

North Pacific Fishery Management Council

David Benton, Chairman
Clarence Pautzke, Executive Director



605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Telephone: (907) 271-2809

Fax: (907) 271-2817

Visit our website: <http://www.fakr.noaa.gov/npfmc>

Certified _____

David Benton, Chairman

Date _____

DRAFT MINUTES

**153rd Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
October 3-8, 2001
Seattle, Washington**

The North Pacific Fishery Management Council met October 3-8, 2001 at the Doubletree Hotel-Seattle Airport, in Seattle, Washington. The Scientific and Statistical Committee met October 1-2, and the Advisory Panel met October 1-5, at the same location. The following members of the Council, staff, SSC and AP attended the meetings.

Council

David Benton, Chairman
Stosh Anderson
Jim Balsiger
John Bundy
Anthony DeGange for David Allen
Kevin Duffy for Frank Rue
Dave Hanson

Dennis Austin, Vice Chair
David Fluharty
Roy Hyder for Lindsay Ball
Stephanie Madsen
CAPT Richard Preston for RADM Barrett
Robert Penney
H. Robin Samuelsen, Jr.

NPFMC Staff

Clarence Pautzke, Executive Director
Chris Oliver, Deputy Director
Darrell Brannan
Cathy Coon
Jane DiCosimo
Elaine Dinneford

Mark Fina
Nicole Kimball
David Witherell
Helen Allen
Gail Bendixen
Maria Shawback

**MINUTES
NPFMC MEETING
OCTOBER 2001**

Support Staff

Lauren Smoker, NOAA-GCAK
Lisa Lindeman, NOAA-GCAK
Sue Salveson, NMFS-AKR
Earl Krygier, ADFG
Jay Ginter, NMFS-AKR
Herman Savikko, ADFG
Jeff Passer, NMFS-Enforcement
Tamra Faris, NMFS-AKR

Doug Demaster, NMFS-NMML
Michael Payne, NMFS-AKR
Shane Capron, NMFS-AKR
Cindy Hartmann, NMFS-AKR
Obren Davis, NMFS-AKR

Scientific and Statistical Committee

Richard Marasco, Chair
Steve Berkeley
Keith Criddle
Doug Eggers
Steve Hare
Jeff Hartman
Mark Herrmann

Jack Tagart, Vice Chair
Sue Hills
George Hunt, Jr.
Dan Kimura
Ken Pitcher
Al Tyler

Advisory Panel

Dave Benson
Dave Boisseau
Al Burch
Craig Cross
Ben Ellis
Dan Falvey, Co-Vice Chair
Lance Farr

Duncan Fields
Dave Fraser
Arne Fuglvog, , Co-Vice Chair
Spike Jones
Teresa Kandianis
Tracey Mayhew
Hazel Nelson

Kris Norosz
Michelle Ridgway
Jeff Steele
Jeff Stephan
Bob Ward
Lyle Yeck

Other Attendees

The following people signed the attendance register:

Brent Paine
Mike Szymanski
Joe Childers
Steve Hughes
Mark Lundsten
Luci Roberts
Simeon Swetzof, Jr.
Bill Atkinson
Heather McCarty
John Henderschedt
Robert Mikol
Marcus Alden
Glenn Reed
Barbara McIntosh
Craig Cross
Shari Gross
Jim Storey

David Stroud
Bill Jacobson
CAPT Vince O'Shea
Bill Hayo
Steven Patterson
Frank Kelty
Kristian Uri
Jack Hill
Michelle Ridgeway
John Iani
Jim Paulin
Arni Thomson
Ruel Holmberg, Sr.
Robert Russo
Thorn Smith
Stephen Taufen
Julie Bonney

Kathy Kuletz
Donna Parker
Phillip Lestenkoff

**MINUTES
NPFMC MEETING
OCTOBER 2001**

A list of those who provided public comment during the meeting is found in Appendix I to these minutes.

A. CALL TO ORDER/APPROVAL OF AGENDA/MINUTES OF PREVIOUS MEETING(S)

Chairman David Benton called the meeting to order at approximately 8:05 a.m. on Wednesday, October 3, 2001. Mr. Benton introduced Roy Hyder, the new Council designee for Oregon.

Agenda.: The agenda was approved as submitted.

Approval of Minutes: Stephanie Madsen moved to approve the minutes of the April and June 2001 meetings. The motion was seconded and carried with Anderson and Hyder abstaining.

B. REPORTS

Clarence Pautzke gave the Executive Director's report (B-1) and Chris Oliver gave an update on staff tasking. Under the new policy on reports, the NMFS fisheries management report (B-2) was provided at the beginning the meeting, while other reports were scheduled toward the end of the meeting. The Council was provided with written reports for Agenda items B-3 and B-4 (Alaska Department of Fish and Game report, and Enforcement reports). Although the Coast Guard Enforcement report was provided early in the meeting, the NMFS Enforcement Report was given toward the end of the meeting and the oral report from ADF&G was waived. The Council also received a briefing on a petition under the Endangered Species Act to reevaluate critical habitat for the Northern right whale. NMFS has determined that the petition presents substantial scientific information indicating that the requested action may be warranted and will proceed with an assessment to determine whether the revision of critical habitat is determinable and prudent. The Council will receive an update in December.

DISCUSSIONS/ACTION RESULTING FROM REPORTS

Executive Director's Report. Kevin Duffy brought up the subject of meeting locations. Council members were advised that beginning in 2003, the Council will meet in downtown Seattle in February and in Anchorage in October. This change in schedule will make it easier to find meeting space in downtown Seattle. Contracts have already been signed for Anchorage meetings through 2005.

C. NEW AND CONTINUING BUSINESS

C-1 Halibut Charter IFQ Program

ACTION REQUIRED

Consider rescinding final action previously taken in April 2001, and take additional steps as appropriate.

BACKGROUND

Summary of past action. The Council approved an individual fishing quota (IFQ) program for the halibut charter fleet in Southeast and Southcentral Alaska on April 14, 2001. This decision culminated eight years of debate and over 8,000 comments on managing the charter halibut fishery. If approved by the Secretary of Commerce, the IFQ program would replace the guideline harvest level (GHL) program, which was approved by the Council in February 2000, and recently submitted for Secretarial review. No new information is available on this issue.

**MINUTES
NPFMC MEETING
OCTOBER 2001**

In June, the State of Alaska representative on the Council notified the Council of his plan to move to rescind the Council's April 2001 motion approving a halibut charter IFQ program. As a result, this issue was placed on the agenda for this meeting. The State's position on the halibut charter IFQ/moratorium issue is attached as Item C-1(a). Major features of the adopted program are summarized in Item C-1(b). The preferred alternative adopted by the Council is attached as Item C-1(c), and the suite of alternatives that were before the Council during final action is under Item C-1(d). A reference copy of the complete analysis is available.

Future work. The revisions necessary to submit the halibut charter IFQ EA/RIR/IRFA to the Secretary have not been completed due to necessary revisions to the halibut GHL EA/RIR/IRFA, the halibut subsistence EA/RIR, and another groundfish analysis. Additional staff work also will be required to support a proposed Charter IFQ Implementation Team comprised of industry representatives. The committee will be charged with recommending appropriate recordkeeping and reporting requirements for implementing the charter IFQ program. Staff also will support an agency implementation team, which also will recommend the implementation and enforcement design of the new program in conjunction with the industry committee. Last, the Council will initiate a trailing amendment to develop an implementation plan for the community set-aside program which was part of the original action, upon approval of the charter IFQ program by the Secretary.

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

DISCUSSION/ACTION

Council member Kevin Duffy offered the following statement of the State's position on the Halibut Charter IFQ program:

The State does not support the implementation of an IFQ program for Alaska's halibut charter fishery, and therefore is pursuing a rescission of the April, 2001 Council decision. The State supports the implementation of the guideline harvest level (GHL) regulations that were adopted by the Council in February 2000.

Under the GHL regulations, the charter fleets in Southeast and Southcentral Alaska receive 125 percent of their average harvest estimates between 1995 and 1999. No restrictions are to be implemented until the charter harvest exceeds these threshold levels. If the GHL is exceeded, harvest restrictions will be implemented the following season, or two seasons later, depending on how much the GHL is exceeded.

Based on harvest and effort trends in the charter fishery during recent years the State believes that regulations within the GHL program may be adequate to address future growth in the harvest of halibut in the charter fishery. However, as an added measure of protection, the State believes the Council should adopt a moratorium at this time to restrict new entrants into the halibut charter fishery.

The State also supports an expedited and time certain local area management planning (LAMP) process by the Alaska Board of Fisheries to address localized deletion and user group conflicts. The State would encourage the Board to complete this process and report back to the Council by February 2003 or earlier if possible.

Ed Dersham, Alaska Board of Fisheries, updated the Council on Board activities with respect to halibut subsistence and the LAMP process. In April 2001, a committee of three Board members held meetings in several different locations. Now that additional Federal funding has been made available to further the LAMP process, the Board Committee will hold several public meetings to continue the work on LAMPs. The Board

**MINUTES
NPFMC MEETING
OCTOBER 2001**

will also consider hiring a facilitator for the Cook Inlet and Prince William Sound areas to further the process.

Lisa Lindeman, NOAA General Counsel, reaffirmed the NOAA GC opinion that the Congressional moratorium on new IFQ programs does not apply to the charter halibut IFQ program because halibut is managed under the North Pacific Halibut Act, not the Magnuson-Stevens Act.

After hearing public comments, Kevin Duffy moved the following:

The State moves to rescind the April 2001 Council decision to approve Alternative 2, “include the halibut charter sector in the existing halibut IFQ program.” The motion was seconded by Robin Samuelsen.

