

# North Pacific Fishery Management Council

## News and Notes



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## GOA Groundfish Rationalization

The Council received a staff report on development of alternatives for managing Gulf of Alaska groundfish fisheries and for the development of a supplemental environmental impact statement (SEIS). Six public hearings have been held in Gulf coastal communities and one was held during the Seattle Council meeting. An additional scoping meeting will be held during the October 2002 meeting of the Alaska Federation of Natives to provide an opportunity to formally consult with tribes.

The GOA Working Group reported on its progress in developing recommendations for alternatives for analysis. The working group adopted the basic alternatives listed below, and is drafting elements and options to be associated with each alternative. The working group is scheduled to meet in Anchorage on October 17-18 and November 25-26 to complete that task. Neither the Council nor committee has called for proposals for elements and options, and all draft elements and options must be presented to the committee by a member. Since no elements and options have been proposed for the catcher processor sector, the committee has noticed the public of a November 1 deadline for such proposals to be presented to the committee through a member or staff. The Council's proposed problem statement and objectives, scoping meeting guides and summaries, and committee minutes are available on the Council's website. This issue will be on the Council's December agenda for further discussion. Staff contact is Jane DiCosimo.

### Draft Recommendations of the GOA working group for GOA Groundfish Rationalization Alternatives for Analysis

- ALTERNATIVE 1. No action
- ALTERNATIVE 2. Revise the License Limitation Program
- ALTERNATIVE 3. Harvester only allocation ("1-pie")
  - Option 1. Quota share program
  - Option 2. Cooperative program
- ALTERNATIVE 4. Harvester allocation with closed class of processors ("1-pie," with a closed class of processors)
  - Option 1. Quota share program
  - Option 2. Cooperative program
- ALTERNATIVE 5. Harvester and processor allocations ("2-pie")
  - Option 1. Quota share program
  - Option 2. Cooperative program

## Chair, Vice-Chair Re-elected

The Council unanimously re-elected David Benton and Dennis Austin as Council Chairman and Vice-Chairman, respectively. Both are long-time Council members and will be going into their third year in these leadership roles. Hazel Nelson, long-time member of the Advisory Panel, served her first meeting in her new capacity as Council member. The Council family also welcomed its newest staff member, Dr. Diana Stram, at this meeting. Diana will be the Gulf of Alaska Plan Coordinator, along with numerous other responsibilities.

## Bob Penney's last meeting

Council member Bob Penney will be leaving the Council, due to family and business obligations, with October being his last meeting. Bob's actions on the Council always reflected an unflinching priority for resource conservation, regardless of the issue at hand. We will miss him and his unique, impeccable style. A replacement is expected to be named in the very near future.

## Appointments to the SSC and Plan Teams

The Council approved the appointment of Dr. Gordon Kruse to the Scientific and Statistical Committee (SSC), and he will begin serving at the December meeting. Dr. Kruse, formerly with ADF&G, is currently the President's Professor of Fisheries with the University of Alaska, Juneau. Sarah Gaichas, with NMFS Alaska Fisheries Science Center, was appointed to the Gulf of Alaska Groundfish Plan Team, and Mr. Gregg Rosenkranz, scallop biometrician with ADF&G, was appointed to the Council's Scallop Plan Team. Welcome aboard to all!

## Observer Program

The Council reviewed the Observer Advisory Committee (OAC) report from the July 2002 meeting. At that meeting, the OAC discussed the need to restructure the North Pacific Groundfish Observer Program based on previous direction from the Council and issues stemming from NMFS, industry, observer providers, and observers. The committee reviewed the primary issues and considered what type of change would best address current concerns (overall program design change versus incremental changes within the current framework). As a result of that meeting, the OAC concluded that it supports full Federal funding of the Observer Program, but it would consider support of a program design that includes a blend of Federal funding and a fee plan. In addition, the OAC agreed that the Council should focus first on addressing the problems in the unobserved and 30% fleet. The committee recognized the difficulty in recommending restructuring alternatives in light of the uncertainty surrounding potential Magnuson-Stevens Act reauthorization, industry efforts to secure Federal funding for the Observer Program, and the direction of developing rationalization programs.

The Council noted that it supports the continuing work of the OAC and further tasked the committee to develop a problem statement and alternatives to be presented at the February Council meeting. The Council provided flexibility in the scheduling of the next OAC meeting, recognizing that NMFS is planning an agency meeting later this fall to discuss potential solutions to the problems identified by the OAC and the agency. The next OAC meeting will be announced at a later date. Council contact is Nicole Kimball.

## CDQ Program

The Council concurred with the State of Alaska's recommended 2003-2005 allocations to the six CDQ groups for groundfish, prohibited species, halibut, and crab. The State of Alaska will submit these recommendations and the rationale supporting the allocations to NMFS for Secretarial review on October 15. NMFS is required to complete its review of the State's recommendations within 45 days of submittal.

The Council also expressed concern with several issues raised during public testimony. The Council recognized some controversy regarding the evaluation criteria used by the State to determine the initial allocation recommendations, as well as the mechanism by which appeals of the final agency decision on CDQ allocations can be made. While the Council did approve the State's initial recommendations, it recommended scheduling a discussion of the above issues at a future meeting. Council contact is Nicole Kimball.

## Programmatic Supplemental and Environmental Impact Statement

In October, the Council received a status report on the PSEIS. Since the Council approval of a suite of alternatives at the June meeting, the PSEIS team has begun the analysis with a view to presenting a report to the Council at its April meeting. At that time, the Council will be seeking public input in developing a preliminary preferred alternative to be published in the draft document, due out in late summer 2003.

The schedule milestones are as follows:

April 2003	overview of the revised draft PSEIS presented to Council
Apr-Jun 2003	Council will determine its preliminary preferred alternative, to be included in the revised draft PSEIS (no later than its June 2003 meeting)
Sep-Dec 2003	public review of revised draft PSEIS
Jan-Mar 2004	synthesis and review of public comments
April 2004	comment summary presented to Council
June 2004	Council finalizes its preferred alternative
January 2005	Final PSEIS released for public review
May 2005	Record of decision

The PSEIS alternatives and schedule information are available at [www.fakr.noaa.gov/sustainablefisheries/seis](http://www.fakr.noaa.gov/sustainablefisheries/seis). Staff contact is Diana Evans.

