

North Pacific Fishery Management Council

Richard B. Lauber, Chairman
Clarence G. Pautzke, Executive Director

Telephone: (907) 271-2809




Visit our website: www.fakr.noaa.gov/npfmc

605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Fax: (907) 271-2817

Certified by

Date


10.14.99

ADVISORY PANEL MINUTES JUNE 7-11, 1999 KODIAK, ALASKA Elks Lodge

Advisory Panel members in attendance:

Acuna, Erika
Benson, Dave
Blott, Tim
Bruce, John (Chair)
Burch, Alvin
Cross, Craig
Falvey, Dan
Fanning, Kris
Fraser, Dave
Ganey, Steve

Gundersen, Justine
Jones, Spike
Jordan, Melody
Kandianis, Teresa
Madsen, Stephanie (Vice-Chair)
Nelson, Hazel
Stephan, Jeff
Yeck, Lyle
Yutzenka, Grant

Advisory Panel (AP) members, Ragnar Alstrom, Arne Fuglvog, John Lewis, and Robert Ward were absent. The AP unanimously approved their April 1999 meeting minutes.

C-1 American Fisheries Act (AFA)

The AP recommends the Council adopt the following measures:

Catcher Processor Sideboards

The AP reiterates its recommendation from November 1998:

Groundfish:

1. Non-pollock groundfish caps for listed vessels will be established on the basis of the percent of groundfish harvests in the pollock and non-pollock fisheries in 1995, 96, 97 (for Pacific cod, 1997 only).

2. NMFS will determine the bycatch needs for pollock and non-pollock fisheries and allow for directed fishing for non-pollock target species such that the total catch of those species should not exceed the caps.

PSC Caps:

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

Motion carries 14/4.

Catcher Vessel Sideboards

BSAI Groundfish Sideboards

1. Shall be based on vessel catch between 1995-97.
2. Shall be based on non-pollock catch in pollock and non-pollock targets, as a ratio of the AFA vessels' catch to total catch.
A motion to delete pollock and replace total catch with TAC failed 9/9/1. A motion to only change total catch to TAC failed 8/9/2.
3. NMFS will determine the bycatch needs for pollock and non-pollock fisheries and allow for directed fishing for non-pollock target species such that the total catch of those species should not exceed the caps.
4. Shall apply only to vessels that are members of co-ops under Section 210(a)(1) of the AFA.
A motion to expand sideboards to apply to all AFA-eligible vessels regardless of participation in a co-op failed 9/10.
5. Shall apply at the AFA CV sector level in 2000. However, NMFS shall publish the proportion of the cap represented by the aggregate catch history of the vessels in each co-op, and facilitate the formation of an interco-op agreement to monitor the subdivision of the caps at the co-op level. NMFS shall require each co-op agreement to contain provisions that would limit its participants to their collective 1995-97 harvest in other fisheries.
6. Shall be applied through out the year, except:
 - a. Sideboards applying to the CV trawl P. cod allocation shall be lifted April 1, except:
 1. Mothership sector qualified AFA vessels' CV trawl P. cod allocation shall be lifted March 1;
 2. Vessels with less than 1700 mt of annual average pollock catch history shall be exempt from this sideboard.

BSAI PSC Sideboard Caps

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

The full motion on BSAI sideboards passed 13/6.

GOA Groundfish Sideboards

1. Shall be based on vessel catch between 1995-97.
2. Shall be based on non-pollock groundfish catch in non-pollock targets as a ratio of the AFA vessels' catch to TAC. (Motion carries 12/5.)
3. Shall be based on the pollock catch in the pollock target as a ratio of the AFA vessels' catch to TAC, and shall be apportioned seasonally. (Motion carries 14/4.)
4. NMFS will determine the bycatch needs for pollock and non-pollock fisheries and allow for directed fishing for non-pollock target species such that the total catch of those species should not exceed the caps.
5. Shall apply only to vessels that are members of co-ops under Section 210(a)(1) of the AFA.
6. Shall apply at the AFA-eligible catcher vessel sector level in 2000. However, NMFS shall publish the proportion of the cap represented by the aggregate catch history of the vessels in each co-op, and encourage the formation of an interco-op agreement to monitor the sub-division of the caps at the co-op level. NMFS shall require each co-op agreement to contain provisions that would limit its participants to their collective 1995-97 harvest in other fisheries.
7. Shall be applied throughout the year except vessels with less than 1700 mt of annual average pollock catch history shall be exempt from pollock and cod sideboards only. Motion carries 14/1/3.

