

# North Pacific Fishery Management Council

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Certified by: \_\_\_\_\_

Date: \_\_\_\_\_

## North Pacific Fishery Management Council

### Advisory Panel Minutes

Anchorage Hilton Hotel

Anchorage Alaska, March 29-April 2, 2004

The following members were present for all or part of the meeting:

John Bruce  
Al Burch  
Cora Crome  
Craig Cross  
Tom Enlow  
Dan Falvey  
Lance Farr  
Duncan Fields  
Dave Fraser  
Jan Jacobs

Bob Jacobson  
Teresa Kandianis  
Mitch Kilborn  
Kent Leslie  
John Moller  
Kris Norosz  
Eric Olson  
Jim Preston  
Michelle Ridgway  
Jeff Stephan

### C-1 Draft Programmatic Groundfish SEIS

The AP recommends accepting the preliminary preferred alternative identified by the Council in June 2003, with the following modifications to the objectives and bookends as noted in attachment 1.

*Motion carries 18/1.*

Additionally, the AP recommends the Council release the final PSEIS for public comment. *Motion passed 19/0.*

The AP also recommends the Council release the revised FMP to be sent out as a draft document with further action to be taken at the next Council meeting with the deletion of the old BSAI section 13.4.2 "prohibited species." This policy is outdated and is replaced by concepts in the PPA. *Motion passed 17/0.*

*A motion to create a timeline at the June meeting after consideration of current staff tasking issues and new actions resulting from the PPA failed 4/12.*

### C-3 Aleutian Islands Pollock

The AP recommends that the EA/RIR for an Amendment to the BSAI FMP on Groundfish to allow an allocation of AI pollock to the Aleut corporation be released to the public with the following additions:

#### **Motion passed 20/0**

- Amplify discussion in the EA on chinook bycatch and implications to other fisheries. *Motion passed 19/0/1.*
- Add an alternative 1.3: The annual allocation to the Aleut Corporation be fixed at \_\_\_\_% of the annual ABC for AI pollock, but will not exceed 40,000 tons.
  - a) 18%
  - b) 36%
  - c) 50%
  - d) 75%
  - e) 100%

*Motion passed 12/8*

- 2.2 The pollock allocation to the AI fishery will be funded by a reduction in the EBS pollock **TAC if necessary to remain under the 2.0 million mt OY cap.** Any unused pollock TAC from the AI fishery will be rolled back to the EBS pollock TAC. This will occur at the earliest time possible in the calendar year.

2.3 The pollock allocation to the AI fishery will be funded by taking proportional reductions in the TAC amounts from each of the existing groundfish fisheries in the BSAI, without regard to species **if necessary to remain under the 2.0 million mt OY cap.** Any unused TAC amount, surplus to the needs of the AI pollock fishery, will be rolled back to the fisheries from which it originated in the same proportions (and species). This should occur at the earliest time in the calendar year.

*Motion passed 20/0*

- Relative to the pollock harvest levels under the new 1.3 of the EA, quantify rockfish bycatch amounts and implications to MRAs and rockfish target fisheries in the Aleutian Islands. *Motion passed 14/1/4*
- Add a qualitative discussion of what effect, if any, an allocation to the Aleut Corporation would have on the repayment of loans to the government on pollock as mandated under the AFA. *Motion passed 13/7.*

*A motion to initiate a discussion paper on a trailing amendment that would allow under 60' vessels without current LLPs to fish for other species in the Adak area failed 8/11/1.*

**Minority Report:**

*The minority of the AP supported a trailing amendment to discuss additional fishing opportunities for those vessels under 60' that, by statute, are exempt from LLP requirements in harvesting the Aleut Corporation's allocation of AI pollock. These vessels need additional fishing opportunities to retain their residency in Adak and build the community. The intent of the Aleut Corporation's pollock allocation, as indicated in the floor comments on section 803 of the 2004 Consolidated Appropriations Act, is to build a fishing community in Adak. Additional LLP exemptions for vessels under 60' will further these goals. Signed: Duncan Fields, Kris Norosz, Dan Falvey, Eric Olson, and John Moller.*

## C-2 HAPC

**The AP recommends adopting the following problem statement and modifications to the purpose and needs statement.**

### NPFMC HAPC Problem Statement

**Habitat Areas of Particular Concern HAPC) are site-specific areas of essential fish habitat (EFH) of managed species. Identification of HAPCs provides focus for additional conservation efforts for those habitat sites that are ecologically important, sensitive to disturbance, exposed to development activities, or rare. Based on these considerations, the Council has directed that each HAPC site should meet at least two of these criteria, with one being rarity.**

**The Council has set the priorities of seamounts and undisturbed coral beds outside of core fishing areas important as rockfish or other species habitat as priority sites for identification as HAPC and for additional conservation measures. Seamounts may have unique ecosystems, contain endemic species, and may thus be sensitive to disturbance. Some deep-sea coral sites may provide important habitat for rockfish and other species and may be particularly sensitive to some fishing activities. The Council intends to evaluate alternatives to designate HAPC sites and take action, where practicable, to conserve these habitats from adverse effects of fishing.**

*Motion passed 18/0*

### AP Draft Purpose and Need statement

#### 1.0 Purpose and Need for Action

The Council recognizes that Essential Fish Habitat (EFH) designations are necessarily broad in scope because of the limited available scientific information about the habitat requirements of managed species. The Council further recognizes that specific habitat areas within EFH may warrant additional management because they are ecologically important, stressed, susceptible **to human activities-induced degradation,** and/or rare. HAPC identification provides a way to call extra attention to such habitats and to focus conservation and enhancement priorities within EFH.

