

North Pacific Fishery Management Council

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MINUTES
168th Plenary Session
North Pacific Fishery Management Council
October 6-12, 2004
Sitka, Alaska

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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 up to the current action. This section will be set in a different style font 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 the **reports** of the Scientific and Statistical Committee (SSC) and Advisory Panel (AP) on the subject. Last will be a section describing **Council Discussion and Action**, if any.

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Certified Stephanie D. Madsen
Stephanie Madsen, Chair

Date December 7, 2005

MINUTES

168th Plenary Session North Pacific Fishery Management Council October 6-12, 2004 Centennial Building Sitka, Alaska

The North Pacific Fishery Management Council met October 6-12, 2004 in the Auditorium of the Centennial Building in Sitka, Alaska. In addition, the Advisory Panel met October 4-8 in the Maksoutoff Room, the Scientific and Statistical Committee met October 4-6 in the Rosseau Room. The following members of the Council, staff, SSC and AP attended the meetings.

Council

Stephanie Madsen, Chair	Kevin Duffy/Earl Krygier	Roy Hyder for Lindsay Ball
Dennis Austin, Vice Chair	Arne Fuglvog	Hazel Nelson
Jim Balsiger/Sue Salvesson	Dave Hanson	CDR Mike Cerne
David Benson	Doug Hoedel	Edward Rasmuson
John Bundy		

NPFMC Staff

Chris Oliver, Executive Director	Diana Evans	Jim Richardson
Gail Bendixen	Mark Fina	Maria Shawback
Cathy Coon	Nicole Kimball	Diana Stram
Jane DiCosimo	Peggy Kircher	Bill Wilson
Elaine Dinneford	Jon McCracken	David Witherell

Support Staff

Lauren Smoker, NOAA-GC	Steve Davis, NMFS	Gretchen Harrington, NMFS
Kirsten Mabry, NMFS	Ben Muse, NMFS	Herman Savikko, ADF&G
Jeff Passer, NOAA Enf.	Greg Cashen, DCED	Rachel Baker, ADF&G
Peter Munro, AFSC	Scott Miller, NMFS	Gary Stauffer, AFSC
Obren Davis, NMFS	Bridget Mansfield, NMFS	Jim Fall, ADF&G
Bubba Cook, NMFS	Craig Rose, AFSC	Kaja Brix, NMFS
Jon Kurland, NMFS	Sally Bibb, NMFS	Marcus Hartley, NorEcon
John Olson, NMFS	Steve Lewis, NMFS	Ken Drinkwater, Inst Marine Rsch

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Scientific and Statistical Committee

Rich Marasco, Chair	George Hunt	Terry Quinn
Keith Criddle	Gordon Kruse, Vice Chair	Farron Wallace
Mark Herrman	Pat Livingston	Doug Woodby
Sue Hills	Ken Pitcher	

Advisory Panel

John Bruce, Chair	Dave Fraser	Kris Norosz
Dave Boisseau	Bob Jacobson	Eric Olson
Al Burch	Teresa Kandianis	Jim Preston, Co-Vice Chair
Craig Cross	Mitch Kilborn	Michelle Ridgway
Tom Enlow	Kent Leslie	Jeff Steele
Dan Falvey, Co-Vice Chair	Tracey Mayhew	Jeff Stephan
Lance Farr	Sandra Moller	

Other Attendees

Below is a list of people who signed the attendance register. A list of those who provided public comment during the meeting is found in Appendix 1 to these minutes.

Arni Thomson, Alaska Crab Coalition	Matthew Moir, Alaska Pacific Seafood
Simeon Swetzof, Jr., St. Paul Island	Joe Childers, WGOAF, Juneau
Paul MacGregor, At-Sea Processors Assn.	Heather McCarty, Juneau
Craig Cross, Aleutian Spray Fisheries	Marcus Alden, Westward Fishing Co.
Frank Kelty, City of Unalaska	John Iani, Seattle
Clem Tillion, Halibut Cove	F. Gregory Baker, Westward Seafoods
Al Burch, Alaska Druggers Assn.	Mike Szymanski, Fishing Co. of Alaska
Phillip Lestenkof, Central Bering Sea Fishermen's Assn.	Bill Orr, Iquique US
Thorn Smith, North Pacific Longline Assn.	Beth Stewart, Aleutians East Borough
Jeff Stephan, United Fishermen's Marketing Assn.	Donna Parker, Arctic Storm
Walter Sargent, Kodiak	Tom Morphet, United Fishermen's Assn.
Brent Paine, United Catcher Boats, Seattle	Leslie Smith, Alaska Jig Assn.
Joe Plesha, Trident Seafoods	Susan Robinson, Fishermen's Finest
Robert Mikol, OceanLogic	Glenn Reed, Pacific Seafood Processors Assn.

A. Call to Order, Approval of Agenda/Minutes of Previous Meeting(s)

Chairman Stephanie Madsen called the meeting to order at 8:05 am on Wednesday, October 6, 2004. Dr. Jim Balsiger administered the oath of office to new Council member Doug Hoedel. The Alaska Longline Fishermen's Association will be hosting a reception this evening at 5:15 pm in the Exhibition Room.

Election of Officers: By unanimous vote, Stephanie Madsen was elected Chair and Dennis Austin was elected Vice Chair for a term of one year.

Agenda: The agenda was approved as submitted.

Minutes of Previous Meetings: There were no minutes available for approval.

B. Reports

The Council received written reports from the Executive Director (B-1), NMFS Management (B-2), U.S. Coast Guard (B-4), ADF&G (B-5), USFWS (B-6), and Protected Species (B-7).

DISCUSSION RESULTING FROM REPORTS

Executive Director's Report

Chris Oliver introduced Jim Richardson as the Council staff's new economist. Mr. Oliver also reviewed upcoming meetings.

Bill Wilson, Chair of the Alaska Chapter of American Fisheries Society, announced the upcoming 2005 AFS meeting in September in Anchorage. The poster for the meeting this year is titled "Creating A Fisheries Mosaic" with artwork by Ray Troll, and Mr. Wilson has one available for each Council member.

Chris Oliver introduced a group representing the Bering Sea Fisheries Research Foundation who wished to address the Council. The Council received a spiral-bound report which was placed in the notebooks, and Gary Stauffer spoke on behalf of the group.

NMFS Management. The Council received a PowerPoint presentation from Sue Salveson and a written report was placed in the notebooks.

U.S. Coast Guard. Commander Mike Cerne gave a PowerPoint presentation and provided a handout which was placed in the notebooks. Chair Madsen introduced Captain Mark Guillory who will also be attending the meeting through Friday.

ADF&G. The Council received a PowerPoint presentation from Herman Savikko and a written report was placed in the notebooks.

USFWS. Tony DeGange provided the Council with a report which was placed in the notebooks.

Protected Species. The Council received a comprehensive update on several protected species issues, including: fur seal status and development of the fur seal EIS; Steller sea lions (SSL) and agency plans for future consultations relative to the groundfish fisheries; proposed listings (Categories) of fisheries under the Marine Mammal Protection Act (for which the Council expects to provide formal comment in December); development of the SSL Recovery Plan; proposed sea otter listing; northern right whale information; seabird interactions and current international efforts to reduce seabird bycatch; and a report from the Council's SSL Mitigation Committee. Agency and Council staff that provided these reports were Bill Wilson, Kaja Brix, and Bridget Mansfield. Two handouts were distributed and placed in the notebooks. With regard to the proposed List of Fisheries for 2003, Chair Madsen requested that Bridget Mansfield update Council members at their next meeting in December on the issue of the

C. NEW OR CONTINUING BUSINESS

C-1(a) Aleutian Island Pollock

ACTION REQUIRED

Review request from NMFS to reconsider the Council's June decision on AI pollock and take action as necessary.

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BACKGROUND

At its June 2004 meeting, the Council approved Amendment 82 to the BSAI groundfish fishery management plan to provide for management of an AI pollock fishery and to allocate the pollock TAC to the Aleut Corporation. This Council action was taken in response to mandates in a Congressional Bill (now PL 108-199). The Council's final motion on AI pollock is attached as Item C-1(a)(1).

Since the June meeting, NMFS has determined that this issue requires further Council action, and has outlined their concerns in a letter to the Council dated September 21, 2004 (Item C-1(a)(2)). NMFS is recommending that separate pollock TACs for the AI and Bering Sea subareas be adopted by the Council during the specifications process, and that the Western Alaska CDQ directed fishing allowance (10% of the AI and the Bering Sea TACs) be subtracted from each subarea TAC before apportionment to the respective target fisheries. A second issue is NMFS' concerns over the appropriateness of establishing in regulations Council policy on how it allocates TACs within the 2 million mt OY cap and "funds" the AI pollock TAC.

AP/SSC REPORT

Neither the SSC nor the AP addressed this agenda item.

COUNCIL DISCUSSION/ACTION

The Council discussed the issues brought forth by NMFS staff and the intent of their motion in June. Jim Balsiger moved to adopt revisions to the June motion which he presented in a handout, and Hazel Nelson seconded the motion. **After discussing Dr. Balsiger's motion, John Bundy offered a substitute motion to adopt the recommendations provided by NMFS in the notebooks as Enclosure 3.** Ed Rasmuson seconded the motion which carried 6 to 5 (with Austin, Benson, Bundy, Hyder, Rasmuson, and Madsen voting in favor). The result of this motion is a directed pollock fishery allocation for the Aleut Corporation of 15,100 mt, which is expected to be available for harvest in the 2005 A season fishery. The Council intends to examine the ICA amount relative to the future specifications process.

The language (in **bold/strikeout**) adopted by the Council is shown below. Only the sections of text with revisions from the original motion are included.

