

North Pacific Fishery Management Council

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Certified _____
Stephanie Madsen, Chair

Date: _____

MINUTES

173rd Plenary Session
North Pacific Fishery Management Council
October 5-11, 2005
Anchorage Hilton Hotel
Anchorage, Alaska

The North Pacific Fishery Management Council met October 5-11, 2005, at the Hilton Hotel in Anchorage, Alaska. The Scientific and Statistical Committee met October-3-5 and the Advisory Panel met October 3-7 at the same location. The following Council, staff, SSC and AP members attended the meeting:

Council Members

Stephanie Madsen, Chair
Sue Salvesson for Jim Balsiger
Dave Benson
John Bundy
Lenny Corin
Arne Fuglvog
Dave Hanson

Doug Hoedel
Roy Hyder
McKie Campbell/Earl Krygier
Eric Olson
ADM Olson/CDR Mike Cerne
Ed Rasmuson
Jeff Koenings/Bill Tweit

NPFMC Staff

Gail Bendixen
Darrell Brannan
Cathy Coon
Jane DiCosimo
Elaine Dinneford
Diana Evans
Mark Fina
Nicole Kimball

Jon McCracken
Chris Oliver
Jim Richardson
Maria Shawback
Diana Stram
Bill Wilson
Dave Witherell

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Support Staff/Presentations

Lauren Smoker, NOAA-GCAK
John Lepore, NOAA-GCAK
Herman Savikko, ADF&G
Obren Davis, NMFS-AKR
Mary Furuness, NMFS-AKR
Ben Muse, NMFS-AKR
Jennifer Boldt, AFSC
Glen Merrill, NMFS-AKR
Rachel Baker, ADF&G

Kaja Brix, NMFS-AKR
Jason Anderson, NMFS-AKR
Tom Pearson, NMFS-Kodiak
Phil Smith, NMFS RAM Division
Lt. Al McCabe, USCG
Rob Bentz, ADF&G
Scott Miller, NMFS
Sally Bibb, NMFS-AKR
Ed Dersham, ADF&G
Sue Aspelund, ADF&G

Scientific and Statistical Committee

Pat Livingston, Vice Chair
Keith Criddle
Steven Hare
Mark Herrmann
Anne Hollowed
Seth Macinko

Ken Pitcher
Terry Quinn
David Sampson
Farron Wallace
DaveWoodby

Advisory Panel

Tom Enlow, Chair
John Bruce
Al Burch
Joe Childers
Cora Crome
Craig Cross
Duncan Fields
Dave Fraser
John Henderschedt
Jan Jacobs

Bob Jacobson
Simon Kinneen
Kent Leslie
Matt Moir
John Moller
Jeb Morrow
Ed Poulsen
Jim Preston
Michelle Ridgway
Jeff Stephan

The following members of the public registered their attendance:

Regg Krkovich
Deborah Sims
Curnis Sims
Matt Doherty
Lori Swanson
Paul MacGregor
Frank Kelty
Glenn Reed
Frank Casey
Pet Wedin
Mike Swan
Tom Gemmell
Dave Fraser
Thorn Smith
Mark Lundsten

John Iani
Bruce Gabrys
Kris Norosz
Tans Bilben
Bob Alverson
Joe Kyle
Michael Lake
Steve Grabacki
Phillip Lestenkof
Jeff Stephan
Heather McCarty
Michael Janson
Russell Pritchett
Marcus Alden
Eric Hollis

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Donna Parker
Susan Robinson
Mike Szymanski
Al Burch
Brent Paine
Joe Sullivan
Arni Thomson
John Henderschedt
Stephen Taufen
Joe Plesha

Jill Klein
Jude Henzler
Steve Branson
Terry Leitzell
Lu Dochtermann
Keith Colburn
Robert Leon
Lorena Leon
Margie Bauman

A list of persons giving public comment during the meeting is included in Appendix I to these minutes.

A. CALL TO ORDER/AGENDA APPROVAL

Stephanie Madsen, Council Chair, called the meeting to order at 8:06 a.m. on Wednesday, October 5, 2005.

Agenda. The agenda was approved as published.

Minutes. The minutes of the June 2005 meeting were approved with one correction.

Ms. Madsen introduced Lenny Corin, sitting for USFW, ADF&G Commissioner McKie Campbell, Jeff Koenings, Director of the Washington Department of Fisheries, and his alternate Bill Tweit, and newly appointed Council member Eric Olson.

Oath of Office. Sue Salveson, NMFS, administered the Oath of Office to Eric Olson, and John Bundy who was reappointed for another 3-year term.

Election of Officers. Arne Fuglvog nominated Stephanie Madsen and John Bundy to serve as Chair and Vice Chair, respectively, for a one-year term. There being no further nominations, Ms. Madsen and Mr. Bundy were unanimously elected.

B. REPORTS

The Council received the following reports: Executive Director's Report [including report on freezer longliner buyback and report on SSC operations peer review requirement] (B-1), NMFS Management Report [including update on Amendment 79] (B-2); Coast Guard (B-3); ADF&G (B-4); U.S. Fish and Wildlife (B-5); Protected Species Report (B-6). Following are brief recaps of discussion or action taken during reports.

Executive Director's Report

Appointments: The Executive Director advised that the Council needs to consider approval of two appointments to the groundfish Plan Teams: Dr. Kenneth Goldman, to replace Bill Bechtol, and Tien-Shi (Theresa) Tsou, to replace Farron Wallace, and the interim appointment of Simon Kinneen to the Advisory Panel (through the end of 2005).

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Arne Fuglvog moved to approve the appointments to the groundfish Plan Teams and the interim appointment of Mr. Kineen to the Advisory Panel. The motion was seconded by Eric Olson and carried without objection.

Freezer longline sector industry buyback: Dave Little advised the Council that the appropriate documents for the voluntary industry buyback have been submitted to the Secretary of Commerce for preliminary review. The review will probably not be completed for at least another month. In the meantime, the sector is ready to proceed when the review is complete and funding issues are resolved, possibly by the end of the year or early next year. Copies of the documents submitted to the Secretary were provided to Council members later in the meeting.

National Standard 1 Revisions: A sub-group of the SSC reviewed the revised guidelines and provided a written report and comments to the Council. The Council agreed that the Executive Director will forward those comments to NMFS on behalf of the Council. (See SSC Minutes, Appendix II to these minutes, for complete report.)

Information Quality Act: The SSC provided extensive comments to the Council on the issue of peer review requirements under the Act. Please see the SSC Minutes, Appendix II to these minutes, for the full set of comments. Because the SSC feels that virtually any analysis that comes before it could potentially be classified as “influential scientific information” (ISI), requiring specific steps during review, the SSC will apply those specific steps to all analyses reviewed.

The SSC did express concern with regard to the determination of what qualifies as ISI or “highly influential scientific assessments,” noting that an early determination will be required so that the normal Council process will not be impeded. Additionally, the SSC recommended that the Council seek guidance on the criteria used to make the determinations.

NMFS Management Report

EFH/HAPC Amendments: Ms. Salveson advised that NMFS is working to implement the amendments by August, 2006, as required by Court order. The proposed rule is being reviewed and the FMP amendment language is being finalized for the FMPs affected.

BSAI Amendment 79: The amendment, to establish a groundfish retention standard, was approved on August 31. Ms. Salveson advised that the amendment is fairly broad; however, the Proposed Rule to establish the program has caused some controversy and comments from the industry. NMFS is assessing those comments, but is proceeding under the assumption that the program will be approved as published. Ms. Salveson said Secretarial action probably will not be taken until later in the year, but advised the Council that it should assume approval of Amendment 79 when making decisions on Amendment 80 (IR/IU).

New Amendments: Sue Salveson advised the Council that NMFS is initiating two amendments. One is to adjust the timing for arbitration in the crab fisheries because of the short time frame between the season start date and issuance of the IFQs which has left very limited time for arbitration. NMFS will prepare a discussion paper for the Council to consider in December and ask for final action in February. Ms. Salveson also noted that the Agency will interact with the industry, possibly through a public workshop, to gather as much as input for the discussion paper as possible. The second amendment in preparation would clarify communities eligible for the Western Alaska CDQ Program.

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Crab IFQ Program: Phil Smith, NMFS-RAM Division, briefed the Council on the implementation of the crab IFQ program. A written report will be provided in December. The electronic reporting system is in place, making tracking the IFQs more efficient. The Agency has suspended transferability of quota for the Western Alaska golden crab fishery pending the outcome of a lawsuit regarding eligibility. Mr. Smith also advised that the Council will need to address an issue in the Bering Sea *bairdi* Tanner crab fishery relating to the Board of Fisheries' determination that the area should be managed as two separate stocks, one east of 166°W longitude, and one west of 166°W longitude.

USCG Report

In addition to the report on current Coast Guard activities, the Council received an update on the Guard's plan for the crab fisheries under the new rationalization program. In general, there will be a coordinated effort among the Coast Guard, NOAA Enforcement, and the State to provide effective safety precautions as well as coordinated enforcement efforts to avoid duplication.

ADF&G Report

Herman Savikko briefed the Council on two Board of Fisheries proposals that would qualify for joint Council/Board consideration under the FMP Joint Protocol agreement. The Board will accept public comment and do necessary committee work at its December meeting, deferring action until its March meeting to allow Council input. Those proposals are: #73 to create a regulation for dogfish possession and landing requirements in Prince William Sound; and #75 to re-evaluate current regulations in the Prince William Sound pollock fishery which restricts the catch in each of three areas to 40 percent of the TAC.

With regard to the halibut charter fishery, Commissioner Campbell advised the Council that the Department has plans to reintroduce the halibut charter logbook reporting requirement and explore options to ensure accuracy. The Department will also be introducing regulations for the halibut charter industry to limit lines fished to no more than the number of paying customers on board and to conform State regulations with Federal regulations with regard to proxy fishing for halibut.

USFW Report

Lenny Corin provided a written report reviewing several issues currently being addressed by U.S. Fish & Wildlife. The draft recovery plan for the short-tailed albatross will be available for public comment shortly. Additionally, the agency is studying the decline of the Kittlitz's murrelet and the status of the marbled murrelet which was listed as threatened in California, Oregon and Washington in 1992. The species ranges from Central California through the Aleutian Islands. The report also noted that the Southwestern Alaska population of northern sea otter was listed as threatened on August 9, 2005, but also indicated that commercial fisheries do not currently seem to have a negligible effect on this species.

Protected Species Report

Bill Wilson (NPFMC Staff) reported on several issues:

Right Whale Critical Habitat: NMFS has been ordered to investigate the issue of critical habitat for the northern right whale and either designate such an area or explain why such an area does not need to be designated. NMFS intends to issue a notice of Proposed Rulemaking designating critical habitat by

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October 28. The Council will have the opportunity to review and comment on the proposed rule during its December 2005 meeting.

BOF Proposals to allow pollock trawl fishing inside State Waters: NMFS has indicated that proposals for a Pollock fishery near Jude Island and near Adak would likely adversely affect Steller sea lions and likely would require a formal consultation process under the ESA.

ESA Section 7 Consultation on Salmon Bycatch: During the 2004 BSAI groundfish fishery the bycatch of Chinook salmon exceeded 55,000 Chinook salmon, thereby triggering a reinitiation of Section 7 consultation under the ESA. The NMFS Northwest Region has concluded that the Alaska Region should continue monitoring Chinook bycatch in the BSAI groundfish fisheries and continue consultation on this matter with the Northwest Region. The Northwest Region indicated support for the Council's recent efforts to develop alternative ways to reduce salmon bycatch in the BSAI groundfish fisheries.

Reinitiation of ESA Consultation on BSAI and GOA Groundfish Fisheries: Staff provided a discussion paper on reinitiation of formal Section 7 consultation on the BSAI and GOA groundfish fisheries. The Council took action on this issue under the D-4, Staff Tasking, agenda item later in the meeting.

Adak Processing Plant Closure: During public comment, the Council was apprised of the recent closure of the Adak processing plant. Current regulations require that 50% of the Western Aleutian Islands brown king crab catcher vessel owner IFQ be delivered west of 174°W longitude. The assumption was that the deliveries would be made to the shore plant in Adak. It does not appear that there are other options for the harvesters in that region and it is unclear whether or when the Adak plant will re-open.

Ed Rasmuson moved that the Council encourage NMFS and NMFS Enforcement to provide enough discretion to allow the brown crab fishery in the Western Aleutians to continue, regardless of the demarcation line for processors, for this season only. The motion was seconded by Doug Hoedel and carried without objection.

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 to the current action. This section will be set in a different type and size 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 reports of the Scientific and Statistical Committee and Advisory Panel on the subject. Last will be a section describing Council **Discussion and Action**, if any.

C. NEW OR CONTINUING BUSINESS

C-1 Halibut Charter

ACTION REQUIRED

- (a) Receive report on status of guidelines harvest levels in Areas 2C and 3A
- (b) Review letter from Dr. Hogarth regarding Council's charter halibut IFQ preferred alternative

BACKGROUND

Guideline Harvest Level

Following a unanimous recommendation by its Advisory Panel in April 2005, the Council requested a report on recent charter halibut catch and trend data relative to the Guideline Harvest Levels (GHLs). A GHL of 1,432,000 lb (net weight) for Southeast Alaska (Area 2C) and 3,650,000 lb for Southcentral Alaska (Area 3A) was implemented in September 2003. The GHLs establish an amount of halibut that are monitored annually in the guided sport fishery (Item C-1(a)(1)). They equate to 13.05 percent, and 14.11 percent, respectively, of the combined 2000 commercial and guided sport quota. Once exceeded, federal regulations stipulate that NOAA Fisheries will inform the Council of that fact by letter.

