

# North Pacific Fishery Management Council

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## MINUTES

179<sup>th</sup> Plenary Session  
North Pacific Fishery Management Council  
December 6-12, 2006  
Hilton Hotel  
Anchorage, Alaska

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## APPENDICES:

- I. Public Attendance, Presenters, and Persons Giving Public Comment
- II. Draft Minutes of the Scientific and Statistical Committee
- III. Draft Minutes of the Advisory Panel
- IV. Enforcement Committee Report
- V. Final BSAI & GOA Groundfish Specs for 2007-08

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Certified Stephanie D. Madsen  
Stephanie Madsen, Chair

Date February 7, 2007

## MINUTES

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Anchorage Hilton Hotel  
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The North Pacific Fishery Management Council met December 6-12, 2006 at the Hilton Hotel in Anchorage, Alaska. The Scientific and Statistical Committee met December 6-8 and the Advisory Panel met December 4-9, 2006 at the same location. The following Council, staff, SSC and AP members attended the meeting:

### Council Members

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

Doug Hoedel  
Roy Hyder  
Bill Tweit for Jeff Koenings  
Eric Olson  
ADM Brooks/CAPT Mike Cerne/  
and CDR Lisa Ragone  
Ed Rasmuson

Note: One seat is vacant (Arne Fuglvog resignation), and the State Department representative was not in attendance.

### NPFMC Staff

Gail Bendixen  
Cathy Coon  
Jane DiCosimo  
Elaine Dinneford  
Diana Evans  
Mark Fina  
Jeannie Heltzel  
Nicole Kimball

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

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**[NOTE: A list of staff support from various agencies and presenters of reports is found in Appendix I to these minutes.]**

Scientific and Statistical Committee

Gordon Kruse, Chair  
Keith Criddle  
Mark Herrmann  
Sue Hills  
Anne Hollowed  
George Hunt  
Seth Macinko

Pat Livingston, Vice Chair  
Franz Mueter  
Steve Parker  
Ken Pitcher  
Terry Quinn II  
Farron Wallace  
Dave Woodby

Advisory Panel

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

Jan Jacobs  
Simon Kinneen  
Kent Leslie  
Matt Moir  
John Moller  
Jeb Morrow  
Michelle Ridgway  
Lori Swanson

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**A list of persons signing the attendance register and those providing giving public comment during the meeting is included in Appendix I to these minutes.**

## **A. CALL TO ORDER**

Stephanie Madsen, Council Chair, called the meeting to order at approximately 8:09 a.m. on Wednesday, December 6, 2006.

Agenda. The agenda was approved as published.

Minutes. The minutes of the October meeting were approved as submitted.

The Council received two distinguished visitors during the meeting – Alaska Congressman Don Young and William Hogarth, Assistant Administrator for Fisheries, NOAA.

Ruling of the Chair. For purposes of votes requiring a majority, the Chair ruled that the current vacant Council seat would not be counted when determining a majority for votes during this meeting.

## **B. REPORTS**

The Council received the following reports: Executive Director's Report (B-1), NMFS Management Report (B-2); North Pacific Research Board (B-3); U.S. Coast Guard Report (B-5); ADF&G Report (B-6); U.S. Fish and Wildlife Report (B-7), and Protected Species Report (B-9). (The NMFS Enforcement Report (B-4) and State Department Report (B-8) were taken off the agenda.) Following are brief recaps of discussion or action taken during reports:

### Executive Director's Report

Chris Oliver introduced new Council staff member Jeannie Heltzel who will serve as Data Manager/Analyst upon the retirement of Elaine Dinneford next year.

Mr. Oliver also notified Council members that a delegation of Russian fishing industry members will be in Alaska in April and will observe the Council process and meet with representatives of the Council, SSC, AP, and fishing industry.

Responding to a question regarding the current practice of requiring a draft AFA report in December and then a final after the first of the year, Mr. Oliver explained that the requirement for a December report to the Council is in the original legislation for the AFA and would need to be changed in order to waive the December report.

### NMFS Management Report

Jay Ginter reviewed the status of current amendments in progress.

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Sue Salveson advised the Council that Amendment 84 (salmon bycatch and salmon savings area closures) will move ahead without the bifurcation of the two issues requested by the Council because the Agency now thinks it can move ahead with Amendment 84 in a more timely manner; however Ms. Salveson noted that there is no guarantee the exemptions for the non-trawl sectors will be in effect by August.

Mr. Benson pointed out that if the exempted fishing permit for salmon bycatch is approved, it could be a backup in case Amendment 84 is not in place. Ms. Salveson said the Agency will be consulting with the Council on the permit later in this meeting. If approved, the EFP would be in effect for both the A and B seasons in 2007; however no EFP is anticipated for 2008.

Jon Pollard updated the Council on litigation initiated by Sea Hawk Seafoods and other non-AFA processors challenging sideboard regulations implemented by the Council. The lawsuit alleges, among other things, that the Secretary violated sections of the Administrative Procedures Act by refusing to consider sideboard protections for participants in fisheries other than fisheries under the jurisdiction of the Council. Mr. Pollard advised the Council that NOAA will be responding to the complaint within the next 60 days.

The Council also received an extensive report on the 2006 groundfish fisheries to date from Andy Smoker, NMFS-Alaska Region,

*Report to the Fleet on the first year of the BSAI Crab Rationalization Program.*

Jessie Gharrett, NMFS-RAM Division provided an overview of the first year under the BSAI Crab Rationalization Program. Ms. Gharrett noted that the anticipated Federal loan program has not yet been initiated. The program would require Congressional action and regulatory development by NOAA Financial Services Division, and neither have yet been accomplished. The first year costs of the Program were \$4.3 million, almost 2% more than the cap of 3% permitted under the MFCMA. Ms. Gharrett noted that the costs included some one-time start-up costs that should not appear in future years, and for just this first cycle, covered more than a 365-day year.

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National Bycatch Report

The Council received a report from Dr. Bill Karp, Alaska Fisheries Science Center on a national bycatch report initiative, a nation-wide National Marine Fisheries Service project. Ms. Madsen expressed concern about the data that would be used, considering that fisheries in the Alaska Region do not all have 100% observer coverage and that the Council does not have the ability to use some tools, such as random placement of observers. Dr. Karp advised each region will be preparing a portion of the report on its region, providing an opportunity to provide the appropriate explanations.

North Pacific Research Board Report

Dr. Clarence Pautzke, Executive Director gave the Council an update of the Board's activities and research proposal cycle.

The Scientific and Statistical Committee offered these comments to the Council:

“The Council's update of its list of research priorities would be useful to the NPRB if provided after the June Council meeting. Also useful to the NPRB would be an indication of the highest priority research issues, in addition to the complete list of needed research. The SSC commended Dr. Pautzke on his leadership in working with the NSF to coordinate the activities of the NPRB BSIERP and NSF BEST programs. This effort will produce a much more comprehensive and integrated effort than either program could have accomplished on its own.”

U.S. Coast Guard Report

CDR Lisa Ragone reviewed the written report on Coast Guard activities in 2006.

Alaska Dept. of Fish & Game Report

Herman Savikko provided a report on the status of State fisheries of Council interest occurring since the last Council meeting, as well as proposals of Council interest that the Alaska Board of Fisheries (Board) addressed at its recent meeting in Dillingham, Alaska. The Board approved the development of a State waters pollock fishery around Adak, Alaska, but did not approve a state water walleye pollock fishery in the Cook Inlet area because of concerns over Steller sea lion-related impacts.

Chair Stephanie Madsen suggested the Council schedule meetings of the Joint Protocol Committee as well as a joint meeting of the Council and Board. It was suggested that the joint meeting be held in connection with the Council's March/April 2007 meeting.

USF&W Report

Mr. Corin provided a written report summarizing current issues with the Northern Sea Otter and short-tailed albatross, and advised the Council of an ESA consultation initiated with the Coast Guard to evaluate impacts of Coast Guard activities on listed species.

Protected Species Report

Regarding the FMP-level consultation, NMFS provided the Council with a new schedule for the formal Section 7 consultation and development of a draft biological opinion (BiOp). Council members expressed concern over the timing of the draft BiOp. The Council's SSL Mitigation Committee is

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planning to review information in the draft BiOp on fishery/Steller sea lion interactions when formulating recommendations to the Council on possible changes to SSL mitigation measures.

The Scientific and Statistical Committee provided the following comments on List of Fisheries for 2007:

“The SSC requests that in the future a presentation be provided to the SSC regarding the methods used by the analysts to prepare the annual List of Fisheries. Additionally, the SSC reiterated previous comments that “in the future, the SSC requests that proposed the Proposed Rule for LOF be scheduled in a way that allows for SSC review before the end of the comment period. Also, the SSC requests the authors to work with the SSC to resolve outstanding analytical issues.”

**FORMAT FOR COUNCIL MEETING MINUTES FOR ‘C’ AND ‘D’ AGENDA ITEMS**

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

**C. NEW OR CONTINUING BUSINESS**

**C-1 Charter Halibut Management**  
**C-1(a-d)**

**ACTION REQUIRED**

- (a) Status report on 2005 and 2006 GHGs and committee report, and action as necessary.
- (b) Review discussion paper on 5-fish limit, and committee report, and action as necessary.
- (c) Review discussion paper on Halibut Act proposed amendment and committee report, and action as necessary.
- (d) Review separate accountability issue and committee report, and action as necessary.

**BACKGROUND**

A plethora of Council, State, and Federal actions are proposed to enhance management of the charter halibut fisheries in Southeast (Area 2C) and Southcentral (Areas 3A) Alaska. Some of these proposed actions are independent of each other, but are on overlapping timelines. Some may be unnecessary if others are implemented. A summary of the different initiatives to the charter halibut issue will be presented by Phil Smith, NMFS RAM Division.

**Charter Halibut Guideline Harvest Levels** In October 2006, ADF&G Sportfish Division reported that the charter halibut guideline harvests levels were exceeded in 2005 and 2006, in addition to a previous report that both limits were exceeded in 2004, as well. There has been some confusion as to whether skipper and crew caught halibut were included in the calculation of the GHG and in the State's GHG status reports. The Council used the ADF&G Statewide Harvest Survey (SWHS) as the data source for determining the GHGs. The SWHS queries sportfish license holders as to their sportfish harvests. Some license holders are private anglers, some are charter anglers, and some are captains and crew on charter boats. They were asked if the harvest was taken on a charter boat, but were not explicitly asked whether the angler was acting as captain or crew at the time of harvest. If they responded affirmatively that they were on a charter boat when the fish was harvested, then it is counted as charter harvest. If they responded negatively (e.g., harvest was gifted to client(s) or viewed as personal use), then those harvests are counted as non-charter harvests. So, we know that the SWHS includes captain and crew fish, but we do not know *to what degree* those harvests are reported as such.

On May 24, 2006, ADF&G prohibited charter boat operators, guides and crew members from retaining any species of fish while paying clients are on board the vessel operated in salt water. This action was necessary for curtailing halibut harvests in Southeast Alaska, excluding the Yakutat area, because the GHG has been exceeded (Item C-1(a)(1)). ADF&G staff originally did not correctly account for a reduction in charter harvest as a result of the State's emergency order in its projection methodology of 2006 charter harvests. Those estimates are forwarded to the IPHC, for its determination of commercial fishery quotas. A revised report was issued in late November (Item C-1(a)(2)). Additional agency correspondence on this matter is under Item C-1(a)(3). The Charter Halibut Stakeholder Committee addressed this issue at its October 2006 meeting, and provided general comments and requested additional data under (Item C-1(a)(4)). The SSC may review the ADF&G methodology of the projections at this meeting. Doug Vincent-Lang, ADF&G, will be available to discuss this with the Council.