In support of the motion, Mr. Duffy suggested that the Council may have moved too quickly in approving an IFQ program for the halibut charter industry. The State position is that the GHL combined with a moratorium is sufficient to restrain any excessive escalation of charter harvests and that there are better methods of addressing the issues in the problem statement. The State also feels that the IFQ program violates the spirit of the Magnuson-Stevens moratorium on new IFQ programs.

Other State concerns include the fact that the program is extremely complex and has been untested in recreational fisheries, that there is a high likelihood of unintended consequences, that the availability of charter services could decrease substantially over time, and that the cost of charters will increase. Also, there is concern over the impact on Alaska’s coastal communities if quota shares migrate between ports impacting tourism in some communities.

Mr. Samuelsen spoke against the motion, pointing out that the Council has spent a great deal of time on this issue and that the industry has worked hard to come up with a solution that was acceptable. In his opinion, the program is a start; there will be refinements and adjustments needed, just as there were under the commercial sablefish and halibut IFQ program after its implementation. Mr. Samuelsen reminded Council members of the many comments received during the process, both in writing, and in person. With regard to protecting coastal communities, he also pointed out that the Council has made provisions based on recommendations from the industry and coastal community representatives. Mr. Samuelsen stressed that this is an industry-initiated program, developed through extensive industry participation, including representatives from the commercial and charter sectors, as well as from the sport angler sector.

Mr. Penney spoke in favor of the motion to rescind, saying that this is strictly an allocation issue brought forward by the commercial industry. He cited the opposition of the Alaska legislative leadership as well as the Governor, Alaska Board of Fisheries, and major sportfishing organizations in the State. Mr. Penney suggested several methods of reducing harvest, if necessary, in the charter fishery that could be done quickly, i.e., eliminating the ability of crew to fish during a charter operation, requiring retention of hooked fish, and setting an annual limit per individual. Mr. Penney also believes that the program is in violation of the Magnuson-Stevens moratorium on new IFQ programs.

The motion failed, 6 to 5, with Duffy, Hyder, Madsen, Penney, and Benton voting in favor.

Dennis Austin brought up a letter in the public comments packet from the Department of the Army which has a facility in Seward that offers charters to military personnel. Council staff was asked to follow up and report back to the Council in December if there is a problem the Council should address.

**MINUTES
NPFMC MEETING
OCTOBER 2001**

C-2 Steller Sea Lion Measures

ACTION REQUIRED

- (a) Receive final report from the independent review team.
- (b) Receive staff reports on the draft SEIS and the draft Biological Opinion.
- (c) Take final action to identify the preferred Alternative and recommend emergency rules for the 2002 fisheries.

BACKGROUND

(a) Independent review

Two reviews of the Biological Opinion and its underlying science have been contracted by the Council using our special SSL funding: the National Academy of Science (NAS) review and a short-term review by an independent team of scientists. The short-term review has been completed by the review team. Members of that review team are (1) Dr. Don Bowen (Chair) from the Bedford Institute of Oceanography, DFO, Nova Scotia; (2) Dr. Dan Goodman, Systems Ecologist, Department of Biology, MSU; (3) Dr. John Harwood, Sea Mammal Research Unit of the Gatty Marine Lab, University of St. Andrews, Scotland; and, (4) Dr. Gordon Swartzman, School of Fisheries and Center for Quantitative Science, UW. Team members will be on hand at this meeting to report on their findings.

(b) Draft SEIS and Biological Opinion

In September, the Council reviewed the draft Supplemental Environmental Impact Statement (DSEIS) on Steller sea lion protection measures, together with a draft biological opinion (BiOp). The DSEIS evaluated five alternatives to modify fisheries in such a way that the fisheries neither jeopardized the continued existence of Steller sea lions, nor modified their critical habitat. The National Marine Fisheries Service had tentatively identified Alternative 4, the area and fishery specific approach, as the preferred alternative. This was the alternative originally proposed by the Council's RPA Committee. The draft biological opinion, pursuant to the Endangered Species Act Section 7, concluded that the proposed action implemented by this alternative would not be likely to cause jeopardy or adverse modification. The DSEIS and biological opinion are available on the NMFS Alaska region website (www.fakr.noaa.gov).

The Council, during its review in September, adopted Alternative 4 (with additional clarifications and details) as its preliminary preferred alternative. The Council added several clarifying details for Alternative 4, along with revisions and additional information to be included in the final SEIS and BiOp, as recommended by the Advisory Panel and Scientific and Statistical Committee. Staff will report on how those recommendations have been addressed prior to the Council adopting a final preferred alternative.

A brief list of the alternatives is provided below, with more thorough descriptions in section 2.3 of the draft SEIS.

- Alternative 1** No action. Regulatory measures implemented by emergency rule, and designed to protect Steller sea lions, would expire. Note this alternative is presumed to violate the Endangered Species Act.
- Alternative 2** The low and slow approach. This alternative is derived from the Draft Programmatic SEIS for the Alaska groundfish fisheries (NMFS 2001a). Essentially, the approach is to establish lower total allowable catch levels (TACs) for pollock, Pacific cod, and Atka mackerel, prohibit trawling in critical habitat, and implement measures to spread out catches through the year.

Alternative 3 The restricted and closed area approach. This alternative is the RPA detailed in the November 30, 2000, Biological Opinion. Essential elements of this approach are to establish large areas of critical habitat where fishing for pollock, Pacific cod, and Atka mackerel is prohibited, and to restrict catch levels in remaining critical habitat areas.

Alternative 4 The area and fishery specific approach. This alternative was developed by the Council's RPA Committee. This approach allows for different types of management measures in the three areas (AI, BS, and GOA). Essential measures include fishery specific closed areas around rookeries and haulouts, together with seasons and catch apportionments. Three options for closure areas are examined for this alternative.

Option 1: Chignik small boat exemption.

Option 2: Unalaska small boat exemption.

Option 3: Gear specific zones for GOA Pacific cod fisheries.

Alternative 5 The critical habitat catch limit approach. This alternative is derived from the suite of RPA measures that were in place for the 2000 pollock and Atka mackerel fisheries, and measures considered for the Pacific cod fishery that include seasonal apportionments and harvest limits within critical habitat. Essentially, this alternative limits the amount of catch within critical habitat to be in proportion to estimated fish biomass.

Report of the Scientific and Statistical Committee

The SSC had extensive comments regarding the Independent Review Team's report and the revisions to the DSEIS. Please see the SSC's minutes (Appendix II to these minutes) for the entire report.

Report of the Advisory Panel

The Advisory Panel agreed that the recommendations of the RPA Committee provide the best available basis for addressing the mandates of the ESA and the MSFCMA, and recommended the Council approve Alternative 4, with some clarifications. (Please see the AP Minutes, Appendix III to these minutes, for specific recommendations.)

DISCUSSION/ACTION

The Council received several staff reports on updated sections and additions to the DSEIS provided in September, and the final report of the Council's Independent Review Team on the November 30, 2000 BiOp. The Independent Review Team's report also contained comments on experimental designs, telemetry data, and jeopardy calculations.

Kevin Duffy moved the following:

To adopt Alternative 4 as described in the action memo attached to Agenda item C-2, titled "Revised Description of Alternative 4, based on September 2001 Council action" (pages 2-26 through 2-36), with the following modifications:

- 1) Page 2-28, Applicable to BSAI Atka mackerel fisheries: (second bullet)**

**MINUTES
NPFMC MEETING
OCTOBER 2001**

”TAC would be further apportioned inside and outside critical habitat, with 50% inside and 50% outside. A trailing amendment would analyze a stepped increased percent change to 60%/40% inside/outside critical habitat in the next year and 70%/30% in the year after.”

- 2) Page 2-32, Exclude Options 1 and 3, Include Option 2: Unalaska small boat exemption for Pacific cod. This would establish a fishing zone in the Dutch Harbor area (Area 9) for jig and longline catcher vessels less than 60 ft. as described on the attached map (presented by the Dutch Harbor fisherman). {All waters of the Bering Sea and Area 9 south of the line connecting the point 3 nm north of Bishop Point to Cape Tanak.} This Option would include a 10 nmi radius closure around the Bishop Pt haulout in Area 9. This area would fish under a 250,000 lbs. Pacific cod harvest cap.**
- 3) Page 2-33, Closure of the Aleutian Islands to directed Pollock fishing West of 170 West Longitude. As a trailing amendment, the Council would consider, following staff analysis and public comment, two suboptions:
 - a) A single season outside of critical habitat;**
 - b) A split season (40/60 % of TAC).****

[The agenda item the Council was working from is attached at Appendix III to these minutes.]

Also include the following clarifications as described in the AP motion (see Appendix III to these minutes):

- 4) P. cod rollover in the BSAI: – Unharvested cod can be rolled over from one season to the next, consistent with bycatch consideration objectives of optimizing catch by gear groups and sectors.**
- 5) P. cod trawl fishery closures during the Atka mackerel CH fishery: - P. cod trawling should be closed from 0-20 nmi off rookeries and haulouts in the AI west of 178 West Longitude during the Atka mackerel CH fishery.**
- 6) P. cod fishery in the GOA B Season accounting: - The start date for the GOA cod B season would be 6/10, but directed fishing would be prohibited for all gear until 9/1.**
- 7) AI CDQ mackerel season: - CDQ mackerel fishing should be governed by a single season as per the 2001 provisions.**
- 8) Additional items: #1 (Area 8 exemption), #2 (Area 4 exemption), #4 (stand down provisions between A/B and C/D seasons for Pollock in the GOA), and #5 (universal 60 ft catcher vessel exemption) shall be treated in a trailing amendment package.**

The motion was seconded Stephanie Madsen.

