

North Pacific Fishery Management Council

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Certified _____
Stephanie Madsen, Chair

Date _____

MINUTES

172nd Plenary Session
North Pacific Fishery Management Council
June 3-9, 2005
Alyeska Prince Hotel
Girdwood, Alaska

The North Pacific Fishery Management Council met June 3-9, 2005, at the Alyeska Prince Hotel in Girdwood, Alaska. The Scientific and Statistical Council met June 1-3 at the same location, and the Advisory Panel met June 1-5 at the Alyeska Daylodge.

The following Council, staff, SSC and AP members attended the meeting:

Council Members

Stephanie Madsen, Chair
Dennis Austin, Vice Chair
Jim Balsiger/Sue Salvesson
Dave Benson
John Bundy
Tony DeGange
Arne Fuglvog

Dave Hanson
Doug Hoedel
Roy Hyder
Doug Mecum/Earl Krygier
Hazel Nelson
ADM Olson/CDR Mike Cerne
Ed Rasmuson

NPFMC Staff

Gail Bendixen
Darrell Brannan
Cathy Coon
Jane DiCosimo
Elaine Dinneford
Diana Evans
Mark Fina
Nicole Kimball

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

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Support Staff/Presentations

Lisa Lindeman, NOAA-GCAK
Lauren Smoker, NOAA-GCAK
John Lepore, NOAA-GCAK
Herman Savikko, ADF&G
Jeff Passer, NOAA Enforcement
Libby Loggerwell, AFSC
Liz Connors, AFSC
Obren Davis, NMFS-AKR

Lew Queirolo, NMFS-AFSC
Kim Rivera, NMFS-AKR
Glenn Merrill, NMFS-AKR
Ken Hansen, NOAA Enforcement
Andy Smoker, NMFS-AKR
Kaja Brix, NMFS-AKR
Jason Anderson, NMFS-AKR
Tom Pearson, NMFS-Kodiak

Scientific and Statistical Committee

Gordon Kruse, Chair
Pat Livingston, Vice Chair
Keith Criddle
Sue Hills
Anne Hollowed

Franz Mueter
Terry Quinn
David Sampson
Farron Wallace
DaveWoodby

Advisory Panel

Eric Olson, Chair
John Bruce
Al Burch
Joe Childers
Cora Crome
Craig Cross
Tom Enlow
Dave Fraser
John Henderschedt

Jan Jacobs
Bob Jacobson
Kent Leslie
Matt Moir
John Moller
Jeb Morrow
Jim Preston
Michelle Ridgway
Jeff Stephan

The following members of the public registered their attendance:

Gerry Merrigan
Mike Szymanski
Thorn Smith
Ernest Weiss
Arni Thomson
Russell Pritchett
Paul MacGregor
Heather McCarty
Lori Swanson
Glenn Reed
Frank Kelty
Daniel Melendez
Erin Harrington
Ludger Dochtermann
Freddie Christianson
Shawn Dochtermann
Jim McManus

Steve Dean
Marcus Alden
Brent Paine
Joe Childers
Steve Grabacki
Doug Wells
Bill Orr
Shirley Marquardt
Sinclair Wilt
Joe Kyle
Michael Lake
John Gauvin
Kathy Robinson
Jon Warrenchuk
Joe Sullivan
Tom Blott
Tom Manos

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Julie Bonney
Stephen Taufen

Greg Baker

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

A. CALL TO ORDER/AGENDA APPROVAL

Stephanie Madsen, Council Chair, called the meeting to order at 8:30 a.m. on Friday, June 3, 2005. The agenda was approved as submitted.

Dennis Austin introduced Jeff Koenings, Director of the Washington Dept. of Fisheries, and Phil Anderson, and Bill Tweit, also of WDF. Mr. Tweit will attend future Council meetings representing WDF upon Mr. Austin's retirement.

At the end of the meeting, **Dennis Austin moved approval of the minutes of the April 2005 meeting.** The motion was seconded and carried without objection.

B. REPORTS

The Council received the following reports: Executive Director's Report (B-1), NMFS Management Report -- including discussion of proposed rule language for BSAI Amendment 79, VMS requirements for GOA EFH measures, and a possible EIS for specifications process (B-2); Coast Guard (B-3); NMFS Enforcement Report (B-4); ADF&G (B-5); U.S. Fish and Wildlife (B-6); North Pacific Research Board (B-7); AFSC Fishery Interaction Research (B-8); Protected Species Report (B-9); and Alaska Ocean Observing System (B-10). Following are brief recaps of any discussion or action taken during reports.

Executive Director's Report

The Council received a brief report from Bill Wilson and Jane DiCosimo on plans for the upcoming AFS meeting scheduled for September 11-15 in Anchorage.

The Council also received a report from Dave Little on efforts to develop a fishing capacity reduction program for the longline catcher/processor sector of the non-pollock groundfish catcher processor sectors as authorized under the Consolidated Appropriations Act of 2005. The Act requires industry to notify the Council of plans to organize a buyback program. Mr. Little advised that they hope to complete the process by this fall and will keep Council apprised of their progress and report again at the Council's next meeting. .

Mr. Oliver advised the Council of the following nominations for Council fishery plan teams: Dr. Jie Jheng for the Scallop Plan team (replacing Doug Woodby); Dr. Dan Lew to the BSAI Groundfish Plan Team; and Dr. Ward Testa to replace Beth Sinclair on the GOA Groundfish Plan Team. The SSC recommended approval of the nominations.

Arne Fuglvog moved to approve the nominations as recommended. The motion was seconded by Dave Benson and carried without objection.

NMFS Management Report

Sue Salvesson reported on current amendments in process. She advised the Council that there are some significant legal issues relating to oversight of the CDQ program and suggested the Council set up a

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specific agenda item to discuss them at the next meeting. Because of staff workload, the Region is not able to pursue Amendment 71a before the next meeting, so scheduling the discussion for October will not further delay work on the amendment.

Ms. Salvesson also advised the Council that General Counsel has some concern over the 'snapshot' of the halibut charter fishery used by the Council in 2001 to establish eligibility criteria for the halibut charter IFQ program. Questions include whether that snapshot is still reflective of the current fishery; and whether have other circumstances have changed so significantly that the criteria chosen in 2001 would be considered unreasonable. Ms. Salvesson suggested that the program may be returned to the Council for further discussion.

With regard to the Halibut IFQ Omnibus IV regulatory amendment, the Region is working on the analysis and have a draft rule developed. However, enforcement and the Agency have concerns regarding the visual check-in and check-out option in the sablefish fishery. They do not believe adequate personnel are available to support the option and feel that a VMS requirement is necessary to ensure vessels are fishing where their IFQ is.

Ms. Madsen voiced concern that the Agency has come up with additional requirements after the Council has taken action, both for the GOA EFH regulations and for this amendment. Mr. Fuglvog pointed out that the fleet already has check-in/out for halibut in the Aleutian Islands. Ms. Salvesson responded that the IPHC oversees the halibut fishery and may handle it differently. Ms. Salvesson pointed out that NMFS cannot delegate enforcement-type activities to non-enforcement personnel.

With regard to Amendment 79, Ms. Salvesson advised that the proposed rule and regulations are very specific with regard to revising the groundfish retention standards. The Council approved a 'ramp-up' over a four-year period, beginning with a 65% retention rate for 2005; however, a delay in implementation will result in a 75% retention rate for the first actual year of fishing under the amendment. The Agency needs clarification from the Council whether the original 65% retention rate for the first year should be used, or the 75% scheduled for 2006.

Dennis Austin suggested that provisions in Amendment 80 would make implementation of Amendment 79 provisions easier and asked if there is a way to delay implementation of Amendment 79. Ms. Salvesson responded that when the Council approved Amendment 79 there was no indication that implementation was to be tied to implementation of Amendment 80 and she is not sure whether the amendment and the Proposed Rule could be bifurcated to delay implementation of Amendment 79 until Amendment 80 is implemented. She suggested the Council provide comments on those issues to the Secretary of Commerce.

Chris Oliver suggested that the date of implementation of Amendment 79 could be revised between the Proposed and Final Rule stages.

The Council deferred further discussion on this subject to the Staff Tasking agenda item scheduled later in the meeting.

Lew Queirolo provided a report requested by the Council on the cost to industry of requiring VMS to enforce HAPC regulations in the GOA.

During questions for staff, there was some confusion over vessels fishing under halibut IFQs in State waters that do not have a Federal fishing permit and would not be required to have VMS. It was pointed out that VMS is being advocated in this instance under HAPC/EFH regulations to protect sponges and

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corals in the HAPC areas in the Gulf of Alaska. There are no such areas designated in State waters and therefore no need for the State to require VMS.

Jeff Passer, NMFS Enforcement, suggested that requiring fishing vessels operating in the EEZ carrying bottom trawl gear to have operable VMS would be his preference, tying the regulation to the location or activity, not to the permit. He also stressed that he is not advocating that all vessels to have VMS; he is, however, stressing that in order to reliably enforce HAPC/EFH regulations, that is what is needed. NMFS does not have the manpower otherwise.

Commander Cerne stated that the Coast Guard would prefer to have VMS on all fishing vessels and supports comments indicating the need for a comprehensive look at VMS and ecosystem management. The Coast Guard thinks that there are obvious benefits of VMS not only for fishery management, but for safety reasons as well, and that industry standards should be set.

Council members stressed the importance of receiving comments and concerns on enforcement issues during the development of amendments so they can be addressed before regulations are drafted.

AFSC Fishery Interaction Report

The Council received a presentation from Libby Loggerwell and Liz Connors on research activities relating to fisheries interactions with Steller sea lions. During that presentation it was noted that current closures for pollock research in Barnabas and Chiniak Trough in 2005 and for Pacific cod at Cape Sarichef for 2006 will not be required as research will be discontinued until research vessel time is available. The Council took action on this issue under Agenda D-4, Staff Tasking.

North Pacific Research Board

Clarence Pautzke, Executive Director of the North Pacific Research Board, provided the Council with information on the Board's current research projects. There was discussion on how the Council will interact with the Board, but it was decided that a Council position on the Board is not necessary at this time. The Council and Board do need to interact closely on what the Council's research priorities are. Dr. Pautzke and Chris Oliver will coordinate on that issue.

Alaska Ocean Observing System

Molly McCammon provided a presentation on the formation of AOOS and progress to date. Mr. Rasmuson asked that the Council be kept informed of AOOS activities and recommended that AOOS continue information exchanges as recommended in the SSC's report (SSC comments are found in the SSC Minutes, Appendix II to these minutes).

Protected Resources Report

Kaja Brix and Bill Wilson provided the Council with an update on issues relating to protected species of interest to the Council's area of management authority.

There was also a discussion of the current proposal being considered by the Alaska Board of Fisheries (ABOF) to open certain State waters to a pollock trawl fishery. Some of those waters are currently closed under Federal Steller sea lion protection regulations. In March the ABOF tabled action pending review by a Council/ABOF committee. Of particular concern by the Council is the possibility that such action would trigger initiation of a new formal Section 7 consultation on the Federal groundfish fisheries for pollock, Pacific cod, and Atka mackerel.

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The joint committee met and discussed these issues and agreed to work on the proposals to develop possible alternatives. The Committee also outlined data needs and a schedule of meetings to continue work on the proposals.

Regarding the Section 7 consultation on Chinook salmon, Ms. Brix responded that they do not have any information at this time; the Council requested an update on this subject. Ms. Salveson advised that the consultation hasn't progressed very far at this point.

FORMAT FOR COUNCIL MEETING MINUTES

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 the current action. This section will be set in a different type and size than the actual minutes. Any attachments referred to in the Action memo will **not** be attached to the minutes, but will be part of the meeting record and available from the Council office on request. Following the Action Memo will be 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 CDQ Management of Reserves

ACTION REQUIRED

(a) Status report and action as necessary to refine alternatives and options for CDQ reserve management.

BACKGROUND

Sally Bibb (NMFS, CDQ Program Coordinator) will provide an overview of the issues and alternatives being considered in the CDQ reserve management analysis (Item C-1(a)). NMFS has not yet completed the revised draft analysis, but will update the Council on its progress and the relationship of the alternatives in the CDQ reserve management analysis to other issues being considered by the Council at this meeting. These other issues include BSAI Amendment 80 and the BSAI Pacific cod allocation amendment, both of which may increase allocations of groundfish and/or prohibited species to the CDQ Program. In addition, Amendment 80 includes consideration of whether to manage allocations of incidental catch species to non-CDQ cooperatives and sectors using "hard" or "soft" caps, which is an issue being considered in the CDQ reserve management analysis.