## Single Geographic Location

The Council took final action on single geographic location restrictions (Amendment 62/62), which allows AFA-qualified inshore floating processors to process BSAI pollock in more than one location during a year. An amended Alternative 2 was selected as the preferred option and is include in its entirety below:

*In the Bering Sea directed pollock fishery, AFA inshore floating processors would be required to operate in a single geographic location in state waters for the duration of each reporting week, but would be allowed to change locations from week to week, to a maximum of four changes per calendar year. In addition, AFA inshore processors would be required to process all GOA pollock and GOA Pacific cod in the same location at which they processed these species in 2002.*

Staff Contact is Jon McCracken.

## **Additional Pacific Cod Sideboards**

The Council reviewed a draft analysis of additional sideboard measures for the Bering Sea winter Pacific cod fishery. The draft analysis addresses a complaint by three non-AFA vessels claiming adverse impacts from the AFA. The alternatives under consideration includes restricting both non-AFA vessels without historical dependency on the fishery, and AFA vessels, from the winter Pacific cod fishery during January and February. The Council approved the analysis for public review once additional information is included in the document. The Council also narrowed the focus of Alternative 2 to statistical area 655430 rather than the Bering Sea and lowered the threshold level for determining historical dependence to 250,000 pounds. Additionally, the Council clarified the intent of the proposed action to apply only to catcher vessels, and approved a formal problem statement for the proposed action. Finally, the Council encouraged the industry to work out an agreement that is acceptable to all parties involved. Final action is tentatively scheduled for the December 2002 Council meeting. Staff contact is Jon McCracken.

## **Crab Stock Status**

The Crab Plan Team provided the Council with an overview of the Stock Assessment and Fishery Evaluation Report. The trawl survey indicated positive signs of future recruitment for bairdi Tanner crab and Bristol Bay red king crab. For opilio crab, the survey indicated much fewer pre-recruit crab than expected. The Pribilof Islands blue king crab biomass was projected to be below a threshold level, and hence in an 'overfished' status, so a rebuilding plan will be developed over the next year. At this time, it is unclear what additional measures would be included in a rebuilding plan. The stock is not subject to any fishing mortality (the fishery has been closed since 1999), bycatch mortality, or habitat impacts due to other fisheries. Further discussion is scheduled for December. Staff contact is David Witherell.

## **Independent Review of Harvest Strategies**

In October 2001, in conjunction with the actions taken to address Steller sea lion issues, the Council initiated an independent scientific review of our basic  $F_{40}$  groundfish harvest policy. The intent of this review was to determine whether changes need to be made to account for individual species needs or ecosystem needs. The  $F_{40}$  review panel included Dr. Dan Goodman (Montana State University), Dr. Graeme Parks (Marine Resource Assessment Group, Florida), Dr. Victor Restrepo (ICCAT, Spain), Dr. Terry Quinn (UAF), Dr. Marc Mangel (University of California Santa Cruz), Dr. Tony Smith (CSIRO, Australia), and Dr. Kevin Stokes (New Zealand). The Chair of the panel, Dr. Dan Goodman, presented their findings to the Council. A written report will be available on our web site in the coming month. A final oral report will be given in December. Staff contact is David Witherell.

## **Steller Sea Lions**

National Marine Mammal Laboratory scientists presented this years survey data for Steller sea lions. Counts of non-pups in both the eastern and western stocks generally showed an increase in the 2002 surveys. Counts of pups, while still in decline, appear to be declining at a much slower rate than previous surveys. Although these trends are encouraging, it is too soon to conclude that the western population is recovering.

In October 2001, the Council adopted a suite of fishery and area specific measures to mitigate potential impacts of pollock, cod, and mackerel fisheries. This suite of measures was deemed to avoid jeopardy and adverse modification of critical habitat for Steller sea lions in the October 19, 2001 Biological Opinion, which is being challenged in US district court. A court hearing with Judge Zilly is scheduled for October 30.

At this meeting, the Council took final action on two trailing amendments to the mitigation program for Steller sea lions. First, the Council voted to exempt pot fishing vessels from sea lion closures from 0-3 nm around Caton Island and Cape Barnabas. Second, the Council voted to continue the closure of the Aleutian Islands to pollock fishing for one year. The Council intends to revisit this issue in the coming year, and requested additional information to be included in an updated analysis. This information will include results of sea lion telemetry studies in the AI area, sea lion trend data, pollock biomass data, and other relevant information.

The Council also approved a regulatory amendment to close waters north of Unimak Pass (outside the Cape Sarichef sea lion closure area) to all groundfish fishing (with trawl, longline, and pot gear) during the last two weeks of March during the years 2003-2006. Continuation of this closure beyond 2003 would be contingent upon a review of the 2003 research by the Council at its June meeting. The closure was proposed by NMFS Alaska Fishery Science Center to test for measurable localized depletion of Pacific cod due to bottom trawling. Staff contact for sea lion issues is David Witherell.

## **Revising the Annual Specification Process**

The Council rescheduled final action on Amendments 48/48, to revise the TAC-setting process, until February 2003. Public testimony at the meeting suggested two additional alternatives for analysis and additional consultation with NOAA General Counsel on its determination that the current specification process does not meet the requirements of the Administrative Procedures Act. The two alternatives are: (1) minor adjustments to proposed rulemaking that includes current biological information on groundfish that would best approximate the information that will be available as a result of November Plan Team meetings; and (2) set preliminary specifications for 15-18 months. The Council has requested a legal assessment of these proposed alternatives at its December meeting to determine whether either would satisfy the requirements of the APA. Staff contact is Jane DiCosimo.

# Vessel Monitoring Systems

Vessel monitoring systems that provide two-way communication could aid compliance with fisheries regulations and maritime safety, and comport with the MSA. The Council's VMS committee used the following performance factors to evaluate the various transponder systems that are being considered for NMFS-certification for use in Alaska fisheries.

