

North Pacific Fishery Management Council

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Certified _____
Stephanie Madsen, Chair

Date _____

MINUTES

176th Plenary Session
North Pacific Fishery Management Council
April 5-11, 2006
Hilton Hotel
Anchorage, Alaska

The North Pacific Fishery Management Council met April 5-11, 2006, at the Hilton Hotel, Anchorage, Alaska. The Scientific and Statistical Committee met April 3-5, and the Advisory Panel met April 3-7 at the same location. The following Council, staff, SSC and AP members attended the meeting:

Council Members

Stephanie Madsen, Chair
Sue Salvesson for Jim Balsiger
Dave Benson
John Bundy, Vice Chair
McKie Campbell/Earl Krygier
Lenny Corin
Arne Fuglvog

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

NPFMC Staff

Gail Bendixen
Jane DiCosimo
Elaine Dinneford
Diana Evans
Mark Fina
Nicole Kimball
Jon McCracken

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

Support Staff/Presentations

Lauren Smoker, NOAA-GCAK
Lisa Lindeman, NOAA-GCAK
Jay Ginter, NMFS-AKR
Glenn Merrill, NMFS-AKR
Lt. Dan Schaeffer, USCG
Herman Savikko, ADF&G
Kaja Brix, NMFS-AKR
Lisa Barcone, USCG
Sally Bibb, NMFS-AKR
Darrell Brannan
Gregg Williams, IPHC

Ed Dersham, ADF&G
Sue Aspelund, ADF&G
Jeff Passer, NMFS Enforcement
Jeff Hartman, NMFS-AKR
Rachel Baker, ADF&G
Mary Furuness, NMFS-AKR
Becky Coles, NMFS-AKR
Ben Muse, NMFS-AKR
Rosa Meehan, USFW
Doug Vincent-Lang, ADF&G
Bruce Leaman, IPHC
Jason Gasper, NMFS-AKR

Scientific and Statistical Committee

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

Pat Livingston, Vice Chair
Steve Parker
Terry Quinn II
Farron Wallace
Dave Woodby

Advisory Panel

Al Burch
Lisa Butzner
Joe Childers
Craig Cross
Tom Enlow
Duncan Fields
Bob Gunderson
John Henderschedt
Jan Jacobs

Bob Jacobson
Simon Kinneen
Matt Moir
John Moller
Ed Poulsen
Jim Preston
Michelle Ridgway
Lori Swanson

The following members of the public registered their attendance:

Bob Pawlowski
Greg Morgan
Frank Kelty
Lisa Ragone
Glenn Reed
Arni Thomson
Linda Kozak
Joe Kyle
Bobby Williams
Phillip Lestenkof
Donna Parker
Heather McCarty

Brent Paine
Shaun Behan
Marcus Alden
Paul MacGregor
Russell Prtichett
Bill Orr
Stephen Taufen
Thorn Smith
Joe Plesha
Shawn Griggs
Dave Wood

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Jocelyn Mullins
Jeff Stephan
Carin Bailey
Rene Cook
Gary Merrigan
Jerry Bongen
Peter Schonberg
Tom Evich
Tom Manos
John Gruver
Stoian Iankov
Steve Grabacki
Lori Swanson
Kris Norosz
Joe Childers
Scott Stender
Chuck McCallum
Howard Torsen
Darius Kasprzak
Al Burch

Shawn Dochtermann
Ludger Dochtermann
Chris Holland
Luci Roberts
Dale Pederson
Edgar Smith
Warren Wilson
Theresa Peterson
Cecil Ranney
Linda Behnken
Becca Robbins
Jeremy Surka
Hill Norvell
Craig Offret
Steve Floory
Mark Miller
John Maline
Tina McNamee
Joe Sullivan

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

A. CALL TO ORDER

Stephanie Madsen, Council Chair, called the meeting to order at approximately 8:06 a.m. on Wednesday, April 5, 2006.

Agenda. The agenda was approved as published.

Minutes. Minutes of the February 2006 meeting were approved as submitted.

B. REPORTS

The Council received the following reports: Executive Director's Report (B-1), NMFS Management Report (B-2); U.S. Coast Guard Report (B-3); NMFS Enforcement Report (B-4), ADF&G Report [including report on Board Adak cod action] (B-5); U.S. Fish and Wildlife Report (B-6), Protected Species Report (B-7), and a report from the Pacific Northwest Crab Interaction Committee (B-8). Following are brief recaps of discussion or action take during reports:

Executive Director's Report

The Council asked the Executive Director to follow up on the issue of the delay in initiation of the crab loan program to determine what actions are needed and who is responsible to get the program implemented.

NMFS Management Report

Sue Salvesson advised the Council that NMFS has approved the final rule for BSAI Amendment 79, for groundfish retention standards, with some changes: The effective date was set for January 1, 2008 in

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response to industry concern over time need to make the necessary factory modifications. Additionally, the GRS is set at 65 percent on implementation of the program, as discussed in previous Council meetings. Responding to industry concern over observer workload restrictions which could require vessels to significantly alter operations, the 9-hour sampling restriction was lifted, although observers will continue to be limited to a 12-hour work day.

Additionally, the Council received a progress report from Ben Muse, NMFS-AKR, on the issue of preparation of an EIS for the groundfish TAC-setting process. Mr. Muse advised the Council that the Agency is looking at ways to meet NEPA requirements, but not have to go through the EIS process every year. Council members asked at what point they will have an opportunity to comment on the current EIS. Mr. Muse noted the scoping process should be complete by May 15. After that time, the Agency should be able to identify reasonable alternatives based on the scoping process and be able to report to the Council in June on the results of that scoping process and the range of alternatives and get Council input at that time. A draft EIS should be available by early September, initiating another 45-day public comment period. The Council would receive an update at the October meeting and the Council would again have the opportunity to comment at that time. At the December meeting the Council would receive updated information to support Council action on setting the groundfish TACs.

U.S. Coast Guard Report

Admiral Olson provided the Council with a schedule of Coast Guard sponsored events planned during the Council's meeting in Kodiak in June. The Council was also advised that the Admiral is retiring. Admiral Brooks will be the new commander for the 17 U.S. Coast Guard District.

The Admiral again advised the Council that the Coast Guard views the crab rationalization program a great success from a safety standpoint as fishermen are able to make safer decisions. There were no vessels lost during the fishery and there has been good compliance so far. The Admiral also urged the Council to go forward with a comprehensive VMS program as the Coast Guard views it critical for long-term sustainability, with regard to enforcement.

CAPT Cerne provided a report on current Coast Guard activities. He mentioned that three officers suffered falls from unsafe boarding ladders and asked industry members to check their boarding ladders for safety. He also expressed interest in submitting an article for the next Council newsletter regarding this issue.

NMFS Enforcement Report

Jeff Passer provided the Council with a more detailed report on Steller sea lion harassment statistics, as requested in February.

Alaska Dept. of Fish & Game Report

Herman Savikko provided a report on the status of State fisheries of Council interest occurring since the last Council meeting. He also reported that the Board of Fish voted to establish a management plan for the Aleutian Islands Pacific cod resources and approving Proposal 399 to open a State waters Pacific cod fishery in the Aleutian Islands area west of 170°W. The Commissioner concluded that an emergency exists based on economic considerations for opportunities for Adak and other communities along the Alaska Peninsula and Aleutian Islands and issued a emergency regulation allowing the fishery to open on or after March 15 at then conclusion of the initial parallel catcher vessel trawl fishery for Pacific cod in the Federal fishery. The guideline harvest limit was set at 12.8 million pounds, and all Steller sea lion protection areas will be observed. Twenty-six vessels registered and participated in the fishery.

Protected Species Report

Kaja Brix, NMFS-Alaska Region, provided an update on the progress of the ESA Section 7 consultation on the groundfish FMPs. A list of questions has been provided to various groups and the Alaska Fisheries Science Center and Sustainable Fisheries. Answers to those questions will provide data and documentation required to analyze interactions between groundfish fisheries and ESA-listed species.

Bill Wilson, NMFS Staff, provided a brief recap of other issues covered in the Action Memo in Council notebooks, including the SSL Recovery Plan, Northern right whales, an exempted fishing permit to allow trawling for pollock in certain areas of Steller sea lion critical habitat in the Aleutian Islands, and a new State waters fishery for Pacific cod in the Aleutian Islands.

The Council discussed the timing for commenting on the Steller Sea Lion Recovery Plan. While the Council discussed the option of having the Steller Sea Lion Mitigation Committee review the Recovery Plan and provide the Council with input, Council members indicated that they would prefer that the public comment period coincide with a Council meeting, if possible. The Chair and Executive Director will monitor progress and formally request an extension of the comment period if necessary.

Pacific Northwest Crab Industry Advisory Committee

Steve Minor, Chair of the PNCIAC, provided a brief report on the Committee's recent meeting and provided a copy of the Committee's revised "Terms of Reference". Ms. Madsen noted that the Committee has the authority to revise its policies and that the report was informational for the Council.

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

Each agenda item will begin with a copy of the original "Action Memo" from the Council meeting notebook. This will provide an "historical" background leading to any discussion and/or action. This section will be set in a different typeface and size than the actual minutes. Any attachments referred to in the Action Memo will **not** be included in the minutes, but will be part of the meeting record and available from the Council office on request. Following the Action Memo will be reports of the Scientific and Statistical Committee and Advisory Panel on the subject. Last will be a section describing Council **Discussion and Action**, if any.

C. NEW OR CONTINUING BUSINESS

C-1 Community Development Quota (CDQ) Program

ACTION REQUIRED

- (a) Review and comment on State of Alaska CDQ allocation recommendations for 2007 – 2011 and 2006 crab
- (b) Status report on CDQ cost recovery program analysis
- (c) Initial review/final action on CDQ community eligibility FMP and regulatory amendments
- (d) Status report on BSAI Amendment 71

BACKGROUND

- (a) Review and comment on State of Alaska CDQ allocation recommendations for 2007 – 2011 and 2006 crab

At its April 2005 meeting, the State consulted with the Council on its draft 2006 – 2008 CDQ allocation recommendations. Upon this review, the Council expressed concerns about the CDQ allocation process and oversight of the program. In response to the Council's concerns, the State created a Blue Ribbon Panel to review the CDQ Program and make recommendations to the Governor. Governor Murkowski accepted the recommendations of the Blue Ribbon Panel on October 4, 2005, and the report was presented to the Council at its October meeting. The report included recommendations on changes to both the allocation process, government oversight of the program, and allowable investments. One of these recommendations was to lengthen the allocation cycle to a ten-year period to correspond with the U.S. Census, such that each group would be evaluated using new criteria applied at the beginning and end of the ten-year period. The first cycle would occur during 2012 – 2021.

On December 7, 2005, the Governor issued a press release stating that he would submit new CDQ allocation recommendations to NMFS in May 2006 for the allocation period 2007 – 2011. The statement also included recommended allocations for pollock (Item C-1(a)(1)). The State subsequently issued a public notice to change the allocation cycle from 2006 – 2008 to 2007 – 2011 (Item C-1(a)(2)). In March, the State requested consultation with the Council at this April meeting on the new State allocation recommendations. A State consultation with the Council is required under Federal regulations before the State may submit its recommendations to NMFS for review (50 CFR 679.30(c)).¹

Recall that on August 8, 2005, NMFS issued an initial administrative determination (IAD) to extend the 2003-2005 CDQ allocations and Community Development Plans (CDPs) beyond their expiration date of December 31, 2005. The IAD became final agency action on September 7, 2005, meaning the 2003 - 2005 CDQ allocations remain in effect until they are replaced by a future final agency action or Congressional action for new CDQ allocations. The IAD to extend CDQ allocations did not include the 2005 allocations of Eastern Aleutian Islands golden king crab and Adak red king crab, because these allocations had not yet been made at the time this IAD was issued. These two new allocations to the CDQ Program were made in 2005 as part of the crab rationalization program. Therefore, new allocation recommendations are needed from the State for these two species for 2006. It is thus expected that, in addition to the allocation recommendations for 2007 – 2011, the State will be consulting with the Council on its 2006

¹Council consultation: Before the State sends its recommendations for approval of proposed CDPs to NMFS, the state must consult with the council and make available, upon request, the proposed CDPs that are not part of the state's recommendations (50 CFR 679.30(c)).

allocation recommendations for Eastern Aleutian Islands golden king crab and Adak red king crab at this meeting.