The Council first reviewed the initial draft analysis in June 2004. The alternatives presented in the draft analysis were proposed to revise the fisheries management regulations for the groundfish CDQ fisheries, to reduce the possibility that the catch of incidental groundfish species would limit the harvest of CDQ target species, thereby reducing the value of the CDQ fisheries and the money available to support economic development, education, and employment projects in the eligible communities. The analysis initially provided alternatives for the Council to determine which groundfish species would be allocated among the individual CDQ groups and which species would be managed as incidental catch for all CDQ groups as a whole (i.e., CDQ reserve level).

At its June meeting, the Council requested the addition of two new alternatives to the analysis: 1) allow after-the-fact CDQ transfers between CDQ groups during the year, thus allowing a CDQ group to cover an overage of its allocated quota; and 2) allow the CDQ groups to manage the

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harvest of their respective allocations of target species among themselves in a cooperative manner, pursuant to a contract that is filed with the Council, NMFS, and the State of Alaska.

In October 2004, NMFS presented the Council a revised set of alternatives using a series of issues questions, to better clarify and organize the analysis. At that meeting, the Council requested that NMFS move forward with the analysis as proposed. The Council's action at this meeting is to receive a status report on the analysis.

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

Report of the Advisory Panel

The Advisory Panel recommended the Council request NMFS to proceed with the analysis as proposed for initial review in October.

COUNCIL DISCUSSION/ACTION

Ed Rasmuson moved to approve the recommendations of the Advisory Panel to request NMFS proceed with the analysis as proposed, for initial review in October. The motion was seconded and carried without objection.

C-2 GOA Groundfish Rationalization

ACTION REQUIRED

- (a) Review report from Gulf Rationalization Community Committee and refine alternatives as appropriate
- (b) Review preliminary alternatives for Tanner crab bycatch
- (c) Review other information and refine alternatives

BACKGROUND

- (a) Review report from Gulf Rationalization Community Committee

The Gulf Rationalization Community Committee met March 30 in Anchorage to further refine several of the design and implementation issues related to the Community Fisheries Quota (CFQ) Program and Community Purchase Program (CPP), which are components of a proposed rationalization program for Gulf of Alaska groundfish. The current Council motion on the community provisions is provided as Item C-2(a)(1). The full committee report, including specific recommendations to the current Council motion, is provided as Item C-2(a)(2).

The committee recommended modifying the current Council motion on the CFQ Program to include:

- changes to the administrative entity (or entities) representing eligible communities;
- a mechanism by which the initial allocation can be made to administrative entities should more than one entity be selected by the Council to receive CFQ;
- refinements to the eligibility criteria to require commercial fishing participation;
- clarification as to the universe of eligible residents that could lease CFQ;
- clarification on the use caps and regional landing requirements; and
- options for elements to be included in an administrative entity's statement of eligibility and annual report submitted to NMFS.

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The committee also recommended modifications to the options in the CPP that govern administrative entities, report requirements, and individual and aggregate use caps on the amount of Gulf groundfish quota that could be purchased by eligible communities.

Upon review of the committee report at its April meeting, the Council moved to table a motion which would effectively adopt the committee's recommendations, including an addition by the Advisory Panel, as provided below:

Gulf of Alaska Groundfish Rationalization – April 6, 2005 Council motion

Community Issues

The Council recommends the Council adopt the Gulf Rationalization Community Committee recommendations as outlined in the staff report from the March 30, 2005 committee meeting. The recommended additions are indicated by the bold language and the recommended deletions are indicated by the strikeouts in Attachment 1 of the report.

In addition, the Council recommends the following substitution (*page 2 of GOA Community Committee Recommendations*):

C1.2 Option 3: The makeup of the administrative entity board of directors shall reflect population, local participants' harvest history and geography.

Additionally, the Council recommends the continued work of the Gulf Rationalization Community Committee.

Motion proposed by Hazel Nelson, 4/6/05

Motion to table above motion by D. Austin passes 10-1, 4/6/05

Note that the above motion was first adopted by the Advisory Panel (4/4/05) and forwarded to the Council for consideration. The only addition made by the Advisory Panel that is not reflected in the committee report is the clarification of C 1.2 Option 3 above.

Several issues and further clarifications surfaced during Council discussion of the committee recommendations and the proposed motion, and the Council noted that there was not sufficient time between the March 30 committee meeting and the agenda item in April for the Council to fully absorb the effect of the committee recommendations. The Council thus requested that the committee report and recommendations be considered again in June, with notations by staff to help facilitate the review. An annotated version of the Council's current motion on the community programs, along with committee recommendations and staff notation, is provided as Item C-2(a)(3). This document was mailed to you on May 3.

(b) Review preliminary alternatives for Tanner crab bycatch

The Council is considering bycatch reduction measures for crab and salmon species in the GOA groundfish fisheries in conjunction with the proposed analysis to comprehensively rationalize the GOA groundfish fisheries. The Council has approved draft alternatives (attached C-2(b)(1)) for red king crab, *C. Bairdi* Tanner crab, 'other' salmon and Chinook salmon species. In February 2005, the Council further refined these alternatives by revising the Chinook salmon alternatives and removing "other king crab" from the analysis as bycatch reduction measures for this species at this time seemed unnecessary.

In order to eventually move forward with an analysis of these alternatives, the Council will need to specify trigger limits and closure areas as included for each species under alternatives 2 and 3.

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To facilitate this clarification, staff is using *C. Bairdi* Tanner crab as an example for preliminary discussion of how trigger limits and closure areas will be defined for this species, and for a general methodological approach that may be utilized in refining these time and area closures options for the remaining species for analytical purposes. A discussion paper to this effect is attached as C-2(b)(2).

(c) Review other information and refine alternatives

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. The motion, in its current form, defines various rationalization alternatives by sector. Three alternatives are defined for the catcher processor sector (including the status quo); five alternatives are defined for the trawl catcher vessel sector, and six alternatives are defined for the fixed gear catcher vessel sector. A brief description of those alternatives is set out in Item C-2(c)(1). The alternatives are specifically defined by the elements and options set out in the Council motion on Gulf rationalization. That motion, in its current form, is attached as Item C-2(c)(2).

Currently, the Council is continuing the process of refining its alternatives for analysis. To aid the Council in that process, staff has prepared the attached preliminary summary of catch data, which shows catch data for primary species to be allocated under the program Item C-2(c)(3). These data should also be informative for assessing options concerning allocations to State water fisheries and options concerning eligibility.

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

Report of the Advisory Panel

(a) *Community Committee Recommendations*

The AP recommends the Council adopt the following motion from their April 2005 meeting with the following addition noted in bold:

Community Issues

The Council recommends the Council adopt the Gulf Rationalization Community Committee recommendations as outlined in the staff report from the March 30, 2005 committee meeting. The recommended additions are indicated by the bold language and the recommended deletions are indicated by the strikeouts in Attachment 1 of the report.

In addition, the Council recommends the following substitution (*page 2 of GOA Community Committee Recommendations*):

C1.2 Option 3: The makeup of the administrative entity board of directors shall reflect population, local participants' harvest history and geography.

Additionally, the Council recommends the continued work of the Gulf Rationalization Community Committee **when additional data is available**.

Further, the AP makes the following changes/recommendations:

Request staff to provide community groundfish catch data (excluding IFQ sablefish). The AP would also notify the public that after reviewing the catch data a minimum landing threshold may be added to address community groundfish dependency.

C 1.1 Administrative Entity

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If Option 2 Suboption 1, or Option 3 is selected, the initial allocation of CFQ would be based on:

- Suboption 1. 0% - ~~100%~~ **50%** of the CFQ for a specific management area (WG, CG, WY) would be allocated to the management entity representing communities located in that area on an equal basis.
- Suboption 2. ~~0%~~**50%** - 100% of the CFQ for a specific management area (WG, CG, WY) would be allocated to the management entity representing communities located in that area on a pro rata basis based on population.

(b) *Tanner Crab Bycatch*

The AP recommends the following to address staff questions and clarifications per direction for GOA bycatch reduction measures:

Trigger Limits:

- 1- Average numbers are not an appropriate approach to establishing trigger limits. The analysis should instead focus upon the use of biomass-based approaches for establishing appropriate trigger levels.
- 2- Trigger limits under consideration should be separated by gear type (i.e. separate limits for pot gear versus trawl gear)
- 3- Rather than considering an improperly defined duration of a triggered closure, the AP recommends moving in the direction of dynamic revolving closures (hot spots) which reflect the distribution and mobility of the crab population.

General recommendations for the analysis:

- 1- Differential discard mortality rates by gear type should be addressed in the analysis using the most up-to-date and applicable information.
- 2- Additional information must be included with respect to the overall precision of bycatch estimates given the low levels of observer coverage in many of the fisheries under consideration.
- 3- The addition of another alternative (from staff discussion paper) for an exemption from time and area closures if an observer is on board, seems pre-mature at this time.
- 4- Emphasis should be focused on alternatives 3 and 4 rather than focusing attention on trigger limits under alternative 2.
 - a. With respect to alternative 3, additional information may be necessary (in addition to ADF&G survey information and bycatch information from the NOAA groundfish observer program) in order to appropriately identify sensitive regions for year-round or seasonal closures. Some of this additional information may include catch data from the directed Tanner crab fisheries in these areas.
 - b. Alternative 4 should include the concept of required participation in a contractual agreement for a hot spot management system
- 5- A rate-based approach format should be added as much as possible in all graphs and figures for the analysis.
- 6- Consideration should be given to the overall significance of the total amount of Tanner bycatch numbers as compared with the best available information on the population abundance in order to evaluate the actual population-level impact of the bycatch from the directed groundfish fisheries.

The AP also recommends the Council continue to link GOA bycatch reduction measures with GOA groundfish rationalization initiative.

(c) GOA Rationalization Alternatives and Options

2.2.2.2.1 Eligible landings as established under 2.2.2.2, that occurred during the qualifying years as established under 2.2.2 2, will be identified as follows:

1. Landings made in the 3-200 nm zone will be eligible to qualify for rationalized fishing rights for the 3-200 nm zone only

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2. Landings made in the parallel fishery by LLP qualified harvesters as identified in 2.2.2.2 will be qualified for rationalized federal fishing rights from 0-200nm, these rights can only be used in the 0-3nm zone when state water is opened by the state for their usage
3. Non federally qualified harvesters with parallel fishery landings will qualify for a pro rata share of the total federal fishing rights fishable from 0-200nm. They can be used in 0-3nm when state water is opened by the state.

The AP recommends the Council insert in sections 2.2.2.2 and 3.3.1:

“A person who acquired an LLP license with GQP and EQP qualifications to remain in one or more GOA QS fisheries may obtain a distribution of QS for those fisheries based on the history of either (a) the vessel on which the replacement LLP is based prior to its transfer and any landings made on the vessel for which it was acquired subsequent to its transfer to that vessel, or (b) the vessel for which the LLP was acquired, NOT both. License transfers for purposes of this provision must have occurred by June 1, 2005.”

COUNCIL DISCUSSION/ACTION

During discussion of the community committee’s recommendations, Ms. Madsen expressed concern with the broadness of option 3 under the administrative entity section. She suggested that because only two communities have indicated a desire to be included in an ‘administrative’ area different than their geographic location, perhaps it may be better to indicate those specifically in the program instead of setting up definitions to determine eligibility. Ms. Kimball (NPFMC staff) suggested that would be a more straightforward way of handling it. Ms. Nelson recalled that Port Graham and Chenega are concerned that they would be included in a different region. Ms. Nelson also stressed that she thinks the Council should retain the authority to choose which communities would be included within a region at final action.

Mark Fina and Marcus Hartley provided a preliminary summary of catch data for primary species to be allocated under the program to assist the Council in assessing options concerning allocations to State water fisheries and options concerning eligibility. Council staff Diana Stram and Cathy Coon reviewed a staff discussion paper giving examples of how bycatch trigger limits and closure areas could be defined in the GOA groundfish rationalization program. CDR Cerne noted that from an enforcement perspective, it is more efficient to close an area to all trawl or bottom trawling, rather than for a specific species or fishery.

Hazel Nelson moved to approve the Advisory Panel’s recommendations on community issues. The motion was seconded.