#### 1.1 Need for Action

In section 2 of the Magnuson-Stevens Fishery Conservation and Management Act, Congress recognized that one of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing loss of marine, estuarine, and other aquatic habitats. Congress adopted specific requirements for fishery management plans (FMPs) to identify EFH and minimize to the extent practicable **any the** adverse effects of fishing on EFH. In the regulations implementing the EFH provisions of the Magnuson-Stevens Act, NMFS encourages Councils to identify types or areas of habitat within EFH as HAPCs (50 CFR 600.815(a)(8)). HAPCs provide a mechanism to acknowledge areas where more is known about the ecological function and/or vulnerability of EFH, and to highlight priority areas within EFH for conservation and management.

Concurrent with the evaluation of potential HAPCs, NMFS and the Council are developing an Environmental Impact Statement (EIS) for the EFH components of the Council's FMPs. The EIS considers three actions: (1) Describe and identify EFH; (2) Adopt an approach to identify HAPCs; and (3) Minimize to the extent practicable the adverse effects of fishing on EFH. The Council determined that it would be most effective to adopt an overall approach for considering HAPCs first (via the EIS), and then to consider specific proposed HAPCs and any associated management measures (via this Environmental Assessment). The Council's preliminary preferred alternative approach for HAPCs is to identify specific HAPC sites, rather than HAPCs based on broad types of habitat.

The draft EIS acknowledges that there are **long term** effects of fishing on benthic habitat features off Alaska, and that considerable scientific uncertainty remains regarding the consequences of such habitat changes for managed species. Nevertheless, the analysis concludes that the effects on EFH are minimal because there is no indication that continued fishing at the current rate and intensity would alter the capacity of EFH to support healthy populations of managed species over the longterm. The EIS therefore finds that no Council-managed fishing activities have more than minimal and temporary adverse effects on EFH, which is the regulatory standard requiring action to minimize effects under the Magnuson-Stevens Act. However, the EIS notes that a variety of practicable management actions could be taken to provide additional habitat protection **in particular areas**.

HAPCs and associated management measures considered by the Council would provide additional habitat protection and further minimize potential adverse effects of fishing on EFH. Such actions are consistent with the EFH EIS because they address potential impacts that are discussed in the EIS, even though the EIS indicates new management measures may not be required under the Magnuson-Stevens Act to reduce those impacts. In effect, through its evaluation of HAPCs, the Council is considering new measures that would be precautionary.

The need for this action also stems from a May 2003 joint stipulation and order approved by the U.S. District Court for the District of Columbia. That agreement reflected the Council's commitment to consider new HAPCs as part of the response to the AOC v. Daley litigation that challenged whether Council FMPs minimize to the extent practicable the adverse effects of fishing on EFH. Under the agreement, final regulations implementing any new HAPC designations and any associated management measures must be promulgated no later than August 13, 2006.

## 1.2 Purpose of Action

The purpose of this action is to determine whether and how to amend the Council's FMPs to identify **and manage** site-specific HAPCs. HAPCs identified as a result of this EA would provide additional habitat protection and further minimize potential adverse effects of fishing on EFH. The HAPCs would be subsets of EFH that are particularly important to the long-term productivity of one or more managed species, or that are particularly vulnerable to degradation. The Council may identify HAPCs based on one or more of four considerations listed in the EFH regulations: ecological importance, sensitivity to disturbance ~~human induced degradation~~, stress from development activities, and rarity of the habitat type. **The Council required that each HAPC site should meet at least two of those considerations, with one being rarity.**

The Council established a process for considering potential new HAPCs, which is documented in Appendix J of the draft EFH EIS. While many types of habitat may be worth considering as HAPCs, the Council determined that concrete and realistic priorities should be set to move forward expeditiously with the designation and possible protection of HAPCs. The Council decided that the initial HAPC proposal cycle should focus on two priorities:

1. Seamounts in the EEZ, named on NOAA charts, that provide important habitat for managed species
2. Largely undisturbed, high relief, long lived coral beds, with particular emphasis on those located in the Aleutian Islands, which provide habitat for life stages of rockfish, or other important managed species that include the following features:
  - a) sites must have likely or documented presence of FMP rockfish species
  - b) sites must be largely undisturbed and occur outside core fishing areas

Coral areas were selected as a Council HAPC priority because they may be linked with rockfish and other FMP species. Additionally, areas of high density "gardens" of corals, sponges, and other sedentary invertebrates were recently documented for the first time in the North Pacific Ocean and appear to be particularly sensitive to bottom disturbance. Some deep-sea corals are fragile, long-lived, and slow growing organisms that provide habitat for fish and may be susceptible to human induced degradation or stress.

Seamounts were selected as a Council HAPC priority because they may serve as unique ecosystems. Some FMP species on seamounts may be endemic (exclusive to a particular place) and vulnerable to stress caused by human induced activities. The purpose of this priority is to protect seamounts from potential disturbance from fishing activities, and therefore to ensure the continued productivity of these habitats for managed species.

If the Council identifies HAPCs that include state waters, the Council will relay its concerns to the Alaska Board of Fisheries to suggest appropriate protection of HAPCs under state jurisdiction.