**GHL Preferred Alternative for Area 2C**

During final action to select a preferred alternative for GHG management measures in April 2006, NMFS staff noted that the analysis to implement a 5-fish daily limit in Area 2C did not explicitly incorporate recordkeeping and reporting requirements for an annual limit, which are outlined in



the proposed rule for implementing the GHGs [67 FR 3867] (Item C-1(b)(1)). By agreement between the staffs of the Council and NMFS, the Council submitted the analysis to NMFS for review in June 2006, with the understanding that NMFS staff would augment the recordkeeping and reporting section of the analysis while this issue was pending before the Council.

At the June Council meeting, the Council discussed a letter dated June 1, 2006 from NMFS, which reported that current Federal and State laws do not allow the use of State reporting documents by Federal enforcement personnel for the Council's preferred alternative to implement a 5-fish annual limit for charter anglers in Area 2C (Item C-1(b)(2)). Instead, NMFS determined that the proposed limit would require a Federal charter vessel halibut angler permit and a charter vessel halibut logbook. The costs for implementing Federal reporting are substantial (\$600,000), and redundant to State reporting requirements. In the letter, NMFS staff recommended that the Council reconsider this action once these costs have been more fully evaluated. This report was distributed prior to the meeting and is also under (Item C-1(b)(3)). The Charter Halibut Stakeholder Committee addressed this issue at its October 2006 meeting and passed a motion that recommended "the moratorium/limited entry program is the tool that is necessary first." The complete motion is in the attached minutes. Jason Gasper, NMFS SF, will summarize the discussion paper.

#### Proposed amendment to the Halibut Act

At the last several Council meetings, ADF&G Commissioner McKie Campbell has reported on the State's efforts in support of amending the Northern Pacific Halibut Act of 1982. Such an amendment is intended to provide delegation of limited authority for States to regulate recreational fishing for halibut, upon such recommendation by the appropriate regional council and Secretary of Commerce. Such delegation would require a recommendation by a Council to the Secretary, based on a Council analysis and NMFS rulemaking. The Stakeholder Committee adopted the following motion. Jay Ginter, NMFS SF, will summarize the potential effects of amending the statute, as addressed in his discussion paper (Item C-1(c)(1)).

"The Charter Halibut Stakeholder Committee believes that state delegation is a potentially valuable tool that would work with some of the options of the permanent solution and the moratorium the Stakeholder Committee and Council is working on. However, we do not support state delegation being used as a stand alone solution in place of the moratorium and permanent solution the Stakeholder Committee and Council are working on. The Council needs to complete its obligation to the charter sector and commercial sector for a long term permanent solution. The Committee recommends that any delegation of authority exclude the allocation between sectors and that this remain the responsibility of the Council, and that any delegation be for the charter sector only, and that the Council retains oversight of any delegation granted to the state."

#### Separate Accountability

In February 2006, Alaska Longline Fishermen's Association (ALFA) submitted a proposal entitled "Separate Accountability" to the Council, as part of public testimony on the initial review draft of the Charter GHG analysis. Under the proposal, the IPHC would separately manage the charter and commercial halibut allocations in Areas 2C and 3A. It aims to remove the economic penalty placed on the commercial sector for overages of the GHG incurred by the charter sector. The proposal recommended that the Council send a letter to the IPHC so that it would set a combined charter and commercial Constant Exploitation Yield (CEY) for Areas 2C and 3A and replace the deduction of charter harvests from the Total CEY with an allocation to the charter sector equal to the GHGs in each area. In April 2006, the Council reviewed a staff discussion paper (Item C-1(d)(1)), which concluded that without restrictive measures that constrained the charter fisheries to their respective GHGs, the proposal could result in overharvests of the CEYs. In April, the Council

**scheduled this second look at the issue so that any Council recommendation could be forwarded to the IPHC in time for the Commission's January 2007 annual meeting.**

### **Report of the Scientific and Statistical Committee**

After receiving reports from ADF&G staff, the SSC had the following comments and recommendation: "Sport fishing catches of halibut and associated incidental catches of demersal shelf rockfish and sharks represent substantial components of fishing mortality in areas 2C and 3A. Consequently, estimates and projections of sportfishing catches can have important implications for the likelihood of achieving the Council's biological, social, and economic objectives. Therefore, the procedures used to obtain estimates and projections, and associated confidence intervals and biases, should be thoroughly documented for the public and subjected to periodic review by the SSC or specially convened review panels. While ADF&G indicates that some analyses of the confidence intervals of the estimates and properties of the projections have been conducted, those analyses have not been broadly disseminated or reviewed within the Council arena. The SSC encourages the Council to request a review of estimation procedures for charter-based sport fishing catches of halibut and associated incidental catches of demersal shelf rockfish and sharks." Please see the SSC Minutes, Appendix II to these minutes for complete text of SSC comments.

The SSC also noted that although it did not receive a presentation on management measures under consideration in response to ongoing exceedences of the halibut charter GHF, we note that the several options for controlling charter-based sport fishing catches and the likely efficacy of those options are explored at length in our December 1999 minutes and reiterated in our February 2000 and February 2006 minutes.

### **Report of the Advisory Panel**

The Advisory Panel had the following comments and recommendations:

The AP recognizes that failure to take action in time for the 2007 season will have unassessed and unacceptable impacts on sport, subsistence and commercial halibut fisheries as well as the halibut resource. The AP is greatly concerned that the bureaucratic federal regulatory process, over the past 13 years, has blocked and confounded Council's efforts to resolve this issue and has undermined the credibility of the Council process.

#### **(a) High priority:**

The AP strongly supports the Council's April commitment to manage the halibut charter fleet to the GHF published in the federal register until that GHF is superseded by a long term management strategy. Given the record 2005 and preliminary 2006 harvest figures for the charter fleet, implementing some form of harvest control measures in time for the 2007 fishing season is vital to address conservation impacts and to provide stability during this interim period.

The AP appreciates the IPHC's recognition that a "conservation concern" exists when the CEY is exceeded and that corrective action is needed. The halibut charter fleet's unforeseen growth is responsible for this crisis. Therefore, the AP strongly recommends the Council request that the IPHC or NMFS implement the necessary measures to reduce halibut harvest in the charter sector to the GHF amounts at the IPHC's January Meeting so that the regulations can be implemented in time for the 2007 season. For example, based on data from the 2000 GHF analysis, reducing bag limits in 2007 for charter clients in area 2C for the three month summer season, and for the month of August in area 3A would achieve the necessary reduction.

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In the event that the IPHC process is not used, the AP requests that the Council consider an emergency rule to implement corrective actions to keep the halibut charter fleet within the GHL.

(b) FIVE FISH ANNUAL LIMIT : The AP supports tabling the discussion of the 5 fish annual limit pending the resolution of State management authority. We further recommend the Council continuing to explore other harvest control measures that will be effective during this interim period.

(c) & (d)

1. The AP recommends that the Council request the State of Alaska to develop a discussion paper providing detailed information about the anticipated elements and options that the State would consider should the Council (SOC) partially delegate halibut charter management authority.

2. The AP recommends that the Council request a discussion paper outlining a Federal regulatory process that would create a parent document, which would analyze catch control management measures, to be tiered and thereby implemented on an annual basis.

The AP recommends that each discussion paper include separate accountability as a management option.

3. The AP recommends that the Council request the IPHC to use State of Alaska catch data and break out the "sport" category into guided and non-guided catch for all future IPHC assessments

The AP further recommends the Council request IPHC study the halibut mortality rate in the sport fishery and for the Council to request the State of Alaska study the rockfish mortality rate in the sport fishery.

The AP recommends the Council support the State of Alaska's Emergency Order which would eliminate retention of halibut by charter captains and crew in 2007. The AP feels this is a prudent step toward conserving halibut without excessive impact to the charter industry.

### **Enforcement Committee Report**

The Committee noted that ongoing limited resources available to monitor and enforce federal fishing management programs require that application of these resources be prioritized. Enforcement of new programs, such as the proposed 5 fish annual limit in the halibut charter fishery, typically require that NMFS and the USCG reprioritize resources, rather than rely on new resources being provided. Thus, the effectiveness of any new program in achieving a particular management objective should be considered when assessing the costs of monitoring and enforcement. These costs include reallocating USCG and NMFS enforcement resources away from existing management programs to the new program. This reprioritization should be justified based on anticipated achievement of stated management objectives. However, due to the need to support the 5 fish limit with documentation and the uncertain availability of State documents, the Committee prefers Federal documents and authority be applied.

### **COUNCIL DISCUSSION/ACTION**

[NOTE: Bill Tweit participated for Jeff Koenings for the entire meeting.]

#### C-1(a-d) Charter Halibut Management Measures

In addition to an overview of materials in the Council notebook, the Council heard reports from Phil Smith of the NMFS-AKR RAM Division, Doug Vincent-Lang, ADF&G, Jason Gasper and Jay Ginter, NMFS-AKR, and Bruce Leaman and Gregg Williams of the International Pacific Halibut Commission

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(IPHC). The Council also received a written report from the Halibut Stakeholder Committee (included in Council notebook materials).

During discussion of a letter from the IPHC outlining IPHC authority to impose management measures such as bag limits, Ms. Madsen asked whether the IPHC could apply bag limits and other regulations selectively, within a regulatory area. Mr. Leaman responded that normally regulations are applied across the board for an area, but he believes there may be some latitude. There is some precedent, but since the IPHC has not had this specific request before, the extent of the IPHC's authority would need to be explored. Mr. Leaman advised the Council that the IPHC currently has a proposal for a one bag limit for charters which will be discussed during its annual meeting in January.

The Council also received a letter from NMFS-Alaska Region asking it to reconsider the 5-bag limit because of enforcement concerns, stating that because of limited resources and funding for enforcement, the costs of implementing this measure outweigh the benefits.

**Sue Salvesson moved to rescind action previously taken on the 5-fish bag limit for persons fishing on halibut charter boats.** The motion was seconded by Eric Olson and carried without objection.

The intent would be to expand the existing analysis to include other options, including ideas posed by the public and the Advisory Panel, as well as clarifying logbook information.

With the previous action rescinded, the original analysis and options were on the floor for amendments (the Executive Summary of the analysis was provided in Council notebooks).