At this meeting, the Council will determine if action is needed. Rob Bentz, Deputy Director, ADF&G Division of Sport Fish will report on charter halibut harvests. Final 2004 estimates indicate that Southeast Alaska exceeded the GHL by 22 percent and Southcentral exceeding the GHL by less than 1 percent (Item C-1(a)(2)).

The Council's February 2000 preferred alternative identified a suite of measures that would have been triggered for different levels of needed harvest reductions (see box at right); however, NOAA legal review identified concerns with NOAA Fisheries' ability to automatically impose or lift management measures without additional public process, as harvests exceeded or dropped below the GHL (see two NOAA Fisheries letters to the Council under Item C-1(a)(3)). Therefore, proposed GHL management measures were not implemented in regulation. Instead, the Council may initiate a new analysis each time

management action is deemed necessary to reduce harvests or relax such restrictions. The regulations do not limit when the Council may initiate such an analysis.

The executive summary of the Charter Halibut GHL analysis was distributed in a mailing on September 20, 2005 and is attached under Item C-1(a)(4).

Charter Halibut IFQ Program

The Council scheduled a review of a letter from Dr. William Hogarth, Assistant Administrator of Fisheries, dated August 3, 2005 (Item C-1(b)(1)). Dr. Hogarth requested that the Council confirm its support of the proposed program to incorporate the charter sector into the halibut commercial

Management measures recommended to reduce charter harvests below the GHL	
SOUTHEAST (AREA 2C)	
Reduction	GHL Management Measures
<10%	Vessels Limited to 1 Trip per Day
11% - 15%	above + No Skipper and Crew Harvest
16% - 20%	above + Annual Limit of 7 Fish
21% - 30%	above + Change Annual Limit to 6 Fish
31% - 40%	above + Change Annual Limit to 5 Fish
41% - 50%	above + Change Annual Limit to 4 Fish
>50%	above + One Fish Bag Limit in August
SOUTHCENTRAL (AREA 3A)	
Reduction	GHL Management Measures
<10%	Vessels Limited to 1 Trip per Day
11% - 20%	above + No Skipper and Crew Harvest
21% - 30%	above + Annual Limit of 7 Fish
31% - 40%	above + Change Annual Limit to 6 Fish
41% - 50%	above + Change Annual Limit to 5 Fish
>50%	above + Change Annual Limit to 4 Fish
+	One Fish Bag Limit in August

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individual fishing quota (IFQ) program, before NMFS publishes the proposed rule in the *Federal Register*.

The Executive Summary of the analysis and the summary of the Council's 2001 preferred alternative were distributed on September 20 and are attached under (Item C-1(b)(2)). Additional relevant agency correspondence is attached under (Item C-1(b)(3)). Rob Bentz (ADF&G) will report on charter halibut participation for 1998-2004, including a comparison between the Council's preferred alternative for qualification criteria and recent (2004) participants.

The **Scientific and Statistical Committee** did not address this agenda issue.

Report of the Advisory Panel

Halibut Charter Guideline Harvest Level: The AP recommended the council initiate an analysis for implementation of a management action consistent with the GHL preferred alternative approved by the Council in 2000.

The AP further recommended establishing a charter industry GHL committee. This committee will review the amendment package and the following points and make recommendations to the Council as appropriate.

- Eliminate the poundage ceiling and allow the GHL to rise, as a percentage, with increased TAC just as it currently falls with decreased TAC. Allow the GHL to float with the TAC upward as well as downward.
- Manage the GHL by sub-regions within 2C and 3A
- Establish a moratorium on new entrants. Establish a fully transferable moratorium permit system. Establish a control date, starting date, and ending date. Use this moratorium period to develop a charter halibut management system as appropriate to the industry and to the level of harvest.

The AP also recommended implementation of a NMFS harvest accounting system for charter halibut in order to establish an accurate database for charter halibut harvest. This accounting system could be similar to the one developed by NMFS for the Charter Halibut IFQ proposed rule.

COUNCIL DISCUSSION/ACTION

Halibut Charter Guideline Harvest Level

The Council received a several letters and public comments during the meeting regarding the GHL and how it should be addressed. Much of the Council discussion centered around its previous decision in 2000 to explore framework measures which would have been triggered for different levels of needed harvest reductions, and NOAA General Counsel's subsequent opinion concerning the ability of NMFS to automatically impose or lift management measures without initiating a new amendment. Several Council members pointed out that this type of frameworking has been successfully used by other fishery management councils without legal obstacle. NOAA General Counsel John Lepore was asked to review those situations to determine the difference in those jurisdictions and the Alaska Region.

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Arne Fuglvog moved the following:

Initiate an analysis for implementation of a management action consistent with the GHL preferred alternative approved by the Council in 2000, with the following alternatives:

**For Area 2C: (Alternative 1) status quo
(Alternative 2) trip limit;* no harvest by skipper and crew; annual limit of 6 fish
(Alternative 3) trip limit;* no harvest by skipper and crew; annual limit of 5 fish**

**For Area 3A: (Alternative 1) status quo
(Alternative 2) trip limit*
(Alternative 3) trip limit;* no harvest by skipper and crew**

***1 trip per day**

The motion was seconded by Doug Hoedel.

Mr. Fuglvog said that his intention is that these management measures are contained within the analysis previously prepared in 2002 and the process could be speeded up by drawing from that analysis. Frameworking measures adopted at that time were not approved and Mr. Fuglvog hoped that these types of management measures could be analyzed and implemented more quickly while the issue of frameworking is being reviewed.

McKie Campbell asked for clarification that the analysis would take into consideration actions by the Board of Fisheries which could limit the number of lines fished and number of paying anglers aboard. It was pointed out that cumulative impacts of current and potential future actions need to be addressed in any analysis of management measures.

Mr. Campbell moved to amend to adopt the intent of the Advisory Panel recommendation to establish a charter industry GHL committee to review the following issues:

- (1) link GHL to abundance**
- (2) divide Areas 2C & 3A GHLS into sub-regions**
- (3) consider moratorium on new entrants**
- (4) look at ways to establish a valid reporting system; ADFG and NMFS to work together to make recommendations to committee**
- (5) explore options to reduce halibut bycatch in other fisheries**

The motion was seconded by Ed Rasmuson.

It was clarified that any future action resulting from the work of the Committee would be addressed by a future amendment, not included in the first analysis moved by Mr. Fuglvog.

Sue Salveson moved to delete item 5 from the amendment. The motion was seconded by McKie Campbell and carried without objection. Ms. Salveson pointed out that bycatch is a large and complicated issue already being considered in other Council actions and could spread the focus of the committee too thin.

Mr. Campbell's amended amendment carried without objection. The main motion, as amended, carried without objection.

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Halibut Charter IFQ Program

NOAA General Counsel John Lepore briefed the Council on the responsibilities of the Secretary of Commerce (Secretary), the Council, and the IPHC with regard to managing the halibut fishery off Alaska. He specifically pointed out that the Secretary's authority and timing for review of management measures under the Halibut Act differ from those for decisions for fisheries covered under the Magnuson-Stevens Act.

The Council discussed in length the unusual request in Dr. Hogarth's letter to confirm or deny their previous decision to implement an IFQ program in the halibut charter fishery. They also discussed NOAA GC's suggestion that if more recent information on the fishery is available, it should be appended to the original analysis. Ms. Salveson said that NMFS and ADFG have reviewed available information, but it may not be as useful as they would wish. Ms. Salveson noted that the challenge is that when establishing limited access programs it is required that the Council address most recent data and participation information available. It was pointed out, however, that the delay in review and action by the Secretary is the reason that this subject has been brought to light.

Arne Fuglvog moved to send a letter to Dr. Hogarth stating the following:

The Council is concerned with the process that has transpired since its approval of the halibut charter IFQ program. This letter does not confirm nor does it deny support. Without prejudice to any future Council action on this issue, the Council takes no action on your letter. It requests that you proceed with agency assessment of the draft Proposed Rule.

The motion was seconded by McKie Campbell, and carried with Roy Hyder objecting.

Ms. Salveson advised the Council that she would not abstain from the motion as is the usual custom on Council communications directed to the Administrator. She felt that the motion is responsive to Dr. Hogarth's letters and is consistent with the process envisioned by the Magnuson-Stevens Act and the Halibut Act.

During further discussion, the Council made several requests for additional data on the halibut charter fishery, including qualified participants during the years 1998 and/or 1999, and 2000, as well as current (2004) participants, halibut charter harvests by area, and background on data collection methodology.

Ed Rasmuson gave notice that at the December meeting he will move to rescind the Council's previous action to implement a halibut charter IFQ program.

C-2 CDQ Issues

C-2(a) Management of CDQ Reserves

ACTION REQUIRED

Initial Review of EA/RIR on management of CDQ reserves

BACKGROUND

In June 2004, the Council reviewed a draft analysis to consider amending regulations that govern which CDQ Program allocations (CDQ reserves) should be allocated to the individual CDQ groups. At that time, the Council approved two additional alternatives for consideration: (1) allow after-the-fact CDQ transfers; and (2) allow CDQ groups to manage the harvest of their quota among themselves using cooperatives. A revised set of alternatives was approved by the Council in October 2004. NMFS has continued to refine the alternatives for analysis; the current suite of alternatives would potentially allow the Council to modify the management of groundfish CDQ reserves and other CDQ fishery management measures. The EA/RIR/IRFA was mailed to the Council on September 20. The executive summary is provided as Item C-2(a)(1). Initial review of the analysis is scheduled for this October meeting.

This proposed action is intended to address concerns that the current groundfish and halibut prohibited species allocations were not designed to provide the CDQ groups with an amount of incidental catch or halibut prohibited species catch needed to completely harvest their target species allocations. The changes to CDQ fisheries management regulations considered in this analysis could provide more flexibility for the CDQ groups to fully harvest their target species and reduce the potential for quota overages, while still providing NMFS with adequate tools to manage the CDQ catch limits established for the BSAI fisheries as a whole.

NMFS has further refined the analysis to incorporate three components that address: (1) amending CDQ transfer regulations, (2) allowing CDQ groups to form cooperatives and pool their quota, and (3) identifying which CDQ reserves to allocate to individual CDQ groups, as well as, how allocated and non-allocated reserves should be managed (either with hard or soft caps, respectively). Each component is included in a progressive range of management alternatives that transition from very restrictive (Alternative 1 – status quo) to very flexible (Alternative 4, which includes all three of the above components). The analysis does not include all possible combinations of the components; however, the Council could further segregate or combine components as part of its preferred alternative.

Alternatives for consideration

Alternative 1: Status Quo. Do not amend CDQ fishery management regulations. CDQ and PSQ transfers between CDQ groups would not be allowed to account for in-season quota overages; CDQ groups would not be allowed to form cooperatives and pool their CDQ allocations; each BSAI TAC category allocated to the CDQ Program would be allocated among CDQ groups; all CDQ group allocations would be managed as hard caps; and changes to those TAC categories allocated to CDQ groups would continue to be made through rulemaking.

Alternative 2: Amend regulations to remove the prohibition disallowing the transfer of CDQ from one CDQ group to another CDQ group to cover overages of groundfish CDQ allocations.

Alternative 3: Amend regulations to: (1) remove the prohibition disallowing the transfer of CDQ from one CDQ group to another CDQ group to cover harvest overages of groundfish CDQ allocations, and (2) allow CDQ groups to form cooperatives and pool their groundfish CDQ allocations for purposes of quota management and monitoring.

Alternative 4: Amend regulations to: (1) remove the prohibition disallowing the transfer of CDQ from one CDQ group to another CDQ group to cover in-season harvest overages of groundfish CDQ allocations, (2) allow CDQ groups to form cooperatives and pool their groundfish CDQ allocations for purposes of quota management and

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monitoring, and (3) only allocate target species CDQ reserves among CDQ groups. CDQ target species allocations would be managed as hard caps and unallocated CDQ reserves would be managed as soft caps.

Option 1: Amend regulations to allow the Council to make future modifications to the suite of TAC categories allocated among CDQ groups during the annual groundfish harvest specifications process, rather than through rulemaking.

Option 1 is associated with Alternative 4 and the component to identify which CDQ reserves to allocate to individual CDQ groups. This option would allow the Council to determine which CDQ reserves to allocate to the individual CDQ groups during the annual groundfish specifications process. Allowing such changes to be made during the specifications process could allow future changes to the list of allocated or non-allocated CDQ reserves (as would be identified under Alternative 4, Component 3) to be made without corresponding rulemaking. Such changes could potentially be in response to future changes in BSAI TAC categories, particularly in relationship to multi-year CDQ percentage allocations; issues associated with increases or decreases in the annual TACs for target or non-target species; or other considerations.

Report of the Scientific and Statistical Committee

The SSC recommended that the document be released for public review, subject to a thorough editorial review before release. Please see the SSC Minutes (Appendix II to these minutes) for specific recommendations for inclusion in the analysis.

Report of the Advisory Panel

The AP recommended the following alternatives for analysis:

(Changes noted are differences from the Action memo)

Alternative 1: Status Quo. Do not amend CDQ fishery management regulations. CDQ and PSQ transfers between CDQ groups would not be allowed to account for in-season quota overages; CDQ groups would not be allowed to form cooperatives and pool their CDQ allocations; each BSAI TAC category allocated to the CDQ Program would be allocated among CDQ groups; all CDQ group allocations would be managed as hard caps; and changes to those TAC categories allocated to CDQ groups would continue to be made through rulemaking.

Alternative 2: Amend regulations to remove the prohibition disallowing the transfer of CDQ from one CDQ group to another CDQ group to cover overages of groundfish CDQ allocations.