In supporting the motion, Mr. Duffy pointed out that in appointing the RPA Committee with a wide representation, including outstanding scientists in both the fishery management and marine mammal disciplines, the Council has the best available information and advice available. Additionally, the Council had input from the State’s Steller Sea Lion Restoration Team and the Alaska Board of Fisheries.

Mr. Duffy recommended that the RPA Committee continue to work to further refine options as new information becomes available from research activities.

**MINUTES
NPFMC MEETING
OCTOBER 2001**

Dr. Demaster, NMFS-NMML, was asked to comment on the current proposed revisions to Alternative 4 relative to jeopardy. Dr. Demaster indicated that he felt that the Council would not be exceeding the 'jeopardy bar.'

During discussion, Item #8, referring to a trailing amendment package, was separated from the main motion and dealt with separately, along with the "trailing amendments" referred to in items #1 and #3.

The following amendments and clarifications were made to the motion during discussion:

- Add to the trailing amendment package an analysis of additional options for the Gulf of Alaska Pacific cod split other than 60/40. (Proposed by Stephanie Madsen; accepted as a friendly amendment)
- Clarification: In item 8, the trailing amendment package, item 5: the 'universal 60-ft catcher vessel exemption' would apply to 0-3 miles for catcher vessels using longline, jig and pot gear, and not include catcher processors and trawlers.
- Item 3 would be amended to provide that the Aleutian Islands pollock fishery outside 20 miles would be open in 2003 (closed in 2002), with the TAC split 40% in winter and 60% in the summer. A trailing amendment would consider 3 suboptions: (1) closure; (2) split season of 60/40; and (3) a single season outside critical habitat. **This was subsequently clarified that the TAC split and seasons would mirror that of the Eastern Bering Sea.** (Proposed by John Bundy and accepted as a friendly amendment)

The Council tabled the motion until it could be typed up in revised form for the final vote.

The motion carried 10 to 1, with Balsiger voting no (emergency rule).

Stephanie Madsen moved the following issues be analyzed in a trailing amendment package:

- 1. Area 8 exemption: allow catcher vessels (of any LOA) using longline gear to fish 3-10 nm from haulouts of Reef-Lava and Bishop Point.**
- 2. Area 4 exemption: allow vessels under 60 feet LOA using fixed gear to fish in waters of the Chignik area.**
- 3. Stand down provisions between A/B and C/D seasons for pollock in the GOA**
- 4. Exemption for all longline, pot, jig gear, and trawl catcher vessels and catcher processors under 60 ft. Identify as a preliminary preferred alternative that the exemption would only apply to catcher vessels.**
- 5. Examine options for a Gulf of Alaska Pacific cod split other than the current 60/40 split.**
- 6. For the BSAI Atka mackerel fishery, analyze options to change percentage inside/outside critical habitat of 50/50 and 70/30.**
- 7. For the Aleutian Islands pollock fishery, examine three options:**
 - a) closure;**
 - b) a single season outside of critical habitat;**
 - b) a split season (40/60 % of TAC).**
- 8. In Area 9, analyze a range of caps for pot, longline and jig gear.**

**MINUTES
NPFMC MEETING
OCTOBER 2001**

The motion was seconded by John Bundy and carried unanimously.

Jim Balsiger moved the following:

With the exception of vessels using jig gear, all vessels participating in a directed fishery for pollock, Pacific cod, or Atka mackerel must have onboard an operable VMS unit during the time period that the respective directed fishery is open in Federal waters. Specific VMS provisions will be included in the Emergency Rule implementing the 2002 Steller sea lion protection measures and would be effective on June 10, 2002.

The motion was seconded.

Stephanie Madsen moved the following:

The Council encourages NMFS to develop standards and protocols for integrating a software-based back-up system which uses existing vessel electronics into the vessel monitoring and data reporting program for groundfish fisheries and to explore federal funding options for these measures. This was accepted as a friendly amendment.

Stosh Anderson moved that if funding becomes available to provide VMS equipment and installation, priority should be given to cod vessels with disproportionate costs. This was accepted as a friendly amendment.

Stephanie Madsen moved that the Council request NMFS to provide a discussion paper in February identifying criteria to be used when VMS failures occur. This was accepted as a friendly amendment.

Bob Penney moved that NMFS provide notice of possible Federal funding 90 days prior to June 11, 2002. The motion was accepted as friendly.

The main motion carried 10-1, with Benton voting against.

Stosh Anderson moved that the Council seek independent review of the Council's current F-40 policy and MSY to determine if it meets national standards. The motion was seconded by Kevin Duffy and carried unanimously.

During discussion, staff advised the Council that there is currently an effort within the National Marine Fisheries Service to review harvest policies, on a nationwide basis. Council members felt that this motion was not in conflict with that effort. The Chairman will confer with Dr. Marasco of the Alaska Fisheries Science Center (and SSC Chairman) to determine the best way to conduct the review.

The Council's final action on this agenda item is found in Appendix V to these minutes. The Council's entire discussion and supporting statements from each Council member on this issue has been transcribed and is available on request from the Council office.

C-3 Seabird Avoidance

ACTION REQUIRED

- (a) Review research results from Washington Sea Grant Program (WSGP).**
- (b) Revisions to regulations for avoidance measures: final action (Tentative).**

BACKGROUND

(a) WSGP Research Results

Biological Opinions issued by the U.S. Fish & Wildlife Service (USFWS) in 1997 and 1999 require that NMFS investigate the effectiveness of seabird avoidance measures currently used in Alaska's hook-and-line groundfish fishery. If so warranted by the research results, NMFS would be required to modify the existing seabird avoidance regulations to improve the effectiveness of measures or devices which are required, and minimize the likelihood of short-tailed albatross mortalities. Mr. Ed Melvin, WSGP, conducted a two-year research program in 1999 and 2000 evaluating the effectiveness of seabird avoidance measures in the longline fisheries off Alaska. Mr. Melvin will present the final research results and make recommendations for changes to the existing seabird avoidance regulations as well as recommendations for optional non-regulatory actions and future research.

In addition to a presentation by WSGP, NMFS, USFWS, and IPHC staff will make informational presentations on several seabird-related topics:

Seabird Informational Reports

- ▶ Report on Seabird Bycatch in Longline Fisheries off Alaska: 1993-1999 Preliminary Bycatch Estimates and Bycatch Rates (NMFS) (see Tables 2 and 3 of Seabird EA/RIR/IRFA)
- ▶ National Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries: Implementation in Alaska. (NMFS) (see Appendix 2 of Seabird EA/RIR/IRFA)
- ▶ Short-tailed Albatross Items (USFWS)
 - ▶ Status of USFWS Short-tailed Albatross Biological Opinions on the Alaska Groundfish and Halibut Fisheries
 - ▶ Formation of an ESA STAL Recovery Team
 - ▶ US-Japan Endangered Short-tailed Albatross Satellite Telemetry Study
- ▶ Development and Implementation of a Short-tailed Albatross Monitoring Plan for the Pacific Halibut Fishery off Alaska (NMFS and IPHC) (see Appendix 4 of Seabird EA/RIR/IRFA)
- ▶ Additional Seabird Initiatives (USFWS)
 - ▶ USFWS Waterbird Bycatch National Policy
 - ▶ Presidential Executive Order 13186: "*Responsibilities of Federal Agencies to Protect Migratory Birds*"
 - ▶ Congressional Funding for Seabird Bycatch Initiatives in Alaska

(b) Revisions to Regulations for Avoidance Measures, Seabird EA/RIR/IRFA

The Council took final action on recommended changes to the existing seabird measures in April 1999. NMFS later decided to await the availability of final research results from the WSGP study before proceeding with rulemaking to revise the seabird avoidance measures. The Council could then reconsider its previous recommendations, in conjunction with WSGP's recommendations based on the newly available research results.

The WSGP study recommends the following regulatory measures for all Alaska longline vessels: 1) paired streamer lines deployed during the setting of gear, and 2) eliminate the direct discharge of residual bait and offal from the stern of the vessel while setting gear. Material standards and performance standards for streamer lines are specified. Other recommendations are made for gear, methods, and operations which should not be allowed as seabird avoidance measures.

The draft EA/RIR/IRFA for this action includes 4 alternatives:

**MINUTES
NPFMC MEETING
OCTOBER 2001**

Alternative 1: Status quo: No change in the current Federal requirements for seabird avoidance measures.

Alternative 2: Revisions to existing regulations, based on the Council's final action in April 1999.

Alternative 3: Revisions to existing regulations, based on recommendations from a two-year scientific research study conducted by the WSGP on the effectiveness of seabird avoidance measures used in hook-and-line fisheries off Alaska.

Alternative 4: Minor modifications to WSGP recommendations for regulatory changes.

Applicability of Alternatives

The current seabird avoidance regulations apply to operators of Federally-permitted vessels fishing for groundfish with hook-and-line gear in the GOA and the BSAI, and Federally-permitted vessels fishing for groundfish with hook-and-line gear in waters of the State of Alaska that are shoreward of the GOA and the BSAI, and to operators of vessels fishing for Pacific halibut in U.S. Convention waters off Alaska. To more closely reflect the respective fishery management authorities, regulations implementing any of the alternatives would apply to operators of vessels fishing for groundfish with hook-and-line gear in the U.S. EEZ waters off Alaska (3-200 nm) and to operators of vessels fishing for Pacific halibut in U.S. Convention waters off Alaska (0-200 nm). This revision would have the effect of not requiring vessels fishing in state waters from using seabird avoidance measures, based on applicability of federal seabird avoidance regulations [§679.24(e)] in state waters. As appropriate, NMFS could pursue adoption of seabird avoidance regulations by the State of Alaska for parallel fisheries for groundfish in state waters.