**McKie Campbell moved the following:**

**That the Council amend the draft 5-fish limit EA/RIR/IRFA for a regulatory amendment to implement guideline harvest level measures in the halibut charter fisheries in IPHC regulatory areas 2C and 3A, to include the following problem statement:**

**At its December 2006 meeting the Council reviewed the final 2005 harvest estimates for the halibut charter fisheries in IPHC Regulatory Areas 2C and 3A. These estimates show the GHL was exceeded by 36% in Area 2C and 1% in Area 3A. The Council also reviewed preliminary projections for these fisheries for 2006. These projections indicate that the GHL are projected to be exceeded by 47% in Area 2C and 9% in Area 3A in 2006. NMFS staff has identified implementation issues with previously identified alternatives to reduce charter harvests within these areas to their respective GHLs. In addition, the previously identified alternatives are likely insufficient to reduce charter harvests to GHL levels in both areas. Thus, a need exists to design a management regime that can be implemented to bring charter harvests in Areas 2C and 3A to their respective GHLs.**

**Also, the Council amends its list of alternatives for analysis within the draft 5-fish limit EA/RIR/IRFA for a regulatory amendment to implement guideline harvest level measures in the halibut charter fisheries in IPHC regulatory Area 2C as follows:**

**Alternative 1: No Action.**

**Alternative 2: Limit vessels to one trip per day; prohibit harvest by skipper and crew; set an annual catch limit of six fish for individual clients, reduce the daily bag limit to 1 for June, July, or August, or the entire season; establish a trophy size limit of 50, 55, 60 inches on the second fish; season closure date of Aug. 15, Aug. 31, or September 15; close the fishery during 1 weekday or 1 weekend day; and establish a minimum size limit of 32 inches.**

**Alternative 3: Limit vessels to one trip per day; prohibit harvest by skipper and crew; set an annual catch limit of five fish for individual clients, reduce the daily bag limit to 1 for June, July, or August, or the entire season; establish a trophy size limit of 50, 55, 60 inches on the second fish; season closure date of Aug. 15, Aug. 31, or September 15; close the fishery during 1 weekday or 1 weekend day; and establish a minimum size limit of 32 inches.**

**To assist in reducing the Area 2C harvest levels to its GHL the Council urges the Alaska Department of Fish and Game to again utilize its emergency order authority to prohibit retention of fish by skipper and crew and to limit the number of lines fished to the number of clients on board.**

**To reduce Area 3A harvest levels to its GHL the Council urges the Alaska Department of Fish and Game to use its emergency order authority to prohibit retention of fish by skipper and crew and to limit the number of lines fished to the number of clients on board. This action should reduce charter harvest to below a level equal to or below the GHL.**

**The Council requests that this analysis be brought back for Council initial review in April 2007.**

The motion was seconded by Sue Salvesson.

It was clarified that the alternatives are not mutually exclusive; the Council may choose portions from the various alternatives. In response to a question regarding whether the alternatives should also be analyzed for Area 3A, Mr. Campbell stated that he would prefer not to delay the current analysis for Area 2C, but would be amenable to dealing with management tools for Area 3A at a later time. He pointed out that the State currently has authority to prohibit skipper/crew fish and has other management tools which can be used in 3A if necessary.

With regard to the AP recommendation on a separate accountability option, Mr. Campbell stressed that this should be taken up under the long-term solutions already initiated.

A motion by Bill Tweit to amend the motion to initiate a similar analysis for Area 3A for initial review in October 2007 was subsequently withdrawn after discussion indicated that staff is fully subscribed at this time and that such an analysis would be substantially different from the current one for Area 2C. It was suggested that the Halibut Charter Stakeholder Committee could begin to address options for Area 3A for a future amendment.

**John Bundy moved to amend the two alternatives to 5 fish and 4 fish in place of 6 fish and 5 fish. The motion was seconded by Ed Rasmuson and carried without objection.**

**Dave Benson moved to amend both Alternatives 2 and 3 to add a 45” option to the suite of sizes for the trophy fish option.** The motion was seconded and carried without objection.

A motion by Dave Benson to add an option to require circle hooks under both alternatives was subsequently withdrawn after discussion indicated this could potentially slow down the current analysis. IPHC staff noted that there is a proposal before the Commission at this time to require circle hooks.

Dave Hanson advised that a majority of the charter industry has stressed that they would not be in favor of a one fish daily bag limit. Additionally, data are not available to provide a quantitative analysis.

**Dave Hanson moved to delete the 1-fish daily bag limit option from the analysis.**

Ms. Salveson stated that she thinks even though the analysis may be more qualitative than quantitative on this option, she thinks the Council is obligated to assess the option, particularly since it is also being proposed to the IPHC.

The motion was seconded by Ed Rasmuson and failed, 9 to 1 (Hyder voting in favor).

The main motion carried, as amended.

**McKie Campbell moved to recommend that the Chair write a letter to the IPHC covering the following points:**

- 1. Thank the IPHC for the invitation to engage in dialog with the Council regarding management of halibut, and specifically the current exceedence of the GHM by the charter sector.**
- 2. Provide the motion approved by the Council at this motion for the Area 2C analysis.**
- 3. With regard to the proposal before the Commission to regulate the bag limit for the charter halibut sector, the Council urges the Commission to:**
  - a. Consider a suite of options that offer the potential to reduce the charter catch while doing the least damage to the charter industry.**
  - b. If the IPHC adopts any regulations regulating charter catch, the Council requests that those regulations include a provision that they sunset upon the effective date of regulations adopted by the Council or by the State of Alaska under a delegation of authority from the Council.**
- 4. The Council requests that the IPHC initiate a study of halibut mortality rates in all directed halibut fisheries. [Mr. Campbell stated that the State of Alaska will do the same for the directed rockfish fisheries.]**

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

It was stressed that the Council is not taking a stand on any particular proposal before the IPHC; rather, the Council is informing the Commission of current Council activities.

Regarding a sunset provision for IPHC regulations, Mr. Williams advised that this has been done in the past and would not cause any concern on the part of the IPHC.

Mr. Campbell spoke to several of the AP recommendations, noting that the State will undertake the development of a discussion paper providing detailed information about the anticipated elements and options that the State would consider should the Council (SOC) partially delegate halibut charter management authority. Regarding the AP recommendation #3, to request the IPHC use State of Alaska catch data and break out the "sport" category into guided and non-guided catch for future IPHC assessments, Mr. Campbell noted that the State already does this.

With regard to the AP recommendation regarding a Federal regulatory process to create a parent document (catch sharing issue), Ms. Madsen suggested that at the Portland meeting, Pacific Council staff be asked to describe its catch sharing plan. Mr. Tweit suggested that the presentation should include participation of representatives of the states involved and said he would coordinate that portion of the presentation. Ms. Salveson suggested that a representative of the Northwest Region NOAA General Counsel also be invited to give an agency perspective on how the plan is carried out.

C-1(e) Moratorium Discussion Paper

**ACTION REQUIRED**

- (e) Review moratorium discussion paper and committee report, and action as necessary.**

**BACKGROUND**

In April 2006, the Council initiated an analysis to implement a moratorium on entry into the charter halibut sector using the December 9, 2005 control date that was published in the *Federal Register*. The Council approved two alternatives for the charter halibut moratorium analysis in June 2006 (Item C-1(e)(1)). Alternative 1 is the no action alternative. Alternative 2 includes 13 issues that provide the structure to implement a limited entry program for the charter halibut sector. Some issues contain options from which the Council must select to complete the program's design. Charter Halibut Stakeholder Committee recommendations incorporated staff recommendations to streamline and clarify the alternatives and options (Item C-1(e)(2)).

A discussion paper, which was distributed to you in November, identifies issues that need further clarification by the Council and provides historic participation data for a preliminary analysis of the impacts of different issues (Item C-1(e)(3)). A summary of the clarifications requested by staff and related Committee recommendations are provided at the end of the paper (starting on page 35).

Initial review of the moratorium EA/RIR/IRFA is tentatively scheduled for February 2007, with final action in April 2007. Implementation likely would not occur until the 2009 charter fishery season, at the earliest. These timelines may require adjustment, depending on Council action at this meeting and resolution of data sharing issues between NMFS and the State of Alaska, without which implementation would not occur

**Report of the Scientific and Statistical Committee**

The features of a moratorium will have important effects on how and where benefits are distributed and on the likelihood that the moratorium will stem the increase in charter catches. The direct and indirect effects of alternative combinations of features will need to be carefully explored to determine whether the moratorium will be efficacious and to identify how those features will affect the distribution of benefits across communities, between large and small operators, between charter businesses and their clients, etc. If the moratorium is envisioned as an interim management structure, it will be important for the analysis to consider how program features might predetermine characteristics of a future management structure

and how short-run responses of charter businesses to the implementation of a moratorium might be shaped by jockeying for benefits anticipated under a future management structure.

### **Report of the Advisory Panel**

The AP noted that a moratorium may provide a measure of stability to the charter sector but will not address the allocation issue nor provide stability for other user groups and therefore it should not be considered as a stand-alone interim solution.

The Advisory Panel recommended several additions and changes to the alternatives. Please see the AP Minutes, Appendix III to these minutes, for the entire set of recommendations.

### **COUNCIL DISCUSSION/ACTION**

[NOTE: Earl Krygier sat in for McKie Campbell for this discussion.]

During the review of the discussion paper by Darrell Brannan and Nicole Kimball, it was stressed that in order to proceed with the analysis for a moratorium, NMFS and NOAA GC will need to work with the State of Alaska to address the release of confidentiality restrictions, which will require legislation by the State.

**Earl Krygier moved the following:**

**Adopt AP motion on agenda item C-1 (e) (dated 12/6/2006 2:16 pm) with the following changes. Also, Council immediately begin an EA/RIR/IFRA to establish a moratorium for the halibut charter fisheries in IPHC Areas 2C and 3A with the goal of initial review in February 2007 and final action in April 2007.**

**2. Permit would be designated for either Area 2C or Area 3A; *if a business qualified for a permit in both areas, the ~~permit would be endorsed for both areas~~ the business would be issued a permit for only 1 area of their choosing.***

**11. Qualifying years –**

**Option 1. Each licensed guide business owner(s) that reported a minimum of 1, 5, 10, or 20 bottomfish logbook trips during 2004 or 2005 and had participation in the year prior to implementation would be issued a permit(s) based on the number of trips summed for all vessels in a year during a qualifying period, unless an unavoidable circumstance<sup>1</sup> occurred. For example, a business may have operated 3 vessels with 6, 10, and 8 trips, respectively (total trips = 24). This would result in the business receiving 1 permit under a 20 trip minimum; 2 permits under a 10 trip minimum; ~~and~~or 3 permits under a 5 trip minimum.**

**An individual that was assigned to active military duty during 2004 or 2005 and who qualifies as "active" during the season prior to implementation shall be eligible for a**

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**1 Acceptable circumstances should be identified by the Council and adjudicated on a case by case basis through the NOAA Fisheries Appeals Division, but includes medical emergencies, military exemptions, and constructive losses.**



**moratorium permit and that demonstrated an intent to participate in the charter fishery in Area 2C or 3A.**

**14. Community provisions for Area 2C and 3A communities previously identified under GOA FMP Amendment 66**

**~~Option 2.~~ A CQE, representing a community in which 5 or fewer 10 or fewer active<sup>2</sup> charter businesses terminated trips in the community in each of the years 2004, 2005 and prior to implementation, may request limited entry permits.**

The motion was seconded by Ed Rasmuson.

With regard to the military exemption, Mr. Bundy expressed concern that it is too broad. It was clarified that the intent of the motion is that the demonstrated intent would be prior to active military duty.

**Sue Salveson moved to delete Item 3.** The motion was seconded by Bill Tweit and carried without objection.

Ms. Salveson pointed out that the process required to reassign a new vessel to a permit is an onerous process with respect to this size vessel and that level of complexity is not warranted. Additionally, she pointed out that the goal is to streamline a program and get it implemented as soon as practicable.

**Sue Salveson moved to remove Item 12 (“use it or lose it” provision) entirely.** The motion was seconded and carried without objection.

Ms. Salveson advised that this provision would require an annual process of renewal of all participants in the sector and would include a lengthy administrative appeals process. She suggested it would be best to address this issue under the permanent solution phase where the Council could consider more conservative entry level requirements.

**Ed Rasmuson moved to amend to request staff to provide information that would allow the Council to develop different use caps for CQEs based on the represented communities’ populations.**

The motion was seconded by Earl Krygier and carried without objection.