Arne Fuglvog moved to amend per the following written motion:

With regard to C-2(a) Community Provisions, the Council endorses the AP motion with the following amendments:

C1.1 Administrative Entity

If Option 2, Suboption 2, or Option 3 is selected, the CFQ for a specific management areas (WG, CG, WY) would be initially allocated to the management entity representing communities located in that area based on: 1) equal basis and 2) population. No more than 50% of the CFQ for any area can be allocated to the entity based on population.

C1.3 Eligible Communities

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- Option 3. Historic Participation in Groundfish Fisheries.**
a. ~~Communities with residents having any commercial permit and fishing activity as documented by CFEW in the last 10 years (1993-2002)~~
b. Communities with residents having any groundfish commercial permit and fishing activity as documented by CFEC in the last ten years (1993-2002).

~~Option 4. GOA (WG,CG,WY) communities eligible under GOA Am. 66 are eligible.~~

C1.15 Administrative Oversight

A report submitted to NMFS and the NPFMC detailing the use of QS by the administrative entity. The required elements and timing of the report will be outlined in regulation.

C2.4 Administrative Oversight

A report submitted to NMFS and the NPFMC detailing the use of QS by the administrative entity. The required elements and timing of the report will be outlined in regulation.

The motion was seconded by Doug Hoedel and carried without objection.

Mr. Fuglvog noted that his motion is essentially the same as the AP recommendations with minor changes and edited for clarity.

In speaking to the motion, Mr. Fuglvog said he thinks there have been some misconceptions within the public about the community provisions. He stressed that the purpose and intent language approved by the Council in October 2004 was that the CFQ program would be fished only by eligible community residents and would not be leased outside the community. The intent is to mitigate the economic impacts of Gulf of Alaska groundfish rationalization on small isolated Gulf of Alaska communities with historical dependence on groundfish and to sustain current participation and access to the fisheries by these communities. With regard to the Community Purchase Program, he stressed that the intent as stated is to mitigate the economic impacts of the GOA groundfish rationalization program and to maintain and enhance current participation and access to the Gulf groundfish fisheries by those communities. Mr. Fuglvog felt it important to reaffirm that these two programs have different goals.

Arne Fuglvog moved to amend Section C.1.11, Use of Lease Proceeds by Administrative Entity, to add the words “Option 1: Use of lease proceeds is restricted to administrative expenses.” Current Options 1, 2, 3, and 4 would now become suboptions 1, 2, 3, and 4. Under suboption 1, insert the word “and the (the purchase of additional quota shares [in the GOA groundfish rationalization program])”; For suboptions 2, 3 and 4, similarly, insert the word “and” before the current wording. The motion was seconded and carried without objection.

The amended main motion carried without objection.

Doug Mecum moved to amend approve the Advisory Panel recommendations with regard to the Tanner crab bycatch portion of the analysis. Stephanie Madsen pointed out that the motion would include a portion of the AP motion which was omitted in the written report, but included in the AP’s oral report to the Council: **To continue to link GOA bycatch reduction measures with the GOA groundfish rationalization initiative.** The motion was seconded and carried without objection.

Dave Benson moved to amend Tanner Crab alternatives approved by the Council in February 2005 (see Agenda C-2(b)(1) in Council notebooks):

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- **In Alternative 2, delete the words “to flatfish trawling’ . . ., and at the end of the sentence, delete “by the flatfish fishery, and add the following suboptions:**
 - (a) Trawl Flatfish fishery
 - (b) All bottom trawling
 - (c) Groundfish pot
- **In Alternative 3, delete the words “bottom trawl” and add at the end of the sentence, “by gear type”.**

The motion was seconded and carried without objection.

Arne Fuglvog advised that he wished to make a change in his previous motion on community provisions. **Hazel Nelson moved to reconsider a previous action.** The motion was seconded and carried without objection.

Arne Fuglvog moved to amend C1.1, Administrative entity to revise the first paragraph as follows:

C1.1 Administrative Entity

If Option 2, Suboption 2, or Option 3 is selected, the CFQ for a specific management areas (WG, CG, WY) would be initially allocated to the management entity representing communities located in that area based on: 1) equal basis and or 2) population. No more than 50% of the CFQ for any area can be allocated to the entity based on ~~population~~ on an equal basis.

The motion was seconded and carried without objection.

Mr. Fuglvog brought up the Advisory Panel’s recommendations under Section 2.2.2.2.1, ((Eligible Landings) which are data requests rather than an alternative. Staff was asked to clarify how these provisions could be turned into a data request. Ms. Madsen said she thinks the intent is to try to find the unique vessels between the State and Federal water fisheries. Mark Fina responded that his understanding is that the AP is looking for the overall unique vessel count for each species and gear type as well as unique vessel counts for vessels that participated both inside and outside 3 miles, and that staff will be able provide that information.

Lisa Lindeman, NOAA-GC, advised the Council that because of recent court cases and concern about ‘recent participation’ requirements, the Council needs to demonstrate that it is considering participation after the cut-off date.

C-3 GOA Rockfish Demonstration Project

ACTION REQUIRED

Final review of the analysis.

BACKGROUND

Section 802 of Title VIII of the Consolidated Appropriations Act of 2004 directed the Secretary of Commerce to develop a rockfish demonstration program for the Central Gulf of Alaska rockfish fisheries in consultation with the Council. At its April and June 2004 meetings, the Council responded to the directive of the legislation, public testimony, and an industry stakeholder proposal, by adopting for analysis a set of alternatives and elements that could be used to select an alternative to establish the demonstration program. At its October 2004, December 2004, and

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February 2005 meetings, the Council further defined the alternatives including options for sideboards of pilot program participants (a copy of the current motion is attached as Item C-3(a)). At its April 2005 meeting, the Council conducted an initial review of a draft RIR/EA/IRFA. At that meeting, the Scientific and Statistical Committee, Advisory Panel, and Council recommended revision of the document and release of the document for final review, subject to those revisions, and scheduled this item for final action at this meeting.

Staff has revised the analysis consistent with the comments of the SSC, AP, and Council. A copy of the analysis was included in a Council mailing during the week of May 18th. The executive summary of the analysis attached as Item C-3(b).

As a supplemental part of the analysis of the main program alternatives, staff prepared an analysis of options for the allocation of shortraker and rougheye rockfish to participants in the pilot program. The Council included several options for different allocations for these species in its alternatives. A copy of this supplemental analysis is attached as Item C-3(c).

Report of the Scientific and Statistical Committee

The SSC noted that the revised analysis is responsive to many of the concerns identified in the April 2005 SSC minutes. However, the SSC remains concerned about the challenges involved in monitoring target and incidental catches in the fishery and is supportive of plans to evaluate the relative effectiveness and pitfalls of different monitoring systems. The SSC suggested that the design of a monitoring program should consider the level of sampling needed to achieve levels of accuracy and precision for target and incidental catches necessary to achieve management and enforcement objectives. The SSC also requested that the GOA rockfish stock assessment analysts comment on the likely biological consequences of changes in fishery duration that may result in seasonal shifts of target catch and bycatch and potential effects on reproductive success and other population dynamics as a result of this amendment.

Report of the Advisory Panel

The Advisory Panel's recommendations for preferred options for the GOA Rockfish Demonstration Project are found in the Advisory Panel minutes, Appendix III to these minutes.

COUNCIL DISCUSSION AND ACTION

Doug Hoedel moved to approve the Central Gulf of Alaska Rockfish Pilot Program, as recommended by the Advisory Panel, with the exception of their additional paragraph under Section 8, Program Review: Mr. Hoedel proposed to delete that new paragraph and add the following:

“In the event this program has a duration of longer than two years, the Council will analyse the viability of the entry-level fishery.”

The motion was seconded by Ed Rasmuson.

The following amendments and edits were made to the motion (referring to the original AP motion in Appendix III):

- **Ed Rasmuson moved to amend to add the word “OR” under Alternative 3, Opt IN Vessels (Coop), #6, which would then read:**

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6-not subject to stand-downs in GOA fisheries – IF – NMFS accepts the coop sideboard monitoring program –ELSE- 2 week stand-down OR UNTIL 90% of the coop’s CGOA rockfish is harvested.

The motion was seconded and carried without objection.

Mr. Fuglvog asked staff about halibut bycatch relative to fishery start dates of May 1 versus July 1. During public comment there was a request to have both the entry-level and the pilot program start on the same date and it’s important to understand what the effect on halibut PSC might be.

Dr. Fina responded that there isn’t a lot of information on this particular subject in the analysis. However, historically, the opening date was changed to July 1 in part because PSC seems to be higher earlier in the year. Because the rockfish fishery hasn’t been prosecuted other than the beginning of July recently, there are no data for that type of comparison. The only point he could make at this time is that because there are PSC caps, the agency seems comfortable with the earlier opening date.

Mr. Hoedel pointed out that third-quarter halibut PSC is typically released July 1, and it may be possible that there may not be PSC available from the second quarter if fishing begins May 1. Dr. Balsiger said that the dates are set for when the halibut PSC is released, so the issue is whether the halibut bycatch is greater on May 1 than July 1, and he doesn’t think they have that information at this time.

Arne Fuglvog moved to amend section 2.4, as follows:

2.4 NMFS will provide an entry level fishery which will be a limited access competitive fishery in the non-trawl and trawl sectors.

Start dates for the entry-level fishery should be January 1 for fixed-gear and approximately July 1 for trawl gear.

The motion was seconded and carried without objection.

Arne Fuglvog moved to recommend to the National Marine Fisheries Service that the entry-level non-trawl sector be exempted from VMS requirements. The motion was seconded by Doug Hoedel and carried with Hyder objecting.

Mr. Fuglvog pointed out that there is not enough information to indicate this sector should be required to have VMS. There are only 10 or 12 vessels that would be included in the exemption and there has been no case made that there would be any benefit of having VMS on this fleet. Adequate monitoring is done at the plant level. Jim Balsiger said that it’s possible a case could be made for the exemption and with the Council’s plans to take a comprehensive look at VMS requirements, the Agency will give serious consideration to this recommendation.

Arne Fuglvog moved to amend Section 3.3.1.2, to manage shorttraker and roughey secondary species in the CV sector with a combined MRA of 2%. The motion was seconded and carried without objection.

Mr. Fuglvog said he thinks this creates parity and does not change the overall amount for the fishery and may result in less discarding and more retained fish.

Jim Balsiger moved to amend, as follows: – Under Shorttraker and Roughey secondary species for the CP sector, both species should be managed as a hard cap. The motion was seconded by Ed Rasmuson and carried without objection.

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Ms. Madsen clarified that the intent would be allow some flexibility for the agency, but the intent would be that the Agency would set the MRA at a level that would allow the limited access program to land as much of the target species allowed and the participants will have to use their best judgement to achieve that target.

Arne Fuglvog moved, under Section 2.4, that the Start dates for the entry-level trawl fishery should be January 1 for fixed-gear and May 1 for trawl gear if sufficient halibut PSC is available. If it is not, the start date will be on the next release of halibut PSC. The motion was seconded by Doug Hoedel and carried with Benson objecting.

Arne Fuglvog moved, under Program Review (8), to amend the first paragraph to include a sentence that includes a specific review of shorttraker and rougheye allocations and assessments. The motion was seconded and carried without objection.

Mr. Hoedel provided a written supporting statement for his original motion. That statement and a copy of final Council action are included as Appendix IV to these minutes.

The main motion, as amended, carried unanimously.

C-4 BSAI Pacific Cod Allocations

ACTION REQUIRED

- a) **Review discussion paper on seasonal apportionment of BSAI Pacific cod allocations and refine alternatives as necessary.**
- b) **Review discussion paper on alternative inseason management measures and refine alternatives as necessary.**

BACKGROUND

- a) **Review discussion paper on seasonal apportionment of BSAI Pacific cod allocations and refine alternatives for analysis**

The 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. 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' LOA¹)**
- **47% trawl gear
(50% trawl catcher vessels)
(50% trawl catcher processors)**
- **2% jig gear**

¹While 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.

