

North Pacific Fishery Management Council

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Certified _____
Stephanie Madsen, Chair

Date: _____

MINUTES

174th Plenary Session
North Pacific Fishery Management Council
December 7-13, 2005
Anchorage Hilton Hotel
Anchorage, Alaska

The North Pacific Fishery Management Council met December 7-13, 2005, at the Hilton Hotel in Anchorage, Alaska. The Scientific and Statistical Committee met December 5-7, and the Advisory Panel met December 5-9 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, Vice Chair
McKie Campbell/Earl Krygier
Lenny Corin
Arne Fuglvog
Absent: Stetson Tinkham

Dave Hanson
Doug Hoedel
Roy Hyder
Jeff Koenings/Bill Tweit
Eric Olson
ADM Olson/CDR Mike Cerne
Ed Rasmuson

NPFMC Staff

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

Peggy Kircher
Chris Oliver
Jim Richardson
Maria Shawback
Diana Stram
Bill Wilson
Dave Witherell

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Support Staff/Presentations

Jon Pollard, NOAA-GCAK
Lisa Lindeman, NOAA-GCAK
John Lepore, NOAA-GCAK
Lauren Smoker, NOAA-GCAK
Jay Ginter, NMFS-AKR
Herman Savikko, ADF&G
Obren Davis, NMFS-AKR
Mary Furuness, NMFS-AKR
Ben Muse, NMFS-AKR
Jennifer Boldt, AFSC
Glen Merrill, NMFS-AKR
Dave Rose, AFSC
Kaja Brix, NMFS-AKR
Tom Pearson, NMFS-Kodiak

Phil Smith, NMFS RAM Division
Rob Bentz, ADF&G
Sally Bibb, NMFS-AKR
Ed Dersham, ADF&G
Sue Aspelund, ADF&G
Andy Smoker, NMFS-AKR
Libby Logerwell, AFSC
Dr. Fall, ADF&G
Shane Capron, NMFS-AKR
Loh-lee Low, AFSC
Alan Bingham, ADF&G
Doug Vincent-Lang, ADF&G
Obren Davis, NMFS-AKR

Scientific and Statistical Committee

Gordon Kruse, Chair
Keith Criddle
Steven Hare
Mark Herrmann
Sue Hills
Anne Hollowed
George Hunt

Pat Livingston, Vice Chair
Franz Mueter
Ken Pitcher
Terry Quinn
David Sampson
Farron Wallace
Dave Woodby

Advisory Panel

John Bruce
Al Burch
Joe Childers
Cora Crome
Craig Cross
Tom Enlow
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:

Kevin Kristovich
Sigmund D. Rutger
Brent Paine
Arni Thomson
Glenn Reed
Jamie James
Mark Vinsel
Tina McNamee

Stacy Boles
James Harrigan
Mike Swan
Ann Bayes
Craig Cross
Gregg Nady
Mark Lundsten
Marc Moats
Carolyn Nichols

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Richard Hansen
Lori Swanson
Michael Lake
Gerry Merrigan
Marcus Alden
Diana Anderson
Ken Larson
Frank Kelty
Robert Williams
Heather McCarty
Thorn Smith
Paul MacGregor
Jeff Stephan
Rhonda Hubbard
Jim Hubbard
Russell Pritchett
Loh-lee Low
Terry Haines
Becca Robbins
John Gruver

Charles Burrece
Mike Szymanski
Darius Lasprzut
Cecil Ranney
Chuck McCallum
Steve Branson
Chris Holland
Tim Henkel
Margie Bauman
Al Burch
Andy Uir
Phillip Lestenkof
Patience Mercurief
Dustin Dicherson
Terry Haines
Mark Vickstrom
Steve Drage
Joe Sullivan
Joe Plesha

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

A. CALL TO ORDER

Stephanie Madsen, Council Chair, called the meeting to order at approximately 8:09 a.m. on Wednesday, December 7, 2005.

Agenda. The agenda was approved as published.

Minutes. Minutes of the April, June and October 2004, and October 2005 meetings were approved as submitted.

B. REPORTS

The Council received the following reports: Executive Director's Report (B-1), NMFS Management Report [including update on rockfish court case, Chiniak Gully experiment, crab arbitration timing] (B-2); U.S. Coast Guard Report (B-3); ADF&G Report [including Board of Fish proposals and subsistence halibut report] (B-4); U.S. Fish and Wildlife Report (B-5); and Protected Species Report [including Right whale critical habitat designation, Marine Mammal Commission update, and FMP level BiOp update] (B-6). Following are brief recaps of discussion or action take during reports:

Executive Director's Report

There was no discussion on this report.

NMFS Management Report

Ms. Salveson advised the Council that it is still unclear when the proposed rule for BSAI Amendment 79 will be published and available for comment. She indicated that she is hopeful it will be available for the

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Council to review and comment on at the February Council meeting. In addition to a status report on current amendments from Jay Ginter, the Council received the in-season management report from Andy Smoker, and a brief report from Phil Smith, RAM Division, on the Crab Rationalization Program. The full annual report from the RAM Division will be provided after the first of the year.

Crab Binding Arbitration. Glenn Merrill provided an overview of a discussion paper outlining a proposed amendment to the Crab Rationalization Program to resolve an issue of timing for binding arbitration. Included in the discussion paper are suggestions provided by industry participants during a recent NMFS workshop on the subject. An analysis of options for Council review and action will be provided at the February meeting. In order to have a solution in place for next year, the Council will need to take final action in February.

After receiving staff reports and public comments, the following motion was offered by Sue Salvesson:

With respect to the scope of alternatives, the key direction is to keep the changes to the system limited and mechanical. Broad changes in timing of share matching overly expand the scope of the problem statement – requiring more extensive analysis than we can accommodate in February for implementation in the 06/07 season.

Direct staff to develop an alternative schedule for the timing of binding arbitration under share matching that adheres to the timeliness under the current regulations—a 10day period for share-matching after which binding arbitration must be initiated; may consider assessment period or longer.

The motion was seconded and carried without objection (Mr. Tweit participate in this discussion for Dr. Koenings).

Pacific Northwest Rockfish Court Case. The Council also received a report from Jon Pollard, NOAA-GC, on a Pacific Northwest court case relating to rockfish and setting the total allowable catch for groundfish. The case is of interest to the North Pacific Council because of the court's interpretation of the Magnuson Act with regard to rebuilding plans. Mr. Pollard is advising that the Council take a close look at all rebuilding plans to determine consistency with the court's findings.

Chiniak Gully Research. Libby Logerwell, AFSC, briefed the Council on the Fishery Interaction Teram study of pollock localized depletion in Chiniak Gully and Barnabas Trough near Kodiak. The Council was previously been informed that research in the area would not be conducted next year because no research vessel would be available. However, a vessel is now available and the scientists would like to continue with the experiment through 2010. Staff will provide the Council with an Environmental Assessment in January to support closure the the areas to commercial fishing in Chiniak Gully during the period August 1-September 20 for the years 2006-2010. The Scientific and Statistical Committee also received the staff report on this issue and provided comments and suggestions. (Please see the SSC Minutes, Appendix II to these minutes, for those comments.)

U.S. Coast Guard Report

Admiral Olson reported to the Council that the first season under crab rationalization went well. The Coast Guard worked with other agencies to avoid duplicative efforts, and industry was able to make good decisions regarding when to fish, avoiding dangerous fishing conditions. The Admiral reiterated previous recommendations that VMS be encouraged for all vessels, not only for enforcement purposes, but safety

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as well. Commander Cerne provided the Council with a report of Coast Guard activities since the last Council meeting.

Alaska Dept. of Fish & Game Report

Herman Savikko provided a report on the status of State fisheries of Council interest since the last Council meeting. Ed Dersham provided the Council with a new proposal from the Alaska Board of Fisheries to conduct an Aleutian Island State waters Pacific cod fishery. The Council decided to discuss this issue during Staff Tasking later in the meeting. The Council also received a report from Dr. Fall , ADF&G on subsistence halibut.

U.S. Fish & Wildlife Report

Lenny Corin provided an update on the draft recovery plan for short-tailed albatross. The Council noted that while the plan is ambitious, the Council supports continued efforts for conservation of the short-tailed albatross. The Council will submit those comments to USF&WS.

Sue Salvesson advised that NMFS is working with U.S. Fish & Wildlife Service to prepare information relating to the recovery plan being developed for the northern sea otter. Although NMFS does not think that the Federal groundfish fisheries directly pose a threat to the recovery of the sea otter, a formal consultation will be initiated on the groundfish fisheries because of other situations such as shipwrecks, and possible indirect takes of sea otters.

Protected Species Report

Critical Habitat – Right Whale. Kaja Brix, NMFS, reviewed progress on the designation of critical habitat for the northern right whale. The Council also received a discussion paper summarizing the nature of Council-managed fisheries that occur in the proposed designated areas, including socioeconomic data on those fisheries.

The Council's Scientific and Statistical Committee also received the staff reports and provided several comments on the assessment and some recommendations for the authors. (See the SSC Minutes, Appendix II to these minutes, for those recommendations.)

The Council will provide written comments to NMFS on the proposed rule, including the socioeconomic information provided by staff, and the comments provided by the SSC. Those comments will be posted on the Council's website.

ESA Section 7 Consultation. In October the Council asked NMFS to consider reinitiating a FMP-level Section 7 consultation since the previous comprehensive FMP-level BiOp was issued in 2000. Shane Capron briefed the Council on the consultation process and provided a schedule for completing a new BiOp in 2007 or early 2008. The Council decided to re-activate the Steller Sea Lion Mitigation Committee early in 2006 to participate in the process.

Dave Benson stressed that it is important to build into any new biological opinion some flexibility so the Council can take actions in the future within certain boundaries that would not automatically trigger a formal consultation. At this time, it is difficult to determine what the boundaries are.

Responding to a question about where the Recovery Plan fits into the new consultation, Mr. Capron responded that a draft Recovery Plan is scheduled to be available by the end of March. The Agency will

review it and release it for public review and the mitigation committee will have that information to help with its work.

Staff pointed out that the ESA Section 7 consultation on salmon bycatch will be undertaken separately between the NMFS-Alaska Region and the Northwest Region.

After receiving staff reports and public comments, the following motion was offered by Arne Fuglvog:

The Council concurs with NMFS on their recommended scope for reinitiation of a formal consultation under Section 7 of the ESA on the possible effects of the FMPs for groundfish in the Bering Sea, Aleutian Islands, and Gulf of Alaska management areas on listed species and their critical habitat.

The maker of the motion clarified that the motion includes the State parallel fisheries, as outlined in the NMFS report.

The motion was seconded and carried without objection (Mr. Tweit participated in this discussion for Dr. Koenings).

FORMAT FOR COUNCIL MEETING MINUTES FOR 'C' AND 'D' AGENDA ITEMS

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 any discussion and/or action. This section will be set in a different typeface and size than the actual minutes. Any attachments referred to in the Action Memo will not be included in 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 IFQ

ACTION REQUIRED

Consider action to rescind halibut charter IFQ program

BACKGROUND

In October 2005, the Council reviewed a letter from Dr. William Hogarth, Assistant Administrator of Fisheries, dated August 3, 2005, in which he requested that the Council confirm its support of the 2001 decision to incorporate the charter sector into the halibut commercial individual fishing quota (IFQ) program before NMFS publishes the proposed rule in the *Federal Register*. After receiving a brief staff report and testimony from nearly 100 members of the public, the Council agreed to send a letter to Dr. Hogarth, stating, "*The Council is concerned with the process that has transpired since its approval of the Halibut Charter IFQ program. This letter does not confirm support 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.*"

Also in October, Council member Ed Rasmuson notified the Council of his intent to make a motion to rescind the Halibut Charter IFQ Program at the December Council meeting. Background information on the program is provided by the Executive Summary of the analysis and the summary of the Council's 2001 preferred alternative, which are attached under Item C-1(a)(1). The 2004 draft for Secretarial review was mailed to the Council in November.

The Council also requested additional information from the State of Alaska. Rob Bentz, ADF&G Sport Fish Division, will report on charter halibut participation for 1998-2004, including number and percentages of charter halibut landings during 1998 and 1999 that were reported by potentially qualified participants that were still active in 2004 (Item C-1(a)(2)).

Neither the **Scientific and Statistical Committee** nor the **Advisory Panel** addressed this agenda subject.

COUNCIL DISCUSSION/ACTION

CDR Cerne responded to industry comments indicating that the IFQ program for the charter industry could negatively impact public safety by reducing the number of charters and forcing more individuals to rent vessels and go out on their own. CDR Cerne said the Coast Guard is not convinced that this would occur, and does not see an overarching safety concern with either action the Council may take.

