

North Pacific Fishery Management Council

David Benton, Chairman
Chris Oliver, Acting Executive Director



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Certified _____
David Benton, Chairman

Date _____

MINUTES

149th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
February 7-11, 2001
Anchorage, Alaska

The North Pacific Fishery Management Council met February 7-11, 2001 at the Hilton Hotel in Anchorage, Alaska. The Scientific and Statistical Committee met February 5-7, and the Advisory Panel met February 5-8, at the same location. The following members of the Council, staff, SSC and AP attended the meetings.

Council

David Benton, Chairman
Dennis Austin for Jeff Koenings
Jim Balsiger
RADM T. Barrett/CAPT V. O'Shea
Linda Behnken
John Bundy
Anthony DeGange for David Allen

Bob Mace (Vice Chair) for J. Greer
Kevin Duffy for Frank Rue
David Fluharty
Dave Hanson
Kevin O'Leary
Robert Penney
H. Robin Samuelsen, Jr. (Feb. 9-11)

NPFMC Staff

Chris Oliver, Acting Executive Director
Darrell Brannan
Cathy Coon
Jane DiCosimo
Elaine Dinneford
Nicole Kimball

Diane Provost
Maria Tsu
David Witherell
Helen Allen
Gail Bendixen

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Support Staff

Lisa Lindeman, NOAA-GCAK
Lauren Smoker, NOAA-GCAK
Sue Salveson, NMFS-AKR
Earl Krygier, ADFG
Jay Ginter, NMFS-AKR
Herman Savikko, ADFG
Bill Donaldson, ADFG
Jeff Passer, NMFS-Enforcement
Jim Hale, NMFS-AKR
Tamra Faris, NMFS-AKR

Ann Hollowed, NMFS-AFSC
Chris Wilson, NMFS-AFSC
Doug Demaster, NMFS-NMML
Shane Capron, NMFS-AKR
Michael Payne, NMFS-PRD
Richard Hannon, USFW
Phil Smith, NMFS-RAM Div.
Doug Vincent-Lang, ADFG
Scott Meyer, ADFG

Scientific and Statistical Committee

Richard Marasco, Chair
Steve Berkeley
Keith Criddle
Doug Eggers
Steve Hare
Sue Hills

Jack Tagart, Vice Chair
Jeff Hartman
Dan Kimura
Seth Macinko
Terry Quinn
Al Tyler

Advisory Panel

John Bruce Chairman
Ragnar Alstrom
Dave Benson
Dave Boisseau
Al Burch
Craig Cross
Kim Dietrich
Ben Ellis

Stephanie Madsen, Vice Chair
Dan Falvey
Duncan Fields
Arne Fuglvog
Dave Fraser
John Henderschedt
Spike Jones
Hazel Nelson

Kris Norosz
Michelle Ridgway
Jeff Steele
Jeff Stephan
Bob Ward
Lyle Yeck

Other Attendees

The following people signed the attendance register:

Arni Thomson
Jeff Stephan
Heather McCarty
Steve Grabacki
Scott Newlun
John Iani
Jim McManus
Steve Hughes

Ken Tippet
Frank Kely
Glenn Reed
Simeon Swetozof, Jr.
Phillip Lestenkof
Thorn Smith
Gerry Merrigan
Shari Gross

Al Burch
Rick Koso
Joe Plesha
Joe Childers
Joe Sullivan
Craig Cross
Brent Paine

A list of those who provided public comment during the meeting is found in Appendix I to these minutes.

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

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Chairman David Benton called the meeting to order at approximately 8:15 a.m. on Wednesday, February 7, 2001. Robin Samuelsen was only able to attend February 9-11 because of a family emergency.

Agenda. The agenda was approved as submitted.

Minutes of October 2000 Meeting: The minutes of the October 2000 meeting were approved as submitted.

Other Business: In executive session, the Council approved the appointment of Drs. Mark Herrmann, University of Alaska Fairbanks, and George Hunt, Jr., University of California-Davis, to the SSC.

B. REPORTS

Chris Oliver gave the Executive Director's report (B-1), and the Council received reports on State fisheries issues (B-2), NMFS fisheries management (B-3), and NMFS and Coast Guard enforcement and surveillance reports (B-4). The Council also received a report on the final rule for Eider critical habitat from the U.S. Fish & Wildlife Service, and a report from the International Pacific Halibut Commission on their recent annual meeting.

DISCUSSIONS/ACTION RESULTING FROM REPORTS

Executive Director's Report. Regarding a request from the Pew Foundation for input on a report on fishery management successes, Council members instructed the Acting Executive Director to respond and provide information as requested. The IPHC will be consulted regarding the halibut fisheries. Council members discussed a recent OpEd article in the Seattle Times authored by a Pew Foundation staff member, which Council members felt was based on poor information. Although it was suggested that the Council provide their own response to the editorial, the Council instead instructed the Acting Executive Director to provide a copy of the Council's report to the Foundation to the author of the article.

"Safe Zone". During public comment, Tom Casey requested that the Council reconsider its new policy of restricting the area behind the Council table to Council members and staff. The Council did not discuss this specific request, but clarified that media photographers may set up cameras in the area, but that reporters must abide by the new rule of no access behind the tables.

NMFS Management Report. Linda Behnken pointed out that federal regulations requiring full retention of demersal shelf rockfish are not yet implemented while the State does require full retention. She suggested that NMFS should endeavor to get the word out to the industry, possibly with the IFQ permit mailing, to clarify current regulations. Ms. Behnken also suggested that enforcement give some thought as to how they will handle a situation in which a person in a federal fishery chooses to retain DSR in compliance with Council intent, even though the regulations are not yet in force.

Kevin O'Leary asked the Council to reaffirm that halibut PSC be apportioned to reflect the proportional catch of Pacific cod in the longline fisheries. This subject was addressed under agenda item D-1.

Sue Salveson reviewed a January 31 letter from Regional Administrator Jim Balsiger advising that the Council's HAPC amendment may not accomplish Council goals because it would only control federally-licensed vessels. NMFS provided the Council with some options to consider that might more fully accomplish the Council's objectives. One suggestion was that the Council request the State of Alaska to prohibit commercial harvests of those species in the EEZ outside of State waters because under current regulations the State has the authority to regulate vessels in federal waters, even in vessels are not registered by the State, in the event that those species are not managed under an FMP.

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Linda Behnken moved to send a letter to the Board and ask if they would consider taking action to accomplish this and, if so, what their timeline would be. The issue would then be postponed until the April meeting for further Council discussion, or June, if necessary. The motion was seconded by Dave Fluharty and carried without objection.

Earl Krygier pointed out that the Board may not be able to take up this request until their October worksession.

Coast Guard Report. Dennis Austin requested that the Coast Guard provide an annual enforcement report during the Council's joint meeting with the Alaska Board of Fisheries each year.

Marine Research. In December the Council had discussed the need to form a committee to track research within various agencies and educational institutions with regard to Steller sea lion research. Since then, a 5-member Executive Committee has been designated for the North Pacific Research Board. Because that committee will include Jim Balsiger, Kevin Duffy, Dave Benton, the executive director of the Alaska SeaLife Center, and an industry representative for the North Pacific, the Council decided there was no longer a need to form a separate Council committee.

FORMAT FOR COUNCIL MEETING MINUTES

Each agenda item requiring Council action will begin with a copy of the original "**Action Memo**" from the Council meeting notebook. This will provide an "historical" background leading up to the current action. This section will be set in a different type than the actual minutes. Any attachments referred to in the Action Memo will not be attached to the minutes, but will be part of the meeting record and available from the Council office on request. Following the Action Memo will be the **reports** of the Scientific and Statistical Committee, Advisory panel, and any other relevant committee or workgroup on the subject. Last will be a section describing Council **Discussion and Action**, if any.

C. NEW OR CONTINUING BUSINESS

C-1 Halibut Charterboat Management

ACTION REQUIRED

Initial review of analysis for a proposed individual fishing quota program for the halibut charter fleet.

BACKGROUND

At this meeting, the Council will review a draft analysis that analyzes the impacts of including the charter sector in the existing halibut individual fishing quota (IFQ) program. It is the most recent in numerous steps the Council has examined for managing the halibut charter fishery since 1993 when the Council first identified that an open-ended reallocation from the commercial to charter sectors was a problem in managing the halibut fisheries. Other measures include additional recordkeeping and reporting requirements (logbook requirements implemented by the Alaska Board of Fisheries beginning in 1998), local area management plans (implemented for Sitka Sound in 1999), control dates to notify the public of possible limited entry in the charter sector, vessel or charter operator moratorium (rejected by the Council in 1997 and 2000, partly due to lack of individual records), and a guideline harvest level and accompanying management measures to constrain angler harvest on charter vessels in Areas 2C and 3A (approved by the Council in February 2000 and currently under NMFS review).

The Council adopted the following problem statement for this analysis.

The Pacific halibut resource is fully utilized. The NPFMC recently adopted a GHL to resolve allocation issues between the guided sport sector and other users of the halibut resource. Upon adoption by the Secretary of Commerce, the GHL will stop the open-ended reallocation between commercial and guided sport fishermen, address a number of conservation concerns, and provide a measure of stability to the halibut fishery. Guided sport IFQs will address problems related to overcapitalization in the guided sport sector. Extending the existing halibut quota share program to include the guided sport sector, with provisions to recognize the unique nature of the guided sport sector, will resolve future allocation conflicts between the commercial and guided sport sectors, and provide access opportunities for halibut fishermen, processors and consumers.

The Council included an option within the halibut charter IFQ analysis to set aside ½ - 2½ percent of the combined halibut charter and commercial quota in Areas 2C and 3A for Gulf of Alaska coastal communities. Several additional goals of the community set-aside (CSA) program are incorporated in the Council's problem statement as listed below. This analysis addresses only:

- (1) *whether* to set-aside quota for Gulf communities,
- (2) the *magnitude* of the set-aside, and
- (3) the *source* of the set-aside quota (charter and/or commercial).

National Standard 8 of the Magnuson-Stevens Act directs that "conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to: (a) provide for the sustained participation of such communities, and (b) to the extent practicable, minimize adverse economic impacts in such communities." Although the halibut IFQ program was developed under the Halibut Act, which does not require consistency with all of the Magnuson-Stevens' national standards, the Council believes Congress clearly intended that the Council consider the impacts of all its management measures, including halibut management regulations, on fisheries-dependent communities. The current halibut and sablefish IFQ management structure, despite its many benefits, was not designed to provide transferable quota shares to halibut charter fishermen to provide community development opportunities. As the Council considers modifying the current IFQ management structure to include quota share allocations to halibut charter fisheries, adverse economic impacts on fisheries-dependent coastal communities in the Gulf of Alaska may occur in communities which receive insufficient initial quota share and may further limit economic development opportunities in halibut charter businesses for residents of these communities. In pursuing a CSA program, the Council seeks to:

- a) remove an economic barrier for residents of underdeveloped communities to participate in the halibut charter industry;
- b) provide for sustained participation in the charter industry;
- c) increase geographical diversity of charter operations;
- d) reduce the potential for localized depletion; and
- e) foster economic development and stability in these communities.

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At final action for the GHL analysis in February 2000, the Council did not adopt a proposed moratorium for the halibut charter fleet. Insufficient data on the number of and harvest by individual operators limited the Council's ability to determine an appropriate preferred alternative at the time. The decision of whether to base a moratorium on vessels or operators is among the most critical, in terms of granting permits to the appropriate recipients and minimizing disruption to the charter fleet in the initial allocation of permits. In many cases the current owner of a particular qualifying vessel may not be the individual owner associated with the vessel's qualifying catch history. The analysis also concluded that the 1998 licensed charter fleet had a harvest capacity well above the current harvest level, and even the currently active fleet is probably not operating at its maximum capacity.

Instead, it approved the halibut charter GHL described above and the following motion:

“ . . . the Halibut Charter IFQ Committee (will) develop elements and options for Council review in October 2000 and final action scheduled for February 2001, and that staff also provide an analysis at that time for a possible moratorium for Areas 2C and 3A.”

Staff is requesting guidance from the Council on how it wishes to proceed with consideration of a moratorium for the charter fleet in April 2001. The moratorium alternatives identified in the GHL analysis may no longer be appropriate given the Council's new problem statement and improved data. The data contained in this analysis may be sufficient to choose a preferred (vessel or operator) moratorium alternative if the Council adds this issue to this analysis prior to final action. Alternatively, it could initiate a separate analysis.

The executive summary is attached as Item C-1(a). It includes a more detailed history and discussion of the problem and analytical conclusions of the impacts on commercial, charter, and private fishermen, commercial and sport processors, and communities under the suite of more than 60 issues and options for both the overall proposed charter IFQ program and the option for including communities as initial issues,. Both the IFQ Implementation Committee and Halibut Charter IFQ Committees are scheduled to meet this week to provide recommendations on the analysis. Those minutes will be distributed at the meeting. The alternatives included in this analysis are:

Alternative 1. Status quo.