The State's recommendations will be distributed at the meeting. Note that in the analysis for Amendment 71, these allocations would form the baseline to which the new evaluation criteria would apply for future allocation cycles under the alternative that mirrors the Blue Ribbon Panel recommendations (Alternative 3).

Note that at least three CDQ groups submitted letters regarding the 2007 – 2011 allocation process. BBEDC sent a letter (1/19/06) to NMFS expressing concern with the process undertaken by the State with regard to pollock allocations for 2007 – 2011, as announced in the Governor's December press release. NMFS responded with a letter dated 3/1/06. In addition, CVRF sent a letter (1/25/06) to Governor Murkowski objecting to the allocation recommendations in the December press release and requesting several documents related to the process for determining those recommendations. NSEDC sent a letter to Alaska DCCED Commissioner Noll (3/17/06) in response to the State's request for consultation with NSEDC on its 2006 – 2008 CDP, and the process undertaken for the 2007 – 2011 period. These letters are attached as Item C-1(a)(3).

(b) Status report on CDQ cost recovery program analysis

NMFS has been working on an analysis of the Magnuson-Stevens Act requirements at Section 304(d) and 305(i)(3) that require collection of a fee to recover the actual costs of management and enforcement of the CDQ Program. NMFS will provide a status report on this project at the April Council meeting. NMFS is also organizing an informational meeting/workshop to further discuss the analysis and receive input from the public, including the CDQ groups. This meeting is tentatively scheduled for May 18 in Anchorage. Initial review of the analysis for this proposed action is tentatively scheduled for the October 2006 Council meeting.

(c) Initial review/final action on CDQ community eligibility regulatory amendment

NMFS has prepared an RIR analysis for BSAI FMP Amendment 87, BSAI crab FMP Amendment 22, and supporting regulatory amendments to clarify the community eligibility criteria and community eligibility status for communities participating in the CDQ Program. This action is necessary to make community eligibility criteria and community eligibility status in the above FMPs and Federal regulations consistent with the Magnuson-Stevens Act and the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU). Neither the FMP nor Federal regulations contain CDQ community eligibility criteria that exactly conform to the community eligibility criteria that were added to the MSA in 1996. The proposed action would make the eligibility criteria consistent with the MSA, as well as add a reference to these criteria in the BSAI crab FMP.

There are currently 65 communities that NMFS has determined eligible to participate in the CDQ Program. Table 7 to 50 CFR Part 679 includes 57 communities. Eight additional communities were determined to be eligible by NMFS on April 19, 1999, through an agency administrative determination that was not formalized through rulemaking, due to emerging legal questions about community eligibility. In a legal opinion issued on

August 15, 2003, NOAA GC identified the inconsistencies described above between the eligibility criteria in the MSA and 50 CFR Part 679 and recommended that NMFS amend the regulations to conform with the MSA. In addition, NOAA GC advised that the eligibility status of all 65 participating communities needs to be re-evaluated "to determine whether each community meets all of the statutory eligibility criteria." In a discussion paper presented to the Council at its October 2003 meeting, Council and NMFS staff concluded that, if such a re-evaluation were done, some of the 65 communities currently participating in the CDQ Program would likely not meet all of the CDQ Program eligibility criteria in the MSA.

Upon release of the legal opinion and discussion paper, the CDQ groups and the State of Alaska asked Congress to clarify its intent with respect to the eligibility status of the 65 communities participating in the CDQ Program. Congress provided this clarification through passage of the SAFETEA-LU, in August 2005. This statute confirmed the eligibility status of the 65 communities currently participating in the CDQ Program.

NOAA GC has since examined the eligibility criteria in the MSA and the SAFETEA-LU and concluded that the SAFETEA-LU did not repeal the community eligibility criteria in section 305(i)(1)(B) of the MSA. SAFETEA-LU addresses specific communities that are eligible for the CDQ Program, and the MSA includes eligibility criteria for future entrants. Analysts have identified nine currently unpopulated or seasonally populated communities that meet some of the MSA community eligibility criteria. Therefore, the potential exists for additional applications for community eligibility under the MSA criteria if any of these communities were to become populated in the future.

In sum, the action proposed in the FMP and regulatory amendments serves to clarify and correct the BSAI FMPs and Federal regulations to conform to the MSA and SAFETEA-LU. For this reason, initial review and final action are scheduled for this April meeting. The analysis was mailed to you on March 14.

(d) Status report on BSAI Amendment 71

The Council made recommendations on eight issues related to the CDQ allocation process and oversight of the program under BSAI Amendment 71 in June 2002. In March 2005, NMFS implemented regulations for Issue 8 to simplify and streamline administrative regulations related to quota transfers, authorized vessels, and alternative fishing plans. However, NMFS has not been able to implement regulations for the remaining seven issues that address the purpose of the CDQ Program, the process for allocating quota among the CDQ groups, and oversight of the economic development aspects of the CDQ Program.

NMFS has identified a number of legal and policy issues that slowed progress and required repeated consultations with the Council. These issues include advice from NOAA GC that: (1) NMFS must include an administrative appeals process for decisions about the approval of allocations among the CDQ groups, the CDPs, and amendments to the CDPs; (2) administrative determinations to approve CDQ projects in the CDPs or in amendments to the CDPs are likely Federal actions subject to the Endangered Species Act and the National Environmental Policy Act; and (3) NMFS must establish the confidentiality status of information submitted by the CDQ groups and by the State on behalf of the CDQ groups. The administrative and financial implications of these legal issues were not included in the analysis reviewed by the Council at the time it took final action on Amendment 71.

In addition, a decision issued by the Alaska Region in response to an administrative appeal reversed NMFS's longstanding interpretation of its regulations that the CDQ groups may invest only in fisheries related economic development projects. The result of the decision is that NMFS must only consider whether the CDP as a *whole* is consistent with the fisheries related purpose of the CDQ Program. The June 2002 analysis for Amendment 71 assumed that NMFS's regulations required all individual CDQ *projects* to be 'fisheries related,' and this assumption provided the basis for the status quo alternative. The OAA decision modifies the status quo in such a way that was not considered by the Council in June 2002.

Finally, at its April 2005 meeting, the Council expressed concerns about the CDQ allocation process and oversight of the CDQ Program. After the State created the Blue Ribbon Panel in response to the Council's concerns, NMFS suspended further work on Amendment 71 until the Council could review the legal and policy issues described above, as well as decide whether to add some or all of the Blue Ribbon Panel's recommendations as new alternatives to the

Amendment 71 analysis. Governor Murkowski accepted the recommendations of the Blue Ribbon Panel on October 4, and the report was presented to the Council at its October 2005 meeting.

Given the above events, and the fact that the panel's recommendations would also require changes to Federal regulations, in October 2005, the Council requested that staff provide a proposed structure for alternatives and options for a revised Amendment 71 analysis which incorporates the recommendations of the Blue Ribbon Panel. This proposed structure, as well as issues requiring further clarification, was presented to the Council at its December 2005 meeting.

In December, the Council thus rescinded its final action on Issues 1 – 7 of BSAI Amendment 71 taken at its June 2002 meeting, and adopted three primary alternatives and several options for analysis of a new amendment package (Item C-1(d)). These alternatives are related to the purpose of the CDQ Program, the process for allocating quota among the CDQ groups, and oversight of the economic development aspects of the program that NMFS has not been able to implement to date.

Note also that the State of Alaska noticed the public of proposed changes to State regulations (Title 6 of the Alaska Administrative Code) that implement some of the Blue Ribbon Panel recommendations related to administrative reporting requirements. The full suite of proposed changes is at <http://www.commerce.state.ak.us/bsc/CDQ/proposedregs.htm>. The public comment period closed on January 6, 2006. These regulations have not yet been implemented.

In addition, in February 2006, Senate Commerce committee staff asked NMFS to comment on several iterations of draft amendments to the CDQ section of the MSA (Section 305(i)). The draft legislation addressed allocations to the CDQ Program, allocations among the CDQ groups, eligible communities, administration of the program, and the oversight roles of NMFS and the State of Alaska. These amendments could be included in the U.S. Coast Guard authorization bill now in conference committee, made through other legislation, including the MSA reauthorization bill, or may not be made at all. However, considering the apparent intent of Congress to amend the CDQ sections of the MSA and other agency priorities, staff have not actively worked on revising the Amendment 71 analysis since the December 2005 Council meeting.

If these amendments are approved by Congress and the President, many primary issues currently under consideration in Amendment 71 will be decided and will not need to be further analyzed. Note, however, that FMP and regulatory amendments will still be necessary to implement MSA amendments. If MSA amendments are made before the June 2006 meeting, staff plans to prepare an assessment of the legislation and its impact on the Amendment 71 analysis for the Council's consideration at the June meeting. If the MSA amendments are not made before the June Council meeting, staff will proceed with the analysis of Amendment 71 for initial review by the Council at the October 2006 meeting, unless directed otherwise by the Council.

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

Report of the Advisory Panel

The Advisory Panel recommended the Council delay action on this issue until it is known what, if any, action is passed in Congress on CDQ allocations.

COUNCIL DISCUSSION/ACTION

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

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NOAA General Counsel Lauren Smoker advised that Council members Bundy and Olson would be required to recuse themselves from participation (discussion/action) on the issue of CDQ allocations if the Council is planning to provide any comment on them or take any action. If the Council anticipates that no action will be taken, however, they may participate.

The Council received a report from Sally Bibb, NMFS-Alaska Region, on the status of the CDQ cost recovery program analysis, and BSAI Amendment 71. Additionally, the Council was scheduled to take final action on a CDQ community eligibility FMP and regulatory amendments.

CDQ Allocations

The Council also received a presentation from Bill Noll, Commissioner of the Alaska Dept. of Commerce, Community and Economic Development.

There was some concern on the part of Council members that allocations for a 2007-2011 cycle are based on community development plans that are now out of date. The State of Alaska provided notice on April 2 that the allocation cycle would be changed from 2007-2011, back to the original 2006-08 cycle. The Council also received public comment indicating several CDQ groups felt they had not been informed of changes to allocations first presented in April 2005 in a timely manner.

Chair Madsen noted for the record that the Council had received the State's report on the allocations. The State will hold public hearings and send allocation recommendations directly to NMFS. Council members Fuglvog and Olson noted that they did not think the Council received the appropriate information to constitute a complete consultation. Commissioner Noll responded that he would provide the background information to Council members.

Cost Recovery Program

A draft analysis will be provided for Council review in October 2006, unless Congressional action exempts the CDQ program from cost recovery regulations.

CDQ Community Eligibility Amendment (87)

Earl Krygier moved to approve Alternative 2: Amend the BSAI FMP and Federal Regulations as outlined in the analysis. The motion was seconded by Eric Olson and carried unanimously. Mr. Krygier noted for the record that this amendment is necessary to conform the FMP and current Federal regulations to existing community eligibility criteria in the Magnuson-Stevens Act. It was clarified that the motion includes the revision to the Appendix as provided by staff.

It was also noted that this action may need to be re-evaluated if Congressional legislation is approved that would limit the CDQ eligible communities to the 65 that are currently participating. This would make the eligibility irrelevant.

BSAI Amendment 71

Council members will receive an update on the implications of pending Congressional legislation on the alternatives for Amendment 71 in June, after it is determined what, if any, legislative action has occurred.

C-2 IR/IU

ACTION REQUIRED

- a) Final action on Amendment 80 EA/RIR/IRFA (T)
- b) Discuss alternatives for maximum retainable amounts (MRA) adjustments

Amendment 80

Amendment 80 proposes to allocate rock sole, flathead sole, yellowfin sole, AI Pacific ocean perch, and Atka mackerel to the Non-AFA Trawl catcher processor sector. In addition, the proposed action would allocate PSC limits to the sector for use in their BSAI directed fisheries. The proposed action would establish a cooperative program for qualified Non-AFA Trawl catcher processor participants. To maintain existing fishing activity among non-allocated species in the BSAI and the GOA, sideboards are included in the proposed action. Finally, Amendment 80 includes options for increasing the CDQ program allocation of the five species noted above, secondary species taken incidental in these fisheries, and PSC limits.

In February 2006, the Council reviewed the Amendment 80 EA/RIR/IRFA Public Review draft, but did not take final action. The Council modified some of the components and options of the proposed action and narrowed the focus of the preliminary preferred alternative for some of the components. Staff has updated the EA/RIR/IRFA to reflect the changes to the components and options. The revised EA/RIR/IRFA for Amendment 80 was released for public review on February 17. A copy of this analysis was mailed to you at that time. The executive summary of this analysis is attached as Item C-2(a). In addition, a copy of the current alternatives, components, and options for Amendment 80 is attached as Item C-2(b). The Council is tentatively scheduled to take final action at this meeting.