~~Alternative 3: Amend regulations to: (1) remove the prohibition disallowing the transfer of CDQ from one CDQ group to another CDQ group to cover harvest overages of groundfish CDQ allocations, and (2) allow CDQ groups to form cooperatives and pool their groundfish CDQ allocations for purposes of quota management and monitoring.~~

Alternative 4: Amend regulations to: (1) remove the prohibition disallowing the transfer of CDQ from one CDQ group to another CDQ group to cover in-season harvest overages of groundfish CDQ allocations, ~~(2) allow CDQ groups to form cooperatives and pool their groundfish CDQ allocations for purposes of quota management and monitoring,~~ and (3) only allocate target species CDQ reserves among CDQ groups. CDQ target species allocations would be managed as hard caps and unallocated CDQ reserves would be managed as soft caps.

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Option 1: Amend regulations to allow the Council to make future modifications to the suite of TAC categories allocated among CDQ groups during the annual groundfish harvest specifications process, rather than through rulemaking.

COUNCIL DISCUSSION/ACTION

NOTE: For this discussion, Earl Krygier was sitting for Commissioner Campbell.

Eric Olson moved to release the analysis for public review, with the following alternatives:

Alternative 1: Status Quo. Do not amend CDQ fishery management regulations. CDQ and PSQ transfers between CDQ groups would not be allowed to account for in-season quota overages; CDQ groups would not be allowed to form cooperatives and pool their CDQ allocations; each BSAI TAC category allocated to the CDQ Program would be allocated among CDQ groups; all CDQ group allocations would be managed as hard caps; and changes to those TAC categories allocated to CDQ groups would continue to be made through rulemaking.

Alternative 2: Amend regulations to remove the prohibition disallowing the transfer of CDQ from one CDQ group to another CDQ group to cover overages of groundfish CDQ allocations.

Alternative 3: Amend regulations to: (1) remove the prohibition disallowing the transfer of CDQ from one CDQ group to another CDQ group to cover harvest overages of groundfish CDQ allocations, and (2) allow CDQ groups to form cooperatives and pool their groundfish CDQ allocations for purposes of quota management and monitoring.

Alternative 4: Amend regulations to: (1) remove the prohibition disallowing the transfer of CDQ from one CDQ group to another CDQ group to cover in-season harvest overages of groundfish CDQ allocations, and (2) only allocate target species CDQ reserves among CDQ groups. CDQ target species allocations would be managed as hard caps and unallocated CDQ reserves would be managed as soft caps.

Option 1: Amend regulations to allow the Council to make future modifications to the suite of TAC categories allocated among CDQ groups during the annual groundfish harvest specifications process, rather than through rulemaking.

The Council would adopt Alternative 4 as its preliminary preferred alternative.

The motion was seconded by Earl Krygier and carried without objection.

Eric Olson moved to include the recommendations of the SSC, to the extent possible. The motion was seconded.

Stephanie Madsen pointed out that the SSC is essentially recommending that the alternatives be restructured.

Sue Salveson moved to amend to maintain the alternatives as laid out by the Advisory Panel and adopted by the Council, and that the analysis be refined to respond to the SSC's other comments concerning a section on alternatives not considered, and general editing as necessary. The motion was seconded by Doug Hoedel and carried without objection. The amendment carried the main motion.

C-2(b) Report from Blue Ribbon Panel

ACTION REQUIRED

Report from the Blue Ribbon Panel

BACKGROUND

In April 2005, the Council reviewed draft groundfish, halibut, crab, and prohibited species quota allocation recommendations from the State of Alaska CDQ Team. Upon review of those draft recommendations and public testimony, the Council expressed concerns related to the way in which the program standards and evaluation criteria in State regulations are applied in the evaluation of the Community Development Plans and development of the allocation recommendations. The Council was specifically concerned with the ability of the CDQ groups and the public to understand the most important factors for consideration and the relative weighting of the criteria in each new allocation cycle. These concerns were related in a letter to Governor Murkowski, with the suggestion of convening a panel to review the CDQ Program (Item C-2(b)(1)).

Subsequent to the April Council meeting, Governor Murkowski appointed a Blue Ribbon Panel (panel) to review and recommend changes to the western Alaska Community Development Quota (CDQ) Program. The panel was facilitated by Carl Marrs and consisted of: Ed Rasmuson (chair), Rasmuson Foundation; Stephanie Madsen, Pacific Seafood Processors Association; Ron Miller, Alaska Industrial Development and Export Authority; Tom Case, UAA College of Business and Public Policy; and Dennis Metrokin, Koniag Corporation. The panel conducted a review of the program over the summer and submitted its final report to Governor Murkowski on September 14, 2005 (Item C-2(b)(2)). The panel organized its recommendations into four categories: (1) duration of the allocation cycle; (2) government oversight; (3) approval of CDPs; and (4) use of CDQ funds. Ed Rasmuson will present the report at this meeting.

Note that in May 2005, the panel requested that the Governor postpone any decision to proceed with the current 2006 – 2008 allocation process until the Blue Ribbon Panel submitted its findings and recommendations (Item C-2(b)(3)). Shortly afterward, Commissioner Blatchford of the Alaska Department of Commerce, Community and Economic Development sent a letter to each CDQ group, noticing the groups that he would hold the 2006 – 2008 allocation recommendations pending the completion of the panel's report to the Governor (Item C-2(b)(4)). At this time, the State has not submitted its final 2006 – 2008 allocation recommendations to NMFS for consideration. Governor Murkowski has also not yet announced whether he supports some or all of the panel's recommendations or whether he wants to forward these recommendations to the Council for further action. These recommendations also may be pursued through Magnuson-Stevens Act amendments rather than as FMP and regulatory amendments through the Council process.

Neither the SSC nor the **Advisory Panel** commented on the agenda issue.

COUNCIL DISCUSSION/ACTION

Ed Rasmuson moved to request staff to provide a proposed structure for alternatives and options for a revised amendment 71 analysis which incorporates the recommendations of the Blue Ribbon Panel for consideration at the December 2005 Council meeting. The motion was seconded and carried without objection

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The Council discussed whether to include any required changes in the current analysis for Amendment 71 and decided to make that decision after staff provides information on what changes may be needed.

C-2(c) Update on Amendment 71

ACTION REQUIRED

Update on Amendment 71 and the CDQ allocation process, action as necessary

BACKGROUND

Sally Bibb (NMFS) will report on the status of Amendment 71 to the BSAI FMP and the on-going CDQ allocation process for 2005 crab and for all CDQ allocations for 2006 and beyond.

BSAI Amendment 71

Amendment 71 was approved by the Council in June 2002. Item C-2(c)(1) is the Council's final action making recommendations about eight issues related to the CDQ allocation process and oversight of the program. In March 2005, NMFS implemented regulations for Issue 8 to simplify and streamline administrative regulations related to quota transfers, authorized vessels, and alternative fishing plans. However, NMFS has not been able to implement regulations for the remaining seven issues that address the purpose of the CDQ Program, the process for allocating quota among the CDQ groups, and oversight of the economic development aspects of the CDQ Program.

Item C-2(c)(2) is a June 23, 2005, letter from NMFS to Robin Samuelson (BBEDC) responding to his request for information about the status of Amendment 71. This letter provides an overview of the issues that have arisen during development of a proposed rule for Amendment 71 that led to NMFS's decision to suspend further work on Amendment 71 until it could consult further with the Council. In summary, while developing the proposed rule, NMFS identified a number of legal and policy issues that slowed progress and required repeated consultations with the Council. These issues include advice from NOAA GC: (1) that NMFS must include an administrative appeals process for decisions about the approval of allocations among the CDQ groups, the Community Development Plans (CDPs), and amendments to the CDPs; (2) that administrative determinations to approve CDQ projects in the CDPs or in amendments to the CDPs are likely Federal actions subject to the Endangered Species Act and the National Environmental Policy Act; and (3) that NMFS must establish the confidentiality status of information submitted by the CDQ groups and by the State on behalf of the CDQ groups.

Under the current structure of the CDQ Program, resolution of these issues will increase the role of NMFS in oversight of the CDQ Program; change the nature of the oversight relationship between the State and NMFS; increase the time it will take NMFS to make administrative determinations about allocations, CDPs, and CDQ projects; and increase costs to the CDQ groups, State, and NMFS. The administrative and financial implications of these legal issues were not included in the analysis reviewed by the Council at the time it took final action on Amendment 71. In addition, a decision issued by the Alaska Region in response to an administrative appeal reversed NMFS's longstanding interpretation of its regulations that the CDQ groups may invest only in fisheries related economic development projects. Finally, at its April 2005 meeting, the Council expressed concerns about the CDQ allocation process and oversight of the CDQ Program. After the State created the Blue Ribbon Panel in response to the Council's concerns, NMFS suspended further work on Amendment 71 until the Council could review the legal and policy issues described above, as well as decide whether to add some or all of the Blue Ribbon Panel's recommendations as new alternatives to the Amendment 71 analysis.

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CDQ allocation process

NMFS will update the Council on two recent actions that relate to the allocation of groundfish, prohibited species, halibut, and crab quotas among the CDQ groups. First, on August 8, 2005, NMFS issued an initial administrative determination (IAD) to extend the current CDQ allocations beyond their expiration date of December 31, 2005 (Item C-2(c)(3)). This action was taken by NMFS because the State did not submit its CDQ allocation recommendations for 2006 - 2008 to NMFS by the agreed upon date of April 15, 2005. NMFS has been notifying the State, the CDQ groups, and the Council since October 2003 that the addition of the required administrative appeals process would require the State to submit its 2006 - 2008 CDQ allocation recommendations to NMFS by May 1, 2005. In 2004, the State voluntarily agreed to an April 15, 2005 submission date. However, on May 31, 2005, the State notified the CDQ groups that it would not submit 2006 - 2008 CDQ allocation recommendations to NMFS until after the Blue Ribbon Panel had reported to the Governor (see Item C-2(b)(4)). It was necessary for NMFS to take administrative action to address this delay in order to provide CDQ allocations among the CDQ groups for 2006 and beyond. NMFS provided the CDQ groups 30 days to administratively appeal the IAD to extend the current allocations. Although NMFS received comments in opposition to this action by five of the six CDQ groups (Item C-2(c)(4)), none of the CDQ groups elected to file an administrative appeal. Therefore, the IAD became final agency action on September 7, 2005, and the 2003 - 2005 CDQ allocations will remain in effect until they are replaced by a future final agency action for new CDQ allocations.

The second recent action related to CDQ allocations is an IAD issued by the Sustainable Fisheries Division on September 19, 2005, to disapprove the State's 2005 CDQ allocation recommendations for Eastern Aleutian Islands golden king crab and Adak red king crab. The allocation of 10 percent of the EAI golden king crab and Adak red king crab TACs to the CDQ Program was established through the crab rationalization final rule in March 2005. NMFS administrative action is necessary to further allocate the two new crab CDQ reserves among the six CDQ groups. The State submitted its allocation recommendations for these two new crab species on July 14, 2005. NMFS's Sustainable Fisheries Division issued an IAD to disapprove the State's recommendations because the State did not provide a reasonable explanation for its recommendations as required by Federal regulations at 50 CFR 679.30(d). Specifically, the State's rationale did not demonstrate that the State applied all of the evaluation criteria that it said it focused on in its allocation recommendations, and the State did not provide an adequate explanation about how it used its conclusions about the evaluation criteria applied to determine the specific percentage allocations it recommended for each CDQ group. The State and the CDQ groups have until October 19, 2005, to administratively appeal this IAD to NMFS's Office of Administrative Appeals. The IAD is provided as Item C-2(c)(5).

CDQ Community Eligibility

The transportation bill signed by the President on August 10, 2005, includes a provision on CDQ community eligibility in Section 10206. The text of this section is provided as Item C-2(c)(6). This legislation clarifies that western Alaska communities eligible to participate in the CDQ Program are those that are: (1) listed in Table 7 to part 679 of title 50, Code of Federal Regulations, as in effect on March 8, 2004; or (2) determined to be eligible to participate in such program by NMFS on April 19, 1999. In effect, the provision clarifies that the only communities eligible for the CDQ Program are the 65 communities that have been participating in the program since 1999.

Recall that CDQ community eligibility has been an ongoing issue for several years. NMFS regulations currently include the same community eligibility criteria as found in the Magnuson-Stevens Act (MSA), but the regulations also state that a community can be eligible for the CDQ

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Program if listed on Table 7 to 50 CFR 679. The Council reviewed a discussion paper in October 2003 that indicated that at least one community did not meet the eligibility requirements for the CDQ Program, but was authorized to participate in the program in 1992 by being listed in Table 7. In addition, in a legal opinion dated August 15, 2003, NOAA GC advised that NMFS regulations must be revised to be consistent with the MSA and that the eligibility status of all 65 communities currently participating in the program must be reviewed to ensure consistency with the MSA eligibility criteria. Upon review, the Council recommended that staff develop a draft analysis to this effect, unless an act of Congress made the review unnecessary. NMFS subsequently received a letter from Senator Lisa Murkowski (November 26, 2003) requesting that the agency refrain from further action, given that Congress would likely address the issue. The recent transportation bill keeps all of the currently participating communities eligible.

NMFS will undertake rulemaking in the near future to update Table 7 to Part 679 to include all 65 eligible communities. Initial and final Council review of this analysis will likely be scheduled for the December 2005 and February 2006 Council meetings, respectively.

Neither the SSC nor the Advisory Panel addressed this agenda issue.

COUNCIL DISCUSSION/ACTION

The Council received the update as outlined in the action memo above. Discussion was combined with the previous issue, the report of the Blue Ribbon Panel. No further action was taken.

C-3 IR/IU

ACTION REQUIRED

- a) Initial Review of Amendment 80 RIR/EA/IRFA
- b) Select Preliminary Preferred Alternative and take action as necessary

BACKGROUND

In October 2004, the Council made major modifications to Amendment 80 components and options. Primary among these modifications was the removal of the sector allocations of groundfish, 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. At its December and February 2005 meeting, the Council modified the suite of components and options by further defining the species allocated to the Non-AFA Trawl Catcher Processor sector, modifying the PSC options, adjusting the sideboard options, and adding a yellowfin sole threshold program to the suite of components. In June 2005, the Council conducted a preliminary review of the RIR/EA/IRFA and made further modifications to the suite of components. A copy of the current components, options, and alternatives for Amendment 80 is attached as Item C-3(a).