Alternative 2. Include the halibut charter sector in the existing halibut IFQ program.

Issue 1. Initial QS may be based on:

Option 1. 14.11% in Area 3A and 13.05% in Area 2C of a combined charter and commercial quota

Option 2. 12.26% in Area 3A and 13.32% in Area 2C of a combined charter and commercial quota

Suboption: 50 % of an individual's QS initial issuance would be fixed and the remaining 50% would float with abundance.

Moratorium alternative in the GHL analysis

Years of participation

- Option 1: 1995, 1996, + 1997 IPHC licenses and 1998 logbook
- Option 2: 2 of 3 years (1995-97), + 1998 logbook
- Option 3: 1 of 3 (1995-97), + 1998 logbook
- Option 4: license or logbook in any one year (1995-98)

Owner vs Vessel

- Option 1: owner/operator or lessee of the charter vessel/business that fished during the eligibility period
 - Option 2: vessel
-

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- Issue 2.** Initial allocation of QS would be issued to U.S. citizens or to U.S. companies on the following basis:
U.S. ownership based on: a) 51% ownership; b) 75% ownership
- Option 1.** Charter vessel owner - person who owns the charterboat and charterboat business
Option 2. Bare vessel lessee - person that leases a vessel and controls its use as a charterboat for this fishery. May operate the vessel or may hire a captain/skipper. Lessee determines when the vessel sails and by whom captained
- Issue 3.** Qualification Criteria
- Option 1.** Initial issues who carried clients in 1998 and 1999 and who submitted ADFG logbooks for an active vessel (as received by ADFG by February 12, 2000)
Option 2. Initial issues who carried clients in 1998 or 1999 and who submitted ADFG logbooks for an active vessel (as received by ADFG by February 12, 2000)
Option 3. Initial issues who carried clients prior to June 24, 1998 and who submitted at least one ADFG logbook for an active vessel (as received by ADFG by February 12, 2000)
Option 4. Initial issues who carried clients four out of five years between 1995-1999 as evidenced by IPHC, CFEC, and ADFG business and guide documentation for 1995-99 and submitted logbooks for an active vessel in 1998 and 1999
Option 5. Initial issues who carried clients four out of five years between 1995-1999 as evidenced by IPHC, CFEC and ADFG business and guide documentation for 1995-99 and submitted logbooks for an active vessel for either 1998 or 1999
- Issue 4.** Distribution of QS may be based on:
- Option 1.** 70% of 1998 and 1999 logbook average with an additional 10% added for each year of operation 1995-97 (longevity reward). The balance could then be re-issued to the whole group of participants
- Option 2.** Modified Kodiak proposal: 5-30% for A, 33% for B, 37-62% for C
- Part A:** each individual gets an equal percentage of the qualified pool as identified by the Council's final action.
- Part B:** each individual's average 98/99 logbook harvest as percentage of overall harvest is multiplied by 33% of the qualified pool.
- Part C:** one point for each year of participation during 1995-99.
- Suboption:** Base distribution for the preferred option on both total catch retained and caught and released
- Issue 5.** Transferability of QS (permanent) and IFQs (on annual basis [leasing])
- Option 1. Nature of Charter Quota Share:**
- * Leasable
 - * Non-leasable
- Suboption:** Allow grandfather provisions to initial recipients to use hired skippers similar to the halibut sablefish IFQ program
- Option 2. Transfer of QS (permanent) and/or IFQs (leasing):**
- a) prohibit transfers between charter and commercial sectors
 - b) allow transfers between charter and commercial sectors
- 1. 1-yr one way transfer from commercial to charter
 - 2. 3-yr one way transfer from commercial to charter
 - 3. two-way (between commercial and charter sectors).

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Suboptions under Options b (1-3):

1. Designate QS pool into two classes for transfer from charter to commercial sector: transferable (25%) and non-transferable (75%) pools on an individual's basis
2. Cap the percentage of annual IFQ transfers (de facto leasing) between sectors not to exceed 25% of total IFQs and a range of 0-10% of IFQs per year from charter to commercial.
3. on percentage of annual QS transfers between sectors not to exceed 25% of total QS and a range of between 0-10% of QS per year from charter to commercial.
4. A range of 0-10% leasing of Charter IFQ to charter from charter for the first 3 years

Option 3. Block restrictions

- b) any initially issued (i.e., unblocked) charter QS once transferred to commercial sector shall be:
 1. blocked
 2. blocked up to the limits of the commercial sweep-up and block limits
- c) allow splitting of commercial blocks to transfer a smaller piece to the charter sector
- d) allow splitting of commercial blocks once transferred to the charter sector

Option 4. Vessel class restrictions

- a) from A, B, C, and/or D commercial vessel category sizes to charter sector
 1. Leasable
 2. Non-leasable
- b) from charter to commercial:
 1. D category only
 2. C and D category only
 3. B, C, and D category
- c) initial transfer from undesignated charter to a particular commercial vessel category locks in at that commercial category

Option 5. One transfer of QS/IFQ each year between sectors for each QS holder

Option 6. Minimum size of transfer is range of 20-72 fish

Issue 6. To receive halibut QS and IFQ by transfer:

Option 1. For the charter sector, must be either

- a) a initial charter issuee or
- b) qualified as defined by State of Alaska requirements for registered guides or businesses*

Suboption: and hold a USCG license.

***this would require a change in the commercial regulations to allow transfer of commercial QS/IFQ to charter operator**

Option 2. For the commercial sector, must have a commercial transfer eligibility certificate.

Issue 7. Caps

Option 1. No caps - free transferability

Option 2. Ownership cap of ¼, ½, and 1% of combined QS units in Area 2C and ¼, ½, and 1% of combined QS units in Area 3A and grandfather initial issues at their initial allocation

Issue 8. Miscellaneous provisions

Option 1. Maximum line limit of 12 in Area 3A (remains at 6 lines for Area 2C), grandfather initial issues

Option 2. 10% rollover provision of total IFQs

Option 3. 10% overage provision of total IFQs to be deducted from next year's IFQs

Issue 9. IFQs associated with the charter quota shares may be issued in:

Option 1. Pounds

Option 2. Numbers of fish (based on average weight determined by ADFG)

Issue 10. Reporting:

Option 1. Require operator to report landings at conclusion of trip

Option 2. ADFG logbook

Option 3. Require a reporting station in every city and charter boat location to accurately weigh every halibut caught.

Issue 11. Community set-aside

Option 1. No community set-aside.

Option 2. Set-aside $\frac{1}{2}$ -2 $\frac{1}{2}$ percent of combined commercial charter TAC for Gulf coastal communities

Suboption 1. Source of the set-aside

a) equal pounds from the commercial and charter sectors.

b) proportional amount based on the split between the commercial and charter sectors.

c) 100 percent of the pounds taken out of the charter sector.

Suboption 2. Sunset provision

a) no sunset

b) sunset in 5 years

c) sunset in 10 years

Report of the Scientific and Statistical Committee

The SSC commended the staff on the completeness and balanced presentation of the draft analysis and noted that the analysis responded to earlier SSC recommendations. The SSC recommended the analysis be released for public review and comment after the staff addresses several substantive and editorial comments. Please see the SSC Minutes (Appendix II to these minutes) for specific recommendations.

Report of the Advisory Panel

Working from the staff list of alternatives, issues and options, the AP made the following recommendations (shown in italics and strikeouts).

AP Recommendations for Halibut Charter IFQ Analysis:

Alternative 1. Status quo.

Alternative 2. Include the halibut charter sector in the existing halibut IFQ program.

Issue 1. Initial QS may be based on:

**Option 1. 14.11% in Area 3A and 13.05% in Area 2C of a combined charter and commercial quota
*Equal to 125% of corrected average 1995-99 charterboat harvest***

**Option 2. 12.26% in Area 3A and 13.32% in Area 2C of a combined charter and commercial quota
*Equal to 100% of corrected average 1998-99 charterboat harvest***

**Option 3. 10.44% in Area 2C and 11.29% in Area 3A of combined charter and commercial quota
*Equal to 100% of corrected 1995-99 average harvest***

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Suboption: 0-50% of an individual's QS initial issuance would be fixed and the *remainder* would float with abundance.

Issue 2. Initial allocation of QS would be issued to U.S. citizens or to U.S. companies on the following basis:

U.S. ownership based on: a) 51% ownership; b) 75% ownership

- Option 1. Charter vessel owner - person who owns the charterboat and charterboat business
- Option 2. Bare vessel lessee - person that leases a vessel and controls its use as a charterboat for this fishery. May operate the vessel or may hire a captain/skipper. Lessee determines when the vessel sails and by whom captained

Issue 3. Qualification Criteria

- Option 1. Initial issues who carried clients in 1998 and 1999 and who submitted ADFG logbooks for an active vessel (as received by ADFG by February 12, 2000)
- Option 2. Initial issues who carried clients in 1998 or 1999 and who submitted ADFG logbooks for an active vessel (as received by ADFG by February 12, 2000)
- Option 3. Initial issues who carried clients prior to June 24, 1998 and who submitted at least one ADFG logbook for an active vessel (as received by ADFG by February 12, 2000)
- Option 4. Initial issues who carried clients four out of five years between 1995-1999 as evidenced by IPHC, CFEC, and ADFG business and guide documentation for 1995-99 and submitted logbooks for an active vessel in 1998 and 1999
- Option 5. Initial issues who carried clients four out of five years between 1995-1999 as evidenced by IPHC, CFEC and ADFG business and guide documentation for 1995-99 and submitted logbooks for an active vessel for either 1998 or 1999
- Option 6. *Initial issues who carried clients three out of five years between 1995-1999 as evidenced by IPHC, CFEC, and ADFG business and guide documentation for 1995-99 and submitted logbooks for an active vessel in 1998 and 1999*
- Option 7. *Initial issues who carried clients three out of five years between 1995-1999 as evidenced by IPHC, CFEC, and ADFG business and guide documentation for 1995-99 and submitted logbooks for an active vessel in 1998 or 1999*

Suboption: Require that initial issues be currently participating (meeting all legal requirements including filing a logbook) during season prior to final action (currently May- Sept 2000).

Issue 4. Distribution of QS may be based on:

- Option 1. 70% of 1998 and 1999 logbook average with an additional 10% added for each year of operation 1995-97 (longevity reward). ~~The balance could then be re-issued to the whole group of participants~~
- Option 2. Modified Kodiak proposal: 5-30% for A, 33% for B, 37-62% for C
 - Part A: each individual gets an equal percentage of the qualified pool as identified by the Council's final action.
 - Part B: each individual's average 98/99 logbook harvest as percentage of overall harvest is multiplied by 33% of the qualified pool.
 - Part C: one point for each year of participation during 1995-99.

Suboption: Base distribution for the preferred option on both total catch retained and caught and released

Issue 5. Transferability of QS (permanent) and IFQs (on annual basis [leasing])

- Option 1. Nature of Charter QS/IFQ:
 - * Leasable
 - * Non-leasable

~~Suboption: Allow grandfather provisions to initial recipients to use hired skippers similar to the halibut sablefish IFQ program~~

Suboption: Define leasing as the use of QS/IFQ on vessels on which the owner of the QS/IFQ has less than 20-75% ownership

Option 2. Transfer of QS (permanent) and/or IFQs (leasing):

a) prohibit transfers between charter and commercial sectors

Suboption: no QS transfers between sectors for 2-5 years

b) allow transfers between charter and commercial sectors

1. 1-yr one way transfer from commercial to charter

2. 3-yr one way transfer from commercial to charter

3. two-way (between commercial and charter sectors).