While the Council could potentially take final action at this meeting, you need to also consider the issues raised in two letters from NMFS (Item C-2 (c)). These relate to the need to more explicitly define aspects of the data collection provision, and to earlier proposed vessel monitoring plans (VMPs) and alternative approaches to accomplishment of necessary monitoring. NMFS and Council staff will further explain these issues at this meeting.

MRA Adjustments

In February 2006, the Council initiated an analysis to look at changing the application of the Non-AFA Trawl CP sector's MRA for yellowfin sole, rock sole, flathead sole, Atka mackerel, AI POP, and other flatfish except Greenland turbot. At the April 2006 meeting, the Council is scheduled to receive a discussion paper and review the proposed alternatives for the analysis. NMFS staff will be on hand to report further.

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

Report of the Advisory Panel

The Advisory Panel provided recommendations on several components of the proposed BSAI Amendment 80. Please see the AP Minutes, Appendix II to these minutes, for the suggested revisions. The AP also endorsed the draft problem statement proposed by staff.

COUNCIL DISCUSSION/ACTION

Amendment 80

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

The Council received a detailed review of the revised analysis for BSAI Amendment 80. The Council asked for staff clarification of several issues, including the setting of the TAC.

Bill Tweit introduced a motion based on the recommendations of the Advisory Panel, with some changes (please see Appendix III-1 for Mr. Tweit's motion). The motion was seconded by Ed Rasmuson. Mr. Tweit clarified that although the action would be the Council's preferred alternative, he would prefer to delay discussion on whether to take final action at this meeting until after discussion of the changes suggested in his motion. The following amendments and clarifications were made to the motion:

- **Component 2:** Mr. Tweit's motion specified that for Amendment 80 species, the reserves would be set at 10% of the TAC and all would be allocated to CDQ reserves. Mr. Tweit noted that the assumption is that the Council would adopt the 10% reserve amount. During discussion, Ms. Salveson noted that the non-specified reserve would be reduced from 15% to 10%, all of which would go to the CDQ reserve; there would be no further reserve reduction from the TAC. Of the current 15%, 7.5% is allocated to CDQ reserves. Mr. Tweit felt this would ease the regulatory burden on the Agency.
- **John Bundy moved to express the intent that AFA sideboards would be calculated in the same manner that they are now.** The motion was seconded by Dave Benson. Mr. Bundy noted that there has been concern about how AFA sideboards will be calculated after flatfish species are allocated to the H&G fleet. Industry is concerned that this will be result in a much smaller number after the allocations to the H&G fleet.

Ms. Salveson described the manner in which the sideboards would be handled.

- **Sue Salveson moved a substitute motion: Amend suboption 3.2.2 to delete the bold/underlined portion (except that the ICA for yellowfin sole. . .), and insert: AFA vessel sideboard amounts will be deducted after CDQ reserve amounts are deducted from the TAC.** The motion was seconded by Dave Benson carried, with Tweit objecting.
- **In Component 3, Earl Krygier moved to add an option of a 80/20 split for yellowfin sole (H&G/limited access).** The motion was seconded.
- **Ed Rasmuson moved to substitute: 82.5% as the preferred alternative.** The motion was seconded and carried, 8-3, with Benson, Salveson and Tweit voting against.
- **Sue Salveson moved to amend Component 3, as follows: Allocations to the Non-AFA Trawl CP sector, each primary species allocation is: For Atka mackerel, 98% in 541, 542/EBS, first year of program, decreasing by 2% steps over a 4-year period to 90%; and for Aleutian Islands Pacific Ocean perch, 95% in 541/542 in first year of program, decreasing to 90% in 2 years (i.e., one step—adjustment after two years).** The motion was seconded and carried without objection.
- **Arne Fuglvog moved to re-insert suboption 6.1.1, using the years 2002-04, and inserting and amending suboption 6.2.3 to 80%, 6.2.6 to a 5% per year phase-in.** Mr. Fuglvog was working from the complete set of alternatives and options found in the Council meeting notebook, Agenda Item C-2(b), "Alternatives Considered," pp 14-15. The motion was seconded.
- **Bill Tweit moved to amend to include a revised Section 6.2.4.1, to start the reduction in the second year of the program.** The motion was seconded by Arne Fuglvog and carried without objection. Mr. Fuglvog's motion, as amended, carried with Bundy objecting.

- **Earl Krygier moved to replace language on crab PSC: Allocation of crab PSC to the non-AFA Trawl CP sector shall be based on the percentage of historic usage of crab PSC in all groundfish fisheries from 1995-2002 in the second year following implementation of the program, until the Non-AFA Trawl CP sector is at 80% of their initial allocation. Trawl limited access sectors shall receive an allowance of the sum of the combined AFA/CV/CP sideboards.** The motion was seconded and carried 7-4, with Benson, Bundy, Tweit and Salveson voting against.
- Under Component 7, **Sue Salveson moved to amend to include the following sentence at the end: Once the catch history has been assigned to a license, that license must be used on an eligible non-AFA trawl catcher processor vessel.** The motion was seconded and carried without objection.
- Under Component 10, **Sue Salveson moved to add the following at the end: For Aleutian Islands Pacific Ocean perch, all vessels will receive their allocation equally in 541, 542, and 543.** The motion was seconded by Arne Fuglvog and carried without objection.
- Under Component 11, **Arne Fuglvog moved to re-insert option, 11.3 on use caps (working from the entire set of alternatives in Agenda item C-2(b), p. 18), setting the use cap at 10%:** The motion was seconded.
- **John Bundy moved to amend Mr. Fuglvog's motion to no more than 20%.** The motion was seconded and failed, with Benson, Bundy, Hyder and Tweit voting in favor. Mr. Fuglvog's motion carried, 8 to 3, with Benson, Bundy and Hyder voting no. Mr. Fuglvog clarified that the criteria would be that if a vessel is over the cap at the time of program implementation, that vessel would be exempted ('grandfathered').
- Under Component 11, **Earl Krygier moved to set the excessive share cap at 30%, applied on an aggregate basis.** The motion was seconded by Arne Fuglvog and carried without objection.
- Under Component 12: **Sue Salveson moved that vessels that fished 80% of their fishing weeks in the Gulf of Alaska flatfish fisheries from 2000-2003 would be exempt from Amendment 80 halibut sideboards.** The motion was seconded by Doug Hoedel and carried without objection.
- Under Component 12, Section 12.4.9, **Sue Salveson moved to add the following clarifying sentences: GOA sideboard limits will not apply to co-ops; Sideboard limits assigned to cooperatives will be managed as hard caps.** The motion was seconded by Arne Fuglvog and carried without objection.
- Under Component 13, **Earl Krygier moved to revise the yellowfin sole threshold to 100,000 mt.** The motion was seconded and failed 6-5, with Krygier, Hyder, Hoedel, Rasmuson and Madsen voting in favor.
- Component 13: Clarified that in the third sentence should read: "AFA yellowfin sole sideboards do not apply to the YFS threshold fishery."
- Under "Other Elements," **Sue Salveson moved the following:**
 - In the second bullet (paragraph), referring to the groundfish retention applicability, **delete all but the first sentence. Paragraph would then read: The Groundfish Retention Standards (GRS) (Amendment 79) would be applied to the cooperative as an aggregate on an annual basis and on those vessels who did not join a cooperative as individuals.**

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- In the last bullet (paragraph), listing specific requirements for reporting and monitoring, would be reworded as follows: **Specific requirements for reporting, monitoring and enforcement and observer protocols will be developed in regulations for participants in the non-AFA trawl CP sector. These monitoring and enforcement provisions are described in Section 3.3.7 of the EA/RIR/IRFA. Revisions to Section 3.3.7 have been described in a March 27, 2006 letter from NOAA Fisheries to the Council.**
- Under the four enumerated specific reporting elements, the following changes were made:
 - 1. **Convene a staff workgroup to develop information necessary to answer questions posed by the NOAA Fisheries letter of March 27, 2006.**
 - 2. **NOAA Fisheries will host an industry workshop during the June 2006 Council meeting week to review and solicit comments on a socioeconomic data program.**
 - 3. **Delete this item.**
 - 4. **Revised, as follows: Council review and approval of the Socioeconomic Data Collection program in consideration of SSC comments provided at the June 2006 meeting.** [Information would be provided to the SSC from the staff workgroup session.]

The motion was seconded by Earl Krygier.

- Under the second-to-last bullet (paragraph), dealing with annual reports and the 5-year review, **Dave Benson moved to amend to add: The Council shall consider significant changes or events (regulatory, economic and biological) which negatively impact the Amendment 80 participants.** The motion was seconded and carried without objection.

Ms. Salvesson's amended motion carried without objection.

Mr. Tweit noted that based on Mr. Benson's motion, it may be necessary to review the problem statement to more clearly define which elements of the problem statement are amenable to evaluation. The Chair suggested Council members could consider whether they wish to add performance standards or otherwise change the problem statement and address those suggestions in June.

Mr. Krygier requested that staff could provide data that would show the value of this fishery before Council final action. Staff indicated that some information on ex-vessel values of individual catch for the individual sectors could be provide, however the SSC has advised that a total value estimate is more speculation than fact and would not be appropriate in an analysis.

Mr. Fuglvog noted that he feels the modifications and improvement to the AP recommendations, better addresses bycatch concerns, and consolidation. The revised document will provide the public more information before Council final action in June.

The main motion, as amended, carried without objection. The final motion is included as Appendix III-2 to these minutes.

MRA Adjustment

The Council received a discussion paper and staff report from Jeff Hartman, NMFS-Alaska Region.

Bill Tweit moved to approve the draft problem statement and proceed with analysis of the components and alternatives as outlined in the discussion paper. The motion was seconded by Ed

Rasmuson and carried without objection. An initial analysis will be provided for Council review in June 2006.

Mr. Fuglvog pointed out that the non-AFA trawl sector initially proposed the amendment as an interim step between the implementation of Amendments 79 and 80 to help with retention. The Council has not heard from other sectors of the industry on this issue.

C-3 BSAI Pacific Cod Allocations

ACTION REQUIRED

Final action on EA/RIR/IRFA for BSAI Amendment 85

BACKGROUND

The Bering Sea and Aleutian Islands (BSAI) Pacific cod TAC has been apportioned among the different gear sectors since 1994 (trawl, fixed, and jig gear split), and a series of amendments have modified or continued the allocation system. Starting in 1998, 7.5% of the BSAI Pacific cod TAC was allocated to the western Alaska Community Development Quota Program (CDQ Program). The remaining portion of the TAC is allocated to eight separate gear sectors. Currently, Federal regulations at 50 CFR 679.20(a)(7) authorize distinct BSAI Pacific cod allocations for the following sectors (BSAI FMP Amendments 46 and 77):

51% fixed gear: (80% hook-and-line catcher processors) (0.3% hook-and-line catcher vessels) (3.3% pot catcher processors) (15.0% pot catcher vessels) (1.4% hook-and-line/pot vessels <60' LOA ²)	47% trawl gear: (50% trawl catcher vessels) (50% trawl catcher processors)	2% jig gear
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In December 2004, the Council approved a problem statement and preliminary components and options for a new fishery management plan amendment (BSAI FMP Amendment 85) to modify the current BSAI Pacific cod allocations to the various gear sectors and the CDQ Program. The Council further revised the problem statement and/or alternatives at each subsequent Council meeting. The summary of alternatives for BSAI Amendment 85 is provided in the Executive Summary, attached as Item C-3(a)(1).

Amendment 85 to the BSAI FMP currently focuses on two primary issues:

- 1) BSAI Pacific cod allocations to all sectors (trawl, jig, hook-and-line, pot, and CDQ); and
- 2) apportionment of the BSAI Pacific cod sector allocations between the BS and AI subareas.

The problem statement guiding BSAI Amendment 85 is comprised of the following two parts:

²While the <60' fixed gear (hook-and-line and pot) sector receives a separate allocation of BSAI Pacific cod, these vessels fish off the general hook-and-line CV and pot CV allocations, respectively by gear type, when those fisheries are open.

Initial Council review of the draft analysis occurred at the February 2006 Council meeting. The Council motion from that meeting is attached as Item C-3(a)(2). The analysis was revised based on SSC comments and Council recommendations; the public review draft was mailed to you on March 14. Final action, meaning selection of a preferred alternative, is scheduled for this April Council meeting.

