

# North Pacific Fishery Management Council

## News and Notes



David Benton, Chairman  
Chris Oliver, Acting Executive Director

605 West 4<sup>th</sup> Avenue, Ste 306  
Anchorage, AK 99501-2252  
Phone (907) 271-2809  
Fax (907) 271-2817

Volume 4-01

Visit our webpage at [www.fakr.noaa.gov/npfmc](http://www.fakr.noaa.gov/npfmc)

June 2001

## BSAI Crab Rationalization

The Council adopted a suite of alternatives, elements and options for analysis of a rationalization program for the BSAI crab fisheries. (The complete list of proposed elements and options may be found on the Council's web site, or contact our offices for a copy.) The Council tasked staff to initiate a full analysis of the proposed program alternatives with a goal of completing a preliminary draft of the analysis by the December 2001 Council meeting. Depending on the extent of any required revisions to the analysis, the Council is tentatively scheduled to take final action on the proposed BSAI crab rationalization program at its April 2002 meeting. With respect to the Council's report to Congress on this topic, staff indicated that the report to Congress will be synthesized once an initial draft of the full analysis is completed.

The alternatives under consideration include several IFQ-style and cooperative-style rationalization models. The alternative IFQ-style models include a harvester-only (i.e., one-pie) IFQ model and a harvester-processor (i.e., two-pie) IFQ model. Several coop-style models are under consideration including AFA style, Dooley-Hall style, harvester-only coops and a coop model that would allow harvesters to be assigned to one or more processors based on historical delivery patterns. For both the IFQ-style and coop-style models, options for restricting crab deliveries by region may be adopted. The suite of options also include options for increasing the existing CDQ group allocations for crab fisheries included in the proposed rationalization program.

Since many of the proposed elements and options may apply to several of the alternative models under consideration, the elements and options are organized by sector, rather than by model. Thus, for the harvesting sector, options are proposed that define the categories of quota shares (QS), initial allocation of QS, annual allocation of individual fishing quota (IFQ), transfer restrictions, ownership caps and use caps. A similar suite of options are proposed for the processing sector, including options that define the interaction of the harvesting and processing sectors under a two-pie model. While the options are largely organized by sector, the Council will be able to choose any option depending on its preferred alternative model and the applicability of the option to that model.

Crab fisheries included in the proposed rationalization program include the following crab fisheries subject to the Federal FMP for BSAI: Bristol Bay red king, brown king, Adak red king, Dutch Harbor red king, Pribilof Islands blue king, Pribilof Islands red king, St. Matthew blue king, Opilio, Bairdi, and Eastern and Western Aleutian Islands Tanner crab. Note that QS may not be initially allocated for fisheries that have been closed during the qualifying periods under consideration.

The qualifying years under consideration span the 1992 - 2000 biological seasons, with several sub-periods and sub-options proposed depending on the fishery. While the 2000 season for Opilio, Bristol Bay red king and brown king crab will be considered in the analysis for recency purposes, the Council reaffirmed its earlier policy statement that catch history in the crab fisheries beyond December 31, 1998 may not count in future rationalization programs, including a fishery cooperative system.

Finally, staff indicated that the analysis of certain options, including ownership caps and controls on vertical integration, requires information on vessel and processor ownership and cross-ownership (i.e., processor ownership of harvesting vessels and vice versa). The Council noted that timely completion of the analysis and the quality of the analysis will rely on information which industry has volunteered to supply by mid-August. In addition, industry representatives offered to further flesh out a proposed option for a private-sector binding arbitration process to settle price disputes. Staff welcomes input from industry on the required ownership information as well as the binding arbitration process. Staff contact is Maria Tsu.

### INSIDE THIS ISSUE

2	Council and Staff updates, GOA Rationalization, Steller Sea Lions, September meeting
3	Essential Fish Habitat, Groundfish and IFQ proposals
4	Groundfish SEIS, Ecosystem Committee, Community Purchase of QS
5	American Fisheries Act, Council Website, Halibut Subsistence
6	CDQ Program, Meeting Dates 2001-2005
	Attachment 1: Final Motion on Steller Sea Lions Attachment 2: FMP Policy Statement for Programmatic SEIS Attachment 3: Community Purchase of QS- Elements/Options Attachment 4: Three Meeting Outlook

# Council and Staff Updates

At the June meeting, the Advisory Panel voted to re-elect **John Bruce** as Chairman, and **Arne Fuglvog** and **Dan Falvey** as co-vice chairmen. Also of note, **Tracey Mayhew**, of Data Contractors, Inc., was recently appointed to the AP, and **Ken Pitcher** of the Alaska Department of Fish and Game was appointed to the SSC.

Council staff would like to welcome back **Clarence Pautzke**, who will resume his position in July as Executive Director after his inter-agency personnel assignment at National Marine Fisheries Service (NMFS) Headquarters, first as the Acting Director for the Office of Sustainable Fisheries, and then as Acting Deputy Assistant Administrator for Regulatory Programs. Staff is also welcoming **Mark Fina**, who will be joining our staff July 15<sup>th</sup>, as Senior Economist. Mark has a Ph.D. in Agricultural and Applied Economics from Virginia Polytechnic Institute as well as a J.D. from the University of Minnesota Law School.