- | |
|---|
| <p><u>1.0 Allocation Size</u>
Starting in 2005:</p> <ol style="list-style-type: none">1. Annual TAC ITAC<ol style="list-style-type: none">(a) When the AI ABC is equal to or more than 19,000 mt, the AI TAC ITAC shall equal 19,000 mt.(b) When the AI ABC is less than 19,000 mt, the AI TAC ITAC shall be no more than the ABC.2. The AI Pollock CDQ directed fishing allowance shall be established as 10% of the AI TAC. The remaining amount will be termed the initial TAC (ITAC)¹3. The ICA shall be deducted from the annual ITAC.3. Seasonal Apportionments<ul style="list-style-type: none">• The A season apportionment of the directed pollock fishery (DPF) shall be the lesser of<ol style="list-style-type: none">(a) no more than 40% of the ABC, or(b) the annual ITAC after subtraction of the incidental catch allowance (ICA)• The total harvest in the A season (DPF, CDQ, and ICA) shall not exceed 40% of the ABC.• The B season apportionment will be equal to the annual ITAC minus the ICA and minus A season DPF.• The B season apportionment may be further adjusted by rollover of unharvested A season pollock. |
|---|

1 The CDQ pollock directed fishing allowance is seasonally apportioned 40/60 between the A/B seasons, respectively, under 50 CFR 679.23(e)(2).

2.0 Allocation Mechanism

2.2 The **AI pollock TAC** ~~pollock allocation to the AI fishery~~ will be funded by a reduction in the EBS pollock **TAC** ~~ITAC~~. Any unused pollock ~~ITAC~~ from the AI fishery will be rolled back to the EBS pollock ~~ITAC~~. This will occur at the earliest time possible in the calendar year. Before making the apportionment as described here, the AI pollock **TAC** is to be funded from the difference between the sum of all BSAI groundfish fishery TACS and the BSAI 2 million mt OY cap, unless the difference is not large enough to do so.

5.0 Economic Development Report

5.4 Require the Aleut Corporation to submit a report to the Council prior to its June 2006 meeting. At its June 2006 meeting, the Council shall review the AI pollock fishery performance, including how the money was spent, information on harvest success, Chinook salmon bycatch, development of a small vessel fleet, and progress toward completion of pollock processing capacity, to determine if further adjustments to the AI pollock **TAC** may be appropriate, in light of Section 803 of the Consolidated Appropriations Act, 2004 and Senator Stevens' floor language.

C-1 GOA Groundfish Rationalization

ACTION REQUIRED

Review and refine alternatives, elements, and options

BACKGROUND

In June 2003, the Council identified for analysis a suite of alternatives, elements, and options to rationalize the Gulf of Alaska groundfish fisheries. At subsequent meetings, the Council has revised and refined those alternatives, elements, and options based on staff discussion papers and public comment. At this meeting, staff has prepared a discussion paper with several attachments to aid the Council in continuing that process. The introductory section of the discussion paper provides a summary of the alternatives and a brief description of the process that the Council could use to refine alternatives to expedite the necessary regulatory analyses. Attachment A to the discussion paper is the comprehensive Council motion (last revised April 2, 2004).

The second attachment (Attachment B) provides an overview of the community provisions currently in the alternatives and options for Gulf rationalization, and identifies some of the remaining policy and technical decisions associated with the provisions. The intent of this paper is to assist the Council in making the necessary policy decisions, specifically related to the goals and purpose of the community provisions. A clear understanding of the Council's purpose will guide the development of appropriate and effective options that make up the structure of the programs. The paper could be used to facilitate the initiation of a committee process, should the Council want to establish a committee to address some of the technical aspects of the programs. The summary of the paper lists the following possible decision points for the Council at this meeting (p. 18 of Attachment B):

- Confirm that the four proposed community provisions are the ones the Council wants analyzed
- Determine and clarify the purpose of the CFQ Program and, to the extent possible, how that program is intended to work.
- Clarify the purpose of the Community Purchase Program
- Should the Council initiate a committee, task the committee with developing the design and implementation elements of the provisions so that the options comport with the Council's intended purpose(s).

Potential approaches and examples to help work through the above decision points are provided in the paper.

Finally, Attachment C is an annotated copy of the motion that contains qualitative analyses of some of the provisions in the motion. Staff selected provisions to analyze based on several different factors. All of the provisions that are chosen could be decided on a policy basis without data analysis, should the Council choose to make those decisions. If the Council would prefer some specific additional analyses (including data analyses) for any of these provisions, the Council should inform staff. Several of the provisions analyzed do not lend themselves to quantitative analysis. In addition, some of the multioption decision points analyzed could complicate future data analyses because of the interaction of those options with

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other decision points. The analysis in this third paper focuses extensively on options in the following subject areas of the Council motion:

- processor protections (primarily in Alternative 2)
- cooperatives,
- catcher processors, and
- leasing of harvest shares and owner-on-board requirements.

In considering the suggested decision points, the Council should bear in mind that adequate regulatory analyses must fully analyze all alternatives, comparing and contrasting their impacts. To accomplish that end, the analysis must make clear the implications of each option available to the Council within an alternative, including the interaction of the choice of each option with every other option that the Council might also choose for other provisions. For example, if the Council wishes to consider options for low and high member thresholds for cooperative formation and also options for reducing PSC allocations in some circumstances, the analysis must make clear not only the general impacts of the choices of membership thresholds, but also how the threshold choices under consideration would differently interact with the various choices of PSC reductions under consideration. This example illustrates the analytical issue that arises by retaining options with respect to two decision points in a Council motion. The current Gulf rationalization Council motion, however, contains on the order of one hundred such decision points. The result is that the current motion is analytically intractable. To state the problem simply, the alternatives have too many options for staff to fully explain (or even understand) the implications of the interactions of all of the different options (as required of regulatory analyses). Given the complexity of the alternatives, staff will be unable to complete the regulatory analyses prior to the Council substantially narrowing the options within each alternative. Staff is hopeful that the Council will take this opportunity to better identify the programs it intends to forward in its alternatives, which will in turn allow staff to provide more meaningful and informative analyses to the Council in the future.

AP REPORT

The AP recommended that the Community Purchase Program option currently in Alternative 2 be added to Alternative 3. Further, the AP recommended clarifying that the intent of the community purchase option is to develop an alternative that is parallel to the halibut and sablefish purchase program adopted by the Council as Amendment 66.

The AP recommended that the Council appoint a Community Protection Committee to address issues related to the Community Fisheries Quota, CIFT and the Community Purchase program options. If CFQs are created, the AP reaffirmed its intent that they only be leased to eligible community residents to fish. Additionally, the AP requested the Council further define the purpose statement for the CFQ program prior to appointing a committee.

The AP recommended the Council adopt numerous specific changes/additions/deletions by section. Please refer to the AP Minutes for their full recommendations ([Appendix 2](#) to these minutes).

SSC REPORT

The SSC did not address this agenda item.

COUNCIL DISCUSSION/ACTION (C-1)

The Council received a discussion paper from Mark Fina concerning the alternatives for rationalization of the Gulf of Alaska groundfish fisheries. The paper summarized the alternatives and described a process by which the Council could simplify the alternatives for analysis. Nicole Kimball summarized the community provisions in the Council alternatives and requested that the Council clarify the purpose of the programs in order to focus the development of the elements and options.

Community Provisions

Arne Fuglvog moved to adopt an outline of options for analysis of Community Provisions, which would be addressed independently from the other rationalization programs analyzed. The 5-page outline was distributed to Council members. Ed Rasmuson seconded the motion.

Mr. Fuglvog noted an additional change to the Community Purchase Program section which was not in his original motion before the Council. He clarified the description of eligible communities under Section 2.2.9.3.2, Option 1 by revising item ‘a’ to read, “less than 1,500 but not less than 25” and to delete items b, c, and d.

Hazel Nelson moved to amend the motion as follows: On the last paragraph of page 5, strike the word “future” and add a second sentence that reads “The intent is not to create these options as trailing amendments but for this group of components to be implemented at the same time that GOA rationalization goes into effect and will move forward under either Alternative 2 or 3.” John Bundy seconded the motion which carried without objection.

Hazel Nelson moved to amend Mr. Fuglvog’s motion as follows: On page 4 under Administrative Entity (2.2.9.3.1), add the following language to the end of the sentence, “and may include the management responsibility for administering the CFQ program.” Arne Fuglvog seconded the motion which carried without objection.

Dave Benson moved to amend the motion, based on staff’s comments, by deleting the word “Regionalization” in the last paragraph of the entire motion (page 5). The motion was second by Hazel Nelson and carried without objection.

The final motion as amended carried 6 to 5 (with Austin, Balsiger, Duffy, Fuglvog, Nelson, and Rasmuson voting in favor) and is provided in Appendix 4 to these minutes.

Alternative 2 – Harvest Sector Provisions

Arne Fuglvog moved to adopt a revised list of provisions under Alternative 2 which was handed out to the Council. The motion was seconded. **The Council made numerous changes to Mr. Fuglvog’s motion through amendments and discussion.** The final motion as amended carried without objection and is provided in Appendix 4 to these minutes.

Alternative 3 – Sector Allocations and Voluntary Coop Structure

Kevin Duffy moved to adopt a revised list of provisions under Alternative 3 which was handed out to the Council. Mr. Duffy included, as part of his motion, a separate one-page list of prohibited species catch provisions for salmon and crab bycatch. Hazel Nelson seconded the motion. **The Council made numerous changes to Mr. Duffy’s motion through amendments and discussion.** The final motion, as amended, carried without objection and is provided in Appendix 4 to these minutes.

The Council also clarified its intent to base the allocations under all of the alternatives on retained catch excluding fish destined for meal production. Under all alternatives, the Council has elected to adopt a system of periodic reviews to assess the extent to which the program is meeting its intended purpose and facilitate any amendments to address unintended negative consequences.