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All of the allocations to the BSAI Pacific cod gear sectors are seasonally apportioned, with the exception of the <60' catcher vessels using hook-and-line or pot gear (see Table 1). The seasonal apportionments are primarily a result of Steller sea lion protection measures established in 2001.²

Table 1. Current seasonal apportionments of BSAI Pacific cod allocations by gear type

Date	Trawl gear (47%)			Fixed gear (51%)			Jig Gear (2%)			
	Season	Percent of trawl allocation	Percent of TAC	Season	Percent of fixed gear allocation	Percent of TAC	Date	Season	Percent of jig gear allocation	Percent of TAC
1-Jan	No directed cod trawl fishing prior to Jan. 20			A	60%	30.6%	1-Jan	A	40%	0.8%
20-Jan	A	60%	28.2%				30-Apr			
1-Apr	B	20%	9.4%				30-Apr	B	20%	0.4%
1-Apr	C	20%	9.4%	B	40%	20.4%	31-Aug	C	40%	0.8%
10-Jun							31-Dec			
10-Jun	No directed cod trawl fishing after Nov. 1						31-Aug			
1-Nov							31-Dec			
31-Dec										
TOTAL	100%			100%			100%			2%

In December 2004, the Council approved a draft problem statement and preliminary alternatives and options for a new fishery management plan amendment to modify the current Bering Sea and Aleutian Islands (BSAI) Pacific cod allocations to the various gear sectors. Upon review of staff discussion papers at both the February and April 2005 Council meetings, the Council further revised the components and options for analysis. The Council's current BSAI Pacific cod amendment package focuses on two primary issues:

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

The first part of the problem statement notes the annual inseason reallocations of TAC among gear sectors and concerns that the BSAI Pacific cod allocations above do not adequately reflect actual use by sector. The second part of the problem statement addresses the need to establish a methodology by which to maintain sector allocations and minimize competition among gear groups, should the BSAI Pacific cod TAC be apportioned between the BS and AI subareas during a future TAC specifications process.

The Council's current suite of components and options (April 8, 2005) proposes BSAI Pacific cod allocations for the following sectors, which includes a further apportionment of the trawl CP and trawl CV sectors between AFA and non-AFA vessels:

- AFA Trawl CPs
- Non-AFA Trawl CPs
- AFA Trawl CVs
- Non-AFA Trawl CVs
- Hook-and-line CPs
- Hook-and-line CVs ≥60'
- Pot CPs
- Pot CVs ≥60'
- Hook-and-line and pot CVs <60'
- Jig CVs

At its April 2005 meeting, the Council approved several changes to the components and options for analysis.

In addition, the Council directed staff to develop a discussion paper on a concept regarding seasonal apportionments of BSAI Pacific cod between the trawl sector and the fixed gear sector.

²ESA Section 7 Consultation, Biological Opinion and Incidental Take Statement, NMFS Alaska Region. October 2001.

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The Council's April motion is provided as Item C-4(a)(1). The portion of the Council motion on the seasonal allocation proposal is as follows:

Excerpt from Council motion (April 8, 2005):

In addition, the Council directs staff to explore the following question: If the revised allocations result in a temporal distribution of the all gear harvest that closely approximates the current catch distribution, and the revised allocations result in changed seasonal apportionments of harvest within gear types (a seasonal apportionment that is different than that which is contained in the current regulations), will that be likely to trigger a formal re-consultation?

In addition, the Council requests staff explore alternative methods to determine sector allocations that would least disturb the bounds of seasonal harvests.

The discussion paper provided for review at this meeting (Item C-4(a)(2)) is intended to describe the issues associated with the concept proposed in the Council's April motion and to provide sufficient information for the Council to determine whether it wants to include options to represent this concept. This includes information from NMFS Protected Resources Division on whether this would likely trigger a formal reconsultation on Steller sea lions. The Council's entire suite of components and options is included in the discussion paper as Attachment 1.

To that end, this paper is specifically provided to:

- outline the issues relevant to the concept posed in the Council's motion
- provide information on informal consultations with NMFS Protected Resources Division relative to whether this concept would trigger a formal reconsultation
- identify any alternative methods of establishing allocations among the trawl and fixed gear sectors that would least disturb the bounds of seasonal harvests

While no action is required at this meeting, the Council may take action to revise the current suite of components and options as necessary. Initial Council review of the analysis has been tentatively scheduled for December 2005, depending on data availability and other Council priorities. The discussion paper was mailed to you on May 11.

b) Review discussion paper on alternative in-season management measures and refine alternatives as necessary

Andy Smoker, NMFS Alaska Region, Sustainable Fisheries Division, will present a discussion paper on the various fisheries management measures that are available to NMFS with regard to managing the BSAI Pacific cod allocations. This paper was also requested by the Council at the April meeting, specifically in reference to whether the allocations should be managed under hard or soft caps (see the Council motion under Item C-4(a)(1)). The discussion paper is provided as Item C-4(b) and was mailed to you on May 23.

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

Report of the Advisory Panel

The AP recommended that the Council add the following concepts as options in Component 4, that would potentially apply to one or all of Options 4.1 – 4.7 which determine the sector allocations.

Option 1 –

- Upon determination of the new overall allocations to the trawl and fixed gear sectors, maintain

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the *current* percentage of the ITAC allocated in the A and B seasons for trawl gear and the A season for fixed gear.

- Provide that any reduction in the overall trawl allocation resulting from the options would be applied only in the C season for trawl gear.
- Provide that any increase in the overall fixed gear allocation resulting from the options would be applied only in the B season for fixed gear.

Option 2 –

- Upon determination of the new overall allocations to the trawl and fixed gear sectors, maintain the *current* percentage of the ITAC allocated in the A season for trawl gear.
- Provide that any reduction in the overall trawl allocation resulting from the options would be applied only in the B and C season for trawl gear.

 Suboption 1 – reduction applied proportionately to B and C seasons.

 Suboption 2 – reduction applied equally to B and C seasons.

- Provide that any increase in the overall fixed gear allocation resulting from the options would be applied only in the A (after April 1) and B season for fixed gear.

The AP also recommended that the Council include the following priorities and objectives for management of P. Cod sector allocations and a discussion of management tools available to achieve those objectives to Component 5 of the analysis:

Priorities –

1. Avoid exceeding the P. Cod OFL.
2. Avoid exceeding the P. Cod ABC.
3. Avoid closure of non-P. Cod fisheries as the result of “hard cap” closures.
4. Avoid erosion of one sector’s P. Cod allocation as the result of another sector exceeding its allocation.

Management Tools –

1. Co-ops – The report to the AP by Andy Smoker highlighted the value and success of co-op management to keep harvest levels at or below associated allocations.
2. Establishment of ICAs – An ICA for non-cod fisheries is a useful tool for achieving these objectives. In order to insure that one sector does not erode another sector’s intended allocations, however, ICAs should be established only at the sector level. For instance, there would be a separate ICA for each trawl sector rather than a generic “trawl ICA”.
3. MRA Limits – MRA restrictions serve to constrain harvest levels, and would be useful in addressing priorities 3 and 4.
4. PSC Status – This would further constrain P. Cod bycatch and would be useful in addressing priorities 2,3, and 4.
5. Closure of non-P.Cod Fisheries – In order to avoid exceeding the P. Cod OFL, NMFS may close any fishery that has a reasonable likelihood of P. Cod bycatch.

Additionally, the AP recommended that in Part II, Option 3 the Council delete numbers 3.1, 3.3, and 3.4 and add an option that the Council can select percentages for each sector that fall within the range of percentages analyzed.

COUNCIL DISCUSSION/ACTION

In addition to the staff report on seasonal apportionment of Pacific cod allocations and the current alternatives, the Council received an overview from Andy Smoker (NMFS-AKR) on various inseason management alternatives.

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Arne Fuglvog moved to adopt the recommendations of the Advisory Panel, with the following changes:

1. Under Option 2, delete the following provision: “Provide that any increase in the overall fixed gear allocation resulting from the options would be applied only in the A (after April 1) and B season for fixed gear.”
2. Add a new priority (5): “Avoid foregone harvests.”
3. Delete the AP recommendation to remove the years 1995-2002 from analysis (which retains those years for analysis).
4. Add new option Under Part I, Component 5 (5.3):
Revise jig seasonal allocation from 40%/20%/40% to 60%/20%/20%

The motion was seconded. During discussion it was clarified that the priorities and management tools included in the motion are not included as options or alternatives, but as discussion points in the document.

Dave Benson moved to amend the elements and options, to delete Section 3.6 (2002-2003) under Part II (Apportionment of BSAI Pacific Cod Sector Allocations to BS and AI), Option 3.

The motion was seconded and carried, with Fuglvog, Madsen, and Mecum objecting.

The main motion, as amended, carried without objection.

C-5 BSAI Salmon Bycatch

ACTION REQUIRED

Initial Review on EA/RIR/IRFA to modify the existing bycatch reduction measures for Chinook and chum salmon in the BSAI groundfish FMP.

BACKGROUND

The Council is continuing to work on means to address salmon bycatch management issues in the BSAI groundfish trawl fisheries following increased bycatch of chum and Chinook salmon in 2003 and 2004. At the April 2005 meeting, the Council refined their problem statement and draft alternatives for analysis and initiated analyses concurrent amendment packages to address salmon bycatch management in the BSAI groundfish fisheries. There are two different amendment packages that the Council is initiating, with the first amendment package (proposed Amendment 84) prioritized for immediate analysis, while amendment package “B” is a broader scope that will likely take into 2006 for completion.

The EA/RIR/IRFA for proposed amendment 84 considers the following alternatives to address the immediate salmon bycatch management issues:

Alternative 1: Status Quo

Alternative 1 maintains the existing regulatory measures for Chinook and Chum salmon savings area closures.

Alternative 2: Eliminate the regulatory salmon savings area closures

Under Alternative 2, the catch limits for the Bering Sea subarea trawl Chinook and BSAI trawl chum salmon would be eliminated, and would no longer trigger savings area closures. The annual closure of the Chum Salmon Savings Area would also be eliminated. Salmon would remain a prohibited species under this (and all) alternatives.

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Alternative 3: Suspend the regulatory salmon savings area closures and allow pollock cooperatives and CDQ groups to utilize their voluntary rolling hot spot closure system to avoid salmon bycatch

Under Alternative 3, the catch limits for the Bering Sea subarea trawl Chinook and BSAI trawl chum salmon would be suspended, and would no longer trigger savings area closures. The annual closure of the Chum Salmon Savings Area would also be suspended. The suspension will go into effect so long as the pollock cooperatives and CDQ groups have in place an effective salmon bycatch voluntary rolling "hot spot" (VRHS) closure system to avoid salmon bycatch.

Suboption:

Reimpose regulatory salmon savings closures if reported non-compliance with agreement merits expedited action

Under this suboption, the Council may recommend re-imposition of the regulatory salmon savings area closures on an expedited basis if the situation merits this recommendation. The Inter Cooperative Agreement (ICA) managers will report to the Council immediately if there is non-participation or non-compliance without effective enforcement action under the VRHS system. In that event, the Council may recommend re-imposition of the regulatory salmon savings area closures on an expedited basis. If the regulatory closure area system is reinstated, it is the Council's intent that the closure areas be based on the most recent information available and if the analysis of Amendment Package B's Alternative 1 supports the approach, with regular adjustments.

The analysis considers the environmental, economic and regulatory impacts of these alternatives. The immediate and cumulative effects are considered insignificant for all the components of the BSAI ecosystem for the alternatives considered.

This EA/RIR/IRFA is presented for initial review at this meeting. The executive summary of the analysis is attached as Item C-5a. The full analysis was mailed to you on May 24th. This analysis is tentatively scheduled for Final Action at the October 2005 meeting, such that regulatory changes may be in place prior to the annual regulatory closure of the Chum Salmon Savings Area on August 1st, 2006.

Report of the Scientific and Statistical Committee

In December 2004 the SSC recommended that a full analysis be conducted to establish whether the fixed closed areas are contributing to the high bycatch levels demonstrated over the last two years. Alternatives were drafted in December to include alternatives to eliminate or suspend Salmon Savings Area closures to allow pollock cooperatives and CDQ groups to avoid salmon bycatch through a voluntary rolling hot spot closure program. After review of the preliminary analysis the SSC offered a number of suggestions to expand and add to it that would more clearly show salmon bycatch rates on finer spatial and temporal scales that might demonstrate the efficacy of the existing Salmon Savings Area for inclusion in the document prior to the October meeting. Detailed comments and recommendation of the SSC can be found in Appendix II to these minutes.

Report of the Advisory Panel

For Alternative 3, the AP recommended the Council add an alternative or suboption under which the regulatory salmon savings area triggers and closures would be maintained but participants in a cooperative voluntary rolling hotspot closure (VRHS) system would be exempted from compliance with savings area closures.

Exemption is subject to Council approval and review of the effectiveness of a VRHS closure system.