## GOA Groundfish Rationalization

The Council adopted a vision statement for rationalizing GOA groundfish fisheries after receiving the final report of the GOA Groundfish Rationalization Committee, the Advisory Panel report, and public testimony. The vision statement, along with the problem statement adopted by the Council in April 2001, the Western Gulf of Alaska Fishermen Group GOA groundfish rationalization plan for a 2-year test program for Pacific cod and pollock, and the AP elements and options for Pacific cod rationalization, would be the basis for a discussion paper that is scheduled for review at the December 2001 or February 2002 Council meeting. The Council also ruled that it would exempt Southeast Outside groundfish fisheries from any rationalization plan, but would include them under sideboard issues. The vision statement and two proposals are on the Council's website at: [www.fakr.noaa.gov/npfmc/Committees/Groundfish/GOAcoop](http://www.fakr.noaa.gov/npfmc/Committees/Groundfish/GOAcoop) Lastly, the Council "deactivated" the committee, and after its review of the discussion paper in December, will decide whether to reactivate the committee and redefine its task. Jane DiCosimo is the Council contact for this issue.

## September Meeting

The Council has scheduled an extra meeting for initial review of Steller sea lion protection measures for the 2002 groundfish fisheries. The meeting will be held at the Harrigan Centennial Hall in Sitka, Alaska. The Council's SSC will begin on Wednesday, September 5, the AP will begin on Thursday, the 6<sup>th</sup>, and the Council will begin on Friday, the 7<sup>th</sup>, continuing through Sunday, the 9<sup>th</sup>. This is currently scheduled as a one-issue meeting. Final action will be in October.

## Steller Sea Lions

At the June meeting, the Council received a report on research funded by the \$15 million Steller Sea Lion research grants administered by the NMFS. Twenty five proposals were approved for funding by an independent scientific review panel and a constituency panel. Those and other research projects finished through OAR/NOS are available from the Council offices.

The Council also received an interim report from the independent review team. Members of that review team are (1) Dr. Don Bowen (Chair) from the Bedford Institute of Oceanography, DFO, Nova Scotia; (2) Dr. Dan Goodman, Systems Ecologist, Department of Biology, MSU; (3) Dr. John Harwood, Sea Mammal Research Unit of the Gatty Marine Lab, University of St. Andrews, Scotland; and, (4) Dr. Gordon Swartzman, School of Fisheries and Center for Quantitative Science, UW. The review team is next scheduled to meet July 25-27 in Seattle, and will present a final report to the Council in September or October.

The RPA Committee reported its recommendations for an alternative RPA. Specifics of the committee's recommendations and draft meeting minutes are available on our website. The Council adopted a set of final alternatives to be examined in an EIS for plan amendments, which would propose a package of sea lion protective measures (RPAs) for implementation in January 2002. Alternatives to be examined include the following:

Alternative 1: No Action.

Alternative 2: The RPA proposed by Leape and Cline.

Alternative 3: The November 2000 Biological Opinion RPA.

Alternative 4: The RPA developed by the RPA committee and adopted by the Advisory Panel, with the options for Chignik and Area 9 fixed gear openings out to 10 nm, and a zonal approach for GOA Pacific cod.

Alternative 5: The RPA measures for the 2000 pollock and mackerel fisheries, with seasons and critical habitat limits for Pacific cod (previously called Alternative B).

The final motion, including a comparison summary of alternatives is included as Attachment 1. Initial review of the EIS analysis is scheduled for a special meeting in Sitka, in September, with final action in October. Staff contact is Dave Witherell.

# Essential Fish Habitat

The Magnuson-Stevens Act mandates that any FMP must include a provision to describe and identify essential fish habitat (EFH) for the fishery, minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat. Essential Fish habitat has been broadly defined by the Act to include “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.”

At the June meeting the Council received a report on the status of EFH from Michael Payne NMFS-Habitat Division. Specifically, it discussed the need to create an Environmental Impact Statement (EIS) for each FMP as a result of a lawsuit filed in 1999 by the American Oceans Campaign. It discussed the dates of the public scoping meetings for June 2001, a summary of the litigation, the NEPA process, and an anticipated time line to prepare the EISs: A preliminary draft scoping summary report on August 20, 2001 and EFH steering committee review report on September 18<sup>th</sup>, 2001. A preliminary Draft EIS (DEIS) for Council and Public Comment on Preliminary Draft Alternatives in December 12, 2001. Finalized draft alternatives and work assignments on January 11, 2002. A Review of Preliminary DEIS by Agencies and NPFMC June 11, 2001. Draft EIS in October 2002 with the Final EIS in May 2003. A public scoping meeting was held on June 4<sup>th</sup> in Kodiak. There were about 25 participants.

The Council also received a report from the newly appointed EFH steering committee. The committee met for the first time on May 30<sup>th</sup> to address the needs for the preparation of the EFH EISs and how best to forward recommendations to NMFS. The committee will recommend alternatives to the

Council based on significant issues identified from the scoping process. Comments received from the scoping comments will be compiled into a preliminary draft summary, which the committee will review to draft an alternative(s). The next committee meeting will be held in Sitka on August 13 & 14<sup>th</sup> and is open to the public. Staff contact is Cathy Coon or Jane DiCosimo.

Background information on EFH can be viewed on the following websites:

[www.fakr.noaa.gov/habitat/efh.htm](http://www.fakr.noaa.gov/habitat/efh.htm)

[www.nmfs.noaa.gov/habitat/efh](http://www.nmfs.noaa.gov/habitat/efh)

[www.nmfs.noaa.gov/habitat/habitatprotection](http://www.nmfs.noaa.gov/habitat/habitatprotection)

[www.fisheries.org/publications/AFSBooks/webfinal/x540.22](http://www.fisheries.org/publications/AFSBooks/webfinal/x540.22)

<http://www.fakr.noaa.gov/habitat/seis>

## DRAFT Mission Statement for EFH Committee

It is the Council's intent that the EFH Committee act as a steering committee for the EFH EIS process. The Committee's overarching goal is to facilitate input by the industry, conservation community, Council, and general public to the EFH EIS process. More specifically, the Committee will assist in identifying:

- 1.The 'significant issues' used to evaluate proposed alternatives;
- 2.The alternatives for designating EFH;
- 3.The alternatives for mitigating fishing gear impacts on habitat;
- 4.Alternative criteria and approaches that could be used to designate and manage HAPC areas.