McKie Campbell moved the following:

The Pacific halibut resource is fully utilized. In September 1997, to address allocation issues between the guided sport sector and other users of the halibut resource, the North Pacific Fishery Management Council (Council) adopted guideline harvest levels (GHL) for the guided sport charter sector operating in IPHC Regulatory areas 2C and 3A. These GHLs were intended to stop the open-ended reallocation between the commercial and guided sport sectors. In 2004 (the most recent year for which data is available), the charter fleet exceeded the GHL.

In April 2001, the Council also approved an IFQ program for the halibut charter fleet. This program was enacted to address the allocation issue on a long-term basis. However, a lengthy delay in enacting this program has resulted in a large number of current participants that do not qualify for quota share. This has resulted in controversy and a lack of broad support for the program as well as potential legal vulnerabilities.

A preliminary analysis is currently underway by council staff of alternatives identified at the Council's October, 2005 meeting and intended to bring the guided sport fisheries in Areas 2C and 3A under their respective GHLs. These measures are:

For Area 2C:

- 1 No Action**
- 2 One trip per day, no harvest by skipper and crew, and annual limit of 6 fish per person.**
- 3 One trip per day, no harvest by skipper and crew, and annual limit of 5 fish per person.**

For Area 3A:

- 1 No Action**
- 2 One trip per day.**
- 3 One trip per day, no harvest by skipper and crew.**

In addition, the State of Alaska has announced its intention to institute a halibut reporting requirement in charter boat logbooks with methodology to ensure accuracy, effective for 2006. The State also intends to introduce a regulation to the Board of Fish to prohibit retention or harvest of

fish by skipper and crew members when clients are on board and limit the number of lines fished to the number of clients. This State expects this regulation to be in effect for the 2006 season.

The preliminary analysis of these actions will be before the Council in February 2006, but it appears that the collection of measures currently being considered by the Council and being advanced by the State will provide the ability to hold the charter harvest under the existing GHL.

In consideration of the potential legal vulnerabilities and other conflicts that have been caused by the delay in promulgation of final regulations, the Council rescinds its 2001 vote approving the halibut charter IFQ program.

The council further tasks staff to develop two alternatives for analysis for the long term management of the halibut charter fishery. The Council will form a stakeholder working group appointed by the chair and including representatives of affected groups to work with staff. The group shall identify common principles and goals and work with Council staff on analysis. NMFS and ADF&G staff will assist with data needs. The fleshed out alternatives shall be presented to the Council at its April 2006 meeting.

Alternative #1 would be an allocation based fishery plan. Consideration of elements to be included in the plan should include, but not be limited to:

- A percentage based allocation which would float up and down with abundance in a fashion similar to the commercial longline TAC.
- Subdivision of 2C and 3A into smaller geographic sub-districts, including time certain establishment of LAMP's and super-exclusive registration areas.
- A detailed set of management measures which will be used to enforce the allocation. The measures analyzed shall include:
 - the measures listed above that will be presented to the Council in February,
 - the measures discussed above that are being pursued by the State.
 - Other annual bag limits,
 - limitations on days fished either by total number of days or by excluding specific days of the week,
 - reduced daily limits including size limitations for 2nd fish, and
 - subtraction of any allocation exceedence from the following year's allocation.
- To limit total number of charter boats, the use of a Federal moratorium or control date or a State non-transferable limited entry program.
- Mechanisms which, if the charter harvest continues to grow, will allow for an orderly and compensated allocation shift from the longline sector to the charter sector. Mechanisms considered should include the use of a charter stamp, which would generate funds to pay for management of the charter fishery and to buy longline shares to be converted into the charter allocation, and allocation of one third of the "unused commercial halibut QS" from area 2-C and 3-A to the charter allocation.
- Exploration of delegation of some management aspects of the halibut sport fishery, including charters, to the State of Alaska.
- A comprehensive economic analysis of the proposed elements of the fishery plan.

Alternative #2 would be a modified IFQ programs. Analysis would include, but not be limited to:

- The elements of the previously proposed (2001) charter IFQ program.
- A modified IFQ program. Elements considered in such a program would include, but not be limited to, addressing potential legal vulnerabilities that may exist in the 2001 IFQ program. Such approaches might include "leveling" or other effort based

- mechanisms to update 1998 and 1999 history, new history approaches, an effort based transferable seat (ITS) program, or other options.
- Subdivision of 2C and 3A into smaller geographic sub-districts, including time certain establishment of LAMP's.
 - Small community set aside provisions
 - The use of a moratorium or control date.
 - **ADD ELEMENTS OR MODIFY AS ADVOCATES OF IFQ'S WISH**
 - A comprehensive economic analysis of the proposed elements of the fishery plan including potential impacts on cost of charters to clients and economic feasibility of cross sector share purchases and leases.

The motion was seconded by Ed Rasmuson.

C-2 IFQ Omnibus 5

ACTION REQUIRED

Initial Review of Omnibus V analysis

BACKGROUND

The proposed actions are the result of two solicitations by the Council for proposals from the public in 1999 and 2003. Proposals were reviewed by the IFQ Implementation Team in 1999 and 2003, and the Team recommended seven actions to the Council. These seven actions, referred to as "Omnibus IV," were adopted by the Council in December 2004 and forwarded to NOAA Fisheries Service for Secretarial review in October 2005. Two of the actions were not included in Omnibus IV due to their lack of clarity. Instead, they were refined and resubmitted for consideration in Omnibus V, along with two additional proposals. These two proposals were initiated by the Council as a result of public testimony and a discussion with NOAA Fisheries Service staff in 2005.

The proposed actions in Omnibus V would allow: (1) non-IFQ species to be frozen onboard while directed fishing for halibut and sablefish; (2) the use of pot longline gear in the Bering Sea sablefish fishery during June; (3) withdrawal of halibut and sablefish QS from initial recipients who have never fished any of those shares across all regulatory areas or allow voluntary surrender of unused QS, with an option to allow a lottery for awarding withdrawn or surrendered QS to qualified crewmen; and (4) temporary transfer of IFQs held by activated reservists. Plan and regulatory amendments to the BSAI and GOA Groundfish FMPs would be needed for Action 1 and regulatory amendments would be needed for Actions 2, 3, and 4.

The analysis was distributed to the Council on November 25, 2005 and the Executive Summary is attached as Item C-2. At this meeting, the Council will make an initial review of the analysis. Final action is scheduled for February 2006. If approved by the Secretary, these actions would be implemented no earlier than Summer 2006, and more likely in the 2007 fishery.

Report of the Scientific and Statistical Committee

The SSC had several specific suggestions for the authors of the analysis before releasing it for public review and comment. Please see the SSC Minutes, Appendix II to these minutes, for specific comments and recommendations.

Report of the Advisory Panel

The Advisory Panel recommended sending the amendment package out for public review and comment after several modifications. The Advisory Panel motion can be found in the AP Minutes, Appendix III to these minutes.

COUNCIL DISCUSSION/ACTION

NOTE: Bill Tweit participated in this discussion for Dr. Koenings.

NMFS staff reviewed current regulations for the Council. There is some confusion regarding how various regulations interact between the IFQ and LLP programs regarding the freezing of non-IFQ species. Council members asked staff to more fully discuss this issue in the analysis.

Arne Fuglvog moved to approve the recommendations of the Advisory Panel, with modifications. Additionally, Mr. Fuglvog referred to the listed actions and alternatives in the Council's meeting notebook:

Action 1, Use of Catcher Vessel QS, Alternative 2: Revise to read: Allow processing of non-IFQ species on a vessel that is otherwise authorized to process non-IFQ when IFQ halibut fishing resulting from quota shares assigned to vessel categories B, C, or D are on the vessel in the Gulf of Alaska and Bering Sea/Aleutian Islands. (This was not included in the AP recommendations).

Referring to the Advisory Panel recommendations, in Action 3, Alternative 3, revise to read: All QS obtained by NMFS, if it generates over 50,000 lbs of halibut IFQ, will be redistributed through one lottery, as follows:

Option 1. Surrendered QS will be allocated, by lottery, between entry level crewmen (crewmen that do not hold more than 5000# of QS for that species).

- 1. All of surrendered QS is allocated to an entry level crewmen lottery.
[suboptions 2 and 3 are deleted]**

Option 2. Lotteries will allocate accumulated QS of a specific species and management area (QS retains species and management area designations.) RETAIN the 5,000 lb. per lottery recipient in the entry level crewman lottery; DELETE the 10,000 and 1,000 lb options listed under suboption 1, but retain the statement: If, at the time of the lottery, the amount of QS accumulated by NMFS by species and area is less than amount awarded per lottery recipient, or there is a remainder after each recipient has received their allocation, the QS will be awarded to a single lottery recipient.

Action 3, Option 3, suboption 1, would be revised to read: Lottery applicants are limited to applying for QS to an application for one halibut lottery for one area.

Action 3, Option 3, Delete suboptions 3 and 4.

Revise the final paragraph of the AP recommendations, as follows:

Additionally, the Council encourages the AFSC Auke Bay lab to develop experimental research to determine the effectiveness of different sizes of escape rings and soak time in conjunction with the development of CPU indexes for sablefish pot fishing.

The motion was seconded by McKie Campbell, and carried without objection.

Staff indicated that a revised analysis could be available for Council review in February 2006 for a final decision in April 2006.

C-3 CDQ Issues

ACTION REQUIRED

- (a) Final action on EA/RIR on management of CDQ reserves
- (b) Review of proposed alternatives/options for revised BSAI Amendment 71, action as necessary

BACKGROUND

- (a) Final action on EA/RIR on management of CDQ reserves

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, and Council initial review was in October 2005. 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 November 17. Final action on the analysis is scheduled for this December 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.

The analysis incorporates 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). The analysis does not include all possible combinations of the components; however, the Council could further segregate or combine components as part of its final preferred alternative.

In October 2005, the Council approved the release of the EA/RIR for public review, with the following revised alternatives. The Council identified Alternative 4, Option 1 as its preliminary preferred alternative.

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 against allowing the transfer of groundfish CDQ or halibut PSQ from one CDQ group to another CDQ group to cover harvest overages of groundfish CDQ or PSQ allocations.

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

Alternative 4: Amend regulations to: (1) remove the prohibition against allowing the transfer of groundfish CDQ or halibut PSQ from one CDQ group to another CDQ group to cover harvest overages of groundfish CDQ or PSQ 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.

Option 1 is associated with Alternative 4 only. 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) 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.

However, NMFS does not recommend including Option 1 as part of the Council's preferred alternative for this action because it could result in the need to prepare a Regulatory Impact Review for the harvest specifications, which would add additional analytical complexity to the already complex harvest specifications process.

(b) Review of proposed alternatives/options for revised BSAI Amendment 71, action as necessary

The Council made recommendations on eight issues related to the CDQ allocation process and oversight of the program under BSAI Amendment 71 in June 2002. 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.

NMFS has 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 that: (1) 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) 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) NMFS must establish the confidentiality status of information submitted by the CDQ groups and by the State on behalf of the CDQ groups. 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. The result of the decision is that NMFS must only consider whether the CDP as a *whole* is consistent with the fisheries related purpose of the CDQ Program. The June 2002 analysis for Amendment 71 assumed that NMFS's regulations required all individual CDQ *projects* to be 'fisheries related,' and this assumption provided the basis for the status quo alternative. The OAA decision modifies the status quo in such a way that was not considered by the Council in June 2002.

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. Governor Murkowski accepted the recommendations of the Blue Ribbon Panel on October 4, and the report was presented to the Council at its October meeting.

Given the above events, and the fact that the panel's recommendations would also require changes to Federal regulations, in October, the Council requested that staff provide a proposed structure for alternatives and options for a revised Amendment 71 analysis which incorporates the recommendations of the Blue Ribbon Panel for the December 2005 Council meeting. A discussion paper outlining the proposed alternatives and four issues related to recommendations of the Blue Ribbon Panel that require clarification is provided as Item C-3(b)(1). The list of alternatives is Attachment 2 to the discussion paper. This paper was also emailed to you on November 17. The Blue Ribbon Panel report (without appendices) is provided for reference as Item C-3(b)(2).

Note also that the State of Alaska has noticed the public of proposed changes to State regulations (Title 6 of the Alaska Administrative Code) that implement some of the Blue Ribbon Panel recommendations related to administrative reporting requirements. A summary of the proposed revisions is provided as Item C-3(b)(3). The full suite of proposed changes is at <http://www.commerce.state.ak.us/bsc/CDQ/proposedregs.htm>. Public comment can be submitted in writing to the State until 4:30 pm on January 6, 2006.

Note that should the Council choose to initiate a new analysis for Amendment 71 based on revised alternatives, it is necessary to partially rescind its previous action on Amendment 71 taken in June 2002. It is only necessary to *partially* rescind this action because one of the issues on which the Council made recommendations in June 2002 has been implemented. NMFS implemented a recommendation to simplify and streamline administrative regulations related to quota transfers, authorized vessels, and alternative fishing plans through Federal rulemaking in March 2005. It is the remaining issues related to the purpose of the CDQ Program, the process for allocating quota among the CDQ groups, and oversight of the economic development aspects of the program that NMFS has not been able to implement to date.