## Performance Factors

1. The meeting of NMFS Requirements and Performance Standards
2. The operation and cost of the systems
3. Safety of Life and Property Factors
4. Efficiency of Maritime Operations

The Council approved the Committee's recommendations to be forwarded to the national VMS Committee which meets later this fall. Among those are the following:

## Proposed changes to 50 CFR 679

- Modification of the position reporting period, presently every 30 minutes, to allow for variable reporting relative to vessel proximity to areas of concern which reduces operating costs
- Using "comprehensive coverage" as the performance standard for VMS as opposed to "seamless" that is the present requirement
- Requiring future VMS to provide for 2-way communications capability to help reduce negative impact on protected resources and enhance maritime safety
- Reliability of VMS hardware
- Backup systems, hardware or software based, as an alternative to a secondary VMS

The Council also adopted a recommendation that Inmarsat C and Iridium satellite technology provides comprehensive VMS coverage for the Alaska Region. In the event of a VMS failure, cost effective hardware or software technology back-up systems would allow a fishing vessel to complete its current voyage and still meet NMFS' basic security and reporting criteria (geographic coverage, tamper resistant, encrypted data exports for tracking analysis, 30 minute poll rate, and vessel specific). Staff contact is Jane DiCosimo.

# IFQ Program

The Council reviewed a request from the Akutan Fisheries Association to be included as an eligible community to purchase halibut and sablefish commercial quota share (QS) through the Gulf community QS purchase. Akutan requested being added to the program to enable the community to purchase halibut QS in Area 4A for lease to community residents. Given its geographic location and inclusion in the western Alaska CDQ Program, the Council determined that the community of Akutan would not qualify as a Gulf of Alaska community for the purposes of the Gulf community QS purchase program. As an alternative, the Akutan Fisheries Association proposed establishing a defined annual amount of halibut CDQ in Area 4A, funded from the unused IFQ remaining each year in that area.

The Council noted that several other IFQ proposals have been awaiting analysis due to a full staff workload and expressed concern with addressing all new proposals in a consistent manner. In addition, the Council questioned the long-term sustainability of the proposal to establish halibut CDQ in Area 4A based on unused quota. The Council recommended that the community of Akutan consult with the State of Alaska and their CDQ group (APICDA) to flesh out ideas for the use of existing CDQ and IFQ within and proximate to Area 4A. The intent of the motion is to include a discussion of potential funding options to further enhance Akutan residents' ability to participate in the local halibut fisheries, recognizing that one option for consideration may include amending the CDQ Program to include Area 4A halibut CDQ. The Council recommended that this dialogue occur prior to submitting a proposal for consideration. Staff contact is Nicole Kimball.

# Fixed Gear Cod Split

The Council initiated analysis of BSAI Amendment 64, based on alternatives and options presented by staff which closely mirror the alternatives originally analyzed for this action. In October 1999, the Council approved BSAI Amendment 64 to split the fixed gear allocation of Pacific cod among hook-and-line catcher processors, hook-and-line catcher vessels, and pot sectors in the BSAI as follows:

80%	Hook-and-line catcher processors
0.3%	Hook-and-line catcher vessels
18.3%	Pot vessels
1.4%	Hook-and-line or pot CVs <60 feet LOA

The percentages approved under Amendment 64, effective since September 2000, represented divisions of the hook-and-line or pot gear TAC after a deduction of estimated incidental catch of Pacific cod in other groundfish fixed gear fisheries. The percentage allocations to each gear sector closely related to the historical catch of each sector during 1995 - 1998. In addition, the Council provided for a separate allocation for hook-and-line and pot vessels <60' LOA.

Amendment 64 sunsets on 12/31/03, meaning that the regulations implementing the allocations established for the BSAI hook-and-line and pot cod fishery will expire at that time. Continuing the allocations of P.cod among the hook-and-line and pot gear sectors (or selecting new allocation percentages) in the BSAI after the sunset date requires Council and Secretarial approval of a new amendment. Included for consideration in this package will be sub-allocations of the pot gear quota. Council review and approval of

the alternatives for Amendment 64 is scheduled for the December meeting, with initial review scheduled for April 2003.

## **Preliminary and Interim Specifications for 2003**

The Council adopted a new policy for setting preliminary and interim specifications, while awaiting resolution on plan amendments to revise the specification process (Plan Amendments 48/48). Previously, the Council simply “rolled over” the current year’s final specifications to start the next year’s fisheries until they could be superceded by final specifications. For 2003, the Plan Teams based its Overfishing Level (OFL) and Allowable Biological Catch (ABC) recommendations on projections for 2003 made by stock assessment authors in their 2001 model. The teams incorporated projections for year-end 2002 catches in the November 2001 SAFE Report model projections for 2003 overfishing levels (OFLs) and allowable biological catches (ABCs) for target categories managed at tiers 1-3. New model estimates will be recommended during the November Plan Team meetings for those target categories.

### ***BSAI Groundfish Harvest Specifications***

For those species managed at tiers 4-6, the Council set preliminary 2003 ABCs equal to those in 2002. Total allowable catches (TACs) were set equal to 2002 TACs, except for northern rockfish (2003 TAC = 2003 ABC, which is less than the 2002 TAC), Atka mackerel (2003 TAC = 2003 ABC, which is higher than the 2002 TAC by 10,600 mt), and yellowfin sole (2003 TAC = 2002 TAC - 10,000 mt to account for the increase in the Atka mackerel TAC). The Council also adopted the 2002 prohibited species catch limits to start the 2003 BSAI fisheries. Attachment 1 contains the specific ABC and TAC numbers for the BSAI.

In past years, the Council recommended separating shortraker and roughey rockfish species and setting BSAI area-wide ABCs and TACs. NMFS was unable to implement those recommendations because of the difficulty in identifying shortraker and roughey rockfishes to species. However, to mitigate the inability to implement species-level management, NMFS established separate BS and AI area TACs for northern rockfishes and separate BS and AI area TACS for the combined shortraker/roughey rockfishes category. The Council accepted NMFS Regional Office and Observer Program staff recommendations for 2003 to:

1. retain a single TAC for shortraker/roughey for 2003;
2. implement changes in observer sampling procedures to improve species composition data on the proportion of shortraker and roughey rockfish in longline sets;
3. monitor whether the changes in procedures result in significant improvements in the available data;

4. assess the feasibility of a system to utilize species composition data from observers to estimate the composition of the commercial catch.