Finally, the Committee will work to coordinate efforts of the various technical teams, providing input as appropriate, and provide periodic updates to the Council on the EIS for EFH.

---

# Groundfish and IFQ Proposals

The Council did not call for proposals in 2000 and will not call for any proposals (groundfish, crab, scallop, or halibut/sablefish IFQ) this year due to its existing workload. It did adopt a problem statement for the westward area IFQ program and five IFQ proposals submitted in 1999, during the previous biennial call for proposals, and three alternatives for analysis. When staff time becomes available, the Council will initiate analysis of alternatives forwarded by IFQ committee and AP relative to this issue. Staff contact is Jane DiCosimo.

*Westward Area IFQ Problem Statement: The halibut/sablefish vessel size classes and block plan were designed to maintain a diverse, owner-operated fleet and provide an entry-level to the IFQ fisheries. Large quota increases, and other factors unique to the 3B/4A areas, suggest that these provisions should be reviewed to determine if changes are needed to ensure program goals are met.*

### Alternative 1: Status quo.

### Alternative 2: Block program:

- Option 1: Increase number of blocks from 2 to 4
- Option 2: Unblock all quota shares >20,000 lb
- Option 3: Allow quota shares >20,000 lb to be divided into smaller blocks

### Alternative 3: Quota share categories:

- Option 1. Allow D category quota shares to be fished as C category shares.
- Option 2: Allow D category shares to be fished as C or B category quota shares
- Option 3: Combine B, C, and D category quota shares
- Option 4: Combine C and D category quota shares

# Groundfish SEIS

The Council received a staff report from Mr. Steve Davis, SEIS Project manager on the current status of the project. The Draft Programmatic Alaska Groundfish Fisheries SEIS has been undergoing public review since January 26, 2001. The review and comment period has been extended twice in response to requests from the Council and the public. The Council, the SSC, and the AP, all reviewed various sections of the draft analysis and forwarded their comments to NMFS during the meeting. In its review of the draft SEIS, the Council adopted the following six recommendations for NMFS consideration:

1. Consider adding two additional policy statements as suggested by the ecosystem committee and public testimony:
  - a. A policy statement with regard to Alternative 1 that would parallel and update the policy statement from 1981. The policy statements currently in the GOA and BSAI groundfish FMPs are out-of-date and do not support the Council's current management regime. See Attachment 2. for suggested edits to the proposed draft policy framework contained in the draft SEIS.
  - b. A new policy statement that more clearly incorporates the ecosystem based management principles developed by the National Research Council and the subsequent Ecosystems Principles Advisory Panel.
2. Request an additional comment period prior to the final SEIS in the event that a new alternative is added to the document.
3. Include the recommendations of the SSC in its comments.
4. Include the comments of (NEPA experts) Drs. Atkinson and Cantor.
5. Clarify and contrast the baseline used for the status quo scorecard and the retrospective analysis of cumulative effects of past management.
6. Expand the discussion of the advantages of cooperatives achieving fishery sustainability goals.

Further, the Council noted that it intends to provide input on a preferred alternative prior to finalization of the SEIS. The public comment period will end on July 25, 2001. The public is encouraged to submit written comments to NMFS. Comments should be mailed to National Marine Fisheries Service, Alaska Regional Office, P.O. Box 21668 Juneau, AK 99802 or by Fax to Lori Gravel, at (907) 586-7557. Staff contact is Mr. Steve Davis at NMFS (970/271-3523) or Jane DiCosimo at the Council office.

# Ecosystem Committee

The Ecosystem Committee is being reconstituted, after departure of several members. If you are interested in serving on this committee please submit letters of interest or nominations to the Council office by July 20. Additional members may be added. Staff contact is Dave Witherell.

# Community Purchase of Quota Share

The Council reviewed a discussion paper provided by staff based on a proposal by the Gulf Coastal Communities Coalition to allow small, rural, Gulf of Alaska communities to hold IPHC Area 2C, 3A, and 3B commercial halibut and Gulf of Alaska sablefish quota share (QS) to be leased to community members. The goal of the proposal is to provide for the sustained participation of these communities in the commercial halibut and sablefish fisheries and to minimize adverse economic impacts on these communities associated with the current IFQ program.

The Council initiated an analysis of changes to the current regulations that would allow communities to hold commercial halibut and sablefish QS, with initial review scheduled for December 2001. The Council made limited revisions to the elements and options for analysis based on staff suggestions and public testimony. The Council also adopted the following problem statement for the community buy-in:

*A number of small coastal communities in Southeast and Southcentral Alaska are struggling to remain economically viable. The halibut and sablefish IFQ program, as with other limited entry programs, increases the cost of entry into or expansion in the commercial halibut and sablefish fisheries.*

*Allowing qualifying communities to purchase halibut and sablefish quota share for lease to and use by community residents will help minimize adverse economic impacts on these small, remote, coastal communities in Southeast and Southcentral Alaska, and help provide for the sustained participation of these communities in the halibut and sablefish IFQ fisheries. The Council seeks to provide for this sustained participation without undermining the goals of the halibut and sablefish IFQ program or precluding entry-level opportunities for fishermen residing in other fishery-dependent communities.*

The discussion paper on the community buy-in is posted on the NPFMC website. The list of elements and options for analysis, as revised by the Council, is provided here as Attachment 3. Staff contact is Nicole Kimball.