## **Alternatives and Options**

The AP recommends that Council adopt the following actions and alternatives for analysis:

### **For all action alternatives, the following options will be analyzed:**

Option 1: HAPC designation only, no new management measures

Option 2: No bottom trawling within the HAPC

Option 3: No bottom contact gear within the HAPC

Action 1: Seamounts

Alternative 1: No action (no seamount HAPCs).

Alternative 2: Designate 5 named seamounts in the EEZ off Alaska as HAPCs as described in NMFS proposal #4. (Dickens, Geacomini, Patton, Quinn, Welker). Site-specific habitat and species presence/absence data is available for these 5 named seamounts.

Alternative 3: Designate 16 named seamounts in the EEZ off Alaska as HAPCs as described in NMFS' proposal #4. Sixteen named seamounts are less than 3,000m in depth, which is the deepest recorded range of FMP species. Although site-specific habitat and species presence/absence data is available for only 5 of these sites, species composition can be inferred for the 11 unexplored seamounts.

### Action 2 – Corals

Alternative 1: No action (no coral HAPCs).

Alternative 2: Designate six coral garden sites within the Aleutian Islands as HAPCs as described in NMFS' proposal #19. In 2002 NMFS submersible dives found high density 'gardens' of corals, sponges and other sedentary invertebrates in the central AI.

Adak Canyon: Large, geologically active submarine canyon on the south end of Adak Strait. Eastern flank of the canyon is rich in corals and other sedentary invertebrates. The area contains a series of small coral gardens on the island arc slope between the 150 m and 300 m contour bathymetry lines.

Cape Moffett, the Northern portion off Adak Canyon as described in proposal #19. Area contains series of small coral gardens on the island arc slope between 150-250 m.

Suboption: Define Cape Moffett as described in proposal #16.

Bobrof Island: Area contains series of small coral gardens on the island arc slope between 150-250m.

Semisopochnoi Island: Submarine volcano, Amchixtam Chaxsxii, whose summit is at ~115 m, with an overall height of 580 m. Lava flows extend 14 km downslope to the southeast of the volcano. Strong currents were observed. Coral garden habitat exists on the west side of volcano from the summit to a depth of 365 m. NMFS scientists suspect the entire undersea volcano is likely covered with coral garden habitat. Large *Primnoa* spp. colonies present at 365 m indicate that the submarine volcano may not have erupted within the last several hundred years.

Great Sitkin: Area contains series of small coral gardens on the island arc slope between 300-365 m.

Ulak Island: Area contains series of small coral gardens on the island arc slope between 150-250 m.

Alternative 3: Designate Bowers Ridge as an HAPC as described in proposal number 18. North of Petrel Bank in the Aleutian Islands is a unique submerged ridgeline that spans depths from 11m to greater than 3,700 m. This area is designated EFH for several rockfish species. The complex bathymetric features of the ridge provide a physically complex habitat that *likely* supports undisturbed coral gardens.

The AP notes that some proposals submitted, although they did not meet Council priorities for inclusion in this round of analysis, might be considered when developing research priorities and issuing future calls for proposals.

The AP further recommends that the analysis for each proposed HAPC include a determination of whether that site is part of a core fishing area for any fishery. The analysis should also identify which management measures were suggested by the original proposer of the site.

*Motion passed 17/1.*

## **C-5 GOA Rockfish Pilot Program**

The AP recommends the following elements and options for the CGOA Rockfish Pilot program be included for analysis:

### **Set-asides:**

Prior to allocation of catch history to the sectors, NMFS shall set aside:

- ICA: An Incidental Catch Allocation (ICA) of POP, Northern rockfish and pelagic shelf rockfish to meet the incidental catch needs of fisheries not included in the pilot program
- Entry Level Fishery: A percentage of POP, Northern rockfish and pelagic shelf rockfish for catcher vessels not eligible to participate in the program, as mandated in the Congressional language. For the first year of this program, this set-aside will be: **a) 3%** **b) 4%** **c) 5%** percent of each of these target rockfish species. If this amount is taken in the first year, the set-aside will be increased to 5% in the second year. *Motion passed 20/0.*

For the first year of this program

### **Entry-Level Fishery:**

#### **Catcher Vessel Participation:**

Vessels that can participate in the Entry Level fishery are those vessels that did not qualify for the CGOA rockfish pilot program.

#### **Processor Participation:**

Processors who purchase and process the entry level rockfish quota must be non-qualified processors.

### **Fishery participation:**

Before the beginning of each fishing year an application must be filed with NMFS by the interested **trawl** vessel that includes a contract with a non-qualified processor for a market. *Motion passed 19/0.*

### **NMFS will determine:**

- Whether limits need to be imposed on vessel participation
- If limits need to be imposed, determine the appropriate number of vessel that would be allowed to fish in the entry level fishery
- If more vessels apply then the fishery can support, a lottery will occur to determine the participants.
- Entry permits are non-transferable and must be fished by the named vessel

### **Sector Definitions:**

**Option 1.** Trawl catcher vessel

**Option 2.** Trawl catcher processor

*Motion passed 17/0*

A trawl catcher-processor is a trawl vessel that has a CP LLP license and that processes its catch on board.