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With the understanding that the following suboption would only be added to the amendment package if it does not delay the cycle, the AP recommended the addition of a suboption under the alternative established above:

Suboption: Extend the exemption to the chum salmon savings area closure to vessels in the trawl cod and /or flatfish target fisheries.

Additional analysis would include the contribution of the vessels to the chum salmon bycatch totals in the CVOA.

COUNCIL DISCUSSION/ACTION

CDR Cerne commented that the penalty system established in the analysis is different from what normally takes place in that the skipper would be held liable for any infractions while typically it would be the owner who is held liable. Additionally, there is usually an assessment of the catch harvested which is not included in this program. CDR Cerne also pointed out that if a vessel violates a hot spot closure under this program the owner would still get the benefit of the catch harvested contrary to their agreement and the skipper would pay a fine for the violation. Hr asked NOAA General Counsel to inform the Council about the penalty schedule with regard to violating closed areas and how that compares to the co-op agreement.

John Lepore advised the Council that the penalty schedule is available on the internet for public information. For a first offense for violating a closed area regulation, the penalty could be from \$5,000 to \$50,000 and forfeiture of the catch.

Hazel Nelson moved that the Council endorse the AP recommendations (shown above), including the caveat that the suboption recommended under the new alternative they have suggested only be included in the amendment package if it does not delay progress in releasing the analysis for public review. The motion was seconded and carried without objection.

During discussion, staff was requested to address SSC comments to the extent possible.

Regarding staff questions provided to the Council on an exemption alternative, Dr. Stram clarified that it would be helpful for staff to have Council intent on some of the issues, particularly in terms of participation. Ms. Madsen suggested that perhaps the staff could describe the impacts both from an 'all or nothing' perspective and from a coop-by-coop perspective, although that may be administratively difficult. Dr. Stram advised that staff would approach it in that way.

Arne Fuglvog requested that staff include a brief discussion of Asian, including Russian, salmon production and the impacts on the Bering Sea ecosystem, to the extent possible, including carrying capacity, numbers of both wild-run strength and hatchery production, and catches both in Asian fisheries since 1990.

It was pointed out that a planned trailing amendment will analyze new regulatory savings area closures as well as individual vessel accountability programs and that the information requested by Mr. Fuglvog could be addressed at that time.

Mr. Benson asked staff when regulation could be in place if the Council takes final action on this amendment in October. Dr. Stram replied that NMFS should be able to have regulations in place before the first annual chum salmon savings area trigger on August 1st, but not in time for 'A' season Chinook.

Hazel Nelson expressed the hope that communities in Western Alaska and the pollock industry will continue work on a cooperative research plan and advise the Council of progress in October.

C-6 Bairdi Crab Split

ACTION REQUIRED

Initial review of the analysis.

BACKGROUND

In January 2004, the U.S. Congress amended the Section 313(j) of Magnuson-Stevens Act to mandate the Secretary of Commerce implement the Crab Rationalization Program for the Bering Sea and Aleutian Islands crab fisheries developed by the North Pacific Fishery Management Council (the Council), in motions from June 2002 to April 2003, plus any program amendments adopted by the Council. On March 2, 2005, the Secretary issued regulations to establish the Crab Rationalization Program (70 FR 10174). Crab fishing will begin under this Program on August 15, 2005.

The Bering Sea and Aleutian Islands Crab FMP establishes criteria for the management of certain aspects of the BSAI crab fisheries by the State of Alaska (the State). Under this authority, the State has determined that Bering Sea *C. bairdi* should be managed as two separate stocks; one east of 166° W longitude, the other west of 166° W longitude. Under the Crab Rationalization Program, QS, PQS, IFQ, and IPQ will be issued for one *C. bairdi* fishery. The proposed action under this agenda item would amend the Crab Rationalization Program, establishing allocations of harvesting and processing shares for these separate stocks.

Staff has prepared a draft RIR/EA/IRFA for initial review by the Council at this meeting. That document was included in a Council mailing the week of May 16th. The executive summary is attached.

Report of the Scientific and Statistical Committee

The SSC recommended the amendment be released for public review after staff addresses several issues which are listed in detail in the SSC Minutes, Appendix II to the minutes.

Report of the Advisory Panel

The Advisory Panel recommended the Council release the amendment package for public review.

COUNCIL DISCUSSION/ACTION

Ed Rasmuson moved to approve the recommendation of the Advisory Panel. The motion was seconded and carried without objection.

Council also asked staff to address the recommendations of the SSC before the analysis is released for public review. Final action is scheduled for the October Council meeting.

C-7 IR/IU

ACTION REQUIRED

Initial Review of Amendment 80 EA/RIR/IRFA and take action as necessary

BACKGROUND

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Amendment 80 has been proposed to provide groundfish allocations and allow cooperatives in the BSAI non-AFA trawl catcher-processor sector. At its December 2004 and February 2005 meeting, the Council finalized the suite of components and options for Amendment 80 by defining the species allocated to the Non-AFA Trawl Catcher Processor sector, modifying the PSC options, adjusting the sideboard options, and adding a yellowfin sole threshold program to the suite of components. A description of the alternatives, components and options for Amendment 80 motion is attached as Item C-7(a).

The draft EA/RIR/IRFA for Amendment 80 was included in a Council mailing the week of May 19. The executive summary is attached as Item C-7(b). At this meeting, the Council is scheduled for initial review of the analysis, and potentially to release it for public review and comment prior to final action in October, pending the Council, AP, and SSC assessment of completeness.

Report of the Scientific and Statistical Committee

The SSC felt the analysis is incomplete in a number of important areas and provided detailed suggestions for improvement. Please see the SSC Minutes, Appendix II to these minutes, for the entire list of recommendations.

Report of the Advisory Panel

The Advisory Panel also had several recommendations for changes or additions to the analysis before releasing for public review. Please see the AP Minutes, Appendix III to these minutes, for those recommendations.

COUNCIL DISCUSSION/ACTION

[Note that for this agenda issue, Sue Salvesson was sitting in for Dr. Balsiger and Earl Krygier was sitting in for Doug Mecum.]

The Council received an extensive staff presentation on the analysis, including presentations from Obren Davis, NMFS, on the CDQ portion of the analysis, and Jason Anderson, NMFS, on monitoring aspects.

NOAA General Counsel Loren Smoker pointed out that an important aspect of the fishing capacity reduction statute is that it has language that restricts participation in the catcher processor sector of the BSAI non-pollock groundfish fishery, so to the extent that there are vessels that are currently operating as CPs but do not meet the eligibility criteria for one of the four CP subsectors, then they would not be eligible to continue to participate in those non-pollock groundfish fisheries as catcher processors. Those four non-qualified vessels may qualify as a CP in some other subsector defined by the statute, but if they don't, they may be able to participate in the limited access fishery as catcher vessels. Ms. Smoker noted that she thought this was an important point for Council members to understand.

Dave Benson asked NOAA General Counsel to clarify Council options relating to eligibility criteria under Components 7 and 8 as established by the buyback legislation. Ms. Smoker noted that NOAA GC received a request for clarification from the Council with regard to eligibility for cooperatives and the response distinguished between sector eligibility versus cooperatives. Section 219 has provisions in terms of sector eligibility, so the GC response noted that the statute is silent in terms of cooperative eligibility or cooperative formation, so Council doesn't have any restrictions or criteria placed on it under the capacity reduction legislation in terms of establishing cooperative provisions. However, Ms. Smoker did note in that opinion that the Council will need to be careful in establishing cooperative formation provisions so that it does not set up a program that indirectly undermines eligibility for the sector criteria established by legislation. With regard to questions regarding additional licenses that may be held by

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entities that are sector qualified as a person but the licenses may not be, Ms. Smoker said that General Counsel will need to look at that issue separately.

Earl Krygier provided a lengthy motion (see Appendix V to these minutes). However, after discussion a several amendments, a substitute motion was made by Sue Salvesson, as follows:

Sue Salvesson moved a substitute motion consisting of the current issues and components for sector allocation, revised to show recommended changes (Please see Appendix VI to these minutes for the entire motion.) The motion was seconded.

Through discussion and a series of amendments, the Council made a number of changes. Some of the more significant ones were:

Component 2 -- The Council expanded the options for CDQ allocations of secondary groundfish species (except Pacific cod) taken incidental to the primary allocated species.

Component 3 -- The Council expanded the options for LLP permits associated with trawl catcher vessels that have not participated in the BSAI groundfish fisheries during the 1995 to 2004 period. LLP permits with trawl and BSAI endorsements that do not meet the eligibility requirements will not be able to participate in the directed fishery for the five allocated species under Amendment 80.

Component 6 -- The Council added a new PSC allocation suboption that would be allocated PSC based on the PSC taken in the sector's directed fishery for the allocated primary species and Pacific cod. The Council also clarified that PSC allocation under Suboption 6.1.2 would be made only for the allocated primary species and Pacific cod.

Components 7 and 8 -- The Council adjusted these two components so that eligibility in the non-AFA trawl CP sector is separate from cooperative eligibility. Sector eligibility has been determined by the language in the BSAI non-pollock groundfish catcher processor buyback program. Options for cooperative eligibility were expanded to include more recent years. The Council also added a requirement that any cooperative must be comprised of at least two separate entities. Finally, the Council added a new option that would allow cooperative formation with at least 15 percent of the eligible license.

Component 11 -- The Council identified specific holdings caps. A person's holdings would be limited to 20 percent, 30 percent, or 50 percent of the sector's allocation on a species-by-species basis under the proposed options.

Component 12 -- The Council clarified the sideboard options for the GOA. These options include sideboards for those species that close on TAC in the GOA (POP, PSR, NR, and Pacific cod) and sideboards for qualified non-AFA trawl CP sector for halibut PSC usage in the GOA. The Council also added an option to create participation thresholds for eligibility for GOA flatfish fisheries. Non-AFA trawl catcher processor vessels would be required to exceed a weekly participation threshold in the GOA flatfish fisheries during the qualifying period to be eligible to participate in those fisheries.

The Council also included an option to make annual allocations transferable among cooperatives.

After amendments and discussion, the motion, as amendment, carried without objection.

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Council members agreed that this is a complicated issue which requires additional work and consideration before releasing a public review document. Staff will provide a revised analysis for Council consideration at the October meeting.

C-8 Observer Program

ACTION REQUIRED

- a) Update on Fair Labor Standards Act issues
- b) Preliminary review of analysis to restructure the funding and deployment mechanism in the North Pacific Groundfish Observer Program
- c) Review of Observer Advisory Committee report

BACKGROUND

- a) Update on Fair Labor Standards Act issues

Dr. Bill Karp (Observer Program Director, NMFS) will present a brief overview of recent discussions and correspondence related to observer compensation issues and the status of observers with regard to the requirements for overtime pay under the Fair Labor Standards Act (FLSA) and the Service Contract Act (SCA). This issue was brought to the forefront in a memo from Dr. Bill Hogarth in November 2003, which stated that NMFS maintains that fisheries observers are biological technicians and therefore eligible for overtime compensation under the FLSA. That memo raised several questions with regard to the status of observers in the North Pacific, although it was initiated due to issues surrounding an agency-funded observer program in Hawaii that required documentation of the agency's position.

In order to help clarify the issues raised in Dr. Hogarth's memo, the Department of Labor (DOL) scheduled two public workshops in February 2005. These workshops were subsequently cancelled and have not been rescheduled, likely due in part to the complexity of the questions that DOL staff realized were likely to be asked. Dr. Karp and other NOAA and Department of Commerce (DOC) staff met with the DOL in February in order to determine how to proceed in a request for answers to outstanding questions regarding the applicability of exemptions under the FLSA (Item C-8(a)(1)). DOL personnel were able to provide responses to some of the questions raised by NOAA, but did not resolve questions regarding the extent of geographical applicability of SCA and FLSA, and questions regarding hours worked. DOL agreed to initiate a response to these questions upon receipt of a formal request from DOC, indicating that a response would take at least six months following receipt of a formal request. The request has not yet been drafted by NOAA and DOC.

The applicability of FLSA and SCA provisions hinge, in part, on whether observers are classified as technical employees, and not professionals. The National Observer Program Advisory Team discussed this issue in 2002 – 2003. Following this discussion, consensus was reached that NOAA fisheries observers should be considered technicians. However, the record of these meetings indicates that those present understood that this determination may not be appropriate for North Pacific groundfish observers, and that it may be necessary to revisit the issue at a later date. In a memo dated February 4, 2005, Dr. Balsiger requested that Dr. Hogarth concur with a determination that North Pacific groundfish observers are professionals under the FLSA, in order to properly recognize the professional nature of the duties, education, and training requirements of these observers and to resolve the cost uncertainties which make it difficult for the Council to restructure the Observer Program (Item C-8(a)(2)). No response has been received to date.