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C-2 GOA Rockfish Demonstration Project

ACTION REQUIRED

Finalize alternatives and elements for 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 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 June meeting, the Council chose to defer until this meeting the identification of sideboards that would limit participation of rockfish program participants in other fisheries during the month of July. In addition, in the preliminary stages of the analysis staff has identified a few other issues that could benefit from Council consideration. Specifically, staff suggests that the Council consider whether to include non-trawl participants in the primary program, as the historic participation of this sector is very limited and may result in qualified participants having a smaller allocation than non-qualified participants that choose to operate in the entry level fishery. Staff has also identified a few minor issues for clarification.

AP REPORT

The AP recommends not including the non-trawl sector in the primary program.

1. Delete "Option 3. Non trawl catcher vessel" from Section 3.1
2. Delete the words "by any gear type" from the third bullet in Section 3.3

Additionally, the AP recommended specific changes to the sideboard provisions, general provisions, and CP and CV sideboard provisions and set asides. These recommendations are included in the AP minutes as [Appendix 2](#).

SSC REPORT

The SSC did not address this agenda item.

COUNCIL DISCUSSION/ACTION (C-2)

Following a brief report from Mark Fina, **Roy Hyder moved to approve the Advisory Panel's recommendations, clarifying that the sideboard provisions substitute those on page 8 of Attachment 1 of the Central Gulf Rockfish Discussion Paper.** The motion was seconded. **The Council made a few additional changes to the Set Asides and CV Sectors sections through amendments (shown in the box below in bold/strikeout).** The final motion, as amended carried without objection. A complete copy of the alternatives, elements, and options as revised by the Council is included as [Appendix 5](#) to these minutes.

1 Set-asides

Prior to allocation of catch history to the sectors, NMFS shall set aside:

- 1.1 ICA: An Incidental Catch Allocation (ICA) of POP, Northern rockfish and pelagic shelf rockfish to meet the incidental catch needs of fisheries not included in the pilot program.
 - 1.2 Entry Level Fishery: A percentage of POP, Northern rockfish and pelagic shelf rockfish for catcher vessels not eligible to participate in the program, as mandated in the Congressional language. For the ~~first year~~ **duration** of this program, **the annual** set aside will be 5% of each of these target rockfish species. *[M/S (Fuglvog) and carried unanimously]*
 - o Allocations shall be apportioned between trawl and non-trawl gear:
 - Option 1. 50/50
 - Option 2. proportional to the number of applications received
 - ~~Option 3. Increase the fixed gear portion of the fixed gear set aside each year by 0.5%/year each year the fixed gear sector catches their full allocation.~~ *[M/S (Benson) and carried with one opposed-Fuglvog]*
 - o The Council will develop a method for rolling over an allocation to the other entry level sector, in the event a sector is unable to harvest its allocation.

Suboption: The rollover from non-trawl to trawl will occur at the end of the third quarter ~~and if the non-qualified vessel quota is not taken by November 1, it will be rolled over to any eligible vessel.~~ *[M/S (Fuglvog) and carried unanimously]*
 - o Prosecution of the entry level fishery will be supported by general allocations of PSC to the gear type not allocated under 3.3.1.3 and the general allocations of secondary species not allocated under 3.3.1.2
- 5.4 CV Sector
- Catcher vessel cooperatives are required to have at least 5-10 eligible LLPs
 - **Co-ops may engage in inter-cooperative transfers of annual allocations to other cooperatives.** *[added back in from AP's motion to delete—M/S (Duffy) and carried unanimously]*
 - No processor associations required by co-ops.

C-3 Habitat Area of Particular Concern and Essential Fish Habitat

ACTION REQUIRED:

- (a) Initial Review of HAPC EA/RIR/IRFA.
- (b) Receive Center for Independent Experts (CIE) review.
- (c) Receive draft comment and response report on EFH EIS.
- (d) Receive revised Alternative 5b open area boundaries using the 200 mt limit, and take action as necessary.

BACKGROUND

- (a) Initial Review of HAPC EA/RIR/IRFA.

Habitat areas of particular concern (HAPC) are a subset of essential fish habitat (EFH) that are ecologically important, sensitive to disturbance, exposed to development activities, or rare. An EA/RIR/IRFA was prepared to evaluate alternatives for designating specified HAPC sites, and implementing measures to provide additional habitat conservation within those areas. The analysis was mailed out last week, and the executive summary is attached as Item C-3(a). Three separate actions are considered in analysis:

- (1) HAPC designation and conservation of seamounts
- (2) HAPC designation and conservation of hard coral areas in the Gulf of Alaska, and
- (3) HAPC designation and conservation of hard corals areas in the Aleutian Islands.

For each action, several alternatives were considered, as detailed in the executive summary. At this meeting, the Council will review the analysis and make changes as necessary, prior to releasing the document for public review.

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The joint stipulation requires that "final regulations implementing HAPC designations, if any, and any associated management measures that result from this process will be promulgated no later than August 13, 2006, and will be supported by appropriate NEPA analysis." To meet this deadline, the Council is scheduled to take final action on both the EFH EIS and the HAPC EA/RIR/IRFA in February 2005.

(b) CIE Review

Earlier this year, NMFS contracted with the Center for Independent Experts (based at the University of Miami) to review the effects of fishing analysis contained within the EFH EIS as Appendix B. The CIE report was distributed by mail last month, and has been available on the NMFS Alaska Region web site. A summary of the report is attached as Item C-3(a). Dr. Ken Drinkwater, chair of the CIE review panel, will be in attendance early in the Council meeting to report on the panel's findings. The Council may provide input on revising the EFH EIS analysis to address the CIE findings.

(c) Comment and Response Report

NMFS has drafted responses to public comments on the EFH Draft EIS, and has requested Council input on the draft responses. The report was mailed out last week, and the cover letter from Dr. Balsiger is attached as Item C-3(b). NMFS staff will be on hand to summarize the report.

(d) Alternative 5b areas with 200 mt limit

In June, the Council added several suboptions for the Aleutian Islands portion of Alternative 5b of the EFH EIS. Specifically the options would be as follows:

1. The original Alternative 5b open areas for bottom trawling with coral and sponge bycatch caps and TAC reductions (as currently analyzed in the EFH EIS).
2. Revised open areas and modifications based on Oceana's April 29th letter to the NPFMC with:
 - a. No bycatch caps for corals/sponges, and no TAC reductions for any groundfish;
 - b. Including coral/sponge bycatch caps and TAC reductions for Atka mackerel and rockfish TACs.
3. Open areas where the cumulative bottom trawl groundfish catch is greater than or equal to 200 mt, based on observer data for 1991-2003. This option would also remove coral/sponge bycatch caps and TAC reductions for all groundfish.

NMFS has plotted the observer data, relative to the alternative/option #3, as detailed above. The resulting maps are attached as Item C-3(c). At this meeting, the Council may finalize the boundaries of the open areas for this alternative/option so that staff can complete the analysis prior to final Council action on the EFH EIS, scheduled for February 2005.

AP REPORT

The AP recommended adding an option to Action 2, Alternative 3 GOA Corals in SE as follows:

Prohibit bottom trawling in subareas and designate remainder of HAPC as a research priority for longline gear impacts. Additionally, the AP recommended information on Canadian bottom contact fisheries in the proposed Dixon Entrance HAPC be included in the analysis.

Alternative 5B: The AP endorsed the Aleutian Island trawl industry's attempt to provide data to modify Alternative 5B boundaries based on the 200-mt approach. We request the Council provide an opportunity and timeframe for this data to be analyzed prior to the December Council meeting.

SSC REPORT

C-3a. EA/RIR/IRFA on HAPC proposals. The SSC provided editorial comments to the EA/RIR and, given attention to these, agrees that the document is ready for release for public review.

C-3b. CIE Review. The SSC identified three issues for comment: (1) the use of MSST as a criterion for evaluating effects of fishing on FMP species, (2) the fishing effects model and recommendations for further analysis, and (3) the need for a precautionary approach in interpreting model results. Please see the SSC minutes (included as Appendix 3) for further comments on this agenda item.

COUNCIL DISCUSSION/ACTION (C-3)

C-3(a) HAPC EA/RIR/IRFA. Cathy Coon (NPFMC) and Marcus Hartley (Northern Economics) gave a brief overview of the draft analysis. **Arne Fulgvog moved to adopt the AP's recommendations by adding a management option (under Action 2, Alternative 3, GOA Corals in SE) prohibiting bottom trawling in the six southeast HAPC subareas, while designating the remaining HAPCs as research priorities for longline gear impacts. Additionally, information on Canadian bottom contact fisheries in the proposed Dixon Entrance HAPC should be included in the analysis. Following these changes to the analysis, the document should be released for public review.** The motion was seconded and carried without objection.

The Council also requested that staff revise the HAPC proposal process (Appendix J EFH EIS) to incorporate the joint plan teams' recommendations.

C-3(b) CIE Review of EFH EIS. The Council received a report from Dr. Ken Drinkwater (Institute of Marine Research, Bergen, Norway) on behalf of the Center for Independent Experts (CIE), who reviewed the effects of fishing analysis contained in Appendix B of the EFH EIS. A handout was provided and placed in the notebooks. The CIE concluded that the model provided useful estimates on the effects of fishing on habitat. They also made several recommendations to improve the model and provided input on how stock biomass and other indicators should be incorporated into the evaluation of fishing on EFH. Dr. Craig Rose (AFSC) summarized NMFS' response to the CIE review and provided a handout which was placed in the notebooks. **The Council concurred with the agency's approach to responding to the CIE review, as well as the SSC's recommendations. The Council agreed that additional work on the analysis, as described by NMFS and the SSC, would go a long way to improve the document.** The revised analysis is scheduled to be available by mid-January.

C-3(c) CAR report on EFH EIS. Dr. Jon Kurland (NMFS) reported on the draft comments and responses to the EFH EIS. **In response to comments provided by the U.S. Forest Service and Loggers Association, Kevin Duffy moved that the staff prepare a short discussion paper to provide more details on issues relative to the conservation recommendations included as part of Appendix G (Non-Fishing Impacts to EFH).** Arne Fulgvog seconded the motion which carried without objection.