The Council also requested that NMFS staff present a discussion paper in December 2002 on short and long term approaches to managing BSAI rockfish. The paper will first address rockfish management for 2003, including issues associated with reliable identification of species; NMFS strategy for collecting species-specific information; and considerations for breaking out the SR/RE TAC in the Aleutians Islands by district. Second, it will address implications for more long term (2004 and beyond) management of the red rockfish complex that address the scientific information/research necessary to support separate species management by area; management implications of separate species OFLs/ABS/TACs; adequacy of existing survey methodology for these species and potential enhancements to existing protocol to address shortcomings; and potential management response to ongoing and perhaps unavoidable bycatch. Staff contact is Jane DiCosimo.

### ***GOA Groundfish Harvest Specifications***

The Council approved preliminary ABCs and TACs for GOA groundfish. For all stocks where projections were possible, the projected 2003 ABC was recommended by the Council. However, in the case of GOA pollock, the projection was not utilized as it represented a substantial increase from the 2002 ABC and there are concerns regarding a decline in adult pollock biomass. Therefore, the Council instead recommended using a rollover of the 2002 ABC for pollock. For all stocks where projections were not possible, a rollover of the 2002 ABC was utilized. The TACs were set equal to the ABCs for all GOA stocks except Pacific cod, Shallow Water flatfish, arrowtooth flounder and other slope rockfish. For Pacific cod, the TAC was reduced to account for the guideline harvest levels (GHL) in the state waters P. cod fishery. For Shallow Water flatfish, arrowtooth flounder, and other slope rockfish, the 2003 TACs were set equal to the 2002 TACs. The Prohibited Species Catch limits were rolled over from 2002 Attachment 2 contains the specific ABC and TAC numbers for the GOA. Staff contact is Diana Stram.

### ***Vessel Incentive Program Rates***

The Vessel Incentive Program to reduce Pacific halibut and crab bycatch rates in the BSAI and GOA trawl fisheries requires that bycatch rate standards be specified prior to the start of the 2003 trawl fisheries. The Council recommended rolling over the bycatch rate standards from 2002 for the first half of 2003. These rates have remained unchanged since 1995. Staff contact is Diana Stram.

# BSAI Crab Rationalization

At its October 2002 meeting the Council addressed several items concerning the rationalization program for the BSAI crab fisheries. The Council discussed the status of its decision on crab rationalization, noting that congressional authorization is required for final Council action and the implementation of a rationalization alternative. Since the timing of any congressional direction cannot be predicted, the Council elected to proceed with the development of the preferred alternative by providing clarification of its June motion and continuing the development of trailing amendments to the program. The Council elected to postpone a discussion of the EIS alternatives until completion of action on trailing amendments.

Since the Council motion of June 2002 was not a final action (but was only the selection of a preferred rationalization program), the Chairman suspended the rule which would require a super majority to alter the motion. All decisions to clarify or amend the June motion were by a simple majority of the Council. The Council clarified several aspects of the June motion including the following:

- A cutoff date of June 10, 2002 was established for the processor shares ownership cap grandfather provision
- Ownership caps limit ownership of the QS and PQS, which carry a long-term privilege, and IFQs and IPQs, which are annual allocations. Application of the caps to both types of shares is consistent with interpretation of caps in the halibut and sablefish IFQ program, in which use caps are interpreted as limiting IFQ use and the ownership of both QS and IFQs. This broad interpretation has two primary effects. First, this interpretation prevents individuals from accumulating shares in excess of the cap through leasing arrangements. Long term leasing, unlimited under a narrow interpretation of the caps, could allow a person to effectively control shares well in excess of cap. Second, under the broad interpretation the caps operate as a individual use cap since IFQ and IPQ holdings determine use. Although custom processing is permitted by the Council motion, the Council established that limits on ownership and use would count any crab custom processed by a plant toward the cap of the plant owner. The application of the cap to custom processing is intended to prevent consolidation, which could occur if custom processing is not considered.
- The Council clarified that the increase of CDQ allocations does not apply to the Norton Sound red king crab fishery. The Norton Sound fishery was excluded from the CDQ allocation increase because its currently regulated under a super exclusive permit program that prohibits its participants from participating in any of the other BSAI crab fisheries. The Norton Sound permit rules are for the benefit local, small vessel participants that have similar interests to CDQ communities.
- The rules for determining the regionalization of individual allocations to harvesters and processors in the WAI golden king crab fishery were clarified.
- The definition of a catcher/processor for determining eligibility to purchase crab harvested with Class B harvest shares.
- The rules governing the use of IPQs and catcher vessel IFQs by catcher/processors
- The regionalization of PQS allocations to catcher/ processors.

- Vessels that are the basis for an allocation in excess of the vessel use cap would be grandfathered with respect to that allocation.
- Cost recovery funds would be collected in accordance with the current IFQ cost recovery program, which allows for the collection of actual costs up to 3 percent of ex vessel gross revenues. Costs would be paid in equal shares by the harvesting and processing sectors.
- The regional designation of the Adak red king crab fishery would be entirely South.
- The rules governing cooperatives were clarified, including the exemption of cooperative members from use caps, the application of ownership caps to cooperative members individually, the allocation of IFQs to cooperatives on behalf of their members, Leasing among cooperative members would be unlimited. For IFQ holders that are not cooperative members, leasing would be prohibited after 5 years.

The Council also requested additional information from staff to determine the proper entity to receive a community allocation on behalf of Adak. In addition, the Council requested staff to analyze increased harvest share ownership caps for CDQ groups and an additional sunken vessel provision that would benefit entities that lost a vessel after satisfying Amendment 10 requirements.