MINORITY REPORT
C-1 AFA - GOA Sideboards

A number of local vessels in the western Gulf have history in the BSAI pollock and cod fishery. The exemption of vessels with less than 1700 mt of annual pollock will put sideboards on these vessels for other species such as flatfish and rockfish in areas 610 and 620. The reason these vessels don't have history now is because they do not have a market for those species, and when a market develops, it will automatically be allocated to non-local vessels that are not covered under AFA sideboard measures.

Signed: Justine Gundersen
Lyle Yeck
Spike Jones

GOA PSC Sideboards Caps

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

Motion carries 13/6.

Crab Sideboards

1. Shall apply to vessels which are members of co-ops under Section 210(a)(1) of the AFA.
A motion to expand sideboards to apply to all AFA-eligible vessels regardless of participation in co-op failed 5/10/4.

2. Shall limit participation in the:
 - a. St. Matthews and Pribilof king crab fishery to those vessels that are LLP qualified under Alt. 9, hold a LLP endorsement for that fishery, and that had a landing in 1995, 96 or 97, and will be capped at the average history 1995-97.
 - b. Opilio crab fishery to those vessels that are LLP qualified under Alt. 9, hold a LLP endorsement for that fishery, and that had a landing in 1995, 1996, or 1997, and will be capped at the average history 1995-97.
 - c. Bristol Bay king crab fishery to those vessels that are LLP qualified under Alt. 9, and hold a LLP endorsement for that fishery and be capped at the aggregate of 1995, 96, and 97. (Motion carries 11/6.)
 - d. Adak red king crab and brown crab fisheries to those vessels that are LLP qualified under Alt. 9, and hold a LLP endorsement for that fishery and be capped at aggregate of the last two years the fishery was open.
 - i. If bairdi is managed as a separate directed fishery, vessels that are LLP qualified under Alt. 9 and hold a LLP endorsement with a landing in 1995 or 1996 shall be eligible and capped at the average for those years.
 - ii. If bairdi is managed as retainable bycatch in a directed red king crab fishery, vessels that are LLP qualified under Alt. 9 and hold a LLP endorsement for that fishery shall be eligible.
3. Shall apply at the AFA CV sector level in 2000. However, NMFS shall publish the proportion of the cap represented by the aggregate catch history of the vessels in each co-op, and encourage the formation of an interco-op agreement to monitor the sub-division of the caps at the co-op level. NMFS shall require each co-op agreement to contain provisions that would limit its participants to their collective 95-97 harvest in Opilio, St. Matthews, and Pribilofs crab fisheries.
4. Crab sideboards shall apply as long as AFA is in effect.

Above motion carries unanimously (19/0).

5. Prohibit the sale, lease, transfer or stacking of LLP licenses or endorsements by AFA-eligible catcher vessels. In addition, any acquisition of a license/endorsement shall be subject to the aggregate cap and shall only increase the aggregate cap by the amount of the catch history of the acquired vessel's license.

Motion carries 16/3.

Scallop Sideboards

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

Motion carries unanimously (17/0).

MINORITY REPORT
C-1 AFA — BSAI and GOA Catcher Vessel Sideboards

We, the undersigned, respectfully disagree with the decision of the majority that the catcher vessel sideboards in the BSAI and GOA should apply only to AFA-eligible catcher vessels that participate in a

cooperative. The sideboards are intended to protect catcher vessels that did not benefit from the removal of latent licenses, closure to new entry, and the increase in pollock TAC that the AFA provided for the AFA-eligible catcher vessels. These benefits are in addition to the right of AFA-eligible catcher vessels to have the Secretary set aside their average historic pollock catch if they participate in a cooperative. As a result of the majority decision, non-AFA-eligible catcher vessels receive no protection from the competitive advantage granted to AFA-eligible catcher vessels by these additional non-cooperative benefits.