C-3(d) Alternative 5b. John Olson (NMFS) gave a PowerPoint presentation on the revised Alternative 5b open area boundaries in the EFH EIS and provided color maps which were placed in the notebooks. The Council heard comments from the trawl fishing industry that the areas designated as open to trawling, based on the 200 mt criteria, would not encompass many of the trawled areas because the data are based on haulback positions. **Kevin Duffy made the following motion: The Council supports the Aleutian Island trawl industry's attempt to provide data suggesting modifications to Alternative 5b boundaries based on the 200 mt approach. The Council requests that the trawl groups meet with the fishermen in order to provide their recommendations on boundaries for the open areas to Council and agency staff in early-November. This would allow time for some analysis of the areas, including enforcement considerations, prior to further review by the Council (including the U.S. Coast Guard and Enforcement Committee) at the December meeting.** The motion was seconded and carried without objection.

Final action on the HAPC EA/RIR/IRFA and the EFH EIS is scheduled for February 2005.

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C-4 IR/IU

ACTION REQUIRED

Receive staff discussion papers—Overview of Amendment 80, Pacific cod area split, and impacts of Amendment 80 on BSAI parallel fisheries, and take action as necessary

BACKGROUND

In December 2003, the Council identified for analysis a suite of components and options for sector allocations of BSAI non-pollock groundfish and PSC (Amendment 80a) and a cooperative program for the Non-AFA trawl catcher processor sector (Amendment 80b). Since that time, the Council has continued to revise and refine these components and options based on staff discussion papers and public comment. A copy of the most recent version of the components and options for amendment is included in the Overview of Amendment 80 discussion paper, attached as Item C-4(a). Also included in this discussion paper is a short description of the alternatives, analytical methodology, and table of contents.

The Council also directed staff during the June 2004 meeting to revise a discussion paper that examines ways for splitting BSAI Pacific cod by subarea to include more year combinations for analysis of the historical harvest option (Option 1 of the discussion paper), attached as Item C-4(b).

Finally, staff has included a discussion paper that examines the impacts of Amendment 80 on the BSAI parallel fisheries. A copy of this discussion paper is attached as Item C-4(c).

Currently, the amendment is scheduled for initial review in February 2005, followed by final action in April 2005.

AP REPORT

The Advisory Panel did not address this agenda item.

SSC REPORT

The SSC would like further opportunity to comment on the analysis as it is developed and therefore, requested a progress report at the December 2004 meeting. The SSC presented a list of nine suggestions based on the draft outlines for the three analyses and discussions with staff. Please see the SSC Minutes ([Appendix 3](#) to these minutes) for their specific suggestions.

COUNCIL DISCUSSION/ACTION (C-4)

Jon McCracken gave the Council a brief overview of the Amendment 80 issues and discussion papers. **The Council chose to modify the scope of Amendment 80 for the purpose of streamlining the proposed action back to its original intent, which was to provide the non-AFA trawl catcher processor sector with a tool to meet Amendment 79 groundfish retention standard.**

The primary change was the removal of Pacific cod allocations from Amendment 80, yet the Council reaffirmed that sector allocations of Pacific cod are an important issue, and they plan to initiate an analysis of Pacific cod allocations at the December meeting, where they will develop a problem statement and begin drafting elements and options.

Other changes to Amendment 80 include limiting allocations of species to the primary target fisheries for yellowfin sole, rock sole, flathead sole, Atka mackerel, Aleutian Islands Pacific Ocean perch, Alaska plaice, and arrowtooth flounder. The Council also limited allocations of these target fisheries to only the non-AFA trawl catcher processor sector; the remaining unallocated portion of TAC will be available for the open access fishery for all other participants with the appropriate LLP endorsements.

Additionally, the Council removed the option of an underutilized species threshold fishery, and instead addressed the concept by adding four new allocation options. Finally, since the focus of Amendment 80 has shifted back to the non-AFA trawl catcher processor sector, eligibility criteria for all other sectors are no longer required and were removed from the proposed action.

These recommendations were accomplished through an initial motion by Earl Krygier (placed in the notebooks), followed by considerable discussion and amendments. The final motion, as amended, carried with one objection (Arne Fuglvog) and is included as Appendix 6 to these minutes.

At the December meeting, staff will provide a discussion paper outlining the components and options for the revised Amendment 80 and highlighting those that need further clarification. They will also include tables of historic catch of the primary target groundfish species for all of the trawl sectors.

C-5 CDQ Program

ACTION REQUIRED

- a) Status report on analysis of alternatives to modify the management of the CDQ groundfish reserves
- b) Report on CDQ community eligibility
- c) Report on confidentiality of CDQ information submitted to NMFS

Background

- (a) Status report on analysis of alternatives to modify the management of the CDQ groundfish reserves

At the June 2004 Council meeting, NMFS staff presented an initial draft analysis of alternatives to revise the fisheries management regulations for the groundfish CDQ fisheries. These alternatives provided the Council with options to decide which species to allocate among the individual CDQ groups (CDQ group level) versus which species would be managed for all CDQ groups as a whole (CDQ reserve level). In June, the Council requested the addition of two alternatives to the analysis:

1. Allow after-the-fact transfers between CDQ groups during the year. This could allow a CDQ group to cover an overage of its allocated quota.
2. Allow the CDQ groups to manage the 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. This approach would be modeled on the harvest cooperatives that have developed under the American Fisheries Act.

NMFS has not been able to complete a revised analysis incorporating these new alternatives because of the priority of other CDQ-related projects this summer, such as development of two proposed rules related to Amendment 71, the first administrative appeal of a CDQ administrative determination, and the CDQ and Adak-related aspects of the crab rationalization program.

However, NMFS has reformulated the alternatives using a series of issue questions, with options and sub-options, to include the two new alternatives and to help clarify and better organize the analysis. The reformulated alternatives were sent to the Council for review on September 21, 2004, and are provided as Attachment C-5(a)(1). NMFS will present the list of issues and options at this Council meeting and answer any additional questions that the Council may have about the analysis.

In addition, in late August, the Council received a copy of a letter from one of the CDQ groups, Aleutian Pribilof Island Community Development Association (APICDA), to NMFS. The letter relates APICDA's concern regarding an overage of Greenland turbot CDQ by the F/V Seafisher in the Aleutian Islands. Upon confirmation from the North Pacific Groundfish Observer Program that the observer followed appropriate sampling protocol to obtain the species composition estimates of the haul in question, APICDA requested that NMFS allow the substitution of the Seafisher's estimate of Greenland turbot catch for the observer's estimate in this specific haul. The rationale for this request is outlined in APICDA's letter, provided as Attachment C-5(a)(2). NMFS' response to this letter confirms the use of observer estimates as the basis for CDQ catch accounting and is provided as Attachment C-5(a)(3).

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The APICDA letter references the Council's plan to review an amendment that would allow a CDQ group to continue fishing following an overage, providing the group secures sufficient CDQ to cover the overage prior to the end of the year. This is one of the two new alternatives added to the analysis described above, to modify the management of the CDQ groundfish reserves. Given that the Council recommended further analysis and review prior to releasing the document for public review, it may be appropriate to also discuss the schedule at this meeting.

(b) Report on CDQ community eligibility

The 1996 amendments to the MSA inadvertently created an inconsistency between the community eligibility criteria for the CDQ Program in the MSA and the community eligibility criteria in NMFS regulations at 50 CFR part 679. The eligibility criteria in NMFS regulations have been used to establish community eligibility since 1992. Section 305(i)(1)(B) of the MSA provides six eligibility criteria, all of which must be met by a community to be eligible for the CDQ Program. NMFS regulations include these eligibility criteria, but also state that a community can be eligible for the CDQ Program if it is listed on Table 7 to 50 CFR part 679. At least one community (King Salmon) was recognized by the Council to not meet the eligibility requirements for the CDQ Program, but was authorized to participate in the program in 1992 by being listed in Table 7.

In a legal opinion dated August 15, 2003, NOAA GC advised that NMFS regulations must be revised to be consistent with the MSA and that the eligibility status of all 65 communities currently participating in the CDQ Program must be reviewed to ensure consistency with the MSA eligibility criteria. At the October 2003 meeting, the Council was advised of the need for rulemaking to resolve the inconsistency between NMFS regulations and the MSA. The Council concurred, and recommended that staff develop a draft analysis to this effect, unless an act of Congress made this review unnecessary.

In a letter dated November 26, 2003, Senator Lisa Murkowski requested that NMFS "refrain from any actions which might aggravate the issue and make it more difficult to reconcile the technical requirements for eligibility with the clear spirit of the program itself." The Senator's letter stated that Congress would address the issue in 2004. NMFS agreed to suspend work on proposed regulatory revisions to resolve the inconsistency with the MSA and noticed the Council of this approach.

Senator Murkowski introduced a bill to resolve the inconsistency (S. 2197) and Congressman Don Young included the provision in two bills (H.R. 3645 and H.R. 3550). At this time, none of these bills have passed.

The allocation of quota among the six CDQ groups depends on NMFS' ability to identify all eligible communities and not allocate quota to communities ineligible for the program. As long as community eligibility is in doubt, NMFS' administrative determination about CDQ allocations is vulnerable to legal challenge. NMFS staff will provide an update on CDQ community eligibility issues at this meeting.

(c) Report on confidentiality of CDQ information submitted to NMFS

NMFS will report to the Council about recent questions regarding the confidentiality status of documents submitted to NMFS by the CDQ groups. These documents include the Community Development Plans (CDPs), amendments to the plans, and annual and periodic reports. NMFS is providing a status report so that the Council and public are aware of the issue. At this time, NMFS is not requesting that the Council take action to initiate an analysis for a regulatory amendment.