The Council conducted an initial review of the following five trailing amendments:

**Binding arbitration:** The Council requested NOAA GC to examine antitrust implications of the various structures and has asked the committee to examine issues concerning the smoothing of prices in a pricing formula under a fleet-wide arbitration model and the means for resolving disputes concerning the quality of crab at the time of delivery.

**Community protection:** The Chairman was requested to appoint a small working group to develop alternative community protection measures. Nominations are due by October 25<sup>th</sup>. New options were approved for consideration by that committee.

**Data collection:** The Council directed the workgroup to continue working on this amendment and staff to analyze three alternative data collection programs. The programs would differ in the amount of fixed cost data collected, ranging from the collection of no fixed cost data to collection of comprehensive fixed cost data. Staff was also directed to examine confidentiality protections and the use of audits to verify the accuracy of data collected and the potential abuse of the audit process. Finally, Council staff was directed to develop a mechanism to collect additional community data beyond those data associated with harvesters and processors.

**Captains QS (C shares):** Additional methods of verification of participation for eligibility to purchase shares was suggested by the Council.

**Sideboards :** Staff was directed to analyze the implications of applying sideboard limitations to licenses, vessels, and cooperatives. Staff was also directed to consider the impacts that AFA sideboards and sideboard exemptions have had on the Pacific cod fishery.

The Council directed the release of all trailing amendment analyses for final review in December (to the extent they are completed). The Council contemplates selecting a preferred alternative for each of the amendments at either its December meeting or its February meeting, which would then become part of the overall preferred alternative for inclusion in the EIS. The final council motion, with details of all these actions, will be available on our website. Staff contact is Mark Fina.



## Non-Target Species

The Council endorsed a Plan Team proposal to revise the alternatives in Amendments 63/63, that originally addressed management of sharks and skates and later was expanded to management of squid and “other species.” The Council adopted a more comprehensive approach to revise management of all non-target groundfish species. The new analysis includes actions to:

- identify the fishery management units in the groundfish FMPs to include a non-target species categories;
- list the species in each FMP category;
- identify a policy based on scientific criteria to determine single species or assemblage management;
- identify a policy based on scientific criteria to determine when sufficient data is available to move species from the non-target to target species categories.

The objectives of the proposal are to address the following problems in the fishery:

- not identifying the species in the fisheries management unit has led to an overly broad interpretation of the species under management in some cases;
- NMFS currently reports every species (including anomalous catches, misidentified species, etc.) that appears in the observer and survey databases, and NMFS’ and the Council’s groundfish management status is ultimately evaluated on the status of overfishing for all of them;
- the “other species” category includes species/groups for which directed fishing does not occur/is not desirable from an ecosystem perspective.

The proposed analysis may impact other groundfish management programs (CDQ and non-CDQ fisheries NMFS in-season management, Observer Program). However, setting management policies based on scientific criteria would result in unbiased determinations of when actions (categorizing species or assemblages into target, non-target, or forage fish categories) should occur.

Staff will consult with the Council, AP, and SSC at the next several meetings on the development of this analysis. Final action may be scheduled for June 2003. Staff contact is Jane DiCosimo.

## Electronic Newsletters

Many of you receive our electronic version of the newsletter from our website, but still continue to get the hard copy version mailed to you. If you would like to remain on our mailing list, but prefer to get your newsletter from our website, just give us a call or e-mail [maria.shawback@noaa.gov](mailto:maria.shawback@noaa.gov) and we can cut out some of our mailing time and postage. If your organization is receiving newsletters for someone who doesn’t work there any more, or is receiving duplicate copies, just let us know and we can pare down our list. Thank you in advance for your response.

## Halibut IFQ

The Council received an update from NMFS on the status of the Halibut Guideline Harvest Level (GHL) and Individual Fishing Quota Programs. NOAA General Counsel has advised against using the “framework” process for triggering GHL management measures, as proposed by the Council and NMFS, because frameworking may not fully conform with the requirements of the Administrative Procedures Act for noticing the public of potential management actions in a timely manner. The Council encouraged NMFS to consult with NOAA General Counsel to determine how best to get the GHL program implemented as soon as possible. One course of action may be to implement the GHL itself (1,432,000 lb net weight in Area 2C and 3,650,000 lb in Area 3C) through rulemaking. Separate rulemaking (possibly including the Council process for adopting recommendations based on an EA/RIR/IRFA) would occur each time the GHL goes above or below the GHL. Additionally, NMFS must implement a data collection process for determining the efficacy of proposed management measures on guided sport halibut harvests.

The Council received a report from ADFG which was requested to address whether the data quality issues identified in its preliminary September 2001 analysis affect the Council’s preferred alternative for determining individual allocations to charter vessel owners or lessees in the Charter IFQ Program. There are two issues related to use of halibut charter logbook data and implementation of a Charter Halibut IFQ Program. The first is the appropriateness of using these data to establish whether or not a vessel was active in the fishery during the qualifying years (1998-1999). The second is whether logbook data are representative of the distribution of catch among participating charter vessels in those years, and suitable as documentation for a catch-history based initial allocation of quota shares. Finally, the suitability of the logbook data as a basis for GHL management is also in question. The Council’s Scientific Statistical Committee requested that more specific information from ADFG regarding these issues be provided prior to the December Council meeting. Staff contact is Jane DiCosimo.

## NPRB requests comments

The North Pacific Research Board is seeking comments on draft research priorities for 2003 and a research and development plan for the State of Alaska. Please visit the Board’s web site at [www.nprb.org](http://www.nprb.org), and under the “Spotlight” section, go to the item on research for 2003. This will take you to a list of draft research priorities and several questions concerning fishing industry/stakeholder input to a State of Alaska research and development plan that will be presented to the State Legislature early next year. The Board will review all comments on October 30-31 and approve the 2003 RFP to be released on November 8. Your input on the research priorities and the R&D plan by October 21 would be most appreciated. For further information, please contact Clarence Pautzke, NPRB’s Executive Director, at (907) 278-6772.