### Rationalized Areas

- History is allocated for the CGOA only (NMFS statistical areas 620 and 630)

### Sector Allocations:

- Catch history is determined by the sector qualified catch in pounds as a proportion of the total qualified catch in pounds.
- Sector allocation is based on individual qualified vessel histories with the drop-2 provision at the vessel level.

### **Each sector is allocated catch history based on:**

Option 1. The sum of all catch history of vessels in that sector for the years 1996-2002, drop two, whether the vessels earned a CGOA LLP endorsement or not.

Option 2. The sum of all catch history of vessels in that sector for which it earned a valid, permanent, fully transferable CGOA LLP endorsement, for the years 1996-2002 drop two.

Suboption: include history of vessels which hold a valid interim endorsement on implementation of the program

### **Target species:**

- Qualified target species history is allocated based on retained catch, excluding meal.
- History will be allocated to each sector for POP, Northern rockfish and pelagic shelf rockfish caught in the CGOA while targeting any one of these species during the qualifying period, including incidental catch of these species caught while targeting another of these target rockfish species.
- Different years may be used for determining the history of each of the three rockfish species.

### **Secondary species:**

- Secondary species history is allocated based on **a) total catch b) retained catch** while targeting the primary rockfish species listed above. *Motion passed 19/0*
- History will be allocated to each sector for sablefish, shortraker/rougheye rockfish and thornyheads **and Pacific cod.**
  - **Participants must retain all allocated secondary species and stop fishing when cap is reached.**
  - Pacific cod history will be ~~allocated to~~ managed by MRA for vessels that fish on the ~~inshore~~ offshore pcod quota  
*Motion passed 19/0.*
- All non-allocated secondary species will be managed by MRA, as in the current regime. This includes Arrowtooth flounder, deep water flatfish, shallow water flatfish, flathead sole, rex sole, pollock, other species, atka mackerel and other rockfish.
  - ~~For the CPs that fish on the offshore Pacific cod quota, Pacific cod will be managed by MRA.~~ *Motion passed 19/0*
- Secondary species allocations will be based on:
  - 1) Total catch by sector of the secondary species caught while targeting rockfish divided by the total catch of secondary species by all sectors over the qualifying period. The calculated percentage is multiplied by the secondary species quota for that fishery year and allocated to each sector in the pilot program.
  - 2) Percentage of catch by sector of the secondary species within the rockfish target fisheries divided by the total number of years in the

qualifying period. The calculated percentage is multiplied by the secondary species quota for that fishery year and allocated to each sector in the pilot program-

**Prohibited species (halibut mortality):**

- Allocation to the pilot program will be based on historic average usage, calculated by dividing the total number of metric tons of halibut mortality in the CGOA rockfish target fisheries during the years '96-'02 by the number of years (7). This allocation will be divided between sectors based on:
  - 1) The actual usage of each sector
  - 2). The relative amount of target rockfish species allocated to each sector.

**Allocation from Sector to Vessel**

- Within each sector, history will be assigned to LLP holders that qualify for a sector under the 'sector allocations' above. The allocations will be to the current owner of the LLP of the vessel which earned the history.

Basis for the distribution to the LLP license holder is: the catch history of the vessel on which the LLP license is based and shall be on a fishery-by-fishery basis. The underlying principle of this program is one history per license. In cases where the fishing privileges (i.e., moratorium qualification or LLP license) of an LLP qualifying vessel have been transferred, the distribution of harvest shares to the LLP shall be based on the aggregate catch histories of (1) the vessel on which LLP license was based up to the date of transfer, and (2) the vessel owned or controlled by the LLP license holder and identified by the license holder as having been operated under the fishing privileges of the LLP qualifying vessel after the date of transfer. (Only one catch history per LLP license.)

**Target species:**

Each LLP holder will receive an allocation of history equivalent to their proportion of the total of the sector qualifying history.

**Secondary species:**

- 1). Each LLP holder will receive an allocation of each allocated secondary species equivalent to their proportion of the total sector qualifying history of that secondary species
- 2). Each LLP holder will receive an allocation of sector history proportional to their allocation of target rockfish history

*Different options may be chosen for each sector*

**PSC (halibut mortality)**

- Each LLP holder will receive an allocation of halibut mortality equivalent to their proportion of the sector rockfish history

**Allocations of secondary species:**

- 1) Must be fished in conjunction with the primary species allocations.  
(Compliance monitored at offload)
- 2) May be fished independently of the primary species allocations.

**Coop provisions**

Duration of cooperative agreements is 2 years, with the pilot rockfish program expiring at the end of two years or when Comprehensive GOA rationalization is implemented.

### **For all sectors**

- The coop membership agreement and the Contract will be filed with the RAM Division. The Contract must contain a fishing plan for the harvest of all coop fish.
- Coop members shall internally allocate and manage the coop's allocation per the Contract.
- Subject to any harvesting caps that may be adopted, allocated history may be transferred and consolidated within the coop to the extent permitted under the Contract.
- The Contract must have a monitoring program. Monitoring and enforcement requirements would be at the coop level. Coop members are jointly and severally responsible for coop vessels harvesting in the aggregate no more than their coop's allocation of rockfish species, secondary species and PSC mortality, as may be adjusted by inter-coop transfers.
- Coops may adopt and enforce fishing practice codes of conduct as part of their membership agreement.
- Coop membership agreements shall allow for the entry of other eligible harvesters into the coop under the same terms and conditions as agreed to by the original agreement.
- Coops will report annually to the Council as per AFA.