# American Fisheries Act

The Council approved Amendment 69, which would amend the regulations implementing the American Fisheries Act (AFA) to allow vessels to lease their pollock quota to AFA qualified vessels outside their co-ops. This amendment will be processed separately from the larger AFA rulemaking now in progress, but could be in place for next year's fisheries. The Council also approved extension of an emergency rule which would extend the current AFA provisions for the remainder of 2001. At this meeting the Council also reviewed a draft AFA report to Congress and the Secretary of Commerce, which will provide details on various implementation issues and impacts of the AFA, as directed by the language of the Act. Copies of that report are available from the Council office, and we will be accepting comments and suggestions from the public until July 16. The report will then be finalized, and reviewed once more by the Council at its October meeting, prior to submittal to Congress. The Council also approved development of an amendment which could change the single geographic location restrictions currently in place, such that AFA inshore floating processors would be able to process BSAI pollock in more than one location in the BSAI during the year. It is uncertain at this time whether this amendment will be developed in time for Council action and implementation for the start of the 2002 fishing season.

In other action related to the AFA, the Council revisited the issue of groundfish processing sideboards, and reviewed suggestions from industry on alternatives to processing sideboards (originally based on processing history) that will become part of an analysis for Council action in 2002. Included in that package are proposed adjustments to the Improved Retention/Improved Utilization (IR/IU) program for flatfish that is scheduled to go into effect in 2003. Also included for consideration are LLP recency requirements for non-AFA trawl catcher processors, reductions in the BSAI halibut trawl PSC caps, and further development of the halibut mortality avoidance program (HMAP). Analysis of these measures would occur late this year and early next year, with Council action in April or June of 2002. Council contact for AFA issues is Chris Oliver at the Council offices, or Darrell Brannan at 352-466-0335.

# Council Website

If you need a copy of something quick, check the Council's website. Most committee minutes, as well as recent council actions are regularly posted. Contacts for Council, AP, and SSC members are also available, as are contact numbers for staff. Newsletters and agendas are posted on our website first, as are meeting notices. If your agency or organization is hosting a meeting or conference, use the link to a no-host calendar to post your schedules and contact information. If you have questions or comments, contact Maria Shawback at the council office for more information.

# Halibut Subsistence

The Council reviewed a discussion paper by NMFS staff requesting clarification of a number of issues from the Council's October 2000 preferred alternative to define halibut subsistence. One issue the Council clarified was its intent that commercial and subsistence fishing would not be allowed on the same trip (that is, all legal sized fish caught while commercial fishing would count against either and IFQ or CDQ), except where the retention of undersized halibut is allowed to be retained by Area 4D and 4E QS holders. The comment period for the proposed rule is planned to coincide with the October 2001 Council meeting, and will provide an opportunity for additional public comment. The intent is for the final rule to be effective in early 2002.

The Council also received a report from the Alaska Board of Fisheries on gear, bag limits, subsistence fishing areas, and recordkeeping and reporting requirements. The Council initiated an analysis of the BOF recommendations to be developed as a trailing amendment. The analysis will be prepared by Council staff and available for review by November 1. Final action will be scheduled for December 2001. The final rule for those changes to the halibut subsistence regulations, which have not been approved by the Secretary, would be effective later in 2002, if the proposed changes are adopted by the Secretary. The analysis will examine impacts of the following proposed changes to the program adopted by the Council in October 2000:

- gear limits      2 hooks in Sitka Sound only;  
5 hooks in Kodiak, Prince William Sound, Cook Inlet only;  
no gear restrictions in Areas 4C, 4D, 4E;
- harvest limits      no daily bag limits in Areas 4C, 4D, 4E;  
20 fish annual limits in Sitka Sound and Kodiak;  
2 fish bag limit in Sitka (added by the Council)
- proxy fishing      allow in Sitka Sound and Kodiak;  
examine State proxy system as a model;  
examine impacts of allowing multiple harvest limits per vessel (i.e., stacking)
- fishing areas      redefine the geographic boundaries of the Cook Inlet non-subsistence fishing area.

The BOF also notified the Council that it had developed a 3-year schedule for LAMP meetings for Cook Inlet, Prince William Sound, Kodiak, Yakutat, and Other Areas (northern Southeast, Ketchikan, Sand Point, and possibly Western and Northwest Alaska). The Council will send a letter to the Secretary of Commerce requesting financial support for the BOF to continue its 3-year LAMP process as identified in the joint protocol between the Council and Board. The Council will also send a letter of support to the Commissioner of ADF&G encouraging State sponsorship of the LAMP process. Contact Jane DiCosimo for more information.

# CDQ Program

The Council reviewed a report and recommendations from the Community Development Quota (CDQ) Policy Committee, which was formed in December 2000 to address issues related to government oversight responsibilities, the CDQ allocation process, and the administration of the CDQ Program. The committee identified and recommended eight issues, and several alternatives and options under each issue, to be incorporated in an analysis to initiate changes to the CDQ program.

The Council initiated an analysis of changes to the CDQ program, based on the committee's recommendations, and added two options relevant to allocation criteria. The analysis is currently scheduled for initial and final review during the December 2001 and February 2002 Council meetings, respectively. The Council also voted to retain the CDQ Policy Committee, to meet on an as-needed basis to address upcoming CDQ issues and to review the draft analysis.

The CDQ committee report is posted on the NPFMC website, as is the complete list of CDQ policy issues and alternatives for analysis, as revised by the Council.