The action for this meeting is to review the discussion paper outlining the revised structure of alternatives and options proposed by staff. The Council could modify and/or approve this structure and initiate a new analysis of BSAI Am. 71 at this meeting. The Council may need to consider partially rescinding its previous action (on Issues 1 – 7) on BSAI Amendment 71 from June 2002. Staff has also identified four issues related to recommendations of the Blue Ribbon Panel that require clarification prior to being analyzed under Alternative 3.

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

Report of the Advisory Panel

CDQ Reserves

The AP recommends the Council adopt Alternative 4 (drop option 1) as its preferred alternative. Per public comment, AI Greenland Turbot and BS POP should be moved to the list of non-target species, while BSAI Arrowtooth flounder should be moved to the list of target species.

Amendment 71

Should the Council rescind issues 1-7 of its previous action on Amendment 71 CDQ modifications and move to incorporate revised alternatives and options in the amendment 71 package based on the Blue Ribbon Panel recommendations as Alternative 3, the AP would recommend the following:

1. The upcoming 2007-2011 allocation recommendations are the baseline allocations to which the 90/10 provision would apply. (Without comment as to how these are derived.)
2. AP recommends that the fixed allocation should be analyzed in the following ranges: 80-20, 90-10, 95-5 and 100% fixed allocation.
3. Both options for implementing the 90/10 split should be analyzed.
4. The Council adopt the Blue Ribbon Panel's suggested evaluation criteria under Alternative 3. However the AP would recommend three suboptions for how these criteria are weighted.
 - a. Blue Ribbon recommendations regarding weighting
 - b. State of Alaska develop the weighting criteria at the beginning of each evaluation cycle
 - c. Assign, for analysis, a range of 10-30% weighting for each of the five criteria

In addition, the Council should recognize that there are 10 criteria for establishing allocations in alternative 2 (passed in amendment 71) The A.P. recommends that the Council comment during the current comment period to the State and request that the State modify their proposed revised regulations and implement these 10 criteria.

5. NMFS's oversight of the economic development aspects of the CDQ program should not be eliminated prior to the reauthorization of Magnuson-Stevens and the implementation of revised State of Alaska regulations regarding State oversight.

Finally, the AP would identify that many of these alternatives are interdependent and that, depending on baseline allocation decision, CDQ groups may support or oppose the other alternatives in the motion. The AP recommends that the Council fully analyze the implications of the various alternative 3 options before identifying a preferred alternative.

COUNCIL DISCUSSION/ACTION

[NOTE: Bill Tweit participated in this discussion for Dr. Koenings]

CDQ Reserves

Eric Olson moved to approve the Advisory Panel recommendations with regard to CDQ reserves: Adopt Alternative 4 (drop Option 1). Move Aleutian Islands Greenland turbot and Bering Sea Pacific Ocean perch to the list of non-target species, and move Bering Sea/Aleutian Islands arrowtooth flounder to the list of target species.

The motion was second and carried unanimously.

Amendment 71

John Bundy moved to delay action on Amendment 71 until the February meeting. The motion was seconded.

Mr. Bundy said there is a lot of confusion at this point and because of appeals and lawsuits he feels staff time could be better utilized on current projects until it is determined whether Congress will address this issue. Once the Council knows whether Congress has taken any action, then staff could more clearly focus on the analysis.

Several members felt it would be better to get a motion on the floor, discuss it, and then postpone action if necessary.

Staff indicated that without further direction from the Council at this meeting, some work on the analysis could be undertaken on the program oversight components and on Alternatives 1 and 2; however, work couldn't begin on the allocation components, and further work on Alternative 3 would be delayed until the Council has provided direction on those components.

The motion failed, 10-3, with Benson, Bundy and Tweit voting in favor.

Eric Olson moved to rescind the Council's previous action on Issues 1-7 of BSAI Amendment 71 taken at its June 2002 meeting, and adopt revised alternatives and options for analysis (see Appendix IV-1 for the entire set of alternatives and options).

The motion was seconded by Ed Rasmuson.

Sue Salveson moved a substitute motion (see IV-2). The motion was seconded.

McKie Campbell moved to amend Component 2, "Extent of government oversight," to require disclosure of compensation of the top 5 employees, top 5 contractors, and top 5 Board members. [Mr. Campbell felt the previous wording was ambiguous.]

The motion was seconded by Arne Fuglvog and carried without objection.

McKie Campbell moved to amend, as follows: Under the CDQ Allocation Process, Component 6, revise the suboption to read as follows: "Suboption: (applies to both options): The fixed

percentage will be between 85 and 95%. Ranges to be analyzed are 85%, 90%, and 95%. The motion was seconded by Ed Rasmuson and carried without objection.

The substitute motion, as amended, carried without objection. Final action on CDQ issues is found in Appendix IV-3 to the minutes.

C-4 BSAI Pacific Cod Allocations

ACTION REQUIRED

Review discussion paper on eligibility in the trawl catcher vessel sectors; 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:	47% trawl gear:	2% jig gear
(80% hook-and-line catcher processors)	(50% trawl catcher vessels)	
(0.3% hook-and-line catcher vessels)	(50% trawl catcher processors)	
(3.3% pot catcher processors)		
(15.0% pot catcher vessels)		
(1.4% hook-and-line/pot vessels <60' LOA)		

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 each Council meeting since then, the Council further revised the components and options for analysis. At the October meeting, the Council approved a reorganization of the amendment package into NEPA alternatives for analysis and modified the problem statement.

Amendment 85 to the BSAI FMP currently 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 the CDQ allocation was implemented in 1998. 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 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.

Currently, there are two trawl sectors which receive a BSAI Pacific cod allocation: the trawl catcher processor sector and trawl catcher vessel sector. Each sector receives 23.5% of the non-CDQ BSAI Pacific cod TAC. The four trawl sectors proposed to receive BSAI Pacific cod sector allocations under Am. 85 are the AFA catcher vessel sector, non-AFA catcher vessel sector, AFA catcher processor sector, and non-AFA catcher processor sector.

The Council received public testimony in October that neither BSAI Amendment 80 nor Amendment 85 prevents vessels with little to no history in the BSAI Pacific cod fishery from entering this fishery and eroding the Pacific cod allocation, as well as PSC, available to long-term participants. All of the $\geq 60'$ fixed gear sectors are required to qualify for a cod endorsement under BSAI Amendment 67 in order to participate in the directed BSAI Pacific cod fishery with fixed gear. Of the four trawl sectors, the AFA trawl sectors and the non-AFA trawl CP sector are subject to eligibility requirements via statute that strictly limit the vessels and/or license holders that may participate in those sectors. By contrast, eligibility to fish BSAI Pacific cod in Federal waters in the non-AFA trawl CV sector requires only an LLP with a BS/AI and trawl endorsement.

Upon receiving public testimony in October, the Council noticed the public that it would consider eligibility requirements for the trawl catcher vessel sector at the December Council meeting. The Council noted that interested public should consider landings and participation thresholds to propose in December for potential inclusion in the analysis. These requirements would represent thresholds to receive an endorsement to participate in the directed BSAI Pacific cod fishery as a

trawl catcher vessel, similar to the endorsement in place for the ≥60' fixed gear sectors. Both the trawl catcher processor and catcher vessel sectors were referenced at the October Council meeting, and limited data was requested on each sector.

Staff has provided a discussion paper for review at this meeting with LLP and Pacific cod harvest data related primarily to the AFA and non-AFA trawl CV sectors (Item C-4(a)(1)). The current suite of alternatives for BSAI Amendment 85 is provided as Attachment 1 to this paper. The discussion paper was also mailed to you on November 17.

Note that under § 303(b)(6) of the Magnuson-Stevens Act, a fishery management plan may establish a limited access system for the fishery in order to achieve optimum yield, provided the Council and the Secretary take into account:

- (A) present participation in the fishery,
- (B) historical fishing practices in, and dependence on, the fishery,
- (C) the economics of the fishery,
- (D) the capability of fishing vessels used in the fishery to engage in other fisheries,
- (E) the cultural and social framework relevant to the fishery and any affected fishing communities, and
- (F) any other relevant considerations.

NOAA GC has therefore noted that if the Council wishes to consider adopting eligibility requirements for the trawl catcher vessel sectors of the BSAI Pacific cod fishery, it should take the above factors into account.

The analysis supporting BSAI FMP Amendment 85 and regulatory amendments for this action is scheduled for Council initial review in February 2005, depending on data availability and other Council priorities. The Council's action at this December meeting is to review the discussion paper and take action as necessary.

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

Report of the Advisory Panel

The AP recommends that the Amendment 85 - BSAI Pacific Cod Sector Allocations be moved forward for initial review. The AP further recommends that BSAI cod trawl CV sector LLP endorsement eligibility criteria be developed in another amendment package that tracks, as much as possible, the staff analysis of Amendment 85.

The AP recommends that the BSAI cod trawl CV sector LLP license endorsement eligibility criteria amendment package incorporate the Amendment 85 problem statement and that the eligibility criteria options be limited, (in reference to table 2 on page three of staff's December 1, 2005 Amendment 85 discussion paper), to the four options of 1,000 mt. or less for the AFA trawl CV sector and to the six options of 1,000 mt. or less for the Non-AFA trawl CV sector

COUNCIL DISCUSSION/ACTION

[NOTE: Bill Tweit and Earl Krygier participated in this discussion for Dr. Koenings and Mr. Campbell, respectively.]

Arne Fuglvog moved that staff develop a BSAI cod trawl CV sector LLP license endorsement eligibility criteria amendment package. The motion was seconded by Eric Olson and carried without objection.

Mr. Fuglvog stressed that it would be his intent that this amendment would follow closely behind the development of BSAI Amendment 85, but not delay work on that amendment.

Arne Fuglvog moved that the Council set a control date of December 31, 2005 for participation in the BSAI Pacific cod fisheries. The control date is a notice to the public that participation after this date may not count for consideration of future allocation or eligibility. The motion was seconded by Bill Tweit and carried without objection.

Dave Benson noted that the motion is not gear specific in that it does not mention exemptions for small boats and could supersede previous exemptions. NOAA General Counsel John Lepore agreed with this observation.

John Bundy moved to approve the remainder of the Advisory Panel's recommendations—that the Council continue with Amendment 85 and that the new eligibility analysis would follow as closely as possible. Additionally, that the BSAI cod trawl CV sector LLP license endorsement eligibility criteria amendment package incorporate the Amendment 85 problem statement and that the eligibility criteria options be limited, (in reference to table 2 on page three of staff's December 1, 2005 Amendment 85 discussion paper), to the four options of 1,000 mt. or less for the AFA trawl CV sector and to the six options of 1,000 mt. or less for the Non-AFA trawl CV sector. The motion was seconded and carried without objection.

It was pointed out that portions of the problem statement for Amendment 85 may not be appropriate to the new analysis. Staff will come back with suggestions for revision. Until that time, the Problem Statement will be considered a draft.

After further discussion, **Dave Benson moved to reconsider the motion on the control date.** The motion to reconsider was seconded and carried without objection.

It was pointed out during a break that the fixed gear fishery in the BSAI is still open and setting the control date for the end of the year could encourage small vessels to pursue additional landings in risky weather conditions.

Dave Benson moved to amend the control date to the current date of December 11, 2005. The motion was seconded and carried without objection.

C-5 GOA Groundfish Rationalization

(a) Community Discussion Paper

ACTION REQUIRED

Review discussion paper on Gulf rationalization community programs and preliminary data; refine options as appropriate.

BACKGROUND

The Council's motion on Gulf of Alaska Rationalization currently includes two community programs: the Community Fisheries Quota (CFQ) Program and the Community Purchase Program (CPP). These programs are proposed for inclusion in either of the Council's primary Gulf rationalization action alternatives, and the Council could select one program or both (in combination) at final action. At its June 2005 meeting, the Council approved several changes to the options for both programs, the majority of which were recommended by the GOA Rationalization Community Committee. The June 2005 Council motion is provided as Item C-5(a)(1).

Note that as part of its June motion, the Council also requested that staff provide community groundfish catch data (excluding IFQ sablefish) at a subsequent Council meeting, and noticed the public that after reviewing the catch data, a minimum landing threshold may be added to the options to address community groundfish dependency. Staff developed a discussion paper, both to meet this request and provide an overview of some outstanding legal concerns regarding the CFQ Program, for review at this meeting. The purpose of this discussion paper is to:

- Provide a general overview of the proposed community programs under Gulf of Alaska Rationalization and their intended implementation;
- Outline NOAA General Counsel's legal concerns with the implementation of the CFQ Program and recommendations to mitigate those concerns; and
- Provide fisheries participation and socio-economic data on the communities potentially eligible for the programs, as requested by the Council in June 2005.