**The main motion, as amended, carried without objection.**

*C-1(f) Discussion Paper-Allocations/Shares*

**ACTION REQUIRED**

**(f) Review discussion paper on allocations/shares and committee report, and take action as necessary.**

**BACKGROUND**

**In June 2006, the Council adopted three draft alternatives for a “permanent solution” to allocate halibut between the charter and commercial sectors: 1) Status quo; 2) Allocation to the charter sector; and 3) Quota share program (Item D-1(f)(1)). The Council tasked staff with developing a**

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<sup>2</sup> ‘Active’ is defined as it is defined under Issue 10, ~~Option 1~~ (e.g., at least 1, 5, 10, or 20 charter bottomfish trips).

discussion paper on the suite of alternatives, elements, and options for review at this meeting. The discussion paper is attached as Item D-1(f)(2)Part 1, and was mailed to you in November.

In this discussion paper, staff has proposed a new structure for the suite of alternatives. This restructuring is intended solely to aid the Council in identifying distinct management actions for analysis and to aid the public in understanding possible outcomes.

The proposed (moratorium) limited entry program would be the first action taken by the Council. This decision is scheduled for April 2007 and is the subject of a separate agenda item.

The second analysis would include Action 2 and 3. Proposed Action 2 would set an allocation between the charter and commercial sectors. Identifying the allocation decision as a unique action reduces confusion by streamlining the alternatives to contain only one set of allocation options. Dropping an option to replace an "interim" permit system (in the first analysis) with a "permanent" limited entry permit system (in the second analysis) significantly reduces redundancy.

**Staff Recommendations for Structuring  
Charter Halibut Harvest Alternatives**

**First Analysis – final action in April 2007**

Action 1. (Moratorium) Limited Entry

Alt. 1 No Action

Alt. 2 Limited Entry Permit Program  
Option. Community provisions

**Second Analysis – final action to be announced**

Action 2. Allocation between commercial/charter sectors\*

Alt. 1 No Action

Alt. 2 Allocation between sectors

**and**

Action 3. Share-Based Systems

Alt. 1 No Action

Alt. 2 Limited Entry Permit Endorsements (rods/trips or  
angler days)  
Option. Community shares

Alt. 3 QS Program

Option. Community shares

Proposed Action 3 could modify the limited entry program by: 1) adding permit endorsements to control effort, based on past history (Alternative 2); or 2) integrating the charter sector into the commercial quota share (QS) program by issuing transferable QS and allowing the market to set allocations between the sectors (Alternative 3). Staff is also requesting clarification on proposed community options under Actions 2 and 3 in the second analysis.

A second discussion paper (Item D-1(f)(2)Part 2), addresses six discussion points associated with Actions 2 and 3 that staff and Stakeholder Committee members identified as important and potentially complicated. These include:

- 1) the availability and quality of charter halibut data;
- 2) specific sector allocation formulas (Alternative 2 Issue 1 (as identified in the June 2006 Council motion));
- 3) sub-area allocations (Alternative 3 Issue 1);
- 4) finance mechanisms for a compensated transfer;
- 5) permit classes (Alternative 2 Issue 4); and
- 6) share-based permit systems (Alternative 2 Issue 4).

Additional streamlining of the suite of alternatives adopted for analysis at this meeting may be necessary at a future meeting. Staff has already identified two issues for additional Council refinement: 1) mechanisms to increase charter sector harvest under Action 2 should be simplified and/or clarified; and 2) endorsements to CQE-issued permits under Action 3, Alternative 2 should be developed, since gifted permits will not have associated catch history.

**The Stakeholder Committee accepted staff recommendations to reorganize and streamline the alternatives and options and added a significant recommendation to streamline permit endorsement options (Item D-1(f)(3)).**

The Scientific and Statistical Committee had no further comments on this issue.

### **Report of the Advisory Panel**

The AP recommends the Council adopt the (Stakeholder) Committee recommendations including staff's changes to the structuring of charter halibut harvest alternatives, and task the Stakeholder Committee with further development of these alternatives. Under Issue 9, strike the parenthetical "trailing amendment for which communities would be intended."

### **COUNCIL DISCUSSION/ACTION**

[Note: For reference, the Halibut Charter Stakeholder Committee recommendations were available as Agenda Item C-1(a)(4) and the alternatives and options referred to in the motion were found in Agenda item C-1(f)(1) in Council meeting materials.]

**McKie Campbell moved to approve the recommendations of the Advisory Panel (noted above) with the following addition:**

**Under Alternative 2, Issue 1, Option 1 (Allocations), add the following suboption:**

**(e) percentage equal to the 2005 sport harvest.**

The motion was seconded by Dave Benson and carried without objection.

Mr. Rasmuson noted his frustration over the lengthy and delayed process and said that he did not think a long-term solution can be achieved until allocation and compensation issues are addressed.

**Ed Rasmuson moved to initiate a separate amendment package to examine specific allocation levels, as fixed percentages, in Area 2C and 3A. Options would include those percentages listed in Alternative 2, Issue 1, Option 1 and an additional option of 20% for both areas.** The motion was seconded by Roy Hyder.

Mr. Rasmuson provided the following rationale and intent for the motion:

Intent is to begin a more expedited examination of the basic GHL level, outside the package of other long-term solutions. Issues such as overage/underage, compensation mechanism, use of commercial QS, suballocations in areas, etc., would be addressed in the longer-term package, as these issues need to be addressed regardless of the level of the allocation. Resolution of the basic allocation issue will necessarily precede the larger amendment package and greatly simplify subsequent analyses.

Among other aspects of economic analysis, the amendment analysis should examine overall effects based on a range of ex-vessel prices for halibut.

The analyses already initiated by the Council, to examine bag limits, season limits, etc., would maintain priority, along with the moratorium analysis, as these measures may be necessary regardless of the GHF or allocation levels.

Mr. Rasmuson also noted that his intent would be that this analysis be undertaken before the long-term solution analysis, but would not take priority over the current analysis to examine management measures such as bag and season limits.

After discussion of timing and priorities, **Sue Salvesson moved a substitute motion: to request staff to develop a discussion paper for April to examine the effects of establishing a stand-alone separate allocation for the halibut charter fishery prior to implementation of a permanent solution.** The motion was seconded by Dave Benson and carried without objection.

While sympathizing with Mr. Rasmuson's frustration, Ms. Salvesson expressed concern over establishing a hard allocation without understanding whether the Council has the management tools necessary to control the harvest and whether or not the industry itself has the necessary tools. A major concern is that there still could be a situation where the charter industry could be shut down mid-season.

## **C-2 MRA Adjustments**

### **ACTION REQUIRED**

**Final action on MRA Adjustment regulatory amendment.**

### **BACKGROUND**

**At its June 2006 meeting, the Council conducted initial review of an analysis of alternatives to modify the accounting period for the maximum retainable allowance (MRA) for the non-AFA trawl catcher processor sector. MRAs limit the amount of each non-directed species catch that may be retained to a percentage of directed species catch. Under current regulations, MRA accounting is instantaneous. In effect, a vessel must be in compliance with the MRA at all times during a fishing trip. This proposed action would modify the MRA accounting period for certain species to the end of a fishing trip or until an offload. A fishing trip ends on the earliest of: a directed fishing closure, an offload, entering or leaving an area subject to a directed fishing closure, changing fishing gear, or the end of a weekly reporting period. At its June meeting, the Council requested that staff make several changes to the analysis. Staff has completed the requested revisions, and this item is scheduled for final action at this meeting.**

**Prior to the June meeting, the analysis considered MRA changes only for yellowfin sole, rock sole, flathead sole, other flatfish, and arrowtooth flounder, with options to include Aleutian Islands Pacific ocean perch, Atka mackerel, Greenland turbot, and other rockfish. In June, the Council added options to consider application of new adjustment periods for Pacific cod and Bering Sea Pacific ocean perch. The Council also removed options for applying the modified accounting period for Greenland turbot, northern rockfish, shortraker rockfish, rougheye rockfish, and other rockfish, but requested that staff include analysis of effects of the action with respect to other rockfish. The change in accounting would apply to all of the non-AFA trawl catcher processor sector prior to the implementation of the Amendment 80 cooperative program. Upon implementation of Amendment 80, the change would apply only to participants in the non-AFA trawl catcher processor limited access fishery (and not to vessels in cooperatives. The Council requested staff evaluate the effect of relaxing the MRA accounting period on incentives for cooperative formation and membership. The Council also asked that staff explore impacts of the modified MRA adjustment periods both before and after implementation of Amendment 85. Amendment 85 is intended to be implemented in January 2008.**

**In addition to the revisions requested by the Council, staff also expanded the analysis in some sections. The discussion of potential impacts of the proposed action on endangered species has been expanded, as well as the discussion of potential effects of the action on targeting behavior, sorting, and processing, and the associated costs and benefits of changes in those activities. The analysis was mailed to you on November 8, and the executive summary is provided below.**

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

### **Report of the Advisory Panel**

The AP recommends the Council approve Alternative 3 with suboptions as follows:

Alternative 3: In the BSAI, calculate the period of accounting for MRA of yellowfin sole, rock sole, flathead sole, "other flatfish" and arrowtooth flounder at the time of offload.

Include AI POP  
Include Atka mackerel in the Bering Sea and Aleutian Islands  
Include BSAI Pcod

The intended effect of this change is that the accounting period for MRA would commence when fishing begins and the MRA would be calculated:

- a. on the effective date of a notification prohibiting directed fishing in the same area;
- b. upon offload or transfer of fish or fish product from that vessel;
- c. when a vessel enters or leaves an area where a different directed fishing prohibition applies; or
- d. when a vessel begins fishing with a different type of authorized fishing gear.
- e. for Pcod in the BSAI and Atka mackerel in the AI, a new trip is started upon commencing fishing inside SSL Critical Habitat. The trip which starts inside CH will be subject to status quo enforcement for Pcod and Atka mackerel MRAs.

In the event that item E requires further analysis or causes delay of final action, the other parts of this motion should move forward for implementation and item E should be developed as a trailing amendment.

### **Report of the Enforcement Committee**

In its June 2006 discussion the Committee recommended Alternative 2 as preferred in terms of definitions of a fishing trip. However, since the June enforcement meeting the Council added two additional species (P. cod and Atka mackerel) to the analysis which poses some additional enforcement concerns. NOAA Fisheries Enforcement notes that all three alternatives are 'enforceable,' but that each presents differing challenges to enforce MRAs.

Under both status quo (Alternative 1) and Alternative 2, NOAA Fisheries Enforcement and USCG personnel would in some cases continue to be able to conduct compliance monitoring of MRAs both during at-sea and dockside boardings, as well as by utilizing Weekly Product Reports (WPR) submitted by the vessel. It was noted that in the past, under the 'at any point in time during a fishing trip' basis, shoreside review of WPRs has allowed NOAA Fisheries Enforcement staff to flag ongoing or inadvertent directed fishing violations, and enabled them to contact vessel or company representatives to notify of these situations. This has allowed for the minimization of violations and the lessening of potential resource damage.

Under both Alternatives 2 and 3, complexity of determining compliance with MRAs will increase. The value of P. cod and Atka mackerel species creates the concern in relationship to potential takes inside SSL critical habitat.

The Committee report contains more discussion and rationale for the Committee's recommendation which is "If the Council is going to take final action at this time, the Committee continues its support of Alternative 2 without the addition of P. cod and Atka mackerel. The Committee would like additional time to consider assessing the appropriate language to express enforcement concerns on this issue to the Council." (Please see Enforcement Committee Report, Appendix IV to these minutes, for the entire report.)