The EA/RIR/IRFA describing these alternatives and issues, including the Executive Summary, was mailed to members of the Council, AP, and SSC on September 21, 2001. The WSGP final report, "*Solutions to Seabird Bycatch in Alaska's Demersal Longline Fisheries*" was mailed on September 25, 2001.

Report of the Scientific and Statistical Committee

The SSC found that the Washington State Sea Grant Study of methods to reduce seabird bycatch was excellent as pertains to the reduction of seabird bycatch by large vessels involved with the Pacific cod and the sablefish and halibut IFQ longline fisheries. The SSC noted, however, that the proposed changes to existing regulations may not be appropriate for application on smaller vessels, particularly small vessels fishing in the inside waters of Southeast Alaska, and suggested that there is still a need for additional study of the necessity for bycatch reduction regulations for small vessels. Please see the SSC Minutes (Appendix II to these minutes) for additional suggestions regarding the EA/RIR/IRFA.

Report of the Advisory Panel

The AP recommended releasing the EA/RIR for public review with final action in December, with the following additional information and options included prior to release:

1. Add a section discussing monitoring and enforcement issues with particular reference to performance standards, the role of observers, and ability to modify confidentiality restrictions to allow for industry use of peer pressure.
2. Expand the description of vessels to include gear type, crew size and setting speed by vessel size.
3. Expand the economic discussion to include the cost of rigging small vessels to deploy 2 streamer lines.
4. Add the following options to Alternative 4:

1. Allow single streamer lines on vessels based on gear type or vessel size with specific reference to 35, 50, or 60 feet.
2. Allow for modification of the performance standard based on gear type and/or vessel size.
5. Add option under Alternative 3 which would establish the performance standards as guidelines. The performance standards would be required when a triggering event, such as a threshold number of proxy species, is taken during a 2-year cycle. The analysis should discuss applying the trigger on an individual basis or on a collective basis.

DISCUSSION/ACTION

The Council received a report from Ed Melvin on the two-year Alaska Sea Grant study, "Solutions to seabird bycatch in Alaska's longline fishery," and a review of the draft analysis on seabird avoidance measures from Kim Rivera, NMFS Protected Resources Division.

Council member Tony DeGange, U.S. Fish and Wildlife (USFW), updated the Council on the biological opinion the USFW will be issuing as a result of the ESA consultation with NMFS. The USFW deferred issuing the opinion pending the study done by Alaska Sea Grant and to take advantage of the Council process. The current biological opinion will remain in place until the new one is issued. Currently there is an authorized incidental take available in the groundfish and halibut fisheries—4 birds per every two years in the groundfish fisheries and 2 birds per every two years in the halibut fisheries. Mr. DeGange urged the Council to keep the process expedited and take final action as soon as possible as USFW would like to finalize its biological opinion by the end of the year, but would also like to have performance standards that are reasonable and workable.

Stosh Anderson moved the Advisory Panel recommendations, with the exception of recommendation #5, and revisions to #4. The motion was stated as follows:

Release the EA/RIR on seabird avoidance measures for public review with final action in December, with the following additional information and options included, to the extent possible, prior to release:

1. **Add a section discussing monitoring and enforcement issues with particular reference to performance standards, the role of observers, and ability to modify confidentiality restrictions to allow for industry use of peer pressure.**
2. **Expand the description of vessels to include gear type, crew size and setting speed by vessel size.**
3. **Expand the economic discussion to include the cost of rigging small vessels to deploy 2 streamer lines.**
4. **Add the following options to Alternative 4:**
 - a. **Allow single streamer lines on vessels based on gear type or vessel size, or area with specific reference to 35, 50 or 60 feet;**
 - b. **Allow for modification of the performance standard based on gear type and/or vessel size.**

The motion was seconded by Bob Penney.

The following amendments to the motion were accepted as friendly:

- Item 4 was revised to read: **Allow single streamer lines on vessels based on gear type or vessel size, or area with specific reference to 35, 50 or 60 feet vessels, broken down into increments of 5 feet (i.e., 35, 40, 45, etc);** (Recommended by Earl Krygier)
- A fifth recommendation was added:

**MINUTES
NPFMC MEETING
OCTOBER 2001**

- 5. Require a seabird avoidance plan aboard every vessel in the groundfish and IFQ fisheries.** (Recommended by Earl Krygier)
- A sixth recommendation was added:
- 6. Vessels 32' or less fishing halibut in IPHC Area 4E would be exempted from seabird avoidance regulations.** (Recommended by Robin Samuelsen) **Vessels fishing in the internal waters of Southeast, Prince William Sound, and Cook Inlet would also be exempted.** (Recommended by Earl Krygier)

With regard to exemptions, Mr. DeGange expressed some concern with allowing exemptions because of the possibility that one exemption will prompt requests for other others. Regarding the requirement to have a seabird avoidance plan on board, there was some question as to the regulatory process this would require, e.g., who would approve the plans, and how would such a regulation be enforced. The maker of the motion suggested that this the type of information would have to be discussed in the analysis. Captain Preston, the Coast Guard representative, suggested that the boarding teams would need some method of objectively evaluating the system in order to determine whether the vessel is in compliance. Mr. DeGange said the original idea was that such a plan would be more of an educational tool, requiring the vessel owner to actively think about what is required and how to comply.

The motion carried without objection (Krygier voting for Duffy).

C-4 American Fisheries Act

ACTION REQUIRED

- (a) Review EIS/draft Proposed Rulemaking for 2002 and comment as appropriate.
- (b) Review discussion paper on AFA status and possible extension.
- (c) Review status of other AFA-related amendments already initiated.
- (d) Review and provide final comments on AFA Report to Congress.

BACKGROUND

- (a) EIS and Proposed Rulemaking

NMFS, with help from Council staff, has been working on finishing the EIS and proposed rulemaking that will implement for 2002 the various emergency rule changes made to the AFA this year. They will expire on December 31st, and the proposed rule is intended to take effect in January 2002, and remain so through 2004, the current expiration date of the AFA. The EIS and proposed rule incorporate the original AFA analyses and measures reviewed and approved by the Council. It also has a few additions that NMFS staff will summarize for the Council. This meeting provides an opportunity for input into the provisions of the proposed rule, however, NMFS will need to give us clear guidance on whether any major changes proposed now will throw the schedule off for implementation in early 2002. Major changes or additions may need to be developed through a follow-on amendment process, as part of either amendments already initiated, or through a possible AFA extension amendment. These are discussed further under sections (b) and (c).

- (b) AFA status and possible extension

In previous Council meetings the issue of extending the AFA beyond its current 2004 expiration date has been discussed, recognizing its benefits to the pollock fisheries as well as accommodating Steller sea lion conservation measures. NOAA GC, NMFS, and Council staff will lead a discussion of issues surrounding a potential extension, including consideration of stipulated provisions, provisions which are under discretion of the Council, relevant timelines, and how such an extension would integrate with existing AFA-related amendments already initiated by the Council.

(c) AFA amendments already initiated

In previous meetings, under the AFA agenda item, the Council initiated several actions which are directly or indirectly related to implementation of the Act. These amendments, and their status, are included under the staff tasking agenda item. In summary, and in order of the Council's prioritization from June, they are:

- (1) Expansion of the groundfish processing sideboard amendment package, to include adjustments to IR/IU, LLP recency requirements for non-AFA trawl catcher processors, reduction in the overall BSAI trawl halibut mortality cap, and possible implementation of the HMAP program. The Council has expressed its intent to act upon this package by June of 2002, so we are making plans to have this package completed by April 2002 for initial review. This would be done primarily under contract to Northern Economics, Inc., which did the majority of the work on the original processing sideboard analysis. Item C-4(c)(1) is a copy of the Groundfish Forum proposal from last June.
- (2) Analysis of proposed additional sideboard protection measures for non-AFA Pacific cod fishermen (proposal from Russell Pritchett). Measures include limiting directed trawl fishing for cod to those meeting minimum landing requirements and allocating a minimum amount (5,000,000 lbs.) of cod to non-AFA vessels meeting the minimum landing requirements. Item C-4(c)(2) is a copy of the proposal as submitted last January.
- (3) A proposal, recommended by the AP and approved by the Council in February 2001, for an analysis of recency requirements for all non-AFA BSAI trawl-endorsed LLP permits. This proposal will need further specification of alternatives, elements, and options, and overlaps to some degree with proposals under (1) and (2) above.
- (4) A proposal to change the single geographic location (SGL) restrictions which was submitted in June by Icicle Seafoods.

The Council needs to discuss the timing and relationship of these amendments, particularly with regard to the overlapping issues, and with regard to a potential rollover of the basic AFA provisions. Staff believes that the issues under (1) above represent a separate amendment package (with the possible exception of the LLP recency requirements for non-AFA catcher processors) and we intend to complete that analysis by next April. The last three items could be wrapped together into an omnibus AFA amendment package, for which we could issue a Request for Proposals (RFP) following this meeting, and taking into account a possible amendment for extension of the AFA. Given the amendments already initiated, we need to decide whether to handle those separately, or to combine them as alternatives within a potential AFA extension. Contracting funds are available, through our separate AFA funding, to help complete these packages over the next year.

(d) AFA Report to Congress

In June we had a detailed presentation from Darrell Brannan and Dr. Mike Downs, the primary authors of the draft report to Congress on AFA implementation. We took your comments, as well as those received over the summer from the public, and integrated them into the draft that was mailed to you last week. You expressed your intent in June for one more look at this report before we submit it to Congress and the Secretary of Commerce. Darrell and Mike are here to give you a brief summary of the revisions, and receive any final comments you may have.

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

Report of the Advisory Panel

**MINUTES
NPFMC MEETING
OCTOBER 2001**

IR/IU: The AP recommended staff begin analysis immediately of a potential amendment to the IR/IU regulations for flatfish that would:

- a. Examine a range of retention rates for those fisheries.
The suggested options: 100%, 85%, 50%, or no retention.
- b. Analyze the halibut mortality avoidance program (HMAP) implementation, including the probability and range of likely halibut mortality savings and deduction of those savings from the appropriate halibut bycatch cap.