The Council also passed a motion for NMFS to initiate an emergency rule to increase the amount of "other species" CDQ available through the end of 2001. The emergency rule would increase the allocation of arrowtooth flounder to the CDQ non-specific reserve from 15% to 50%, thereby increasing the amount of quota that could be transferred from the CDQ non-specific reserve to the "other species" CDQ category. This action is necessary to compensate for the unintended impact on the CDQ fisheries of reducing the 2001 arrowtooth flounder TAC. The Council will consider permanent changes in the CDQ fisheries management regulations to address this situation for initial review and final action at the October and December meetings. Staff contact is Nicole Kimball.

## NPFMC Tentative Meeting Dates for 2001-2005\*

Special meeting September 5-9<sup>th</sup> or 10<sup>th</sup> in Sitka for Steller sea lion measures initial review

	<b>February</b> Week of/ Location	<b>April</b> Week of/ Location	<b>June</b> Week of/ Location	<b>October</b> Week of/ Location	<b>December</b> Week of/ Location
<b>2001</b>	5/Anchorage	9/Anchorage	4/Kodiak	1/Seattle	3/Anchorage
<b>2002</b>	4/Anchorage	8/Anchorage	3/Dutch Harbor	9/30/Seattle	2/Anchorage
<b>2003</b>	Jan 27/Seattle	3/31/Anchorage	9/Kodiak	6/Anchorage	8/Anchorage
<b>2004</b>	2/Anchorage	3/29/Anchorage	7/Portland	4/Sitka	6/Anchorage
<b>2005</b>	7/Seattle	4/Anchorage	6/Dutch Harbor	3/Anchorage	5/Anchorage

\*Meeting dates subject to change depending on availability of meeting space. Any changes will be published in the Council's newsletter.

# Final Motion on Steller Sea Lions (C-1)

NPFMC on 6/9/01 at approximately 2 pm

## 1. Adopt the RPA committee's recommendation as Alternative E, with three options.

- Option 1. Establish a limited fishing zone in the Chignik area (area 4) for fixed gear out to ten (10) miles from Castle Cape to Foggy Cape for vessels under 60 ft.
- Option 2. Establish a limited fishing zone in the Dutch Harbor area (area 9) for fixed gear out to ten (10) miles from Cape Cheerful to Umnak Pass for vessels under 60 ft.
- Option 3. Establish the AMCC zonal approach for GOA Pacific cod. Buffers zones would be established as measured from land as follows:

0-3 nm	3-12 nm	12-20 nm	outside 20 nm
pot vessels with 60 pot limit, jig vessels with a 5 machine limit	pot vessels with 60 pot limit, jig vessels with a 5 machine limit, and longline vessels < 60'	all pot vessels, all jig vessels, all longline vessels	all vessels and gears

Additionally, the RPA Committee, when reviewing the analysis, is directed to examine the opportunity to adjust the alternatives to address:

1. The effects of making the Western and Central GOA pollock "C" season start date August 25 vs. the proposed September 1 date.
2. The effects of making the W GOA "A" season pollock allocation 30% and "B" season 20% vs. the proposed "A" 25% and "B" 25%

**2. Substitute the Leape/Cline proposal for Alternative C.** A summary of the Leape/Cline proposal is attached. Therefore, the alternatives for analysis would be as listed below. A table comparing application of management tools under the different alternatives is also included .

Alternative 1: No Action.

Alternative 2: The RPA proposed by Leape and Cline.

Alternative 3: The November 2000 Biological Opinion RPA.

Alternative 4: The RPA developed by the RPA committee and adopted by the AP, with the options for Chignik and Area 9 fixed gear openings out to 10 nm, and the AMCC zonal approach for GOA Pacific cod.

Alternative 5: The RPA measures for the 2000 pollock and mackerel fisheries, and seasons and critical habitat limits for Pacific cod (previously called Alternative B).

**3. Analyze the effects of expiration or extension of the AFA co-operative regulations within the context of SSL.** The intent is to include a qualitative discussion of the importance of AFA regulations in terms of SSL RPAs. No action will be taken as part of the SSL decisions in October, but instead, follow up amendments may be initiated.

**4. Include a discussion of VMS and VVS within the analysis.**

**Summary of the Leape/Cline Alternative (prepared by staff)**

**1. TACs would be reduced.** Maximum TACs would be established as a % maximum of the ABC as follows:

BS pollock TAC	74.5% of ABC	AI mackerel TAC	33.3% of ABC
BS cod TAC	71.8% of ABC	GOA pollock TAC	44.8% of ABC
AI cod TAC	71.8% of ABC	GOA cod TAC	55.0% of ABC

Note from staff: These numbers are derived from the programmatic groundfish SEIS alternative 2.1 (the “low and slow approach”). The original proposal listed TAC reductions as a range that included SEIS alternative 2.2 (the “short burst approach”). Because ranges would be very difficult to analyze, the numbers from alternative 2.1 were chosen for this analysis, since the approach and closure areas involved appear to be more similar to the rest of the proposal.

**2. TACs would be set in a more regional manner.** Separate TACs would be established for management areas. The Pacific cod TAC would be split into BS and AI components.

- Bering Sea pollock and cod = 2 areas; east and west of 170 west longitude
- AI mackerel = 3 areas; 541, 542, 543
- GOA pollock and cod = several areas; e.g., 610, 620, 630, Shelikof Strait

**3. Four seasons would be established for pollock, cod, and mackerel fisheries.** Two week stand-downs would be established between seasons with no rollover of TAC allowed.

January 20 - March 15	25%	June 15 - August 15	25%
April 1 - June 1	25%	September 1 - Dec 31	25%

**4. Prohibit all trawling for all species within SSL critical habitat.** Critical habitat includes 20 nm buffers around rookeries and haulouts, and foraging areas of Seaguam, Shelikof and the SCA.