Staff has prepared a draft RIR/EA/IRFA for this meeting, which was included in a Council mailing the week of September 19. The executive summary is attached as Item C-3(b). At this meeting, the Council may select a preliminary preferred alternative and release the document for public review.

Report of the Scientific and Statistical Committee

The SSC recommended the draft EA/RIR/IRFA be released for public review after it has been revised to the extent possible to address several additional issues. Please see the SSC Minutes, Appendix II to these minutes, for specific recommendations.

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Report of the Advisory Panel

The Advisory Panel recommended the Council adopt the Amendment 80 elements and options as outlined in the document and listed specific options and elements to be considered as a preliminary preferred alternative. Please see the full text of the AP recommendations in the Advisory Panel Minutes, Appendix III to these minutes.

COUNCIL DISCUSSION/ACTION

NOTE: Bill Tweit sat in for Koenings; Earl Krygier sat in for Campbell for this discussion.

Dave Benson moved a lengthy written motion that would provide an additional ‘strawman’ alternative to the analysis; previous elements and options would remain in the analysis. (see Appendix IV to these minutes, for the entire motion). The motion was seconded and, following extensive discussion and minor amendments, carried without objection. The final motion, as amended, is included as Appendix V to these minutes.

Following is a recap of the Council’s discussion and amendments to the main motion:

- Component 3 – The Council added a new suboption under Option 3.3 (retain catch of the sector/retain catch of all sectors) that would require an ICA that is funded before allocations to the Non-AFA Trawl CP sector. The ICA would accommodate incidental catch by participants in the general limited access fishery. The Council also clarified that the analysis should include total and retained catch of the general limited access fishery. The Council clarified that eligibility for trawl catcher vessels to target yellowfin sole, rock sole, flathead sole, Atka mackerel, and AI POP is dependent on catching the required amount of any groundfish species.
- Component 6 – The Council clarified that PSC allocation amounts to the Non-AFA Trawl CP sector should be based on total trawl PSC usage and total trawl PSC allowance.
- Component 7 – The Council added the option of restricting LLP that are used for eligibility in Amendment 80 from being used outside the Amendment 80 sector.
- Component 11 – The Council added a new suboption that would apply excessive share caps (20%, 30%, and 50%) based on the aggregation of the allocated species.
- Component 12 – The Council clarified and revised the sideboard options for the GOA. The primary clarification was participation threshold should be based on weeks fished in the GOA flatfish fisheries. The Council also added an option to exempt vessels with significantly higher participation in the GOA flatfish fisheries relative to other Non-AFA Trawl CP vessels.

The analysis will be revised and provided for public review and comment by January in order for the Council to review and take appropriate action at the February 2006 Council meeting.

C-4 BSAI Salmon Bycatch

ACTION REQUIRED

- a) Final Action on EA/RIR/IRFA to modify the existing bycatch reduction measures for Chinook and chum salmon in the BSAI groundfish FMP
- b) Review Package B alternatives and timeline for analysis

BACKGROUND

(a) Final Action on Amendment 84

In the mid-1990s, the Council and NOAA Fisheries implemented regulations to control the bycatch of chum salmon and Chinook salmon taken in the BSAI trawl fisheries. These regulations established closure areas in locations and at times when salmon bycatch had been highest based on historical observer data. Information from the fishing fleet indicated that in recent years, bycatch may have been exacerbated by the current regulatory closure regulations, as much higher salmon bycatch rates were reportedly encountered outside of the closure areas. Some of these bycaught salmon may include Chinook and chum stocks of concern in western Alaska. Further, the closure areas impose increased costs on the pollock fleet and processors.

In June 2005, the Council took initial review of an EA/RIR/IRFA for proposed amendment 84 to modify the existing bycatch reduction measures for Chinook and chum salmon in the BSAI groundfish FMP. The analysis examines the environmental and economic impacts of the existing regulatory salmon savings area closures as well as alternatives to repeal or suspend the closures and allow the pollock fleet to use their hot spot management system to avoid salmon bycatch. The Council modified some of the existing alternatives at their June 2005 meeting and endorsed the request by the SSC for the inclusion of additional information to expand upon the existing analysis prior to it being released for public review. The June 2005 Council motion is attached as Item C-4(a)(1).

The revised EA/RIR/IRFA for amendment 84 was released for public review on August 31st. A copy of this analysis was mailed to you at that time. The executive summary of the analysis is attached as Item C-4(a)(2). A supplement to this document (to replace sections 4.3.3-4.3.4) and an additional errata sheet for selected sections are also attached as Item C-4(a)(3) and Item C-4(a)(4). The Council is scheduled for final action on the EA/RIR/IRFA for this amendment at this meeting.

(b) Review Package B alternatives and timeline for analysis

In February 2005, the Council bifurcated the BSAI salmon bycatch analysis into an amendment package prioritized for immediate action (Amendment 84), and a broader scope analysis of additional bycatch measures (referred to as amendment package B). The Council adopted a problem statement and a draft suite of alternatives for this subsequent analysis at their April 2005 meeting. At this meeting the Council may wish to review the existing draft alternatives and problem statement for this amendment analysis and provide clarifications or make additional changes as necessary. Staff has prepared a discussion paper which reviews the current alternatives and the items in need of further action and clarification prior to the initiation of this analysis. This discussion paper is attached as Item C-4(b).

Report of the Scientific and Statistical Committee

The SSC commended staff on inclusion of information requested during the last meeting, but did not make a recommendation as to a preferred alternative. The SSC expressed support for the industry's voluntary rolling hotspot closure program, but had several caveats they wished the Council to consider. Please see the SSC Minutes, Appendix II to the minutes, for the specific requests.

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Report of the Advisory Panel

The AP recommended the Council adopt Alternative 3, Option 2, (and suboption) with a slight modification noted in bold italics.

Alternative 3: Suspend the regulatory salmon savings area closures and allow pollock cooperatives and CDQ groups to utilize their voluntary rolling hot spot closure system to avoid salmon bycatch. Option 2:

Maintain the regulatory salmon savings area triggers and closures but participants in cooperative voluntary rolling hotspot closure (VRHS) system would be exempted from compliance with savings area closures. *Continuation of* this exemption is subject to Council approval and review of the effectiveness of a VRHS system.

Suboption (applies to option 2): Extend the exemption to the chum salmon savings area closure to vessels in the trawl cod and/or flatfish targets.

The AP also noted the potential value of more precise fleet-wide water temperature monitoring and urges the fleet to work with manufacturers and vendors to establish reliable fleet-wide calibration of net temperature sensors.

Report of the Enforcement Committee

The Enforcement Committee expressed a desire that a list of exempted vessels from the Salmon Savings Areas be provided to enforcement to allow for efficient monitoring and enforcement. NOAA Fisheries advised that reporting requirements will be implemented that will require information on exempted vessels and that information will be forwarded to enforcement. Additionally, the Committee expressed concern that the co-ops and Sea State be held accountable to producing their annual performance report and should note whether there have been violations to the co-op agreements. The Committee noted that actual effectiveness of the VRHS in reducing salmon bycatch would be difficult to assess given that other factors besides management methods may be influencing the rates of salmon bycatch.

COUNCIL DISCUSSION/ACTION

NOTE: Bill Tweit sat in for Koenings and Earl Krygier sat in for Campbell for this discussion.

Amendment 84

Eric Olson moved to adopt Alternative 3, option 2, including the suboption under Option 2:

Alternative 3, Option 2, (and suboption) with a slight modification noted in bold italics.

Alternative 3: Suspend the regulatory salmon savings area closures and allow pollock cooperatives and CDQ groups to utilize their voluntary rolling hot spot closure system to avoid salmon bycatch.

Option 2: Maintain the regulatory salmon savings area triggers and closures but participants in a cooperative voluntary rolling hotspot closure (VRHS) system would be exempted from compliance with savings area closures. Continuation of this exemption is subject to Council approval and review of the effectiveness of a VRHS system.

Suboption (applies to option 2): Extend the exemption to the chum salmon savings area closure to vessels in the trawl cod and/or flatfish targets.

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The motion was seconded, and carried unanimously.

In support of his motion, Mr. Olson said that it has become clear that current measures are not effective in reducing chum salmon bycatch in the Bering Sea and that the voluntary rolling hotspot system has some potential to be more effective than the current system.

CDR Cerne noted the enforcement ramifications of this measure, saying that the Coast Guard essentially would be unable to enforce any salmon bycatch areas except when they have been advised that someone has violated the ICA. Adoption of the suboption will make it somewhat easier for enforcement.

Sue Salvesson indicated that the regulations may not be implemented in time for the 2006 'A' season, but may be effective for the 2006 'B' season. Council members stressed the desire to have them in place for the 2006 'B' season if at all possible.

BSAI Amendment Package B

Eric Olson moved the following revised problem statement and follow-up actions for Amendment packages B-1 and B-2:

The Council and NMFS have initiated action to exempt AFA qualified and CDQ vessels participating in the intercooperative voluntary rolling hotspot system (VRHS) from regulatory Bering Sea salmon bycatch savings areas. The Council intends to make the exemption available to the participants in the VRHS for a minimum of 3 years, at which time an analysis of the system's effectiveness at reducing bycatch, as compared to other regulatory alternatives, will be conducted. During this 3 year period, the Council will analyze and may implement a new set of regulatory salmon bycatch savings areas.

There are 3 possible scenarios under which cooperatives may either surrender or lose their exemption and return to fishing under the regulatory salmon bycatch program:

- 1) A coop may elect to drop out of the intercooperative VRHS agreement and surrender their exemption;**
- 2) A cooperative may be found in breach of the agreement and under the terms of the agreement must surrender their member vessel's exemptions; or**
- 3) the Council may determine that the VRHS has failed to achieve the desired level of salmon bycatch reduction and terminate the exemption athlete.**

The following amendment packages are not intended to preclude the intercooperative annual review as required under Amendment 84 or the 3-year analysis of the VRHS as described in the Amendment B Problem Statement..

Amendment Package B-1

Establish new regulatory salmon savings systems taking into account the most recent available salmon bycatch data. In developing alternatives include an analysis of the need and implementation strategy for appropriate caps as bycatch control measures. This package should be completed first and implemented when ready so that salmon savings regulations are based on the best available information.

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Option A: Adjust the Chinook and non-Chinook regulatory closure areas annually based on the most current bycatch data available, such as the 2-3 year rolling average of bycatch rates by species and area.

Option B: Adjust the Chinook and non-Chinook regulatory closure areas at least once in-season based on the best bycatch information available.

Amendment Package B-2

Develop a regulatory individual vessel salmon bycatch accountability program.

Option A: managed at the individual level

Option B: managed at the co-op level

Suboption 1: Implement the individual vessel salmon bycatch accountability program if, after 3 years, it is determined the VRHS has failed to achieve the desired level of bycatch reduction.

Suboption 2: Analyze the need and implementation strategy for appropriate caps as bycatch control measures.

The motion was seconded by Ed Rasmuson and carried without objection.

Later in the meeting, **Sue Salveson moved to reconsider the previous action.** The motion to reconsider was seconded and carried without objection.

Ms. Salveson expressed concern over language in the problem statement that would reconstruct the Council's final action on Amendment 84 with respect to allowing the exemption of participants in the VRHS program.

Ms. Salveson moved to adopt the following revised Problem Statement:

The Council and NMFS have initiated action to exempt AFA qualified and CDQ vessels participating in the intercooperative voluntary rolling hotspot system (VRHS) from regulatory Bering Sea salmon bycatch savings areas. Analysis and refinement of the current salmon savings areas may be necessary in the event pollock vessels either surrender or lose their exemption and return to fishing under the regulatory salmon bycatch program.

Further, alternatives to the VRHS system and/or the regulatory salmon bycatch program should be developed to assess whether they would be more effective in reducing salmon bycatch. The following amendment packages are not intended to preclude the intercooperative annual review as required under Amendment 84.

The motion was seconded by Eric Olson and carried without objection.

C-5 BSAI Pacific Cod Allocations

ACTION REQUIRED

Review discussion paper on the problem statement, alternatives, components, and options.
Action as necessary.

BACKGROUND

The Bering Sea and Aleutian Islands (BSAI) Pacific cod TAC has been apportioned among the different gear sectors since 1994 (trawl, fixed, and jig gear split), and a series of amendments have modified or continued the allocation system. Currently, Federal regulations at 50 CFR 679.20(a)(7) authorize distinct BSAI Pacific cod allocations for the following sectors (BSAI FMP Amendments 46 and 77):

51% fixed gear: (80% hook-and-line catcher processors) (0.3% hook-and-line catcher vessels) (3.3% pot catcher processors) (15.0% pot catcher vessels) (1.4% hook-and-line/pot vessels <60' LOA)	47% trawl gear: (50% trawl catcher vessels) (50% trawl catcher processors)	2% jig gear
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In December 2004, the Council approved a draft problem statement and preliminary components and options for a new fishery management plan amendment (BSAI Amendment 85) to modify the current BSAI Pacific cod allocations to the various gear sectors. Upon review of staff discussion papers at the February, April, and June 2005 Council meetings, the Council further revised the components and options for analysis. The Council's current BSAI Pacific cod amendment package focuses on two primary issues:

- 1) BSAI Pacific cod allocations to all gear sectors (trawl, jig, hook-and-line, and pot); and
- 2) apportionment of the BSAI Pacific cod sector allocations between the BS and AI subareas.