Suboptions under Options b (1-3):

i. Designate QS pool into two classes for transfer from charter to commercial sector: transferable (25%) and non-transferable (75%) pools on an individual's basis

ii. Cap the percentage of annual IFQ transfers (de facto leasing) between sectors not to exceed 25% of total IFQs and a range of 0-10% of IFQs per year from charter to commercial.

iii. on percentage of annual QS transfers between sectors not to exceed 25% of total QS and a range of between 0-10% of QS per year from charter to commercial.

iv. A range of 0-10% leasing of Charter IFQ to charter from charter for the first 3 years

Option 3. Block restrictions

b) any initially issued (i.e., unblocked) charter QS once transferred to commercial sector shall be:

1. blocked

2. blocked up to the limits of the commercial sweep-up and block limits

3. *unblocked*

c) allow splitting of commercial blocks to transfer a smaller piece to the charter sector

d) allow splitting of commercial blocks once transferred to the charter sector

Option 4. Vessel class restrictions

a) from A, B, C, and/or D commercial vessel category sizes to charter sector

1. Leasable

2. Non-leasable

b) from charter to commercial:

1. D category only

2. C and D category only

3. B, C, and D category

c) initial transfer from undesignated charter to a particular commercial vessel category locks in at that commercial category

~~Option 5. One transfer of QS/IFQ each year between sectors for each QS holder~~

Option 5b. Minimum size of transfer is range of 20-72 fish

Option 6. *Geographic restrictions*

a) *no geographic restrictions*

b) *based on ADF&G statistical areas*

c) *within proposed LAMP areas*

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Issue 6. To receive halibut QS and IFQ by transfer:

- Option 1. For the charter sector, must be either
- a) a initial charter issue or
 - b) qualified as defined by State of Alaska requirements for registered guides or businesses*
~~Suboption: and hold a USCG license.~~

*this would require a change in the commercial regulations to allow transfer of commercial QS/IFQ to charter operator
c) *fulfill all legal obligations of the charter sector*

- Option 2. For the commercial sector, must have a commercial transfer eligibility certificate.
Suboption: all commercial rules apply to any provision that may permit the use of commercial QS/IFQ for commercial purposes by any entity in the Charter IFQ sector.

Issue 7. Caps

- Option 1. No caps - free transferability
- Option 2. ~~Ownership cap of 1/4, 1/2, and 1% of combined QS units in Area 2C and 1/4, 1/2, and 1% of combined QS units in Area 3A~~ *Use cap for charter QS owners only of 1/4, 1/2, and 1% of combined QS units in Area 2C and 1/4, 1/2, and 1% of combined QS units in Area 3A (for all entities, individually and collectively) and grandfather initial issues at their initial allocation*

Issue 8. Miscellaneous provisions

- Option 1. Maximum line limit of 12 in Area 3A (remains at 6 lines for Area 2C), grandfather initial issues
- Option 2. 10% ~~rollover~~ *underage* provision of total IFQs
- Option 3. 10% overage provision of total IFQs to be deducted from next year's IFQs

Issue 9. IFQs associated with the charter quota shares may be issued in:

- Option 1. Pounds
- Option 2. Numbers of fish (based on average weight determined by ADFG)

Issue 10. Reporting:

- Option 1. Require operator to report landings at conclusion of trip
- Option 2. ADFG logbook
- Option 3. Require a reporting station in every city and charter boat location to accurately weigh every halibut caught.
- Option 4. *Charter IFQ fish tags*

Issue 11. Community set-aside

- Option 1. No community set-aside.
- Option 2. Set-aside 1/2-2 1/2 percent of combined commercial charter TAC for Gulf coastal communities
- Suboption 1. Source of the set-aside
- a) equal pounds from the commercial and charter sectors.
 - b) proportional amount based on the split between the commercial and charter sectors.
 - c) 100 percent of the pounds taken out of the charter sector.
- Suboption 2. Sunset provision
- a) no sunset
 - b) sunset in 5 years
 - c) sunset in 10 years
 - d) *persons currently participating in the set-aside program at the time of sunset would be allowed to operate within the guidelines of the program.*

Alternative 3. Moratorium

Issue

- a) *operator*
- b) *vessel*

Qualification Criteria

- Option 1. Initial issues who carried clients in 1998 and 1999 and who submitted ADFG logbooks for an active vessel (as received by ADFG by February 12, 2000)
 - Option 2. Initial issues who carried clients in 1998 or 1999 and who submitted ADFG logbooks for an active vessel (as received by ADFG by February 12, 2000)
 - Option 3. Initial issues who carried clients prior to June 24, 1998 and who submitted at least one ADFG logbook for an active vessel (as received by ADFG by February 12, 2000)
 - Option 4. Initial issues who carried clients four out of five years between 1995-1999 as evidenced by IPHC, CFEC , and ADFG business and guide documentation for 1995-99 and submitted logbooks for an active vessel in 1998 and 1999
 - Option 5. Initial issues who carried clients four out of five years between 1995-1999 as evidenced by IPHC, CFEC and ADFG business and guide documentation for 1995-99 and submitted logbooks for an active vessel for either 1998 or 1999
 - Option 6. Initial issues who carried clients three out of five years between 1995-1999 as evidenced by IPHC, CFEC , and ADFG business and guide documentation for 1995-99 and submitted logbooks for an active vessel in 1998 and 1999*
 - Option 7. Initial issues who carried clients three out of five years between 1995-1999 as evidenced by IPHC, CFEC , and ADFG business and guide documentation for 1995-99 and submitted logbooks for an active vessel in 1998 or 1999*
- Suboption: *Require that initial issues be currently participating (meeting all legal requirements including filing a logbook) during season prior to final action (currently May- Sept 2000).
Carry forward remaining elements and options from the 1997 and 2000 charter analyses (transferability, etc.)*

Additional AP recommendations included:

- That the problem statement be revised to include analysis of impacts on recreational anglers and social and economic goals for the guided sport fishery.
- That the analysis be revised to include the following discussions:
 - A comparison of the halibut use data developed from current charter operators in the identified communities, beginning on page 229, with comparable halibut use data from all charter operators in areas 2C and 3A.
 - A sensitivity analysis indicating the amount of charter operations that could be developed with a range of halibut allocations including 3,000, 6,000, 10,000, and 15,000 lbs.
 - Expanded review of how charter operators surveyed by ISER and Lee, as referenced on pages 139 and following, may differ from operators that would develop halibut charter business in remote, rural communities.
 - Create a section that pulls together angler impacts.
 - Expand the discussion of the ownership issue as presented on page 172.
 - Further expand the potential impact on associated stocks (e.g., salmon) as mentioned as a possibility in paragraph A3 on page 168.

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- Expand the background section to include the original charter management plan problem statement and include a description of how this action in conjunction with past actions addresses these issues.

The AP also voiced its strong support of an active LAMP process that may address issues of geographic boundaries, local moratoriums and near shore depletion and encouraged the development of LAMPS as soon as possible.

The **Halibut Charter IFQ Workgroup** and the **IFQ Implementation Team** (commercial) also reviewed the preliminary analysis and provided written recommendations. The minutes of those meetings are found under Appendix III to these minutes. Some of the Advisory Panel recommendations were based on these committee reports.

DISCUSSION/ACTION

During staff presentations of the analysis, Council members made several requests for clarification or additions to the analysis:

- Include a brief history of public notice regarding the charter IFQ issue.
- Under Issue 4, it was suggested that during the public review period, the SSC socioeconomic subgroup address the issues of stewardship and absentee ownership.
- Brief discussion of ownership caps, U.S. ownership, i.e., concentration of QS in possession of tour companies, large corporations.
- Provide some mechanism for 'entry level' shares.
- Comments on "D" shares are incorrect in the text and in the Executive Summary and need to be corrected; "D" shares are the least expensive; this is where many charter operators may buy additional shares.
- Make sure there's a discussion of transferability issues in the analysis.
- On the issue of a community set-aside, include other rationales besides economic.
- Requested clarification from legal counsel regarding participation dates; use of only a one-year history; sunsets, and the liability of the Council if the program were later rescinded.

Linda Behnken moved adoption of the recommendations of the Advisory Panel, with some editorial changes [see below], and a new problem statement:

Problem Statement

The Pacific halibut resource is fully utilized. The North Pacific Fishery Management Council recently adopted a GHL to address allocation issues between the guided sport sector and other users of the halibut resource. Upon adoption by the Secretary of Commerce, the GHL will stop the open-ended reallocation between commercial and guided sports fishermen, address a number of conservation concerns, and provide a measure of stability to the halibut fishery. Guided sport IFQs will address problems related to overcapitalization in the guided sport sector and provide guided sport operators with the flexibility to meet their clients' needs. Extending the existing halibut IFQ program to include the guided sport sector, with provisions to:

- 1. recognize the unique nature of the guided sport sector;**
- 2. control consolidation,**
- 3. encourage diversity of opportunity for anglers; and**
- 4. provide entry level opportunities,**

will resolve future allocation conflicts between commercial and guided sport sectors while providing access opportunities for recreational halibut fishermen, consumers, and processors. The guided sport IFQ program may also result in costs and/or benefits to guided sport anglers and communities with guided sport infrastructure. In evaluating alternatives, the Council wishes to identify and assess these impacts. After discussion and suggested edits, this problem statement was withdrawn and replaced with the following:

The Pacific halibut resource is fully utilized. The North Pacific Fishery Management Council recently adopted a GHL to address allocation issues between the guided sport sector and other users of the halibut resource. Upon adoption by the SOC, the GHL is intended to stop the open-ended reallocation between commercial and guided sport sectors and to address a number of other concerns. The Council remains concerned that over time allocation conflicts between sectors may resurface, and that overcapitalization in the guided sport fleet may have a negative impact on both guided sport operators and anglers. The Council is developing a management plan for the guided sport sector to address these concerns while:

1. recognizing the unique nature of the guided sport sector
2. controlling consolidation;
3. providing entry level opportunities for guided sport operators, and
4. encouraging diversity of opportunities for anglers.

In evaluating alternatives, the Council seeks to maintain access opportunities for halibut fishermen, processors and consumers and to assess costs and benefits to anglers.

The revised problem statement was voted on separately and carried without objection.

Alternatives for Analysis: (AP Recommendations are shown in italics for additions and strikeouts for deletions; Ms. Behnken's changes are underlined for additions, with double-strikeouts for deletions)

Alternative 1. Status quo.

Alternative 2. Include the halibut charter sector in the existing halibut IFQ program.

Issue 1. Initial QS may be based on:

Option 1. 14.11% in Area 3A and 13.05% in Area 2C of a combined charter and commercial quota
Equal to 125% of corrected average 1995-99 charterboat harvest

Option 2. 12.26% in Area 3A and 13.32% in Area 2C of a combined charter and commercial quota
Equal to 100% of corrected average 1998-99 charterboat harvest

Option 3. 10.44% in Area 2C and 11.29% in Area 3A of combined charter and commercial quota
Equal to 100% of corrected 1995-99 average harvest

Suboption: 0-50% of an individual's QS initial issuance would be fixed and the remainder would float with abundance.

[John Bundy moved to delete Option 3; the motion was seconded by Bob Penney and failed, 6 to 5, with Austin, Bundy, Duffy, Penney, and Benton voting in favor.]

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Issue 2. Initial allocation of QS would be issued to U.S. citizens or to U.S. companies on the following basis:

U.S. ownership based on: a) 51% ownership; b) 75% ownership

Option 1. Charter vessel owner - person who owns the charterboat and charterboat business

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- Option 2. Bare vessel lessee - person that leases a vessel and controls its use as a charterboat for this fishery. May operate the vessel or may hire a captain/skipper. Lessee determines when the vessel sails and by whom captained

Issue 3. Qualification Criteria

- Option 1. Initial issues who carried clients in 1998 and 1999 and who submitted ADFG logbooks for an active vessel (as received by ADFG by February 12, 2000)
- Option 2. Initial issues who carried clients in 1998 or 1999 and who submitted ADFG logbooks for an active vessel (as received by ADFG by February 12, 2000)
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- Option 5. Initial issues who carried clients four out of five years between 1995-1999 as evidenced by IPHC, CFEC and ADFG business and guide documentation for 1995-99 and submitted logbooks for an active vessel for either 1998 or 1999
- Option 6. Initial issues who carried clients three out of five years between 1995-1999 as evidenced by IPHC, CFEC , and ADFG business and guide documentation for 1995-99 and submitted logbooks for an active vessel in 1998 and 1999*
- Option 7. Initial issues who carried clients three out of five years between 1995-1999 as evidenced by IPHC, CFEC , and ADFG business and guide documentation for 1995-99 and submitted logbooks for an active vessel in 1998 or 1999*
- Suboption: Require that initial issues be currently participating (meeting all legal requirements including filing a logbook) during season prior to final action (currently May- Sept 2000).*
- Suboption: In order to qualify for initial quota all claimed trips must have been under the operation of a person with a valid Coast Guard license. [Proposed by Kevin Duffy; accepted as a friendly amendment.]