We are also concerned that the majority decision provides the opportunity for owners of multiple AFA-eligible catcher vessels to avoid the intent of the sideboards – which is to restrict AFA-eligible vessels from being able to use the advantages conferred by the AFA to increase their participation in non-pollock fisheries – by placing some of their vessels in cooperatives while leaving others in the open access system to avoid the caps. In cases where some of the vessels under common ownership have a small pollock history, or when only a small number of catcher vessels or processors remain in open access, the owner of multiple catcher vessels risks little in pollock and stands to gain a lot in other species if they leave one or more of their vessels in open access to avoid the sideboard restrictions.

Finally, we believe the intent of the sideboard protections are largely defeated if they apply only during limited periods of the year. Especially in light of the changed seasons due to stellar sea lion concerns, in some cases the historic cap will act as no cap at all because it will not be applicable during times when AFA-eligible catcher vessels are available to fish other species due to sea lion closures.

For these reasons, we urge the Council to revise the recommended AP decision so that the sideboards apply year around to all AFA-eligible vessels, or at least to all AFA-eligible catcher vessels that share common ownership.

Signed: Hazel Nelson
Melody Jordan
Jeff Stephan
Steve Ganey

MINORITY REPORT

C-1 AFA — CP and CV Sideboards - Management of Groundfish and PSC Caps

We, the undersigned members of the AP, believe the plain language and legislative history of the AFA dictates that groundfish and PSC sideboards are hard caps that stop all directed fishing when reached. This is consistent with the dual AFA purposes of insuring bycatch reduction and protections for other fisheries. Measures in place for 1999 and the AP recommendation on sideboards are insufficient on both counts. Both fail to insure that these caps will not be exceeded by allowing continued pollock fishing and harvest of these fish after the “cap” has been reached. While the AFA clearly grants the Council flexibility to insure bycatch reduction and protection for other fisheries through other means, any different approach must insure the same objectives.

Signed: Steve Ganey
Dan Falvey
Erika Acuna
Jeff Stephan

Non-Sideboard decisions

Compensation in Shoreside Sector Co-ops

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

AFA Conformance Measures (Amendment 62/62)

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

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

Additionally:

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

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

Single Geographic Location

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

Motion carries 18/1.

A motion to add the following to the last paragraph failed 7/10: "except to amend current regulations to state that an AFA-eligible inshore floating processor may only receive GOA pollock at the same physical location in 1996-97, but may receive BSAI pollock at different locations inside state waters and only when receiving deliveries from CVs in a co-op to which the SOC has allocated BSAI pollock."

CDQ Conformance Measures

Action 1: Defining directed fishing for pollock CDQ

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

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

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

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

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

Motion carries unanimously (18/0).

Further, the AP requests that the amount of CDQ pollock counted against the ICA be identified by fishery and be revised by the Council annually. Motion carries unanimously (18/0).

Action 2: Squid CDQ

The AP recommends the Council adopt Alternative 2: do not allocate 7.5% of the squid TAC to the CDQ Program. Squid caught while CDQ fishing would accrue against the non-CDQ squid TAC and the catch of squid would not limit the CDQ fisheries (unless the overall catch of squid reached an amount that would affect all BSAI fishing). Motion carries unanimously (18/0).

AFA Processor Sideboards

The AP was unable to provide the Council with a recommendation on this item as a single action. Below is the original motion followed by a road map of actions taken with accompanying votes:

DRAFT MOTION ON HISTORIC PROCESSING CAPS

This motion would adopt OPTION 3, an overall limit applied to all facilities owned by AFA entities. The option can be found on page 191 of the EA/RIR, with the staff estimates of the historic cap shown in Table 8.7 on the same page.

Motion

1. That the Council adopt a single, overall historic processing cap that would apply to all facilities owned or controlled by AFA entities.
 - A. Entities would be determined based on the 10 percent rule.