The discussion paper is provided as Item C-5(a)(2) and was mailed to you on November 17. Note that this item was scheduled for the October 2005 Council meeting, but there was not sufficient time available for Council review. The current suite of options for the GOA community programs, as revised in June 2005, is provided as Attachment 1 to the discussion paper. While no action is required at this meeting, the Council may take action as necessary. Specifically, the Council may choose to modify the options for the CFQ Program in order to mitigate the legal concerns outlined in the discussion paper. The Council also noticed the public in June that upon reviewing the community catch data, a minimum landing threshold may be added to the options to address community groundfish dependency in one or both programs.

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

Report of the Advisory Panel

(a) Community Measures

The AP recommends replacing the language in the first paragraph of the preamble to the Community Fisheries Quota (CFQ) program that reads "The CFQ program would allocate a percentage of the annual Federal TAC to an administrative entity that would subsequently determine how to use the annual harvest privileges according to criteria established in Federal regulation" with the following language:

The Community Fisheries Quota (CFQ) program would allocate groundfish quota (CFQ) to qualified applicants representing eligible Gulf communities, in order to use that allocation to provide benefits to communities.

The last two sentences of the paragraph would be deleted.

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The AP recommends adding a section to the CPP program that is the same as the “Harvesting of Shares” section (C1.7) of the CFQ program that would read:

Harvesting of CPP shares is limited to residents of any eligible community. The administrative entity may lease quota share to eligible community residents with vessels owned by, retained under a contractual arrangement with, or on which a community resident has an employment contract. However, residents of eligible communities located in a specific management area (WG,CG, WY) should receive priority over other qualified applicants in the leasing of community quota used in that specific management area.

The AP recommends that the words “Gulf (WG,CG, WY)” be inserted in the “Eligible Communities” sections of both the CFQ and CPP programs prior to use of the words “groundfish commercial permit and fishing activity.”

The AP recommends that, under the “Qualification of Administrative Entity” (C2.3) section of the CPP program, that options 2-5 of the “Administrative Oversight” (C1.14) of the CFQ program be incorporated. Under C2.4 “Administrative Oversight” the word “may” is replaced with “at a minimum.”

The AP also recommends that subsequent tables regarding community groundfish fishing history include the number of deliveries made by residents of the communities.

NOTE: COUNCIL DISCUSSION/ACTION ON ALL C-5 ISSUES WILL FOLLOW THE LAST ACTION MEMO, C-5(d).

(a) Alternatives/Options

ACTION REQUIRED

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-5(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 paper is the same as that paper presented to the Council at its October meeting, with some minor revisions based primarily on SSC comments.

The second paper (Item C-5(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. This paper is the same as the paper presented to the Council at its October meeting. Since that meeting, staff has continued to refine the data, and some revisions of these data for the Western and Central Gulf Pacific cod catch will be forthcoming.

The third paper (Item C-5(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. This paper is the same as the paper presented to the Council at its October meeting.

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 Advisory Panel

The AP recommends the Council adopt the following language:

A person who acquired an LLP license with GQP and EQP qualifications to remain in one or more GOA QS fisheries may obtain a distribution of QS for those fisheries based on the history of either (a) the vessel on which the replacement LLP is based prior to its transfer and any landings made on the vessel for which it was acquired subsequent to its transfer to that vessel, or (b) the vessel for which the LLP was acquired, NOT both. License transfers for the purposes of this provision must have occurred by June 1, 2005.

The AP also requests that the council direct staff to review the current Gulf Rationalization document and reformat the document so that each gear type is treated distinctively and each alternative is discussed as to whether or not it would apply to each gear type, a so-called "roadmap" to help all involved better understand the elements and options.

The AP recommends the inclusion of vessel use caps in Alternative 3 that are similar to the vessel use caps in Alternative 2 (Section 2.2.3.3.6 Option 2) –

Vessel use caps on harvest shares harvested on any given vessel shall be set at

- i. 100%
- ii. 150%
- iii. 200%

of the individual use cap for each species. Initial issues that exceed the individual or vessel use caps are grandfathered at their current level as of a control date of April 3, 2003, including transfers by contract entered into as of that date.

The AP recommends that the staff explore options for limitation of leasing or transfer within a co-op for alternative 3 that would be parallel to the alternative 2 leasing options. (2.2.3.3.5 "Leasing of QS outside of the co-op).

The AP recommends that staff explore, with industry, an option in Alternative 3 that would parallel or be the functional equivalent of the crew protections currently under consideration in Alternative 2. (2.2.8)

MINUTES
NPFMC
DECEMBER 2005

Staff would further explore, with industry, options for additional crew protections. (“Crew” would be based on a point system and would be limited to crew with substantial history on the vessel and/or in the fishery.)

The AP recommends the formation of a “crew protections” industry work group balanced with vessel owners, processors and crew with staff to fully develop crew provisions in the Gulf Rationalization package.

The AP recommends that under Alternative 2, 2.3.1.2:

- Delete the option of 1995-99
- Add the option of 1998-2003
- Add the option of 2000-2004
- Add the option of 1995-2003

Under Alternative 3, Alternative 3.3.5

- Add option c. (during the) last 4 years prior to 2004

The AP acknowledges that there are many additional issues raised by public testimony regarding the GOA rationalization package but that there was not adequate time in our agenda to address these issues. The AP would hope to spend substantial time on this agenda item at the next meeting.

NOTE: COUNCIL DISCUSSION/ACTION ON ALL C-5 ISSUES WILL FOLLOW THE LAST ACTION MEMO, C-5(d).

(c) *Crab and Salmon Bycatch*

ACTION REQUIRED

Review crab and salmon bycatch data, alternatives/options and take action as necessary.

BACKGROUND

The Council is considering bycatch reduction measures for crab and salmon species in the GOA groundfish fisheries as part of the comprehensive rationalization program for the GOA groundfish fisheries. The Council has approved draft alternatives for red king crab, *C. bairdi* Tanner crab, ‘other’ salmon and Chinook salmon species (Item C-5(c)(1)). In June 2005, the Council further refined these alternatives by revising the Tanner crab alternatives and providing staff clarifications for the analysis. A discussion paper (Item C-5(c)(2)) reviews available information on the bycatch of these salmon and crab species, management and relative abundance information for these species in the GOA, and a description of the current suite of alternatives under consideration by the Council.

At this meeting the Council may wish to further refine the existing suite of alternatives and provide clarifications as necessary.

Report of the Advisory Panel

The AP recommends that the Council move forward with analysis of additional bycatch controls for Tanner crab and Chinook salmon, but eliminate alternatives other than status quo (no additional bycatch controls) for red king crab and other salmon.

The AP notes that the analysis would be more relevant to future discussions with the inclusion of updated bycatch data. We request that tables and graphics be updated with the most recent data at the next review. Finally, the AP requests that spatial data showing bycatch hotspots be presented in a form to exhibit bycatch rates more specifically than the current quartile data shown.

NOTE: COUNCIL DISCUSSION/ACTION ON ALL C-5 ISSUES WILL FOLLOW THE LAST ACTION MEMO, C-5(d).

(d) Crew Information

ACTION REQUIRED

Review discussion paper on crew information.

BACKGROUND

In October, the Council requested staff to explore potential systems for the collection of detailed crew participation data and report back to the Council at its December meeting. NMFS and ADF&G, with input from the Council staff, collaborated on a discussion paper which will be presented by ADF&G staff at this meeting. The paper is attached as Item C-5(d)(1).

Report of the Advisory Panel

Recommendations of the Advisory Panel are included in their report on item C-5(b).

COUNCIL DISCUSSION/ACTION (on all C-5 issues)

[NOTE: Mr. Tweit participated in this discussion for Dr. Koenings.]

McKie Campbell provided a comprehensive 3-page motion for Council consideration (see the entire motion in Appendix V-1). The motion was seconded by Ed Rasmuson.

Ms. Madsen asked that NOAA General Counsel comment on the effect of the language in the motion relating to delegation of Secretarial authority to issue quota share, understanding that Federal regulations would be required to outline the criteria to be used for transfers of CFQ from the community administrative entity to an applicant, and providing an appeals process. Mr. Lepore (NOAA-GCAK) responded that the language in the motion is sufficient. The main concern is that identifiable standards for an appeal process are provided.

Ms. Salveson pointed out that the paragraph relating to a transfer provision is a decision point the Council will need to address at a later time and that she does not see a need for it in the preamble to the motion.

During discussion, the following amendments and clarifications were made to the main motion:

- **The second paragraph in the preamble, “It is not the council’s intent to force rationalization . . .” was stricken.** (motion by Tweit; second unidentified)
- **The third paragraph under “Community Measures.” beginning with, “The last two sentences of the paragraph would be deleted, and the following language added: . . .” was deleted and replaced with Section C1.7 (Harvesting Shares) found in Attachment 1 to the “Gulf of Alaska**

Rationalization Community Provisions” staff discussion paper attached to the Action Memo in the meeting notebook, with minor revisions. (motion by Salveson; second unidentified)

- **On page 2 of the motion, the third paragraph from the bottom, which begins “It is the council’s expectation that industry will propose options for additional crew protections. . .”. was deleted. The Council will explicitly state in the next Council newsletter the ADF&G and Council staff responsible for coordination with industry on options for additional crew protections.** (Bundy/Tweit)

A motion by Mr. Fuglvog to use compatible recency years for both harvesting and processor sectors failed, 8 to 3, with Fuglvog, Hoedel and Olson voting in favor of the amendment.

The main motion, as amended, carried without objection. The final motion is found in Appendix V-2 to these minutes.

D. FISHERY MANAGEMENT PLANS

D-1(a-b) Final Review – EA/GOA Specifications & SAFE Report

ACTION REQUIRED

- (a) **Final action to approve the EA/IRFA for BSAI and GOA Harvest Specifications for 2006-2007.**
- (b) **Approve GOA Final Stock Assessment and Fishery Evaluation (SAFE) report, and approve final GOA groundfish specifications for 2006 and 2007 including:**
 - 1. Acceptable Biological Catch (ABC), and annual Total Allowable Catch (TAC).**
 - 2. TAC considerations for the State Pacific cod fishery.**
 - 3. Prohibited Species Catch Limits.**

BACKGROUND

At this meeting, the Council makes final recommendations on groundfish and bycatch specifications as listed above to manage the 2006 and 2007 Gulf of Alaska (GOA) groundfish fisheries.

TAC Specifications EA

The Environmental Assessment (EA) and Initial Regulatory Flexibility Analysis (IRFA) for the BSAI and GOA harvest specifications were mailed to you on November 25th. This document analyzes the potential impacts of the 2006-2007 harvest specifications for the groundfish fisheries of the BSAI and GOA. NMFS staff will review the structure of the analysis and the analytical findings. Final action to approve this annual analysis will occur at this meeting in conjunction with the specifications process.

GOA SAFE Document

The groundfish Plan Teams met in Seattle November 14-18 to prepare the final SAFE reports and to review the status of groundfish stocks. The GOA SAFE report forms the basis for the recommended GOA groundfish specifications for the 2006 and 2007 fishing years. Note that there are three volumes to the SAFE report: a stock assessment volume, a fishery evaluation volume ("economic SAFE"), and an ecosystems considerations volume. These three volumes, together with the BSAI SAFE, are incorporated into the Environmental Assessment for the 2006 and 2007 groundfish total allowable catch specifications. The SAFE reports and the EA were mailed to you November 25th. The Joint Plan Team and GOA Plan Team minutes are attached as Items D-1(b)(1) and D-1(b)(2), respectively.

Two year OFL and ABC Determinations

Amendment 48 to the GOA groundfish FMP made two significant changes with respect to the stock assessment process. First, since new data during years when no groundfish surveys are conducted are limited, annual assessments are no longer required for long-lived GOA species. These species include the rockfishes, flatfishes, and Atka mackerel. However, because a GOA groundfish survey was conducted in 2005, full assessments for all species are presented in this year's SAFE report. The second significant change is that the proposed and final specifications can be specified for a period of up to two years. This requires providing ABC and OFL levels for 2006 and 2007. The projection model was modified this year to better accommodate likely mortalities for future OFL and ABC calculations.

In September of this year, preliminary projections of ABC and OFL for 2006 and 2007 were made on the basis of last year's stock assessments. In this SAFE report, the Plan Team has revised most of those projections. Such revisions are typically due to the development of new models; collection of new catch, survey, age composition, or size composition data; or use of new methodology for recommending ABC.