Note that the schedule is in part predicated on the need to have Council final action in April in order to increase the likelihood that a final rule would be implemented by January 1, 2007, should the Secretary of Commerce approve the action. The type of action under consideration would be

BSAI FMP Amendment 85 Problem Statement

PART I: BSAI Pacific Cod Sector Allocations

The BSAI Pacific cod fishery is fully utilized and has been allocated among gear groups and to sectors within gear groups. The current allocations among trawl, jig, and fixed gear were implemented in 1997 (Amendment 46) and the CDQ allocation was implemented in 1998. These allocations are overdue for review. Harvest patterns have varied significantly among the sectors resulting in annual inseason reallocations of TAC. As a result, the current allocations do not correspond with actual dependency and use by sectors.

Participants in the BSAI Pacific cod fishery who have made significant investments and have a long-term dependence on the resource need stability in the allocations to the trawl, jig, fixed gear, and CDQ sectors. To reduce uncertainty and provide stability, allocations should be adjusted to better reflect historic use by sector. The basis for determining sector allocations will be catch history as well as consideration of socio-economic and community factors.

As other fisheries in the BSAI and GOA are incrementally rationalized, historical participants in the BSAI Pacific cod fishery may be put at a disadvantage. Each sector in the BSAI Pacific cod fishery currently has different degrees of license requirements and levels of participation. Allocations to the sector level are a necessary step on the path towards comprehensive rationalization. Prompt action is needed to maintain stability in the BSAI Pacific cod fisheries.

PART II: Apportionment of BSAI Pacific Cod Sector Allocations between the BS and AI

In the event that the BSAI Pacific cod ABC/TAC is apportioned between the BS and the AI management areas, a protocol needs to be established that would continue to maintain the benefits of sector allocations and minimize competition among gear groups; recognize differences in dependence among gear groups and sectors that fish for Pacific cod in the BS and AI; and ensure that the distribution of harvest remains consistent with biomass distribution and associated harvest strategy.

very difficult for NOAA Fisheries to implement mid-year. Note also that after the Council takes final action on Amendment 85, staff will revise the analysis to highlight the effects of the preferred alternative prior to submitting the document to the Secretary of Commerce.

There are some options under Alternative 2, Component 3 (Part I) that would allow changes to the seasonal apportionments of BSAI Pacific cod harvest that may, at their extreme, change the ratio of harvest in the first half of the year to very slightly exceed 70% of the TAC. This would not conform to the objectives of the 2001 Steller sea lion protection measures established under the 2001 Biological Opinion, which limit BSAI Pacific cod harvest during the first half of the year to no more than 70% of the overall allowable harvest. NMFS Protected Resources Division has informed staff that it will provide a specific consultation decision (informal or formal) upon selection of a Council preferred alternative. Thus, this decision would be expected as part of the overall NMFS review of the document prior to submittal to the Secretary. Note that there are also several options under Alternative 2 that do not change, or lower, the amount of the allowable BSAI Pacific cod

harvest that can be taken in the first half of the year. However, there is no guarantee that meeting the 70% threshold will satisfy the requirements of the current biological opinion.

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

Report of the Advisory Panel

The Advisory Panel provided the Council with recommendations for a preferred alternative. Please see the AP Minutes, Appendix II to these minutes, for the entire set of recommendations.

COUNCIL DISCUSSION/ACTION

Ms. Madsen advised Council members that NOAA General Counsel has reviewed disclosure statements and determined that there are no conflict of interest issues for Council members on this agenda item.

There was some discussion regarding how NMFS will manage the fishery under the proposed alternatives. Sue Salvesson said that even though direct management responsibility may be somewhat relieved with the co-op system for some trawl sectors, with each allocation NMFS could still be responsible for deciding when the fishery is open and when it's closed, taking into consideration that bycatch needs are met.

John Bundy asked for Ms. Salvesson's thoughts on management of an ICA by trawl sector, as opposed to an all-trawl sector ICA. Ms. Salvesson responded that using the all-trawl sector approach would entail developing an ICA at the beginning of the year and closing directed fisheries by sector, hoping that the overall sector ICA will meet all bycatch needs. Having each sector managed separately, with the ICA developed inseason, and closing that sector before that sector's allocation is reached may provide more flexibility than a single ICA for all trawl sectors.

Ms. Madsen requested clarification of two issues: 1) what are the Council's options on the proposed season startdate change for the <60' fixed gear fleet that was in the AP recommendations, , and 2) based on public comment, is the Council able to defer action on Part II of Amendment 85, or because of the problem statement, does the Council need to choose a particular alternative.

Sue Salvesson responded, with regard to the change of the season opening date, that it seems clear that this is more of an allocation or access issue which is not covered in the analysis and she would recommend that the Council deal with this in a subsequent action.

Loren Smoker, NOAA-GC, responded to the second issue of delaying action on part two of the amendment package. She noted that the problem statement has two distinct parts for the amendment, the second part dealing with the split of cod sector allocations between the Bering Sea and Aleutian Islands subareas. Upon reviewing the problem statement, she advised the Council that tabling the issue (as recommended by the Advisory Panel) does not seem to fit within the options in front of the Council. If the Council does not want to pursue that action at this time, it could choose the status quo alternative, indicating that action is not suitable at this time. The Council could then continue to look at the issue through another amendment. The Council could also determine that, at this point, Amendment 85 should only address Pacific cod sector allocations (in Part I), and begin a new analysis on the second portion (Part II) if they wish. The Council should, however, articulate why they have decided not to take action at this time.

Arne Fuglvog provided a written motion for the preferred alternative for BSAI Amendment 85, Pacific cod allocations. [See Appendix IV-1 to these minutes for the entire motion]. The motion was seconded.

Council members discussed pending Congressional action which may establish a direct fishing allocation of 10% of the BSAI Pacific cod TAC for CDQ. Mr. Campbell suggested that the Council delete Component 5, CDQ Allocations of BSAI Pacific cod. It was pointed out that if the Council stays silent on the issue, the current 7.5% allocation would remain until any change is made by Congress. Eric Olson noted his objection to the status quo of 7.5%.

The following amendments to the motion were offered:

- **Sue Salveson moved to change the word ‘unallocated’ to ‘allocated’ in Option 8.2, in order to be consistent with Amendment 80.** (It was noted that this was an inadvertent mistake in the Fuglvog motion.) The motion was seconded by Arne Fuglvog and carried without objection.
- **Jeff Koenings moved to amend to reduce the jig catcher vessel allocation of cod to 1.5% and increase the non-AFA trawl catcher processors to 13.7%.** The motion was seconded by Dave Benson, and carried, 6 to 5, with Campbell, Fuglvog, Hoedel, Olson and Rasmuson voting against.

Dr. Koenings stressed that he understands the need for an entry-level fishery and he believes the jig catcher vessel fishery does accomplish that, however, harvests by that sector to date are well below the current allocation in the motion.

- **John Bundy moved to establish a large ICA to fund incidental catch of cod, similar to the pollock model, which would include all sectors except the H&G trawl sector.** The motion was seconded by Dave Benson and carried, 7 to 4, with Fuglvog, Olson, Rasmuson, and Salveson voting against.
- **Roy Hyder moved to initiate a review of this action on the effects on the <60’ hook--and-line and pot CV sectors when the combined harvest of those sectors (including parallel fisheries, Federal fisheries, and state fisheries) reaches 3% of the BSAI Pacific cod ITAC.** The motion was seconded by Dave Benson and carried without objection.

The main motion, as amended, carried 10-1, with Olson voting against.

- **Arne Fuglvog moved to remove Part II of Amendment 85 and its attendant analysis and to initiate a new analysis that examines alternative approaches to apportion BSAI Pacific cod sector allocations between the Bering Sea and Aleutian Islands subareas.** The motion was seconded by Dave Benson and carried without objection.

Mr. Fuglvog said the intent would be to use the present analysis as the basis for a future amendment if warranted; however at this time it is uncertain whether scientists would recommend splitting the BSAI TAC/ABC in the near future.

Later in the meeting, **McKie Campbell moved to reconsider previous action on BSAI Amendment 85 (BSAI Pacific cod allocations).** The motion was seconded by Arne Fuglvog. Mr. Campbell advised that it has been brought to his attention that there would be some unforeseen impacts of the decision to establish ‘all sectors ICA’, in order to fund incidental catch of Pacific cod through one common pool.

Mr. Tweit sat in on this discussion for Dr. Koenings.

The motion to reconsider carried without objection.

McKie Campbell moved to revise the percentages for cod allocated to each sector in order to account for potentially creating separate sector ICAs (Option 2.7), as follows: AFA Trawl CPs-2.3%; Jig CVs-1.4%; Longline CPs-48.7%; Non-AFA Trawl CPs-13.4%; and Pot CVs $\geq 60'$ -8.4%. The remaining sectors would stay the same. The motion was seconded by Arne Fuglvog and carried, 10-1, with Benson voting no. [A motion to amend the percentages by Bill Tweit failed, 9 to 2, with Bundy and Tweit voting in favor.]

McKie Campbell moved to repeal previous Council action to establish an all-sector ICA. The motion was seconded by Ed Rasmuson and carried without objection.

It was clarified that this action would mean that there would continue to be a combined ICA for the fixed gear fleet (status quo, as defined in the first descriptive paragraph on page one of the motion, under Component 2). Ms. Salvesson noted that although this is preamble language the Agency will consider this as a directive that the annual ICA for fixed gear is deducted off the top from the aggregate amount of the TAC allocated to the fixed gear sectors combined. Additionally, on page 3 of the motion, the last paragraph would be reinstated to establish separate ICAs determined inseason for each trawl sector (non-AFA trawl CP, trawl CV, AFA trawl CP).

Final action on BSAI Amendment 85 is found in Appendix IV-2 to these minutes.

C-4 BSAI Trawl CV Eligibility

ACTION REQUIRED

Review staff discussion paper and take action as necessary.

BACKGROUND

In December 2005, the Council stripped the BSAI trawl CV LLP endorsement options for Pacific cod from Amendment 85. In taking that action, the Council indicated its preference for a trailing amendment to address this issue in a timely manner, while not slowing progress on the remaining portions of Amendment 85. Similarly, at the February 2006 meeting, the Council stripped the endorsement options for trawl CV LLPs for BSAI groundfish and/or the five IR/IU species (yellowfin sole, rock sole, flathead sole, Atka mackerel and Pacific ocean perch) from Amendment 80. The Council expressed its preference for that option to be included in the trailing CV eligibility action.

The staff has prepared a discussion paper to assist the Council in clarifying its goals for this combined amendment, identifying a problem statement and developing an initial set of elements and options for development of an amendment to address this issue. The paper is attached as Item C-4 (a).

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

Report of the Advisory Panel

The AP recommended the inclusion of trawl eligibility requirements for the Gulf of Alaska in subsequent discussion papers/analyses. Additionally, the AP recommended that any analysis be focused on all

groundfish, not including Pacific cod and/or Amendment 80 species, as separate options and, further, that the analysis include the years 1995-2004.

COUNCIL DISCUSSION/ACTION

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

After receiving a staff review of a discussion paper on the subject of BSAI trawl CV LLP endorsement options for Pacific cod and/or Amendment 80 species, the Council discussed and clarified several issues for staff.

Regarding a request from the Alaska Groundfish Data Bank to include the Gulf of Alaska in the analysis and to include 2004 and 2005 data, Mr. Fuglvog suggested that staff could include 2004 data now and add 2005 data when it becomes available. Council members generally concurred. However, referring to one portion of AGDB's request (that package would be designed to extinguish latent licenses for Federal groundfish, not create species endorsements), Council members felt that it was more of a policy call than a data request, but staff would still need to include information that would allow the Council to make such a policy call. Mr. Fuglvog pointed out that it would not be applicable, when looking at catcher processors to include AFA catcher processors because they cannot fish in the Gulf.

Council members also requested staff provide a review of the LLP program, and area and species endorsements for Council information at the June meeting. Between this meeting and June staff was tasked with bringing back best available information on the following issues:

Mr. Fuglvog clarified his understanding of the following data requests [relating to the Gulf] of staff for the June meeting:

- The Council is not looking to create species endorsements. Only look at legal trawl landings with the appropriate area endorsements; not looking at landings outside of the area in which they came.
- Staff time priorities: Look at CVs first, and if there is time, look at CP, for all groundfish.