### **CP sector:**

History is allocated to the current owner of the LLP of the vessel that earned the history.

- Owners may fish their allocation independently if the vessel has a CGOA endorsement, or may enter into a cooperative arrangement with other owners.
- More than one coop may form within the sector
- Any number of eligible ~~LLPs owners~~ may form a coop
- Allocations may be transferred between coops of at least ~~two three owners~~ LLPs each. *Motion passed 19/0.*

### **CV sector:**

- Voluntary co-ops may form between eligible harvesters in association with processors.
- Catcher vessel coops must be associated with an eligible processor.
- An eligible processor is a processing facility that has purchased 250 MT of aggregate Pacific Ocean Perch, Northern Rockfish, and Pelagic Shelf rockfish harvest per year, for 3 years, from 1996 to 2001.
- A harvester is eligible to join a cooperative in association with the processing facility to which the harvester delivered the most pounds of the three rockfish species combined during the year's 1996 –2001 drop 1 year (processor chooses the year to drop, same year for all vessels)
- Harvesters may elect not to join a co-op, and continue to fish in an LLP/Open Access fishery during the two-year pilot program. Those vessels that opt out of the cooping portion program of the pilot program will be penalized 10 to 20% of their historical share. The penalty share will be left with the vessel's associated cooperative. The vessel's remaining share will be fished in an open access fishery environment and must be delivered to one of the qualified processors.
- If a processing facility has closed down and another processing facility has acquired that processing history through purchase, the history belongs to the facility that purchased that history. That history must remain in the community that it was generated in.
- The harvesters that enter into a coop membership agreement shall be the members of the coop. The processor will be an associate of the cooperative but will not be a cooperative member.
- A pre-season Contract between eligible, willing harvesters in association with a processor is a pre-requisite to a cooperative receiving an allocation of Historical Shares.
- Coop membership agreements will specify that processor affiliated vessels cannot participate in price setting negotiations except as permitted by general antitrust law.
- Processors are limited to 1 co-op per plant.
- Catcher vessel cooperatives are required to have at least:
  - a) 50-75 percent of the eligible Harvest Share for each co-op associated with its processor
  - b) Any number of eligible harvesters (allows single person co-op)

## **General provisions concerning leasing of historical shares:**

### **Shorebased Transfer provisions**

Coops may engage in inter-Cooperative transfers (leases) of historical shares during the 2-year coop period to other Cooperatives with agreement of the associated qualified processor.

### **CP Transfer provisions**

CP historical shares may be transferred (leased) within coops and between coops with at least **two** ~~three~~ **owners** LLPs each. *Motion passed 17/0.*

### **Sector Transfer provisions**

CP historical shares may be leased to CV cooperatives. CV historical shares may not be leased to CP cooperatives.

All transfers would be temporary and history would revert to the original LLP at the beginning of the next year.

### **Coop harvest use caps**

#### **CV coops:**

Control of harvest share by a CV co-op shall be capped at:

- Option 1. 30% of aggregate POP, Northern Rockfish and PSR for the CV sector
- Option 2. 40% of aggregate POP, Northern Rockfish and PSR for the CV sector
- Option 3. 50% of aggregate POP, Northern Rockfish and PSR for the CV sector
- Option 4. No cap

#### **CPs ~~Coops~~:**

Control of harvest share by a CP ~~coop~~ shall be capped at:

- Option 1: 50% of aggregate POP, Northern Rockfish and PSR for the CP sector
- Option 2: 60% of aggregate POP, Northern Rockfish and PSR for the CP sector
- Option 3: 75% of aggregate POP, Northern Rockfish and PSR for the CP sector
- Option 4: No cap

Eligible CPs will be grandfathered at the current level

### **Shoreside processor use caps**

Shoreside processors shall be capped at the entity level.

No processor shall process more than:

- Option 1. 30% of aggregate POP, Northern Rockfish and PSR for the CV sector
- Option 2. 40% of aggregate POP, Northern Rockfish and PSR for the CV sector
- Option 3. 50% of aggregate POP, Northern Rockfish and PSR for the CV sector
- Option 4. No cap

Eligible Processors will be grandfathered.

### **Program Review.**

Program review the first and second year after implementation to objectively measure the success of the program, including benefits and impacts to harvesters, processors and communities. Conservation benefits of the program would also be accessed.

### **Sideboards**

~~After analysis of these alternatives, the CP and CV sectors will determine the most effective option(s).~~

### **Sideboard alternatives**

Opt out provision: Qualifying LLPs **owners** may choose to opt out of the program on an annual basis. The history of these LLPs **owners** will stay with the sector. **LLPs ~~owners~~ which opt out of the program will not be sideboarded in other fisheries if their allocation is less than a.)xx b.)xx c.)xx d.)xx (a series of appropriate numbers provided by staff based on catch distribution).** *Motion passed 19/0.*

Exemptions from sideboards:

Vessels with rockfish allocations less than the following percentages are exempt from sideboards:  
a.)xx b)xx c)xx d)xx (**a series of appropriate numbers provided by staff based on catch distribution**)

- Allocations may not be leased

*Motion passed 19/0*

Qualifying LLPs which participate in the CGOA rockfish pilot program are limited, in July, in the following fisheries:

CGOA flatfish (all), AI POP, BSAI other flatfish, BSAI yellowfin sole, BSAI pacific cod, WGOA rockfish, WYAK rockfish

1) To fisheries in which the LLP participated in July from 1996 to 2002 for:

- ~~a) Any one year~~
- a) Any two years
- b) Any four years
- c) Any six years

*Motion passed 19/0*

2) To a maximum percentage of total catch by target, and PSC by target (BSAI) or deep or shallow water complex (GOA) during the month of July in any one year from 1996-2002

Suboption: Apply to all vessels (not just CGOA participants)

As a separate option, the CP sector could choose to fish its sector allocation under the current management regime, with the rockfish fishery starting on July 1<sup>st</sup>.