In June 2004, NMFS received a request from one of the CDQ groups to read the CDPs for the other five CDQ groups. The purpose of this request was to assist the group in preparing legal arguments for its administrative appeal of NMFS's decision to disapprove two CDQ projects it had proposed. The CDPs contain confidential information. Sustainable Fisheries Division staff informed the requester that they would release only the information that was not marked "confidential" by the CDQ group that had submitted the CDP. However, because neither the State nor NMFS had made a legal determination about the confidentiality status of the CDPs, because some CDQ groups did not consider the information in question confidential, and because there was no clear reason why the information should be considered confidential, the Office of Administrative Appeals ruled that some of the information requested could be released.

Generally, such determinations are made in response to a Freedom of Information Act (FOIA) request. Although a FOIA request was not made in this case, the request from the CDQ group stressed the need for NMFS to clarify the confidentiality status of the CDPs, amendments to the CDPs, and other annual and periodic reports that the CDQ groups are required to submit to the State of Alaska and NMFS. NMFS expects to receive similar requests for information that either NMFS or the CDQ groups consider confidential during administrative appeals of the 2006 - 2008 CDQ allocations that may occur between June and December 2005. Thus, resolution of the confidentiality status of CDQ documents could require a regulatory amendment in the future.

Neither the SSC nor the AP discussed this agenda item.

COUNCIL DISCUSSION/ACTION (C-5)

Sally Bibb reported on the status of the analysis for a regulatory amendment for the groundfish CDQ fisheries to address concerns that CDQ groups may be constrained from fully harvesting their target species due to small individual allocations of non-target species. The Council reviewed a paper that reformulated all of the alternatives using a series of issue questions, with options and suboptions, to clarify the analysis. **The Council requested that NMFS move forward with the analysis as proposed, with a request to retain the option to allow after-the-fact transfers of both CDQ and PSQ.** NMFS plans to present a revised initial draft analysis at the April 2005 Council meeting.

The Council received a brief update on the issue of community eligibility in the CDQ Program in which no new information was provided. The Council also heard a report on the confidentiality status of documents submitted to NMFS by the CDQ groups. NMFS has requested that NOAA GC provide guidance on how to address new information requests and whether a regulatory amendment is necessary to resolve the issue.

C-6 Halibut/Sablefish IFQ Program

ACTION REQUIRED

- (a) Initial Review of regulatory amendment package for IFQ/CDQ Area 4C/4D
- (b) Initial Review of regulatory amendment package for IFQ amendments (housekeeping and block)

BACKGROUND

- a) Halibut IFQ/CDQ regulations for IPHC Areas 4C/4D

A proposed action would allow holders of Area 4C halibut Individual Fishing Quota (IFQ) and Community Development Quota (CDQ) to harvest such Pacific halibut IFQ/CDQ in IPHC Area 4D. For equity, the Council added an option to allow the reverse, i.e., holders of Area 4D halibut IFQ and CDQ would be allowed to harvest such IFQ/CDQ in Area 4C. Currently, halibut IFQ and CDQ allocated in a particular area may only be harvested in that same area, in accordance with biomass-based quotas, except that halibut CDQ (only) allocated in Area 4D may be harvested in Area 4E. The proposed action would allow additional fishing opportunities to allow Area 4C IFQ and CDQ quotas to be fully harvested by two CDQ groups on behalf of two Pribilof Island communities (St. Paul and St. George), and all Area 4C IFQ holders, by allowing them to be fished in Area 4D. The option would allow the other four CDQ groups, along with all IFQ holders, to harvest Area 4D QS in Area 4C. The Council's action is to review the draft analysis and to decide whether to release it for review by the public. Final action is scheduled for December 2004.

In June 2004, the Council separated this proposed amendment from seven other proposed regulatory amendments for halibut that were adopted for analysis in December 2003 so that this regulatory amendment, if approved by the Secretary, would be implemented for the 2005 fisheries. Complementary action by the IPHC during its January 2005 meeting would be necessary for regulations to become effective in 2005. The analysis was distributed to the Council last week. The alternatives include:

- Alternative 1. No action.
- Alternative 2. Allow holders of Area 4C IFQ and CDQ to harvest such IFQ/CDQ in Area 4D.
 - Option: Allow holders of Area 4D IFQ and CDQ to harvest such IFQ/CDQ in Area 4C.

- b) Halibut and Sablefish IFQ amendments

In December 2003, the Council initiated seven proposed amendments to regulations implementing the IFQ program for fixed gear Pacific halibut and sablefish fisheries in and off Alaska. These seven amendments are a combination of proposed amendments that were previously adopted for analysis in 1999 and new proposals received in 2003. The revised suite of alternatives for the seven actions were adopted for analysis based on recommendations of the IFQ Implementation Team, the Advisory Panel, and the public. A summary of the seven actions proposed for this amendment

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are attached as Item C-6(a). The analysis was distributed to the Council last week. The Council's action is to review the draft analysis and to decide whether to release it for review by the public. Final action is scheduled for December 2004. It is unlikely that the proposed changes could be implemented for the start of the 2005 fishing year

AP REPORT

IFQ/CDQ 4C/4D. The AP recommended the Council move the regulatory package for IFQ/CDQ area 4C/4D forward for public review, with suggested changes noted in their minutes (see Appendix 2).

Halibut and Sablefish IFQ program. The AP recommends releasing the regulatory amendment package for IFQ amendments for public review, with suggested changes noted in their minutes (see Appendix 2).

Additionally, the AP requested the Council task staff with developing a discussion paper that reviews three proposals:

1. Alaskan Leader Fisheries: Allowing frozen other species on board while fishing IFQ
2. Hubbard: Fish A and/or B, C, D shares any time any order
3. Thompson: Allow use of pot gear in the sablefish fishery during June. *Motion passed 16/0*

Further, the AP requested the Council schedule Halibut Sablefish IFQ agenda item as the first item on the agenda for the December 04 meeting

SSC REPORT

Quota harvest in halibut management areas 4C and 4D: The SSC recommended that the analysis be revised and released for review after including a discussion on whether the TAC in area 4C is simply too high relative to halibut stocks in area 4C or whether the TAC is proportional to stock abundance but halibut are unavailable to area 4C quota share holders given the type of gear that they are able to deploy with the vessels authorized for use in the area 4C fishery. If the area 4C TAC is too high, there should be a discussion of why it is better to allow for 4C harvest to be taken in 4D instead of reducing area 4C quota.

Seven proposed actions to amend halibut and sablefish IFQs. The SSC recommends that the analysis of the seven proposed actions be released for public review, noting their concern that there was very little economic analysis performed (or possible) for any of the seven amendments.

Please see the SSC minutes (Appendix 3) for a detailed report on this subject.

COUNCIL DISCUSSION/ACTION (C-6)

Jane DiCosimo presented the amendment packages for initial review on halibut IFQ/CDQ regulations for Area 4C/4D and the halibut/sablefish IFQ program. Diana Evans described details on the halibut block program under Action 5.

Arne Fuglvog moved to adopt the AP's recommended changes to elements and options for both amendment packages and included several corrections and additions, which he described. Mr. Fuglvog also added the three discussion papers noted by the AP as part of his motion. Ed Rasmuson seconded the motion. During discussion the Council passed several other amendments to the motion which resulted in other additions and clarifications to the analyses. The Council approved the documents to be released for public review following their changes. The final motion, as amended, carried without objection, and is included as Appendix 7 to these minutes.

The Council also requested that staff prepare a discussion paper on four additional proposals to revise the IFQ program: (1) allow non-IFQ species to be frozen onboard while directed fishing for halibut and sablefish; (2) allow category A quota shares to be fished at any time and in any sequence with category B, C, and D quota shares; (3) allow the use of pot longline gear in the Bering Sea sablefish fishery during June; and (4) institute forfeiture of never-activated IFQ permits. The IFQ Implementation Team will meet prior to the December meeting to review the proposals, and the Council may decide in December whether to initiate analysis of some or all of these proposals.

The public review draft incorporating the Council's revisions will be available in early November, and final action on these analyses is scheduled for December 2004.

C-7 Halibut Subsistence

ACTION REQUIRED

- (a) Receive report on ADF&G subsistence halibut survey for 2003
- (b) Initial review of analysis for subsistence halibut regulatory amendments

BACKGROUND

- a) Subsistence Harvests of Pacific Halibut in Alaska, 2003 Public Review Draft

Dr. Jim Fall, ADF&G Subsistence Division staff, will present a summary of the first direct survey of the subsistence halibut fishery. A summary of the results is under Item (C-7)(a). The report was distributed last week. It was the source document for the analysis described under Agenda (C-7)(b).

- b) Subsistence Halibut III

In October 2003, the Council initiated six proposed amendments to regulations implementing the subsistence fishery for Pacific halibut in and off Alaska. These regulatory amendments consist of an action that was bifurcated from an April 2002 preferred alternative, together with new proposals that the Council adopted for analysis in October 2003. Action 1 would revise subsistence gear and harvest limits and add a community harvest permit program in Kodiak, Prince William Sound, Cook Inlet, and revise subsistence gear and harvest limits in the Sitka Sound local area management plan. Action 2 would add Port Tongass Village and Naukati to the list of eligible subsistence halibut communities. Action 3 would implement a possession limit equal to two daily bag limits. Action 4 would either eliminate a prohibition on the use of charter vessels for hire or revise the regulatory language to identify immediate family members who may also harvest subsistence halibut when a charter vessel is being used in the same capacity by an eligible owner/operator. Action 5 would revise the regulations to either eliminate cash trade for subsistence halibut or lower it from \$400 to \$100. Action 6 would allow the use of special permits in non-subsistence use areas by tribes whose traditional fishing grounds are located within areas designated as non-subsistence use areas. The analysis was distributed last week. The actions and alternatives under consideration are listed under Item (C-7)(b).