Issue 4. Distribution of QS may be based on:

- Option 1. 70% of 1998 and 1999 logbook average with an additional 10% added for each year of operation 1995-97 (longevity reward). ~~The balance could then be re-issued to the whole group of participants~~
- Option 2. Modified Kodiak proposal: 5-30% for A, 33% for B, 37-62% for C
- Part A: each individual gets an equal percentage of the qualified pool as identified by the Council's final action.
- Part B: each individual's average 98/99 logbook harvest as percentage of overall harvest is multiplied by 33% of the qualified pool.
- Part C: one point for each year of participation during 1995-99.
- Suboption: Base distribution for the preferred option on both total catch retained and caught and released

Issue 5. Transferability of QS (permanent) and IFQs (on annual basis [leasing])

- Option 1. Nature of Charter QS/IFQ:
- * Leasable
 - * Non-leasable

~~Suboption. Allow grandfather provisions to initial recipients to use hired skippers similar to the halibut sablefish IFQ program~~

Suboption: Define leasing as the use of QS/IFQ on vessels on which the owner of the QS/IFQ has less than 20-75% ownership

- Option 2. Transfer of QS (permanent) and/or IFQs (leasing):
- a) prohibit transfers between charter and commercial sectors
- Suboption: no QS transfers between sectors for 2-5 years*

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- b) allow transfers between charter and commercial sectors
 - 1. 1-yr one way transfer from commercial to charter
 - 2. 3-yr one way transfer from commercial to charter
 - 3. two-way (between commercial and charter sectors).

Suboptions under Options b (1-3):

- 1. Designate QS pool into two classes for transfer from charter to commercial sector: transferable (25%) and non-transferable (75%) pools on an individual's basis
- ii. Cap the percentage of annual IFQ transfers (de facto leasing) between sectors not to exceed 25% of total IFQs and a range of 0-10% of IFQs per year from charter to commercial.
- iii. on percentage of annual QS transfers between sectors not to exceed 25% of total QS and a range of between 0-10% of QS per year from charter to commercial.
- iv. A range of 0-10% leasing of Charter IFQ to charter from charter for the first 3 years

Option 3. Block restrictions

- b) any initially issued (i.e., unblocked) charter QS once transferred to commercial sector shall be:
 - 1. blocked
 - 2. blocked up to the limits of the commercial sweep-up and block limits
 - 3. *unblocked*
- c) allow splitting of commercial blocks to transfer a smaller piece to the charter sector
- d) allow splitting of commercial blocks once transferred to the charter sector

Option 4. Vessel class restrictions

- a) from A, B, C, and/or D commercial vessel category sizes to charter sector
 - 1. Leasable
 - 2. Non-leasable
- b) from charter to commercial:
 - 1. D category only
 - 2. C and D category only
 - 3. B, C, and D category
- c) initial transfer from undesignated charter to a particular commercial vessel category locks in at that commercial category

~~Option 5. One transfer of QS/IFQ each year between sectors for each QS holder~~

Option 5b. Minimum size of transfer is range of 20-72 fish

Option 6. *Geographic restrictions*

- a) *no geographic restrictions*
- b) *based on ADF&G statistical areas*
- c) *within proposed LAMP areas*

Issue 6. To receive halibut QS and IFQ by transfer:

Option 1. For the charter sector, must be either

- a) a initial charter issue or
- b) qualified as defined by State of Alaska requirements for registered guides or businesses*

REINSTATE THIS SUBOPTION: Suboption: and hold a USCG license.

*this would require a change in the commercial regulations to allow transfer of commercial QS/IFQ to charter operator

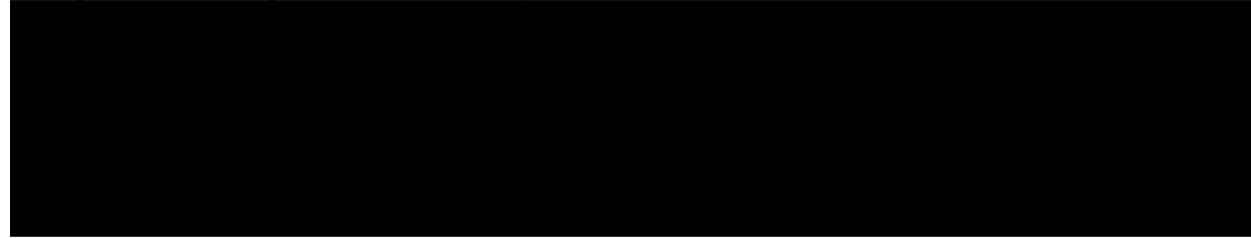
- c) *fulfill all legal obligations of the charter sector*

Option 2. For the commercial sector, must have a commercial transfer eligibility certificate.

Suboption: all commercial rules apply to any provision that may permit the use of commercial QS/IFQ for commercial purposes by any entity in the Charter IFQ sector.

Issue 7. Caps

Option 1. No caps - free transferability



Options 2 and 3 were reorganized during discussions, to read as follow:

Option 2. Caps:

- a) use cap for charter QS owners only of 1/4, 1/2, and 1% of combined QS units in Area 2C and 1/4, 1/2 and 1% of combined QS units in Area 3A for all entities, individually and collectively) and grandfather initial issues at their initial allocation
- b) use cap for charter QS owners only of 1/4, 1/2, and 1% of combined QS units for combined Areas 2C and 3A (for all entities, individually and collectively) and grandfather initial issues at their initial allocation

Issue 8. Miscellaneous provisions

Option 1. Maximum line limit of 12 in Area 3A (remains at 6 lines for Area 2C), grandfather initial issues

Option 2. 10% ~~rollover~~ *underage* provision of total IFQs

Option 3. 10% overage provision of ~~total~~* IFQs remaining on last trip* to be deducted from next year's IFQs. *Language clarified by staff as the appropriate wording.

Option 4. A one-year delay between initial issuance of QS and fishing IFQs. [Proposed by Kevin Duffy and carried with Samuelson objecting.]

Issue 9. IFQs associated with the charter quota shares may be issued in:

Option 1. Pounds

Option 2. Numbers of fish (based on average weight determined by ADFG)

Issue 10. Reporting:

Option 1. Require operator to report landings at conclusion of trip

Option 2. ADFG logbook

Option 3. Require a reporting station in every city and charter boat location to accurately weigh every halibut caught.

Option 4. Charter IFQ fish tags

Option 5. Require operator to log the catch at the time the fish is retained. [Proposed by Vince O'Shea; accepted as a friendly amendment.]

Issue 11. Community set-aside

Option 1. No community set-aside.

Option 2. Set-aside 1/2-2 1/2 percent of combined commercial charter TAC for Gulf coastal communities

Suboption 1. Source of the set-aside

- a) equal pounds from the commercial and charter sectors.
- b) proportional amount based on the split between the commercial and charter sectors.
- c) 100 percent of the pounds taken out of the charter sector.

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Suboption 2. Sunset provision

- a) no sunset
- b) sunset in 5 years
- c) sunset in 10 years
- d) *persons currently participating in the set-aside program at the time of sunset would be allowed to operate within the guidelines of the program.*

Alternative 3. Moratorium

Issue

- a) *operator*
- b) *vessel*

Qualification Criteria

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- Suboption: *Require that initial issues be currently participating (meeting all legal requirements including filing a logbook) during season prior to final action (currently May- Sept 2000).*
- Carry forward remaining elements and options from the 1997 and 2000 charter analyses (transferability, etc.)*

- That the halibut charter IFQ analysis be revised to include the following discussions:
 - A comparison of the halibut use data developed from current charter operators in the identified communities, beginning on page 229, with comparable halibut use data from all charter operators in areas 2C and 3A.
 - A sensitivity analysis indicating the amount of charter operators that could be developed with a range of halibut allocations including 3,000, 6,000, 10,000, and 15,000 lbs.
 - Expanded review of how charter operators surveyed by ISER and Lee, as referenced on pages 139 and following, may differ from operators that would develop halibut charter business in remote, rural communities.
 - Create a section that pulls together angler impacts.
 - Expand the discussion of the ownership issue as presented on page 172.

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- Further expand the potential impact on associated stocks (ie Salmon) as mentioned as a possibility in paragraph A3 on page 168.
- Expand the background section to include the original charter management plan problem statement and include a description of how this action in conjunction with past actions address these issues.
- The Council strongly supports an active LAMP process that may address issues of geographic boundaries, local moratoriums and near shore depletion and encourages the development of LAMPS as soon as possible.
- SSC comments will be taken into consideration to the extent possible when revising the analysis.

Linda Behnken's blanket motion was seconded by Kevin O'Leary. With the above modifications, the motion carried, 10-1, with Penney voting against. The final motion is attached as Appendix IV to these minutes.

C-2 Gulf Ecosystem Research

ACTION REQUIRED

Receive Report from the Prince William Sound Science Center.

BACKGROUND

The Prince William Sound Science Center is an independent research and education institution. Its mission is threefold: 1) to contribute to the comprehensive description, sustained monitoring, and ecological understanding of Prince William Sound, the Copper River, and the North Pacific; 2) to promote the goal of maintaining long-term self-regulating biodiversity, productivity and sustainable use of natural resources; and 3) to educate and inform the youth and general public about the critical interdependence of the biology and regional economies of Alaska. Dr. Gary Thomas, president, will present an overview of research conducted by the Prince William Sound Science Center. Note that in addition to being on the SSC agenda, Gary will also give his report on Wednesday evening at 6 pm; those interested should plan on attending.

This was an informational report. Neither the SSC nor the AP had comments and the report was not presented during the Council's plenary session, therefore there was no discussion.

C-3 Steller Sea Lion Measures

ACTION REQUIRED

- (a) **Review SSC Report on the Biological Opinion.**
- (b) **Receive report on the Kodiak adaptive management project.**
- (c) **Discuss the independent scientific review and provide direction.**
- (d) **Discuss the workplan for the 2002 amendment package.**
- (e) **Provide direction on the Council's RPA Committee.**
- (f) **Review analysis of VMS/monitoring alternative: initial review.**

OTHER: Discuss Board of Fish action regarding Pacific cod fisheries (proposals 95, 96, 97)

BACKGROUND

SSC Report on the Biological Opinion

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In December, the SSC could not provide a scientific review of the 600 page Biological Opinion in the available time, but instead volunteered to provide a more thorough review at a subsequent meeting. At this meeting the SSC will report on its findings, which should feed into the Council's discussions regarding the issues and questions to be addressed in the independent scientific review.

Kodiak adaptive management project

In February 2000, the Council approved a regulatory amendment to examine the effects of fishery closures on Steller sea lions. The study required two regulatory actions: establishing a ban on all trawl fishing in the Chiniak Gully region off the east side of Kodiak Island and allowing the reopening of the 10 nm no trawl zone around Gull Point and Cape Barnabas to conduct experiments on the effects of fishing in nearby waters. It is expected that this action will be in effect from August 1st to a date no later than September 20th during the years 2000 to 2003. The Council requested that NMFS provide an annual update on results of the investigation. NMFS staff will be on hand to provide an update.

Independent scientific review

Part of the Council's motion from December, supported by the P.L. 106-554, calls for an independent scientific review of the BiOp and proposed RPAs, the experimental design, and the underlying hypotheses of that BiOp. The actions of Congress support that initiative and direct the Council to undertake such a review utilizing the expertise of the National Academy of Sciences (NAS). An initial proposal from the NAS contains a timeline which would not provide such a review in time to provide input into the Council's required actions by this fall. At the January special meeting the Council discussed this further with NAS representatives, and approved a motion calling for a two-stage process whereby a refined, limited set of relevant issues could be reviewed by June of 2001, with a broader set of issues addressed on a more extended timeline. The Council's Steering Committee and staff have been coordinating with NAS to determine the feasibility of this approach, develop a more defined Statement of Work for each stage of the review, and determine the specific role of the NAS in this process. After meeting with NAS recently, it is apparent that a comprehensive review of the BiOp and underlying issues cannot be completed until next year, though such a comprehensive review should be very useful to our long-term actions regarding SSL.

It is also unlikely that the NAS review process will enable them to provide even a short-term review that will be informative to our 2001 process, except perhaps with regard to the experimental design for open/closed areas. Therefore, we need to determine at this meeting whether to proceed with a separate, short-term independent review that could inform our 2001 process on some of the underlying assumptions and hypotheses in question. For example, we could contract with a small group (perhaps two or three of the scientists we used in the 1999 review of pollock RPAs, or some other experts) to provide an expedited review of a focused set of questions by June. It may also be very useful to retain that same small group to advise our process through the summer and fall up to our final action in October. This would allow for that outside expertise to examine the analyses we will be doing, and the alternative RPAs being considered, relative to the information at hand and provide their expert advise on those alternative RPAs relative to SSL protection.

Item C-3(c)(1) is a draft approach to this issue, including questions we would want addressed by the long-term NAS study, and potential questions to be the subject of a separate, short-term independent review. Input we receive at this meeting from our SSC, and others, will need to be considered prior to finalizing this in a formal Statement of Work (SOW) as part of a contract with the NAS, or other independent reviewers. Dr. Chris Elfring from the NAS will be here Friday afternoon to discuss with the Council the potential NAS role in this process. We need to pin this down at this meeting so I can get the necessary wheels turning.

Item C-3(c)(2) is a letter from the Alaska Steller Sea Lion Restoration Team regarding major research questions. Item C-3(c)(3) contains correspondence and information related to potential shark

predation on SSL, which should probably be considered in the overall picture along with killer whale predation.