LLP Recency: The AP recommended the Council develop an analysis for:

- A. Proposed additional sideboard protection measures for non-AFA Pacific cod fishermen with the following provisions:
 1. Limiting access to the directed trawl fishery for Pacific cod to the cod-exempt AFA vessels and to open access vessels which have a history of economic dependency upon the winter Bering Sea Pacific cod fisheries, as demonstrated by average January, February deliveries of at least 500,000 lbs for 4 out of the 5 pre-AFA years of 1995-1999 (or such other measure of dependency as the Council deems fit).
 2. Allocating a minimum of (1) 5,000,000 lbs (with no cap) or (2) historical catch of TAC of Pacific cod to non-AFA vessels which meet the criteria set forth in paragraph A above.
 3. Require co-ops to use such measures as limiting the number of AFA vessels on the cod grounds at any given time to ensure that non-AFA and exempt vessels do not get pre-empted and ensure their historical participation.
- B. The conversion of AFA-eligible c/p non-pollock target species sideboard caps into allocations in order to allow the use of such target species to be maximized including through possible rationalization. The analysis should consider the potential to rollover any unused cod by AFA-eligible c/ps to the other trawl sectors.
- C. A proposal to change the single geographic location (SGL) restriction as submitted by Icicle Seafoods.

The AP noted that they did not intend these measures to apply to CDQ operations.

DISCUSSION/ACTION

The Council received a summary of the draft EIS. NMFS staff advised that the full EIS should be available for review by mid-October for Council and public review. The Council will review the EIS and proposed rule during its December meeting.

Stephanie Madsen moved the following:

IR/IU: To initiate analysis immediately of a potential amendment to IR/IU regulations for flatfish for both catcher processors and catcher vessels that would

- (a) examine a retention rates for those fisheries at 100% retention, 85% retention, 50% retention, and no retention requirement.; and**
- (b) initiate an analysis of halibut bycatch reduction options in a range of 0%, 10%, and 15%, or the probability and range of likely halibut mortality savings from implementing the halibut mortality avoidance program (HMAP) and deducting those savings from the appropriate halibut bycatch cap. (Original wording slightly edited by friendly amendment)**

LLP Recency: Develop a discussion on non-AFA CP and CV BSAI non-AFA trawl LLP recency requirements. Further the Council requests the paper contain a matrix showing participation based on a catch threshold of 50, 150, 250 mt/year of trawl groundfish deliveries for the years 1995-2000.

Additional AFA Measures: The Council requests the development of an analysis for

A. Proposed additional sideboard protection measures for non-AFA catcher vessel Pacific cod fishermen with the following provisions:

1. Limiting access to the directed trawl fishery for Pacific cod in January and February to the cod-exempt AFA vessels and to open access vessels which have a history of economic dependency upon the winter Bering Sea Pacific cod fisheries as demonstrated by the average January-February deliveries of at least 500,000 lbs for 4 out of the 5 pre-AFA years of 1995-1999.
2. Allocating a minimum of (1) 5,000,000 lbs (with no cap) or (2) historic catch of TAC of Pacific cod to non-AFA vessels which meet the criteria set forth in #1 above.
3. Require co-ops to use such measures as limiting the number of AFA vessels on cod grounds at any given time to ensure that non-AFA vessels do not get preempted and ensure their historic participation.

B. The conversion of AFA eligible catcher processors and catcher vessels non-pollock target and non-target species sideboard caps into allocations in order to allow the use of such targeted species and non-targeted species to be maximized, including through possible rationalization. The analysis should consider the potential to rollover any unused cod by AFA-eligible catcher processors to the other trawl sectors.

C. A proposal to change the single geographic location (SGL) restriction as submitted by Icicle Seafoods.

The motion was seconded by Kevin Duffy.

Sue Salveson recommended that the introductory statement under IR/IU motion, should read:

“To initiate analysis immediately of a potential amendment to IR/IU regulations for BSAI flatfish and for Gulf of Alaska shallowwater complex species for both catcher processors and catcher vessels that would:” This was accepted as a friendly amendment.

Under “Additional AFA Measures, #A(2), Robin Samuelsen moved to include for analysis a range of 2.5 to 5 million pounds for the cap. This was accepted as a friendly amendment.

Robin Samuelsen moved that the AFA analysis should address cod rollovers from the trawl sector to the fixed gear sector since 1997 so the Council can consider a reapportionment of the Bering Sea/Aleutian Island cod TAC based on catch history and dependency during the time period; there would be no change in the jig apportionment. The motion was seconded David Fluharty. It was clarified that the years would include 1997, 1998, 1999, and 2000 (and 2001 if data are available).

Stephanie suggested that instead of “dependency” consider reapportionment based on cod history; because when the Council originally considered a split it was based on catch history and dependency was not considered. There was concern that considering dependency would re-evaluate the whole basis on which the original split was determined. This was considered as a friendly amendment to the amendment.

**MINUTES
NPFMC MEETING
OCTOBER 2001**

Sue Salvesson requested clarification on the extent of the analysis, whether it would address further allocations between pot and hook-and-line boats and catcher vessels, small catcher vessels, etc. Mr. Samuelsen stressed that he would like to have as much information on the different fisheries as possible at this time. Dr. Fluharty suggested that the Council needs to look at the split between the trawl and fixed gear sectors, not revisit the fixed gear allocation.

The motion carried with Bundy objecting (Salveson voting for Balsiger).

Kevin Duffy moved to amend the main motion: Under the LLP recency discussion paper, to include a discussion of recency requirements for trawl, catcher processor, and catcher vessels in the Gulf of Alaska for the years 1995-2000. This was accepted as a friendly amendment.

David Fluharty recommended amending the motion, under Additional AFA Measures, #A(3), as follows: "Require co-ops to use such measures as limiting the number or size of AFA vessels on cod grounds at any given time to ensure that non-AFA vessels do not get preempted and ensure their historic participation." This was accepted as a friendly amendment.

John Bundy moved, under the LLP Recency portion of the motion, to add a discussion of the conversion of AFA eligible catcher processors and catcher vessels non-pollock target species into allocations to compare and contrast opportunities to rationalize these fisheries with opportunities to rationalize the same BSAI fisheries in all sectors affected by LLP recency. The motion was seconded. After discussion, it was determined that this would be a qualitative discussion and not require extensive analysis. The amendment carried, 8 to 3, with Duffy, Madsen, and Benton voting no. [Salveson voting for Balsiger]

Stosh Anderson moved to add an additional analysis under IR/IU: that the Council proceed with evaluation of the IR/IU program for cod and pollock. This was accepted as a friendly amendment.

The main motion, as amended, carried unanimously (Salveson voting for Balsiger).

Kevin Duffy moved to delay transmittal of the AFA Report to Congress until the Bering Sea/Aleutian Island AFA pollock catcher vessel data for at least 90% or more of the AFA catcher vessels is supplied to the contractor. The motion was seconded by Stosh Anderson and carried without objection.

Mr. Duffy pointed out that the AFA requires the Council to report to Congress on the impacts of the law on fishing industry participants in the affected communities, specifically on the business practices of the fishing industry. This kind of analysis requires specific information from industry, which has not been forthcoming. It was stressed that any information provided by industry would be provided only to the analysts and held in strict confidence. The Alaska Department of Fish and Game commissioned a survey to obtain the data needed for this portion of the analysis, but after two mailings and a letter requesting needed information from 130 catcher vessels operating in AFA cooperatives, only 41 responses have been received. Mr. Duffy indicated that if sufficient information for the analysis is not received by the December meeting, he will ask the Council to discuss the best way to proceed with the Report to Congress.

Regarding the timeline for the issuance of the EIS for FMP amendments for the AFA, **Stephanie Madsen moved to request an extended comment period for the EIS in order to allow comment during the December Council meeting.** The motion was seconded by Kevin Duffy and carried without objection.

ACTION REQUIRED

Receive status report and identify possible preferred alternative.

BACKGROUND

The Council provided comments to NMFS on the draft Alaska Groundfish Fisheries Programmatic SEIS in June. The public comment period closed on July 26, 2001, with more than 22,000 comment letters received by mail or FAX. Since then, the SEIS Team has been conducting a synthesis of all substantive comments contained in those letters. NMFS will carefully consider all of the comments and make a determination on what changes need to be made to the draft prior to issuing a final SEIS based on its review.

Steve Davis, SEIS Team Leader, will provide the Council with a status report on the team's progress to-date; a review of the comment synthesis process; and provide an overview of the most substantive issues raised by the public concerning the draft SEIS. Recommendations to the Council concerning the next steps to be taken on this project may be available. The Council will consider identifying a possible preferred alternative based on those analyzed in the SEIS.

Report of the Scientific and Statistical Committee

The SSC received an update on the status of the DPSEIS from Steve Davis, NMFS, but had no comments at this meeting.

Report of the Advisory Panel

The AP also received an update from Mr. Davis and provided the following recommendations:

- That the Council should give guidance into development of policy decisions currently under consideration by NOAA GC and HQ.
- That the Council reaffirm that the PSEIS is meant to serve as a planning document that provides a foundation for future management decisions.
- That the Council recommend to NMFS that the Council be consulted prior to the agency adopting any new alternatives.
- That the Council should be briefed on substantive comments and provide guidance to the agency as to what an appropriate response might be.

DISCUSSION/ACTION

The Council received the status report on the DPSEIS.