# Essential Fish Habitat

The Council received a progress report on essential fish habitat (EFH), and adopted a problem statement and a final set of alternatives (EFH designation, HAPC designation, and mitigation alternatives) for analysis. A copy of the final motion is available on the Council's web site or will be sent upon request. Analysis of these alternatives is scheduled for preliminary review in April 2003, and ready for final Council action in December 2003. EFH and HAPC designation alternatives are the same as previously adopted. The mitigation alternatives adopted for analysis are briefly summarized below.

Alternative 1: Status quo.

Alternative 2A: Prohibit the use of bottom trawl gear for GOA slope rockfish.

Alternative 2B: Prohibit bottom trawling for GOA slope rockfish except within 'open' areas.

Alternative 3: Prohibit bottom trawling in the BS and GOA slope area, except within designated 'open' areas (with options for rotating closures and trawl gear modifications).

Alternative 4: Same as alternative 3, with additional trawl closures in the AI in areas with high abundance of gorgonian corals and sponges (with options for rotating closures).

Alternative 5: Closures to all bottom tending gear in the BSAI and GOA in areas with high abundance of gorgonian corals, sponges, and sea onions.

In December, the Council directed staff to describe, within the SEIS analysis, how each HAPC designation alternative would apply to each of the following four examples of HAPC: pinnacles and seamounts, all corals, Bristol Bay red king crab habitat, and the shelf break. Staff will use these examples in the SEIS to illustrate the differences among the HAPC designation alternatives. The Council would not be designating any specific HAPC sites or types in the EFH SEIS. Instead, HAPC sites, together with any HAPC mitigation actions, would be analyzed in a trailing amendment. The Council further requested that the EFH Committee develop, for inclusion into the SEIS, a process for the public to interact with the Council in developing and amending HAPC designations in the future.

The EFH Committee will provide final recommendations on the geographic bounds for the mitigation measure alternatives. To facilitate additional stakeholder input, subcommittees will meet and have interactive work sessions later this month in Anchorage (Oct 22), Kodiak (Oct 23), and Seattle (Oct 28-29). Staff will be compiling maps from existing data sets and other information for these work sessions. The EFH Committee will meet in Anchorage on November 4-6th at the Hilton Hotel. The primary purpose of the EFH Committee will be to review the outcome of the subcommittee meetings and make final recommendations to Council in December, 2002 on the geographic bounds for the remaining mitigation alternatives. Staff contacts are Cathy Coon or David Witherell.

# Call for Nominations

Terms for members of the Council's **Advisory Panel (AP)** and **Scientific and Statistical Committee (SSC)** expire in December.

The SSC advises the Council on scientific and other technical matters relating to issues before the Council. The AP is composed of representatives of the major segments of the fishing industry and other interested parties, including sport fishing and environmental concerns, and provides advice from those perspectives. Members of these panels are expected to attend up to five meetings, three to 5 days in length, each year. Both the SSC and AP serve one-year terms and are eligible for reappointment each year.

Letters of interest or nomination, along with a resume of experience, for persons wishing to be considered for any of these panels, should be sent to the NPFMC, 605 W. 4<sup>th</sup> Avenue, #306, Anchorage, AK 99501, by 5:00 p.m. on Friday, November 15. Appointments will be announced at the end of the next Council meeting the week of December 2<sup>nd</sup> at the Hilton Hotel in Anchorage and will become effective in January 2003. For more information, contact the Council office.

# P.Cod Endorsement Clarifications

Under BSAI Amendment 67, vessels >60' LOA fishing BSAI Pacific cod with fixed gear (hook-and-line or pot) must have a cod endorsement in addition to a BS/AI area endorsement on their general groundfish (non-trawl) license. The final rule implementing Amendment 67 contains a provision requiring that in order for landings to count toward the cod endorsement, they must have been made from the same vessel whose landings generated the LLP license for which the endorsement is being sought. Two vessels are currently appealing NMFS' initial determination relative to eligibility for Pacific cod endorsements under Amendment 67, scheduled for implementation January 1, 2003. They requested that the Council clarify its intent on Amendment 67 relative to this provision.

The Council agreed that the interpretation in the final rule for Amendment 67 is inconsistent with the framework of the analysis and the Council's original intent. Thus, the Council recommended that NMFS undertake a regulatory amendment to correct this inconsistency, by deleting this provision from the final rule (50 CFR 679.4(k)(9)(iii)(F)). The Council clarified that the rule should be implemented such that BSAI Pacific cod harvests made by a vessel that was operating under fishing rights which gave rise to an appropriate LLP license should count toward the Pacific cod endorsement landings requirements, whether or not the vessel earned those fishing rights itself or received them through transfer.

Given that this action is consistent with and within the scope of the original analysis for Amendment 67, it is anticipated that a regulatory amendment will suffice to correct the current inconsistency between the final rule and the Council's action on Amendment 67. Staff contact is Nicole Kimball.



# Improved Retention and Utilization (IR/IU)

Encouraged by the progress of the IR/IU Technical Committee, the Council voted to delay implementation of IR/IU flatfish regulations for the BSAI until June 1, 2004, with final Council action scheduled in April 2003, and at the same time initiated analyses of 4 trailing amendments as a means to accomplish bycatch reductions and facilitate reductions in flatfish discards. Amendment A would establish prohibited species bycatch reduction cooperatives operating in the BSAI. Amendment B would create bycatch caps (discard caps) for the flatfish fisheries in the BSAI. Amendment C would establish minimum groundfish retention standards as an alternative to flatfish retention requirements in the BSAI. Amendment D, a new alternative added by the Council, would establish a regulatory process for the routine review of flatfish bycatch in the BSAI and GOA fisheries and the exemption of fisheries with less than 5 percent bycatch of IR/IU flatfish from flatfish retention and utilization rules. Amendments A and B would be completed as soon as practicable and Amendments C and D would be expedited for final action in April 2003. The IR/IU Technical Committee will continue to meet over the winter to narrow the scope of each of the amendments and to provide details on specific requests made by the Council. The final Council motion on IR/IU, including the changes to Amendments A and C and the new Amendment D, is available on the Council's website, or will be sent out upon request. Staff contacts are Chris Oliver or Jon McCracken