- b) Preliminary review of analysis to restructure the funding and deployment mechanism in the North Pacific Groundfish Observer Program

The Council has been working for the past two years to develop a new system for observer funding and deployment in the North Pacific Groundfish Observer Program (Observer Program).

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Under the new system, NMFS would contract directly with observer providers for observer coverage, and this would be supported by a broad-based user fee and/or direct Federal funding. The problem statement guiding the amendment identifies data quality and disproportionate cost issues resulting from the current program structure, in which vessels and processors contract directly with observer providers to meet coverage requirements fixed in regulation. Concerns with the existing program arise from the inability of NMFS to determine when and where observers should be deployed, inflexible coverage levels established in regulation, disproportionate cost issues among the various fishing fleets, and the difficulty to respond to evolving data and management needs in individual fisheries.

The proposed amendment is thus intended to address a variety of longstanding issues associated with the existing system of observer procurement and deployment. The Council's Observer Advisory Committee (OAC) drafted a problem statement to guide the amendment, which was approved by the Council in February 2003:

Observer Program Restructuring Problem Statement

The North Pacific Groundfish Observer Program (Observer Program) is widely recognized as a successful and essential program for management of the North Pacific groundfish fisheries. However, the Observer Program faces a number of longstanding problems that result primarily from its current structure. The existing program design is driven by coverage levels based on vessel size that, for the most part, have been established in regulation since 1990. The quality and utility of observer data suffer because coverage levels and deployment patterns cannot be effectively tailored to respond to current and future management needs and circumstances of individual fisheries. In addition, the existing program does not allow fishery managers to control when and where observers are deployed. This results in potential sources of bias that could jeopardize the statistical reliability of catch and bycatch data. The current program is also one in which many smaller vessels face observer costs that are disproportionately high relative to their gross earnings. Furthermore, the complicated and rigid coverage rules have led to observer availability and coverage compliance problems. The current funding mechanism and program structure do not provide the flexibility to solve many of these problems, nor do they allow the program to effectively respond to evolving and dynamic fisheries management objectives.

The existing Observer Program, in place since 1990, establishes coverage levels for most vessels and processors based on vessel length and amount of groundfish processed, respectively. In designing the original program, the Council had limited options because the MSA did not provide authority to charge industry fees to pay for the cost of observers, and no Federal funds were provided. Because of the critical need for observers and the data they provide, the Council and NMFS proceeded with the Observer Program regulations (Amendments 13/18) that are largely unchanged today. These regulations were considered 'interim' at the time of implementation, as NMFS and the Council began to develop a new program (Research Plan) which would require all participants in the fisheries to pay a fee based on ex-vessel revenue from their catch, with NMFS contracting directly with the observer providers. Collection of the fee under the Research Plan was authorized by an amendment to the MSA (Section 313(b)(2)). The Council adopted this plan in 1992 and NMFS implemented the program in 1994. However, due to several concerns primarily related to observer costs to industry, the Council voted to repeal the program in 1995. Therefore, the 1990 interim regulations continue to authorize the existing Observer Program today. These regulations have been extended several times, with the most recent amendment extending the program until December 31, 2007.

The current observer coverage requirements in Federal regulations (50 CFR 679) are provided in the table below.

Table 1. Current observer requirements in Federal regulations

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<i>Vessel/processor type</i>	<i>Observer Requirement</i>	<i>Regulation</i>
halibut vessels	0% (no observer requirement)	n/a
groundfish vessels <60' LOA	0% (no observer requirement)	n/a
groundfish vessels ≥60' and <125' LOA and pot vessels of any length	30% of their fishing time by quarter and one entire trip per quarter	50 CFR 679.50(c)(1)
groundfish vessels ≥125' LOA (With the exception of pot gear. See above.)	100% of their fishing time	50 CFR 679.50(c)(1)
motherships and shoreside processors that process 500 mt - 1000 mt of groundfish in a calendar month	30% of the days they receive or process groundfish	50 CFR 679.50(c)(1)
motherships and shoreside processors that process 1000 mt of groundfish in a calendar month	100% of the days they receive or process groundfish	50 CFR 679.50(c)(1)
CPs fishing for Atka mackerel in the Aleutian Islands Subarea	200%	50 CFR 679.50(c)(1)
AFA CPs, motherships, and shoreside processors	200%	50 CFR 679.50(c)(5)
CDQ CPs (trawl and hook-and-line)	200%	50 CFR 679.50(c)(4)
CDQ pot CPs	100%	50 CFR 679.50(c)(4)
CDQ fixed gear CVs and trawl CVs ≥60'	100%	50 CFR 679.50(c)(4)

The alternatives and options under consideration for this amendment were developed through several Council and OAC meetings. Since earlier attempts to restructure the program were unsuccessful, the Council, NMFS, and the OAC originally considered a step-wise approach, focusing primarily on those regions and fisheries in which the data quality and disproportionate cost issues identified in the problem statement were most acute. The intent was to restructure the program primarily for the Gulf of Alaska, and then the Council could decide whether to extend the new system to the BSAI through a subsequent amendment process. The initial alternatives reflected this approach, and thus included only GOA groundfish vessels and all halibut vessels. In December 2003, the Council reviewed a preliminary draft analysis of the impact of those alternatives.

As NMFS began to evaluate the alternatives, however, it became concerned about operational and data quality issues that would potentially arise under a 'hybrid' system, in which GOA groundfish vessels and halibut vessels would be operating under a direct contract system funded by an ex-vessel fee, and BSAI vessels would continue to operate in the existing 'pay-as-you-go' system. NMFS identified several problems inherent in the current service delivery model in a letter to the Council in December 2003, including: 1) the agency's inability to determine when and where observer coverage takes place in the less than 100% covered fisheries; 2) the inability to match observer skill level with deployment complexity; and 3) the inability to modify observer coverage due to the inflexible coverage levels in regulation. The NMFS letter also raised concerns regarding the consequences of possible differences in observer wages under a 'hybrid' system.

In February 2004, NMFS provided a subsequent letter to the Council stating that the agency had determined that effective procedures for addressing both observer performance and data quality

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issues could only be addressed through a service delivery model that provided direct contracts between NMFS and observer providers. NMFS thus recommended that the Council include a program-wide alternative in the analysis, which would apply the new system of direct contracting to all BSAI and GOA vessels and processors in Federal waters. Rationale for consideration of a program-wide alternative was based on the operational and data quality factors, as well as the concerns raised by the NMFS policy memo on observer wages. In February, the Council scheduled a March OAC meeting to consider inclusion of a program-wide alternative.

As requested, the OAC held a meeting on March 11 - 12, 2004, to discuss the potential inclusion of a program-wide alternative. While the committee recommended the addition of two new alternatives which included specific BSAI sectors, it did not recommend a program-wide alternative. Members generally expressed concern that there had not been sufficient rationale provided for this change, and there was a general disinclination to add new fleets into a direct contract system which would invoke the SCA and may increase costs. Other members thought that adding in the BSAI fleets would delay the amendment and thus delay a better system for the GOA. In April 2004, the Council reviewed the OAC's recommendations, as well as another letter from NMFS reiterating its concerns with implementing separate observer programs in the BSAI and GOA. The Council ultimately approved both the OAC's new proposed alternatives and NMFS' program-wide alternative for consideration in the analysis.

In June 2004, the Council also approved options proposed by staff to consider a daily observer fee (as an alternative to the ex-vessel value based fee) for fisheries that require at least 100% coverage under Alternatives 6 and 7. These fisheries require individual vessel or cooperative level monitoring, and thus require at least 100% coverage as mandated by law or the provisions of their specific management program. For these fisheries, the Council approved analyzing a daily observer fee that could exactly match the costs of observer coverage, similar to how the program works today, except that NMFS would contract with the observer provider. This type of fee would mitigate the risk of falling short of coverage levels in the 100% and 200% fisheries due to revenue shortfalls. These options were incorporated to create the existing suite of alternatives and options under consideration in the analysis. A preliminary draft analysis of this suite of alternatives was last presented to the Council in December 2004.

The Council's action at this June meeting is to review the most recent preliminary draft of the analysis. The executive summary of the draft analysis, which includes the suite of alternatives and a list of primary decision points, is attached as Item C-8(b)(1). The analysis was sent to you on May 11.

Schedule

Due to additional work that needs to be completed, specifically on implementation issues, initial review will likely be scheduled for late this year or February 2006. The current program expiration is December 31, 2007. Final action to extend the current program (status quo) would be necessary by April 2007, but final action on a restructured program would likely be necessary by April 2006 for implementation by January 1, 2008.

Note that the potential for permanently extending the current pay-as-you-go program to sectors not covered by the action alternative has been incorporated in Option 8 of the analysis, such that if the Council determined at final action that some portion of the fleet should continue to be in the existing system, a new analysis and amendment would not be necessary to prevent the current program from expiring. In addition, staff will explore ways to modify Option 8 such that it would allow the Council to rollover the existing program temporarily for all sectors (including those in the new fee program) in the case that there is a lag in implementation between the time of Council final action and the program expiration of December 31, 2007.

c) Review of Observer Advisory Committee report

At the Council's request, the Observer Advisory Committee (OAC) met to review the preliminary analysis on May 12 – 13 at the Alaska Fisheries Science Center in Seattle. The draft OAC report is

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provided as Item C-8(c)(1). The committee made several minor suggestions for the analysis, such as wording changes, additions, and clarifications, that staff will attempt to incorporate for the initial review draft. The list of those suggestions is provided as Attachment 1 of the OAC report. The committee also made several recommendations related to two broad categories: 1) potential MSA reauthorization and policy issues; and 2) changes to the preliminary draft analysis, as follows:

MSA and policy recommendations:

- If any ambiguity remains about releasing non-aggregated observer data then it should be resolved under the MSA reauthorization such that non-aggregated data is classified as confidential and cannot be released. The confidentiality policy should apply whether the data is collected by a human observer or via technological monitoring.
- Request agency determination that North Pacific groundfish observers are classified as professionals (not technicians) via the memo sent from Dr. Balsiger to Dr. Hogarth (2/4/05).
- Support an amendment to the MSA that defines North Pacific groundfish observers as professionals under the Fair Labor Standards Act.
- Request that staff provide documentation and rationale on why the NPGOP should receive Federal start-up funding and/or ongoing funding. Provide this information to the committee and in the analysis.

Recommendations on the analysis:

- Provide data on the distribution of catch by vessel length for catcher processors, to determine whether there is a more appropriate threshold to determine which catcher processors need at least 100% coverage for management purposes (Tier 2).
- Provide expanded rationale in the analysis for the agency proposal to require at least 100% coverage on all catcher processors.
- Explore a more appropriate delineation between vessels classified as Tier 3 (regular coverage) and Tier 4 (infrequent coverage), other than whether observer data is currently used for inseason management. Explore a threshold based on capacity, and not whether vessels have had required coverage in the past. Make it explicit that vessels in Tier 4 can be required to carry observers at the request of NMFS.
- Provide estimates of the upper bounds of current observer costs, especially for 'short pulse' fisheries whose actual costs may exceed the calculated averages.
- The committee recommended that it convene again prior to the Council's initial review of the analysis and also prior to final action.

Report of the Scientific and Statistical Committee

In January of 2003 and at two other meetings, the SSC recommended that three studies be conducted to improve the observer program and noted that the new observer program described in the current document addresses many of the issues they raised. However, the SSC advised that the document needs substantial enhancement in a number of areas and several problems need to be resolved before the new program would be feasible. Please see the SSC Minutes, Appendix II to these minutes, for the complete text of their recommendations.

Report of the Advisory Panel

The AP endorses the recommendations of the OAC and the SSC with the following additions:

The AP disagrees with the recommendation to place all <125' CPs in tier 2. We recommend that <125' CPs be returned to tier 3 for purposes of the analysis.

The AP recommends the analysis examine whether or not coverage requirements in the CDQ fisheries should be revised to mirror those in similar non-CDQ fisheries.

The AP would also like to emphasize that without resolution of observer pay issues and estimates of costs, it is very difficult to evaluate the alternatives.

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The AP recommends further analysis of the insurance issue.

The AP recommends that 4.4.1 and 4.4.2 (tables) include values expressed as a percentage of gross revenues for all sectors.