**5. Limit the amount of cod taken within foraging areas to 10% of survey biomass for cod.**

**6. Establish a seasonal exclusive area registration.** Vessels must register for one fishing area at a time for each pollock, cod, or mackerel season.

**7. Establish maximum daily catch limits for vessels fishing in the pollock, cod, or mackerel fisheries.** Daily limits would apply both inside and outside of critical habitat, and would be established as follows:

BS pollock	5,000 mt	AI mackerel	300 mt
BS cod	600 mt	GOA pollock	1,000 mt
AI cod	600 mt	GOA cod	400 mt

**8. Require VMS coverage on the fixed gear cod fleet fishing inside critical habitat.**

**9. A zonal approach would be implemented for BSAI and GOA Pacific cod fisheries, with buffer zones that apply to distance from rookeries and haulouts.**

0-3 nm	3-10 nm	10-20 nm	outside 20 nm
no fishing	pot vessels with 60 pot limit, all jig vessels, longline vessels < 60'	all pot vessels, all jig vessels, all longline vessels < 60', and catcher longliners >60'	all vessels and gears

**10. Prohibit directed fishing for pollock in the Aleutian Islands.**



**Table comparing application of management tools under the different alternatives.**

<b>Management Tool</b>	<b>Alternative 1 No Action</b>	<b>Alternative 2 Leape/Cline</b>	<b>Alternative 3 BIOp 3 RPA</b>	<b>Alternative 4 RPA Committee</b>	<b>Alternative 5 2000 RPAs</b>
<b>Control Rule</b>	Amendment 56 Tiers	TAC set as a % of maximum ABC	BiOp Global Control Rule	RPA Comm. Global Control Rule	Amendment 56 Tiers
<b>No transit zones</b>	3 nm no-transit zones around principal rookeries.	3 nm no-transit zones around principal rookeries	3 nm no-transit zones around principal rookeries.	3 nm no-transit zones around principal rookeries	3 nm no-transit zones around principal rookeries.
<b>Area Closures</b>	No trawling 10/20 nm from 37 rookeries	Prohibit all trawling in CH/RFRPA. AI closed to pollock fishing.	All CH/RFRPA sites designated as restricted or closed to fishing for pollock, cod, and mackerel.	Specified closures by fishery, area, and gear type. Areas 4, 9, and Seguam closed to fishing for pollock, cod, and mackerel	No pollock fishing in AI area. No trawling 10/20 nm from 37 rookeries
<b>Season Closures</b>	No trawling Jan 1-Jan 20.	No trawling Jan 1-Jan 20. No trawling for pollock 11/1-1/20.	No trawling Jan 1-Jan 20. No trawling for pollock, cod, or mackerel 11/1 - 1/20. No fishing for pollock, cod, or mackerel inside CH 11/1 - 1/20	No trawling Jan 1-Jan 20. Closure period between GOA pollock seasons. No trawling for pollock or cod Nov 1- Dec 31.	No trawling Jan 1-Jan 20. No trawling for pollock 11/1-1/20.
<b>Seasons and Apportionments pollock</b>	BSAI - 1/20 (45%), 9/1 (55%) GOA - 1/20-4/1 (25%), 6/1-7/1 (35%), 9/1-12/31 (40%)	four seasons evenly distributed over year with 25% of TAC each season	BSAI - 1/20 (40%), 6/11 (60%) GOA - 1/20 (40%), 6/11 (60%)	AI - 1/20 (100%) BS 1/20 (40%), 6/11(60%) GOA - 1/20-2/25 (25%), 3/10-5/31 (25%), 9/1-9/15 (25%), 10/1-11/1(25%)	BSAI - 1/20, 4/1 (40%); 6/10, 8/20-11/1 (60%) GOA - 1/20-3/1 (30%), 3/15-6/1 (15%); 8/20-9/15 (30%), 10/1-11/1 (25%)
<b>Seasons and apportionments cod</b>	BSAI trawl - 1/20 BSAI fixed -1/1, 1/5, 9/1 GOA trawl -1/20 GOA fixed - 1/1	four seasons evenly distributed over year with 25% of TAC each season	BSAI - 1/20 (40%), 6/11 (60%) GOA - 1/20 (40%), 6/11 (60%)	BSAI trawl - 1/20 (80%), 6/11 (20%) BSAI lonline-1/1(60%), 6/11 (40%) BSAI pot - 1/1 (60%), 9/1 (40%) GOA trawl - 1/20 (60%), 9/1 (40%) GOA fixed - 1/1(60%), 9/1 (40%)	<u>BS trawl + fixed</u> - 1/20-4/30 (40%), 5/1-11/1 (60%) <u>AI trawl + fixed</u> - 1/20-4/30 (40%), 5/1-11/1 (60%) <u>GOA trawl + fixed</u> -1/20-4/30 (40%), 5/1-11/1 (60%)
<b>Seasons and apportionments mackerel</b>	AI - 1/20-4/15 (50%), 9/1-10/31 (50%)	four season evenly distributed over year with 25% of TAC each season	BSAI - 1/20 (40%), 6/11 (60%) GOA - 1/20 (40%), 6/11 (60%)	AI - 1/20-4/15 (50%), 9/1-10/31 (50%)	AI - 1/20-4/15 (50%), 9/1-10/31 (50%)