*A motion to develop analysis on the coop provision only if NOAA GC finds they are consistent with current law failed 8/9/2.*

Additionally, the AP requests the following:

- Vessels (by name) that made landings in the CGOA target rockfish fishery from 1996-2002 with and without current endorsement status
- Estimates of TH and RE/SR incidental catch requirements in the sablefish, halibut and pcod LL fisheries. The AP recommends using observer and IPHC data
- Natural divisions in the level of history awarded within each sector (i.e. between vessels with minimal, moderate and high participation)
- For the following fisheries: GOA flatfish (all), AI POP, BSAI other flatfish, BSAI yellowfin sole, BSAI pacific cod, WGOA rockfish, WYAK rockfish:

Participation patterns in these fisheries during the month of July by LLP holders who will receive allocations

Percentage of total catch, by species complex, in the month of July for each year 96-02 by sector

GOA: Deep complex=rex sole, deep water flatfish, arrowtooth flounder

Shallow complex=shallow water flatfish, flathead sole

BSAI: Other flatfish=rocksole, flathead sole, arrowtooth flounder, Alaska plaice, other flatfish

*Motion passed 17/0*

Develop Matulich-style tables to determine participation patterns in July by sector where appropriate in the following fisheries: GOA flatfish (all), AI POP, BSAI other flatfish, BSAI yellowfin sole, BSAI pacific cod, WGOA rockfish, WYAK rockfish, sub grouped by current and non-current endorsement.

*Motion passed 20/0.*

*Main motion passed 19/1*

## C-6 IRIU

The AP recommends the Council direct staff to continue to develop Amendment 80A and 80B components and options with suggested changes. Further, the AP recognizes the importance of advancing 80A and 80B together to provide the H&G sector tools needed to fully achieve the goals of Amendment 79, and recommends the Council proceed with their development in a linked fashion.

*Motion passed 17/0.*

### ISSUE 1:

Include staff's recommendation to insert the word 'legal' *Motion passed 16/0.*

Expand analysis to include area splits in the BSAI pcod fishery and how that effects LLP endorsements by area and historical fishing patterns. Include solutions allow participants to fish historic fishing patterns. *Motion passed 18/0.*

### ISSUE 2:

Amend option 9.2 and add a new section 9.3(contingent on combining 80a&b):

In suboption 9.2.2, remove suboptions a-e for reductions of PSC apportionments, as they only apply to one suboption for apportionments of PSCs.

Create a new option using the same PSC reduction options, such that the options would apply to any PSC apportionment method selected.

Option 9.3 Select a PSC reduction option from the following that would apply to any PSC apportionment suboption selected in 9.2. PSC reduction options can vary species by species, and sector by sector.

- 9.3.1 Reduce apportionments to 60% of calculated level.
- 9.3.2 Reduce apportionments to 75% of calculated level.
- 9.3.3 Reduce apportionments to 90% of calculated level.
- 9.3.4 Reduce apportionments to 95% of calculated level.
- 9.3.5 Do not reduce apportionments from calculated level.

**Motion passed 17/1/1**

### ISSUE 3:

Strike component 10 and refer it to a recomposed IRIU technical committee for further development.

**Motion passed 18/1**

### ISSUE 4:

Add an option 11.7 for <60' pot and H&L cvs

- a) 96-02
- b) 97-02
- c) 98-02
- d) 99-02
- e) 00-02

Add an option 12.7 for <60' pot and H&L cvs

- a) At least one landing
- b) 5 Mt
- c) 10 mt
- d) 20 mt
- e) 50 mt

Suboption 1: Exclude jig vessels and <60' fixed gear CV from minimum landing requirements

Suboption 2: Exclude jig vessels

**Motion passed 17/0**

Add a component 13 for fixed gear vessels > 60' for pcod

- Eligibility and participation as determined in the Amendment 67 and the current LLP program.

**Motion passed 17/0**

Additionally, the AP recommends the following responses to the questions posed by staff in the discussion paper presented to the Council:

1. Amendment 80 is intended to create a license-based program

2. Excessive share caps are intended to do all the following:
  - a. Apply to the legal entity which owns the license
  - b. Limit the holding of history in the fisheries
  - c. Be applied across species, to the total allocation to the sector
  - d. Be applied using the 'individual and collective' rule.