Mr. Bundy asked whether the data in the Bering Sea/Aleutian Islands would be broken out by all groundfish species, by Amendment 85 species, and by Amendment 80. Staff replied that if Council wishes the data broken out in those three categories, it can be done, although it will generate several different matrices. Mr. Bundy indicated that having it broken out in those three categories may assist the Council in making appropriate decisions and asked that staff develop the information for all species, with the others being done, time permitting.

Responding to a request from Mr. Krygier, staff indicated that State water landings will be included in the data request and that they will break out those landings for under 60' trawl vessels.

Bill Tweit moved that the Council adopt the draft problem statement provided by staff, choosing the 'all groundfish' options where noted. The motion was seconded by Dave Benson.

Some Council members felt it was premature to adopt a problem statement at this time, even in draft form.

Earl Krygier moved a substitute motion to ask staff to review the Council's discussion on this subject during this meeting and revise a draft problem statement accordingly for the June meeting. The motion was seconded by John Bundy. After further discussion, Mr. Krygier withdrew the motion, with concurrence of the second, because a majority of Council members expressed discomfort with adopting a statement at this time.

Mr. Tweit also withdrew the main motion, with the concurrence of his second, for the same reason.

The Council concurred with a request from Mr. Fuglvog that staff refer to action under Amendment 85 when combining trawl catcher vessel sectors and to roll that issue into this analysis.

C-5 GOA Groundfish Rationalization

ACTION REQUIRED

- (a) Review discussion paper on skipper and crew provisions**
- (b) Review critical path analysis**
- (c) Review other information and revise alternatives/options as appropriate**

BACKGROUND

At its April 2003 meeting, the Council adopted a motion preliminarily defining alternatives for the rationalization of the Gulf of Alaska groundfish fisheries. Since that meeting, the Council has undertaken the process of refining the alternatives for analysis.

(a) Review discussion paper on skipper and crew provisions

The Council motion includes provisions intended to directly address skipper and crew interests. Specifically, the motion includes provisions that would make an initial allocation of a portion of the long term harvest share (or catch history) pool to skippers and crew for exclusive use by qualified skippers and crew (applies to Alternative 2 only). Also, the motion includes a provision that would establish a skipper and crew license program, under which harvest shares would be required to be harvested by licensed skippers and crew. Although the current motion provides that further development of skipper and crew provisions would be deferred as a trailing amendment (to be completed in a timely manner for implementation simultaneously with the main program), at its February 2006 meeting, the Council directed staff to draft a discussion paper examining the structure and effects of skipper/crew provisions that:

- a. allocate a certain amount of quota to qualified skipper/crew;
- b. require that qualified skipper/crew be on board during the harvest of a percentage of a vessel's allocation; and
- c. provide that, upon transfer of quota share/history, a percentage of the quota and/or transfer price is reserved for crew/skippers.

The attached paper (Item C-5(a)) is intended to respond to the Council's request. The paper attempts to outline various structures and elements that could be used to establish and define the different skipper and crew provisions. The paper also discusses potential effects of the provisions, which are highly dependent on the specific structure and elements selected.

(b) Review critical path analysis

At its February 2006 meeting, the Council also requested staff to develop a discussion paper that outlines the procedure for adoption of a preferred alternative for Gulf of Alaska rationalization. The attached paper (Item C-5(b)) is intended to inform the Council, stakeholders, and the public of

the process that will be used for the development of alternatives and the selection of a preferred alternative to provide for more effective decision making and public participation.

(c) Review other information and revise alternatives/options as appropriate

The Council has requested staff to consult NOAA General Counsel concerning two issues. Specifically, the Council wishes to obtain NOAA General Counsel's guidance concerning:

- a) the scope of the Council's authority under the Magnuson-Stevens Act to adopt the alternatives currently under consideration; and**
- b) any antitrust concerns that arise under the alternatives currently under consideration.**

The attached paper (Item C-5(c)) is the product of staff's communication with NOAA General Counsel and reflects NOAA General Counsel's suggestions concerning the scope of the Council's MSA authority and the antitrust issues, based on the current motion under consideration by the Council.

To assist the Council with the continuing process of refining the alternatives for analysis, staff has provided the Council with an annotated copy of the motion (Item C-5(d)). The motion includes both staff-suggested clarifications, as well as preliminary analysis of some of the options. Based on this information, the Council may choose to streamline the options to be included in the analysis of alternatives.

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

Report of the Advisory Panel

The AP recommended, after continued public request, the inclusion of the following language as stated in its February minutes:

That individual catch history harvested in the state waters parallel fishery be credited to eligible individuals in determining their proportional share of primary and secondary species allocated by the Council as part of the Gulf of Alaska federal fisheries management. It is the intent of the AP that stakeholders' parallel fishery history be counted for both sector splits and individual allocations in the federally managed fisheries.

The AP also recommended accepting staff changes to the document regarding anti-trust considerations as outlined in the discussion paper

Additionally, the AP provided new sections L1 through L9, under Alternatives 2 and 3 and recommended they replace those in the current analysis. (Please see the AP Minutes, Appendix II to these minutes, for the entire set of replacement options.)

COUNCIL DISCUSSION/ACTION

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

The Council received a thorough review from staff on the discussion paper for skipper and crew

provisions, a critical path analysis for GOA Rationalization, and current alternatives and options, including additional information previously requested by the Council.

Arne Fuglvog moved to adopt the following recommendations of the Advisory Panel.

- **Accept staff changes to the document regarding anti-trust considerations as outlined in the discussion paper.**
- **Accept AP recommendations to replace sections L1 through L9 under Alternatives 2 and 3, as shown in the AP Minutes (Appendix II to these minutes)].**
- **Accept AP recommendation for G-11, Individual Allocations as shown in the AP minutes.**
- **Accept AP recommendation to accept staff's editorial changes through the document.**
- **Accept AP recommendation for G-11, Alternative 3, to strike the paragraph starting with "in the event GH is regionalized. . ."**
- **Accept the AP's recommendation to notice the public that the Council intends to develop a range of skipper and crew provisions to be integrated into the Gulf rationalization alternatives document.**
- **Accept the AP's recommended list of possible objectives and the AP's recommended list of alternatives and program elements to be used as a starting point.**
- **Accept the AP's recommendation for Section T-1, to delete the paragraph starting with "all initial issues. . .," and in the following paragraph, change "owner on board" with "trawl GS/GH."**

The motion was seconded.

Bill Tweit moved to amend to delete Alternative 3, tax on first transfer under the framework of skipper and crew provisions The motion was seconded Roy Hyder and carried without objection.

The main motion carried, as amended.

During discussion Ms. Salveson noted that harvest activity through 2005 should be included in the analysis as soon as it is available in order for the Council to base decisions on the most recent information available. She also noted that most recent information may have an effect on some of the current alternatives.

Ms. Salveson also noted for the record that this will be an incredibly complex program and expensive to implement and cautioned that because the fisheries involved are not of high value, a cost recovery program may not cover costs of administering it. This may be an issue of concern for the Agency, particularly in light of current funding constraints.

McKie Campbell offered the following statements regarding fishery history earned in State parallel fisheries, with regard to GOA rationalization:

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1. The State of Alaska believes it is appropriate for the North Pacific Fishery Management Council to allocate parallel state waters fishery history earned by LLP holders in the Federal Gulf rationalization program. Under the Federal program, this history could be fished inside or outside of 3 miles.
2. Regardless of any allocation of history, the state reserves the ability to allocate the fish in its waters. The state is currently developing options for management inside 3 miles. In developing these options, how State and Federal management programs will mesh is a strong consideration. State options may include history based programs inside of state waters and may allow harvest by federally permitted vessels inside 3 miles that could be federally accounted for against federal history (i.e. the AI sablefish model).
3. If the state develops its own history-based program inside 3 miles; it will not credit history that is already credited in a Federal fishery.

Mr. Campbell also provided the Council with a list of State goals for GOA groundfish rationalization ["Working Document, (April 9, 2006)"].

Additionally, Mr. Campbell provided the following list of 'Additional Elements for Consideration in the GOA Groundfish Rationalization' to be inserted into the document as placeholders to allow staff to begin analysis on them, time and information permitting. The State will work with Council staff to bring back an analysis for each individual item in more developed form.

Placeholder options

Limited duration harvesting quota shares

Duration of initially allocated shares of variable lengths

Expiration/reissuance of shares on staggered, cyclical basis

Processor linkages that expire on a graduated basis over a limited number of years.

Community linkages, rather than processor linkages, for single-processor communities or regions

Subalternatives for formation and dissolution of processor linkages:

Linkage based on the processor to whom the harvester delivered the most groundfish poundage (all species combined)

Linkage based on the processor to whom the harvester delivered the most poundage by species (Pacific cod, Pollock, other species possibly at different processors)

Linkage based on recent groundfish deliveries of any amount, above a minimum threshold (harvester's choice of processors)

No processor linkages

Additional analyses

Further development of skipper/crew options and issues

Mr. Campbell moved to include the "Additional Elements for Consideration in GOA Groundfish Rationalization, as presented. The motion was seconded and carried without objection.

Chair Stephanie Madsen noted that given the complexity of this issue, the Council will hold an all-day public hearing on the subject on Tuesday, June 6, in Kodiak. The issue will not be on the Council's agenda for that meeting, nor for the October meeting, but will be placed on the December agenda when staff will have more information and updated data.

Mr. Fuglvog recommended that as much information as possible be provided to Kodiak residents in advance of the meeting in order to get the most useful public input.

C-6 Halibut GHL

ACTION REQUIRED

- (a) Final action on EA/RIR/IRFA for a regulatory amendment to implement Guideline Harvest Level measures
- (b) Review discussion paper on separate accountability proposal, and take action as necessary
- (c) Receive Charter Halibut Stakeholder Committee report
- (d) Receive status report on State initiatives to manage the charter halibut sector

BACKGROUND

GHL management measures

At this meeting, the Council will take final action on proposed measures to reduce charter halibut harvests to the Guideline Harvest Levels in International Pacific Halibut Commission Regulatory Areas 2C and 3A in the Gulf of Alaska. If action is taken by the Council and subsequently approved by the Secretary of Commerce, the earliest any of the proposed alternatives would be effective is the 2007 charter fishing season. The analysis was distributed in March 2006; the executive summary of the analysis is attached as Item C-6(a).

For Area 2C (Southeast Alaska), alternatives include: (1) no action; (2) limit vessels to one trip per day, prohibit harvest by skipper and crew, and set an annual catch limit of six fish for individual clients; and (3) limit vessels to one trip per day, prohibit harvest by skipper and crew, and set an annual catch limit of five fish for individual clients. Alternative 2 would have reduced harvest in 2004 from 122.2 percent of the GHL to a range of 107.5 and 109.6 percent of the Area's GHL. Alternative 3 would have reduced harvest in 2004 from 122.2 percent of the GHL to a range of 101.3 and 102.7 percent of the Area's GHL. None of the alternatives would have reduced harvests to or below the GHL.

For Area 3A (Southcentral Alaska), alternatives include: (1) no action; (2) limit vessels to one trip per day; and (3) limit vessels to one trip per day and prohibit harvest by skipper and crew. Alternative 2 would have reduced harvest in 2004 from 100.5 percent of the GHL to a range of 94.0 and 96.1 percent of the Area's GHL. Alternative 3 would have reduced harvest in 2004 from 100.5 percent of the GHL to a range of 83.5 and 88.4 percent of the Area's GHL. Both Alternative 2 and Alternative 3 would have reduced harvests below the GHL.

During initial review in February 2006, the Council requested that the analysis include a second method for determining the status of the GHL and to also examine the effects if proposed measures were implemented in 2002 and 2003. The five-year average lessens the sensitivity to annual changes in average halibut weight (it reduces the overage in Area 2C and increases it in Area 3A), which may be preferred by managers since it mitigates the delayed feedback between when an overage occurs, when it is known to have occurred, and when regulations could be implemented to effect a reduction in harvest.

Separate accountability

During initial review of the GHL analysis in February 2006, the Alaska Longline Fishermen's Association (ALFA) proposed separate accounting of charter and commercial halibut allocations in Areas 2C and 3A. The proposal suggests that removing the direct effect of GHL overages on the commercial sector: 1) facilitates the development of a long term plan by allowing the Council to focus on measures appropriate for the guided sport sector without worrying about spill-over effects on the commercial sector; and 2) promotes stability by noticing all parties that the Council intends to adhere to the GHL number during the interim, and implement post-season restrictions, as necessary.

Council, NOAA, and IPHC staffs have suggested that one action for the Council would be a written request to the IPHC to effect such a change, if it decides to adopt the ALFA proposal. The IPHC action, however, would be restricted to setting a combined fishery catch limit for the charter and commercial sectors, similar to its action for Area 2A (Washington, Oregon, and California) and Area 2B (British Columbia), since it is not authorized to allocate among user groups.