# Upcoming Meetings

## **EFH Subcommittee – AI and BS Areas**

October 22, 2002

Top of the World, Hilton, 9:00-4:00, Anchorage, AK

## **EFH Subcommittee – GOA Areas**

October 23, 2002

Alaska Fishermen's Hall, 9:00 – 4:00, Kodiak, AK

## **EFH Subcommittee – AI, BS and GOA Areas**

Alaska Fisheries Science Center, B, Seattle, WA

Building 4, Room 2076, 9:00 – 4:00

## **EFH Committee**

November 4-6, 2002

Anchorage Hilton, Lupine Room, 10:30 – 6:00 Anchorage, AK

## **GOA Working Group**

October 17-18, 2002

Hawthorne Suites – 10:00 – 5:00, Anchorage, AK

## **GOA Working Group**

November 25-26, 2002, 10:00 – 5:00

Top of the World, Hilton, Anchorage, AK

## **Crab Binding Arbitration Committee**

October 28<sup>th</sup>, 9:00 (Pacific Time) Icicle Seafoods, Seattle, WA

## **Crab Data Collection Committee Teleconference**

October 18<sup>th</sup>, 8:00 AM Alaska Time

## **BOF Council Joint Protocol Committee**

December 3, 2002, 9:00 AM Anchorage Hilton Hotel

(During Council meeting week)

## Bering Sea and Aleutian Islands

## 2002 Specifications and Council Recommendations for Preliminary 2003 Specifications (mt)

Species	Area	2002 Biomass	2002 OFL	2002 ABC	2002 TAC	2002 Catch*	2003 OFL	2003 ABC	2003 TAC
Pollock	EBS	9,800,000	3,530,000	2,110,000	1,485,000	1,317,606	2,594,000	2,088,880	1,485,000
	AI	106,000	31,700	23,800	1,000	934	31,700	23,800	1,000
	Bogoslof	232,000	46,400	4,310	100	5	46,400	4,310	100
Pacific cod	BSAI	1,540,000	294,000	223,000	200,000	158,100	292,680	252,020	200,000
Yellowfin sole	BSAI	1,597,000	136,000	115,000	86,000	56,055	135,630	114,370	76,000
Greenland turbot	BSAI	208,000	36,500	8,100	8,000	2,515	33,370	27,590	8,000
	BS			67%	67%	2,148			67%
	AI			33%	33%	367			33%
Arrowtooth	BSAI	671,000	137,000	113,000	16,000	9,301	120,010	99,285	16,000
Rock sole	BSAI	1,850,000	268,000	225,000	54,000	40,796	242,585	203,870	54,000
Flathead sole	BSAI	695,000	101,000	82,600	25,000	13,963	90,850	74,440	25,000
Alaska plaice	BSAI	1,110,000	172,000	143,000	12,000	10,657	170,915	142,070	12,000
Other flatfish	BSAI	78,300	21,800	18,100	3,000	2,437	21,800	18,100	3,000
Sablefish	EBS	28,000	2,900	1,930	1,930	936	3,150	2,100	1,930
	AI	39,000	3,850	2,550	2,550	1,019	4,190	2,770	2,550
Pacific Ocean Perch	BSAI	377,000	17,500	14,800	14,800	10,529	17,850	15,060	14,800
	<i>Bering Sea</i>			2,620	2,620	564		2,666	2,620
	<i>Eastern</i>			3,460	3,460	2,684		3,521	3,460
	<i>Central</i>			3,060	3,060	2,763		3,114	3,060
<i>Western</i>			5,660	5,660	4,518		5,759	5,660	
Northern rockfish	BSAI	150,000	9,020	6,760	6,760	2,718	5,580	4,700	
	BS								13
	AI								4,687
Shortraker/rougheye	BSAI	48,000	1,369	1,028	1,028	570	1,369	1,028	
	BS								116
	AI								912
Other rockfish (incl. sharpchin)	EBS	6,880	482	361	361	346	482	361	361
	AI	12,900	901	676	676	474	901	676	676
Atka mackerel	AI	439,700	82,300	49,000	49,000	34,206	100,115	59,600	59,600
	<i>Eastern</i>			5,500	5,500	4,699		6,690	6,690
	<i>Central</i>			23,800	23,800	16,583		28,950	28,950
	<i>Western</i>			19,700	19,700	12,924		23,960	23,960
Squid	BSAI	n/a	2,620	1,970	1,970	433	2,620	1,970	1,970
Other Species	BSAI	667,000	78,900	39,100	30,825	20,822	78,900	39,100	30,825
<b>BS/AI TOTAL</b>		<b>19,655,780</b>	<b>4,974,242</b>	<b>3,184,085</b>	<b>2,000,000</b>	<b>1,684,422</b>	<b>3,995,097</b>	<b>3,176,100</b>	<b>1,998,540</b>