### COUNCIL DISCUSSION/ACTION

[NOTE: Earl Krygier sat in on this discussion for Mr. Campbell.]

**Earl Krygier made the following motion:**

**The Council adopts the AP motion with the following changes:**

**Bold = added language**

**~~Strikethrough~~ = deleted language**

**The Council adopts the staff's recommended change to the problem statement.**

**The ~~AP recommends the Council approve~~ adopts Alternative 3 with suboptions as follows:**

**Alternative 3: In the BSAI, calculate the period of accounting for MRA of yellowfin sole, rock sole, flathead sole, "other flatfish" and arrowtooth flounder at the ~~time of offload~~ end of a fishing trip.**

**Include AI POP**

**Include Atka mackerel in the Bering Sea**

**Include Atka mackerel in the Aleutian Islands**

**Include BSAI Pacific cod**

**The intended effect of this change is that the accounting period for MRA would commence when fishing begins and the MRA would be calculated:**

- a. **on the effective date of a notification prohibiting directed fishing in the same area;**
- b. **upon offload or transfer of any fish or fish product from that vessel;**
- c. **when a vessel enters or leaves an area where a different directed fishing prohibition applies; or**
- d. **when a vessel begins fishing with a different type of authorized fishing gear; ; or**
- e. **the end of a weekly reporting period, whichever comes first.**

**f. ~~e.~~ for P. cod in the BSAI and Atka mackerel in the AI, a new trip is started upon commencing fishing inside SSL Critical Habitat. The trip which starts inside CH will be subject to MRA accounting for Pacific cod and Atka mackerel at any point during the fishing trip (status quo enforcement) ~~for Peod and Atka mackerel MRAs.~~**

~~**In the event that item E requires further analysis or causes delay of final action, the other parts of this motion should move forward for implementation and item E should be developed as a trailing amendment.**~~

The motion was seconded by Ed Rasmuson and carried unanimously.

In support of the motion, Mr. Krygier stressed that one goal is to provide the non-AFA CP sector with more flexibility to retain economically viable species where possible. He noted that the Council's original goal in implementing an accounting for groundfish MRAs was to slow the catch for a species so that the catch depletes up to the TAC by the end of the year in order to attain optimum yield.

### **C-3 Trawl LLP Recency**

#### **ACTION REQUIRED**

**Progress report on analysis.**

#### **BACKGROUND**

**Staff has been proceeding with analyses of a proposed amendment to address latent capacity by trawl catcher vessels and trawl catcher processor vessels in the BSAI and GOA. In October, the Council reviewed some preliminary data and made several revisions to the alternatives and options. The problem statement, along with revised alternatives and options is attached as Item C-3(a). The presentation at the December meeting will be limited to a brief summary of data analyses completed to date. Additional preliminary data and qualitative analyses of portions of the proposed amendment will be distributed at the meeting.**

**Staff anticipates initial public review of the Draft Environmental Assessment/Regulatory Impact Review can still be completed for review at the February Council meeting.**

#### **Report of the Scientific and Statistical Committee**

It is anticipated that a draft EA/RIR for this amendment will be available for Council review in February 2007 and that final action might be taken as early as April 2007. SSC review of the draft EA/RIR will likely focus on the extent to which the analysis addresses issues raised in the Council's problem statement. Because the draft problem statement suggests that the primary motivation for this amendment is that "*In the Bering Sea and Gulf of Alaska, there are **too many** latent licenses and in the Aleutian Islands, there are **not enough** licenses available for trawl catcher vessels*", it will be incumbent on the analysts to explain what is meant by "too many" and "not enough" and how it will be determined that an alternative will or will not alleviate the problem. There are many possible frameworks for judging whether there are "too many" or "not enough" licenses; the Council could help focus the analysis by identifying the pertinent objectives for this amendment. For example, if the Council is concerned about capacity utilization/technical efficiency, it would be appropriate to base the analysis of alternatives on multi-product production functions or stochastic production frontiers. If instead, the Council is concerned that reactivation of latent permits might create levels of effort that would be difficult to control with current in-season management measures, the analysis should focus on the likelihood that latent capacity would reenter the fishery and on the likely effects on the timing and duration of fishing seasons. Alternatively, if the Council is concerned that the reactivation of latent permits might lead to undesired shifts in "who lands what where", it would be appropriate to structure the analysis around a regional economic model and to compare percent changes in expenditures, earnings, and employment with performance thresholds, e.g., changes greater or less than 1% in employment are or are not important.

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

## **COUNCIL DISCUSSION/ACTION**

[Note: Jay Ginter sat in for Sue Salvesson for this and all remaining agenda items.]

The Council received an update on progress on the analysis. This was an informational report and no Council action was required.

Council members requested that staff take into consideration a suggestion made during public comment to show in the analysis the number of vessels under 60' that would be removed due to latency as well as the number of vessels in that class that would remain in the fishery. Additionally, staff was requested to include a discussion of the effects of the AFA on vessel activity and the use of LLPs.

### **C-4 Gulf of Alaska Rationalization**

#### **ACTION REQUIRED**

**Review alternatives and options and revise as appropriate**

#### **BACKGROUND**

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

**To assist the Council with the continuing process of refining the alternatives for analysis, staff has provided a brief discussion paper that includes the problem statement and describes the structure of the alternatives (Item C-4(a)). Separate alternatives are defined for each sector (i.e., catcher processors, trawl catcher vessels, pot catcher vessels, hook-and-line catcher vessels, and jig vessels). The alternatives applicable to each sector are defined through specific elements and options that are set out in "Gulf Rationalization Alternatives" (April 2006). In addition to the options defining the provisions governing the various sectors, the Council has developed two sets of options applicable to community programs and reduction of crab and salmon bycatch. These provisions are contained in "Gulf of Alaska Rationalization Community Provisions" (December 12, 2005) and "Bycatch Reduction Alternatives for Salmon and Crab Species" (June 2005), respectively. These three documents, which together comprise all elements and options, are attached as Item C-4(b).**

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

#### **Report of the Advisory Panel**

The AP recommends the Council:

1. Initiate a discussion paper exploring the goals, objectives, elements and options of an allocation of Gulf Pacific cod among sectors.
2. Initiate a discussion paper on identifying and removing latent licenses from the Gulf groundfish sectors that are subject to the License Limitation Program.



Additionally, the AP requests the Council form an industry stakeholder committee to further develop possibilities and solutions to skipper and crew inclusion in GOA rationalization alternatives.

### **COUNCIL DISCUSSION/ACTION**

**McKie Campbell moved to accept the recommendations of the Advisory Panel with the following change: With respect to Item 2, request staff to come back in February with ideas and information on how they would proceed on the recommended discussion paper.** The motion was seconded by Doug Hoedel and carried without objection.

There was discussion regarding whether the report from staff should be delayed until the Council meets in April in Anchorage for the convenience of the public. It was pointed out that this would simply be a staff report with no action anticipated by the Council. It was noted that any action would be scheduled for a meeting in Alaska.

**McKie Campbell moved that the Council take the following actions:**

- 1. – Defer action on any new individual quota share-based rationalization programs such as Gulf rationalization until NOAA-Fisheries has issued regulations implementing H.R. 5946 – the Magnuson-Stevens amendments of 2006 as they pertain to a new legal requirements for Limited Access Programs.**
- 2. – Continue to review and modify, as necessary, existing programs such as BSAI crab, halibut and sablefish IFQ, American Fisheries Pollock cooperatives, or Amendment 80 applying to flatfish.**
- 3. – Continue our work to find a long-term solution to the Halibut Charter issue.**
- 4. – Consider more traditional management measures, such as season or gear limits, or sector allocations to address concerns raised in the Gulf of Alaska Rationalization Problem Statement or other fishery management concerns.**

The motion was seconded and, after discussion, carried with Mr. Hyder objecting.

Mr. Campbell's motion contained the following preamble:

The are several developments which affect the Council's activities on Gulf Rationalization:

-The Magnuson-Stevens Act, the legal framework under which the Council operates, has just been reauthorized and time will be needed to evaluate the legal impacts on the existing alternatives and placeholders in the document.

-Governor Palin has recently taken office and has requested the Council to slow its proceedings on Gulf rationalization to allow her administration to evaluate policy regarding fisheries in the Gulf of Alaska.

-The 18-month review of the Bering Sea/Aleutian Islands Crab Rationalization Program will begin in April, 2007 and will provide important data to inform future decisions.

There was some discussion regarding whether the motion fell outside the scope of the advertised agenda, however it was determined that the motion simply informs that the Council won't consider limited entry

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issues until Magnuson Act changes have been reviewed and the Council has a better idea of what is or what is not required of it. Mr. Lepore noted that General Counsel will advise the Council of any legal issues with current actions as a result of the amendments to the Act. Mr. Ginter advised that changes to the Act will not affect IFQ amendments already approved by the Council.

**C-5 Seabird Interactions**

**ACTION REQUIRED**

**Initial review of Draft EA/RIR/IRFA on Proposed Changes to Seabird Avoidance Regulations.**

**BACKGROUND**

At its June 2006 meeting, the Council received a report from seabird research scientists with the Washington and Alaska Sea Grant programs on studies of the occurrence of albatrosses and other seabird species in inside waters of Alaska, and on the performance of various kinds of seabird avoidance gear on 26 ft. –55 ft. vessels. At that meeting, NMFS suggested that, based on the results of this research, the Council may wish to consider refinements to the existing seabird avoidance measures and seek additional public comment and suggestions for improving seabird avoidance. The Council approved proceeding with an analysis and preparation of an Environmental Assessment of new regulations that would change seabird avoidance measures in inside waters and performance standards for seabird deterrence on small vessels fishing outside waters. Several alternatives also were suggested. A progress report on the development of an analysis was provided to the Council at its October 2006 meeting. The analysis was mailed to you in mid-November, and the executive summary is attached as Item C-5(a).

At this meeting, the Council is scheduled to review the initial draft EA/RIR/IRFA and to take action as necessary. This could include selection of a preliminary preferred alternative and releasing the document for public review. The Council is scheduled to take final action at its February 2007 meeting, and new regulations could be in place for the 2008 fishing season.

**Report of the Scientific and Statistical Committee**

The SSC recommends releasing the draft analysis for public review pending additional consideration of eleven issues (Please see SSC Minutes, Appendix II to these minutes, for the entire text of recommendations.)

**Report of the Advisory Panel**

The AP recommends the Council advance the draft EA/RIR for public review with the following modifications:

1. Add an option to Alternative 2 and 3 to establish a weather safety standard for smaller vessels of 30 knots.
2. Add an option to Alternative 2 and 3 to allow vessels in 4A that are 32 ft or less to use a buoy bag.  
Suboption: Add an option to Alternative 2 and 3 to exempt vessels in 4A that are 32 feet or less
3. In Alternative 3, request staff to identify a suitable line of latitude in Chatham Strait to replace statistical areas that are currently identified.

**COUNCIL DISCUSSION/ACTION**

**Jay Ginter moved to release the EA/RIR/IRFA document for public review with the following modifications:**

1. Add an option to alternatives 2 and 3 to establish a weather safety standard for small vessels (26-55 feet) of 30 knots, such that in winds exceeding 30 knots, the use of seabird avoidance measures is discretionary.