The main issue for the Council in considering this proposal, therefore, is how it would allocate between the commercial and charter sectors. If the Council wished to adopt the ALFA proposal now, it could use the GHLs for each area to set the charter allocation from a combined charter and commercial catch limit determined through the IPHC process, if the administrative record is sufficient to have noticed the public that the GHLs were, in fact, intended to be limiting. The Council may want to assure the IPHC and the user groups that it will manage the charter sector to stay within the GHLs, noting the delayed feedback between an overage year and three to four years later when restrictive measures could be implemented (mechanisms to shorten the delay in implementing effective management measures are being developed). The same issues arise under a percentage allocation. If the Council implemented an IFQ program in the future, increased accounting of individual allocations would assure rare instances of overages of the cumulative charter sector allocation. The revised proposal dated March 29, 2006 is attached as Item C-6(b). The discussion paper will be distributed at the meeting.

Charter Halibut Stakeholder Committee

The Stakeholder Committee has convened twice since its late January 2006 appointment. In December 2005, the Council tasked the committee with developing two permanent solutions for addressing the reallocation of halibut from the commercial to the charter sectors: 1) percentage allocations; and 2) quota share program. In February 2006, the Council forwarded recommendations from the GHL Committee on interim solutions. A organizational chart of proposed Council action on interim and permanent management solutions is attached as (Item C-6(c)(1)). Two recommendations to the Council regarding interim management actions are ready for review and possible action by the Council at this meeting. The Committee recommended that the Council:

1. Take no action on proposed measures to implement the GHL in April 2006, but instead focus its efforts on a permanent solution. The GHL program was designed on an understanding of a lower halibut biomass with a declining trend. Instead new IPHC model estimates of biomass in Area 2C and 3A demonstrate a higher level of halibut biomass than was believed when the GHL program was adopted. Further, preliminary 2005 charter halibut harvests show a drop in charter harvests in both areas in 2005 relative to final estimates for 2004. Area 3A charter harvest projections indicate that GHL was not exceeded in Area 3A, and the overage in Area 2C dropped to 14% above the GHL in 2005. The anticipated action by ADFG to prohibit captain and crew fish in groundfish fisheries in Area 2C to address declining DSR biomass would lower charter halibut harvests in Area 2C.
2. Take no action on interim management measures (e.g., add a trigger to increase GHL as halibut abundance increases) to focus on permanent solutions.

3. Immediately initiate an analysis of a moratorium on entry into the charter halibut fishery using the December 9, 2005 control date (Item C-6(c)(2)). The Committee recommended that the Council schedule initial and final action in Winter 2006/2007 and have the program implemented no later than the 2008 fishing season.

The Committee plans to meet on April 18-20, 2006 and report its final suite of alternatives, elements, and options for permanent management solutions at the June 2006 Council meeting. The Committee has developed draft alternatives for a percentage allocation and quota share program, but is still working on elements and options for analysis. Committee minutes from its February 2006 meeting are attached as Item C-6(c)(3). March 2006 committee minutes will be distributed this week.

State initiatives

Item C-6(d) contains the final regulatory wording delegating emergency order authority to the Commissioner to prohibit charter operators/crew members from retaining fish and/or limiting the number of fishing lines to the number of paying clients on board the vessel. The Board of Fisheries adopted this language by a 7-0 vote on Thursday, March 23, 2006 in Anchorage. Also, ADF&G staff will update the Council on the State position regarding other charter halibut management initiatives. As summarized for the Stakeholder Committee, the State:

1. is seeking delegation of authority to the State for management of sport halibut fisheries
2. supports moratorium on entry
3. supports percentage allocation in smaller geographies than IPHC regulatory Areas 2C and 3A
4. is developing mechanisms for orderly compensated reallocation from commercial to charter sectors by using fees on guided sport industry ("buyback of QS," or fish stamp required on sport fish license), through State legislation,
5. would not use ADF&G logbooks for in-season management
6. would develop LAMPs

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

Report of the Advisory Panel

The AP recommended that the Council adopt the Charter IFQ Stakeholder Committee Moratorium Alternative (Item C-6(c)(2)), with the following modifications:

Option 2 under Issue 1 should be changed to read as follows:

Option 2. Area 2C and 3A, exclude those communities previously identified under Amendment 66.

Additionally, the AP recommended the following actions be approved by the Council:

On page vi of the Executive Summary Item C-6(a),

For 2C :

Choose Alternative 3 modified to read as follows:

Alternative 3. Prohibit harvest by skipper and crew, and set an annual catch limit of five fish for individual clients

For 3A

Choose Alternative 3 modified to read as follows:

Alternative 3. Prohibit harvest by skipper and crew.

The AP recommended that the Charter IFQ Stakeholder Committee continue its work developing a permanent long term solution including further analysis of ; separate accounting, stair stepping up, etc.

Further, the AP recommended that the Council develop a responsive timeline for implementing refinements to management actions necessary to keep harvest at the GHL or allocation.

COUNCIL DISCUSSION/ACTION

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

In addition to the staff report on the regulatory amendment to implement guideline harvest level measures, a review of a discussion paper on separate accountability proposal, and the Charter Halibut Stakeholder Committee report, the Council also received a report from ADF&G staff on the newly revised sportfish logbook and State initiatives to manage the charter halibut sector.

Moratorium

McKie Campbell moved to adopt the recommendations of the Advisory Panel, with the addition of the following additions/amendments:

Add a problem statement:

PROBLEM STATEMENT

The Pacific halibut resource is fully utilized and harvest by the guided sport sector is demonstrating steady growth. To provide long-term stability of the guided sport sector and lessen the need for regulatory adjustments which destabilize the sector, the Council is embarking on the development of a new management framework. In the interim to address allocation issues between the guided sport sector and commercial halibut IFQ fishermen the guided sport sector is operating under a guideline harvest level (GHL). Harvest data indicate that the GHLs in IPHC Regulatory Area 2C have been exceeded and are near levels established for IPHC Regulatory Area 3A. This has resulted in a renewed effort to find a long-term solution. The Council has formed a stakeholder committee of affected user groups to consider management options and formulate recommendations for Council consideration in developing a management plan for the guided sport sector. Some of the options under consideration include limiting entry or awarding quota share based on past involvement in the fishery. To address the potential against the rush of new entrants into the fishery, the Council is considering establishing a moratorium on the guided halibut sport sector.

For alternatives, adopt AP recommendations, with the following changes:

For Option 2, under Issue 1, replace AP recommendation with the following;

For Areas 3A and 2C communities previously identified under Amendment 66.

Suboption a: Exclude some or all of these communities from a moratorium.

Suboption b: Provide community eligibility through the CQE to purchase moratorium licenses.

1. from 5-25 per community.

Suboption c: Provide the qualifying community CQE an option to request, on behalf of a community's residents, additional halibut charter permits from NMFS for use by residents in the community.

1. From 5-25 per community.
2. Permits requested would have limited duration for any one individual:
 - a. From 5-15 years.

NOTE: Mr. Campbell noted that this set of recommendations may involve significant analysis and time and that Council may opt to include it as a trailing amendment.

For the moratorium alternative, Issue 3, Qualifying Years: Revise suboptions 2-5 to include the following language:

Include a provision that a business must have at least 1 year's ADFG logbook activity from 1998-2005. [This assures that persons qualifying under one of the noted exemptions for 2004-2005 have a demonstrated history in the charter industry.]

The motion was seconded by Ed Rasmuson.

During discussion, Council asked staff to provide information on the complexity of the addition of Amendment 66 communities in the analysis. Staff will provide an update in June. It was also clarified that the phrase 'some or all' [of the Amendment 66 communities] is not exclusive to Suboption a, but could be applied to suboptions b and c as well. Mr. Hanson also noted that including the Amendment 66 communities could complicate and delay the Stakeholder Committee's ability to provide comments by June, and asked for Council direction.

Mr. Campbell said he would hope that the Committee could address the moratorium issue if they have time after addressing the GHL issues.

The motion carried without objection.

Halibut GHL

McKie Campbell moved to approve the Advisory Panel recommendations with the following changes:

For 2C: Alternative 3: Reword to read: "Set an annual catch limit of five fish for individual clients."

For 3A: Adopt Alternative 1: No Action.

Add the following:

Reporting Requirement: In areas for which an annual charter catch limit exists, an angler must immediately upon harvesting a halibut record the water and date in ink on their Alaska sport fishing license or ADF&G annual harvest record.

The motion was seconded by Ed Rasmuson.

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The Council discussed whether the reporting requirement recommended by Mr. Campbell is covered sufficiently in the analysis to adopt. Staff indicated that there is a recordkeeping and reporting section in the analysis which addressed the difficulty in enforcing an annual limit, and could be augmented prior to Secretarial review to reflect Council intent.. Sue Salveson said NMFS will have to explore whether an endorsement on a State sport fishing license would allow for Federal prosecution. NMFS, NOAA General Counsel, and ADF&G staff will look into it and report back to the Council. She noted that it's possible that NOAA may be required to develop its own separate recordkeeping and reporting program to support this provision.

Bill Tweit moved to amend, for Area 2C, Alternative 3, to limit vessels to one trip per day; for Area 3A, adopt Alternative 2, to limit vessels to one trip per day. The motion was seconded and failed, 8 to 3, with Benson, Hyder and Tweit voting in favor.

Mr. Campbell stated that he thinks his emergency order authority to limit harvest if necessary is sufficient to keep harvests within the GHL. The State will be closely monitoring logbook data during the season. Mr. Campbell also reiterated that it is the hope that the Council and the IPHC will be able to delegate, within an established protocol, a limited delegation of management authority for the halibut charter fishery to the State, although it would take a change in Federal law.

For the record, Mr. Fuglvog stated that he thinks the EA represents the best information available. It has been updated since initial review, and the staff has addressed all the data requests of industry and the Council, and that the revised problem statement is directed toward the action before the Council. He believes that this action, in combination with actions by the State will hold charter harvests below the GHL. He also stressed that the Council intends to propose other permanent solutions that will replace the GHL and restrictions in the near term.

Dr. Hanson spoke to the Stakeholder Committee's recommendation to not implement the GHL measures and to fast-track the moratorium. The committee did not expect the charter sector to escape some type of restrictions; it expected the State to implement some restrictions under the new EO authority. The committee felt that staff time could be better utilized concentrating on implementing a moratorium as quickly as possible.

Mr. Campbell's motion carried unanimously.

Arne Fuglvog moved the following:

The Council compliments the Stakeholder Committee on its work and encourages it to continue. As part of its plan to develop long-term solutions, the Council urges the Committee to consider a package of a modified GHL that moves with abundance, some form of separate accountability, and the provision of the proper management tools to management agencies so that each sector of the halibut fishery can be managed not to exceed its allocation. In the meantime, the Council commits using a combination of Federal and State authority to manage each sector, charter and commercial, to the allocations established by the GHL published in the Federal Register until superceded by the Council's long-term guided sport halibut sector plan. The motion was seconded by Roy Hyder, and carried without objection.

The Council discussed a motion by Mr. Fuglvog that the Council develop a protocol to provide guidance to the State if it receives Federal delegation of authority under the Pacific Halibut Act. However, after discussion and advice from General Counsel, the motion was withdrawn. It was pointed out that any advice on legislation could be considered lobbying, and they Council is prohibited from such activity. Mr. Lepore also pointed out that it may be premature to deal with the issue at this time.

Final Council action on the moratorium and halibut GHF is found in Appendix V to these minutes.

D. FISHERY MANAGEMENT PLANS

D-1(a-b) GOA Dark Rockfish/EFP-Silvergrey Rockfish

ACTION REQUIRED

- (a) Initial Review of EA/RIR/IRFA to remove Dark Rockfish from the GOA Groundfish FMP
- (b) Initial Review/Final Action on EFP for longline targeting of SEO rockfish

BACKGROUND

(a) Initial Review of EA/RIR/IRFA to remove GOA Dark Rockfish from FMP

In February 2005, the Council initiated an analysis to remove dark rockfish (*Sebastes ciliatus*) from the GOA groundfish FMP and allow the State of Alaska to take over management of this species. Dark rockfish are currently contained in the pelagic shelf rockfish (PSR) complex. Assessment of this assemblage to determine ABC and OFL levels is based upon the biomass of dusky rockfish (*Sebastes variabilis*) the predominant (and target) species in the complex. Stock assessment authors and the GOA plan team have recommended removal of dark rockfish from the FMP (to allow for State management) when they were officially recognized as a distinct species from dusky rockfish in 2004.