Stephanie Madsen moved that the Chairman draft a letter to Secretary Evans informing him that the Council intends to pick its preferred option in the draft Programmatic SEIS in February, after receiving a summary of the substantive comments from NMFS staff. The motion was seconded by Bob Penney and carried without objection.

The Council discussed the status of the Ecosystem Committee and decided that when the committee is reformed, one of its tasks will be to look at ways to incorporate ecosystem principles into the FMP process, and provide comments to the Council in February during its discussion of the preferred alternative.

C-6 Essential Fish Habitat

MINUTES
NPFMC MEETING
OCTOBER 2001

ACTION REQUIRED

- (a) Receive scoping summary and EFH Committee Report.
- (b) Update on final guidelines from NMFS.
- (c) Consider next steps in developing Environmental Impact Statement.

(a) EFH Committee Report

In June 1999, several environmental and fishing groups challenged the scope and substance of the environmental assessment (EA) prepared for the EFH Amendments 55/55/8/5/5 (*American Oceans Campaign et.al.v. Daley*, Civ. No. 99-982 (D.D.C. September 14, 2000)). On September 14, 2000, the U.S. District Court issued an opinion finding the EA insufficient in scope and analytical substance and requiring National Marine Fisheries Service (NMFS) to prepare an analysis that is legally sufficient under NEPA. Therefore, NMFS is re-evaluating the EFH components originally developed as part of Amendments 55/55/8/5/5. The SEIS will supersede the EA previously prepared in support of Amendments 55/55/8/5/5. NMFS draft timeline schedules the preliminary draft SEIS for review in June 2002, and the final draft in August 2002.

The Council appointed an EFH Committee in May 2001, to work with NMFS and Council staff to develop alternative(s) for the SEIS, and review the draft documents before publication. The primary Council issue is to submit revised FMP amendments that: standardize an analytical approach to quantify, to the extent practicable, the impact of fishing activities on EFH for each of the FMPs; indicate how much habitat is needed to achieve MSY or some comparable metric of fisheries sustainability for each FMP; describe how much is currently being fished, and how much is protected already; and finally, consider options for designating EFH other than the status quo. The EFH Committee met for the second time on August 13-14th to address the needs for upcoming work on the EFH EIS, review comments received by NMFS, and identify major issues raised in the scoping process. Minutes are attached as item C-6(a). At an upcoming meeting (date TBA), the EFH Committee will review the NMFS list of significant issues, and begin to develop alternatives for analysis of EFH designation, HAPC designation, and measures to mitigate effects of fisheries on EFH.

NMFS held public scoping meetings during June 2001 and accepted written comments in response to its intent to prepare an SEIS, and to determine the issues of concern and the appropriate range of management alternatives to be addressed in the SEIS. The comments were addressed under three topics: 1) to describe and identify EFH and potential Habitat Area of Particular Concern (HAPC) designations, 2) to minimize to the extent practicable the adverse effects of fishing on EFH, and 3) to identify other actions to encourage the conservation and enhancement of EFH. NMFS habitat conservation division released a Draft Summary of the Scoping Comments (item C-6(b)) from the written comments on September 21, 2001.

(b) Update on the EFH final guidelines from NMFS

The EFH final guidelines have been sent to the Office of Management and Budget for review. Staff expects these guidelines to be published in the Federal Register within the next few weeks.

(c) Consider next steps in developing EIS

At this meeting, the Council may discuss the next steps for EIS development. Unresolved issues include developing a purpose and need statement, development of alternatives, tasking and analytical content, and timeline for completion. Staff will be on hand to discuss these issues.

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

Report of the Advisory Panel

The AP recommended the Council further clarify the role of the EFH Committee and consider refinements to the EFH Committee mission statement to reflect expectations regarding work products.

DISCUSSION/ACTION

Earl Krygier moved that the Council Chairman designate a vice-chair to the Council's EFH Committee to aid the current chair (Linda Behnken) in her absence.

And, that the Council adopt the following proposed Committee mission statement, and task the EFH Committee with identifying and describing some representative EFH and associated HAPC for Council consideration.

Proposed Mission Statement:

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

- 1. Identify the "significant issues" used to develop and evaluate proposed alternatives.**
- 2. Identify alternatives for describing, designating, and protecting EFH.**
- 3. Identify means of determining possible fishery impacts on habitat.**
- 4. Interpret existing information for development and analysis of alternatives.**
- 5. Identify alternatives for mitigating possible fishery impacts on habitat.**
- 6. Identify alternative criteria and approaches that could be used to designate and manage HAPC areas.**
- 7. Work with scientists and other experts in technical teams or workshops.**
- 8. Identify and prioritize future research needs.**

Through the above process, the primary work product of the EFH Committee will be the development of a range of alternatives for Council consideration. These alternatives will address the description, designation and protection of EFH and HAPC.

The Committee EFH will review the draft EFH EIS and provide comments to the Council.

The motion was seconded by Bob Penney.

By friendly amendment, a ninth task was added, as follows:

- 9. The Committee is requested to add non-fishing impacts as a separate meeting agenda item for the next Committee meeting to address the means to incorporate concerns of incorporating non-fishing stakeholder comments into the process.**

Also by friendly amendment, the EFH Committee is requested to review the draft mission statement and provide any comments they may have to the Council.

**MINUTES
NPFMC MEETING
OCTOBER 2001**

The motion, as amended, carried without objection.

Dr. Fluharty pointed out the various actions the Council has already taken with regard to protection of EFH and identifying HAPCs and expressed frustration that the Council should have to revisit these issues instead of concentrating on the impacts of fishing. Mr. Benton suggested that it may be helpful for the Committee to receive a review of the current court case and its mandates so Committee members have a clear picture of their task.

C-7 CDQ Program

ACTION REQUIRED

- (a) Initial review of Area 4D/4E regulatory amendment.
- (b) Discussion of CDQ groundfish issues.

BACKGROUND

(a) Area 4D/4E

Obren Davis, NMFS, will present a draft analysis of two proposed revisions to regulations governing halibut CDQ fishing in Areas 4D and 4E of the Bering Sea. These revisions were requested by the CDQ groups and the Council in late 1998 and early 1999 in order to increase the possibility that the CDQ groups could fully harvest their halibut CDQ allocations and to further develop small, local halibut fisheries in Area 4E.

The first proposal is to revise regulations for a 6,000 pound halibut trip limit in Area 4E so that the trip limit could be lifted after September 1 each year. This revision would allow the CDQ groups to use small vessels to harvest as much halibut CDQ as possible through September 1, but allow them to use larger vessels after September 1. Current regulations effectively prevent the use of larger vessels because the 6,000 pound limit is not profitable for larger vessels. September 1 was proposed as a date for lifting the trip limit because the weather in Western Alaska often prevents small boats from safely fishing after this time of year.

The second proposal is to allow halibut CDQ allocated from Area 4D to be caught in Area 4E. Area 4E is along the coast of Western Alaska and Area 4D is the adjacent area to the west in the Bering Sea. Area 4D includes only two CDQ communities: Gambell and Savoonga on St. Lawrence Island. This proposal would allow the two CDQ groups (Norton Sound and Yukon Delta) that only receive allocations of Area 4D halibut CDQ, but have communities located in Area 4E, an opportunity to develop small, local halibut fisheries. Additionally, the two CDQ groups (Bristol Bay and Coastal Villages) that receive both Area 4D and 4E allocations could use this flexibility to increase the amount available to their existing local halibut fisheries. Allocations of halibut among Areas 4C, 4D, and 4E are not based on biological factors or conservation concerns, therefore, the proposal to allow the catch of Area 4D halibut in Area 4E is not expected to negatively impact halibut stocks.

Final action is scheduled for December 2001 in order to amend the Federal and IPHC regulations by the start of the halibut CDQ fishery in 2002. As part of final action, the Council would be requesting that the IPHC adopt the same changes. The analysis was mailed to you on September 21, 2001. The executive summary is attached as Item C-7(a). It includes the following management alternatives.

Issue 1: Modification or elimination of the Area 4E 6,000 pound trip limit

Alternative 1: No action

Alternative 2: Revise the 6,000 pound trip limit for Area 4E halibut CDQ to apply through September 1 of each year, after which no trip limit applies.

Option: A CDQ group must offer to transfer Area 4E halibut CDQ unharvested by August 15 to any other CDQ group with communities located in or proximate to Area 4E for harvest between August 15 and September 1, unless the CDQ group that was initially awarded the allocation intends to harvest this quota prior to September 1.

Alternative 3: Remove the 6,000 pound halibut CDQ trip limit in Area 4E entirely.

Issue 2: Allow Area 4D halibut CDQ to be harvested in Area 4E

Alternative 1: No action

Alternative 2: Allow the harvest of Area 4D halibut CDQ in Area 4E.

Alternative 3: Allow the harvest of Area 4D halibut CDQ in Area 4E *and* the harvest of Area 4E halibut CDQ in Area 4D.

(b) CDQ multi-species groundfish regulatory changes

This agenda item was originally scheduled as initial review of an analysis of proposed changes to the multi-species CDQ program. Due to the priority placed on the preparation of a separate regulatory analysis for policy changes to the CDQ program and other CDQ-related staff work, that analysis will be brought to the Council at a later date. Instead, Sally Bibb, NMFS, will present a discussion paper (to be distributed at the meeting) regarding two issues that the Council may wish to address when it makes recommendations for the 2002 harvest specifications in December 2001. These are: (1) how the catch of some rockfish species should be managed given changes that were made in the rockfish quota categories in 2001, and (2) accounting for the catch of "other species" in the CDQ fisheries. Both of these issues were addressed in separate interim emergency rules that expire on December 31. The Council may wish to place these issues under the December 2001 harvest specifications agenda for further action.