2. Add an option to alternatives 2 and 3 that all vessels 26-32 feet are only required to use a buoy bag in Area 4E.

**Suboption:** All vessels 26-32 feet are exempt from seabird avoidance regulations in Area 4E.

*NOTE: Without this modification, alternatives 2 and 3 would require vessels 26-32 feet with masts, poles, or rigging to use a streamer line with a standard.*

3. Alternative 3, Part B, is modified as follows:

Eliminate seabird avoidance gear requirements in inside waters as in alternative 2, except in the following areas:

Chatham Strait – Require the use of seabird avoidance gear in Chatham Strait as described by:

- a. ADF&G groundfish statistical areas 345603 and 345534; OR
- b. Inside waters south of a latitude line from the northern-most ‘species of conservation concern’ observation, or other suitable line  
(This includes all of 345534 and part of 345603)

4. Incorporate SSC comments to the extent possible.

The motion was seconded by Ed Rasmuson and carried without objection.

#### **D. FISHERY MANAGEMENT PLANS**

##### **D-1(a) Summary of Comments for Groundfish EIS**

Receive report on summary of comments for Alaska Groundfish Harvest Specifications DEIS for BSAI and GOA groundfish fisheries

#### **BACKGROUND**

In September 2006, the National Marine Fisheries Service (NMFS) issued the Alaska Groundfish Harvest Specifications Draft Environmental Impact Statement (DEIS). This DEIS provided an evaluation of the environmental, social and economic effects of alternative harvest strategies. The DEIS is intended to serve as the central decision-making document for management measures developed by NMFS and the Council to implement provisions of the proposed action.

In conformance with NEPA requirements, NMFS solicited public comment on the DEIS. This comment period closed October 26, 2006. The draft Comment Analysis Report (CAR) provides the public comments received during this comment period, summarizes the comments, and presents the agency’s response. The CAR provides this information prior to the publication of the Final EIS and is also used as a tool by EIS authors to revise the EIS and respond to each statement of concern. The CAR was mailed to you on November 17<sup>th</sup>. Dr. Ben Muse (NMFS) will provide an overview of the CAR at this meeting.

Neither the SSC nor the AP addressed this agenda item.

#### **COUNCIL DISCUSSION/ACTION**

Ben Muse provided an overview of the summary of comments on the EIS for the 2007/08 harvest specifications for the Gulf of Alaska and Bering Sea/Aleutian Islands groundfish fisheries. This was an informational item; no Council action was necessary.

**D-1(b) Final 2007/08 GOA SAFE & Groundfish Harvest Specifications**

**ACTION REQUIRED**

Review GOA SAFE report (including Ecosystem and Economic SAFEs) and adopt final GOA Harvest Specifications for 2007-2008 including:

1. Acceptable Biological Catch (ABC) and annual Total Allowable Catch (TAC)
2. TAC considerations for the State Pacific cod fishery
3. Prohibited species catch limits and discard mortality rates

**BACKGROUND**

At this meeting, the Council is scheduled to make final recommendations on groundfish and bycatch specifications (as listed above) to manage the 2007 and 2008 Gulf of Alaska (GOA) groundfish fisheries.

**GOA SAFE Document**

The groundfish Plan Teams met in Seattle November 13-17 to prepare the final SAFE reports and review the status of groundfish stocks. The GOA SAFE report forms the basis for the recommended GOA groundfish specifications for the 2007 and 2008 fishing years. Note that there are three volumes to the SAFE report: a stock assessment volume, a fishery evaluation volume ("economic SAFE"), and an ecosystem considerations volume. These three volumes were mailed to you November 22nd. The Joint Plan Team and GOA Plan Team minutes are attached as Items D-1(b)(1) and D-1(b)(2), respectively. An overview of the GOA SAFE report and ecosystem considerations volume will be provided at this meeting.

**Two Year OFL and ABC Determinations**

Amendment 48 to the GOA groundfish FMP made two significant changes with respect to the stock assessment process. First, since new data are limited during years when no groundfish surveys are conducted, annual assessments are no longer required for long-lived GOA species. These species include the rockfishes, flatfishes, and Atka mackerel. No GOA trawl survey was conducted in 2006, therefore, this year represents an off-year for these assessments and executive summaries are presented in lieu of full assessments. The second significant change is that the proposed and final specifications can be specified for a period of up to two years. This requires providing ABC and OFL levels for 2007 and 2008.

In September of this year, preliminary projections of ABC and OFL levels for 2007 and 2008 were made on the basis of last year's stock assessments. In this SAFE report, the Plan Team has revised most of those projections. Such revisions are typically due to the development of new models; collection of new catch, survey, age composition, or size composition data; or use of new methodology for recommending ABC.

**ABCs, TACs, and Apportionments**

At this meeting, the Council will establish final catch specifications for the 2007 and 2008 fisheries. The SSC and AP recommendations will be provided to the Council during the meeting. Item D-1(b)(3) lists the 2006 specifications and catch (through November 4, 2006) and GOA Plan Team recommendations for OFLs and ABCs for 2007 and 2008. The sum of the GOA Plan Team's recommended ABCs for 2007 is 490,327 mt. The sum of the ABCs decreased 2% compared with last year. The ABC levels increased in flathead sole (3%), arrowtooth flounder (3%), Pacific ocean perch (3%) and pelagic shelf rockfish (2%). The species with ABCs that declined relative to 2006 are pollock (-21%), sablefish (-4%), rex sole (-1%), and northern rockfish (-3%). The ABC for the remaining species did not change from 2006 to 2007.

The abundances of Pacific cod, Dover sole, flathead sole, arrowtooth flounder, Pacific ocean perch, roughey rockfish, northern rockfish, and dusky rockfish are above target stock size. The abundances of pollock and sablefish are below target stock size. The relative abundances of

other deep-water flatfish, shallow-water flatfish, rex sole, shortraker rockfish, demersal shelf rockfish, other pelagic shelf rockfish, other slope rockfish, thornyhead rockfish, Atka mackerel, and skates are unknown. None of the groundfish stocks are overfished nor are they approaching an overfished condition.

In June 2005, the Council took final action to implement a calculation change to the other species complex in the GOA under Amendment 69 to the GOA FMP. The 5% TAC calculation was modified such that the Council may recommend a TAC at or below 5% of the sum of the target species TACs during the annual specifications process. The Council's intent was to establish a TAC level for the other species complex which would meet incidental catch needs in other directed fisheries, with the potential to establish this TAC at a higher level which could allow for directed fishing on the complex but be low enough to prevent excessive harvest of a single targeted species or on the complex as a whole. This interim measure is intended to provide additional flexibility in responding to potential conservation concerns as they arise, until more comprehensive management changes can be made to the other species complex (i.e., analysis of individual species level assessments).

During this specifications process, the Council may recommend an other species TAC level at or below 5% of the sum of the target groundfish TACs. In order to provide the Council information to establish a TAC for the other species complex, the Plan Team discussed the incidental catch needs for directed fisheries. Information regarding incidental catch needs is contained in the summary section of the introduction to the GOA SAFE Report. Additional information on other species is provided in the preliminary other species assessments which are included as appendices to the GOA SAFE report. These assessments were presented to the Plan Team in anticipation of a forthcoming amendment analysis to evaluate establishing separate harvest specifications (individually or by complex) for these species.

**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 for the state water fisheries. The relative percentage in the Central GOA was increased by the Board of Fisheries in March 2005 from 24.25% to 25%. Using the area apportionments of the 2007 and 2008 Pacific cod ABC recommended by the Plan Team, the Federal TAC for Pacific cod would be adjusted as listed below.

**Proposed 2007 Gulf of Alaska Pacific cod ABCs, TACs and state Guideline Harvest Levels (GHLs) (mt).**

Specifications	Western	Central	Eastern	Total
ABC	26,855	37,873	4,131	68,859
State GHL	6,714	9,468	413	16,595
(%)	25	25	10	24.1
Federal TAC	20,141	28,405	3,718	52,264

**Proposed 2008 Gulf of Alaska Pacific cod ABCs, TACs and state Guideline Harvest Levels (GHLs) (mt).**

Specifications	Western	Central	Eastern	Total
ABC	27,846	39,270	4,284	71,400
State GHL	6,962	9,818	428	17,207
(%)	25	25	10	24.1
Federal TAC	20,885	29,453	3,856	54,193

**Prohibited Species Catch Limits**

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In the GOA, prohibited species catch (PSC) limits are established for halibut. Since 1995, total halibut 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 recommended halibut PSC apportionments, based upon the 2006 apportionments for the Gulf of Alaska groundfish fisheries, are shown below.

**GOA Pacific halibut PSC Limits**

2007 Trawl		2007 Hook and Line		
Jan 20 - Apr 1	550 mt	1st trimester	Jan 1 - Jun 10	250 mt
Apr 1 - Jul 1	400 mt	2nd trimester	Jun 10 - Sep 1	5 mt
Jul 1 - 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
<b>TOTAL</b>	<b>2,000 mt</b>			<b>300 mt</b>

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

**Halibut discard mortality rates**

Halibut discard mortality rates (DMRs) are set by the Council on a 3-year cycle for non-CDQ fisheries based on an average of the past 10 years. Halibut discard mortality rates for 2005 were presented in conjunction with recommended rates for use in 2007-2009 as Appendix A to the GOA SAFE report. International Pacific Halibut Commission staff recommendations for DMRs for the GOA non-CDQ fisheries for 2007-2009 are listed below:

Gear/Target	Recommendation for 2007-2009
<b>Trawl</b>	
Atka mackerel	60
Bottom pollock	59
Pacific cod	63
Deep water flatfish	53
Shallow water flatfish	71
Rockfish	67
Flathead sole	61
Pelagic pollock	76
Sablefish	65
Arrowtooth flounder	69
Rex sole	63
<b>Pot</b>	
Pacific cod	16
<b>Hook-and-line</b>	
Pacific cod	14
Rockfish	10

### **Report of the Scientific and Statistical Committee**

The SSC provided the Groundfish Plan Teams with three requests for future SAFE documents. The SSC agreed with the recommendations of the GOA Plan Team for ABCs and OFLs for GOA groundfish species. Please see the SSC Minutes, Appendix II to these minutes, for the SSC's comments on individual species and the SAFE document.

### **Report of the Advisory Panel**

The AP recommends the Council adopt final GOA specs for 2007-2008 OFLs and ABCs as recommended by the SSC and 2007-2008 TACs and noted in the attached table (see AP Minutes, Appendix III to these minutes, for the table).

The AP suggests setting the 2007 and 2008 GOA final specifications where TAC is equal to ABC for all for all stocks with the following exceptions:

1. The P. cod TAC is reduced according to the table in the action memo to account for the apportionment to the State waters fishery in 2007 and 2008.
2. Rolls over the 2006 TAC for 2007 and 2008 for:
  - a. shallow water flatfish and flathead sole in the Central and Western GOA
  - b. Arrowtooth flounder for al areas except the CGOA
  - c. Other slope rockfish in the EYAK/SEO
  - d. GOA wide Atka mackerel
3. Raises the TAC for Arrowtooth flounder from 25,000 mt in 2006 to 30,000 MT for 2007 and 2008
4. Sets the TAC for other species at 4500 mt for 2007 and 2008

Additionally, the AP recommends the GOA halibut PSC apportionments annually and seasonally, for 2006 as indicated in D-1(b) should be rolled over for 2007-2008.

The AP recommends the Council approve the halibut discard mortality rates for 2007/2008 GOA fisheries as indicated in D-1(b).

Finally, the AP recommends the Council approve the GOA and BSAI SAFE reports.