2002 Amendment package

A full amendment package will have to be developed during this year for Council action in October 2001, which would propose a package of protective measures (RPAs) for implementation in January 2002. In January, the Council reaffirmed its direction to begin such an analysis, consistent with its December 2000 motion (attached for reference as Item C-3(d)(1)). Final action on that package would have to occur in October, to allow time for Secretarial review, including a separate Section 7 consultation on that package, and for implementing regulations to be developed by January 2002. Feeding into that process will be the Council's RPA Committee as well as information developed from the independent scientific review of the December 2000 BiOp and its underlying hypotheses. An initial set of alternatives will stem from previous RPAs recommended by the Council, the November 2000 BiOp RPAs, and from the September 2000 EA/RIR/IRFA developed by NMFS for the Pacific cod fisheries and Council recommendations made at that September meeting. Because time will be short after the October 2001 meeting, it is the Council's intent that such an analysis include ESA considerations with regard to the alternatives being considered, so that formal consultation will be expedited after the October final decision.

A 'roadmap', developed by NMFS and Council staff, is attached as Item C-3(d)(2). This describes the flow of events this year, including specific Council actions, the analytical process, interactions with the Council's RPA Committee, and major checkpoints along the way. Council and NMFS staff are working to finalize a tasking gameplan to achieve this formidable schedule, which will involve a huge commitment of staff resources and outside contract assistance. We have had extended discussions with NMFS staff already, and the details of that analysis package (EIS) are still being developed, but we have summarized (Item C-3(d)(3)) the alternatives to date that will be included in that package. We assume that additional alternatives will be developed, and specified in more detail, through the Council/Committee process this spring, with a final set of alternatives identified at the June meeting.

Item C-3(d)(4) is a letter from NMFS describing their commitment to this process over the next several months. We need to confirm that the process outlined comports with the Council's expectations, and need to determine how the NMFS commitment to public hearings around the State interfaces, if at all, with our Committee and analytical process. It may be that the make-up of that Committee can serve, to a large degree, to provide the type of input envisioned in the public hearing process. For your information, Item C-3(d)(5) is a diagram summarizing recent discussions on SSL funding and research among various agencies.

RPA Committee

A critical part of this process in 2001 will involve an RPA Committee to be appointed by the Council at this meeting. The closed areas contained in the Biological Opinion (BiOp) would go into effect on June 10, 2001, subject to modifications proposed by the Council at the April meeting in Anchorage. Such modifications would be subject to meeting certain requirements of the BiOp with regard to minimum critical habitat protection. Longer term closed areas, those to be developed later for 2002 and beyond, will also have to provide for an experimental design and monitoring program, but that will not be the focus of adjustments for the latter half of 2001. In order to provide for ample time, public participation, and relevant information in the process of closed area consideration for the latter half of 2001, the Council will appoint a Committee (consistent with its December 2000 action to appoint an RPA Committee) to develop relevant information and report to the Council with its recommendations prior to the April meeting. This Committee will also be involved in the longer-term development of RPAs and experimental design, but will be tasked in the short term with development of open/closed area recommendations for the latter half of 2001.

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The Committee will include members of industry, the conservation community, NMFS, SSC, and State agencies including the Restoration Team. The Committee will be appointed during the February Council meeting and begin its work shortly thereafter. Council direction to that Committee includes consideration of small boat concerns in development of open/closed areas for the latter half of 2001, with the added direction that such measures should be developed in a 'non-allocative' manner.

VMS/monitoring

NMFS will present a regulatory amendment package for initial review at this meeting which contains alternatives and options for a vessel monitoring system (VMS) and other proposed catch monitoring measures to implement the RPAs effectively. Final action would be scheduled for April.

Comments, including a draft resolution from the Alaska State Legislature, are under Item C-3 supplemental.

OTHER: Discuss Board of Fish action regarding Pacific cod fisheries. Comments which were copied to the Council offices are included under Item C-3 (BOF).

Report of the Scientific and Statistical Committee

Review of the November 30, 2000 Biological Opinion (BiOp3)

In December, the SSC was asked by the Council to provide a scientific review of the BiOp3 and provide comments. The SSC, individually and collectively, reviewed the document between the December and February meetings and provided an extensive set of comments. A summary of comments is found in the SSC Minutes (Appendix II to these minutes). The full report is available on request from the Council office. The following points were summarized during an oral report to the Council by SSC Chair Richard Marasco.

- The SSC finds that BiOp3 is scientifically deficient. In many cases, subsets of data appear to have been selected to support the findings, and recent literature, some of which supports alternative viewpoints, has not been presented.
- Alternative hypotheses to those explored in the BiOp3 with regard to the declines in the 1980s and failure to rebuild in the 1990s should be explored and an attempt should be made to determine the relative importance of these hypotheses, either individually or collectively, in explaining the dynamics of the SSL population in the 1980s and 1990s. Documents prepared by the Council in the future should evaluate all of the hypotheses asserted in the BiOp3. SSL population in the past, present, and future and the efficacy of RPAs should be reviewed in this light.
- Any analysis in Appendix 3 of the BiOp3 estimates that fish biomass is several times the amount needed to satisfy SSL feeding, both at current and at historical SSL populations levels. Therefore, the document should have concluded that global catch levels do not seem likely to affect SSLs, and consequently, that there is no justification for altering the current control rule for pollock, cod, and Atka mackerel.
- Resolution of issues related to prey availability and nutrition must await ongoing and new research.
- The current experimental design is viewed as so draconian by the industry that it will have little acceptance within the fishing community. The SSC believes that a revised experimental design can be developed within the context of the 2002 RPA. The design must follow solid scientific principles, including testable hypotheses, evaluation of assumptions, and power to detect differences in trend.

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- The SSC stated that criticisms of the BiOp notwithstanding, there is inadequate knowledge to conclude that the fishery is having no impact on the SSL population, therefore some level of precaution is warranted; determining that level will be a crucial task of the Council in the next few years.
- There is a need for scientifically based and objective definitions of 'jeopardy,' 'critical habitat,' and 'adverse.' In addition there should be unambiguous criteria for assessing when jeopardy and adverse habitat modifications are occurring.

Kodiak Adaptive Management Report

The SSC received a presentation on the results of the summer 2000 Fishery Interaction and Chiniak Gullies, the first phase of NMFS' initial monitoring program designed to examine the 'localized depletion' hypothesis on Steller sea lions. Due to the injunction against trawling in designed SSL critical habitat, the fishery interaction study was unable to achieve one of its major objectives – measuring localized changes in the distribution and abundance of fish following large-scale commercial fishing operations. Nevertheless, a number of important objectives were achieved. The SSC commended the team for their results to date and emphasized in the strongest possible terms the importance of this study. Demonstrable progress in identifying factors responsible for the non-recovery of SSL populations will only come from well designed experiments that explicitly focus on a particular hypothesis.

Report of the Advisory Panel

The AP requested the Council recommend to the Secretary of Commerce, pursuant to P. L. 106-554 provision (c)6**, that the Secretary immediately exercise its discretion in enforcing regulations for the 2001 fishery by:

Opening Critical Habitat

1. in the GOA to allow fishing except for 10 nm closures around those haulouts and rookeries listed in the current emergency rule.
2. in the BSAI to allow fishing as per the RFRPAs in place in 2000.

Adjusting Seasonal Catch Levels

1. allow 100% of P. Cod TAC beginning Jan 1, 2001 as was conducted in 2000.
2. allow 2001 removals in the BS SCA using the identical % as 2000 instead of a fixed MT cap.

Other Measures

1. any other measures the Council may identify.

*** (c)6 In enforcing regulations for the 2001 fisheries, the Secretary, upon recommendation of the North Pacific Council, may open critical habitat where needed, adjust seasonal catch levels, and take other measures as needed to ensure that harvest levels are sufficient to provide income from these fisheries for small boats and Alaskan on-shore processors that is no less than in 1999*

Vessel Monitoring System

The AP recommended the Council release for public review the EA/RIR/IRFA requiring vessels that conduct directed fishing operations for pollock, Atka mackerel, or Pacific cod in the BSAI and GOA to install and use a vessel monitoring system with the following modifications:

1. add option not requiring vessels to stop fishing in the event of a system failure.

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2. provide data regarding failure rate of VMS units and VMS data transfer system and potential costs to vessels resulting from breakdowns if required to stop fishing. Additionally, add an attachment from Argos documenting performance attributes of existing technology and proposed upgrades to VMS.
3. remove floating, inshore processors from data in Tables.
4. add option not prohibiting vessels without VMS to stop fishing in quota management area when CH closed to directed fishing.
5. add option requiring VMS only when fishing for cod, pollock or Atka mackerel.
6. add option dropping Motherships if vessels delivering to MS has VMS.
7. add clarification of protocols for use of VMS to evaluate fish harvests inside/outside CH and separately protocols for using VMS for enforcement purposes.
8. a discussion comparing costs for VMS systems relative to current enforcement costs as well as a discussion of lost opportunity costs due to current catch accounting.
9. discussion on potential use of state or federal funds (ie: savings from enforcement costs) to provide assistance to fisherman for VMS equipment, installation and operating costs.
10. add discussion of the % of each management area's quota taken by each vessel category, and the % of effort spent inside and outside of CH.

DISCUSSION/ACTION

Chairman Benton announced the appointment of the following members to the RPA Committee: Larry Cotter (Chair), Dave Benson, Jerry Bongen, Shane Capron, Tony DeGange, Doug Demaster, Wayne Donaldson, Steve Drage, John Gauvin, Sue Hills, John Iani, Gerald Leape, Terry Leitzell, Alan Parks, Fred Robison, Bob Small, Beth Stewart, Jack Tagart, and John Winther. Council members agreed that agency representatives should be full voting members on the committee. The Committee will first address any adjustments for the open/closed areas for the latter half of 2001, and then to advise the Council on a package for RPAs for 2002 and beyond.

Chris Oliver reviewed the timeline for the various actions required in order to develop recommendations for the second half of 2001 as well as the analyses needed to make recommendations for management measures for 2002.

Bob Mace moved adoption of the AP recommendations. The motion was seconded by Robin Samuelsen.

Lauren Smoker, NOAA General Counsel, expressed concern with the AP relating to enforcement of current regulations which she interprets as asking the Secretary to exercise prosecutorial discretion in enforcing regulations already on the books. She advised the Council that it would be better to recommend an emergency rule change.

Mr. Mace said he feels that requesting an emergency rule would essentially render the action moot and that he feels the Council should address a letter to the Secretary and pass along the recommendations of the AP, referring to the law that gives the Secretary the discretion to do this.

Robin Samuelsen moved to amend to re-state: The Council recommends that the Secretary adopt an emergency rule for the 2001 fishery by

Opening Critical Habitat

1. **in the GOA to allow fishing except for 10 nm closures around those haulouts and rookeries listed in the current emergency rule.**
2. **in the BSAI to allow fishing as per the RFRPAs in place in 2000.**

Adjusting Seasonal Catch Levels

1. allow 100% of P. Cod TAC beginning Jan 1, 2001 as was conducted in 2000.
2. allow 2001 removals in the BS SCA using the identical % as 2000 instead of a fixed MT cap.

Other Measures

1. any other measures the Council may identify.

The motion to amend was seconded by Bob Penney.

Linda Behnken moved a substitute motion:

That the Council recommend that the Secretary of Commerce exercise his authority pursuant to Public Law 106-554 for the 2001 fishery by: either reviewing the following measures the Council is recommending if he believes one or all of them are within his jurisdiction and still in compliance with ESA and the jeopardy ruling, that he would do so:

Opening Critical Habitat

1. in the GOA to allow fishing except for 10 nm closures around those haulouts and rookeries listed in the current emergency rule.
2. in the BSAI to allow fishing as per the RFRPAs in place in 2000.

Adjusting Seasonal Catch Levels

1. allow 100% of P. Cod TAC beginning Jan 1, 2001 as was conducted in 2000.
2. allow 2001 removals in the BS SCA using the identical % as 2000 instead of a fixed MT cap,
or

Other Measures

1. consideration of a proposal by the Unalaska Native Fishermen's Association to exempt from the red zone closures around Unalaska and Akutan the jig fisheries for Pacific cod (2% set-aside of the TAC) and fixed gear vessels under 60 ft (1.4% set-aside of the TAC), and
2. consider deferring imposition of the June closures in the current emergency rule (for bycatch considerations), and
3. any other measures the Secretary may identify.

The substitute motion was seconded by John Bundy and carried, 10 to 1, with Mace voting against.

Bob Mace moved to approved the AP recommendation with respect to sending the analysis for a vessel monitoring system out for public review and comment. The motion was seconded by Linda Behnken.