The Council's action is to review the draft analysis and to decide whether to release it for public review. Final action is scheduled for December 2004. It is unlikely that the proposed changes could be implemented for the start of the 2005 fishing year.

AP REPORT

The Advisory Panel reviewed the regulatory amendment analysis for subsistence halibut and made changes and added alternatives and options to the proposed elements and options. Please see the AP minutes for their detailed suggestions ([Appendix 2](#)).

SSC REPORT

The SSC made the following comments. Please see the attached SSC minutes for the full, detailed comments.

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- Changing federal and state regulations to ensure that incidental catches of rockfish and lingcod taken on gear that is legal for the subsistence harvest of halibut is crucial. Without such changes, it is unclear that the SHARC survey will provide a reliable estimate of aggregate removals or localized depletion of rockfish and lingcod, let alone information about removal and mortality rates for individual rockfish species or stocks.
- Replacement cost is an inappropriate measure of the value of subsistence catches. Replacement cost assumes that demand is perfectly inelastic, that is, that there is no substitution or income effects associated with demand for the subsistence catch and that costs are irrelevant. In addition, replacement cost ignores cultural values associated with the catch and ignores the opportunity cost of time. OMB guidelines (Circular A4, September 17, 2003) support the use of willingness-to-pay or willingness-to-accept measures of benefits and costs. In this case, willingness-to-accept would be the most appropriate measure.

COUNCIL DISCUSSION/ACTION (C-7)

The Council received a report from Dr. Jim Fall (ADF&G) on the subsistence halibut survey. Dr. Fall referred to the full report which was mailed to the Council prior to the meeting. Jane DiCosimo summarized the regulatory amendment package on subsistence halibut for initial review. Jeff Passer reported on NMFS enforcement concerns relative to this issue and provided a handout which was placed in the notebooks. Bubba Cook provided a table of information on Community Harvest Permit proposed regulations.

Following lengthy discussion and amendments to an initial motion by Hazel Nelson (seconded by Earl Krygier), the Council approved the release of an analysis of proposed changes to the halibut subsistence program for public review. The motion as amended carried without objection. Appendix 8 contains the Council's revised list of proposed changes to the halibut subsistence regulations, and the following is a summary of each.

- Action 1 re-addresses a preferred alternative adopted by the Council in April 2002. The proposed action would revise subsistence gear and harvest limits and add a community harvest permit (CHP) program in Kodiak, Prince William Sound, Cook Inlet, and revise subsistence gear and harvest limits in the Sitka Sound LAMP. One option could implement proposed Sitka LAMP limits to all of Area 2C, along with CHPs, or less restrictive measures *[this option was an amendment to the main motion that passed 7 to 4, with Balsiger, Benson, Krygier, and Nelson voting against.]* Another option could require mandatory retention of rockfish caught in the subsistence halibut fishery.
- Action 2 would add Port Tongass Village and Naukati to the list of eligible subsistence halibut communities.
- Action 3 would implement a possession limit equal to two daily limits to enhance enforcement in Areas 2C, 3A, and/or 3B.
- Action 4 would either eliminate a prohibition on the use of charter vessels for hire for harvesting subsistence halibut or revise the regulatory language to restrict the use of a charter vessel registered with the State of Alaska for the use by an owner, along with immediate family members to harvest subsistence halibut.
- Action 5 would revise the regulations that allow a \$400 customary trade limit for subsistence halibut to either lower the limit to \$100, eliminate the cash limit, or replace the \$400 limit but allow: (1) rural residents eligible for subsistence use of halibut to share the expenses directly related to subsistence harvest of halibut with other members of their community; and (2) allow customary trade and barter between a member of an Alaska tribe eligible to harvest halibut for subsistence use and any other

member of an Alaska tribe provided the monetary exchange shall be limited to sharing expenses directly related to the subsistence harvest of halibut.

- Action 6 would allow the use of special permits in non-subsistence use areas by tribes whose traditional fishing grounds are located within areas designated as non-subsistence use areas. Final action is scheduled for December 2004.

A motion (by Krygier) to draft a letter requesting the Alaska Board of Fisheries' input on the list of new alternatives failed 8 to 3 (with Balsiger, Krygier, and Fulvog voting in favor).

A motion (by Fulvog) to add and an action 7 with options that would not allow ceremonial and educational permits in the Sitka LAMP failed 8 to 3 (with Fulvog, Hyder and Madsen voting in favor).

D. FISHERY MANAGEMENT PLANS

D-1 (a) Scallop Management

ACTION REQUIRED

Final action to modify the License Limitation Program and update the FMP

BACKGROUND

At the June 2004 meeting, the Council reviewed an initial draft of an EA/RIR/IRFA evaluating modifying the gear restriction endorsement on the federal scallop license limitation program (LLP). The Council initiated this analysis in response to public comment received from a fishery participant at the February 2004 Council meeting, indicating that the 6-ft dredge gear endorsement may have disproportionate economic impacts. There are 9 vessel owners with federal LLP licenses, two of which contain a specific gear endorsement limiting them to fish with a single 6-ft dredge in federal waters.

Four alternatives are considered in this analysis:

Alternative 1: Status Quo. Maintain the current 6-ft dredge restriction endorsement.

Alternative 2: Modify the current 6-ft dredge restriction to allow vessels with the current endorsement to fish in federal waters outside of Cook Inlet with a maximum of two eight-foot dredges.

*This alternative was added by the Council at the June 2004 meeting.

Alternative 3: Modify the current 6-ft dredge restriction to allow vessels with the current endorsement to fish in federal waters outside of Cook Inlet with a maximum of two ten-foot dredges (or two dredges with a combined width of no more than 20 feet).

Alternative 4: Eliminate the current 6 ft dredge restriction such that gear restrictions are consistent (maximum of two 15-ft dredges) on all Scallop LLP permits for fishing in federal waters outside of Cook Inlet.

Additional information as requested by the Council in June 2004 was included in the analysis prior to public release of the document. The public review draft of this EA/RIR/IRFA was mailed to you on September 16th. The executive summary of this analysis is attached as Item D-1(a). Final action is scheduled for this meeting.

In conjunction with this EA/RIR/IRFA, staff reorganized and updated the FMP to better reflect the biology and current management of scallops. The revised FMP is included as Appendix C to the analysis. The table of contents and executive summary of the revised FMP is attached as Item D-1(b).

Neither the AP nor the SSC addressed this agenda item.

COUNCIL DISCUSSION/ACTION (D-1)

Diana Stram and Jeff Barnhart briefly summarized the EA/RIR/IRFA for Amendment 10 to the Scallop FMP and the action needed by the Council at this meeting. **Earl Krygier moved to select Alternative 3 as the Council's preferred alternative to modify the scallop License Limitation Program.** The current LLP contains a gear restriction endorsement on two of the nine LLP licenses which limits those two licenses to the

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use of a single 6-foot dredge when fishing in federal waters outside of Cook Inlet. The remaining seven licenses are authorized to fish with a maximum of two 15-ft dredges in federal waters outside of Cook Inlet. **The preferred Alternative 3 modifies the current gear restriction endorsement on those two licenses to allow them to fish in federal waters outside of Cook Inlet with a maximum of two 10-foot dredges (or two dredges with a combined width of no more than 20 feet).**

The Council also approved revising the problem statement to remove the last sentence containing language regarding updating the FMP. The Scallop FMP is being updated to better reflect current biology and management of the scallop stocks. Final action on the Scallop FMP update is scheduled for the December 2004 meeting.

D-2 Crab Management

ACTION REQUIRED

Receive Crab Plan Team Report and approve SAFE report

BACKGROUND

The Crab Plan Team met from September 20-22, 2004 to review the status Bering Sea and Aleutian Island crab stocks and to compile the annual Stock Assessment and Fishery Evaluation (SAFE) report. The report was mailed to you on September 27th, 2004. Minutes of the Crab Plan Team meeting are attached as Item D-2(1).

The SAFE report summarizes the current biological and economic status of fisheries, guideline harvest levels (GHL), and analytical information used for management decisions or changes in harvest strategies. The report is assembled by the Crab Plan Team with contributions from the State of Alaska, Department of Fish and Game (ADF&G) and the National Marine Fisheries Service (NMFS). Of the six annually surveyed stocks, four are below their minimum stock size threshold (MSST). These stocks, which are all currently under federally approved rebuilding plans, are Pribilof Islands blue king crab, Saint Matthew blue king crab, EBS Tanner crab, and EBS snow crab. Of the two remaining surveyed stocks, biomass of Bristol Bay red king crab is well above the approved harvest threshold and thus is open for a directed fishery. Although at apparently high abundance levels, the Pribilof Islands red king crab remains closed due to imprecision of estimates and concerns about potential bycatch of blue king crab. For the remaining crab stocks with no annual survey, only the Aleutian Islands red king crab (Petrel Bank), and Aleutian Islands golden king crab were open to a directed fishery in 2003/04.

AP REPORT

The Advisory Panel did not address this agenda item

SSC REPORT

The SSC commented on improvements to the Crab SAFE and noted a few suggestions to the plan team's minutes. They requested an update from the Crab working group at each council meeting.

COUNCIL DISCUSSION/ACTION (D-2)

Diana Stram and Bob Otto (Crab Plan Team Chair) reviewed the Crab SAFE Report. Of the six annually surveyed stocks, four are below their minimum stocks size threshold (MSST). These stocks, which are all currently under federally-approved rebuilding plans, are Pribilof Islands blue king crab, Saint Matthew blue king crab, EBS Tanner crab, and EBS snow crab. Of the two remaining surveyed stocks, biomass of Bristol Bay red king crab is well above the approved harvest threshold and thus is open for a directed fishery. Although at apparently high abundance levels, the Pribilof Islands red king crab stock remains closed due to imprecision of estimates and concerns about potential bycatch of blue king crab. For the remaining crab

stocks with no annual survey, only the Aleutian Islands red king crab (Petrel Bank) and Aleutian Islands golden king crab were open to a directed fishery in 2003-04.