### **COUNCIL DISCUSSION/ACTION**

[NOTE: Earl Krygier sat in on this discussion for McKie Campbell.]

The Council received presentations from Jennifer Boldt, on the Ecosystem Considerations section of the SAFE, and Jim Ianelli on the groundfish assessments and SAFE report.

**Dave Benson moved to adopt the recommendations of the Advisory Panel for GOA groundfish specifications for TACs for 2007/08 (as shown in the AP report dated 12/10/2006, 12:41 p.m.), including the recommendations for PSC discard mortality rates and approval of the GOA SAFE.**

The motion was seconded by Earl Krygier and carried without objection. The final GOA groundfish specifications for 2007-08 are attached as Appendix V to these minutes.



D-1(c) Final 2007/08 BSAI SAFE & Groundfish Harvest Specifications

**ACTION REQUIRED**

Final action to approve the 2006 BSAI Stock Assessment and Fishery Evaluation (SAFE) report and final BSAI groundfish harvest specifications for 2007 and 2008:

1. Acceptable Biological Catch (ABC) and annual Total Allowable Catch (TAC);
2. Bycatch allowances and seasonal apportionments of Pacific halibut, red king crab, Tanner crab, opilio crab, and herring to target fishery (PSC) categories; and
3. Approve halibut discard mortality rates for 2007-2009 non-CDQ groundfish fisheries and 2007 CDQ fisheries.

**BACKGROUND**

At this meeting, the Council is scheduled to make final recommendations on groundfish and bycatch specifications (as listed above) to manage the 2007 and 2008 Bering Sea/Aleutian Islands (BSAI) groundfish fisheries.

BSAI SAFE Document The BSAI Groundfish Plan Team met in Seattle on November 13-17, 2006, to prepare the final BSAI SAFE Report. This SAFE report forms the basis for BSAI groundfish harvest specifications for the 2007 and 2008 fishing years. The BSAI SAFE report, along with the GOA SAFE Report, the Economic SAFE report and an Ecosystem Considerations report are incorporated into the Environmental Impact Statement for BSAI and GOA Groundfish Specifications. These documents were mailed to the Council in late November. SSC and AP recommendations will be provided to the Council during the meeting.

Amendment 48 to the BSAI Groundfish FMP made two significant changes with respect to the stock assessment process. The first change allows the preparation of updated assessments for species whose assessments are dependent largely on data from the EBS slope survey and the Aleutian Islands shelf survey. These surveys are conducted only in even-numbered years; therefore, the BSAI SAFE report contains all new assessments.

The second change is that recommendations for ABCs and overfishing levels (OFLs) are required for each of the next two years; BSAI Groundfish Plan Team recommendations are under Item D-1(c)(1). In September, preliminary projections of ABC and OFL for 2007 and 2008 were made on the basis of last year's stock assessments (Item D-1(c)(2)). In this SAFE report, the Plan Team has revised most of those projections. Such revisions are typically due to the development of new models; collection of new catch, survey, age composition, or size composition data; or use of new methodology for recommending ABCs.

ABCs, TACs, and Apportionments At this meeting, the Council will establish final catch specifications for the 2007 and 2008 fisheries. The BSAI Groundfish Plan Team recommended OFLs and ABCs for 2006 and 2007. The sum of the recommended ABCs for 2007 and 2008 are 2,391,435 mt and 2,351,755 mt, respectively. These are approximately 666,000 mt and 705,000 mt below the sum of the 2006 ABCs, respectively. However, these values still exceed the 2 million t cap employed by the Council as a conservation measure in setting TACs. Overall, the status of the stocks continues to appear relatively favorable, although some stocks are declining due to poor recruitment in recent years. Total biomass for 2007 (16,900,000 mt) is down relative to last year's estimate of 17,300,000 mt.

The 2006 bottom trawl survey estimated an Eastern Bering Sea *walleye pollock* biomass of 2,850,000 mt, down 45% from the 2005 estimate. The 2006 EIT survey estimated a biomass of 1,560,000 mt, down 53% from the 2004 estimate. The BSAI Plan Team accepted the SSC's

determination that EBS pollock qualified for management under Tier 1 and the Aleutian Islands (AI) and Bogoslof stocks qualified for management under Tier 5. An age-structured model for the AI pollock stock, which was introduced in 2004, has not been adopted to assess this stock.

A range of ABC values from 1,200,000 mt – 1,510,000 mt was discussed by the Plan Team for EBS pollock, with arguments offered in support of candidate values spanning the full range. The Team recommended an ABC of 1,300,000 mt, with the following rationale. In 2006, vessels needed to travel farther to catch pollock, lower bottom trawl and the EIT survey pollock abundances were observed, some evidence exists for recently reduced Bering Sea productivity, and abundance of arrowtooth flounder, an important predator of pollock, is increasing. A catch of 1,300,000 mt would maintain the spawning exploitation rate at the current level.

This year's EBS shelf bottom trawl survey resulted in a biomass estimate of 518,000 mt for *Pacific cod*, down about 14% from the 2005 estimate and close to the previous minimum for the time series (517,000 mt in 1991). Estimated 2007 spawning biomass for the BSAI stock is 307,000 mt, up about 10% from last year's estimate for 2006 and up about 25% from last year's F40% projection for 2007. Abundance is projected to continue to decrease during 2007-2009 because recent (2000-2004) recruitments are below average. The Team recommends setting the 2007 ABC at the maximum permissible value of 176,000 mt, 9% below the 2006 ABC of 194,000 mt.

A revised split-sex age-structured model that incorporated GOA trawl survey lengths and biomass estimates for depths of 500 meters or less was used for *Sablefish*. The survey abundance index increased 8% from 2005 to 2006, following a 2.5% decrease from 2004 to 2005. Spawning biomass is projected to remain stable from 2006 to 2007. The 1997 and 2000 year classes continue to be important parts of the total biomass and each is projected to account for 13% of 2007 spawning biomass. A 5-year exponential weighting of longline survey relative abundance has been used to apportion the combined 2006 ABC among regions, resulting in increased apportionments to the EBS and AI, of 2,980 mt and 2,810 mt, respectively.

This year's EBS bottom trawl survey resulted in a biomass estimate for *yellowfin sole* of 2,130,000 mt, an approximate decrease of 25% from last year's survey. This decrease could be due in part to the lower than normal bottom temperatures encountered on the survey. *Greenland turbot* continues to be the only flatfish species that remains low in abundance compared to 1970 levels. As in previous years, the Plan Team and authors acknowledged large uncertainties in the assessment and recommended the ABC be set at a value less than the maximum permissible. Both the EBS and AI *arrowtooth flounder* biomass estimates are peaking. There is no directed fishery and the stock continues to have a high discard rate. This year's EBS bottom trawl survey resulted in a biomass estimate for *northern rock sole* of 1,670,000 mt, compared to the 2005 estimate of 1,490,000 mt. This is an increase of 12% over the biomass estimate last year. Despite this increase, as for several other flatfish stocks, the northern rock sole stock is expected to decline due to low recruitment in the last decade. However, good recruitment in 2001 and 2002 should increase the stock biomass at the beginning of the next decade. This year's survey biomass of *flathead sole* was 645,000 mt, a 4% increase from 2005. Disaggregating the youngest and oldest age classes in the current assessment may have led in part to the 35% increase in assessed biomass over last year. *Alaska plaice* mature before recruiting to the fishery, leading to a high projected 2007 spawning biomass of 295,000 mt. The recommended ABC for *Pacific ocean perch* increased by nearly half from 2006, but is consistent with increases in trawl survey biomass and spawning biomass and indicative of successful rebuilding. The Plan Team continued to recommend setting a combined BSAI OFL and ABC for *northern, shortraker, and rougheye rockfishes*; these specifications changed little from last year. Since 2001, year-class size for *Atka mackerel* is forecast to be below average, which has led to a decrease in biomass since last year. Projected spawning biomass for 2007 is 130,000 mt, a decrease of 17% from last year. None of the groundfish stocks are overfished or approaching an overfished condition.

When setting TACs to not exceed the 2 million mt cap, the Council also may wish to consider that the 2006 catch exceeded TAC for five categories: EBS pollock, BSAI yellowfin sole, Alaska plaice (by more than double), and other flatfish (by more than sixfold). Catches totaled 99 percent of the OY cap.

**Adopt prohibited species catch limits for Pacific halibut, crab, and herring**

**Halibut Trawl Fisheries:** A 3,675 mt limit on halibut mortality has been established for trawl gear. This limit can be apportioned to the trawl fishery categories as shown in the adjacent box. The trawl halibut PSC mortality cap for Pacific cod (non-CDQ) is limited to 1,434 mt.

**Halibut Fixed Gear Fisheries:** A 900 mt non-trawl gear halibut mortality can be apportioned to the fishery categories listed in the adjacent box. The hook-and-line halibut PSC mortality cap for Pacific cod is capped at 775 mt. Item D-1(c)(3) lists the 2006 and 2007 PSC allocations and seasonal apportionments for the trawl and non-trawl fisheries. Item D-1(c)(4) summarizes 2006 PSC bycatch accounting for BSAI CDQ and non-CDQ fisheries.

Categories used for prohibited species catch	
<b>Trawl fisheries</b>	
1. Greenland turbot, arrowtooth flounder and sablefish	
2. rock sole and "other flatfish"	
3. yellowfin sole	
4. rockfish	
5. Pacific cod	
6. pollock, Atka mackerel and "other species"	
<b>Non-trawl fisheries</b>	
1. Pacific cod	
2. other non-trawl (longline sablefish and rockfish, and jig gear)	
3. groundfish pot (exempt in recent years)	

**Crab:** Prescribed bottom trawl fisheries in specific areas are closed when PSC limits of *C. bairdi* Tanner crab, *C. opilio* crab, and red king crab are taken. A stair step procedure for determining PSC limits for red king crab taken in Zone 1 trawl fisheries based on abundance of Bristol Bay red king crab as shown in the adjacent table was implemented in 1997. In 1999, red king crab bycatch was reduced by an additional 3,000 crabs. Based on the 2006 estimate of effective spawning biomass (157 million pounds), the PSC limit for 2007 is 197,000 red king crab. The regulations also specify that up to 35% of the PSC apportioned to the rock sole fishery can be used in the 56° - 56°10'N strip of the Red King Crab Savings Area. The red king crab cap has generally been allocated among the pollock/mackerel/other species, Pacific cod, rock sole, and yellowfin sole fisheries. Once a fishery exceeds its red king crab PSC limit, Zone 1 is closed to that fishery for the remainder of the year, unless further allocated by season.

PSC limits for red king crab and <i>C. bairdi</i> Tanner crab			
Species	Zone	Crab Abundance	PSC Limit
Red King Crab	Zone 1	< threshold or 14.5 million lb effective spawning biomass (ESB)	33,000
		> threshold, but < 55 million lb of ESB	97,000
		> 55 million lb of ESB	197,000
Tanner Crab	Zone 10-150 million crabs	10-150 million crabs	0.5% of abundance
		150-270 million crabs	750,000
		270-400 million crabs	850,000
		> 400 million crabs	1,000,000
Tanner Crab	Zone 20-175 million crabs	175-290 million crabs	1.2% of abundance
		290-400 million crabs	2,100,000
		290-400 million crabs	2,550,000
		> 400 million crabs	3,000,000

Since 1997, PSC limits for *bairdi* in Zones 1 and 2 have been based on total abundance of *bairdi* crab as indicated by the NMFS trawl survey. Based on 2006 abundance (866 million crab), and an additional reduction implemented in 1999, the PSC limit for *C. bairdi* in 2007 will be 980,000 (1,000,000 minus 20,000) *bairdi* crab in Zone 1 and 2,970,000 (3,000,000 minus 30,000) crab in Zone 2.