COUNCIL DISCUSSION/ACTION

Jim Balsiger moved that the analysis should be reordered around the following five alternatives:

Alt. 1: No Action (existing program expires December 31, 2007)

Alt. 2: Permanent rollover of existing program with no change to service delivery model.

Alt. 3: New ex-vessel value fee program for GOA groundfish (vessels and processors) and all halibut. Rollover of existing program in BSAI.

Alt. 4: New ex-vessel value fee program for all Tier 3 and 4 fisheries (less than 100% coverage) in GOA and BSAI. Rollover of existing program for all Tier 1 and 2 fisheries (100% or greater coverage) in GOA and BSAI. Major decision point involves diving line between Tier 2 and Tier 3 for CPs<125' and CVs>125'.

Alt. 5: New fee program for all fisheries. Tiers 3 and 4 would be funded by ex-vessel value fee program. Tiers 1 and 2 would be funded by a daily observer fee.

The motion was seconded by Earl Krygier.

Arne Fuglvog moved to amend to include the recommendations of the Advisory Panel, Observer Advisory Committee, and the SSC. The motion was seconded by Hazel Nelson and carried without objection.

Mr. Fuglvog also encouraged the Observer Advisory Committee to meet again to review the next draft of the analysis.

The main motion, as amended, carried without objection (Krygier voting for Mecum).

Tony DeGange advised the Council that US Fish & Wildlife issued a biological opinion prepared for the halibut fishery that requires the National Marine Fisheries Service to investigate options for monitoring shorttailed albatross bycatch in the Pacific halibut fishery. There has been some work with electronic monitoring that looks promising. Ms. Madsen suggested this should be discussed in the current analysis if there is a biological opinion that is contingent on some level of observer coverage.

D. FISHERY MANAGEMENT PLANS

D-1 Groundfish Management

ACTION REQUIRED

Final action on EA/RIR/IRFA to change the TAC calculation for the other species complex in the GOA groundfish FMP

BACKGROUND

At the April 2005 meeting, the Council took initial review of a draft EA/RIR/IRFA for an amendment to modify the total allowable catch (TAC) calculation for the other species complex in the GOA groundfish FMP. Currently there is no OFL or ABC specified for the other species complex, and the TAC for the complex is fixed as 5% of the sum of the target species TACs in the GOA. Concerns were raised regarding the potential to increase the harvest of specific members of the complex, particularly following the removal of individual species to target categories.

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The other species complex currently contains the following species: squid, sculpins, sharks and octopus.

As currently configured, the other species complex is open to directed fishing up to the TAC for the complex. The other species complex TAC can be taken on any single species within the complex-wide TAC. This has caused conservation concerns given the removal of several species over time from the complex, which under the current calculation has served to increase the complex TAC by placing additional species into target categories upon which the TAC for the other species complex is based. Additionally, given the configuration of the complex, it is possible to target one member of the complex up to the full complex-level TAC, inhibiting in-season management's ability to control directed fishing within the complex, and raising concerns given the lack of available stock information on most members of the complex.

This EA/RIR/IRFA was revised following comments from the Council and the SSC and was released for public review in April 2005. The analysis for this proposed amendment was mailed to you on April 25th and is attached as D-1(a).

The following three alternatives, including one sub-option, are examined in the analysis:

Alternative 1: Status Quo. TAC for the other species complex is fixed at 5% of the sum of the target groundfish TACs.

Alternative 2: Set the other species complex TAC at less than or equal to 5% of the sum of the target species TACs.

Alternative 3: Set the other species complex TAC at a level anticipated to meet incidental catch in other directed fisheries throughout the fishing year.

Sub-option: Revise the maximum retainable amount for the other species complex by fishery.

Under Alternatives 2 and 3, the Council would be able to set TAC at lower levels than under Alternative 1. Under Alternative 2, the TAC would be set below 5%, and the opportunity could be provided to allow for limited directed fishing within the complex. Under Alternative 3, the TAC would also be set below 5%, but would be specifically established to meet only incidental catch needs in other directed fisheries. Under this alternative, there would be no directed fishing allowed in the other species complex.

This action is considered to be an interim measure as we work towards the development for a longer term FMP amendment to revise the management strategy for non-targeted groundfish species, which is being developed by the Council's Non-target Species Committee. The immediate and cumulative effects are rated as insignificant for all the components of the GOA ecosystem for all of the alternatives considered.

At this meeting, the Council will need to select its preferred alternative and MRA sub-option from the suite of alternatives presented in the analysis. This EA/RIR/IRFA is presented for Final Action at this meeting, such that regulatory changes may be in place in time for the 2006 specification process.

Report of the Scientific and Statistical Committee

The SSC noted that the analysis indicates that if a single species within the Other Species complex should become the target of a directed fishery, that targeted species could suffer negative long-term effects. To support the argument that fishing to date has not caused any long-term impact on any of the species in the complex, the SSC suggested that the Secretarial Review Draft of the amendment include available data showing time-trends in biomass for those species in the complex for which such estimates are available (e.g., sculpins). The SSC noted that the proposed amendment is an interim measure pending development

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of a new amendment that will break individual species in the BSAI and GOA out from the Other Species complex so that OFL and ABC by species can be developed. The SSC believes that Alternatives 2 and 3 provide the Council with the flexibility to respond to the development of new directed fisheries on species in the complex.

Report of the Advisory Panel

The Advisory Panel recommended the Council adopt Alternative 2, Suboption B as its preferred alternative to change the TAC calculation for the other species complex in the GOA groundfish FMP.

COUNCIL DISCUSSION/ACTION

Staff was asked whether the suggestion of the SSC to include data showing time trends in biomass for those species in the other species complex could be addressed. Diana Stram responded that it would be addressed to the extent possible.

Dave Benson moved to approve the recommendation of the Advisory Panel. The motion was seconded and carried unanimously (Krygier voting for Mecum; Rasmuson absent).

In support of the motion, Mr. Benson pointed out that this alternative is part of several alternatives that are intended as short-term solutions with the understanding that a more comprehensive amendment package is planned to consider a broader range of alternatives to modify the management of target and non-target species in both the GOA and Bering Sea.

D-2 Crab Management

ACTION REQUIRED

- a) **Crab Plan Team Report**
- b) **Update on Crab overfishing amendment progress (SSC only)**

BACKGROUND

The Crab Plan Team met on May 16-18th, 2005 in Seattle, WA to review the 2004 crab fisheries and discuss summer research plans and other relevant issues for the team. The agenda from the meeting is attached as Item D-2(a). Draft minutes from the meeting are attached as Item D-2(b). In addition to other items contained in the meeting minutes, the team discussed at length a white paper produced by NMFS in response to concerns regarding the estimates of snow crab abundance. This paper is attached as Item D-2(c). The Crab Plan Team minutes detail relevant portions of the discussion regarding the points raised in the paper. The team also revised their Terms of Reference. The revised Terms of Reference are attached as Item D-2(d). The team also discussed the State/Federal Action plan (attached as Item D-2(e)). Suggestions by the team on revisions to this action plan are contained in the plan team minutes.

An update on the on-going work to revise the overfishing definitions for crab stocks in the BSAI crab FMP will be provided to the SSC. Currently this amendment is scheduled for initial review by the Council in April 2006.

Report of the Scientific and Statistical Committee

After receiving reports on Plan Team activities, the SSC provided the following comments:

- Regarding the Plan Team's concerns relative to compliance with OMB guidelines for peer review given the tight time lines required for estimation of annual TACs for crab stocks, the SSC

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recommended that the Plan Team document the issues associated with implementation of peer reviews under short time lines imposed by the timing of the survey and opening of the fishing season and that the Team seek guidance from the Council regarding resolution of the issues of concern.

- Regarding difficulties with the stock assessment cycle, the SSC recommended that stock assessment authors evaluate the possibility of setting annual (or interim annual) TACs using one-year-old data.
- Given the Plan Teams plans to review the snow crab assessment model in Spring 2006, the SSC requested that the Plan Team present to the SSC a summary of their review, as well as the 2003 CIE review of the snow crab model at the June 2006 meeting.
- The SSC encourages a meeting between State, Federal and Council representatives to discuss a time line and priority list for providing assessment information to the Plan Team.
- The SSC notes that the several members of the current Plan Team are also stock assessment authors and that it might be useful to add additional members with stock assessment and other needed expertise to strengthen the peer review process of the Plan Team.

The **Advisory Panel** did not address this agenda issue because of a lack of time.

COUNCIL DISCUSSION/ACTION

Dennis Austin suggested that the Plan Team consider peer review of methodology, rather than specific numbers, to alleviate the timing problem described by staff and addressed by the SSC.

Jim Balsiger moved to approve the Crab Plan Team Terms of Reference as amended by the Team, with the addition of two words in Section (c) (Peer Review). The section would be amended to read: “The plan team deliberations shall constitute part of the peer review process specified by current OMB policies provided that members directly involved in the production of a scientific product being deliberated recuse themselves from the review.” The motion was seconded and carried without objection. (Krygier voting for Mecum, Rasmuson absent).

Earl Krygier moved that the Council request ADF&G to address the SSC recommendation for a meeting between State, Federal and Council representatives to discuss a time line and priority list for providing assessment information to the Plan Team. The motion was seconded and carried without objection (Krygier voting for Mecum; Rasmuson absent).

D-3 Ecosystem Management

ACTION REQUIRED

- **Review AI Area-Specific Management Discussion paper, and take action as appropriate**
- **Review Discussion Paper on the Council’s role in EAM, and take action as appropriate**

BACKGROUND

- (a) Review AI Area-Specific Management Discussion paper, and take action as appropriate**

The discussion paper examines the biological, social, economic, and management issues specific to the Aleutian Islands area, and provides options for designating the area as a separate FMP, as a

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special management area, or potentially developing an ecosystem-based plan for this region. The discussion paper was prepared in response to a Council request in June 2004.

A preliminary version of the discussion paper was presented to the Council in February 2005. At the February 2005 meeting, the Council directed its Ecosystem Committee to provide recommendations on this discussion paper, and whether area-specific management for the Aleutian Islands should be pursued. Based on interactions with the Committee, staff has revised the discussion paper. The revised discussion paper was mailed to the Council in early May, and is attached here as Item D-3(a). The Ecosystem Committee will provide its recommendations to the Council at this meeting.

The options discussed in this paper follow along the lines of an ecosystem approach to fisheries (EAF). The EAF concept recognizes the interconnectedness among ecological, institutional, economic, and social systems, and seeks to manage fisheries with a consciousness of these interactions. Many of the acknowledged elements of an ecosystem approach to fisheries are already considered as part of the Council's approach to management. However, national initiatives have recommended moving further along this path, and NOAA Fisheries is in the process of developing guidelines to encourage consideration of ecosystem-based fishery management by the Councils. Given the prevailing climate, the Council may wish to begin developing its own explicit ecosystem initiatives while it still has the flexibility to design them.

If the Council wishes to continue pursuing area-specific management in the Aleutian Islands, the Council may wish to develop a purpose and need statement for the action. The motivation for selecting the Aleutian Islands region as a candidate for area-specific management, based partly on its unique features and characteristics, is discussed in the paper; however, a clear statement of what area-specific management is intended to achieve has not yet been developed. The discussion paper proposes two ways to conceive of what the Council may wish to achieve. Although the two characterizations are closely related, they frame somewhat different purpose statements. Is the purpose of the Aleutian Islands action to provide an opportunity for the Council to move forward with an ecosystem approach to fisheries in the North Pacific, or is the purpose of the action to recognize and address the uniqueness of the Aleutian Islands area? Either of these purposes would forward the Council on a path toward implementing some kind of ecosystem-based fishery management in the Aleutians, by developing one of the options discussed in the paper.

To initiate further action on this issue, the Council may find that the information provided in the discussion paper is sufficient to support a decision on a course of action. In this case, the Council could direct staff to proceed with the development and analysis of one of the options, an AI Groundfish FMP, a BSAI Groundfish amendment to designate a Special Management Area, or the development of an Aleutian Islands Fishery Ecosystem Plan. Alternatively, the Council may decide to initiate an analysis of multiple options. In that case, staff would proceed with developing each option but in a framework fashion, until such time as the Council is ready to make a decision. In both scenarios, development of the options will require multiple Council meetings, expert agency and public input, and potentially a NEPA process to implement.