<u>Management Tool</u>	<u>Alternative 1 No Action</u>	<u>Alternative 2 Leape/Cline</u>	<u>Alternative 3 BIOP 3 RPA</u>	<u>Alternative 4 RPA Committee</u>	<u>Alternative 5 2000 RPAs</u>
<b>Catch Limits inside CH</b>	mackerel: incremental change to 40% inside CH and 60% outside in 2002.	daily catch limits inside and outside CH/RFRPA BS pollock 5000 mt AI pollock 0 mt GOA pollock 1000 mt BSAI cod 600 mt GOA cod 400 mt BSAI mackerel 300 mt	pollock, cod, and mackerel: 4 seasons (1/20, 4/1, 5,11 8/22) inside CH/RFRPA with catch limits based on season and area specific biomass estimates.	SCA pollock 75% of A season harvest prior to April 1  mackerel 70% inside 30% outside of each season apportionment  GOA cod: option for AMCC zonal approach for GOA Pacific cod.	mackerel: incremental change to 40% inside CH and 60% outside in 2002. <u>BSAI Pollock:</u> maximum TAC % allowed inside CH/RFRPA sites = 20% in A+B season combined (15% for A + B singly), 4.5% in C season and 7.5% in D season. <u>BS cod:</u> maximum TAC % allowed inside CH = 20% (A), 3.6% (B). <u>AI cod:</u> maximum TAC % allowed inside CH = 20% (A), 48.3% (B). <u>GOA cod:</u> maximum TAC % allowed inside CH = 20% (A), 31.8% (B season).
<b>Monitoring Requirements</b>	Obs. Program all fisheries, and VMS for mackerel fishery.	Observer Program all fisheries, and VMS for cod fixed gear fisheries	Obs. Program all fisheries, and VMS for pollock, cod, and mackerel fisheries.	VMS for pollock, cod, and mackerel fisheries, with small jig vessel exemption	Obs. Program all fisheries, and VMS for mackerel fishery.
<b>Experimental Design</b>	small scale: Kodiak and Seguam localized depletion testing	small scale with well defined and manageable objectives	large scale: 4 sets of restricted/ closed areas for comparison	small scale with well defined and manageable objectives	small scale: Kodiak and Seguam localized depletion testing

Revised FMP policy statement for Draft Groundfish Programmatic SEIS (bold = revised language):

This policy would **seek to achieve a balanced approach to reducing conflicts and adverse interactions between groundfish fishing activities and the Bering Sea/Aleutian Islands and Gulf of Alaska marine ecosystem**, while providing a future in which the American people are able to enjoy the wealth and benefits of diverse and self-sustaining living marine resources. The following four overarching goals will serve the Council and NMFS as long-term achievements:

- 1. Maintain ecosystem health and sustainability.**
2. Provide sound conservation of living marine resources.
3. Allow no human-caused threats to protected species.
4. Maintain a healthy living marine resource habitat.
5. Provide socially and economically viable fisheries.

In accomplishing these broad goals, the following **seventeen** policy objectives will be considered **by the Council and the Secretary of Commerce** when making decisions. **The decisionmaker will strive to achieve a balance in its decisionmaking by weighing the proposed action against each of these objectives in an attempt to reduce adverse environmental consequences and to avoid the majority of a decisions impact to be borne by a single component of the ecosystem.** Those objectives being used for **analytical purposes** to illustrate greater emphasis (e.g., to increase protection to Steller sea lions, other marine mammals, short-tailed albatross, and seabirds) in shaping policy decisions under Alternative 2 are **asterisked (\*)**:

- 1. Adopt conservative harvest levels for single species fisheries.**
- 2. Incorporate ecosystem considerations into fishery management decisions.**
- 3. Adopt a precautionary approach to deal with uncertainty.**
- 4. Reduce excess fishing capacity and define and assign fishing rights.**
- 5. Establish marine protected areas as a buffer for uncertainty.**
- 6. Include bycatch mortality in TAC accounting.**
- 7. Develop institutions to achieve goals.**
- 8. Conduct more research on structure and function of marine ecosystems.**
- 9. Maintain healthy stocks important to commercial , recreational, and subsistence fisheries.**
- \*10. Emphasize protection of marine mammals and seabirds by reducing potential adverse impacts of groundfish harvesting; adverse impacts may include direct take, competition for prey, disturbance, and degradation of habitat (primary objective).
11. Prevent overfishing and rebuild depressed stocks important to commercial, recreational, and subsistence fisheries. Increase long-term economic and social benefits to the nation from living marine resources.
- \*12. Recover and maintain protected species populations.
- \*13. Reduce fishing conflicts that involve protected species and seabirds.
14. Protect, conserve, and restore living marine resource habitat.
15. Fully integrate MMPA, ESA, Fish and Wildlife Coordination Act (FWCA), and Federal Power Act (FPA) procedures into the Magnuson-Stevens Act decision-making process.
16. Minimize discards by developing management measures that encourage the use of gear and fishing techniques that minimize discards.
17. Establish minimum stock size thresholds for all managed groundfish stocks based on the best scientific information available.

**Elements and options for allowing community purchase of halibut and sablefish commercial quota share<sup>1</sup>**  
Draft - June 12, 2001

Element 1. Eligible Communities (Gulf of Alaska communities only)

Rural communities with less than 2,500 people, no road access to larger communities, direct access to saltwater, and a documented historic participation in the halibut/sablefish fisheries:

Suboption 1. Include a provision that the communities must also be fishery dependent, as determined by:

- Fishing as a principal source of revenue to the community, or
- Fishing as a principal source of employment in the community (e.g., fishermen, processors, suppliers)

Suboption 2. Decrease size to communities with less than 1,500 people.

Suboption 3. Decrease size to communities with less than 5,000 people.