ABCs, TACs, and Apportionments

At this meeting, the Council will establish final catch specifications for the 2006 and 2007 fisheries. The SSC and AP recommendations will be provided to the Council during the meeting. Item D-1(b)(3) lists the 2005 specifications and catch (through November 6, 2005) and GOA Plan Team recommendations for OFLs and ABCs for 2006 and 2007. The sum of the GOA Plan Team's recommended ABCs for 2006 is 512,125 mt. The sum of the ABCs decreased 5% compared with last year. The ABC levels increased in Pacific cod (+37%), deep water flatfish (+27%), other slope rockfish (+6%), Pacific ocean perch (+5%), shortraker rockfish (+12%), pelagic shelf rockfish (+19%), thornyhead rockfish (+14%), Atka mackerel (+683%), longnose skates (+3%) and other skates (+22%). The species with ABCs that declined relative to 2005 are pollock (-6%), sablefish (-7%), rex sole (-27%), shallow water flatfish (-1%), flathead sole (-16%), arrowtooth flounder (-18%), rougheye rockfish (-2%), and Big skates (-11%).

The abundances of Pacific cod, Dover sole, flathead sole, arrowtooth flounder, Pacific ocean perch, rougheye rockfish, northern rockfish, and dusky rockfish are above target stock size. The abundances of pollock and sablefish are below target stock size. The relative abundances of other deep-water flatfish, shallow-water flatfish, rex sole, shortraker rockfish, demersal shelf rockfish, other pelagic shelf rockfish, other slope rockfish, thornyhead rockfish, Atka mackerel, and skates are unknown. None of the groundfish stocks are overfished nor are they approaching an overfished condition.

In June of 2005, the Council took final action to implement a calculation change to the other species complex in the GOA under amendment 69 to the GOA FMP. The 5% TAC calculation was modified such that the Council may recommend a TAC at or below 5% of the sum of the target species TACs during the annual specifications process. The Council's intent was to establish a TAC level which would meet incidental catch needs in other directed fisheries with the potential to establish this TAC at a higher level, which could allow for directed fishing on the complex (but still

be placed low enough to prevent excessive harvest of a single targeted species or on the complex as a whole). This interim measure is intended to provide additional flexibility in responding to potential conservation concerns as they arise, until more comprehensive management changes can be made to the other species complex (i.e., analysis of individual species level assessments).

The regulations to promulgate this amendment are anticipated to be finalized by June of 2006. Thus, during this specifications process, the Council will recommend a TAC level for the other species complex at or below 5% of the sum of the target groundfish TACs. Once the regulations for amendment 69 are finalized, the other species TAC recommended by the Council at this meeting will supersede the current other species TAC established as 5% in regulations. In order to provide the Council information to establish a TAC for the other species complex, the Plan Team discussed the incidental catch needs for directed fisheries. Information regarding these incidental catch needs is contained in the summary section of the introduction to the GOA SAFE Report.

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. The relative percentage in the Central GOA was increased by the Board of Fisheries (in March 2005) from 24.25% in 2004 to 25%. Using the area apportionments of the 2006 and 2007 P. cod ABC recommended by the Plan Team, 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) (mt).

Specifications	Western	Central	Eastern	Total
ABC	31,051	43,790	4,777	79,618
State GHL	7,763	10,948	478	19,189
(%)	25	25	10	24.1
Federal TAC	23,288	32,842	4,299	60,429

Proposed 2007 Gulf of Alaska Pacific cod ABCs, TACs and state Guideline Harvest Levels (GHLs) (mt).

Specifications	Western	Central	Eastern	Total
ABC	19,292	27,206	2,968	49,466
State GHL	4,823	6,802	297	11,922
(%)	25	25	10	24.1
Federal TAC	14,469	20,404	2,671	37,544

Given the concerns noted in the SAFE Report summary regarding yield stability in 2006 and 2007 for Pacific cod, the Plan Team recommended that TAC be set below the recommended ABC (prior to the deduction for the state GHL).

Prohibited Species Catch Limits

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 shown below.

GOA Pacific halibut PSC Limits

2006 Trawl		2006 Hook and Line		
Jan 20 - Apr 1	550 mt	1st trimester	Jan 1 - Jun 10	250 mt
Apr 1 - Jul 1	400 mt	2nd trimester	Jun 10 - Sep 1	5 mt
Jul 1 - Sep 1	600 mt	3rd trimester	Sept 1 - Dec 31	35 mt
Sept 1 - Oct 1	150 mt			
Oct 1 - Dec 31	300 mt	DSR	Jan 1 - Dec 31	10 mt
TOTAL	2,000 mt			300 mt

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

Report of the Scientific and Statistical Committee

The SSC received a review of the EA for TAC setting and acknowledged that the document provides a comprehensive review of the impacts for TAC setting. The SSC noted that the projections could be improved by involving stock assessment authors earlier in the process to reduce the need for changes in September. The SSC also requested documentation of changes in forecasts of OFLs and ABCs over time as they change throughout the two-year harvest specification cycle. Additionally, the SSC provided the authors of the EA with several editorial comments and suggestions for future EAs for TAC setting. Please see the SSC Minutes, Appendix II to these minutes, for those suggestions.

With regard to the SAFE report for final groundfish specifications for both the GOA and BSAI, the SSC's minutes reflect several general comments applicable to both reports. (See the SSC Minutes, as noted above.) The SSC commended the authors and teams on the overall excellent improvements and quality of this year's SAFEs.

The SSC agreed with the Plan Team's recommendations for the Gulf of Alaska groundfish specifications for 2006 and 2007, with the exception of Pacific cod. While the SSC endorses the use of the new modeling software, it was noted that the Pacific cod assessment is a substantial revision of previously used assessments. The SSC disagreed with the use of maximum permissible ABC because of the SSC's conservation concerns. The SSC did not feel comfortable with the large implied increase in fishing mortality because of some concerns over the new maturity schedule, and therefore recommended using a stair-step approach and setting the ABC for 2006 at 68,895 metric tons. As an ad-hoc measure, the SSC recommended ABC and OFL levels for 2007 of 49,466 metric tons, and 59,100 metric tons, respectively, as recommended by the Plan Team, while realizing that these will be reviewed and updated in 2006.

Report of the Advisory Panel

The AP recommends the 2006 and 2007 GOA final specifications TAC is equal to ABC for all stocks with the following exceptions:

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- The P.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
- Atka mackerel GOA wide TAC = 1500 MT
- 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 recommends the halibut PSC apportionments, as listed in the action memo should be established for 2006-2007.

Further, the AP recommends that when GOA amendment 69 becomes final, the 2006 and 2007 other species TAC be set at 4500mt.

The AP recommends the Council approve the GOA SAFE report.

COUNCIL DISCUSSION/ACTION

[NOTE: Mr. Tweit and Mr. Krygier participated in this discussion for Dr. Koenings and Mr. Campbell, respectively.]

The Council received a detailed report on Gulf of Alaska groundfish stocks from Dr. Jim Ianelli, Alaska Fisheries Science Center.

Ed Rasmuson moved to approve the recommendations of the Advisory Panel. The motion was seconded and carried without objection.

D-1(c) Review/Approve BSAI SAFE and Groundfish Specifications

ACTION REQUIRED

Final action to approve the BSAI Stock Assessment and Fishery Evaluation (SAFE) report, and approve final BSAI groundfish specifications for 2006 and 2007:

1. **Acceptable Biological Catch (ABC), and annual Total Allowable Catch (TAC);**
2. **Bycatch allowances and seasonal apportionments of Pacific halibut, red king crab, Tanner crab, opilio crab, and herring to target fishery (PSC) categories; and**
3. **Approve halibut discard mortality rates for 2006 and 2007 CDQ groundfish fisheries.**

BACKGROUND

At this meeting, the Council makes final recommendations on groundfish and bycatch specifications as listed above to manage the 2006 and 2007 Bering Sea/Aleutian Islands (BSAI) groundfish fisheries.

BSAI SAFE Document The BSAI Groundfish Plan Team met in Seattle on November 14-18, 2005 to prepare the final BSAI SAFE Report. This SAFE report forms the basis for BSAI groundfish specifications for the 2006 and 2007 fishing years. The BSAI SAFE report, along with the GOA SAFE Report, the Economic SAFE report, and an Ecosystems Considerations report are incorporated into the Environmental Assessment for the 2006 and 2007 Groundfish Specifications. These documents were mailed to the Council in late November. SSC and AP recommendations will be provided to the Council during the meeting.

Amendment 48 to the BSAI Groundfish FMP made two significant changes with respect to the stock assessment process. The first significant change has to do with assessments of BSAI rockfish. Because these assessments are dependent largely on data from the EBS slope survey and the Aleutian Islands shelf survey and because these surveys are currently conducted only in even-numbered years, few new data for the BSAI rockfish assessments become available during odd-numbered years. Therefore, SAFE chapters pertaining to BSAI rockfish will not include full updates during odd-numbered years (such as this one).

The second significant change is that recommendations for ABC and OFL are required for each of the next two years (Item D-1(c)(1)). In September, preliminary projections of ABC and OFL for 2006 and 2007 were made on the basis of last year's stock assessments (Item D-1(c)(2)). In this SAFE report, the Plan Team has revised most of those projections. Such revisions are typically due to the development of new models; collection of new catch, survey, age composition, or size composition data; or use of new methodology for recommending ABC.

ABCs, TACs, and Apportionments At this meeting, the Council will establish final catch specifications for the 2006 and 2007 fisheries. The BSAI Groundfish Plan Team recommended overfishing levels (OFLs) and Allowable Biological Catches (ABCs) for 2006 and 2007. The sum of the recommended ABCs for 2006 is 3,057,104 mt, approximately 12,300 mt above the sum of the 2005 ABCs. This is about 1.1 million mt above the 2 million mt cap employed by the Council as a conservation measure. Overall, the status of the stocks continues to appear favorable, although some stocks are declining due to poor recruitment in recent years. Total biomass for 2006 (17.4 million mt) is roughly equal to last year's estimate.

The 2005 bottom trawl survey estimated a *pollock* biomass of 5,130,000 mt, up 37% from the 2004 estimate. This is due in part to an increase in the estimated strength of the 2000 year class. All other year classes spawned after 1996 appear weaker than average, except for an average 1999 year class. For many years, the Aleutian Islands (AI) pollock stock has lacked an age-structured model and the SSC has determined that the stock qualified for management under Tier 5. An age-structured model for the AI pollock stock, which was introduced in 2004, has not been adopted to assess this stock. Last year, the SSC determined that Bogoslof pollock qualified for management under Tier 5. Continued management of both stocks under Tier 5 would be a precautionary alternative because the maximum permissible ABC under Tier 5 is lower than the maximum permissible ABC under Tier 3 for any of the models presented.

This year's EBS shelf bottom trawl survey resulted in a *Pacific cod* biomass estimate of 604,000 mt, nearly the same as the 2004 estimate and near the minimum for the time series (534,000 mt). Abundance is projected to continue to decrease during 2006-2009 because recent (2001-2004) recruitments are below average. The present assessment is a substantial revision of last year's assessment, incorporating new assessment software and a new maturity-at-length schedule. As a result, the authors have significantly improved the Pacific cod assessment these last two years and reduced some of the uncertainties.

Sablefish spawning biomass is projected to remain stable from 2005 to 2006. The 1997 and 2000 year classes appear to be important parts of the total biomass and together are projected to account for 38% of 2006 spawning biomass. The 1998 year class, once expected to be strong, appears average. A 5-year exponential weighting of longline survey relative abundance has been used to apportion the combined 2006 ABC among regions, resulting in increased apportionments to the EBS and AI.

The *yellowfin sole* stock, is predicted to be fairly stable or decrease slightly in the near future due to below average recruitment in the last 5 years. *Greenland turbot* continues to be the only flatfish species that remains low in abundance compared to 1970 levels. As in previous years, the Plan Team and authors acknowledged large uncertainties in the assessment and recommended the

ABC be set at a value less than the maximum permissible. Both the EBS and AI *arrowtooth flounder* biomass estimates are peaking. There is no directed fishery and the stock continues to have a high discard rate (>60%). This year's assessment acknowledges that two species of rock sole, northern and southern, inhabit the Bering Sea. Northern rock sole are dominant. This year's EBS bottom trawl survey resulted in a combined biomass estimate of 1,489,000 t, compared to last year's estimate of 1,376,000 t, an increase of 8%. Despite this, as several other flatfish stocks, the rock sole stock is expected to decline due to the low recruitment in the last decade. However, good recruitment in 2001 and 2002 should increase the stock biomass at the beginning of the next decade. Trawl survey biomass estimates for *Atka mackerel* have increased for the last three surveys with four back-to-back years of above-average recruitment (1998-2001 year classes). None of the groundfish stocks are overfished or approaching an overfished condition.

Last year, NMFS staff reported that it could not immediately separate individual species from assemblage management. In November, the Plan Team did not recommend further separation of ABCs between the Bering Sea and Aleutian Islands, but scheduled a discussion of this issue for September 2006. When setting TACs to not exceed the 2 million mt cap, the Council also may wish to consider that the 2005 catch exceeded TAC for five categories: EBS pollock and BSAI yellowfin sole, arrowtooth flounder, Alaska plaice, and other flatfish. Catches totaled 97 percent of the OY cap.