The problem statement guiding BSAI Amendment 85 is comprised of the following two parts:

BSAI FMP Amendment 85 Problem Statement

Part I: BSAI Pacific Cod Sector Allocations

The BSAI Pacific cod fishery is fully utilized and has been allocated among gear groups and to sectors within gear groups. The current allocations among trawl, jig, and fixed gear were implemented in 1997 (Amendment 46) and are overdue for review. Harvest patterns have varied significantly among the sectors resulting in annual inseason reallocations of TAC. As a result, the current allocations do not correspond with actual dependency and use by sectors.

Participants in the BSAI Pacific cod fishery who have made significant investments and have a long-term dependence on the resource need stability in the allocations to their sectors. To reduce uncertainty and provide stability, allocations should be adjusted to better reflect historic use by sector. The basis for determining sector allocations will be catch history as well as consideration of socio-economic factors.

As other fisheries in the BSAI and GOA are incrementally rationalized, historical participants in the BSAI Pacific cod fishery may be put at a disadvantage. Each sector in the BSAI Pacific cod fishery currently has different degrees of license requirements and levels of participation. Allocations to the sector level are a necessary step on the path towards comprehensive rationalization. Prompt action is needed to maintain stability in the BSAI Pacific cod fisheries.

Part II: Apportionment of BSAI Pacific Cod Sector Allocations between the BS and AI

In the event that the BSAI Pacific cod ABC/TAC is apportioned between the BS and the AI management areas, a protocol needs to be established that would continue to maintain the benefits of sector allocations and minimize competition among gear groups; recognize differences in dependence among gear groups and sectors that fish for Pacific cod in the BS and AI; and ensure that the distribution of harvest remains consistent with biomass distribution and associated harvest strategy.

Note, however, that the current problem statement does not address the need to increase the CDQ reserve of BSAI Pacific cod, yet there are options in Alternative 2, Component 5 to increase the CDQ allocation from its current 7.5% to 10% or 15%. NOAA GC noted that the problem statement may need to be amended in order to be consistent with this portion of the proposed action.

In addition, at the time the amendment package was initiated in December 2004, it was structured in the form of 'components' and 'options.' NMFS' preferred policy is to develop integrated environmental and economic documents (e.g., EA/RIR/IRFA), to meet the requirements of the National Environmental Policy Act (NEPA), Magnuson-Stevens Act (MSA), E.O. 12866, Regulatory Flexibility Act (RFA) and other applicable Federal laws. Thus, while the current structure may be sufficient for the Council and public to understand the impacts of the action under consideration, it must be consistent with NEPA requirements to develop 'alternatives to the proposed action' that can be analyzed in a comprehensive manner.

The analysis supporting BSAI FMP Amendment 85 and regulatory amendments for this action is scheduled for Council initial review in December 2005. Staff has provided a discussion paper for review at this meeting (Item C-5(a)) to confirm the amendment package that will be analyzed and provided to the Council in December. Given the above concerns with the current format, staff reorganized the Council's suite of components into a suite of alternatives, options, and suboptions, as required under NEPA. The Council's current motion (June 2005) is provided as Attachment 1 to the discussion paper. The reorganized suite of alternatives is provided for consideration as Attachment 2 to the discussion paper. A summary outline and table of the reorganized alternatives is provided below.

In sum, the Council's action at this October meeting is to:

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- review the problem statements and CDQ options for consistency; and
- review and approve a reorganization of the amendment package into NEPA alternatives for analysis.

As stated previously, initial Council review of the analysis has been tentatively scheduled for December 2005, depending on data availability and other Council priorities. The discussion paper was mailed to you on September 19.

The Scientific and Statistical Committee did not take up this agenda issue.

Report of the Advisory Panel

The AP recommended the Council adopt Attachment 2 – “Reorganized Structure for BSAI FMP Amendment 85 to Revise the BSAI Pacific Cod Allocations”.

Additionally, the AP recommended the following changes to part 1 of the problem statement:

Part I: BSAI Pacific Cod Sector Allocations

The BSAI Pacific cod fishery is fully utilized and has been allocated among gear groups and to sectors within gear groups. The current allocations among trawl, jig, and fixed gear were implemented in 1997 (Amendment 46) *along with the CDQ allocation in 1998* and are overdue for review. Harvest patterns have varied significantly among the sectors resulting in annual inseason reallocations of TAC. As a result, the current allocations do not correspond with actual dependency and use by sectors.

Participants in the BSAI Pacific cod fishery who have made significant investments and have a long-term dependence on the resource need stability in the allocations to their sectors. To reduce uncertainty and provide stability, allocations should be adjusted to better reflect historic use by sector. The basis for determining sector allocations will be catch history as well as consideration of socio-economic *and community* factors.

As other fisheries in the BSAI and GOA are incrementally rationalized, historical participants in the BSAI Pacific cod fishery may be put at a disadvantage. Each sector in the BSAI Pacific cod fishery currently has different degrees of license requirements and levels of participation. Allocations to the sector level, *including CDQ*, are a necessary step on the path towards comprehensive rationalization. Prompt action is needed to maintain stability in the BSAI Pacific cod fisheries. *Rationalization may provide benefits beyond stability through consolidation and ending the race for fish. In this context, increasing the CDQ allocation should be considered as has been done in other rationalized fisheries.*

The AP also recommended adding the following option under Component 7:

Option 7.2 PSC apportioned to the cod trawl sectors will be based on the average bycatch rate of the trawl cod sectors applied to the cod allocation percentages used in the directed cod fishery by each sector under Part A.

COUNCIL DISCUSSION/ACTION

The Council discussed the subject of latent licenses, specifically within the trawl CV sectors.. Arne Fuglvog expressed both interest and concern in having latent license issues addressed within the current analysis. However, Stephanie Madsen pointed out that eligibility and participation requirements would accomplish the same goals. Lauren Smoker advised that if the Council wished to include the subject of latent licenses it has the option of expanding the problem statement. Mr. Fuglvog said he would not request changes at this time, but suggested that the trawl CV sectors may want to address the subject and develop some options for Council consideration at the next meeting.

Arne Fuglvog moved to approve the Advisory Panel recommendations with some minor changes:

- **Adopt Attachment 2 (to the Action Memo) – “Reorganized Structure for BSAI FMP Amendment 85 to Revise the BSAI Pacific Cod Allocations”**
- **Adopt the following revised Problem Statement:**

Part I: BSAI Pacific Cod Sector Allocations

The BSAI Pacific cod fishery is fully utilized and has been allocated among gear groups and to sectors within gear groups. The current allocations among trawl, jig, and fixed gear were implemented in 1997 (Amendment 46) and ~~along with the CDQ allocation in 1998~~ **the CDQ allocation was implemented in 1998.** and These allocations are overdue for review. Harvest patterns have varied significantly among the sectors resulting in annual inseason reallocations of TAC. As a result, the current allocations do not correspond with actual dependency and use by sectors.

Participants in the BSAI Pacific cod fishery who have made significant investments and have a long-term dependence on the resource need stability in the allocations to the trawl, jig, fixed gear and CDQ sectors . To reduce uncertainty and provide stability, allocations should be adjusted to better reflect historic use by sector. The basis for determining sector allocations will be catch history as well as consideration of socio-economic *and community* factors.

As other fisheries in the BSAI and GOA are incrementally rationalized, historical participants in the BSAI Pacific cod fishery may be put at a disadvantage. Each sector in the BSAI Pacific cod fishery currently has different degrees of license requirements and levels of participation. Allocations to the sector level, ~~including CDQ~~, are a necessary step on the path towards comprehensive rationalization. Prompt action is needed to maintain stability in the BSAI Pacific cod fisheries. ~~Rationalization may provide benefits beyond stability through consolidation and ending the race for fish. In this context, increasing the CDQ allocation should be considered as has been done in other rationalized fisheries.~~

- **Adopt the following addition option under Component 7:**

Option 7.2 PSC apportioned to the cod trawl sectors will be based on the average bycatch rate of the trawl cod sectors applied to the cod allocation percentages used in the directed cod fishery by each sector under Part A.

The motion, with edits shown above, was seconded by Eric Olson and carried without objection.

C-6 Gulf of Alaska Groundfish Rationalization

NOTE: The Council only took staff reports and public comment on data compiled since the last meeting (Agenda Item C-6(b)). The Advisory Panel, after receiving all staff reports on GOA Groundfish Rationalization, tabled any discussion or action until the December meeting.

ACTION REQUIRED

- (b) Review other data and information and revise alternatives/options as appropriate

BACKGROUND

At its April 2003 meeting, the Council adopted a motion preliminarily defining alternatives for the rationalization of the Gulf of Alaska groundfish fisheries. Because the Councils' alternatives contained multiple decision points, staff would have had difficulty completing an adequate regulatory analysis that explains the interaction of the choice of each option with every other option in each alternative. Consequently, since the April 2003, meeting, the Council has undertaken the process of refining the alternatives by identifying specific options for inclusion in each alternative, eliminating other options from further consideration.

At this meeting, staff has provided three sets of analyses intended to assist the Council in the process of further refining the alternatives. The first document (Item C-6(b)(1)) includes a general description of the various alternatives under consideration and a preliminary analysis of the general structures of the alternatives. The analysis is intended to provide the Council with a preliminary perspective on the overall effects of each alternative. The analyses should provide a more complete context in which to make decisions concerning options that more fully define the alternatives. The paper also includes a brief discussion of provisions affecting entry opportunities under the alternatives, requested by the Council to assist it in developing the alternatives.

The second paper (Item C-6(b)(2)) provides quantitative analyses of catch data and allocation options that the Council is considering under the various alternatives. These data are intended to assist the Council in selecting specific allocation options.

The third paper (Item C-6(b)(3)) is an annotated copy of the Council's motion on Alternative 2 and Alternative 3. Annotations are intended to provide preliminary analyses of provisions that the Council could consider taking action on. The Council also could use these analyses to develop specific information requests that would assist it in its deliberations concerning outstanding options.

Depending on the actions taken by the Council at this meeting, staff intends to continue to develop quantitative and qualitative analyses of options that the Council can use to further refine the alternatives at future meetings.

Report of the Scientific and Statistical Committee

The SSC received staff reports on all of the GOA groundfish rationalization agenda issues. With regard to the "Overview of Alternatives and Preliminary Analysis," the SSC provided several recommendations for expansion of the document. Additionally, the SSC felt that a rigorous analysis of the options is needed and suggested that one avenue for this would be experimental economics and noted that Nobel Laureate Vernon Smith is currently on an appointment at UAA and has expressed interest in extending his experimental economic studies to fisheries.

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Report of the Advisory Panel

The Advisory Panel received staff reports and public comment on all of the GOA groundfish rationalization agenda issues. However, due to a lack of time, discussion and action was tabled until the December meeting.

Report of the Enforcement Committee

The Enforcement Committee discussed the issue of salmon and crab bycatch within the scope of the GOA Groundfish Rationalization Program, and made the following recommendations:

- With respect to closed areas analyses should take into consideration the preferred order of enforceable closure restrictions: 1) all fishing, 2) trawl gear, 3) bottom or pe4lagic gear, and 4) a specific fishery.
- The Committee recommended the Council consider two examples under the red king crab and Tanner crab alternatives in the analysis as the kind of approaches which are more consistent with the Law Enforcement precepts paper. Please see the Enforcement Committee Report, Appendix VI to these minutes, for the full wording for the suggested alternatives.

COUNCIL DISCUSSION/ACTION

As noted above, the Council took only the oral staff report and public comment on data issues, Agenda item C-6(b). The Council noted it would review the other issues –C-6(a) and C-6(c)- at the December Council meeting.

McKie Campbell made a statement regarding a motion passed in December 2004 to support a coordinated Federal/State GOA groundfish rationalization program. While the State continues to support the intent of the motion, Mr. Campbell stated that it has become evident that while some sectors of the GOA fisheries support rationalization, others do not. He stressed that the State is not interested in forcing rationalization on any sector that objects, but also does not think it would be fair to allow one sector to delay progress on a program that other sectors support. The State hopes that participants in each sector of the GOA fisheries will carefully evaluate what is in their best interest and actively participate in the analysis of impacts of previous rationalization programs and help the Council in designing of the best possible program for the Gulf.

C-7 Bairdi Crab Split

ACTION REQUIRED

Final Action.

BACKGROUND

In January 2004, the U.S. Congress amended the Section 313(j) of Magnuson-Stevens Act to mandate the Secretary of Commerce implement the Crab Rationalization Program for the Bering Sea and Aleutian Islands crab fisheries developed by the North Pacific Fishery Management Council (the Council), in motions from June 2002 to April 2003, plus any program amendments adopted by the Council. On March 2, 2005, the Secretary issued regulations to establish the Crab Rationalization Program (70 FR 10174). Crab fishing began under this Program on August 15, 2005.

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The Bering Sea and Aleutian Islands Crab FMP establishes criteria for the management of certain aspects of the BSAI crab fisheries by the State of Alaska (the State). Under this authority, the State has determined that Bering Sea *C. bairdi* should be managed as two separate stocks; one east of 166° W longitude, the other west of 166° W longitude. Under the Crab Rationalization Program, QS, PQS, IFQ, and IPQ will be issued for one *C. bairdi* fishery. The proposed action under this agenda item would amend the Crab Rationalization Program, establishing allocations of harvesting and processing shares for these separate stocks.

Staff has prepared a draft RIR/EA/IRFA, initially reviewed by the Council at its June 2005 meeting. The Council is scheduled to take final action at this meeting. The executive summary of the analysis is attached.

The Scientific and Statistical Committee did not address this agenda issue.

Report of the Advisory Panel

The AP recommended the Council adopt the following alternatives for the *C. bairdi* stock split:

For harvest shares (including captains shares), separate allocations would be made for each *C. bairdi* management area based on:

Alternative 2 (as presented in the Final Review Draft) – all qualifying catch, with each eligible person receiving an allocation in each area based on all *C. bairdi* history (regardless of where the harvests were made).