The Council reviewed and approved the Stock Assessment and Fishery Evaluation (SAFE) Report for Bering Sea and Aleutian Islands king and Tanner crabs.

The Council was notified of progress by the Inter-Agency working group on the analysis of revisions to the crab overfishing definitions. The working group will provide progress reports to the SSC at every Council meeting. This amendment analysis is scheduled for initial review by the Council in June 2005.

D-3 GROUND FISH MANAGEMENT

D-3(a) Review Discussion Paper on AI Pollock ICA

ACTION REQUIRED

Receive staff report on AI pollock fishery Incidental Catch Allowance and take action as necessary.

BACKGROUND

At its June 2004 meeting, the Council took action to authorize a directed pollock fishery in the Aleutian Islands. The TAC for this fishery will be allocated to the Aleut Corporation. During Council discussions on this issue, the question of an appropriate Incidental Catch Allowance (ICA) of pollock for other directed fisheries in the AI region surfaced. ICA is required for fisheries that harvest pollock incidentally so that this pollock can be retained and processed rather than discarded; Pacific cod, Pacific Ocean perch, and Atka mackerel are the principal fisheries harvesting pollock as bycatch in the Aleutians. The Council tasked staff with preparing a discussion paper on historic levels of pollock bycatch in other AI directed fisheries and what might be an appropriate pollock ICA for 2005.

NMFS staff have prepared a discussion paper on this subject (Item D-3(a)(1)). An ICA of 2000 mt for the directed fisheries other than pollock in the AI region is recommended for 2005. Staff will be available to answer questions.

Neither the AP nor the SSC took action on this agenda item.

COUNCIL DISCUSSION/ACTION (D-3a)

Dr. Ben Muse presented the discussion paper to the Council. The Council used this report as background in considering their recommendations for interim specifications under item D-3(d). The Council recommended separate Total Allowable Catch (TAC) levels for the Bering Sea and for the AI areas, as opposed to a combined TAC for the two areas, with a TAC of 19,000 mt for the AI fishery. Deducted from that amount is the mandatory 10% CDQ allocation (1,900 mt) and an incidental catch allowance (ICA) of 2,000 mt to cover bycatch of pollock in other AI fisheries. The Council intends to examine the ICA amount relative to the future specifications process. The result is a directed pollock fishery allocation for the Aleut Corporation of 15,100 mt, which is expected to be available for harvest in the 2005 A season fishery.

D-3(b-c) Non-Target Species Committee/Rockfish Management

ACTION REQUIRED

- (b) Receive report from Non-Target Species Committee
- (c) Review initial discussion paper on rockfish management

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BACKGROUND

(b) Non-Target Species Committee

The Non-Target Species Committee was formed in October 2003. Its first three meetings were informational and fact-gathering. In May 2003, it convened jointly with the ad hoc working group, comprised of Scientific and Statistical Committee and Plan Team members, to review the draft problem statement, objectives, and suite of management alternatives recommended by the group for analysis (Item D-3(b)(1)). At its fourth meeting, the committee adopted a draft problem statement for Council consideration. The committee requested guidance from the Council on whether its mission to address management of non-target species should be expanded to address management of target species also. Specifically, the committee expressed interest in addressing the management of target rockfish under Agenda Item D-3(c), noting that the same species may be a target in the Gulf of Alaska, but not a target in the Bering Sea or Aleutian Islands. A summary of the May 2004 meeting is provided under (Item D-3(b)(2)). The committee will convene again on November 15 to draft a problem statement for non-target rockfish and a suite of alternatives for the framework for the non-target species category. The committee will report to the Council again in December.

(c) Rockfish Management

In June 2004, the Council requested that staff prepare a discussion paper on appropriate management elements related to rockfish management that would guide the Council in all future FMP actions. Specifically, staff was directed to address current management policy, potential changes to harvest rates as recommended by Goodman et al. (F40 Review), alternative management measures (e.g., spatial management), and habitat considerations.

As a first step, Council and ADF&G staff met with the Rockfish Working Group (RWG), comprised of AFSC rockfish assessment scientists in September 2004. The RWG will contribute to preparation of the paper. The RWG recommended that the paper address a Scientific and Statistical Committee request from December 2003 (Item D-3(c)(1)), specific management issues it identified (Item D-3(c)(2)), and previous RWG reports provided to the Council in 2003. Receive report from Non-Target Species Committee.

AP REPORT

The Advisory Panel did not address this agenda item

SSC REPORT

The SSC encourages the committee to continue to pursue efforts to identify management alternatives for species capture incidentally in target fisheries. The committee should strive to define thresholds for council action including a description of what protection measures would be imposed, and under what circumstances they would be required.

The SSC agrees with the Council's Non-Target Committee's assessment that proposed revisions to National Standard Guideline 1 (NSG1) and reauthorization of the MSFCMA would require management of non-target species as core species or as assemblages of species with similar life history characteristics. In the case of assemblage management, biological reference points (e.g., Flim, Blim, Ftarget, Btarget) would be required for the assemblage or a representative member of the assemblage. If the guidelines are approved, the SSC concurs with the Council's Non-Target Species Committee's assessment that the implementation of the ad-hoc working group proposal would require removal of non-target species from the FMPs. Members of the SSC and Council raised this concern in comments to NMFS regarding proposed revisions to NSG1. The SSC does not consider removal of non-target species from the FMP to be a preferred approach. To guard against the possibility that the guideline is not changed, the non-target committee might consider an alternative that would be consistent with the proposed guidelines.

COUNCIL DISCUSSION/ACTION (D-3b,c)

Due to lack of time, the Council postponed these agenda items until the December 2004 Council meeting.

D-3(d) Interim 2005 Groundfish Specifications for BSAI and GOA

ACTION REQUIRED

Final action to adopt interim 2005 groundfish specifications for BSAI and GOA

BACKGROUND

Preliminary 2005 groundfish specifications

The Bering Sea/Aleutian Islands (BSAI) and Gulf of Alaska (GOA) Groundfish Plan Teams streamlined their preliminary (September) and final (November) meeting schedules in 1998. The September Groundfish Plan Team meeting now provides an opportunity for teams to review any preliminary assessments, new modeling methodologies, discuss general issues of interest for both teams, and to provide preliminary ABCs and OFLs for use by the Council in setting interim specifications at the October Council meeting.

The Plan Teams recommended projected groundfish specifications for 2005 and 2006 during their September 15-17, 2004 meetings (Item D-3(d)(1)). This year represents the first time that specifications are being recommended for a period of up to two years, pending Secretarial approval of Amendments 48/48. Unless otherwise noted in the plan team reports, the ABCs and OFLs are projected values using updated catch information. Further information on the methodology for projecting these specifications may be found in the TAC-Setting EA. Reports from the Joint, GOA and BSAI plan team meetings are provided under Item D-3(d)(2).

Proposed 2005 Gulf Pacific cod ABCs, TACs, and State guideline harvest levels (mt).

Specifications	Western	Central	Eastern	Total
ABC	21,204	33,573	4,123	58,900
BOF GHL	5,301	7,722	412	13,435
(%)	25	24.25	10	23
TAC	15,903	25,851	3,711	45,465

TAC Considerations for State Pacific Cod Fishery

Since 1997, the Council has reduced the GOA Pacific cod TAC to account for removals of not more than 25% of the Federal Pacific cod TAC from the state parallel fisheries. Preliminary information indicates that neither Chignik nor Cook Inlet achieved its GHL, and therefore would remain at its current allocation. Using the area apportionments of the 2005 Pacific cod proposed ABC recommended by the Plan Team, the federal TAC for Pacific cod would be adjusted as listed at right.

Prohibited Species Catch Limits

Since 1995, total halibut Prohibited Species Catch (PSC) limits for all fisheries and gear types have totaled 2,300 mt. This cap was reduced from 2,750 mt after the sablefish IFQ fishery was exempted from the halibut PSC requirements in 1995. The following 2004 halibut PSC apportionments were instituted for the Gulf of Alaska groundfish fisheries:

2004 Trawl		2004 Hook and Line		
Jan 20 - Apr 1	550 mt	1st trimester	Jan 1 - Jun 10	250 mt
Apr 1 - Jul 4	400 mt	2nd trimester	Jun 10 - Sep 1	5 mt
Jul 4 - Sep 1	600 mt	3rd trimester	Sept 1 - Dec 31	35 mt
Sept 1 - Oct 1	150 Mt			
Oct 1 - Dec 31	300 mt	DSR	Jan 1 - Dec 31	10 mt
TOTAL	2,000 mt			300 mt

Season	Trawl fishery categories		Total
	Shallow Water	Deep Water	
Jan 1 - Apr1	450 mt	100 mt	550 mt
Apr 1 - Jul 4	100 mt	300 mt	400 mt
Jul 4 - Sep 1	200 mt	400 mt	600 mt
Sep 1 - Oct 1	150 mt	any rollover	150 mt
Oct 1 - Dec 31	no apportionment		300 mt
TOTAL	900 mt	800 mt	2,000 mt

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In 2004, the trawl bycatch of halibut during the D season caused the fishery to reach its annual limit of 2,000 mt on September 10, 2004, thus resulting in a closure of the GOA trawl fishery for the remainder of the year. NMFS in-season management has indicated that the Council may wish to consider adjusting the seasonal amounts of halibut PSC to different target fisheries. NMFS in-season management indicated that some adjustment of the opening dates for the trawl fishery may occur for 2005.

In the BSAI, PSC catch limits are established for halibut, red king crab, Tanner crab, opilio crab, and herring. These PSC limits are further allocated among gear types and apportioned by target fisheries. The 2004 bycatch limits and apportionments are attached as Item D-3(d)(3).