Adopt Prohibited Species Catch limits of Pacific halibut, crab, and herring

Halibut Trawl Fisheries: A 3,675 mt limit on halibut mortality has been established for trawl gear. This limit can be apportioned to the trawl fishery categories as shown in the adjacent box. The trawl halibut PSC mortality cap for Pacific cod is limited to 1,600 mt.

Halibut Fixed Gear Fisheries: A 900 mt non-trawl gear halibut mortality can be apportioned to the fishery categories listed in the adjacent box. The hook-and-line halibut PSC mortality cap for Pacific cod is capped at 900 mt. Item D-1(c)(3) lists the 2005 PSC allocations and seasonal apportionments for the trawl and non-trawl fisheries. Item D-1(c)(4) summarizes PSC bycatch accounting for BSAI CDQ and non-CDQ fisheries.

Categories used for prohibited species catch (PSC)

Trawl fisheries

1. Greenland turbot, arrowtooth flounder and sablefish
2. rock sole and "other flatfish"
3. yellowfin sole
4. rockfish
5. Pacific cod
6. pollock, Atka mackerel and "other species"

Non-trawl fisheries

1. Pacific cod
2. other non-trawl (longline sablefish and rockfish, and jig gear)
3. groundfish pot (exempt in recent years)

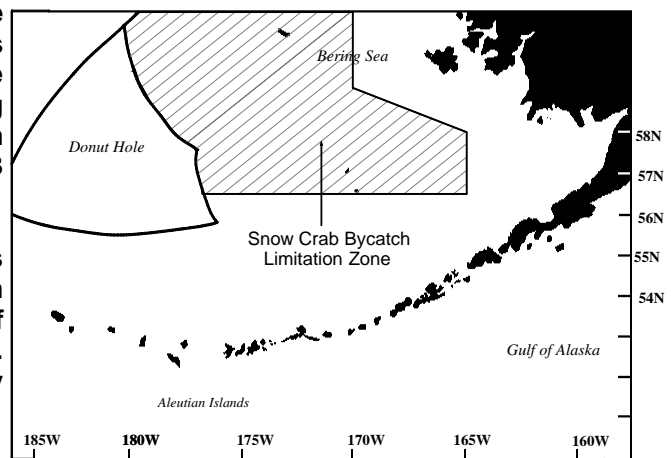
Crab: Prescribed bottom trawl fisheries in specific areas are closed when PSC limits of *C. bairdi* Tanner crab, *C. opilio* crab, and red king crab are taken. A stair step procedure for determining PSC limits for red king crab taken in Zone 1 trawl fisheries based on abundance of Bristol Bay red king crab as shown in the adjacent table was implemented in 1997. In 1999, red king crab bycatch was reduced by an additional 3,000 crabs. Based on the 2005 estimate of effective spawning biomass (68 million pounds), the PSC limit for 2006 is 197,000 red king crabs. The regulations also specify that up to 35% of the PSC apportioned to the rock sole fishery can be used in the 56° - 56°10'N strip of the Red King Crab Savings Area. The red king crab cap has generally been allocated among the pollock/mackerel/other species, Pacific cod, rock sole, and yellowfin sole fisheries. Once a fishery exceeds its red king crab PSC limit, Zone 1 is closed to that fishery for the remainder of the year, unless further allocated by season.

PSC limits for red king crab and <i>C. bairdi</i> Tanner crab			
Species	Zone	Crab Abundance	PSC Limit
Red King Crab	Zone 1	< threshold or 14.5 million lb effective spawning biomass (ESB)	33,000
		> threshold, but < 55 million lb of ESB	97,000
		> 55 million lb of ESB	197,000
Tanner Crab	Zone 1	0-150 million crabs	0.5% of abundance
		150-270 million crabs	750,000
		270-400 million crabs	850,000
		> 400 million crabs	1,000,000
Tanner Crab	Zone 2	0-175 million crabs	1.2% of abundance
		175-290 million crabs	2,100,000
		290-400 million crabs	2,550,000
		> 400 million crabs	3,000,000

Since 1997, PSC limits for *bairdi* in Zones 1 and 2 have been based on total abundance of *bairdi* crab as indicated by the NMFS trawl survey. Based on 2005 abundance (763 million crabs), and an additional reduction implemented in 1999, the PSC limit for *C. bairdi* in 2006 will be 980,000 (1,000,000 minus 20,000) *bairdi* crabs in Zone 1 and 2,970,000 (3,000,000 minus 30,000) crabs in Zone 2.

In 1998, PSC limits for snow crab (*C. opilio*) are based on total abundance of *opilio* crab as indicated by the NMFS standard trawl survey. The snow crab PSC cap is set at 0.1133% of the Bering Sea snow crab abundance index, with a minimum PSC of 4.5 million snow crab and a maximum of 13 million snow crab.

This number was further reduced by 150,000 crabs in 1999. The 2003 survey estimate of 2.63 billion crabs resulted in a 2004 *opilio* crab PSC limit of 4,350,000 snow crabs (4,500,000 minus 150,000). Results of the 2004 survey will be provided by NMFS staff during the meeting.



Location of the *C. opilio* bycatch limitation zone

Snow crab taken within the “Snow Crab Bycatch Limitation Zone” accrue towards the PSC limits established for individual trawl fisheries. Upon attainment of a snow crab PSC limit apportioned to a particular trawl target fishery, that fishery is prohibited from fishing within the snow crab zone.

Herring: The overall herring PSC bycatch cap is set at 1 percent of the EBS biomass of herring. This cap is apportioned to the same six PSC fishery categories listed above, plus a seventh

group, mid-water pollock. Assessments for herring are still in progress. ADF&G staff will provide a revised herring biomass estimate prior to Council action.

Seasonal Apportionment of bycatch limits The Council may also seasonally apportion the bycatch allowances. Regulations require that seasonal apportionments of bycatch allowances be based on information listed in the adjacent box.

Halibut Discard Mortality Rates Following a schedule adopted by the Council in 2000, halibut bycatch mortality in the 2004-2006 open access fisheries is managed using long-term mean discard mortality rates (DMRs) (Item D-1(c)(5)), so no changes are scheduled for 2006. For CDQ fisheries, International Pacific Halibut Commission staff continue to recommend annually revised halibut DMRs.

The IPHC staff recommendations for the 2006 CDQ fisheries are based on the data collected from the following CDQ target fisheries in 2004: hook-&-line fisheries for Pacific cod and turbot; trawl fisheries for pollock, yellowfin sole, rockfish, and Atka mackerel; and pot fishing for cod and sablefish. The new mean rates differ very little from rates used in 2005. The analysis recommends using the open access DMRs in other CDQ target fisheries. Further, the 2006 rates should be used for proposed rates for 2007, until IPHC staff provides recommendations for 2007 next year.

Factors to be considered for seasonal apportionments of bycatch allowances.

1. Seasonal distribution of prohibited species;
2. Seasonal distribution of target groundfish species relative to prohibited species distribution;
3. Expected prohibited species bycatch needs on a seasonal basis relevant to change in prohibited species biomass and expected catches of target groundfish species;
4. Expected variations in bycatch rates throughout the fishing year;
5. Expected changes in directed groundfish fishing seasons;
6. Expected start of fishing efforts; and
7. Economic effects of establishing seasonal prohibited species apportionments on segments of the target groundfish industry.

Minutes from the BSAI Groundfish Plan Team meeting are attached as Item D-1(c)(6).

Recommendations for Preseason Assumed DMRs for monitoring halibut bycatch mortality in 2006 CDQ fisheries.		
Gear/Target	Used in 2005	2006 Recommendation
<i>CDQ Trawl</i>		
Atka mackerel	85	86
Bottom pollock	85	85
Flathead sole	67 ^a	67 ^a
Pelagic pollock	90	89
Rockfish	74 ^a	74 ^a
Yellowfin sole	84	85
<i>CDQ Longline</i>		
Pacific cod	10	10
Turbot	15 ^a	15 ^a
<i>CDQ Pot</i>		
Pacific cod	8 ^a	8 ^a
Sablefish	33	30
^a Open access fishery DMRs.		

Report of the Scientific and Statistical Committee

For Bering Sea/Aleutian groundfish species, the SSC concurred with Plan Team recommendations for ABC and OFLs, with the exception of Bogoslof pollock and ‘other species’. For Bogoslof District pollock, the SSC recommended an ABC of 5,500 mt for 2006 and 2007 using the same approach as last year based on Tier 5 and a biomass target of 2 million mt. Regarding OFL, the SSC agreed with the Plan Team recommendation of 56,000 mt for 2006 and 2007.

With regard to ‘other species,’ while the SSC agreed with the Plan Team that reliable biomass estimates exist for skates and sculpins, the SSC does not agree that reliable biomass estimates exist for sharks and octopuses. Therefore, the SSC recommended the same method used last year for calculating the other species specifications as sums of Tier 5 calculations for skates and sculpins and Tier 6 calculations for sharks and octopuses. On this basis, the SSC recommended setting the other species ABC as 58,882 mt and the OFL as 89,404 mt for 2006. For 2007, the SSC recommended the ABC value of 62,950 mt, with the OFL remaining at the 2006 level.

The SSC also provided comments on each of the species addressed in the SAFE document, as well as providing comments and suggestions to the authors of that report and the authors of the Ecosystem SAFE. Please see the SSC Minutes, Appendix II to these minutes, for detailed comments.

Report of the Advisory Panel

The AP recommend that the Council take final action to approve the 2006/2007 BSAI/GOA EA/IRFA and 2006 BSAI final SAFE report

Additionally, the AP recommended the Council take final action to approve the final BSAI Groundfish Specifications for 2006/2007 OFL and ABC as recommended by the plan team and modified by the SSC and as contained in D-1(c)(1) and the 2006/2007 TACs as presented in the attached table (see AP Minutes, Appendix III to these minutes for the tables).

Further, the AP recommended the Council approve gear shares and seasonal allocation for the BSAI Pacific Cod ITAC as presented in D-1(c)(3) and the PSC bycatch allowances as noted in Table 7 with changes noted for herring and opilio crab.

The AP recommended that the Council approve the halibut discard mortality rates for the 2006-2007 CDQ fisheries as indicated in D-1(c)(5) and rollover the 2005 discard mortality rates for the 2006/2007 for the GOA and BSAI non-CDQ fisheries.

The AP recommended that the AI pollock CDQ be rolled over to the Bering Sea on or before March 1.

The AP recommended that the Council task staff with exploring options for amending the sablefish formula in the BSAI to allow flexibility in the fixed gear/trawl split to allow for maximizing catch in IFQ and CDQ fixed gear fisheries without stranding fish.

COUNCIL DISCUSSION/ACTION

[NOTE: Mr. Tweit and Mr. Krygier participated in this discussion for Dr. Koenings and Mr. Campbell, respectively.]

The Council received a detailed report on the status of stocks from Dr. Loh-lee Low, Alaska Fisheries Science Center.

Dave Benson moved to approve the recommendations of the Advisory Panel with regard to 2006/07 ABCs, OFLs, and TAC, gear shares and seasonal allocation for the BSAI Pacific cod ITAC, PSC bycatch allowances, the 2006-2007 halibut discard mortality rates for the 2006/2007 CDQ fisheries, rollover of the 2005 discard mortality rates for the 2006/2007 GOA and BSAI non-CDQ fisheries, as well as approval of the BSAI/GOA EA/IRFA, and the 2006 BSAI final SAFE report. [The motion did not include the last two AP recommendations relating to AI Pollock CDQ and amending the sablefish formula in the BSAI.] The motion was seconded by Eric Olson and carried without objection. It was noted that there was a slight error in the tables provided by the Advisory Panel which will be corrected in the final motion. The final GOA/BSAI groundfish specifications for 2006/07 are found in Appendix VI to these minutes.

In support of the motion Mr. Fuglvog pointed out for the record that the EA/IRFA represents the most current scientific information and that all the TACs are below ABC and the ABC is well below OY and biomass. He stressed that the Council's overall approach for setting the 2006/07 groundfish harvest specifications are sufficiently conservative and that the impacts have been adequately analyzed.

Dave Benson recognized the plan team scientists for the great work that they've been doing and advances they are making on ecosystem considerations.

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

ACTION REQUIRED

Receive revised 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. An earlier start date for the "A" season would give more flexibility to the fleet in harvesting pollock with higher quality roe and thus market a more economically valuable product. At its October 2005 meeting, the Council received a discussion paper that examined the various potential issues associated with starting the BSAI pollock "A" season fishery 5 days earlier, and the Council received public comments. The Council developed a problem statement and three alternatives, and asked staff to revise the discussion paper. The Council also asked NMFS to review the proposed alternatives to determine if they might trigger the need for formal Section 7 consultation under the Endangered Species Act.