For processing shares, allocations would be made based equally on qualifying history in the *C. opilio* fishery and the Bristol Bay red king crab fishery where:

Alternative 2 (as presented in the Final Review Draft) – each eligible person would receive equal allocations for both fisheries (i.e., separate PQS and IPQ allocations for each fishery).

COUNCIL DISCUSSION/ACTION

NOTE: Bill Tweit sat in for Koenings and Earl Krygier sat in for Campbell for discussion of this agenda issue.

Earl Krygier moved to approve the recommendations of the Advisory Panel. The motion was seconded and carried unanimously.

Mr. Krygier noted that the amendment is more of a bookkeeping issue to correct an oversight when the Crab Rationalization Program was crafted. State managers for the fishery feel this action is needed to best manage the *bairdi* stock.

Ms. Madsen expressed some concern, saying that from a processor perspective splitting the PQ between districts may be problematic.

D. FISHERY MANAGEMENT PLANS

D-1 Groundfish Management

D-1(a,b) Proposed Specifications for 2006/07, Review SAFE Ecosystem Chapter

ACTION REQUIRED

- (a) Adopt proposed specifications and EA/IRFA for 2006 and 2007 groundfish fisheries
- (b) Review SAFE Ecosystem chapter

BACKGROUND

- (a) Adopt proposed specifications and EA/IRFA for 2006 and 2007 groundfish fisheries

In November 2004, the Secretary implemented FMP Amendments 48/48 which revised the administrative process used to establish annual harvest specifications for the groundfish fisheries of the GOA and the BSAI. Amendments 48/48 allow harvest specifications to be effective for up to two fishing years, allowing for the use of either an annual or biennial harvest specifications process. For species on an annual harvest specifications schedule, the Council would set two years of harvest specifications, with the second year of specifications being superseded (in approximately March of the second year) by the new two-year set of harvest specifications. Specifying two-year harvest specifications each year is necessary to allow for Administrative Procedure Act (APA) requirements to be met after the December Council recommendations without disrupting the start of the groundfish fisheries and ensure that harvest specifications can be updated on an annual basis.

Following this new policy, the Council adopted final specifications in December 2004 for a two-year period, 2005-2006 and adopted a biennial cycle for some Gulf of Alaska and Aleutian Islands groundfish stocks. The BSAI and GOA specifications adopted for 2006 (Item D-1(a)(1)) will start the fishery on January 1, 2006, and will be replaced in March 2006 by final specifications for 2006-2007 that will be adopted by the Council at its next meeting in December. The December action will be incorporated into the final rule, and will adjust the 2006 specifications upon implementation, as just described.

At this October meeting, the Council will adopt proposed specifications that will be incorporated into the proposed rule and TAC-setting EA/IRFA that will meet APA requirements. *Some confusion still exists about the new process, so I want to emphasize that the specifications set in December 2004 will start the 2006 fisheries and the specifications adopted at this meeting will only be used in the proposed rule to set a logical outgrowth for the Council's December action for final 2006-2007 specifications.*

The BSAI and GOA Groundfish Plan Teams recommended projected groundfish specifications for 2006 and 2007 during their September 19-21, 2005 meetings for publication in the proposed rule (Item D-1(a)(2)). The projections for Tier 1 to 3 stocks used species-specific AFSC population models, which include information on age structure, growth and reproduction, and natural fishing mortality. The projections for Tiers 4-6 "roll over" the 2006 final specifications. Further information on the methodology for projecting these specifications may be found in the TAC-setting EA that was provided to you at this meeting. Reports from the Joint, GOA and BSAI groundfish plan team meetings are provided under Item D-1(a)(3).

Bering Sea/Aleutian Islands In the BSAI, Prohibited Species Catch limits are established for halibut, red king crab, Tanner crab, opilio crab, and herring. These PSC limits are further allocated among gear types and apportioned by target fisheries. The 2006 PSC limits and apportionments and 2006 CDQ groundfish halibut discard mortality rates, as adopted by the

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Council in December 2004, are attached as Item D-1(a)(4). The trawl halibut allocations would start July 1, 2006, as set in the regulations.

Gulf of Alaska In the GOA, Prohibited Species Catch (PSC) limits are established for halibut. Since 1995, total halibut PSC limits for all fisheries and gear types have totaled 2,300 mt. This cap was reduced from 2,750 mt after the sablefish IFQ fishery was exempted from the halibut PSC requirements in 1995. The halibut PSC apportionments recommended based upon the 2005 apportionments for the Gulf of Alaska groundfish fisheries are attached as Item D-1(a)(5).

GOA TAC Considerations for State Pacific Cod Fishery:

Since 1997, the Council has reduced the GOA Pacific cod TAC to account for removals of not more than 25% of the Federal P. cod TAC from the state parallel fisheries. Using the area apportionments of the 2006 P. cod proposed ABC recommended by the Plan Team (for the proposed rule), the federal TAC for P. cod would be adjusted as listed below.

Proposed 2006 Gulf of Alaska Pacific cod ABCs, TACs and state Guideline Harvest Levels (GHLs)(mts)

Specifications	Western	Central	Eastern	Total
ABC	19,952	31,590	3,858	55,400
State GHL	4,988	7,663	386	13,037
(%)	25	24.25	10	23.5
Federal TAC	14,964	23,927	3,472	42,363

(b) Review of SAFE Ecosystem chapter

The Ecosystem Considerations section is utilized to advance our understanding of marine ecosystem dynamics and deliver ecological, oceanographic, and climatic indices to stock assessment scientists and managers. It is comprised of three main sections. Integration of information regarding ecosystem status and trends and the use of models to predict possible future ecosystem states using an indicator approach constitutes the framework of a BSAI and GOA *Ecosystem Assessment*. Annual updates of historical trend and present status of various indicators are performed and range from climate, oceanographic, production, species, community, to ecosystem-level indicators as well as ecosystem-based indicators. The second section, *Ecosystem Status Indicators*, provides stronger links between ecosystem research and fishery management and to spur new understanding of the connections between ecosystem components by bringing together many diverse research efforts into one document. The third section, *Ecosystem-based Management Indices and Information*, provides either early signals of direct human effects on ecosystem components that might warrant management intervention or provides evidence of the efficacy of previous management actions. In the first instance, the indicators are likely to be ones that summarize information about the characteristics of the human influences (particularly those related to fishing, such as catch composition, amount, and location) that are influencing a particular ecosystem component.

Changes to the Ecosystem Considerations chapter in 2005 include the addition of an executive summary that highlights important recent trends in the climate, biology, and fishery effects; a list of updates/changes to the chapter; the inclusion of comments received and addressed; and the addition of three contributions regarding the physics, nutrients, chlorophyll, juvenile sockeye salmon and young of the year pollock distribution in the Bering Sea. The chapter was or will be updated in April, September, and November, 2005 and was distributed to the Environmental Assessment authors, stock assessment authors, plan team members, the Council, and the public. Also new this year is the Ecosystem Considerations website. The Ecosystem Considerations intranet website not only provides the chapter contributions but also provides access to some of the time series data, presented in the chapter. The website intranet address was provided to stock assessment authors and plan team members. The website will be updated and viewable to all on the internet by the fall.

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**Jennifer Boldt, NMFS AFSC, will summarize the 2006 Ecosystem Chapter to the 2006 Stock Assessment and Fishery Evaluations (SAFE) reports for the BSAI and GOA.
Report of the Scientific and Statistical Committee**

The SSC provided extensive notes and comments for the authors of the various chapters of the groundfish SAFE documents (Please see the full text in the SSC Minutes, Appendix II to these minutes). With regard to the initial specifications for 2006 and 2007, the SSC had the following comment:

“While a logical methodology and system has been used for developing the projected harvest specifications, this is the first time through the new biennial cycle and the process probably could benefit from further refinement. In particular, it would be useful for the stock assessment authors and Plan Teams to review the projection results and identify aspects of the projection methodology and process that might be improved.”

Report of the Advisory Panel

The AP recommended the Council adopt proposed specs for 2006-07 OFLs and ABCs as recommended by the Plan Teams and 2006-07 TACs as noted in the attachment.

The AP also recommends the Council adopt the PSC bycatch allowances for the BSAI as attached, and recommends that the Council adopt the TAC setting EA/IRFA for the 2006 and 2007 groundfish fisheries.

Additionally, the AP recommends the 2006 proposed specifications ABC is equal to TAC for all stocks with the following exceptions:

- The Pacific cod TAC should be reduced according to the table in order to account for the apportionment to the State waters fishery in 2006 and 2007.
- For the following species the 2005 TAC should be rolled over to 2006 and 2007:
 - Shallow water flatfish and flathead sole in the Central and Western GOA
 - Arrowtooth flounder gulfwide
 - Other slope rockfish in the EYAK/SEO

The AP recommended the halibut PSC apportionments, annually and seasonally, for 2005 as listed in the Action Memo should be rolled over for 2006-2007.

[The Advisory Panel recommendations were accompanied by tables showing the OFL, ABC, and TAC Recommendations for the GOA and BSAI groundfish fisheries, as well as those for PSC bycatch allowances in the BSAI trawl and non-trawl fisheries for 2006/07 and the Pacific halibut discard mortality rates for the 2006. These tables are included in the Advisory Panel Minutes, Appendix III to these minutes.]

COUNCIL DISCUSSION/ACTION

The Council received staff reports on the Environmental Assessment for the proposed GOA and BSAI groundfish specifications for 2006/07, as well as a report on the Ecosystem Consideration Chapter of the SAFE documents.

Arne Fuglvog moved to adopt the recommendations of the Advisory Panel with regard to the proposed groundfish specifications for 2006/07, including PSC bycatch allowances in the BSAI trawl and non-trawl fisheries, and Pacific halibut discard mortality rates. The motion was seconded by Dave Benson and carried without objection.

D-1(c) Rockfish Management

ACTION REQUIRED

Receive report on rockfish management

BACKGROUND

In April 2004, the Council adopted a revised policy for the BSAI and GOA Groundfish FMPs. During its first review of that policy in June 2004, the Council noted that many of its objectives directly or indirectly address rockfish management and requested that: "Staff draft a discussion paper addressing rockfish management alternatives. The end product after this first step will provide guidance in conjunction with the Programmatic EIS to address appropriate elements in future FMP actions: 1. No action; 2. Harvest rates and management measures; 3. Habitat consideration."

In February 2005, the Council expanded the role of the Non-Target Species Committee and requested that it expand its development of potential revisions to management of non-target groundfishes by addressing target and non-target rockfish species. In response, the committee convened twice to provide guidance in development of the discussion paper.

In March 2005, the committee recommended that staff apply a proposed alternative to revise management of non-target groundfish, under proposed revisions to the National Standard guidelines (Alternative 4b), to Bering Sea rockfish species. This case study would aid in the committee's determination of whether the alternative could be used as basis for rockfish management. Due to time constraints, staff examined Alternative 4b only for Bering Sea northern rockfish. In its May 2005 review of the case study, the committee recommended that staff expand the case study in the discussion paper. The committee recognized that including all North Pacific rockfish would be a challenge to complete by its next meeting in August 2005. Therefore, it recommended that the paper include GOA and BSAI Pacific Ocean perch, northern rockfish, roughey rockfish, and dusky rockfish as the highest priority; noting that an analysis would address all rockfish species. In August 2005, the committee reviewed a draft and provided feedback to the authors.

A revised draft discussion paper, which incorporated changes recommended by the Non-Target Species Committee, was released prior to the joint meeting of the BSAI and GOA groundfish plan teams. The Teams also suggested some corrections to the draft but primarily cautioned against using the preliminary "sensitivity" analysis, which was conducted by AFSC staff and included in the discussion paper, for management purposes until it is further refined. The Council may wish to request that the ad hoc working group and Non-target Species Committee continue to work on identifying rockfish species of concern and developing potential management alternatives for revising their management.

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The rockfish discussion paper and a supplement containing additional background information by species were distributed on September 20, 2005. The Executive summary is attached as Item D-1(c)(1). An addendum, which addresses Groundfish Plan Team comments is attached as Item D-1(c)(2). Non-Target Species Committee minutes are included as Items D-1(c)(3) and D-1(c)(4).

Report of the Scientific and Statistical Committee

The SSC recommended that stock assessment authors complete a Fishery Impact Assessment of Concern questionnaire for rockfish and that AFSC scientists conduct a management strategy evaluation for BSAI and GOA POP and Northern rockfish stocks where recruitments are assumed to undergo reductions relative to those observed in Pacific rockfish stocks. With regard to a experimental fishing permit to explore further development of fisheries targeting rockfish in the North Pacific, the SSC recommended thorough analyses and cautious approval of any additional fisheries targeting rockfish in the North Pacific, but did concur with the extension of a current EFP to gather additional information on these fisheries.

Report of the Advisory Panel

The Advisory Panel recommended the Council encourage the continued efforts of the Non-Target Species Committee to focus on the 'next steps' plan presented by staff. The AP supports the completion of the 'Fishery Impact Assessment of Concern' questionnaire and requests the opportunity to review the results at the February 2006 Council meeting.

COUNCIL DISCUSSION/ACTION

Arne Fuglvog moved to adopt the recommendations of the Advisory Panel, adding that the Ad Hoc Committee also be encouraged to focus on the next steps plan. The motion was seconded by Eric Olson and carried without objection.

D-1(d) BSAI Pollock A Season Start Date

ACTION REQUIRED

Receive discussion paper on BSAI pollock fishery "A" season start date and take action as appropriate.

BACKGROUND

At its June 2005 meeting, the Council received a request from industry to consider initiating analyses and possible future changes in regulations to allow the BSAI pollock fishery "A" season to begin 5 days earlier – on January 15 - instead of the current opening date of January 20. The "A" season primarily focuses on pollock roe, and industry testified that roe maturation seems to be occurring earlier in recent years. Industry suggested that starting the "A" season earlier would give more flexibility to the fleet in harvesting pollock with higher quality roe and thus market a more economically valuable product.