- I. The 10 percent rule would use the multiplicative formula described on page 228 of the EA/RIR.
- II. NMFS would administer an appeal process for facilities that can demonstrate that they receive no increased investment from the AFA entity and are less than 20 percent owned or controlled under the multiplicative rule.
- B. The processing cap would be determined based on the 1995 – 1997 average of processing by U.S. documented vessels and facilities CURRENTLY owned and controlled by AFA entities. The cap would not include credit for history during 1995 – 1997 from vessels that are no longer under U.S. documentation or vessels or facilities that are no longer owned or controlled by an AFA entity.
 - I. The cap would be determined based on the percentage of the TAC for fully utilized species.
 - II. The cap would be determined based on the percentage of actual catch for underutilized species.
- C. The processing cap would apply to all facilities of AFA entities regardless of whether or not the AFA entity receives fish from a cooperative.
- D. The cap would apply year around.
- E. NMFS would enforce the cap by announcing a closure for AFA entities when NMFS estimates that the historic processing cap for that species will be reached. NMFS would be responsible for prosecuting violations of the cap just as they do for violations of other fishery closures.
 - I. Special rules should be developed for single trip fisheries to ensure that vessels in line to deliver to an AFA entity are not adversely affected by a closure when the cap is reached.

A motion to delete the last sentence of item B was substituted by the following motion which passed 9/7:
 “The processing cap would be determined based on the 1995-97 average of processing by U.S. documented vessels and facilities owned and controlled by AFA entities as of 10/31/98. The cap would not include credit history during 1995-97 from vessels that are no longer under U.S. documentation or vessels or facilities that are no longer owned or controlled by an AFA entity as of 10/31/98.”

The following substitute motion for the above motion failed 9/10.

“AP recommends the Council adopt Option 1 - overall limits applied to AFA-eligible facilities.

- processing limits would apply to crab only and only when eligible motherships and shoreside processors that receive pollock from the directed pollock fishery under a fishery cooperative.
- limits shall be based on the processing history for 95, 96 and 97.”

A motion to amend the original “amended” (section B) motion to insert Option 1: overall limits applied at the AFA facility level.

A motion to amend item C to require processing limits only if the AFA facility receives fish from a co-op failed 7/8/2.

The following motion was approved 11/6 and added to the motion:

“The AP recommends the Council publish notice that they intend to move forward with an analysis for excessive shares and may not recognize processing history after the date of that announcement.”

A motion to apply processing limits to only motherships and inshore processors passed 10/7.

A motion passed 11/7 to apply processing limits to crab only.

A vote on the amended version of original motion failed 7/11.

A motion to revise the failed motion substituting Option 2: overall limits to be applied at the AFA company level failed 8/9.

The AP Chairman felt that any further time spent would not produce a complete recommendation and suggested all votes be recorded and presented to the Council.

A motion previously passed but part of the failed motion was brought back before the AP and passed 18/1:
“The AP recommends the Council publish notice that they intend to move forward with an analysis for excessive shares and may not recognize processing history after the date of that announcement.”

General

The AP notes that NMFS staff has advised that implementing the elements of the AFA actions by 2000 will require working outside traditional rulemaking. Recognizing the socio-economic harm if co-ops are delayed and that the AFA supports formation of co-ops, the AP requests the Council direct NMFS to use any rulemaking method in its authority to implement the elements of these AFA actions by 2000. Motion carries unanimously (19/0).

C-2 Steller Sea Lions

The AP recommends the Council adopt the following measures:

Gulf of Alaska

2.5 Options for Temporal Dispersion in the GOA

2.5.1 Options for season dates and TAC apportionments Option 3 (as amended in table below):

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

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

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

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

2.5.3 Options for trip limits in the GOA

Catcher Vessel Trip Limits

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

Tender vessel trip limits

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

2.6 Options for spatial dispersion in the GOA

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

Motion carries 14/2.

2.7 Options for pollock no-trawl zones in the GOA

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

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

Motion carries 12/3.