(b) Review Discussion Paper on the Council's role in EAM, and take action as appropriate

The Council's Ecosystem Committee was reconstituted in December 2004, among other things, in order to assist the Council in shaping the Council's position relative to the structure and Council role in potential regional ecosystem councils. Staff prepared a discussion paper for the Committee, attached here as Item D-3(b)(1), which addresses this issue. The Ecosystem Committee provided recommendations to the Council on the staff discussion paper at the April 2005 meeting. These recommendations are attached as Item D-3(b)(2).

Voluntary ecosystem councils have been proposed nationally as part of an ecosystem approach to management (EAM). EAM is a NOAA-wide initiative that is intended to consider and manage all aspects of marine ecosystems. NOAA has identified ten large marine ecosystems (LMEs) nation-

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wide, at which level performance measures for determining and monitoring ecosystem health will be applied. Three of these LMEs are in Alaska: the Arctic, the Bering Sea, and the Gulf of Alaska.

EAM differs from an ecosystem approach to fisheries (EAF) in that it is a broad approach that focuses on the ecosystem area and the relative role of all activities occurring within it. Under an EAF, managers are trying to account for the ecosystem in fishery management decisions, focusing specifically on fishery impacts. EAM provides a mechanism for coordinating all activities in the ecosystem area to achieve an overall goal of ecosystem sustainability and productivity.

Although ecosystem councils have been discussed nationally, a specific governance structure for an EAM has not been decided upon. NOAA has indicated that the ecosystem councils would be voluntary, however. As a result, the likely role of an ecosystem council would be to provide a process for communication and exchange of information among the various stakeholders of the ecosystem area, and a mechanism for each responsible authority to understand the impacts of agency actions on other agencies' activities.

The Ecosystem Committee's recommendation is that the Council consider co-hosting a workshop to explore the possibility of setting up a pilot ecosystem council for the Aleutian Islands ecosystem area. The proposed co-hosts would be NOAA Fisheries and the State of Alaska. The workshop would enable the idea of the ecosystem council to be developed in an open forum, with participation by collaborating agencies and stakeholders. In general, the workshop would explore the creation of an independent ecosystem council whose membership would consist of representatives of agencies or organizations with jurisdiction over the ecosystem area to be managed. This group would be advised by a science panel and a subgroup composed of stakeholders in the area, potentially to include agency technical staff, industry representatives (commercial fishing, shipping, etc.), Native and community representatives, environmental representatives, and other appropriate parties.

Although the Aleutian Islands is not one of the ten LMEs proposed by NOAA, the LME concept recognizes that special management may be required for distinct marine ecosystem subregions. Identifying the Aleutian Islands as a distinct subregion is therefore compatible with the LME concept.

Both issues under this agenda item, D-3(a) and D-3(b), propose ecosystem actions for the Aleutian Islands. Although these actions are somewhat related, in fact the initiatives would operate at very different scales. The distinction between the EAF and EAM Aleutian Islands initiatives, and how they interact with each other, are further discussed in Item D-3(b)(3).

Neither the Scientific and Statistical Committee nor the Advisory Panel were able to address this agenda item because of time constraints.

COUNCIL DISCUSSION/ACTION

[NOTE: All votes taken during this agenda issue include Earl Krygier voting for Doug Mecum, and note the absence of Mr. Rasmuson from the meeting.]

Earl Krygier moved to approve the Purpose and Needs Statement as recommended by the Ecosystem Committee for an Aleutian Islands area-specific management area:

The Council recognizes that an explicit Ecosystem Approach to Fisheries (EAF) is a desirable process for future management of the marine fishery resources in the Alaskan EEZ and therefore is a concept that it wishes to continue to pursue and further implement. A primary component of an EAF is the development of ecosystem-based fishery planning documents, and the Council intends to move forward with such development on a pilot basis. The Council recognizes that the Aleutian Islands ecosystem is a unique environment that supports diverse and abundant marine life, and a human presence that is

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closely tied to the environment and its resources. The Council believes that in light of these features, EAF could be a useful guide for future fishery management decisions in the Aleutian Islands area. Adopting an ecosystem approach to fisheries in the Aleutian Islands could allow the Council to better focus on the unique features of and interactions within the Aleutian Islands ecosystem area.

The motion was seconded by Hazel Nelson.

Dennis Austin took exception to the word 'future' in the second line of the statement, pointing out that the Council has always practiced the ecosystem approach. **Mr. Austin moved to delete the word 'future'.** The motion was seconded and carried without objection.

Arne Fuglvog moved to replace the words 'Adopting an' (ecosystem approach) in the last sentence with the words 'Enhancing our current' (ecosystem approach). The motion was seconded and carried without objection.

The Purpose and Needs Statement, as amended, carried without objection.

With regard to shaping the Council's position relative to the structure and Council role in potential regional ecosystem councils, **Earl Krygier moved to adopt the working structure as shown in Figure 3 provided in the staff discussion paper – "Setting up an ecosystem council with support from the NPFMC, NOAA Fisheries, and the State of Alaska."** The motion was seconded and carried without objection. It was further clarified that the intent is to also endorse moving forward in terms of contacting other entities and developing a workshop as recommended by the Ecosystem Committee.

During Council discussion of a proposed Ecosystem Council, NOAA GC asked whether the Ecosystem Committee discussed FACA (Federal Advisory Committee Act) issues. Ms. Madsen responded that it was not discussed, but it would be a good idea for General Counsel to investigate the subject. It's also a subject that should be discussed in the proposed workshop.

The final Purpose and Needs Statement and the table containing the working structure for an ecosystem council are found in Appendix VII to these minutes

During discussion of the staff Discussion Paper, Mr. Bundy pointed out that in Table 1 on page 3 of the paper, he would object to the term "advocacy science," because advocacy is not science in his opinion. Staff advised that the table was taken from a FAO document, not developed in house. Ms. Madsen pointed out that this is a draft document and that perhaps a footnote could be added to indicate the Council does not agree with this term.

Arne Fuglvog moved to adopt the Ecosystem Committee's recommendation to proceed with development of an Aleutian Islands Fishery Ecosystem Plan. The motion was seconded and carried without objection.

D-4 Staff Tasking

ACTION REQUIRED

- **Review tasking and committees and provide direction**
- **Groundfish Management Policy and Workplan**

BACKGROUND

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(a) Review tasking and committees and provide direction

The list of Council committees is attached as Item D-4(a)(1). Item D-4(a)(2) is the three meeting outlook, and Item D-4(a)(3) and Item D-4(a)(4) are the summary of current projects, timelines, and tasking. The Council may wish to discuss tasking priorities to address previously tasked projects that have not yet been initiated, and potential additions discussed at this meeting, given resources necessary to complete existing priority projects. Further, our 'normal' amendment cycle begins with a call for proposals in June. The Council may want to discuss whether to go out with a call for proposals to amend the FMP or regulations, and if so, consider focusing on specific issues related to the programmatic goals and objectives of the groundfish FMPs (see below).

(b) Groundfish management policy and workplan

In adopting the revised management policy for the groundfish FMPs in April 2004, the Council committed to conduct an annual review of the forty-five objectives that are part of the management policy. Specifically, the FMP language reads:

Adaptive management requires regular and periodic review. Objectives identified in the management policy statement (Section 2.2) will be reviewed annually by the Council. The Council will also review, modify, eliminate, or consider new issues, as appropriate, to best carry out the goals and objectives of the management policy.

The management approach statement and the 45 objectives are included in the FMP, and are attached as Item D-4(b)(1).

In June 2004, the Council developed a workplan to bring groundfish management in line with its revised management policy. 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-4(b)(2).

At this meeting, the Council is scheduled to review the policy objectives. Item D-4(b)(3) provides a summary of the objectives which may help the review.

Any additions, deletions, or modification to the objectives will require an FMP amendment. The type of NEPA document that would be required to support any change to the objectives will depend on the nature of the change; we would need to determine whether the suggested change has already been analyzed in the PSEIS, and if so, whether there were any significant environmental effects associated with the action.

The Council is also scheduled to redevelop the workplan, as necessary. Some of the items on the workplan have been achieved; the revised workplan might replace these items with other emerging priorities from the management policy.

Neither the Scientific and Statistical Committee nor the Advisory Panel addressed this agenda item because of time constraints.

COUNCIL DISCUSSION/ACTION

[NOTE: All votes taken during this agenda issue include Earl Krygier voting for Doug Mecum, and note the absence of Mr. Rasmuson from the meeting.]

Jim Balsiger provided the Council with a request received from an IFQ holder being deployed to Iraq with the National Guard asking for permission to have someone else fish his IFQs while he's away. Dr.

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Balsiger advised that under current regulations there is no way to accommodate his request, but suggested the Council may want to discuss some kind of relief for similar situations in the future.

Arne Fuglvog moved to advise NMFS that the Council recognizes this as a legitimate emergency and encourages the Agency to pursue a solution, including an emergency rule if necessary, to allow this person's quota to be fished this year. The motion was seconded.

Council members feel this is an economic emergency in order to allow the quota holder to maintain his family income while serving in Iraq.

Additionally, Ms. Madsen suggested that the first step might be for the Agency to look into any military protection law that may apply and if there is no relief, then the Agency should pursue an emergency rule. Also, Mr. Bundy pointed out that perhaps Senator Murkowski should be contacted because Congress does have the power to give immediate relief through legislation.

During discussion it was noted that the Council has already acted on an emergency medical transfer provision for the IFQ program and it may be possible to insert this type of provision if the amendment isn't too far along in the process. Mr. Fuglvog asked staff to look into the possibility of doing that.

It was also suggested that it might be considered along with the current omnibus amendment package being prepared.

The motion, as amended, carried with Balsiger objecting (as Assistant Administrator for Fisheries, he is required to vote no on emergency rule requests).

Cape Sarachef Closure

The Council was advised earlier in the meeting that research in the Cape Sarachef has been completed and that the closure for 2006 is no longer necessary.

John Bundy moved to request NMFS pursue rulemaking to remove the closure on Cape Sarachef. The motion was seconded and carried without objection.

Call for Proposals

The Council discussed whether or not to issue a formal call for proposals for amendments to groundfish fishery management plans. It was suggested that the Council wait until October to determine whether to issue a call for proposals, considering there are several other major projects still in process.

Amendment 79

Based on discussions earlier in the meeting, **John Bundy moved that the Council recommend to NMFS that the Final Rule under Amendment 79 be made effective at the beginning of 2007 at the 65% retention level.** The motion was carried with Hyder objecting.

'A' Season Start Date

John Bundy moved that the Council staff begin analysis of a shift in the Eastern Bering Sea pollock 'A' season by adjusting the start and end dates 5 days earlier. The motion was seconded and carried with Nelson objecting.

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This action was initiated as a result of a letter submitted by United Catcher Boats and At-Sea Processors Association.

During discussion, it was clarified that staff should identify issues, e.g., roe maturation, sea lion implications, and impacts on other fisheries via a discussion paper for a preliminary review by the Council in October.

The issue of 'process' was brought up by Dr. Balsiger who pointed out that the Council had declined to issue a call for new proposals, but were now addressing one with this motion. Council members indicated that further discussion on the issue of new proposals is needed and perhaps that can be scheduled for October.

Mr. Hyder pointed out that the Enforcement Committee could perhaps do a better job if committee members are brought into the amendment process earlier so additional safety and enforcement issues could be identified and addressed earlier in the process. These comments are included in the Enforcement Committee's minutes.

VMS

Dennis Austin moved:

- A. The council recommends that the NMFS not require vessels, with federal fisheries permits (FFPs) or federal crab vessel permits (FCVPs) to operate a VMS unit while operating with fixed gear onboard in the GOA management area. (this would not change the VMS requirement under SSL regulations for Pacific Cod, Atka Mackerel and Pollock)**
- B. The Council requests NMFS develop an analysis of alternatives for applying VMS to BSAI and GOA in a manner that meets enforcement, management, and safety objectives that have been articulated by NMFS and the U.S. Coast Guard.**

The motion was seconded by Arne Fuglvog and carried unanimously.

ADJOURNMENT

Chair Stephanie Madsen adjourned the meeting at 10:58 a.m. on Thursday, June 9, 2005.

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APPENDICES:

- I. List of Persons Giving Public Comment
- II. Minutes of the Scientific and Statistical Committee
- III. Minutes of the Advisory Panel
- IV. GOA Rockfish Demonstration Project – Motion & Supporting Comments
- V. Krygier Motion, IR/IU
- VI. Salveson Motion, IR/IU
- VII. Ecosystem Management – Final Council Action; Proposed Ecosystem Council Structure