Element 2. Appropriate Ownership Entity

- (a) Existing recognized governmental entities within the communities (e.g., municipalities, tribal councils or ANCSA corporations)
- (b) New non-profit community entity
- (c) Aggregation of communities
- (d) Combination of the entities (allow different ownership entities in different communities depending on the adequacy and appropriateness of existing management structures)
- (e) Regional of Gulf-wide umbrella entity acting as trustee for individual communities

Element 3. Use Caps for Individual Communities

- (a) 2% of 2C or 1% of the combined 2C, 3A and 3B halibut QS and 2% of Southeast or 2% of all combined sablefish QS.
- (b) 1% of 2C or 0.5% of the combined 2C, 3A and 3B halibut QS and 1% of Southeast or 1% of all combined sablefish QS.
- (c) 0.5% of 2C or .5% of the combined 2C, 3A and 3B halibut QS and 0.5% of Southeast or 1% of all combined sablefish QS.

Suboption: Place caps on individual communities that limits them from using more than:

- 1) 1% of the combined quota share in the area they reside and an adjacent quota share area.
- 2) 0.5% of the combined quota share in the area they reside and an adjacent quota share area.

Communities in 3A could not buy quota shares in 2C. Thus:

- 2C communities capped at 1% (or 0.5%) of the combined 2C and 3A halibut QS, and 1% (or 0.5%) of the combined Southeast and West Yakutat combined sablefish QS.
- 3A communities capped at 1% (or 0.5%) of the combined 3A and 3B halibut QS, and 1% (or

---

<sup>1</sup>Options as revised by the Council in June 2001. Not all of the options under each element are mutually exclusive, i.e. the Council may select more than one option under Elements 1, 2, 5, and 7.

- 0.5%) of the combined West Yakutat and Central Gulf combined sablefish QS.
- 3B communities capped at 1% or (0.5%) of the combined 3A and 3B halibut QS, and 1% (or 0.5%) of the combined Central Gulf and Western Gulf combined sablefish QS.

Element 4. Cumulative Use Caps for all Communities

- (a) 20% of the combined 2C, 3A, and 3B halibut QS, and 40% of the total combined Gulf of Alaska sablefish QS.
- (b) 20% of the combined 2C, 3A, and 3B halibut QS, and 20% of the total combined Gulf of Alaska sablefish QS.
- (c) 10% of the combined 2C, 3A, and 3B halibut QS, and 20% of the total combined Gulf of Alaska sablefish QS.
- (d) 10% of the combined 2C, 3A, and 3B halibut QS, and 10% of the total combined Gulf of Alaska sablefish QS.
- (e) No cumulative ownership caps.

Element 5. Purchase, sale, and use restrictions

Blocked and Unblocked

- (a) Communities would have the same blocked share restrictions as individuals
- (b) Allow communities to buy only blocked shares or only unblocked shares
- (c) Allow communities to buy blocked and unblocked shares

Suboption 1: Communities can purchase blocked and unblocked shares up to the ratio of blocked to unblocked shares in that area (i.e., communities are not limited to the number of blocks that they can own, but are limited in the number of pounds of blocked shares). The community would first need to purchase unblocked shares and then could purchase blocked shares up to the ratio in the area.

Suboption 2: Communities can purchase blocked quota shares in excess of the current limit on block ownership, up to:

- a. 5 blocks per community
- b. 20 blocks per community
- c. Without limitation

Vessel Size Restrictions

- (a) Apply vessel size (share class) restrictions to the purchase of QS by communities.
- (b) Do not apply vessel size (share class) restrictions to the purchase of QS by communities.
- (c) Transferability of QS (permanent) and IFQs (on annual basis [leasing]) from commercial to community is restricted to the following class of shares:
  - (i) A category
  - (ii) C and D category
  - (iii) B and C category
  - (iv) B, C, and D category
  - (v) A, B, and C category
  - (vi) No transferability restrictions

### Sale Criteria

(All restrictions on quota shares (e.g., share class, blocked or unblocked status) would be retained once the quota is sold outside of the community.)

- (a) Communities may only sell their QS:
  - 1. after 3 years of ownership
  - 2. to other communities
  - 3. no sale restrictions
  
- (b) Communities may:
  - 1. divide QS blocks that result in IFQs in excess of 20,000# in a given year in half upon sale
    - Suboption 1: Allow only Area 3B QS blocks that result in IFQs in excess of 20,000# in a given year to be divided in half upon sale
  - 2. “sweep up” blocks of less than 10,000# and sell as 20,000# blocks.

### Element 6. Code of Conduct

Communities wishing to purchase and use halibut and sablefish QS shall establish a code of conduct that provides for, to the extent practicable, the following provisions:

- (a) Maximize fishing of community IFQs by community residents
- (b) Maximize benefit from use of community IFQ for crew members that are community residents
- (c) Minimize administrative costs
- (d) Minimize bycatch and/or habitat impacts

### Element 7. Administrative Oversight

- (a) Require submission of detailed information to NMFS prior to being considered for eligibility as a community QS recipient.
- (b) Require submission of an annual report detailing accomplishments.

### Element 8. Sunset Provisions

- (a) No sunset provision
- (b) Review program after 5 years and consider sunset program if review reveals a failure to accomplish the stated goals.
- (c) Review program after 5 years and, if changes are necessary, provide a “drop-through”<sup>2</sup> of purchase and use privileges, whereby the initial privileges granted to participating communities would continue for an additional 10 years. Additional community purchases would be subject to a new set of purchase and use standards. Incentives for communities to convert from the initial set of purchase and use privileges to the new set would be provided.

Suboption 1: Review program after 10 years.

Suboption 2: Review program after 3 years.

---

<sup>2</sup>As described in the National Research Council’s 1999 publication Sharing the Fish.