**Motion passed 14/0**

The AP recommends the Council accept staff corrections on 80B. *Motion passed 14/0.*

**C-7 Observer Issues**

The AP recommends revising the membership of the Observer Advisory Committee to include adequate representation from the less than 60' groundfish, halibut, freezer longliner, and CDQ sectors. *Motion passed 18/0.*

**D-1 Scallop FMP**

The AP endorses the SSC minutes and recommends initiating an analysis with the alternatives identified. *Motion passed 17/0.*

**D-2 Staff Tasking**

The AP recommends the Enforcement Committee or other appropriate committee be tasked to review the following crab rationalization/crab CDQ issues:

- Catch counting methodology used to deduct quota from a product.
  - will it be after the catch is weighed on certified scale or on observer estimates at sea?
- Enforcement involvement in transfers to cover overages
- Enforcement involvement in coop transfers of underage
- Scale certification and standard margin of error
- Overage and underage provisions in the crab rationalization program

*Motion passed 17/0*

**AP CHANGES TO THE PREFERRED ALTERNATIVE**  
**Noted in Reverse Text**

**Prevent Overfishing:**

1. Adopt conservative harvest levels for multi-species and single species fisheries and specify optimum yield.
2. Continue to use existing optimum yield cap for BSAI and GOA groundfish fisheries.
3. Provide for adaptive management by continuing to specify optimum yield as a range.
4. Initiate a scientific review of the adequacy of F<sub>40</sub> and adopt improvements as appropriate.
- ***Continue to improve the management of species through species categories.***

**Promote Sustainable Fisheries and Communities:**

5. Promote conservation while providing for optimum yield in terms of providing the greatest overall benefit to the nation with particular reference to food production, and sustainable opportunities for recreational, subsistence and commercial fishing participants and fishing communities
7. Promote management measures that, while meeting conservation objectives, are also designed to avoid significant disruption of existing social and economic structures.
8. Promote fair and equitable allocation of identified available resources in a manner such that no particular sector, group or entity acquires an excessive share of the privileges.
9. Promote increased safety at sea.

**Manage, Reduce and Avoid Bycatch and Incidental Catch,**

14. Continue and improve current incidental catch and bycatch management program.
15. Develop incentive programs for ~~incidental catch and~~ bycatch reduction including the development of mechanisms to facilitate the formation of bycatch pools, VBAs, or other bycatch incentive systems.
16. Encourage research programs to evaluate current population estimates for non-target species with a view to setting appropriate bycatch limits as information becomes available.
17. Continue program to reduce discards by developing management measures that encourage the use of gear and fishing techniques that reduce bycatch which includes economic discards.
18. Continue to manage incidental catch and bycatch through seasonal distribution of TAC and geographical gear restrictions.
19. Continue to account for bycatch mortality in TAC accounting and improve the accuracy of mortality assessments for target, PSC bycatch, and non-commercial species.
20. Control the bycatch of prohibited species through PSC limits or other appropriate measures.

- ***Minimize waste to the extent practicable.***

**Avoid Impacts to Seabirds and Marine Mammals:**

21. Continue to cooperate with USFWS to protect ESA-listed species
22. Maintain or adjust current protection measures as appropriate to avoid jeopardy to ESA-listed Steller sea lions.
23. Encourage programs to review status of endangered or threatened marine mammal stocks and fishing interactions and develop fishery management measures as appropriate.

- ***Continue to cooperate with NMFS and USFWS to protect ESA-listed marine mammal species, and if appropriate and practicable, other marine mammal species.***

### Reduce and Avoid Impacts to Habitat:

24. Review and evaluate efficacy of existing habitat protection measures for managed species.
25. Identify and designate EFH and HAPC, **and mitigate fishery impacts to the extent practicable, if scientific evidence indicates a fishery is adversely impacting the productivity of the managed species.**
26. Develop a Marine Protected Area policy in coordination with national and state policies.
27. Encourage development of a research program to identify regional baseline habitat information and mapping, subject to funding and staff availability.
28. Develop goals, objectives and criteria to evaluate the efficacy and suitable design of marine protected areas and no-take marine reserves as tools to maintain abundance, diversity, and productivity **of managed species.** Implement marine protected areas if and where appropriate.

### Promote Equitable and Efficient Use of Fishery Resources:

29. Provide economic and community stability to harvesting and processing sectors through fair allocation of fishery resources.
30. Maintain LLP program **as necessary** and further decrease excess fishing capacity and overcapitalization by eliminating latent licences and extending programs such as community or rights-based management to some or all groundfish fisheries.
31. Provide for adaptive management by periodically evaluating the effectiveness of rationalization programs and the allocation of access rights based on performance.
- ▣ **Develop management measures that, when practicable, increase the efficient use of fishery resources taking into account the interest of harvesters, processors, and communities.**

### Improve Data Quality, Monitoring and Enforcement:

35. Increase the utility of groundfish fishery observer data for the conservation and management of living marine resources.
36. Improve groundfish Observer Program, and consider ways to address the disproportionate costs associated with the current funding mechanism.
37. Improve community and regional economic impact assessments through increased data reporting requirements.
38. Increase the quality of monitoring and enforcement data through improved technological means.
39. Encourage a coordinated, long-term ecosystem monitoring program to collect baseline information and compile existing information from a variety of ongoing research initiatives, subject to funding and staff availability.
40. Cooperate with research institutions such as the North Pacific Research Board (NPRB) in identifying research needs to address pressing fishery issues.
- ~~41. **Work with NPRB and other research entities to develop and prioritize research programs, and seek funding for appropriate research projects to inform the Council as it seeks to meet the goals and objectives of this management approach.**~~
42. Promote enhanced enforceability.