Linda Behnken moved to amend the motion to include an industry request to consider the possibility of a way to archive data in the even of equipment failure to allow continued fishing, and to look at exemptions for vessels under 55 ft. for each of the options. This was accepted as a friendly amendment.

The motion carried without objection.

John Bundy moved that the Council recommend that NMFS include in their research considerations the four priorities identified by industry during public comments and that the Council scientific team monitor those research priorities and keep the Council informed. The four priorities identified were:

- (1) field studies to assess the Steller sea lion prey filed in known local areas;

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- (2) research to improve the measurement of the numbers of Steller sea lions;**
- (3) the development of the probabilistic assessment of the simultaneous pursuit of prey by juvenile sea lions and the fisheries; and**
- (4) the development of a population-dynamics (i.e., virtual population) model for the western stock of Steller sea lions.**

The motion was seconded by Dave Fluharty and carried without objection.

Kevin Duffy brought up the Council's request in December that asked NMFS to provide a review and analysis of the proposed RPAs in the current biological opinion compared to the 1999 pollock and Atka mackerel RPAs and proposed measures for Pacific cod to determine the benefits to the recovery of Steller sea lions versus the cost to the groundfish fishing industry. Mr. Duffy pointed out this information could be very valuable to the RPA Committee and asked once again that it be provided.

Dave Fluharty suggested that the current EIS should explore Steller sea lion/fishery interactions from an ecosystem perspective.

Kevin Duffy moved that for the next six months the Council retain an attorney with expertise in NEPA and environmental laws for consultation purposes as it proceeds through the current morass of Steller sea lion issues. The motion was seconded by Bob Penney. There was some question whether the Council can legally hire outside counsel; NOAA GC did not have a firm answer, but said that tentatively she thought it would be O.K. Ms. Smoker said she would check into it and let the Council know if there was any problem. Council members agreed that at this point the motion would indicate that the Council has agreed to do this, if the budget allows and if the rules allow. The motion carried with Samuelsen objecting.

John Bundy moved to request NMFS and ADF&G to coordinate efforts to provide the public in the most expeditious and reasonable manner all existing data on the movements of Steller sea lions attained through satellite tags and other tag monitoring programs. The motion was seconded by Kevin O'Leary and carried without objection. Mr. Bundy said he recognized the sensitivity of the agencies to releasing this data prematurely but because of the public interest, he is making a request of them to try to comply as reasonably as they can.

C-3(b) Kodiak Adaptive Management

The Council received a report from Anne Hollowed and Chris Wilson, NMFS-AFSC, on a study initiated by the Council to examine the effects of fishery closures on Steller sea lions. The study required two regulatory actions: establishing a ban on all trawl fishing in the Chiniak Gully region off the east side of Kodiak Island and allowing the reopening of the 10 nm no trawl zone around Gull Point and Cape Barnabas to conduct experiments on the effects of fishing in nearby waters. It is expected that this action will be in effect from August 1st to a date no later than September 20th during the years 2000 to 2003. The Council requested that NMFS provide an annual update on results of the investigation.

C-4 American Fisheries Act

ACTION REQUIRED

- (a) Review final co-op reports (including BSAI salmon bycatch provisions) - action as appropriate.**
- (b) Discuss alternatives for processing sideboards and provide direction.**
- (c) Receive industry report on Pacific cod sideboards and provide direction.**
- (d) Discuss AFA report to Congress.**

BACKGROUND

Co-op reports and salmon bycatch

In December we reviewed the draft co-op reports for the 2000 fisheries, with the final reports due for review at this meeting. Most of those reports have not changed since December, so we have not re-copied them but they are available. Minor changes to some of the reports are summarized via letter. Following the December meeting I sent a letter to the inshore AFA processors requesting them to provide information on product recovery and overall utilization rates, which were unavailable in the vessel co-op report. I made a similar request to the offshore co-op. These reports are in your Supplemental Folder and I expect to get a brief summary from the co-op representatives.

Of particular interest in December was the inter-co-op agreement regarding a draft plan to manage BSAI salmon and herring bycatch. You expressed your intent to closely review the final agreement at this meeting and determine whether any further Council action would be necessary. That agreement is also in your Supplemental Folder and we will get a report from co-op representatives.

Processing sideboards

Last fall you took action to approve BSAI pollock processing excessive share caps, per the mandates of the AFA, but postponed action on groundfish processing sideboards. While the AFA is unspecific with regard to the nature of "protective measures for non-AFA processors", the primary alternatives were designed around limitations based on the 1995-1997 history of the AFA processors, mirroring what we did with harvest vessel sideboards. At the October meeting you requested that we schedule this issue for further discussion at the February 2001 meeting, noting that alternatives to be considered may include the existing sideboard limitations; adjustments to the IR/IU program, including but not limited to those submitted by Groundfish Forum; or other measures taking into account our bycatch reduction mandates under the SFA. The Executive Summary from the previous analysis is attached under Item C-4(b)(1). The Groundfish Forum proposal is attached under Item C-4(b)(2).

P. cod sideboards

For several meetings you have received testimony from three, non-AFA Pacific cod fishermen who feel that the additional early season effort in the cod fisheries from AFA vessels is negatively impacting their participation. You previously requested that these individuals meet with representatives from the AFA sector to develop a mutually acceptable solution. In December you reiterated that request, asking for a report from the industry involved, noting that you may take action at this meeting, if necessary, to address the situation.

The representative for those three cod fishermen has submitted comment and recommendations under Item C-4(c)(1).

Report to Congress

We continue to work on the report to Congress as required by the AFA. While technically due last October, it is recognized that we just got a full year under our belt and are now working to complete a meaningful report. Darrell Brannan has been working on this report, and we have a contract with KEA Environmental regarding social and community level impacts. We have also requested help from the State regarding impacts to the CDQ program. My plan at the moment is to try and have something completed by late April or May. Where I need Council direction now is whether and how to vet this through the Council and public, prior to submitting the report to Congress. I recommend that, depending on our progress, I make the draft available for review at our April Council meeting where we could receive public comment and any Council re-direction.

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

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Report of the Advisory Panel

Agenda C-4(b). The AP recommended the Council move forward with an analysis of alternatives for modifications of IR/IU for yellowfin sole and rocksole as an alternative to AFA processor sideboards for both AFA and non-AFA vessels. This analysis should examine alternative of:

- a) no retention
- b) full retention
- c) 50% retention of rocksole and 85% retention of yellowfin sole

and the effect of these ranges on other species.

The AP further requested that the analysis be brought back to the Council for initial and final review on a schedule allowing for Secretarial review and implementation by January 2003, the effective date for IR/IU of flatfish.

Agenda C-4(c). The Biological Opinion #3 (the BiOp) recognizes that rationalizing fisheries through the formation of harvesting cooperatives can be an effective tool in connection with efforts to halt the race for fish and redistribute fishing effort in ways that minimize potential adverse impacts of certain fisheries on Steller sea lions and their critical habitat. Indeed, continuation of harvesting cooperatives in the pollock fishery is identified in the BiOp as an indispensable element in the RPA necessary to avoid jeopardy. The BSAI cod trawl fishery is quite similar to the pollock fishery and the ability to form harvesting cooperatives in the cod trawl fisheries may afford many of the same benefits insofar as protection to sea lions is concerned.

The AP also requested the Council establish a BSAI Trawl Pacific Cod Rationalization Committee and a BSAI Pot Pacific Cod Rationalization Committee. The goal of these committees would to develop for the Council a framework for the rationalization of the BSAI cod fisheries. The AP requested the Council include committee members from the following sectors: AFA Catcher/Processor, AFA Catcher Vessel, Non-AFA C/P, Non-AFA CV, BSAI Onshore Processing, and a conservation representative.

The AP recommended that the BSAI Trawl P. cod committee focus on providing the Council at its June 2001 meeting recommendations and options on the following issues:

1. Elimination of latent BSAI trawl-endorsed LLP permits by establishment of a recency requirement for Non-AFA vessels (see June 2000 AP recommendations for GOA & BSAI P. cod rationalization qualification years); Add to the June 2000 AP recommendation - For non-AFA trawl catcher processors, a recency requirement for all groundfish fisheries in the BSAI and GOA of one landing in 1999 and 2000.
2. Develop options for allocation determinations;
3. Consideration of potential impacts of such measures on non-cod and non-pollock open access groundfish fisheries in the BSAI and the GOA;
4. Consideration of issues associated with rationalization of GOA and BSAI groundfish fisheries;
5. Inclusion of BSAI P. cod rationalization as one of the measures to be considered in connection with the development of new Steller Sea Lion RPAs for the 2002 fisheries: and
6. A set of guidelines for development of a rationalization plan which addresses community impacts and conservation goals such as those presented in the NRC's report to congress on IFQ programs.

Additionally, the AP recommended that the Council initiate action for the following inshore co-op flexibility. If an inshore AFA co-op CV owner notifies its co-op that the member's CV will be unavailable to harvest pollock during all or any portion of a pollock season, the co-op, with its processors's approval, may contract

with other AFA-eligible inshore CV's, that are members of another inshore co-op, to harvest pollock to which the co-op is entitled. Pollock delivered by a CV pursuant to this provision shall not affect the co-op eligibility of the CV.

DISCUSSION/ACTION

The Council received a final report for the year 2000 Catcher Vessel Intercooperative and on the cooperative bycatch program. Council members complimented industry on their efforts to date on the program.

Bob Mace moved to adopt the recommendations of the Advisory Panel with regard to Agenda items C-4(b) and C-4(c), as follows:

That the Council move forward with an analysis of alternatives for modifications of IR/IU for yellowfin sole and rocksole as an alternative to AFA processor sideboards for both AFA and non-AFA vessels. This analysis should examine alternatives of:

- a) no retention
- b) full retention
- c) 50% retention of rocksole and 85% retention of yellowfin sole

and the effect of these ranges on other species.

The AP further requested that the analysis be brought back to the Council for initial and final review on a schedule allowing for secretarial review and implementation by January 2003, the effective date for IR/IU of flatfish.

Agenda C-4(c). The Biological Opinion #3 (the BiOp) recognizes that rationalizing fisheries through the formation of harvesting cooperatives can be an effective tool in connection with efforts to halt the race for fish and redistribute fishing effort in ways that minimize potential adverse impacts of certain fisheries on Steller sea lions and their critical habitat. Indeed, continuation of harvesting cooperatives in the pollock fishery is identified in the BiOp as an indispensable element in the RPA necessary to avoid jeopardy. The BSAI cod trawl fishery is quite similar to the pollock fishery and the ability to form harvesting cooperatives in the cod trawl fisheries may afford many of the same benefits insofar as protection to sea lions is concerned.

These issues would be delegated to industry to return to the Council with recommendations for solutions.

Mr. Mace also moved to adopt the AP recommendation with respect to development of an amendment which would allow an inshore AFA co-op catcher vessel to contract with a vessel from a different co-op to harvest its pollock, after notification to its co-op and approval of its associated processor.

The motion was seconded by Robin Samuelsen.

Linda Behnken requested that the motion be bifurcated and be dealt with on a issue-by-issue basis.

Linda Behnken moved to amend the first portion of the motion, with respect to IR/IU:

- 1. Delete the 'no retention' alternative;**
- 2. Add a halibut bycatch reduction requirement;**

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- 3. Task industry to come back to Council in June with recommendations for halibut bycatch reduction.**

The motion was seconded by Kevin O'Leary.

David Fluharty moved to reinstate the 'no retention' alternative. The motion was seconded by John Bundy and carried, 6 to 5, with Behnken, Duffy, O'Leary, Penney and Samuelsen voting against. (Salveson voting for Balsiger.) It was pointed out that the Council may wish to consider the full range of alternatives.

Robin Samuelsen moved to substitute "PSC reduction" in place of "halibut reduction". This was accepted as a friendly amendment.

Ms. Behnken's amendment, as amended, carried unanimously.

Linda Behnken moved to amend the main motion, as follows: to initiate an analysis to protect then non-AFA vessels in the Bering Sea Pacific cod trawl fishery from adverse impacts of the AFA. Options to be explored would be:

- A. Limiting access to the directed trawl fishery for Pacific cod to the cod-exempt AFA vessels and to open access vessels which have a history of economic dependency upon the winter Bering Sea Pacific cod fisheries, as demonstrated by average January and February deliveries of at least 500,000 pounds for 4 out of the 5 pre-AFA years of 1995-1999 (or such other measure of dependency as the Council deems fit), and**
- B. Allocating a minimum of 5,000,000 pounds (with no cap) of Pacific cod to non-AFA vessels which meet the criteria set forth in paragraph A.**

The motion was seconded by Kevin O'Leary and carried unanimously.

Ms. Behnken acknowledged the fact that staff is not available to undertake any new analysis at this time, but requested that it be added to the staff tasking list.

