid problems in the fishery and is hopeful that the fleets involved will use this report.

The Gulf of Alaska Coastal Communities Coalition, Women’s Fisheries Network, and the North Pacific Fishery Management Council held a reception the evening of December 7 to say farewell to Dr. Richard Marasco. After serving 26 years on the Council’s Scientific and Statistical Committee (many of which he was Chairman) Dr. Marasco has decided to retire and this will be his last meeting as a member of the SSC.

AP AND SSC REPORT

The AP did not address this agenda item. The SSC provided recommendations for Plan Team appointments.

COUNCIL DISCUSSION/ACTION (D-3)

During the Council meeting, Dr. Richard Marasco received a standing ovation from Council members and all others present as Chair Madsen announced his retirement and thanked him for his significant contributions to the management of the North Pacific Fisheries, stating he will be greatly missed.

SSC and AP appointments for 2005

Following the Council’s new policy adopted in October 2004 to have the Advisory Panel members serve staggered three-year terms, the subsequent appointments were announced:

1-year Appointment	2-year Appointment	3-year Appointment
John Bruce	Al Burch	Joe Childers
Duncan Fields	Craig Cross	Cora Crome
David Fraser	Jan Jacobs	Tom Enlow

1-year Appointment	2-year Appointment	3-year Appointment
Jeb Morrow Michelle Ridgway Jeff Stephan	Kent Leslie Matthew Moir John Moller Jim Preston	Bob Jacobson Eric Olson Ed Poulsen John Henderschedt

New to the AP this year are:

Jeb Morrow – longliner, Sitka
 Matthew Moir – Plant Manager, Alaska Pacific Seafoods, Kodiak
 Joe Childers – Director, Western Gulf of Alaska Fishermen, Juneau
 Ed Poulsen – Crab Advisor, Seattle
 John Henderschedt – Premier Pacific Seafoods, Seattle

The SSC appointments are:

Keith Criddle Steven Hare Mark Herrmann, Susan Hills Anne Hollowed	George Hunt, Jr. Gordon Kruse Pat Livingston Seth Macinko Franz-Joseph Mueter	Kenneth Pitcher Terrance Quinn, Jr. David Sampson Farron Wallace Doug Woodby
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A replacement for Dr. Richard Marasco will be announced at a later date.

The Council approved the following SSC recommendations for Plan Team appointments. Michele Culver (Washington Department of Fish and Game) replaces Farron Wallace on both the Bering Sea/Aleutian Islands and Gulf of Alaska Groundfish Plan Teams; and Scott Miller (NMFS-AKR) is added to the Scallop Plan Team.

Ms. Stephanie Madsen adjourned the meeting at 1:24 pm on Tuesday, December 14, 2004.