Staff has updated the discussion paper, and NMFS has provided an analysis of the alternatives and has concluded that any of those alternatives likely would require reinitiation of formal consultation. The NMFS response is attached as Item D-1(d)(1) and the revised discussion paper is attached as Item D-1(d)(2). NMFS and Council staff will be available to answer questions.

Report of the Scientific and Statistical Committee

Based on knowledge of the timing of weaning and the reproductive energetics of adult females, the SSC does not feel that a 5-day advance in the start of the 'A' season is likely to be detrimental to Steller sea lions. Originally, the January 20 opening date was set to allow flexibility in harvesting pollock during the peak roe season. With the implementation of the AFA and the end of the 'race for fish', the SSC does not see a need for industry to have the later starting date. The SSC provided analysts with suggestions for the analysis, including expanding the economic analysis of the earlier season given various assumptions about improved roe quality, and an expansion of the economic analysis to consider potential spillover effects on other fisheries and the costs and feasibility of changes in monitoring and enforcement.

The SSC also noted the concern that any change in the 'A' season start date could trigger a formal Section 7 consultation under the EPA, and cautioned that because of regime shifts, changes in the environment, and changes in the distribution of stocks, extreme care should be exercised in the motivation and structuring of future RPAs and other regulations.

Report of the Advisory Panel

The AP recommended that the Council take no further action on the BSAI pollock A season start date at this time.

[NOTE: Mr. Tweit and Mr. Krygier participated in this discussion for Dr. Koenings and Mr. Campbell, respectively.]

Ed Rasmuson moved to approve the AP recommendation to take no further action at this time. The motion was seconded and carried without objection.

The Council decided to address this proposal within the broader FMP-level consultation process.

Dave Benson asked that the SSC's comments relating to structuring future RPAs and regulatory actions be taken into consideration during the Section 7 consultation process.

D-1(e) BS Habitat Conservation/EFH

ACTION REQUIRED:

- a) Discuss alternatives and problem statement for Bering Sea habitat conservation.
- b) Update on gear research.

BACKGROUND:

- a) Discuss alternatives and problem statement for Bering Sea habitat conservation

In February, 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 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.

In October, the Advisory Panel discussed the Bering Sea habitat conservation issue. The AP recommended that the Council adopt the following 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.

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***
- 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.

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

b) Update on cooperative project for gear modifications

In its final action on the EFH EIS, the Council recommended that gear modifications be explored to mitigate seafloor effects of fishing in the Bering Sea. The AFSC's Conservation Engineering project and a group of Bering Sea bottom-trawl catcher-processors have responded by initiating a cooperative project to develop and test such modifications. Field work in Fall of 2005 showed no consequential changes to catch rates of deepwater flatfish when disks were added on the trawl sweeps at 30 foot intervals. Preliminary review of acoustic images taken during the research this fall suggests that these modifications successfully raised most of the length of the sweeps off of the seafloor. This decreased contact is expected to reduce damage to the typical kinds of sessile invertebrates found on the Bering Sea shelf that provide structure on sand and mud seafloor habitats. Researchers are developing video and acoustic tools for research in 2006 to make more definitive assessments of the reduction of trawl effects (attached as Item D-1(e)(3)). Dr. Craig Rose (AFSC) will be on hand to present his findings.

Report of the Scientific and Statistical Committee

The SSC expressed some concern that the former Alternative 5, with rotation between adjacent zones, may not accomplish the intended results, as was also suggested in previous analyses of that alternative in the EFH EIS. There could be unintended consequences associated with this particular alternative. The SSC provided several other comments for consideration by the analysts, but noted that the SSC sees considerable merit in focusing effort on gear modification as an important approach to protecting essential fish habitat.

Report of the Advisory Panel

The AP reiterated its October 2005 recommendation regarding Bering Sea habitat conservation:

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.

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*
- 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

[NOTE: Mr. Tweit and Mr. Krygier participated in this discussion for Dr. Koenings and Mr. Campbell, respectively.]

The Council received staff reports on research for the development of trawl modifications to reduce seafloor effects on the Bering Sea shelf from Craig Rose, AFSC.

Earl Krygier provided a written motion:

Revised 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~~ as alternatives 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.

Alternatives:

The Council requests that staff develop a suite of draft alternatives for review. Bering Sea alternatives 4 and 5A from the previous EIS should be retained with the following modifications:

- 1. Exclude the rotations in the area-based measures**
- 2. Analyze the alternative on gear modification, with consideration of recent work by Dr. Rose**
- 3. Incorporate locations of recent bottom trawl effort in the development of the open areas-alternative.**

Further, the Council directs staff to develop a discussion paper to evaluate the need for possible protection measures for St. Matthew blue king crab and Eastern Bering Sea snow crab. Elements of the paper would address the distribution of St. Matthew blue king crab and snow crab in the Eastern Bering Sea, including any information of the location of egg-bearing females, post-larval distribution and historical trawl effort in those areas.

The motion was seconded by Dave Benson and, after discussion, carried without objection.

With regard to the discussion paper requested to evaluate possible protection measures for St. Matthew blue king crab and Eastern Bering Sea snow crab, it was clarified that this would be a parallel action/discussion, but not part of the actual amendment package at this point.

D-1(f) BSAI Salmon Bycatch Alternatives/Options

ACTION REQUIRED

Review BSAI salmon bycatch alternatives/options for closure areas. Receive update on 2005 Bering Sea salmon bycatch and ESA consultation.

Receive progress report on the salmon excluder exempted fishing permit (SSC only).

BACKGROUND

Review BSAI salmon bycatch alternatives/options for closure areas

In October 2005, the Council took final action on Amendment 84, which will exempt vessels participating in a voluntary rolling hot spot (VRHS) system from regulatory salmon savings area closures. Regulations to promulgate this exemption are anticipated to be in place by August 1, 2006. In conjunction with this action, the Council revised the problem statement and draft suite of alternatives for the next phase of the salmon bycatch analysis. The Council motion from October 2005 is attached as Item D-1(f)(1). The Council also requested clarification regarding any regulatory constraints with these draft alternatives. Clarifications on the notice and comment requirements under the Administrative Procedures Act (APA) have been provided by NMFS and NOAA General Counsel and are attached as Item D-1(f)(2). A discussion paper which reviews the existing problem statement, suite of alternatives and discusses the analytical requirements, necessary clarifications and timeline for analysis of these alternatives, is attached as Item D-1(f)(3). Given this information the Council may wish to revise the alternatives as well as establish a time line and prioritization for this analysis.

Update on 2005 Bering Sea salmon bycatch and ESA consultation

Bycatch of salmon in 2005 continues to be elevated. As of November 26, 2005 a total of 69,865 Chinook salmon had been taken in the Bering Sea pollock trawl fishery (including CDQ). This is in excess of the approved Incidental Take Statement (ITS) from the 1999 Biological Opinion (upheld in the 2000 Biological Opinion). Non-Chinook bycatch (primarily chum salmon) also continues to be elevated. As of November 26, 2005, total non-Chinook bycatch was 712,454 salmon (including CDQ). This represents the highest historical amount of non-Chinook bycatch. Of this amount, 53,793 salmon were taken within the CVOA during the accounting period.

The AK Region SF Division will be continuing the ESA-listed salmon consultation with the NW Region PR Division. This consultation is a continuation of the reinitiating of consultation in 2004, which was triggered by exceeding the BSAI Chinook salmon ITS. The ITS was again exceeded in 2005, and the Council has taken further action to reduce salmon bycatch through proposed Amendment 84 to the groundfish fishery management plan for the BSAI. The AK Region will consult with the NW Region on the latest salmon bycatch information, coded-wire and high seas tag studies, ESUs of listed salmon, Amendment 84, and any necessary revisions to the ITS. ESA determinations by the NW Region for Amendment 84 are scheduled to be completed in late spring/early summer to allow for final rule implementation before the Chum Salmon Savings Area closure date of August 1.

Receive updated report on progress with the salmon excluder exempted fishing permit (SSC only)

The exempted fishing permit holders (John Gauvin and John Gruver) along with Dr. Craig Rose wish to make a brief presentation to the SSC following the recent completion of the latest stage of their research on salmon excluders. The purpose is to get the SSC's input on the quantitative and statistical methods the EFP holders and Dr. Rose plan to use to evaluate the results of the test made on the C/P Arctic Fjord. The Arctic Fjord test relied on a comparison of salmon and pollock catch rates between pairs of tows (with and without the excluder) to determine the performance of the excluder. These testing methods are a departure from their previous salmon excluder tests which relied on a recapture device. The researchers are also seeking the SSC's guidance concerning possible adjustments to the experimental design for future testing. The exempted permit holders will then present their results to the NPFMC in February of 2006 upon completion of their data analysis.

Report of the Scientific and Statistical Committee

The SSC commented on two issues: Analysis of a bycatch cap and data requirements for setting the cap, and analysis to evaluate the effectiveness of the voluntary rolling hot spot (VRHS) closure system versus the current or alternative approaches.

Regarding the cap, merits of alternative methods could be examined during the proposed salmon workshop in April 2006. The SSC felt that evaluation of the effectiveness of the VRHS program would be difficult unless some vessels were allowed into the closed area on an experimental basis. Some measure of effectiveness could be developed by examining bycatch rates in the closure area just before closure and outside the closure area just after closure. Also, annual maps of Pollock catch and salmon bycatch could reveal patterns. The SSC referred to their June 2005 minutes for additional suggestions on this issue.

Report of the Advisory Panel

AP recommends the Council request staff to proceed with analysis of Package B-1 and then B-2, in that priority, with the following changes:

Package B-1

Change "annual" to "periodic" in Option A, Delete Option B

Package B-2

Add "Option C. Either Option A or Option B for each AFA pollock sector."

Add two options to Suboption 1, so that suboption 1 reads:

Implement the individual vessel salmon bycatch accountability program:

Option A: immediately, if it was determined to be more effective in reducing salmon bycatch than the VRHS system.

Option B: after 3 years if it is determined the VRHS system has failed to achieve the desired level of bycatch reduction.

COUNCIL DISCUSSION/ACTION

[NOTE: Mr. Tweit and Mr. Krygier participated in this discussion for Dr. Koenings and Mr. Campbell, respectively. Mr. Rasmuson was absent.]

Arne Fuglvog moved to approve the recommendations of the Advisory Panel. The motion was seconded by Eric Olson and carried without objection.

There was discussion regarding the deletion of Option B – to adjust the regulatory closure areas at least once in-season based on the best bycatch information available-- and changing Option A to adjust the closures ‘periodically’ instead of annually. Ms. Salveson indicated that the motion should provide the necessary latitude for making adjustments on a case-by-case basis. The agency can also use emergency rules if it became necessary. When the analysis is drafted, the Council may choose to reconsider the alternatives if further in-season regulatory options are deemed necessary.

D-2 Ecosystem Approach

ACTION REQUIRED

Report from interagency meeting and discussion of AI FEP

BACKGROUND

Report from Federal-State-Council meeting on an Aleutian Islands Ecosystem Forum

In accordance with the Council’s direction, the Council chair and staff continue to explore the creation of an Aleutian Islands Ecosystem Forum (AIEF) with interested Federal and State agencies. A meeting bringing together these various agencies for discussion of the AIEF proposal was held on November 16, 2005. The meeting agenda and proposal are attached as Item D-2(1). A draft summary of the meeting is attached as Item D-2(2).

The idea for the AIEF evolved from national and agency initiatives for improving management of ocean ecosystems. Through its Ecosystem Committee, the Council has been exploring various ways for the Council to respond to the directives of the President’s Ocean Action Plan and the goals of NOAA’s strategic plan, and in June 2005, the Council chose to move forward with exploring a regional ecosystem collaboration for the Aleutian Islands.

The Council chair and staff met with NOAA Fisheries and the State of Alaska’s Subcabinet on Ocean Policy in June and August, and generally agreed to the Council’s preliminary preferred collaborative structure. This preferred structure would bring together Federal, State, and local agencies with jurisdiction over activities affecting the Aleutian Islands ecosystem area in a forum intended to enhance coordination and collaboration among the various participants. The forum would not have any management authority or jurisdiction.

As a next step to developing the concept, the three entities hosted a Federal-State-Council meeting to determine whether other Federal agencies would be interested in participating. Given the voluntary nature of this initiative, willing participation and allocation of resources is necessary for the endeavor to have utility and merit.

On the whole, agency representatives at the meeting found appeal in an opportunity to increase agency information-sharing and coordination. Much of the discussion focused on the importance of clarifying expectations among participants and the public regarding the function and purpose of an AIEF, and ensuring that an Ecosystem Forum would not duplicate existing collaborations. A

Steering Committee of six members, including the Council Chair, Ms. Madsen, and the current NOAA representative, Ms. Salveson (or Mr. Kurland as designee for the Steering Committee), has been created to further develop these and other issues. Their findings will be reported back to the group at a subsequent Federal-State-Council meeting, which is scheduled to take place in late February or March.