Dennis Austin moved the AP's recommendation to begin an analysis for the elimination of latent BSAI trawl-endorsed LLP permits by establishment of a recency requirement for non-AFA (see June 2000 AP recommendations for GOA & BSAI Pacific cod rationalization qualification years); Add to the June 2000 AP recommendations: for non-AFA trawl catcher processors, a recency requirement for all groundfish fisheries in the BSAI and GOA of one landing in 1999 and 2000. The motion was seconded by John Bundy. In the discussion of timing, Mr. Austin said his intent would be to at least provide data necessary to allow a voluntary industry committee to do their work.

Kevin O'Leary moved that the Gulf of Alaska groundfish licenses in the Pacific cod fishery be included in the analysis. The motion was seconded by John Bundy and failed, 7 to 4, with Bundy, O'Leary, Samuelsen, and Benton voting in favor.

Mr. Austin's amendment carried, 6 to 5, with Behnken, Duffy, O'Leary and Penny and Benton voting against.

The main motion, as amended, carried, 10 to 1, with Benton voting against.

C-5 GOA Rationalization

ACTION REQUIRED

Receive committee report.

BACKGROUND

At its December 2000 meeting, the Council disbanded the Gulf of Alaska Co-op Committee, which was appointed during final action on American Fisheries Act sideboard measures in December 1998. The newly-appointed 18-member GOA Rationalization Committee (Item C-5(a)) will have its initial meeting this week to develop elements and options for analysis by the June 2001 meeting. The Council notified the committee that it will be disbanded after its final report to the Council. Further, it should consider the National Academy of Science report and recommended standards when considering any type of IFQ program. It was also asked to develop a schedule for submission of new proposals for GOA rationalization and advise the Council of its work plan.

The Consolidated Appropriations Act of 2001 amended the Magnuson-Stevens Act to state that the:

Section 144(b)(2). North Pacific Fishery Management Council shall examine the fisheries under its jurisdiction, particularly the Gulf of Alaska groundfish and Bering Sea crab fisheries, to determine whether rationalization is needed. In particular, the North Pacific Council shall analyze individual fishing quotas, processor quotas, cooperatives, and quotas held by communities. The analysis should include an economic analysis of the impact of all the options on communities and processors as well as the fishing fleets. The North Pacific Council shall present its analysis to the appropriations and authorizing committees of the Senate and House of Representatives in a timely manner.

It is likely that such a broad program would take considerable time to develop and implement. Coincident with GOA rationalization, the Council has also noticed the public that it is considering rationalization options specifically for the GOA Pacific cod fisheries and Bering Sea crab fisheries (see Agenda C-6). The Council indicated in past discussions that it may wish to initiate more near-term rationalization options, specifically for Pacific cod fisheries.

Neither the AP nor the SSC addressed this agenda issue.

Summary of GOA Rationalization Committee Report

The committee will use the problem statement adopted by the Council in June 2000 for public comment as its starting point. An ad hoc subcommittee will provide recommendations to revise the problem statement to address Section 144(b)(2) language from the Consolidated Appropriates Act (CAA) of 2001 and changes already adopted by the Council that affect GOA groundfish fisheries.

The committee identified its role from the CAA:

1. To determine *whether* rationalization in the GOA is needed;
2. For what species/areas; and
3. To recommend a analysis of economic impacts of:
 - a. IFQs
 - b. Processor Qs
 - c. Cooperatives
 - d. Community Qs.

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The committee will submit proposals and other materials via email to Council staff for distribution to the entire committee. The next meeting of the committee is scheduled for March 21-22, 2001 [later changed to March 20-21].

DISCUSSION/ACTION

This was an information-only issue. No Council action was taken.

C-6 Crab Rationalization

ACTION REQUIRED

Receive Committee Report

BACKGROUND

The Council's newly appointed Crab Rationalization Committee had an organizational meeting on January 11 in conjunction with our special January Council meeting. Meeting minutes are attached under Item C-6(a). The Committee established ground rules and a meeting schedule, and are planning to meet February 15-16 in Seattle (at the AFSC), and March 15-16 in Anchorage (location pending). They requested that staff provide a summary of the minutes of previous ad-hoc industry committee meetings as a good starting point for this Committee's work. Staff also have drafted a summary of analytical issues to be addressed when designing elements and options for either fishery cooperatives or IFQ programs. The Committee is striving to complete their task prior to the April Council meeting, and provide the Council a recommended suite of alternatives, elements, and options at that time for formal analysis.

Related to this effort is the recent legislation regarding rationalization for the crab fisheries and GOA groundfish fisheries, and particularly the legislated buyback program for crab. The language from the Congressional legislation is included under Item C-6(b), and NMFS staff working on the buyback are on hand to provide further explanation of the process. Of particular note is the language requiring action by the Council, by February 16, to recommend to the Secretary and the State of Alaska that any increased harvest opportunities resulting from a buyback accrue to all remaining AFA and non-AFA vessels proportionally. In other words, the AFA crab harvest sideboards adopted by the Council, and implemented by the State, would need to be adjusted to reflect that Congressional direction.

As an example, the following language could suffice, for red king crab: *Those AFA vessels that hold a BBRKC endorsement and remaining in the fishery after the buyback shall be capped at their 5-year (91-97, excluding 94 and 95) weighted average share relative to the catch of the post-buyback fleet during those years. These vessels shall be managed in the aggregate...*

This could be accomplished by a Council motion for a letter to the Board of Fish to this effect.

Neither the AP nor the SSC addressed this agenda item.

DISCUSSION/ACTION

Bob Mace moved to send a letter to the Secretary of Commerce recommending any increased harvest opportunities resulting from the buyback program would accrue to remaining AFA and non-AFA vessels proportionally. The letter would also be copied to the Governor of the State of Alaska. The motion was seconded by Linda Behnken and carried without objection.

C-7 CDQ Administration

This agenda item was postponed until a later meeting. No written materials were submitted.

C-8 HAPC Stakeholder Process

ACTION REQUIRED

Receive summary report on the HAPC stakeholder meetings.

BACKGROUND

The Council is working to develop a comprehensive and iterative approach to habitat protection involving researchers, stakeholders and management agencies. Stakeholder meetings are a way to get input from local communities and fishermen typically not involved with the Council process.

The first habitat stakeholder meetings were held on January 10 in Sitka and January 12 in Yakutat. The purpose of the meetings was to exchange information on the distribution and importance of gorgonian coral and sponge habitat, and discuss management options to conserve this habitat area of particular concern (HAPC).

Staff will report on the results of these stakeholder meetings. A written summary of the Sitka and Yakutat meetings is attached as Item C8(a). If these meetings are deemed successful, the Council may consider holding additional stakeholder meetings in other areas of the state where gorgonian corals occur (South of the Kenai Peninsula, and the Western Aleutians).

Neither the SSC nor the AP addressed this agenda item.

DISCUSSION/ACTION

Shortly before the Council meeting, a letter was received from Jim Balsiger, NMFS-Alaska Region, advising that NMFS feels the Council's preferred alternative, adopted in April, would not achieve the stated goals of the amendment. NMFS pointed out that the groundfish FMPs govern only fishing by vessels and fishermen licensed to fish for groundfish in the EEZ, and therefore would not cover those fishing for corals, sponges, mussels, and kelp. NMFS suggested that the Council request the State of Alaska to prohibit commercial fishing for these HAPC species both in the EEZ and within State waters. [See relevant discussion under "Discussions Resulting from Reports", page ___ of these minutes.] This subject was also briefly discussed during the Council's joint meeting with the Alaska Board of Fisheries (Board) earlier in the week and Council members directed the Executive Director to prepare such a letter to the Board. Regarding the HAPC stakeholder meetings, staff was complimented on the results of the first two meetings and the report given during this meeting.

D. FISHERY MANAGEMENT PLANS

D-1(a) Initial Review of BSAI Amendment 68

ACTION REQUIRED

Review analysis and release it for public review.

BACKGROUND

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The current Pacific cod total allowable catch (TAC) in the BSAI is apportioned 51% to fixed gear, 47% to trawl gear, and 2% to jig gear (BSAI FMP Amendment 46). In October 1999, the Council adopted Amendment 64 to the BSAI FMP, which further split the fixed gear Pacific cod allocation among the fixed gear sectors as follows: 80% to freezer longliners; 0.3% to longline catcher vessels; 1.4% to pot or longline catcher vessels less than 60 feet LOA; and 18.3% to pot vessels. This action was intended to promote stability in the BSAI Pacific cod fixed gear fishery until comprehensive rationalization is completed. Amendment 64 was approved by the Secretary of Commerce on July 12, 2000, and was effective starting September 1, 2000. NMFS closed directed fishing for BSAI Pacific cod by pot vessels $\geq 60'$ at that time, to prevent that sector from exceeding the 18.3% allocation of the fixed gear Pacific cod TAC in 2000. Thus, 2001 is the first full year of fishing under the fixed gear allocations.

Upon approval of Amendment 64, the Council acknowledged that a further split of the Pacific cod pot gear TAC between pot catcher/processors and catcher vessels may be necessary to preserve the recent harvest distribution attributed to those sectors, as was done for freezer longliners and longline catcher vessels. However, because the public had not been noticed that this action may take place under Amendment 64, the Council delayed action specific to the pot sector and initiated this follow-up amendment in October 1999.

Amendment 68 would split the 18.3% Pacific cod pot gear allocation among pot catcher/processors and catcher vessels according to historical catch. The options for analysis consider catch from 1995-1999 and are similar to those previously considered under Amendment 64; the only exception is that 1999 catch data is now available and included. The analysis calculates the options both including and excluding catch that has been rolled over from other gear sectors. Since the Council has not had the opportunity to modify the alternatives under consideration since Amendment 64, any additional alternatives the Council would like to include should be added at this meeting.

Recall also that the Council adopted BSAI Amendment 67 in April 2000, which would require a Pacific cod endorsement to fish Pacific cod with fixed gear in the BSAI (in addition to an LLP license). While this amendment has not yet completed regional review, the implication of this action is that the pot cod quota will be taken by substantially fewer pot catcher/processors and catcher vessels upon implementation. In light of this major change to the structure of the fishery, the options under consideration for splitting the Pacific cod pot TAC are also calculated using only the catch histories of those vessels that are both LLP qualified and appear to qualify for a Pacific cod endorsement under the Council's preferred alternative.

The analysis was mailed to you on January 17 and is scheduled for initial review at this February Council meeting. Final review is scheduled for April. The options for splitting the Pacific cod pot gear TAC are provided in the executive summary, attached as item D-1(a)(1).

Report of the Scientific and Statistical Committee

The SSC noted that the draft EA for this amendment relies on assumptions and conclusions represented in the Steller sea lion BiOp, and as stated previously the SSC does not fully endorse those assumptions and conclusions. The SSC also expressed concern that the accumulative effects of BSAI Amendments 64, 67 and 68 may result in an implicit rationalization program, but a rationalization program has not been analyzed. The SSC recommended the amendment be released for public comment after incorporating several suggestions given to the analyst. Please see the SSC Minutes, Appendix II to these minutes, for specific suggestions for the analysis.

Report of the Advisory Panel

The AP recommended the Council release Amendment 68 for public review with the following revisions:

- 1) Revise Table 4.12 to reflect the average catch per vessel with and without the split.
- 2) Provide for rollover provisions
 - a. unused quota distributed as done with other splits
 - b. unused quota from the CV pot quota would rollover to CV longline before moving to CP pot.
- 3) Add the % reduction of vessel number in each sector as a result of Amendment 67.
- 4) Include average investment by sector.

Additionally, the AP requested that the Council to urge NMFS to move post haste with BSAI Amendment 67.

DISCUSSION/ACTION

Bob Mace moved to send the analysis out for public review and comment. Staff will accommodate as much as practicable the recommendations of the SSC and AP. The motion was seconded by John Bundy. Concerns were expressed regarding the effects of Amendment 64 and the fact that Amendment 67 has not yet been approved by the Secretary. The Council determined that final action will not be scheduled on Amendment 68 until after the Secretary has made a determination on Amendment 67, as well after a clearer picture of Steller sea lion/fishery interactions has become available.

Lauren Smoker, NOAA General Counsel, expressed concern about the SSC's comment that they do not accept some of the hypotheses about interactions between the Pacific cod pot fishery and the foraging success of Steller sea lions, and the SSC recommendation that this analysis be reworded to reflect the lack of consensus on the significance of localized depletion and other of the hypotheses.

Also, in response to some concerns expressed regarding the current problem statement, **Linda Behnken suggested the following revised problem statement:**

The catcher/processor and catcher vessel pot fisheries for Pacific cod in the Bering Sea/Aleutian Islands are fully utilized. Competition for this resource has increased for a variety of reasons, including increased market value of cod products and a declining ABC/TAC.