EBS = eastern Bering Sea

BSAI = Bering Sea &amp; Aleutians

BS = Bering Sea

AI = Aleutian Islands

OFL = overfishing level

ABC = acceptable biological catch

TAC = total allowable catch

\*through 9/1/02



SPECIES	Area	2002	2002	2002	2002	2002	2003	2003	2003
		Biomass	OFL	ABC	TAC	Catch	OFL	ABC	TAC
Northern rockfish	W			810	810	335		760	760
	C			4,170	4,170	2,996		3,940	3,940
	E			0 <sup>4</sup>	0 <sup>4</sup>			0 <sup>4</sup>	0 <sup>4</sup>
	TOTAL	94,350	5,910	4,980	4,980	3,331	5,580	4,700	4,700
Pacific ocean perch	W		3,110	2,610	2,610	2,741	3,140	2,630	2,630
	C		9,760	8,220	8,220	8,265	9,840	8,290	8,290
	WYAK			780	780	744		780	780
	SEO		2,800	1,580	1,580	0	2,820	1,600	1,600
	TOTAL	293,240	15,670	13,190	13,190	11,750	15,800	13,300	13,300
Shortraker/rougheye	W			220	220	265		220	220
	C			840	840	629		840	840
	E			560	560	366		560	560
	TOTAL	70,890	2,340	1,620	1,620	1,260	2,340	1,620	1,620
Pelagic shelf rockfish	W			510	510	177		510	510
	C			3,480	3,480	2,670		3,480	3,480
	WYAK			640	640	448		640	640
	EYAK/SEO			860	860	4		860	860
	TOTAL	62,489	8,220	5,490	5,490	3,299	8,220	5,490	5,490
Demersal Shelf Rockfish		15,615	480	350	350	160	480	350	350
Atka Mackerel	GW	unknown	6,200	600	600	50	6,200	600	600
Thornyhead rockfish	W			360	360	363		360	360
	C			840	840	499		840	840
	E			790	790	189		790	790
	TOTAL	77,840	2,330	1,990	1,990	1,051	2,330	1,990	1,990
Other Species	GW		NA	NA	11,330	3,111	NA	NA	11,103
GOA TOTAL		4,514,190	509,450	394,780	237,890	137,268	494,980	382,790	233,166

\* Catch through 9/5/02

1/ The pollock ABC has been reduced by 1,700 mt to accommodate the expected Prince William Sound State harvest.

2/ Deep water flatfish includes dover sole, Greenland turbot and deepsea sole.

3/ "Shallow water flatfish" includes rock sole, yellowfin sole, butter sole, starry flounder, English sole,

Alaska plaice, and sand sole.

4/ The EGOA ABC for northern rockfish has been included in the WYAK ABC for other slope rockfish.

NOTE:

W = Western Gulf C = Central Gulf E = Eastern Gulf WYAK = West Yakutat EYAK/SEO = East Yakutat/Southeast

GW means Gulfwide.

### Prohibited Species Catch Limits:

2003 Trawl Fisheries:			
Season	Shallow	Deep	Total
1/1-4/1	450	100	550
4/1-6/30	100	300	400
6/30-9/1	200	400	600
9/1-10/1	150	any rollover	150
10/1-12/31	No Apportionment		
<b>TOTAL</b>	900	800	<b>2,000</b>
Balance of 4th Quarter available for all trawl fisheries			

2003 Hook and Line Fisheries:	
Season	Total
1/01-6/10	250
6/10-9/01	5
9/1-12/31	35
DSR	10
<b>TOTAL</b>	<b>300</b>

## DRAFT NPFMC Three Meeting Outlook

December 2, 2002	January 27th, 2003	March 31, 2003
Anchorage	Seattle	Anchorage
Ecosystem Changes: <b>Discussion</b>		
Final Groundfish Specifications: <b>Final Action</b>		
F40 Report: <b>Discussion/Direction</b>		
BSAI Rockfish: <b>Discussion Paper</b>		
	Non-Target Species Management: <b>Progress report</b>	Non-Target Species Management: <b>Initial Review (T)</b>
Pribilof Blue King Crab Rebuilding: <b>Direction</b>		Pribilof Blue King Crab Rebuilding: <b>Initial Review</b>
Crab Rationalization: <b>Committee reports and identification of preferred alternatives for trailing amendments</b>	Crab Rationalization: <b>Committee reports and identification of preferred alternatives for trailing amendments</b>	
	Crab EIS: <b>Initial Review</b>	Crab EIS: <b>Review progress</b>
VMS: <b>National Committee report</b>		
	Flatfish IRIU Trailing Amendments: <b>Initial Review</b>	Flatfish IRIU Trailing Amendments: <b>Final Action</b>
	Bycatch Co-ops: <b>Review progress (T)</b>	Bycatch Co-ops: <b>Review progress (T)</b>
BSAI Am 64 - Fixed Gear Cod Split: <b>Finalize Alternatives</b>		BSAI Am 64 - Fixed Gear Cod Split: <b>Initial Review</b>
SSL: <b>National Academy of Science report</b>	SSL Trailing Amendment List: <b>Discuss/Direction (T)</b>	SSL Trailing Amendment for AI: <b>Initial Review</b>
GOA Rationalization: <b>Committee Report and Direction</b>	GOA Rationalization: <b>Finalize alternatives for EIS</b>	GOA Rationalization: <b>Action as necessary</b>
	GOA Salmon Bycatch: <b>Discussion/Direction</b>	
	Observer Program: <b>Discussion/Direction</b>	Observer Program: <b>Action as necessary</b>
TAC-setting Process: <b>Discussion of Alternatives</b>	TAC-setting Process: <b>Initial review (T)</b>	TAC-setting Process: <b>Final action (T)</b>
	PGSEIS: <b>Progress Report (T)</b>	PGSEIS: <b>Preliminary Review (T)</b>
	CDQ Policy Am 71 Rulemaking: <b>Discussion (T)</b>	
Halibut Subsistence Community Program: <b>Clarification (T)</b>		
Akutan Request: <b>Report from State (T)</b>		
GHL/IFQ: <b>SSC Review and Report</b>		
P. cod Sideboards: <b>Final Action (T)</b>		
EFH: <b>Clarify Mitigation Alternatives for Analysis</b>	EFH: <b>Progress Report</b>	EFH: <b>Preliminary review (T)</b>

TAC - Total Allowable Catch  
 BSAI - Bering Sea and Aleutian Islands  
 IFQ - Individual Fishing Quota  
 AFA - American Fisheries Act  
 HAPC - Habitat Areas of Particular Concern  
 LLP - License Limitation Program  
 PSC - Prohibited Species Catch

MSA - Magnuson Stevens Act  
 GOA - Gulf of Alaska  
 SSL - Steller Sea Lion  
 GHL - Guideline Harvest Level  
 SEIS - Supplemental Environmental Impact Statement  
 CDQ - Community Development Quota  
 IRIU - Improved Retention/Improved Utilization

SAFE - Stock assessment and fishery evaluation  
 VMS - Vessel Monitoring System  
 CV - Catcher Vessel CP- Catcher Processor  
 MSST - Minimum Stock Size Threshold  
 FMP - Fishery Management Plan  
 PGSEIS - Programmatic Groundfish SEIS  
**(T) Tentatively scheduled**