Aleutian Islands Fishery Ecosystem Plan (AI FEP)

The Council is considering ecosystem-based area-specific management in the form of an Aleutian Islands Fishery Ecosystem Plan for the AI 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.

At its October meeting, the SSC recommended certain changes to the purpose statement in order to reflect the aggregate, cumulative emphasis of the FEP. The SSC's minutes are attached as Item D-2(3).

A revised discussion paper, attached as Item D-2(4), provides a skeletal approach to a FEP for the Aleutian Islands. The Ecosystem Committee is scheduled to review the discussion paper at their meeting on December 6, 2005, as requested by the Council. Recommendations of the Committee will be available at the meeting.

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

Report of the Advisory Panel

The AP recommended that the Council's Ecosystem Committee, when considering ecosystem collaboration for a specific geographical area, include representation from the people that live and/or work in the geographical area.

COUNCIL DISCUSSION/ACTION

There was no Council action required on this issue at this meeting.

Mr. Bundy asked how the inter-agency collaboration discussions will interact with Council discussions and deliberations. Ms. Madsen noted that the Council previously had discussed holding an inter-agency workshop but have held off on that pending further discussions with other agencies. The steering committee's challenge is to determine how all these agencies could interact while retaining their own authorities. There was concern on the part of some agencies about public involvement on the committee

because of the possibility that such a position could be used for special consideration for particular segments of the industry.

With regard to the AP's recommendation to expand the Ecosystem Committee, the Council indicated that there is ample opportunity for all sectors to comment at the AP and Council meetings and expansion of the committee is not necessary at this point. If it becomes obvious that additional representation on the Committee is necessary, the Council will re-address the issue.

D-3 Staff Tasking

ACTION REQUIRED

- (a) Review tasking and committees and provide direction.
- (b) Review discussion paper to change MRA for the non-AFA CP fleet.
- (c) VMS discussion.

BACKGROUND

- (a) Review tasking and committees and provide direction

The list of Council committees is attached as Item D-3(a)(1). Item D-3(a)(2) is the three meeting outlook, and Item D-3(a)(3) and Item D-3(a)(4) are the summary of current projects, timelines, and tasking. The Council may wish to discuss tasking priorities to address previously tasked projects that have not yet been initiated , and additions discussed at this meeting, given resources necessary to complete existing priority projects.

In June 2004, the Council developed a workplan to bring groundfish management in line with its revised management policy (adopted as part of the PGSEIS). 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-3(a)(5).

- (b) Discussion paper to change the MRA for the non-AFA CP fleet

In October, the Council requested that NMFS prepare a discussion paper on changing the maximum retainable allowance (MRA) enforcement period. A discussion paper is attached as Item D-3(b). NMFS staff will be on hand to report their findings.

- (c) VMS analysis

In June, the Council requested that NMFS develop an analysis and alternatives to address VMS application in GOA and BSAI fisheries. As a first step in this analysis, NMFS staff has prepared a draft purpose and need statement and alternatives for consideration by the Council (see attached Item D-3(c)). NMFS staff will be available to discuss the proposed alternatives.

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

Report of the Advisory Panel

VMS

The AP felt the definition of “operating” is overly broad in the strawman VMS alternatives and suggested that the analysis be limited to vessels with an FFP or IFQ permit. The focus should be on enforcing federal fishing regulations for vessels which participate in those fisheries.

In addition, the analysis should include options for funding such a mandate.

MRA

The AP recommends that the Council move ahead with analysis of a change in the BSAI MRA enforcement period from instantaneous to an offload basis for Amendment 80 allocated species (Atka mackerel, AI POP, yellowfin sole, rock sole, flathead sole) and flatfish species with the exception of Greenland turbot.

Report of the Enforcement Committee

VMS

The Committee reviewed the discussion paper provided by NOAA fisheries staff outlining a draft purpose and need statement and draft alternatives for expanding VMS requirements. The Committee recommended proceeding with the analysis but suggested modifying the structure of Alternatives 5 and 2 to provide clarity in the intent and application. (Specific recommendations for wording are provided in the Enforcement Committee Report, Appendix VII to these minutes.

The Committee also recommended that the analysis include discussion of enhanced VMS application, i.e., its ability to provide not only location information, but other information important to enforcement and management such as vessel speed, gear deployment, etc., which could also be useful for scientific applications.

MRA Adjustment

The Committee reviewed the discussion paper which outlined the implications of an adjustment to the calculation of maximum retainable amounts, which has been proposed to allow non-AFA trawl catcher processors an enhanced opportunity to increase retention of catch and reduce regulatory discards. The Enforcement Committee noted that the current MRA application likely provides a better deterrent with regard to indirect targeting of certain species and that if the Council decides to move forward with the proposal, the Committee believes that the management concerns could be addressed to some degree by applying the change only to some species while maintaining status quo for other species of concern.

COUNCIL DISCUSSION/ACTION

[NOTE: Mr. Tweit sat in for Dr. Koenings for these discussions. Mr. Rasmuson was absent.]

Chris Oliver reviewed agenda issues scheduled for the February and April Council meetings and ongoing and planned staff projects.

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With regard to BSAI Amendment 71, scheduled for review in April, it was noted that if legislation is passed by the February meeting, that the issue would be brought to the Council's attention for discussion. Sue Salveson also noted that there has been discussion of delaying further action on Amendment 71 until the June meeting because of staff tasking priorities and the uncertainty surrounding possible legislation.

Committees

Ms. Madsen noted that she is working to finalize the revised Steller Sea Lion Mitigation Committee, and make changes to the Observer Committee by the end of the year. There will be a notice in the newsletter requesting nominations for the Halibut IFQ Charter GHL Committee. It was noted that the name of that particular committee might better reflect all options, perhaps a 'Charter Stakeholder Committee.' It was also pointed out that the current GHL Committee still has work to do until Council takes action on the GHL management measures.

MRA Adjustment

The Council received a review of the MRA discussion paper from Andy Smoker, NMFS. It was clarified that this proposal refers only to Amendment 80 species in the Bering Sea.

With regard to the recommendations of the Advisory Panel, it was pointed out that action may not be necessary once the Council acts on Amendment 80. Council members felt that it may be a better use of staff time to wait until the February meeting to consider action on a MRA adjustment.

Sue Salveson moved to delay consideration of analysis of alternatives for MRA adjustments until the February Council meeting. The motion was seconded and carried, with Tweit objecting.

Mr. Tweit noted that he did not feel comfortable suggesting to industry that the Council would consider its own solutions before those contributed by industry.

Proposal for State Pacific cod fishery in the Aleutians

Ed Dersham, ADF&G and Mel Morris, Alaska Board of Fisheries member, briefed the Council on the current Board proposal to consider approval of a Pacific cod fishery in State waters in the Aleutian Islands. The proposal calls for allocation of three percent of the BSAI Pacific cod ABC for a State water fishery west of 170 degree West longitude. The proposal includes trip limits, vessel and gear restrictions, and would comply with current Federal Steller sea lion protection measures.

The Council expressed several concerns, including how the proposed fishery might affect the current ABC for Pacific cod in the BSAI, whether it might trigger a formal ESA Section 7 consultation, and how halibut bycatch would be handled. Mr. Campbell assured the Council that the concerns expressed by Council members will be relayed to the Board.

Roy Hyder moved to request staff to prepare a discussion paper highlighting Council concerns to submit to the Board of Fisheries before its January 2006 meeting, and to request the Board to delay action until March on the proposal to allow an opportunity for further review and discussion between the Board and the Council. The motion was seconded by Arne Fuglvog.

It was pointed out that there may be a problem in asking the Board to postpone action until the March meeting because the State indicated it was hoping to open the State water fishery on March 15. Mr. Campbell noted that there is an additional concern because the allocation between the Bering Sea and

Aleutian Islands is not split, so it could be possible that by the time the State fishery was opened, the Bering Sea fishery may have already taken all the available TAC.

The motion carried with Mr. Campbell objecting.

BSAI Pacific Cod Trawl CV Eligibility

Arne Fuglvog clarified that the intent of the motion to begin analysis to determine whether to consider cod license endorsement requirements for the trawl catcher vessel sectors should not interfere on the continuing work on the Pacific cod sector allocation issue.

VMS

CDR Cerne proposed the following motion with regard to changes in the VMS regulations:

Purpose and Need

The need is:

The broader application of VMS to meet the increasing management, enforcement, monitoring, scientific, and safety issues caused by the development of additional spatial/temporal fishing boundaries, rationalization programs, and other evolving management and enforcement requirements.

The purposes are:

- 1) To ensure/maximize the viability of the management, monitoring, and enforcement of additional spatial/temporal fishing boundaries and rationalization programs in the most cost-effective and efficient manner possible.**
- 2) To enhance the scientific understanding of the impact of fishing activity on the marine environment in the most cost-effective and efficient manner possible.**
- 3) To permit more cost-effective and productive use of observers.**
- 4) To increase the safety of fishing operations.**

Alternatives

- 1 No action alternative**
- 2 Require a transmitting VMS on any vessel with any federal fishing permit, including an IFQ permit, when it is operating. A transmitting VMS would also be required on any other commercial fishing vessel that operates in the EEZ, when it is operating. A vessel would be operating any time it is not in port. If the vessel is in port, the vessel would be operating during the transfer of fish, fish products, or fishing gear.**

Option: Vessels are subject to the requirements of Alternative 2, except that they are not required to have a transmitting VMS when operating in a state managed fishery in state waters, or in international waters, unless a transmitting VMS is required under SSL or crab rationalization programs.

Option: Vessels not required to have a federal fishing permit would not be required to have a transmitting VMS on board if the vessel operator: (a) transits the EEZ with their fishing gear stowed, and (b) notifies the USCG and NOAA OLE of their intent to simply transit the EEZ (a new checkin/checkout requirement).

- 3 Alternative (3) imposes the same requirement as Alternative (2), except that vessels under a certain length would be exempted. Options include (1) under 25 feet LOA, (2) under 30 feet, (3) under 32 feet.
- 4 Alternative (4) imposes the same requirement as Alternative (2), except that it allows for phased implementation. Phased implementation: vessels over 32 feet required to have VMS in 2007, vessels equal to or less than 32 feet LOA in 2008.

In addition, the analysis should include a discussion of options for federal funding of VMS.

The motion was seconded by McKie Campbell.

Arne Fuglvog moved to amend to include within Alternative 2 of the motion a portion of the previous Alternative 5: Vessels that are subject to the requirements of Alternative 2, except that it allows for an exemption from the VMS requirement to vessels whose only Federal fishing permit is an IFQ permit and fish in State waters.

The motion was seconded by Doug Hoedel. Mr. Fuglvog recognized that the Enforcement Committee may have concerns over this particular exemption, but felt it important that it be included for analysis and public comment.

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

Mr. Fuglvog also had some comments for the analysts for restructuring the analysis, including that some of the options could be stand-alone alternatives. He also stressed that the analysis should include existing VMS requirements for comparison purposes.

BSAI Sablefish

Arne Fuglvog moved to approve the Advisory Panel recommendation to task staff to explore options for amending the sablefish formula in the BSAI to allow flexibility in the fixed gear/rawl split to allow for maximizing catch in IFQ and CDQ fixed gear fisheries without stranding fish. The motion was seconded and carried without objection.

There was no priority attached to the timing of this analysis; it is to be added to the tasking list for later discussion as to priority.

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SSC/AP Appointments

The Chair announced the following SSC and AP appointments:

SSC. The 14 current members of the SSC were reappointed, with one change. Steve Parker from the Oregon Department of Fish and Wildlife will serve as a replacement for David Sampson, who will continue as an alternate.

AP. The Council reappointed all AP members for 3-year terms, with the exception of John Bruce, David Fraser, and Jeff Stephan. Three new members were appointed Lisa Butzner, Robert Gunderson, and Lori Swanson.

ADJOURNMENT

Council Chair Stephanie Madsen adjourned the meeting at approximately 12:20 p.m. on Tuesday, December 13, 2005.

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North Pacific Fishery Management Council
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Anchorage Hilton Hotel
Anchorage, Alaska

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APPENDICES:

- I. Persons Giving Public Comment
- II. Draft Minutes of the Scientific and Statistical Committee
- III. Draft Minutes of the Advisory Panel
- IV-1. Original Motion – BSAI Amendment 71
- IV-2. Substitute Motion – BSAI Amendment 71
- IV-3. Final Action – CDQ Reserves & BSAI Amendment 71
- V-1. Original Motion – GOA Groundfish Rationalization
- V-2. Final Motion – GOA Groundfish Rationalization
- VI. Final GOA/BSAI Groundfish Specifications – 2006/07
- VII. Enforcement Committee Report