Pot catcher/processors who have made significant long-term investments, have long catch histories, and are significantly dependent on the BSAI cod fisheries need protection from pot catcher vessels who want to increase their Pacific cod harvest. This requires prompt action to promote stability in the BSAI pot cod fishery until comprehensive rationalization is completed.

The motion was accepted as a friendly amendment to the main motion which carried without objection.

D-1(b) TAC-Setting Process

ACTION REQUIRED

Approve analysis for public review.

BACKGROUND

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Since 1995, the Council has considered various regulatory mechanisms to revise the procedure detailed in the Bering Sea/Aleutian Island and Gulf of Alaska groundfish fishery management plans for setting groundfish specifications (optimum yields, allowable biological catches, and total allowable catches). The Council submitted Amendments 48/48 in May 1998 for Secretarial review. Those amendments would have streamlined the annual groundfish harvest specification process; however, NMFS subsequently identified legal and technical problems. As a result, the original concept for Amendments 48/48 was tabled in mid-1999.

NMFS again is attempting to develop options for revising the existing TAC specification process to respond more effectively to the following objectives:

1. manage fisheries based on best available information
2. respond to new information or conservation concerns
3. comply with Congressional requirements while minimizing unnecessary disruption to fisheries
4. provide adequate opportunity for public review and comment
5. promote administrative efficiency while minimizing public confusion regarding annual specifications.

NMFS staff will present an analysis for revising the annual TAC setting process for initial review. A previous version of the analysis was presented to the SSC in June 2000. It recommended that additional alternatives be developed by the Groundfish Plan Teams (Item D-1(b)(1)) and for the Council to reschedule initial review when the analysis addressed its concerns. The Teams reviewed and commented on the draft at its November 2000 meeting (Item D-1(b)(2)). The revised initial review analysis is also included under this agenda tab.

Report of the Scientific and Statistical Committee

The SSC offered several comments and suggestions for the analysts to incorporate into the analysis before sending it out for public review and comment. Please see the SSC Minutes, Appendix II to these minutes, for specific recommendations.

Report of the Advisory Panel

The AP recommended the Council release the analysis for public review and comment, but indicated that final action should be deferred to at least June.

DISCUSSION/ACTION

Bob Mace moved to send the analysis out for public comment after addressing SSC comments. Final action will be scheduled for no later than June 2001. The motion was seconded by Linda Behnken and carried without objection.

D-1(c,d) Bycatch

ACTION REQUIRED

- (a) Review discussion paper on vessel-by-vessel catch and bycatch disclosure.
- (b) Review bycatch information on freezer longline fleet.

BACKGROUND

Discussion paper on vessel-by-vessel disclosure

Several meetings ago, when discussing provisions of the AFA, the Council approved a motion to pursue a regulatory amendment package to allow disclosure of vessel-by-vessel catch and bycatch information, particularly as such information might assist compliance with certain provisions of the MSA regarding bycatch reduction. The AFA allows for this information to be released for certain AFA qualified vessels, but not the broader fleet. This issue arose again at our December meeting and I

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suggested that we needed a discussion paper to scope these issues, particularly given statutory prohibitions, at both the State and Federal level, that preclude release of such information. Elaine Dinneford of our staff, who handles the data issues for the Council and worked for many years at the CFEC, has drafted a discussion paper for your review (Item D-1(c)). That paper incorporates input from NMFS and ADF&G, and outlines a series of issues and options for the Council to consider before we can formalize an amendment package in this regard.

Bycatch information on the FLL fleet

At the last meeting you requested vessel specific (coded to protect confidentiality) information on bycatch of halibut and seabirds in the freezer longline fleet. NMFS staff will have that information at this meeting and will summarize it for the Council.

Neither the AP nor the SSC addressed this agenda item.

DISCUSSION/ACTION

John Bundy moved to initiate an analysis that would evaluate the effectiveness of disclosing individual vessel catch and bycatch data insofar as the Council's effort to minimize bycatch and discards is concerned, and that NMFS staff be requested to update the bycatch and discard report that Dr. Joe Terry prepared in 1996 in connection with the Council's IR/IU initiative. The motion was seconded by Linda Behnken and carried without objection. The priority for tasking staff for the analysis would be discussed under the staff tasking agenda item.

Bob Penney moved to send letters to the Governor of Alaska and the Alaska State Legislature proposing a change to state law allowing for the public disclosure of catch and bycatch of all species on a vessel-by-vessel basis for all vessels and all gear types in the federal groundfish fisheries, consistent with federal reporting requirements in order to reduce bycatch and aid in understanding differential gear impacts. The motion was seconded by Linda Behnken and carried without objection.

Earlier in the meeting Kevin O'Leary had expressed concern over the current halibut PSC specifications for the Gulf of Alaska hook and line Pacific cod fishery, in light of the current Steller sea lion conservation measures.

Mr. O'Leary moved to request that the National Marine Fisheries Service, through emergency action, respecify the May 18-August 31 (30 mt) portion of the GOA halibut PSC in the hook and line fishery in the first trimester (January 1 - May 17). If the respecified first trimester halibut PSC is not fully used in the first trimester hook and line fishery, the unused portion would roll into the second trimester.

~~Further, it is the sense of the Council that if the mechanics of the respecification cannot be moved through the regulatory process before the current halibut PSC cap is reached in the first trimester, that the National Marine Fisheries Service use its discretion to manage the PSC cap in accordance with the respecified numbers.~~

<u>Current Specifications</u>		<u>New Apportionment</u>
1/1-5/17	175 mt	205 mt
5/18-8/31	30 mt	any rollover
9/1-12/31	85 mt	85 mt

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The motion was seconded by Linda Behnken.

Mr O'Leary pointed out that the original apportionments were made under the assumption that the fishery would be prosecuted under the RPAs in BiOp3. Because Senator Steven's rider changed that, the fishery is now very close to attaining the halibut PSC cap for the first quarter because the fishery is now split differently than expected when the apportionments were made.

Linda Behnken moved to delete the second paragraph because NMFS cannot elect not to enforce current regulations. Ms. Behnken's motion was accepted as friendly. The motion carried with Jim Balsiger objecting (emergency rule).

D-2 Crab Management

ACTION REQUIRED

Receive report from Crab Plan Team.

BACKGROUND

In October, the BSAI Crab Plan Team provided comments on a proposal to reduce opilio bycatch limits in trawl fisheries and prohibit trawling in areas with opilio crab. The Council requested the crab plan team to examine the 2000 bycatch of opilio crab in trawl fisheries within the C. Opilio Bycatch Limitation Zone (COBLZ) and Area 517, and consider possible boundary line changes for the COBLZ relative to previous industry negotiations on opilio bycatch management measures.

The Team met by teleconference on January 25 to discuss this matter. The Team recommended maintaining status quo for opilio bycatch limits, but suggested that the Council discuss including opilio in the vessel incentive program (VIP). Minutes are attached as Item D-2 (a).

The Advisory Panel did not address this agenda item.

Report of the Scientific and Statistical Committee

The SSC recommended that bycatch data be presented in the same units as the catch. Currently the crab bycatch is expressed in numbers of crabs; this would mean that the weight of legal males in bycatch would be given in tabular form. It was pointed out that the observer program has not taken this measurement; therefore, the SSC suggested that the observer program examine the feasibility of providing weight measures of bycatch.

DISCUSSION/ACTION

Linda Behnken moved (1) that the observer program be asked to examine the feasibility of providing weight measures of crab bycatch; (2) that the Council work toward establishing effective and appropriate VIP rates for opilio crab per ton of groundfish; and (3) to ask the Alaska Dept. of Fish and Game crab personnel to look at information provided during this meeting by the Alaska Marine Conservation Council and bring an evaluation of it back to the Council. The motion was seconded by Kevin O'Leary. During discussion, Ms. Behnken clarified that her motion would refer to the yellow fin sole fishery, and opilio bycatch specifically.

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NMFS pointed out that currently the VIP program is understaffed, the Center is backlogged as far as data is concerned, and enforcement is a problem. They would be concerned about putting regulations in place that couldn't be enforced.

The motion carried without objection.

D-3 Staff Tasking

ACTION REQUIRED

- (a) Review Committees and provide direction as necessary.
- (b) Review tasking and provide direction.

BACKGROUND

Committees

The list of Council Committees is attached under Item D-3(a)(1). Several of these are going to be active over the next few months, including the Crab Rationalization, GOA Rationalization, Observer, and RPA Committees. These Committees subsume a large amount of staff time, and I expect the RPA Committee to meet several times between now and September. I believe that Council direction to most of these Committees is clear at this point and we don't need much further direction right now. One Committee that is yet to be appointed is the CDQ Policy Committee - perhaps the Chairman could benefit from some Council discussion as to the urgency of that Committee and its directions. You also discussed appointing a Research Funding Committee to keep tabs on some of the major, broad funds that are being brought to bear on North Pacific marine issues.

Status of tasking

Between the RPA Committee meetings, and the EIS for the RPAs which must be completed by September, this is obviously going to be a major tasking item. I am allocating the majority of Dave Witherell's and Cathy Coon's time to this project and it will also involve considerable time from Elaine Dinneford and myself. We are also going to have to address the EFH issue as was discussed under B-3, which is also going to be a major project. Since it involves the same staff I just mentioned, I am hopeful we can begin the intense effort on that after we complete the SSL analyses. Those same staff persons will also be involved in any salmon bycatch related initiatives. General NEPA compliance I mentioned briefly under the ED report. As part of that process NMFS is conducting NEPA training for Council and agency staff which will be in Juneau the last week of this month. I will have a better idea of what this process will entail in April.

I expect Crab Rationalization to be a major task in the near future. Formal analysis would not begin until at least April, when we are scheduled to get the Committee's recommendations, but we are already beginning to put together the framework for such an analysis. Our new economist, Maria Tsu, is assigned to this project and I have initiated a short-term contract with Northern Economics to assist in that development as well as help with the GOA Rationalization Committee. Jane DiCosimo will be working on that latter project, as well as with halibut related initiatives and several other, (relatively) minor projects. Nicole Kimball will be working on halibut related issues as well, and on Observer Program issues and AFA-related amendments that may be initiated. Darrell Brannan has continued to help me on a variety of fronts, including the halibut charter IFQ package, and he is coordinating the AFA report to Congress.

Item D-3(b)(1) is the summary of current staff tasking, again reflecting Existing Projects, Previously Tasked Projects, and Potential New Projects. For reference I carried forward previous groundfish and IFQ proposals under Item D-3(b)(2). I also brought forward the discussion paper from December on

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salmon bycatch in the GOA - Item D-3(b)(3). I know there has been a lot of interest in some minor amendments to the AFA regulations, which is something we could likely take on between now and April. We also have some funding for AFA and Steller Sea Lions that could be used for outside help in those areas, pending availability of appropriate contractor expertise.

The SSC did not address this agenda item.

Report of the Advisory Panel

The AP recommended the Council consider using the CDQ Implementation committee membership as the membership of the CDQ Policy committee, with the addition of a representative from any CDQ group not represented on the Implementation committee.

DISCUSSION/ACTION

During the discussions on staff tasking, Council members directed the Acting Executive Director to review the list of committees, delete the inactive ones, and bring back recommendations to the Council on streamlining or reducing Council committees.

For staff tasking in the future, Bob Mace requested staff provide a list of projects for at least two months in advance, the staff person(s) assigned, and projected timeline for each project.

Mr. Mace also suggested that in the future the AP and SSC should begin their meetings on Tuesday to avoid traveling on a weekend; the Council meeting would then begin on Thursday. Council staff will look into those arrangements for meetings where a contract has not yet been signed.

Regarding staff tasking, Council members confirmed that no staff work should be done on any project that has not been identified as a priority by the Council.

Kevin Duffy moved that the Council direct staff to develop a discussion paper identifying elements and options for analysis of a Community Buy-in for the halibut and sablefish IFQ program. The basis of this discussion paper would be a review of the Community Buy-in proposal previously submitted to the Council by the Gulf Coalition. The Council would review the discussion paper at the June meeting with the intent of initiating a full analysis for initial review in October, or as soon as staff and Council workload would allow. The motion was seconded by Linda Behnken and carried without objection.

Mr. Duffy also read a letter into the record from Alaska State Senator Alan Austerman suggesting the Council use some of the Steller sea lion research funds for a research center in Kodiak. The Council did not comment on the letter.

E. ADJOURNMENT

The Chairman adjourned the meeting at 4:53 p.m. on Sunday, February 11, 2001.

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February 7-11, 2001
Anchorage, Alaska**

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APPENDICES:

- I List of Persons Giving Public Comment
- II Minutes of the Scientific and Statistical Committee
- III Minutes of the IFQ Implementation Team and
 Halibut Charter IFQ Workgroup
- IV Halibut Charter IFQ Motion