Dark rockfish are predominantly located in nearshore habitats that are not specifically assessed by the GOA trawl survey, and are at risk of overfishing in local areas given the relatively high TAC for the pelagic shelf rockfish assemblage as a whole. In 2004, the SSC endorsed the Plan Team's recommendation of removing dark rockfish from the FMP. The Council initiated this in 2005 but action was delayed until the 2005 GOA trawl survey data became available for analysis.

An EA/RIR/IRFA to analyze this action is attached as Item D-1(a)(1). This analysis examines the following alternatives:

Alternative 1.

Retain dark rockfish under the pelagic shelf rockfish assemblage. Continue to specify OFL and ABC for the complex as a whole, based primarily upon the stock assessment for dusky rockfish. (Status Quo)

Alternative 2.

Remove dark rockfish from the Federal groundfish FMP. Management responsibility in State and Federal waters would be assumed by the State of Alaska.

Under the Magnuson-Stevens Act, State management authority may be extended into Federal waters off Alaska in the absence of Federal management of the species in question. Under this alternative, the State of Alaska could assume management authority for dark rockfish. Management plans for this species would be prepared by ADF&G staff for the Gulf of Alaska state management regions and reviewed by the Board of Fisheries.

As discussed in the EA, there are limited impacts of removing this species from the FMP. Dark rockfish comprise a small proportion of the total biomass in the PSR assemblage, which is dominated by the target species, dusky rockfish. Impacts to other PSR stocks as well as other groundfish stocks are minimal due to the relatively minor contribution to the overall exploitable biomass from the dark rockfish stock. Management of dark rockfish by the State is anticipated to be an improvement over Federal management within the PSR complex due to the State's ability to manage this stock as a single stock and on smaller management areas to protect against the

potential for localized depletion. There are no anticipated impacts to marine mammals, seabirds, threatened or endangered species, habitat or the ecosystem.

The RIR discusses that removal of dark rockfish from the pelagic shelf rockfish complex could result in minor decreases in the pelagic shelf rockfish TAC, but since dark rockfish are such a small part of the stock of the complex any reduction in the TAC is likely to be nominal. A preliminary IRFA is included and will be developed further following selection of a preferred alternative to determine the potential impact of the action on affected small entities.

This analysis is scheduled for initial review at this meeting.

(b) Initial Review/Final Action on EFP for longline targeting of SEO rockfish

An EFP has been proposed by the Alaska Longline Fishermen's Association to request specific exemptions from fishery closures, prohibited species catch (PSC) limits, and fish retention restrictions and requirements in order to test shrimp fly troll gear to target rockfish in the Southeast Outside District (SEO) of the Gulf of Alaska. The immediate goals of the project are as follows: (1) Using shrimp fly gear, refine gear and fishing techniques to efficiently harvest Pacific Ocean perch (POP), pelagic shelf rockfish (PSR), and other shelf rockfish with minimal bycatch using gear compatible with typical Southeast Alaska fishing vessels and crews; (2) document the fishing characteristics of the shrimp fly gear; (3) and gather base-line biological information for data poor species.

The GOA groundfish plan team received a presentation from Dan Falvey at their September 2005 plan team meeting regarding progress on a similar, previous EFP. The GOA plan team recommended that the applicants continue work on an EFP. An excerpt of the GOA plan team September 2005 minutes relating to this agenda item is attached as Item D-1(b)(1).

An EA has been prepared by NMFS to evaluate the potential impacts of issuing this EFP. A letter announcing the receipt of the EFP application from NMFS to the Council is attached as Item D-1(b)(2). The EA is attached as Item D-1(b)(3). The alternatives are limited to the status quo (Alternative 1) and the issuance of the EFP (Alternative 2). Alternative 2 would issue an EFP with the following regulatory exemptions: (1) hook-and-line fishery closures for reasons other than overfishing concerns; (2) PSC limits for halibut; (3) maximum retainable amounts for rockfish fisheries; and retention requirements for sablefish. The total amount of groundfish allowed to be harvested annually is 189 mt, including a 10 mt limit on sablefish bycatch. Halibut may be harvested in accordance with IFQ regulations. Halibut mortality for vessels without an individual fishing quota (IFQ) holder on board is limited to 2 mt, annually. All sablefish caught during the course of the permit must be carefully released. The permit would be effective for 3 years: May 15, 2006 - May 15, 2009.

NMFS staff will be available to discuss the EA and Dan Falvey from ALFA will be available to give additional information on the EFP.

Report of the Scientific and Statistical Committee

GOA Dark Rockfish

After reviewing the draft analysis and receiving staff reports, the SSC stated that it finds the information insufficient to determine the geographic and depth distribution of this species. The SSC noted that limited information suggests that there are no conservation concerns at this time. Additionally, the SSC recommended that the analysis include an alternative to delegate management authority to the State of Alaska while retaining the species in the FMP, and that the analysis should encompass both the GOA and BSAI FMPs. The SSC pointed out that there appears to be no urgent action needed at this time and requested a revised analysis be provided to the SSC before releasing it to public review.

EFP-Longline for Silvergrey rockfish

The SSC expressed encouragement for cooperative studies between industry and scientists to access undersampled species and to develop fishing techniques that reduce bycatch and seabird interactions. With regard to this EFP, the SSC provided recommendations with regard to sampling design considerations, and stressed that it views at-sea data collection as critical to the success of this experimental fishery.

Please see the SSC Minutes, Appendix VI to these minutes, for more specific comments and recommendations on these two issues.

Report of the Advisory Panel

The Advisory Panel recommended the Council approve the recommendations of the SSC in regard to removal of Dark Rockfish from the GOA Groundfish FMP, and recommended approval for the EFP for longline targeting of SEO rockfish.

COUNCIL DISCUSSION/ACTION

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

GOA Dark Rockfish

Ed Rasmuson moved to approve the recommendations of the Advisory Panel (adopt the recommendations of the SSC). The motion was seconded by Earl Krygier and carried without objection.

With regard to the SSC recommendation for new and updated survey information, staff indicated that the next trawl survey will not occur until 2007. Staff will confer with the Plan Team to determine if there may be information available before that time and provide a progress report at the October 2006 meeting.

EFP for Longline Targeting of SEO Rockfish

The Council received a detailed presentation from Dan Falvey, Alaska Longline Fishermen's Assn, regarding the first phase of the project and what is planned under the new EFP, and a review of the EA by Jason Gasper, NMFS-AKR.

Ed Rasmuson moved to approve the EFP for longline targeting of SEO rockfish. The motion was seconded by Earl Krygier and carried without objection.

D-1(c,d) BSAI Salmon Bycatch Amendment Package B/Salmon Bycatch Research Workshop

ACTION REQUIRED

- (c) Progress Report on BSAI Salmon Bycatch Amendment Package B
- (d) Salmon Bycatch Research Workshop (SSC only)

BACKGROUND

- (c) Progress Report on BSAI Salmon Bycatch Amendment Package B

In October 2005, the Council took final action on amendment 84, electing to exempt vessels participating in a voluntary rolling hot spot (VRHS) system from regulatory salmon savings area closures. Regulations to promulgate this exemption are anticipated to be in place by August 1, 2006. In conjunction with this action, in December 2005 the Council revised the existing draft suite of alternatives for the next phase of the salmon bycatch analysis (currently referred to as amendment 84B). This amendment package is intended to follow up on remaining measures that were not analyzed under amendment 84. The current problem statement and draft suite of alternatives for this amendment package are attached as Item D(1)(c)(1). In December, the Council indicated its intent to further discuss amendment package B-1 and provide an opportunity for revisions to the alternatives as necessary. A discussion paper reviewing these alternatives and providing an update on the Chinook salmon bycatch from the 2006 A-season is attached as Item D(1)(c)(2). An overview of the SSC's discussion and analytical recommendations as applicable for this analysis will be provided by staff at the Council meeting following the SSC's Salmon Bycatch Workshop scheduled for April 4th (agenda item D-1d).

- (d) Salmon Bycatch Research Workshop (SSC only)

In response to action taken under amendment 84, the Council scheduled a salmon bycatch workshop for the SSC April 4th (open to the public) in which to review the existing research on stock origins of incidentally-caught salmon species in the BSAI, assessment information for Pacific Salmon stocks and other research relevant to the Council's continued activities with salmon bycatch reduction measures. An agenda for this workshop is attached as Item D(1)(d)(1). Abstracts of the presentations are provided as Item D(1)(d)(2).

A report summarizing the discussion and findings (as applicable) of this workshop as it relates to the Council's activities and progress towards refining alternatives in amendment package 84B will be compiled by staff following the workshop. This report will be made available to the Council at this meeting.

Report of the Scientific and Statistical Committee

The SSC received a progress report on the Salmon Bycatch Amendment Package B, and held a workshop on salmon bycatch issues. Please see the SSC Minutes, Appendix VI to these minutes for the SSC's comments and discussions on these issues.

Report of the Advisory Panel

The Advisory Panel recommended the Council proceed with the BSAI Salmon Bycatch Amendment B package at a pace which allows inclusion of new information, particularly of the genetics on salmon origins, oceanographic influences on salmon distribution, and improved assessment of salmon stocks.

COUNCIL DISCUSSION/ACTION

Council members expressed the desire to have a better sampling program and it was suggested that the Council set some objectives for such a program for 2007. It was pointed out that the Council can request that the Observer Program strive for that, but they have many requests from many scientists working on various projects. It was suggested that the Council could send an official request to the Observer Program, however, Sue Salveson said that she would pass along Council comments to the Director of the Alaska Fishery Science Center.

Ed Rasmuson moved to approve the recommendations of the Advisory Panel:

Proceed with the BSAI Salmon Bycatch Amendment B package at a pace which allows inclusion of new information, particularly of the genetics on salmon origins, oceanographic influences on salmon distribution, and improved assessment of salmon stocks.

The motion was seconded by Eric Olson, and carried without objection.

Sue Salveson pointed out that the Amendment has two parts and asked whether this motion applied to both parts. Mr. Oliver advised that the Council originally determined that second part would be a more involved analysis for the longer term and requested that staff develop part one on a more accelerated time line and to develop part two as data and time become available.

With regard to observer sampling protocols, the Council agreed that the Chair and Executive Director will work with Sue Salveson to develop a letter to the AFSC Director challenging the agency to coordinate activities with relevant research forums to attain better genetic sampling information.

D-2 Crab Management

The Scientific and Statistical Committee received an overview of a two-day crab overfishing workshop recently held in Seattle. This agenda item was not on the Council's schedule. For SSC comments, please see the SSC Minutes, Appendix VI to these minutes.

D-3 Scallop Management

ACTION REQUIRED

Receive Plan Team Report, Review and Approve SAFE report

BACKGROUND

Scallop SAFE Report

The Scallop Plan Team met in Anchorage on February 23-24, 2006 to review the status of weathervane scallop stocks in Alaska and to prepare the Stock Assessment and Fishery Evaluation (SAFE) report. This SAFE report was mailed to you on March 21st. The minutes from

the Scallop Plan Team meeting are attached as Item D-3(a). In updating and improving upon the SAFE report from the previous year, the plan team paid particular attention to addressing the SSC's comments at the April 2005 meeting. The minutes from the SSC meeting pertaining to the Scallop SAFE report (from April 2005) are attached as Item D-3(b). The SAFE report provides an overview of scallop management, scallop harvests and the status of the regional weathervane scallop stocks. Scallop stocks are neither overfished nor approaching an overfished condition.

Report of the Scientific and Statistical Committee

The SSC received a staff report on the Scallop SAFE as well as a video on the operation of the scallop fishery by Joe Chaszer of the Observer Program. The SSC strongly supports extending video surveys to all regions if possible and suggests extending surveys to unfished, as well as fished, areas to more completely characterize scallop abundance. The SSC provided more detailed comments regarding development of overfishing definitions for scallops as well as comments on the development of future SAFEs. Please see the SSC Minutes, Appendix VI to these minutes, for those comments and recommendations.

The **Advisory Panel** did not address this agenda issue.

COUNCIL DISCUSSION/ACTION

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

Earl Krygier moved that the Council approve the Scallop SAFE, incorporating the comments of the SSC to the extent possible. The motion was seconded by Ed Rasmuson and carried without objection.