The Council requested that staff prepare a discussion paper that examines the various potential issues associated with starting the BSAI pollock "A" season fishery 5 days earlier, with a 5-day earlier closure of that season as well.

Attached as Item D-1(d)(1) is a discussion paper that examines some of the potential issues associated with an earlier "A" season pollock fishery in the BSAI. The paper addresses such issues as effects on other BSAI fisheries, effects on GOA sideboard fisheries, possible Steller sea

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lion issues, and effects on PSC bycatch. Council staff will present the discussion paper and answer questions.

The **Scientific and Statistical Committee** did not address this agenda issue.

Report of the Advisory Panel

The AP recommended the Council direct staff to develop a problem statement and alternatives for analysis in connection with an amendment that would change the start date for the BSAI pollock fishery including CDQ from January 20 to January 15th, with the hope that the new start date could be in place for the start of the 2007 "A" season. Additionally, the AP recommends staff consult with NMFS protected resources and to include a stand down option:

For each day prior to January 20th a vessel fishes pollock in an early opening, the vessel would be required to stand down for an equal number of days after completing a delivery/offload of pollock before beginning fishing for other groundfish.

COUNCIL DISCUSSION/ACTION

Dave Benson moved to direct staff to develop a problem statement and alternatives for analysis in connection with an amendment that would change the start date for the BSAI pollock fishery, including CDQ, from January 20 to January 15th, and further request NMFS to seek advice from Protected Resources on whether these measures would trigger a formal consult under the ESA:

For each day prior to January 20th a vessel fishes pollock in an early opening, the vessel would be required to stand down for an equal number of days after completing a delivery/offload of pollock before beginning fishing for other groundfish.

The motion was seconded

John Bundy moved to add the following alternatives for the start date:

- 1. Start date:**
 - (a) January 15th (preferred);**
 - (b) January 17**
 - (c) January 13**

Suboption (to each alternative): Stand-down provision, as stated above:

The amendment was seconded by Bill Tweit and carried without objection

Arne Fuglvog moved to amend to add a suboption for each alternative to include an earlier season closing date proportional to the new opening date.

The amendment was seconded by Doug Hoedel and carried without objection. The main motion, as amended, carried without objection.

Council members also directed staff to revise the discussion paper to reflect the Council's action and to include a problem statement. Council asked that in the revisions, staff include a discussion of the stand-down on a vessel-specific basis and on a co-op specific basis. Staff was asked to draft a problem statement, using the language in Agenda item D-1(d)(1) as a basis.

D-1(e) Bering Sea Habitat Conservation/EFH

ACTION REQUIRED:

Discuss alternatives and problem statement for Bering Sea habitat conservation.

BACKGROUND:

In February 2005 the Council took action to conserve essential fish habitat (EFH) from potential adverse effects of fishing. EFH is defined as those waters used by fish for spawning, breeding, feeding, and growth to maturity. The EFH EIS concluded that fisheries do have long term effects on habitat; however these impacts were considered minimal and would not have detrimental effects on fish populations or their habitats. Nevertheless, the Council adopted several new measures to minimize the effects of fishing on EFH in the Aleutian Islands and Gulf of Alaska. The Council's motion is attached as Item D-1(e)(1).

As part of its February action, the Council moved to initiate an expanded analysis of alternatives to minimize the effects of fishing on EFH in the Bering Sea, and conduct an assessment of gear modification, that tiers off of the EFH EIS. The analysis will include the existing preferred alternative in the document (attached as Item D-1(e)(2)), an alternative to leave the rolling closure area open, and options to the closed areas south of Nunivak Island and north of the Bogoslof Area, as well as other potential alternatives to be developed.

Towards that end, the staff has prepared the following draft "strawman" problem statement for consideration by the Council.

Draft problem statement: The Council intends to evaluate potential new fishery management measures to protect Essential Fish Habitat (EFH) in the Bering Sea. The analysis will tier off of the 2005 EFH Environmental Impact Statement and will consider a range of alternative measures such as open and closed areas and gear modifications. The purpose of the analysis is to consider practicable and precautionary management measures to reduce the potential adverse effects of fishing on EFH and to support the continued productivity of managed species.

At this meeting, the Council will discuss a process to develop and finalize alternatives, as well as a timeline to prepare the analysis.

The Scientific and Statistical Committee did not address this agenda issue.

Report of the Advisory Panel

The AP recommended the Council adopt the following problem statement on BSAI habitat conservation:

The Council intends to evaluate potential new fishery management measures to protect Essential Fish Habitat (EFH) in the Bering Sea. The analysis will tier off of the 2005 EFH Environmental Impact Statement and will consider a range of alternative measures such as open and closed areas and gear modifications. The purpose of the analysis is to consider practicable and precautionary management measures to reduce the potential adverse effects of fishing on EFH and to support the continued productivity of managed species.

Further, the AP recommends the Council request staff to develop a suite of draft alternatives for review. Alternatives from the previous EIS should be retained with the following modifications:

1. Exclude the rotations in the area-based measures

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2. Emphasize alternatives on gear modifications
3. Incorporate new data in development of the open areas-alternative.

Development of EFH measures should be done in step with Dr. Rose's ongoing research on gear modification.

COUNCIL DISCUSSION/ACTION

In consideration of time restraints, the Council delayed discussion of this agenda item to a future meeting.

D-2 Ecosystem Approaches

ACTION REQUIRED

Status report on EAM and AI FEP

BACKGROUND

Ecosystem Approaches to Management (EAM)

In June 2005, the Council reviewed a staff discussion paper proposing various ways for the Council to be involved in an ecosystem approach to management in Alaska. The Council chose to move forward with the exploration of a regional ecosystem council, or similar collaboration, for the Aleutian Islands.

An EAM is a broad approach that focuses on a geographic ecosystem area and the relative role of all activities, including but not limited to fisheries, occurring within it. An EAM provides a mechanism for coordinating activities in the ecosystem area to achieve an overall goal of ecosystem sustainability and productivity. Regional ocean or ecosystem councils have been proposed nationally as a way to implement an EAM. An ecosystem council could provide a process for exchange of information among the various stakeholders of an ecosystem area, and a mechanism for each responsible authority to understand the impacts of agency actions on other agencies' activities.

The Council's June 2005 motion proposed that the Council chair approach NOAA Fisheries and the State of Alaska, engaging them in a partnership to explore the idea of a regional ecosystem collaboration. The Council chair and staff met with NOAA Fisheries and the State of Alaska's Subcabinet on Ocean Policy in June and August.

In general, the group endorsed the Council's preliminary preferred collaborative structure as a starting point for discussion. The Council suggested creating an ecosystem council comprised of one representative from each local, state, and federal governmental agency with jurisdiction over activities affecting the Aleutian Islands ecosystem area. The ecosystem council would provide a forum for information sharing about human activities and natural processes affecting the ecosystem, in order for each agency independently to make informed decisions that support sustainable natural resource management. The ecosystem council would have no independent jurisdiction or authority.

The group suggested the term 'ecosystem forum' might more appropriately capture the intent of the collaboration, and further clarified that the forum would not require motions or voting as the forum has no authority to take action. Additionally, the group recommended against formal advisory groups, at least initially, preferring to include scientific and stakeholder input within the main meeting format. The group also suggested that the Aleutian Islands ecosystem area encompass the islands from Unimak Pass extending to the west.

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The group continues to recommend a public workshop to develop the idea of an Aleutian Islands ecosystem collaboration in an open forum. However, prior to raising the public's expectations as to the feasibility of this project, the group suggested the need for a precursory step. At a meeting to be scheduled in late fall of this year, other Federal agencies should be canvassed to see whether they would be willing participants in such an endeavor. Given the voluntary nature of this initiative, enough jurisdictionary agencies in the Aleutian Islands must be willing to participate in order for the ecosystem collaboration to have utility. The Council chair and staff will report back to the Council following this meeting.

Aleutian Islands Fishery Ecosystem Plan (AI FEP)

The Council is also considering ecosystem-based area-specific management for the Aleutian Islands fisheries. In June 2005, the Council adopted the following purpose and need statement for this action:

The Council recognizes that an explicit Ecosystem Approach to Fisheries (EAF) is a desirable process for management of the marine fishery resources in the Alaskan EEZ and therefore is a concept that it wishes to continue to pursue and further implement. A primary component of an EAF is the development of ecosystem-based fishery planning documents, and the Council intends to move forward with such development on a pilot basis. The Council recognizes that the Aleutian Islands ecosystem is a unique environment that supports diverse and abundant marine life, and a human presence that is closely tied to the environment and its resources. The Council believes that in light of these features, EAF could be a useful guide for future fishery management decisions in the Aleutian Islands area. Enhancing our current ecosystem approach to fisheries in the Aleutian Islands could allow the Council to better focus on the unique features of and interactions within the Aleutian Islands ecosystem area.

Considering the available options, the Council chose to examine an AI Fishery Ecosystem Plan, including the creation of an AI Ecosystem Plan Team. In part, the Council's decision to move forward with a FEP was motivated by interest at the NOAA Fisheries national level to encourage Councils to begin developing FEPs. Recently, the Administration has distributed its proposal for Magnuson-Stevens Act reauthorization. A description of the pertinent elements of the proposal are attached as Item D-2(1). FEPs would not be required under this proposal, but Councils would be authorized to develop them. Advisory guidelines would be developed by NOAA Fisheries in consultation with the Councils.

The Council requested that staff consider the NMFS-Council working group draft FEP guidelines in developing an FEP, as well as other FEP literature sources. The working group guidelines are compared to other sources in Item D-2(2). Based on these comparisons, a draft structure for an AI FEP is attached as Item D-2(3).

A volume of Fisheries Oceanography dedicated to studies in the Aleutian Islands has just been released. This volume has been referred to at previous meetings, and provides among other things, a discussion of the ecosystem boundaries in the Aleutian Islands archipelago. The abstracts of this volume are attached as Item D-2(4).

Staff also consulted with the groundfish Plan Teams about the advisability of proceeding with an AI FEP. In general, the Plan Teams encouraged the idea of exploring an AI FEP. Regarding the creation of an AI Ecosystem Team, however, the Plan Teams considered that the advice that would be generated by such a team could easily be provided by the existing Plan Teams for groundfish, crab, and scallop.

A concern that has been expressed regarding the development of an AI FEP is that it would set goals and objectives for the Aleutian Islands that would negate the recent revisions to the groundfish FMP policy objectives, and require a new programmatic analysis for all the FMPs.

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Initial discussions with NOAA GC indicate that at the current time, creating a FEP would not constitute a Federal Action under NEPA, and so would not require NEPA analysis. Instead, any actions that might result from collecting the information in the FEP would be Federal Actions, and these would still be subject to the normal amendment and analytical process. This conclusion may, of course, differ pending changes under Magnuson-Stevens Act reauthorization.

The Ecosystem Committee has not been able to review the AI FEP material prior to this meeting, as requested by the Council. The Committee is scheduled to meet prior to the December meeting, and can provide the Council with recommendations at that time.

Report of the Scientific and Statistical Committee

With regard to the development of an Ecosystem Forum, consisting of interagency representatives, the SSC recommended the development of a charter for such a group before any workshops be held so that the group's purpose would be well-defined and it would be clearer what kinds of issues it would consider.

With regard to the development of a Fishery Ecosystem Plan for the Aleutians, the SSC recommended emphasizing the new aspects of what might be covered in such a plan compared with what is being done, particularly under groundfish management in the status quo. Issues that an Aleutian Island FEP should consider (Section 6.3.2) should also emphasize these aggregate, cumulative impacts on the Aleutian Islands ecosystem. Overall, the SSC is very positive toward this approach and looks forward to more progress in implementation by the Council. Once implemented, the Gulf of Alaska might be considered as the next most interesting region to be considered in a FEP.

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

COUNCIL DISCUSSION/ACTION

The Council received the staff update on the work being done on ecosystem approaches to management and development of an Aleutian Islands Fishery Ecosystem Plan.

No action was required on this agenda issue.

D-3 Crab Management

ACTION REQUIRED

Review Crab Plan Team report and Crab Stock Assessment and Fishery Evaluation (SAFE) Report:

BACKGROUND

The Crab Plan Team met September 7-9, 2005 in Anchorage, Alaska, to review the status of stocks and to compile the annual Stock Assessment and Fishery Evaluation (SAFE) report. A partial Crab SAFE report was mailed to you September 20. The remaining chapters of the SAFE report will be made available at the Council meeting.

The SAFE report summarizes the current biological and economic status of fisheries, guideline harvest levels (GHL), and analytical information used for management decisions or changes in harvest strategies. The report is assembled by the Crab Plan Team with contributions from plan team members and other from the Alaska, Department of Fish and Game (ADF&G), and the National Marine Fisheries Service (NMFS).

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The minutes of the Crab Plan Team meeting are attached as Item D-3(1). A powerpoint presentation presented at the Crab Plan Team meeting on revisions to the crab overfishing definitions is attached as Item D-3(2). The Crab Plan Team received a request from the Alaska Crab Coalition to review the eastern Bering Sea Tanner crab harvest strategy and Tanner Crab Rebuilding plan during the scheduled September plan team meeting. The letter of request is attached as Item D-3(3). Formal comments by the plan team on this request are characterized in the plan team minutes.

Dr. Bob Otto, the chairman of the Crab Plan Team, will be available to present the status of stocks.

Report of the Scientific and Statistical Committee

The SSC noted that the Crab SAFE includes a substantially improved economic summary of the crab fisheries and an analysis of market relationships for snow crab, responding to earlier SSC suggestions. The SSC supports the Crab Plan Team's call for a reversal of the NMFS decision to discontinue its collection of cold storage holdings in 2002.