# Preliminary Preferred Alternative Bookends

**AP comments included in reverse text**

	PPA.1	PPA.2	
<b>*****NO AP COMMENTS ON INITIAL SECTIONS*****</b>			
<b>TAC-setting Process</b>	OY	<ul style="list-style-type: none"> <li>- OY specified as range for BSAI: 1.4-2.0 mill MT and OY specified as range for GOA: 116,000 - 800,000 MT; BSAI OY cap: if the sum of TAC &gt; 2 mill mt then TAC will be adjusted down</li> </ul>	<ul style="list-style-type: none"> <li>- <b>Conduct a scientific and policy review of the OY caps for the BSAI and GOA.</b></li> </ul>
	<b>*****NO AP COMMENTS ON INTERVENING SECTIONS*****</b>		
	Ecosystem Indicators	<ul style="list-style-type: none"> <li>- Develop ecosystem indicators for future use in TAC-setting</li> </ul>	<ul style="list-style-type: none"> <li>- Develop and implement, as appropriate, criteria for using key ecosystem indicators in the TAC-setting process</li> <li>- Develop appropriate harvest strategies for rockfish. Use F<sub>60</sub> for rockfish as proxy for analysis</li> </ul>
<b>*****NO AP COMMENTS ON INTERVENING SECTIONS*****</b>			
<b>Bycatch and Incidental Catch Restrictions</b>	PSC limits	<ul style="list-style-type: none"> <li>- Maintain PSC limits for herring, crab, halibut, and salmon in BSAI; maintain PSC limit for halibut in GOA</li> <li>- Review effectiveness of coop managed PSC reduction</li> <li>- BSAI: Consider reducing PSC limits for herring, crab, halibut, and salmon to the extent practicable (0-10%) (for purposes of analysis will use 10%)</li> <li>- GOA: Identify salmon savings areas and establish PSC limits to manage</li> <li>- GOA: Establish PSC limits on salmon (for example, NTE a 25,000 fish cap for Chinook and a 20,500 fish cap for 'other salmon'); establish PSC limits on crab and herring based on biomass or other fishery data</li> <li>- For those PSC species where annual population estimates exist, explore a mortality rate based approach to setting limits</li> </ul>	<ul style="list-style-type: none"> <li>- BSAI: Reduce PSC limits for herring, crab, halibut and salmon to the extent practicable (0-20% for analytical purposes)</li> <li>- GOA: Establish PSC limits on salmon (for example, NTE a 25,000 fish cap on Chinook and a 20,500 fish cap for 'other salmon'); <b>identify and establish salmon savings area to manage</b></li> <li>- GOA: establish PSC limits on crab and herring based on biomass or other fishery data that would trigger inseason closure areas</li> <li>- GOA: consider reducing halibut PSC by 0-10%</li> <li>- BSAI/GOA: For those PSC species where annual population estimates exist, explore a mortality rate-based <b>and abundance-based</b> approach to setting limits</li> </ul>
<b>*****NO AP COMMENTS ON INTERVENING SECTIONS*****</b>			

		PPA.1	PPA.2
Seabird Measures	Seabird Avoidance Measures	- Longline: Maintain current seabird avoidance measures <b>as approved in 2001</b> - Trawl: <b>Cooperate with USFWS to develop scientifically-based fishing methods that reduce incidental take of ESA-listed seabird species.</b>	- Longline: Cooperate with USFWS to develop scientifically-based fishing methods that reduce incidental take for all seabird species - Trawl: <del>Evaluate avoidance measures for endangered seabirds and implement as necessary.</del> <b>Cooperate with USFWS to evaluate and implement scientifically-based fishing methods that reduce incidental take of ESA-listed, and if appropriate and practicable, other seabird species.</b>
***** <b>NO AP COMMENTS ON INTERVENING SECTIONS</b> *****			
Gear Restrictions and Allocations	allocations	- Retain existing gear restrictions and allocations. No pot fishing in GOA for sablefish. Sablefish and P. cod allocated by gear in BSAI. Sablefish allocated by gear in GOA.	<del>Evaluate pot fishing in GOA for sablefish</del> <b>- BSAI: Sector allocations for non-pollock groundfish.</b> <b>- GOA: Groundfish rationalization program to be developed and implemented.</b>
***** <b>NO AP COMMENTS ON INTERVENING SECTIONS</b> *****			
Observer Program	Coverage and monitoring	- Continue existing Observer coverage or modify based on data and compliance needs - Modification should be scientifically-based (e.g., random placement, flexibility, variable rate)	Extend to 100% > 60'; CDQ & AFA to stay the same as Alt 1 - Expand/modify observer coverage based on scientific data and compliance needs (applies to all vessels: <60' and >= 60') - Improve species identification for non-target species - Develop uncertainty estimates for target species data
Observer Program (continued)	Fee Structure	- Industry pays for observer deployment related costs	- Develop and implement alternate funding mechanisms a) Federal funding b) Research Plan <b>(e.g. fee based)</b>
Data and Reporting Requirements	Reporting Requirements	- Maintain current reporting requirements (a) AFA requirement that all CPs and motherships to weigh all pollock catch on NMFS approved scales (b) CDQ requirement that all CDQ groundfish catch is to be weighed on NMFS-approved scales	- Explore programs that collect and verify economic data through independent third party (accounting firm/other) <b>while protecting confidential information on an individual/firm basis</b> - Collect and verify aggregate economic data through independent third party (e.g. accounting firm)
***** <b>NO AP COMMENTS ON FINAL SECTION</b> *****			