Management Strategy Evaluation

While the evaluation of fishery management strategies has been an ongoing research activity of the AFSC for many years, a working group (WG) has recently been established and tasked with continuing and expanding the AFSC's research in the area of management strategy evaluation (MSE). This WG convened its first meeting on August 17, 2004. A report by the working group meeting is attached as Item D-3(d)(4). Dr. Grant Thompson will be available at the SSC to discuss this report.

AP REPORT

The Advisory Panel did not address this agenda item

SSC REPORT

The SSC provided comments on the following 10 areas for Groundfish Specifications:

1. Management strategy evaluation
2. Aleutian Islands Walleye Pollock Assessment
3. Pacific Cod Biomass Distribution
4. Bering Sea Aleutian Islands Shortspine Thornyhead Assessment
5. Sharks
6. Gulf of Alaska Rex Sole Assessment
7. Dusky Rockfishes
8. EA/IRFA Issues
9. Skates
10. Biennial Assessments

The detailed comments on these items are included in the SSC minutes which are attached as Appendix 3.

COUNCIL DISCUSSION/ACTION (D-3d)

Diana Stram and Ben Muse reported to the Council and provided several handouts that were placed in the notebooks. The Council approved preliminary and interim overfishing levels (OFLs), acceptable biological catches (ABCs) and total allowable catches (TACs) for the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish for 2005 and 2006. This was the first year that specifications were being recommended for a period of up to two years, per FMP amendments 48/48 modifying the TAC-setting process.

Dave Benson moved (S/Fuglvog) to accept the Gulf of Alaska and Bering Sea/Aleutian Islands groundfish specifications, as provided in his handout (which was placed in the notebooks), with the changes noted below:

GOA groundfish specifications: Recommend that 2005 and 2006 ABC = TACs for all stocks with these exceptions:

- Pacific cod TAC should be reduced according to the table in order to account for the apportionment to the State waters fishery in 2005 and 2006
- For the following species the 2004 TAC should be rolled over to 2005 and 2006 Shallow water flatfish and flathead sole (Central and Western GOA); arrowtooth flounder (gulfwide); other slope rockfish (EYAK/SEO); Big and Longnose skates (CGOA)

GOA groundfish PSC: The halibut PSC apportionments, annually and seasonally for 2004, as listed in the action memo, should be rolled over for 2005 and 2006.

BSAI groundfish specifications: Recommend that the OFL and ABC for Atka mackerel be rolled over from the 2004 OFL and ABC rather than the projected numbers put forward initially by the Plan Team and SSC given the scientific report provided to the Council by the stock assessment authors at the AFSC to this effect. Recommend that the 2005 and 2006 TACs be set by rolling over the 2004 TACs with these exceptions:

- EBS Pollock–set TAC = 1,474,000 (2004 TAC minus an additional 18,000 for AI Pollock)
- AI Pollock–set TAC = 19,000
- Sablefish and Pacific Ocean perch set TAC = ABC for 2005 and 2006.

Recommend that Atka mackerel jig gear allocation for EAI and BS subarea is equal to 1% of that allocation.

BSAI groundfish PSC: The annual BSAI prohibited species bycatch allowances for the BSAI trawl and non-trawl fisheries as attached to the action memo (Table 7) should be rolled over for 2005 and 2006. This should include a rollover of footnote 3 regarding the red king crab limit within the Red King Crab Savings Area for rocksole, flathead sole, and other flatfish fisheries.

John Bundy moved (S/Hyder) to amend the motion by adding 450 mt to EBS Pollock, 450 mt to rocksole, and 452 mt to Pacific cod, for a total of 1,352 tons. The final motion, as amended, carried without objection.

Tables reflecting the Council's action on 2005 and 2006 interim groundfish specifications for the Gulf of Alaska and Bering Sea/Aleutian Islands are found in [Appendix 9](#) to these minutes.

D-3(e) Final action on FMP updates

Due to lack of time, the Council postponed final action on the FMP updates until the December 2004 Council meeting.

D-4 Staff Tasking

ACTION REQUIRED

Review tasking and Committees and provide direction.

BACKGROUND

Committees

The list of Council committees is attached as Item D-4(a). Several issues may need to be discussed relative to committees, including:

- Direction for the Steller Sea Lion Mitigation Committee, following from the report under B-7.
- Appointment of a GOA Community Committee for groundfish rationalization.
- Consideration of the role of the Council's MSA reauthorization committee.

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- Revisions to the policy for the Advisory Panel, including membership, guidelines for minority reports, etc. The report from the May meeting of the Advisory Panel Committee is attached at Item D-4(b).

Projects and Tasking

Item D-4(c) is the three meeting outlook, and Item D-4(d) is the summary of current projects and tasking. New items from the last meeting that now appear on this list are Rockfish Management (#14) and the Aleutian Islands Special Management Area (#36). The rockfish management item was discussed earlier in the meeting under the D-3 agenda item. A preliminary outline of the Aleutian Islands discussion paper is provided as Item D-4(e). A first draft of this paper will be available for review in December.

At the June meeting, the Council identified priority areas for implementing the groundfish management policy previously adopted as part of the Groundfish Programmatic SEIS. The list of priorities, and a review of ongoing activities to address these actions, is attached as Item D-4(f). At this meeting, the Council may wish to discuss a process to address the remaining priority areas. Many of the priorities are being addressed directly or indirectly through current Council initiatives, either as amendments underway or in the form of developmental discussion papers. Some of them have yet to be explicitly initiated, and their development may be subject to various possible approaches (alternatives). The Council could consider a special call for proposals to explicitly address the PSEIS priorities, or the Council could evaluate progress on the ongoing projects next spring, and consider whether to tailor its existing groundfish proposal cycle next summer to more explicitly address PSEIS priorities.

While both the Council and its staff are subsumed with existing projects, some staff time is available to address new or previously tasked projects that have not yet been initiated. Item D-4(g) is a summary of staff time allocated to ongoing projects through the February Council meeting. Although we are adding an additional economist to the staff (Jim Richardson), most of his available time is allocated to the GOA rationalization project, and to assist staff with other ongoing analysis. Nevertheless, a few weeks of economist and other staff time can be carved out between now and February. My perception is that we could tackle a couple small projects, or begin work on an 'intermediate' project, but initiation of any major, new projects will have to wait, unless the Council re-prioritizes existing projects.

Other Issues

ADF&G has nominated Mr. Nick Sagalkin on GOA groundfish team to replace Mike Ruccio, who has departed (Item D-4(e)). The SSC will review Mr. Sagalkin's resume, and make a recommendation relative to this nomination. At the meeting, the Council should act on this appointment.

AP AND SSC REPORT

Neither the AP nor the SSC addressed this agenda item.

COUNCIL DISCUSSION/ACTION (D-4)

The Council discussed proposals to adjust SSL regulatory measures in the AI, to possibly allow enhanced access to that fishery for smaller vessels, and whether the Council or its SSL Mitigation Committee should pursue further development of such proposals. After receiving a report from NOAA Fisheries which indicated that any relaxation of management measures to allow fishing in critical habitat would result in a finding of adverse modification and jeopardy under the Endangered Species Act (and therefore formal consultation under the ESA), the Council chose not to further pursue such proposals at this time. Rather, this issue will be considered at such time as the next overall consultation for North Pacific groundfish fisheries occurs, likely a few years from now.

The Council is soliciting nominations for a new committee to focus on further development of the structure of the CFQ Program and Community Purchase Program under Gulf rationalization. Nominations are due to the Council office by November 3, 2004.

The Council took the following actions related to committees and other issues:

- (1) Initiated a plan amendment to the crab rationalization program to divide the harvesting and processing allocations of *bairdi* crab into two areas—one east of 166W and the other west of 166W longitude. Under the proposed options, shares could be allocated based on either the area in which the harvests occurred, or divided with equal allocations in each of the newly identified east/west areas.
- (2) Requested staff development of a problem statement relative to current fishery conditions in the chinook and chum salmon savings areas of the Bering Sea, where high bycatch of salmon has recently occurred. The Council will review this issue in December, propose alternative management measures, and likely initiate a plan amendment to address this issue.
- (3) Appointed Mr. Nick Sagalkin (Alaska Department of Fish & Game) to the Gulf of Alaska groundfish Plan Team.
- (4) Scheduled for December a review of preliminary discussion papers on rockfish management and possible designation of an Aleutian Islands Special Management Area.

The Council reviewed the AP Committee's suggestions [notebook item D-4(b)] for revising the Council's Policy on Advisory Panel Structure and Operations. The Council made three additional modifications to the "Qualifications" section before unanimously approving the AP Committee's changes as amended. The revised AP Policy is included as [Appendix 10](#).

D-5 Other Business

ACTION REQUIRED

Review Council Statement of Organization, Practices, and Procedures

BACKGROUND

Last year the Council reviewed and approved updated Council SOPPs, which were revised to incorporate the November 2001 updated regulations governing Council operations. Since that time minor, additional revisions have been made, in response to meetings with Grants Management officials and to more explicitly reflect employment and other administrative procedures per the 2001 revised regulations. These were included in a recent Council mailing and additional copies are available at this meeting. The revised SOPPs, incorporating Council actions at this meeting relative to Advisory Panel policy, need to be approved and re-submitted to NOAA. We may also wish to consider whether to include our existing policy on annual management cycles (proposal process) explicitly in our SOPPs, or leave it in a more discretionary mode to give the Council flexibility to respond to workloads and other factors.

Neither the AP nor the SSC discussed this agenda item.

COUNCIL DISCUSSION/ACTION (D-5)

The Council approved the revised Statement of Organization, Practices, and Procedures as amended with the AP Policy changes adopted earlier under agenda item D-4.

Chair Madsen appointed Doug Hoedel to the Council/Board of Fisheries Joint Protocol Committee for the third seat which was vacated by Stosh Anderson. There was no objection.

There being no further business, the meeting was adjourned at 4:56 pm on Monday, October 11, 2004.