The SSC expressed concern that the Overfishing Working Group has been unable to resolve disagreements among its members over technical modeling issues and may be unable to complete its work on developing a new set of overfishing definitions and harvest control rules for the crab FMP, and suggested that the Working Group focus on developing a general framework plan for the overfishing definitions and leave certain details of the definition to the stock assessment authors. Further, the SSC recommended that the Council's Executive Director organize a meeting of the SSC Chair, the Plan Team Chair, and the Working Group Chair to discuss the possible reconstitution of the Working Group, e.g., adding new members, or some other mechanism for resolving the disagreements.

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

COUNCIL DISCUSSION/ACTION

NOTE: Bill Tweit sat in for Koenings and Earl Krygier sat in for Campbell on this discussion.

Dave Benson moved to approve the Crab SAFE document. The motion was seconded by Earl Krygier and carried without objection.

The Council agreed with the SSC's recommendation to ask the Executive Director to set up a meeting with the SSC Chair, the Plan Team Chair, and the Working Group Chair to discuss the possible reconstitution of the Working Group to discuss ways of resolving the disagreements over technical modeling issues

D-4 Staff Tasking

ACTION REQUIRED

- (a) Review tasking and committees and provide direction**
- (b) PSEIS Priorities, review objectives and develop workplan**

BACKGROUND

- (a) Review tasking and committees and provide direction**

The list of Council committees is attached as Item D-4(a)(1). Item D-4(a)(2) is the three meeting outlook, and Item D-4(a)(3) and Item D-4(a)(4) are the summary of current projects, timelines, and

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tasking. The Council may wish to discuss tasking priorities to address previously tasked projects that have not yet been initiated , and potential additions discussed at this meeting, given resources necessary to complete existing priority projects. In particular, there are a few projects that have been on the back burner for some time (e.g., SR/RE retention, repeal of VIP program, vessel level catch/bycatch disclosure), and the Council may wish to address their priority at this meeting.

At the last meeting, the Council initiated three new amendments and one discussion paper: change QS/IFQ transfer provisions to allow transfers for war-time situations; VMS application in GOA and BSAI to meet enforcement, monitoring and safety issues; removals of Cape Sarishef closure for 2006 fisheries; and a discussion paper on shifting the Bering Sea pollock A-season 5 days earlier.

The Council also discussed the possibility of issuing a call for proposals to amend the FMP or regulations, with a focus on some particular issue, such as rockfish management, and/or on PSEIS priority items (see below). The Council may want to discuss whether to go out with a call for proposals at this time, and if so, consider the existing workload and discuss a filtering process to review and prioritize proposed changes. The Plans Teams have traditionally been responsible for reviewing proposals and providing advice to the Council on the relative priority of the proposals. In earlier years, the Council also maintained a Plan Amendment Advisory Group (PAAG), to further prioritize proposals and provide additional advice to the Council. The PAAG consisted of 3 Council members, 2 SSC members and 2 AP members. Upon recommendation of the PAAG chair (Bob Mace), the group was disbanded in December 1994. If we call for proposals it may be time to revive some form of PAAG Committee.

b) PSEIS Priorities, review objectives and develop workplan

In adopting the revised management policy for the groundfish FMPs in April 2004, the Council committed to conduct an annual review of the forty-five objectives that are part of the management policy. Specifically, the FMP language reads:

Adaptive management requires regular and periodic review. Objectives identified in the management policy statement (Section 2.2) will be reviewed annually by the Council. The Council will also review, modify, eliminate, or consider new issues, as appropriate, to best carry out the goals and objectives of the management policy.

The management approach statement and the forty-five objectives are included in the FMP, and are attached as Item D-4(b)(1).

In June 2004, the Council developed a workplan to bring groundfish management in line with its revised management policy. This workplan is reviewed by the Council at each meeting as part of the staff tasking agenda item, and is posted on the Council's website. The workplan, updated to reflect the current status of each item, and its relationship to the management objectives, is attached as Item D-4(b)(2).

At this meeting, the Council is scheduled to review the policy objectives. Item D-4(b)(3) provides a summary of the objectives which may help the review.

Any additions, deletions, or modification to the objectives will require an FMP amendment. The type of NEPA document that would be required to support any change to the objectives will depend on the nature of the change; we would need to determine whether the suggested change has already been analyzed in the PSEIS, and if so, whether there were any significant environmental effects associated with the action.

The Council is also scheduled to redevelop the workplan, as necessary. Some of the items on the workplan have been achieved; the revised workplan might replace these items with other emerging priorities from the management policy.

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At the June meeting, the Council discussed the possibility of a call for proposals relating to the revised groundfish workplan. The Council might wish to issue a call for amendment proposals that focuses on specific groundfish policy objectives or workplan items. Item D-4(b)(4) provides some suggestions on specific issue areas that might be appropriate for a call for amendment proposals, as well as on a procedure for evaluating any proposals received.

The **Scientific and Statistical Committee** did not address this agenda issue.

Report of the Advisory Panel

The AP wishes to initiate a system to generate verifiable, quantitative data to inform the analysis of crew share elements in the GOA Rationalization package as soon as possible. Toward that end, the AP recommends the Council request staff to confer with NMFS and the State of Alaska to identify means for crewmembers to legally document their participation in harvesting groundfish beginning in 2006.

Concepts to explore may include, but are not limited to:

1. Listing crewmember names, social security numbers, and/or crew license numbers on fish tickets
2. Use of crew contacts
3. Signed affidavit or other form developed expressly for crew participation documentation
4. Crewmember swipe cards or electronic reporting method.

The AP recommended the Council task staff with drafting a discussion paper to review changing the enforcement period for Maximum Retainable Allowances (MRA) from instantaneous during a delivery week to an offload basis. Additionally, the paper should:

1. review changes in pollock retention following implementation of regulations changing pollock MRA enforcement
2. Discussion of the feasibility of adapting the pollock analysis
3. A discussion of the timeframe for preparing the full analysis

COUNCIL DISCUSSION/ACTION

NOTE: Bill Tweit sat in for Koenings and Earl Krygier sat in for Campbell for these discussions.

Enforcement Committee Agenda

The Council discussed the method for setting the agenda for the Enforcement Committee. While the Committee recognizes the current practice of having the Committee Chair, Council Chair, and the Executive Director set the agenda, Committee members also felt that individual Committee members should be free to identify additional, high-priority issues for the Committee's consideration. It was decided that in such cases, the issue would be referred to the Committee Chair and discussed with the Executive Director and Council Chair when the Committee meeting agenda is being set. (The Enforcement Committee minutes are attached to these minutes as Appendix VI.)

Update on Committees

Council members agreed that the following committees are no longer active and will be taken from the current Committee List: Advisory Panel Committee, Interim Joint Protocol, IR/IU Technical, U.S.-Russia International Committee, and MFCMA.

There was discussion about the need for a separate *VMS Committee* because the Enforcement Committee is addressing that issue. Ms. Madsen pointed out that the Enforcement Committee's focus would be different from an industry group's perspective and that there probably should be a separate committee to

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review an analysis; however, the membership may have to be reconstituted. Ms. Salveson noted that that alternatives for the analysis will be developed in April, so the sooner a group could be appointed and meet to begin to devise recommendations, the better. This issue is on the Enforcement Committee's December agenda.

GHL Committee: The Council discussed timing for the new committee to discuss the Halibut Charter GHL issue. It was pointed out that it is unlikely that a committee could be appointed and meet in time for the December meeting; it would be more likely that the first chance for committee input would be at the February meeting. McKie Campbell said that the State will move as quickly as possible to get information requested for the committee and the Council, particularly in light of Mr. Rasmuson's intent to move for rescission of the Halibut Charter IFQ program in December.

SSL Committee: Mr. Campbell suggested that Ed Dersham be appointed to the Committee as a Board of Fisheries representative. Ms. Madsen noted that Mr. Dersham now is an ADF&G employee and that the Agency already has at least two representatives on the committee. Ms. Madsen advised that she will need to confer with the Board's Chair to determine whether they would recommend another Board member for the committee.

Additionally, committee lists will be updated to add McKie Campbell and Jeff Koenings to the vacant ADF&G and WDF seats on the appropriate committees. The Chair will work with the Executive Director to review membership appointments for the Joint Protocol, Observer, and Non-Target Species committees.

Section 7 Consultation

Arne Fuglvog moved the following:

The North Pacific Fishery Management Council requests that the NMFS Alaska Region Sustainable Fisheries Division reinitiate formal consultation, under Section 7 of the Endangered Species Act, with the NMFS Alaska Region Protected Resources Division on the effects of the groundfish fisheries in the EEZ off the coast of Alaska on Steller sea lions and other ESA listed species. The Council requests that the consultation begin on the 2000 FMP Biological Opinion covering the FMPs for groundfish in the Bering Sea/Aleutian Islands, and Gulf of Alaska, and that the consultation review all new scientific information since the completion of the FMP-level Biological Opinion. The Council requests periodic briefings on progress. The Council intends to consider, in 2006 to 2007, possible revisions to the management measures currently in place and evaluate them under a separate project-level Biological Opinion. The Council requests that NMFS also work closely with the State of Alaska in this process and include impacts on State fisheries in the analysis and resulting Incidental Take Statement.

The motion was seconded Eric Olson.

Sue Salveson moved to amend to add "under Dept. of Commerce jurisdiction" at the end of the first sentence (following "ESA listed species." The motion was seconded and carried without objection.

Earl Krygier moved to include a statement at the end of the motion to include impacts on State fisheries in the analysis, and the resulting Incidental Take Statement. The motion was seconded and carried without objection

The main motion, as amended, carried without objection. The revised motion reads as follows:

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The North Pacific Fishery Management Council requests that the NMFS Alaska Region Sustainable Fisheries Division reinstate formal consultation, under Section 7 of the Endangered Species Act, with the NMFS Alaska Region Protected Resources Division on the effects of the groundfish fisheries in the EEZ off the coast of Alaska on Steller sea lions and other ESA listed species under U.S. Department of Commerce jurisdiction. The Council requests that the consultation begin on the 2000 FMP Biological Opinion covering the FMPs for groundfish in the Bering Sea/Aleutian Islands, and Gulf of Alaska, and that the consultation review all new scientific information since the completion of the FMP-level Biological Opinion. The Council requests periodic briefings on progress. The Council intends to consider, in 2006 to 2007, possible revisions to the management measures currently in place and evaluate them under a separate project-level Biological Opinion. The Council requests that NMFS also work closely with the State of Alaska in this process and include impacts on State fisheries in the analysis and resulting Incidental Take Statement.

Frameworking Issues

Bill Tweit requested that staff provide a description of how management measures developed in other Regions compare with those in the Alaska Region, vis-à-vis, frameworking.

MRA

Earl Krygier moved to initiate an analysis to change the enforcement period for the Minimum Retention Allowance from instantaneous during a regulatory week to an offload basis, or to a change in the status of any fish retained on board due to either (1) an inseason management measure, or (2) the vessel's movement to a different regulatory area. The motion was seconded.

Ms. Madsen pointed out that a lot of work will be involved in the analysis and suggested that staff come back in December with information on what will be involved and a timeline for pursuing an amendment. Mr. Krygier agreed to this approach.

The motion carried without objection, based on Ms. Madsen's suggestion for staff report and timeline at the December meeting.

Right Whale Critical Habitat

Earl Krygier moved to task staff to develop fishery data for the areas likely to be proposed for critical habitat designation, to include the species fished and the gear types within those likely critical habitat areas, the location and timing of the fisheries, and the value of the fisheries to harvesting, processing, and communities. The motion was seconded and carried without objection.

Mr. Krygier said that he expects that most of this information will be generated by the National Marine Fisheries Services, but encourages Council staff to work closely with NOAA General Counsel to make sure the requested information is included. It's also important to have the socio-economic information in order to understand any possible impacts associated with designation of critical habitat.

It was clarified that the Council requires this information in December in order to make informed comments on the Proposed Rule.

Crew Share Analysis

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Earl Krygier moved to approve the Advisory Panel recommendations with regard to crew share elements under the GOA groundfish rationalization program, as follows:

Initiate a system to generate verifiable, quantitative data to inform the analysis of crew share elements in the GOA Rationalization package as soon as possible. Toward that end, the Council ~~recommends~~ requests staff to confer with NMFS and the State of Alaska to identify means for crewmembers to legally document their participation in harvesting groundfish. ~~beginning in 2006.~~ Concepts to explore may include, but are not limited to:

- 1. Listing crewmember names, social security numbers, and/or crew license numbers on fish tickets**
- 2. Use of crew contacts**
- 3. Signed affidavit or other form developed expressly for crew participation documentation**
- 4. Crewmember swipe cards or electronic reporting method.**

The motion was seconded by Eric Olson.

Sue Salveson moved to amend to task staff with a discussion paper at this time and bring it back for Council review under GOA Rationalization in December. Ms. Salveson's motion includes the edits indicated by strikeouts shown above. The motion was seconded and carried without objection.

Ms. Salveson noted that this will be a major effort and staff will not be able to generate an initial analysis by December. She also pointed out that it would not be possible to initiate documentation by 2006 as requested in the motion. NMFS works with the State on reporting issues, specifically the fish ticket system, and changing that will take some time.

The main motion, as amended, carried without objection.

ADJOURNMENT

The Chair adjourned the meeting at approximately 10:27 a.m. on Tuesday, October 11, 2005.

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Anchorage Hilton Hotel
Anchorage, Alaska

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- I. List of Persons Giving Public Comment
- II. Minutes of the Scientific and Statistical Committee
- III. Minutes of the Advisory Panel
- IV. Preliminary Motion - Amendment 80 (IR/IU)
- V. Final Motion - Amendment 80 (IR/IU)
- VI. Enforcement Committee Report