Bering Sea

Temporal Dispersion Package

Inshore Sector Seasons

A1 season — Jan 20 - Feb 15

Stand down 5 days

A2 season — Feb 20 - April 15
 B season 1999 — August 1 until quota achievement
 B-C standdown 5 days inside CH/CVOA
 C season — B closure plus 5 days - 11/1
 B season 2000 and forward — June 1 start date for co-ops

Mothership Sector Seasons

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

Catcher Processor Sector Seasons (including 7 catchers)

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

CDQ Sector Seasons

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

Pollock Allocation RPAs Package

AFA Allocations Apply.

Seasonal Allocations by Sector

Seasonal TAC apportionments

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

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

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

General

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

Sarichef Steller sea lion haulout

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

Aleutian Islands

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

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

(A motion to delete the above motion failed 6/10)

Motion carries 14/3.

**MINORITY REPORT
 C-2 Steller Sea Lions**

We, the undersigned members of the AP, oppose the BSAI sea lion RPA recommendation from the AP. Taken as a complete package, the AP proposal represents a step backward from the December 1998 Council action which was partially disapproved. Specifically, we oppose the following issues:

1. increasing the A1/A2 TAC from 40 to 45%;
2. the opening of the Aleutian Islands area to pollock fishing;
3. the failure to close the Cape Sarichef haul-out site to 20 nm; and
4. the failure to spatially apportion the B and C season TAC east and west of 170° longitude.

Apportioning TAC east and west of the 170° line in a manner consistent with the distribution of the pollock stock is a sound management concept implicitly accepted in the draft June 9, 1999 SSC minutes. The SSC further notes that this spatial apportionment concept is analogous to the TAC divisions already in place in

the Gulf of Alaska.

Combining the rejection of this concept with the failure to close Cape Sarichef to 20 nm clearly renders the AP recommendation insufficient to satisfy the bare minimum needed to make a package consistent with the RPA principles.

Further, there are no other conservation measures included to balance these inconsistencies. Increasing the A1/A2 TAC to 45% and opening the Aleutian Islands exacerbate this problem. While we note that the A1/A2 TAC and Aleutian Islands recommendations are both considered consistent as individual items, combined with the other items in the AP recommendation, they boil down to a set of RPAs that are insufficient.

Simply put, the AP is advising the Council adopt a proposal that is less protective of sea lions than the December 1998 Council action.

Signed: Steve Ganey
Dan Falvey
Erika Acuna

C-3 BSAI Pacific cod Fixed Gear Allocation

The AP recommends the Council request staff incorporate the following changes and additions and bring the document back in October for initial review:

1. All of SSC requests.
2. Discussion of:
 - a. history of the P. cod catch and TAC as far back as possible.
 - b. history of P. cod allocations and rationale.
 - c. how TAC apportionments for each sector would be managed in-season.
3. Remove first sentence in first paragraph in Section 1.3.
4. Cite sources of discard mortality rates used in Section 1.4.2.
5. Include tables in Section 3.1 (i.e., expand Tables 3.1 and 3.2, p. 21) of fleet and fishery data from 1995 and more recent than 1996 through 1998, if possible. Include vessel size information on their history in fixed gear.
6. Include totals column in Tables 3.3 and 3.5.
7. Add option for a set-aside for catcher vessel longline vessels less than 60' of up to 2%, with rollover provisions.
8. Provide estimates of 1998 discard data (Table 1.5, p. 12 and 13).
9. Provide an explicit calculation of rollover accounting.
10. Expand discussion of bait removals and how it will be included in this action.
11. Investigate whether there may be, in fact, "laboratory studies" dealing with mortality of crab discard in crab fisheries (Section 1.4.2, p. 11)

Motion carries 13/2/1.

D-1(a) HMAP Pilot Program

The AP requests the Council move the analysis forward in order for initial review and final action in October to allow implementation in 2000. Motion carried unanimously 15/0.

D-1(b) Experimental Fishing Permit for AFDF Bait Test

The AP requests the Council support the experimental fishery permit for the AFDF bait test project. Motion carries unanimously 15/0.

D-2 Crab Management

The AP recommends the Council release for public review the EA/RIR/IRFA rebuilding plan for the Bering Sea *C. bairdi* stock after including the following:

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

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

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

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

Motion carries 15/1.

A motion to add an option under Alternative 2B (Bycatch Controls) for a weight-based cap failed 7/7/2.