D-4 Ecosystem Based Management

ACTION REQUIRED

Receive Ecosystem Committee report and take action as necessary

BACKGROUND

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

In accordance with the Council's direction, the Council chair and staff continue to explore creating an Aleutian Islands Ecosystem Forum (AIEF) with interested Federal and State agencies. The initial meeting to propose the idea of the Ecosystem Forum took place in November of 2005, and was hosted by the Council, NOAA Fisheries, and the State of Alaska Ocean Policy Cabinet. A follow-up meeting among the various agencies is scheduled for April 3, 2006. The meeting's purpose is to continue the discussion of the AIEF proposal, and to consider a draft charter for the Ecosystem Forum. A summary of the meeting will be presented to the Council during this agenda item.

Aleutian Islands Fishery Ecosystem Plan (AI FEP)

The Council is considering a Fishery Ecosystem Plan for the Aleutian Island fisheries. A discussion paper describing the process for developing a Fishery Ecosystem Plan was mailed out to the Council in March. The Ecosystem Committee is scheduled to consider the FEP project at their meeting on Tuesday, April 4, 2006. The Committee's report, and any recommendations for the Council, will be available during this agenda item.

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

COUNCIL DISCUSSION/ACTION

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

Stephanie Madsen provided a brief progress report. The Ecosystem Committee has not met since the last Council meeting; a meeting is planned at the AFSC in May to continue work on the Fisheries Ecosystem Plan for the Aleutian Islands and will provide the Council with recommendations in June. Additionally, Federal, State, Council representatives met again on the ecosystem approach to management efforts. The steering committee made recommendations for a draft charter which will be revised and provided to the various agencies involved. The question of whether the Council can participate in the forum as a member because of the Federal Advisory Committee Act is still being investigated.

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

D-5 Research Priorities

ACTION REQUIRED

Review research priorities

In February 2006, the SSC received a staff report on revised research priorities that were prepared by the Groundfish Plan Teams (Item D-5(a)), NOAA and ADF&G staff for crab (Item D-5(b)) and Scallop Plan Team (Item D-5(c)). The last time the SSC made a comprehensive review of research priorities was in April, 2003 (attached as Item D-5(d)). Research priorities for fish and invertebrates identified in the NPRB's science plan are attached as Item D-5(e). The SSC reviewed the Council's 2003 research priorities and identified progress that had been made on those topics. An SSC working group was formed to draft an updated list of research priorities to be considered by the full SSC in April. SSC recommendations for research priorities will be submitted to the Council as part of the SSC minutes. The Council will review those recommendations and forward a final set of revised research priorities to NOAA for use in preparing its annual budget, as well as to the North Pacific Research Board, universities, USCG, ADF&G and other entities.

Report of the Scientific and Statistical Committee

In assembling a list of research priorities, the SSC focused on five broad themes: Stock Assessment, Stock Surveys, Ecosystem Studies, Social and Economic Data and Analyses, and Fishery Performance and Monitoring, concentrating on a list of critical gaps in data and analysis that would inform Council decision-making. The SSC suggested that state and federal agencies, universities and foundations will consider this list in the context of their unique research missions. Please see the SSC Minutes, Appendix VI to these minutes, for the SSC's list of research needs.

COUNCIL DISCUSSION/ACTION

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

Earl Krygier moved to adopt the research priorities as forwarded by the SSC. The motion was seconded by Bill Tweit and carried without objection.

Council members asked that the Executive Director draft a letter of transmittal to forward the list to NOAA, the North Pacific Research Board, other agencies, universities, and research institutions.

D-6 Staff Tasking

ACTION REQUIRED

- (a) Review tasking and committees and provide direction.
- (b) Refine VMS alternatives for analysis.

BACKGROUND

(a) Review tasking and committees and provide direction

The list of Council committees is attached as Item D-6(a)(1). Item D-6(a)(2) is the three meeting outlook, and Item D-6(a)(3) and Item D-6(a)(4) are the summary of current projects, timelines, and tasking. The two new projects added to the tasking list in February included BSAI trawl CV eligibility, and MRA enforcement for the non-AFA trawl sector. The Council may wish to discuss tasking priorities to address previously tasked projects, as well as potential additions discussed at this meeting, given resources necessary to complete existing priority projects.

Under agenda Item D-2, the SSC reviewed the progress on refining alternative overfishing definitions for the BSAI crab stocks, and I wanted to provide you with additional details on the tasking and timeline for this project. A draft analysis will be presented to the Crab Plan Team at their May 16-18 meeting in Seattle. A preliminary review of the analysis by the SSC is scheduled for June, and an initial review by the Council in December.

In 2004, the Council developed a workplan to bring groundfish management in line with its revised management policy (adopted as part of the PGSEIS). This workplan is reviewed by the Council at each meeting as part of the staff tasking agenda item, and is posted on the Council's website. The workplan, updated to reflect the current status of each item, and its relationship to the management objectives, is attached as Item D-6(a)(5). The Council intends to discuss the management objectives and review priority actions in more detail during the June meeting.

(b) Refine VMS Alternatives

In June, the Council requested that NMFS develop an analysis and alternatives to address VMS application in GOA and BSAI fisheries. In December, the Council reviewed and adopted a draft purpose and need statement and alternatives (see below). In February 2006, the Enforcement Committee had recommended additional revisions, which the Council put on its agenda for discussion in April. The Council may wish to finalize the alternatives for analysis at this meeting.

VMS Purpose and Need

The need is:

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

The purposes are:

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

VMS Alternatives

Alternative 1: No action alternative

Alternative 2: Require a transmitting VMS on any vessel with any federal fishing permit, including an IFQ permit, when it is operating. A transmitting VMS would also be required on any other commercial fishing vessel that operates in the EEZ, when it is operating. A vessel would be operating any time it is not in port. If the vessel is in port, the vessel would be operating during the transfer of fish, fish products, or fishing gear.

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

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

Option: Vessels whose only Federal fishing permit is an IFQ permit and fish in State waters would be exempt from the VMS requirement.

Alternative 3: This alternative imposes the same requirement as Alternative (2), except that vessels under a certain length would be exempted. Options include (1) under 25 feet LOA, (2) under 30 feet, (3) under 32 feet.

Alternative 4: This alternative imposes the same requirement as Alternative (2), except that it allows for phased implementation. Phased implementation: vessels over 32 feet required to have VMS in 2007, vessels equal to or less than 32 feet LOA in 2008.

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

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

Report of the Enforcement Committee

After receiving comments and staff reports, the Committee was advised that the Coast Guard and NMFS Enforcement have identified monitoring issues with the original language in Alternative 2. The Enforcement Committee supported revised language for Alternative 2 as suggested by staff relating to vessels with IFQ and/or CDQ halibut and/or sablefish on board. Enforcement also suggested deletion of trollers, seiners and gillnetters from the program because those types of vessels do not have a reasonable capacity to fish in the EEZ. [See the Enforcement Committee Minutes, Appendix VII to these minutes.]

COUNCIL DISCUSSION/ACTION

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

VMS

CDR Cerne moved to adopt the recommendations of the Enforcement Committee. The motion was seconded by Arne Fuglvog.

Arne Fuglvog moved to amend to exempt vessels with a Federal fisheries permit operating in the EEZ without authorized gear on board (other than hand troll gear, power troll gear, and troll gear, but including dingle bar gear) as defined in 50 FCR 679.2. The motion was seconded and carried without objection.

The main motion, as amended, carried without objection. Initial review of the amendment will be scheduled for the October 2006 meeting.

18-month Review of Crab Rationalization Program

During public comment there were requests for clarification of the 18-month review of the Crab Rationalization Program and what would be included. Impacts on communities and consolidation were of concern. Dr. Fina provided the Council with information on Council direction when the program was approved. Dr. Fina noted that it is unlikely that agency data for the second year of the program will be available to include in the review, and that a lot of information, particularly economic data, will have to come from industry.

Earl Krygier moved the following:

The Bering Sea crab fisheries began fishing under a rationalized management approach in 2005. The Environmental Impact Statement included a discussion on fleet consolidation. Under the previously rationalized Halibut and Sablefish fishery, consolidation did occur in the first few years following implementation. Some displacement of crew took place. Consolidation under crab rationalization, although anticipated through cooperative formation, took place immediately upon implementation of the program in August 2005. The rapid consolidation of vessels may have resulted in economic disruption in some coastal communities.

Council requests staff to initiate an analysis on eliminating the exemption from use caps in cooperatives in the rationalized crab fisheries in the Bering Sea.

The range of alternatives shall include:

1. **Making them equivalent to those implemented for vessels not in an cooperative. [Clarification: for all species, would go toward the outside-of-coop use caps.]**
2. **Making them from 2% to 3% [applies only to Bering Sea opilio, Bering Sea red king crab, Bering Sea bairdi].**

The motion was seconded by Ed Rasmuson.

Arne Fuglvog moved to amend to address all the fisheries and to set use caps 100% to 150% of the existing use caps. The motion was seconded and carried without objection.

The main motion, as amended, carried with one objection (unidentified).

A discussion paper concerning the proposed amendment will be available for review at the October 2006 meeting.

Ms. Salvesson brought up the issue of a process for considering changes to the Crab Rationalization Program. There may be other changes industry or Council members would like to suggest. Ms. Madsen pointed out that the reviews would indicate any needed revisions, however, the use cap and consolidation issues have been brought to light more quickly than anticipated.

The Council also discussed the issue of grandfathering in vessels that are over the use caps because of consolidation. It was suggested that staff should determine what information is available that would enable the Council to address this issue later in the amendment process.

Steller Sea Lion Recovery Plan -- If it becomes apparent that the public comment period will not overlap the Council's June meeting, the Council directed the Executive Director to submit a formal request for an extension of the comment period on behalf of the Council.

SE Alaska Inter-Tribal Fish and Wildlife Commission Request

The Council received a letter from the Commission in October requesting a direct allocation of halibut and sablefish CDQ for Gulf Coast communities in Alaska.

Council members directed the Executive Director to respond to the Commission providing background and development of the CDQ program, why Gulf communities were not initially included, the development of Amendment 66, along with how the Adak allocation occurred.

Other Issues

John Bundy brought up public comment by Lori Swanson of Groundfish Forum that indicated the H&G fleet may suffer unanticipated effects under Amendment 85, which could constrain the fishery because of PSC to the point of not being able to prosecute their fisheries. Mr. Bundy expressed the hope that the Council would take final action on Amendment 80 in June and to the extent possible staff could provide additional information.

Ms. Madsen pointed out that the Council has been cautioned by General Counsel in the past regarding looking at cumulative impacts—that each amendment is separate. Until the Council knows the disposition of Amendment 79 it may be difficult for the Council to determine what impacts there may be. Chris Oliver said that staff needs to look at the issue and see if there is appropriate information that can be

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provided. Mr. Bundy stressed that if there is information that would be useful to the Council in making decisions on Amendment 80, the Council should be made aware.

Sue Salveson reminded the Council that it has approved Amendment 85 and the staff will be finalizing the analysis with any additional information. During the rulemaking process NMFS will provide information on the intent and potential results of the proposed action. During the Secretarial public review and comment period additional information may surface and will be taken into consideration..

John Lepore, NOAA GC, noted that under NEPA, the Council is required to look at cumulative impacts, including past actions, present actions and reasonably foreseeable future actions. The advice on amendments such as 79 and 80 was more geared toward cautioning against making decisions contingent on future actions.

Halibut GHL

Regarding the separate accountability option proposed by the Alaska Longline Fishermen's Association, Mr. Fuglvog wanted to clarify that the issue should be considered by the Council this year in order to provide information to the IPHC before 2007. He requested that the Council put the proposal on the December meeting agenda. The Stakeholder Committee will not need to address the issue at their June meeting but will provide recommendations and comments to the Council before the Council's December meeting.

ADJOURNMENT

Council Chair Stephanie Madsen adjourned the meeting at approximately 2:20 p.m. on Tuesday, April 11, 2006.

NOTE: Minutes prepared by Helen Allen, A-Typical Office Support Services, under contract to the NPFMC.

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North Pacific Fishery Management Council
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APPENDICES:

- I. Persons Giving Public Comment
- II. Draft Minutes of the Advisory Panel
- III-1 Initial Motion – BSAI Amendment 80
- III-2 Final Motion – BSAI Amendment 80
- IV-1. Initial Motion – BSAI Amendment 85
- IV-2. Final Motion – BSAI Amendment 85
- V. Final Action--Halibut Moratorium
- VI. Draft Minutes of the Scientific and Statistical Committee
- VII. Enforcement Committee Report