Rockfish. In December 2000, the Council recommended splitting several BSAI rockfish species groups into individual species quota categories for shorttraker, rougheye, and northern rockfish. However, NMFS was unable to fully implement these changes because of limitations in the observer data. NMFS Regional Office and Alaska Fisheries Science Center staff are working to resolve these problems so that the Council's intent may be implemented in the future.

The CDQ groups are allocated a quota of all groundfish species (except squid) and prohibited species (except herring). Each CDQ group must manage its fisheries to stay within all of these quotas. Therefore, creating new, smaller quota categories increases the constraints faced by the CDQ group in fully harvesting its target species (more quotas for bycatch species for smaller amounts). Full implementation of the Council's recommendations would have created allocations to individual CDQ groups that would have ranged from about 100 kg to 300 kg per year. Recognizing this impact, the Council recommended that the CDQ groups continue to be allocated rockfish as a species group. NMFS implemented this recommendation for 2001 through emergency interim rulemaking, which will expire at the end of this year. The BSAI Groundfish Plan Team will be reviewing this issue at its November meeting. The Council may wish to decide how manage the rockfish allocations to the CDQ Program in 2002 at its December meeting.

"Other species" is a BSAI quota category that is comprised of sharks, skates, sculpin, and octopus. The CDQ Program is allocated 7.5 percent of this TAC as a CDQ reserve. Individual CDQ groups are allocated a percentage of the CDQ reserve each year. They are prohibited from exceeding their "other species" allocation in the same manner as they are prohibited from exceeding all of their other

**MINUTES
NPFMC MEETING
OCTOBER 2001**

groundfish CDQ allocations. As recommended by the Council, NMFS implemented an emergency interim rule on July 2001, to provide additional "other species" quota to the CDQ groups because their allocations in 2001 were lower than they had been in 1999 and 2000. The CDQ groups were concerned that "other species" bycatch was going to prevent them from fully harvesting their target species. This emergency interim rule also expires on December 31, 2001. A related plan amendment to revise management of BSAI and GOA "other species" is scheduled for initial review in December.

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

Report of the Advisory Panel

The AP recommended that the Council send out the Area 4D/4E regulatory analysis for public review.

DISCUSSION/ACTION

Stephanie Madsen moved to send the analysis for the Area 4D/4E regulatory changes out for public review. The motion was seconded by John Bundy.

Kevin Duffy moved to amend, under Issue 1 (modification of the trip limit), to add a suboption under Alternative 2 to specify September 15 as the date after which the trip limit would no longer apply. Additionally, under Alternative 3, add a range of dates: August 15- September 1, and September 1 and September 15, after which a CDQ group must offer to transfer unharvested Area 4E halibut CDQ to other CDQ groups or communities located in or proximate to Area 4E. These additions were accepted by the maker of the motion as friendly amendments.

The motion carried without objection.

Council members were advised by NMFS staff that it may not be possible to finalize the document and release it for public review in time for final Council action in December, but every effort will be made to do so.

Sue Salvesson briefed Council members on a draft discussion paper prepared by Region staff addressing catch accounting issues in the CDQ program. In December the Council may have to take emergency rule action involving the rockfish species and 'other species' categories in the CDQ fisheries. Staff will provide a more thorough analysis before the December Council meeting. David Benton requested staff provide in December information on the status of other species and rockfish with respect to the overfishing limit, information on individual CDQ groups with respect to reaching their caps, and also, what is the foregone target catch because of the 'squid box' problem, also shown by CDQ group if possible.

D. FISHERY MANAGEMENT PLANS

D-1 Groundfish Management

ACTION REQUIRED

- (a) Status report on Preliminary 2002 Groundfish SAFE Reports for the Bering Sea/Aleutian Islands and the Gulf of Alaska.**
- (b) Consider emergency rule request to reallocate Pacific halibut PSC.**
- (c) Recommend Vessel Incentive Program (VIP) bycatch rate standards for the first half of 2001**

BACKGROUND

(a) BSAI and GOA SAFE Reports

In past years, ABCs, TACs, bycatch apportionments, and halibut discard mortality rates were approved and made available for public review and comment at both the October (preliminary and interim specifications) and December (final specifications) meetings based on the BSAI and GOA groundfish SAFE reports. For the last several years, the stock assessment authors have focused on changes to the assessment models for the Preliminary SAFE report and on developing the ABC recommendations in the Final SAFE report. As a result, the Plan Teams, SSC, and AP have recommended setting preliminary and interim harvest specifications based on the final specifications of the previous year. Therefore, only a few stock assessments were prepared for Plan Team review in September and no ABCs were recommended.

NMFS implemented the BSAI and GOA 2001 harvest specifications through the emergency interim rule to implement Steller sea lion protection measures. The normal procedure of publishing proposed, interim, and final TAC specifications was not followed in 2001 because of the impracticability of publishing proposed specifications prior to the issuance of the Comprehensive BiOp. NMFS anticipated that changes required by the Comprehensive BiOp to protect endangered Steller sea lions would have a significant enough impact on proposed harvest specifications for the BSAI and GOA to require republication of the proposed specifications. To avoid the uncertainty and disruption to the fisheries that would have been caused by republishing proposed specifications, including a potential delay to the season because the Comprehensive BiOp was not due out until November 30, 2000, NMFS decided to use its authority to issue the final 2001 specifications by emergency rule.

The 2002 harvest specifications again will be tied closely to new Steller sea lion protection measures that will be implemented by emergency rule for the 2002 fishing year. Thus, the final 2002 harvest specifications also will be implemented by emergency rule, similar to the procedure followed last year. The attached tables from the final 2001 harvest specifications lists the ABCs, TACs, PSC limits, and halibut discard mortality rates for the 2001 BSAI and GOA groundfish fisheries (Item D-1(a)).

(b) Halibut PSC

Pacific halibut bycatch (Prohibited Species Catch) limits are established for the trawl and non trawl fisheries. These limits are further apportioned among specified fisheries. The BSAI non-trawl Pacific cod fishery will be reapportioned an additional amount of Pacific cod (27,000 mt) that is projected to be unused from the trawl allocation. This rollover provision is authorized in regulations. However, representatives for the freezer longliner sector assert that it also will need additional amounts of halibut bycatch to support the additional cod allocation it will receive. A rollover of halibut PSC from the trawl to non-trawl sector is not authorized in regulations. Thus, representatives for the freezer longline fleet have submitted an emergency rule request to the Council to transfer unused trawl halibut bycatch from the trawl sector to the non trawl sector to provide opportunity to harvest available amounts of Pacific cod with non-trawl gear (Item D-1(b)).

The exact amount of the reallocation cannot be identified at this time because of ongoing BSAI trawl fisheries. The Council may adopt the principle and time frame for the reallocation and rely on NMFS to determine the surplus amount to be transferred from the trawl to non trawl sectors as soon as practicable.

(c) Vessel Incentive Program

The VIP to reduce Pacific halibut and crab bycatch rates in the BSAI and GOA trawl fisheries requires that bycatch rate standards be specified for purposes of vessel accountability under the VIP. NMFS staff will present an analysis of vessel bycatch rates in recent years, as well as recommended

**MINUTES
NPFMC MEETING
OCTOBER 2001**

adjustments to bycatch rate standards for the first half of 2001. These rates have remained unchanged since 1995. The bycatch rates for the first half of 2001 must be specified by NMFS prior to the start of the 2002 trawl fisheries on January 20.

Report of the Scientific and Statistical Committee

The SSC received reports on the preliminary results of several stock assessment surveys conducted in 2001. The SSC noted that the eastern GOA was not surveyed in 2001 and that full assessment of biomass will not be available for many groundfish species; the SSC recommended that efforts should be made to survey this area in the future because it is important, particularly for rockfish and thornyheads. Please see the SSC Minutes (Appendix II to these minutes) for more detailed comments on SAFE-related issues.

Report of the Advisory Panel

The AP commented only on the VIP catch rates. The AP endorses using the NMFS-recommended red king crab rates for the 2002 season, but recommends using the 2001 halibut VIP rates for the 2002 season. The AP encouraged the Council to move forward with other bycatch reduction measures such as the HMAP that encourage individual responsibility as a replacement for the VIP.

DISCUSSION/ACTION

Council members were advised that the normal procedure of publishing proposed and interim TAC specifications based on the previous years' s final harvest specifications will not be followed this year. The final 2001 harvest specifications were tied closely to Steller sea lion protection measures and issued by emergency rule. NMFS will do the same for 2002, after completion of the Comprehensive BiOp. At the December meeting the Council will set final TAC and bycatch specifications after receiving updated SAFE reports and recommendations from the groundfish plan teams.

The Council did, however, address preliminary bycatch rates under the Vessel Incentive Program (VIP) for 2002 after receiving a report on the current rates and recommendations from the National Marine Fisheries Service.

Stephanie Madsen moved that the Council recommend using the 2001 halibut and red king crab bycatch rates for 2002, and commit to move forward with other bycatch reduction measures such as the HMAP to encourage individual responsibility as a replacement for the VIP. The motion was seconded and carried, 8 to 1 (Benton voted no; Penney and Samuelson were absent).

Although NMFS had recommended some changes in the current rates, Council members felt that with the changing fishery management measures to protect Steller sea lions, it may be prudent to wait until data is available on what effects, if any, the measures may have on bycatch rates.

Council members requested the Executive Director and Chairman schedule a discussion on alternative methods of bycatch management as soon as time allows.

Plan Team Appointments

The Council approved the recommendation of the SSC to appoint Lowell Fritz of the Alaska Fisheries Science Center to the BSAI Groundfish Plan Team, replacing Richard Ferrero, and Forrest Bowers, Alaska Dept. of Fish and Game, to the BSAI Crab Plan Team, replacing Rance Morrison.

D-2 Crab Management

ACTION REQUIRED

Review the Crab SAFE.

BACKGROUND

BSAI Crab SAFE

The Crab Plan Team recently assembled a Stock Assessment and Fishery Evaluation (SAFE) report for king and Tanner crab stocks of the Bering Sea and Aleutian Islands. The SAFE details the current biological and economic status of fisheries, guideline harvest levels (GHL), and support for different management decisions or changes in harvest strategies. Copies of the SAFE have been distributed. The plan team minutes are attached as Item D2(a)(1).

The 2001 survey results are summarized in Item D-2(a)(2). Overall, the status of BSAI crab stocks is poor. Bering Sea *C. bairdi* and St. Matthew blue king crab remain below the minimum stock size threshold (MSST) established. The Pribilof Islands blue king crab stock appears to be approaching MSST, so a rebuilding plan may need to be developed in the future. Not all the news is bad, however, as signs of future recruitment were observed for Bering Sea *C. bairdi* and *C. opilio*.

Report of the Scientific and Statistical Committee

The SSC received a summary of the 2001 King and Tanner Crab SAFE document and on plans to complete an EIS for the BSAI crab fishery management plan. With respect to the EIS, the SSC expressed concern about the ability of staff to have a draft document completed by April. For more specific comments of the SSC on this subject, and on Crab Rationalization, please the SSC minutes (Appendix II to these minutes).

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

DISCUSSION/ACTION

Council members did not have sufficient time to address this agenda item.

D-3 Staff Tasking

Attached is a spreadsheet depicting existing staff tasking, divided among four categories which reflect prioritization based on legislative or judicial forces, followed by the Council's previous direction. Many of these projects are in various stages of completion, while some have not been started. The recent departure of Maria Tsu has altered our tasking, particularly for the crab rationalization project. This remains a top priority and that analysis will fully engage our new Senior Economist Mark Fina between now and February. Mark will also be involved to some degree in various other Council projects, in a coordinating and review role. Darrell Brannan will assist in the crab rationalization project along with some help from Chris Oliver. Drs. Walter Milon and Stephen Hamilton from the University of Central Florida have been hired on a short-term contract to conduct a general assessment of the different rationalization models, as they relate to the interactions between harvest and processing sectors. A summary of our analysts' tasking is provided below; Elaine Dinneford will continue to provide data support, and work with AKFIN development, and Diane Provost will also work on data support as well as maintain the Council's ever-growing computing and networking needs.

Jane DiCosimo is fully subscribed between now and February, primarily working on the halibut subsistence regulatory package (for December), the shark/skate/other species amendment package

**MINUTES
NPFMC MEETING
OCTOBER 2001**

now scheduled for review in December or February, the GOA Rationalization white paper for review in December (or more likely February), and any activities related to the halibut charter IFQ action.

Nicole Kimball is also fully subscribed through February, working on the CDQ Policy amendment package, originally scheduled for review in December (see NMFS letter regarding possible revised timeline), the GCCC QS buy-in amendment package, and activities related to the observer program regulatory amendment for review in February. She also would be finalizing the Pacific cod pot split analysis (between CPs and CVs) if the Council wants to bring that to the front burner. Chris Oliver will be assisting on some of these items.

David Witherell and Cathy Coon will be working on the SSL amendment package pending Council action at this meeting. I expect them to be primarily engaged in the EFH amendment package after that, which will be a major item through 2002. In addition, Cathy is scheduled for a discussion paper in December on salmon bycatch and she will be assisting in finalizing whatever actions the Council takes regarding seabirds. David also will be assisting with the preparation of an EIS for the BSAI crab FMP, which will have to dovetail with the Council's rationalization plan next year, and other BSAI Plan Coordinator duties.

The tasking summary does not reflect the numerous Committee and other meetings which take a large amount of staff time. These will include the IFQ Committee(s), the EFH Committee, the Observer Committee, Plan Team meetings, CDQ Committee, Council meetings, and Board of Fish meetings through February. The full suite of specific projects is summarized on the attached spreadsheet, with notations on remaining work required and timelines for completion. A number of amendment packages directly or indirectly related to the AFA have also been tasked by the Council. A discussion of those measures under the C-4 agenda item will give us a better picture of how those all fit together, and when we should expect to get them done, though I expect a large part of that workload to be accommodated by outside contract help. I would expect that these amendment packages would be ready for review in mid-late 2002.

As this meeting progresses over the next six days, we just need to be aware that it is unlikely that we will be able to process any new Council actions until after the February meeting. Following this (October) meeting we will once again be advertising for a staff economist, as well as for an additional analyst to be funded for at least three years from our special NEPA compliance funding. This should bring us back up to full speed beginning in 2002 and allow us to take on additional Council projects.

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

Report of the Advisory Panel

The AP recommended the Council convey the following comments regarding tasking issues for staff consideration:

1. Request that ADF&G provide the Council with a report on implementation of the DSR retention program in State waters.
2. Delay action on BSAI pot cod split until February or until BSAI Amendment 67 is resolved.

DISCUSSION/ACTION

Bob Penney made a statement regarding possible effects of the Steller sea lion management measures on bycatch, as follows:

New fishing regulations may increase bycatch. In order to maintain the annual supply of millions of pounds of fishery products to consumers in the USA and in other world markets,

**MINUTES
NPFMC MEETING
OCTOBER 2001**

modification of fishing regulations will be necessary to comply with court-ordered SSL restrictions.

Mr. Penney moved that staff provide a report showing estimates of bycatch under the new SSL management measures. Mr. Penney suggested a one-time report with quarterly updates. The motion was seconded and carried without objection. It was suggested that the report be provided on the same timeline as the SSL trailing amendments approved earlier in the meeting.

Stephanie Madsen moved to delay further action on the BSAI pot cod split amendment until February, or until BSAI Amendment 67 is approved by the Secretary. The motion was seconded by Kevin Duffy and carried without objection.

Stephanie Madsen moved to request the GOA rationalization discussion paper be provided in February. The motion was seconded and carried without objection.

Dennis Austin moved to delay the shark/skate amendment until February. The motion was seconded by Kevin Duffy and carried without objection.

Kevin Duffy moved to delay the GOA salmon reduction measures discussion paper until February. The motion was seconded and carried without objection. John Bundy pointed out that in December the pollock industry is planning to give the Council an annual report on its other salmon bycatch reduction program, and suggested that that report could be delayed until February when this paper will be available. Staff will follow up on this suggestion.

Stephanie Madsen moved to delay consideration of the shorttraker-rougheye amendment until April. The motion was seconded by Bob Penney and carried without objection. Council members indicated that they would prefer to wait until after the DSR retention amendment is approved before taking action on this amendment.

John Bundy moved that item "B" on the list of additional AFA measures approved earlier in the meeting not be tasked with a definite timeline at this meeting, that the LLP recency discussion paper be tasked for December or February. The motion was seconded and carried without objection.

During discussion, the Chairman reviewed his understanding of the tasking at this point for AFA-related measures: The LLP recency discussion paper would be available by February, the "Pritchett proposal" would be on a separate track with an initial analysis possibly by April, and with the discussion paper in February the Council would be able to consider the scheduling of item "B" mentioned in Mr. Bundy's motion. Staff indicated February was a more realistic timeframe than December.

Stephanie Madsen moved that the single geographic location amendment be severed from the current amendment package and brought back to the Council in February. The motion was seconded and carried without objection. Ms. Madsen stressed that her intent would be that this issue be given a very high priority among other AFA-related amendments.

Kevin Duffy moved to set initial review of the amendments to the IR/TU program approved earlier in the meeting for April with final consideration in June. The motion was seconded and carried without objection.

Relative to the Steller sea lion trailing amendments discussed earlier, **Stosh Anderson moved to initiate analysis of a GOA differential gear impact analysis for Pacific cod.** The motion was seconded and failed

**MINUTES
NPFMC MEETING
OCTOBER 2001**

on a tied vote of 5-5 (Anderson, Austin, Balsiger, Benton and Duffy voting in favor; Bundy, Fluharty, Hyder, Madsen and Penney voting against; Samuelsen absent).

It was clarified that Mr. Anderson would consider this a separate action from the SSL trailing amendments.

Later in the meeting, **Stephanie Madsen moved to reconsider this motion.** The motion to reconsider was seconded and carried without objection (Fluharty, Penney and Samuelsen absent).

Stephanie Madsen moved to approve the original motion, putting on the staff's tasking list under "potential new projects". The Council will develop a problem statement for analysis. The motion was seconded and carried without objection (Fluharty, Penney and Samuelsen absent).

E. ADJOURNMENT

There being no further business or comments, the Chairman adjourned the meeting at approximately 10:50am on Monday, October 8.

MINUTES

153rd Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
October 3-8, 2001
Seattle, Washington

TABLE OF CONTENTS

A.	CALL TO ORDER/APPROVAL OF AGENDA/MINUTES OF PREVIOUS MEETING(S) . . .	3
B.	REPORTS	3
C.	NEW AND CONTINUING BUSINESS	3
	C-1 Halibut Charter IFQ Program	3
	C-2 Steller Sea Lion Measures	6
	C-3 Seabird Avoidance	11
	C-4 American Fisheries Act	14
	C-5 Draft Programmatic Groundfish SEIS	19
	C-6 Essential Fish Habitat	20
	C-7 CDQ Program	22
D.	FISHERY MANAGEMENT PLANS	25
	D-1 Groundfish Management	25
	D-2 Crab Management	28
	D-3 Staff Tasking	28
E.	ADJOURNMENT	31

APPENDICES:

- I List of Persons Giving Public Comment
- II Minutes of the Scientific and Statistical Committee
- III Minutes of the Advisory Panel
- IV Revised Description of Alternative 4 (Steller Sea Lion Measures)
- V Final Council Action on Steller Sea Lion Measures