In 1998, PSC limits for snow crab (*C. opilio*) are based on total abundance of *opilio* crab as indicated by the NMFS standard trawl survey. The snow crab PSC cap is set at 0.1133% of the Bering Sea snow crab abundance index, with a minimum PSC of 4.5 million snow crab and a maximum of 13 million snow crab. This number was further reduced by 150,000 crab in 1999. Using the 2006 survey estimate of 3.25 billion crab would result in a 2007 *opilio* crab PSC limit of 3,537,000 crab, if left unadjusted. However, the crab FMP mandates a minimum of 4,350,000 snow crab (4,500,000 minus 150,000). Snow crab taken within the “Snow Crab Bycatch Limitation Zone” accrues toward the PSC limits established for individual trawl fisheries. Upon attainment of a snow crab PSC limit apportioned to a particular trawl target fishery, that fishery is prohibited from fishing within the snow crab zone.

**Herring:** In 1991, an overall herring PSC bycatch cap of 1 percent of the EBS biomass of herring was implemented. This cap is apportioned to the seven PSC fishery categories. Annual herring assessments are complete and indicate there will be very little change in the Bering Sea herring PSC limit for 2007. The herring biomass estimate for spring 2007 for the eastern Bering sea is 178,652 mt, a very slight decline from the 2006 biomass estimate of 189,253 t. The corresponding herring PSC limit for 2007 at 1% of this amount would be 1,787 mt. ADF&G will advise the Council if there are substantial changes made to the assessments for 2007.

**Seasonal apportionment of bycatch limits** The Council may also seasonally apportion the bycatch allowances. Regulations require that seasonal apportionments of bycatch allowances be based on information listed in the adjacent box.

**Halibut discard mortality rates** Following a schedule adopted by the Council in 2000, halibut bycatch mortality in the 2007-2009 open access fisheries is managed using long-term mean discard mortality rates (DMRs). These were presented to and adopted by the Council in October 2006 (see below). For CDQ fisheries, annually revised halibut DMRs were also presented and adopted.

Minutes from the BSAI Groundfish Plan Team meeting will be distributed at the meeting.

Factors to be considered for seasonal apportionments of bycatch allowances.

1. Seasonal distribution of prohibited species;
2. Seasonal distribution of target groundfish species relative to prohibited species distribution;
3. Expected prohibited species bycatch needs on a seasonal basis relevant to change in prohibited species biomass and expected catches of target groundfish species;
4. Expected variations in bycatch rates throughout the fishing year;
5. Expected changes in directed groundfish fishing seasons;
6. Expected start of fishing efforts; and
7. Economic effects of establishing seasonal prohibited species apportionments on segments of the target groundfish industry.

<b>Recommended Pacific halibut discard mortality rates (DMRs) for 2007-2009 BSAI non-CDQ fisheries.</b>		<b>Recommended Pacific halibut discard mortality rates (DMRs) for 2007 BSAI CDQ Fisheries</b>	
<b>Gear/Target</b>	<b>Recommendation for 2007-2009</b>	<b>Gear/Target</b>	<b>Recommendation for 2007</b>
<b><i>Trawl</i></b>		<b><i>Trawl</i></b>	
Atka mackerel	76	Atka mackerel	86
Bottom pollock	74	Bottom pollock	85
Pacific cod	70	Flathead sole	70 <sup>1</sup>
Other Flatfish	74	Pelagic pollock	90
Rockfish	76	Rockfish	76 <sup>1</sup>
Flathead sole	70	Yellowfin sole	86
Pelagic pollock	88		
Rock sole	80		
Sablefish	75		
Turbot	70		
Arrowtooth fldr	75		
Yellowfin sole	80		
<b><i>Pot</i></b>		<b><i>Pot</i></b>	
Pacific cod	7	Pacific cod	7 <sup>1</sup>
		Sablefish	34
<b><i>Longline</i></b>		<b><i>Longline</i></b>	
Pacific cod	11	Pacific cod	10
Rockfish	17	Turbot	13 <sup>1</sup>
Turbot	13		

<sup>1</sup> Open access DMRs

**Sablefish update** In December 2005, the Council requested that AFSC Auke Bay Laboratory (ABL) scientists investigate a number of issues related to sablefish management in the Bering Sea and Aleutian Islands. The Council requested that ABL staff conduct experimental research in 2006 to determine the effectiveness of different size escape rings, soak times, and biodegradable panels, in conjunction with ongoing efforts to develop catch-per-unit-effort indices, for sablefish pot gear. Some of the requested research has been summarized in the 2006 BSAI SAFE sablefish chapter (Item D-1(c)(6)). State, Federal, and Council staff will work together to address three potential changes to sablefish pot gear regulations: 1) escape rings; 2) changes to required biodegradable panels; and 3) banning at-sea storage of pots.

#### Report of the Scientific and Statistical Committee

The SSC agreed with the Plan Team for the majority of the BSAI groundfish OFL and ABC recommendations. The SSC did not agree with the recommendations for Aleutian Islands pollock, yellowfin sole, Northern rock sole, and the placement of octopus and sharks in Tier 5. For rationale and more specific comments on the specifications, the Ecosystem Consideration Chapter, and the Economic Status document, please see the SSC Minutes, Appendix II to these minutes.

#### Report of the Advisory Panel

The AP recommends the Council take final action to approve the BSAI groundfish harvest specifications for 2007 and 2008 which includes OFLs and ABCs as recommended by the SSC, and TACs as noted in the attached table (See AP Minutes, Appendix III to these minutes).

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Additionally, the AP recommends the Council take final action to approve BSAI bycatch allowances and seasonal apportionments of halibut, crab and herring, as noted in D-1 (c)(3) action memo, with the following changes to halibut mortality in the trawl fisheries: yellowfin sole 936 MT total, 312 MT in the January 20-April 1 season, rocksole 829mt total, 498 mt in the January 20-April 1 season, Pcod 1,334 MT total, and herring 1,787 MT.

The AP recommends the Council take final action to approve halibut discard mortality rates for 2007-2009 non-CDQ groundfish fisheries and 2007 CDQ fisheries, as described in the table on page 5 of the action memo.

Additionally, the AP recommends the Council support a workshop to review the Pcod assessment model including outside peer reviewers and the results of the archival tag studies in order to incorporate any changes (as a result of the workshop) in time for the 2007 stock assessment cycle.

### COUNCIL DISCUSSION/ACTION

[NOTE: Earl Krygier sat in for McKie Campbell for this discussion.]

**Bill Tweit moved (using the AP recommendations, beginning on page 6 of the AP Minutes, 12/10/06, 12:10pm) to take final action to approve the 2006 BSAI SAFE report, the BSAI groundfish harvest specifications for 2007-08, including the OFLs and ABCs as recommended by the SSC and the TACs recommended by the AP in the table attached to the AP Minutes. Additionally, approve the BSAI bycatch allowances and seasonal apportionments of halibut, crab and herring as noted on the tables provided in the AP minutes (as corrected) and halibut discard mortality rates as recommended by the AP, and the SSC recommendation to have additional evaluation of use of spawning exploitation rates as a constraint for setting ABCs, as part of the specifications process next year. (Mr. Tweit noted that his intent would be that the Council be provided a report on use of that spawning constraint for next year's spec process.)**

The motion was seconded by Eric Olson and carried without objection. The final BSAI groundfish specifications for 2007-08 are attached as Appendix V to these minutes.

**Bill Tweit moved to support a workshop to review the Pacific cod model as recommended by the Advisory Panel.** The motion was seconded by Dave Benson and carried without objection.

Jay Ginter noted that the archival tag studies should not be a requirement for the model because data are not readily available. Mr. Tweit clarified that the intent would be to use whatever data is available.

Doug Hoedel read a letter he had written several years ago noting observations of the predation of pollock by arrowtooth flounder the Gulf of Alaska.

**D-1(d) Report on 2006 Adak Pollock EFP/EFP Request for 2007**

**ACTION REQUIRED**

**Request for Exempted Fishing Permit for Pollock Study in Adak Area**

**BACKGROUND**

In February 2006, the Council recommended to NMFS that a request be approved for an Exempted Fishing Permit (EFP) to the Aleut Enterprise Corporation to allow trawling for pollock in certain areas of Steller sea lion critical habitat in the Aleutian Islands. The objective of that project, which was conducted in cooperation with the Alaska Fisheries Science Center (AFSC), was to test the feasibility of using commercial fishing vessels for acoustic surveys of pollock; those survey data would then be used to develop estimates of biomass in the areas surveyed. The project was completed last spring, and the AFSC has completed data analysis. Attached as Item D-1(d)(1) is a report on the 2006 project for the Council and public to review. Dr. Steve Barbeaux with the AFSC will present the study design and results and can answer questions about this project.

The Aleut Enterprise Corporation has applied for another EFP to continue testing this methodology in 2007 and the proposed project has received scientific review by the NMFS AFSC and an Environmental Assessment has been prepared (Item D-1(d)(2)). The application has been reviewed by the Alaska Region, Office of Protected Resources (PR). The consultation between Sustainable Fisheries (SF) and PR has been completed and a Biological Opinion has been issued (Item D-1(d)(3)). Dr. Barbeaux and representatives of the Aleut Enterprise Corporation will be here to review the 2006 study and to present to the Council the experimental design for the 2007 study and to answer questions. NMFS staff from SF and PR also will be available to answer questions.

Based on an inquiry from the Council about the use of hydroacoustics from private fishing vessels to survey fish populations in other areas, Dr. Bill Karp with the AFSC will provide the Council with a brief report. In 2004, the International Council for Exploration of the Sea (ICES) established a Study Group on the Collection of Acoustic Data from Fishing Vessels (SGAFV), chaired by Dr. Bill Karp; active membership of the group consisted of approximately 15 scientists from 10 nations. Over a three-year period, the group was directed to:

- a) Review and evaluate recent and current research which involves collection of scientific acoustic data from commercial vessels.
- b) Develop standardized methods and protocols for collection of acoustic data to address specific ecosystem monitoring, stock assessment and management objectives including: acoustic system calibration and performance monitoring, characterization of radiated vessel noise, comparability of results, survey design, biological sampling, data interpretation and analysis, and data storage and management.
- c) Prepare background material, guidelines, methods and protocols for publication in the Cooperative Research Report series.

The work of the study group is almost complete and a draft of the publication will be finished before the end of 2006. Dr. Karp will provide a brief summary of the scientific acoustic studies that have been carried out aboard commercial fishing vessels throughout the world, and of the recommendations that will be included in the final report.

**Report of the Scientific and Statistical Committee**

The SSC recommends approval of this EFP and suggests that in the future the experimental design consider how to test the hypothesis of effects of fishing on localized depletion through the use of a smaller area and multiple hydroacoustic passes through the area.

### **Report of the Advisory Panel**

The AP recommends the Council approve the 2007 EFP submitted by the Aleut Corporation for AI pollock assessment.

### **COUNCIL DISCUSSION/ACTION**

[NOTE: Earl Krygier sat in on this discussion for McKie Campbell.]

The Council received a report on the 2006 Adak pollock EFP from Sandra Moller, Aleut Enterprise Corporation, and an overview of the project and plans for the 2007 EFP from Steve Barbeaux, NMFS-AKR.

**Earl Krygier moved to recommend approval of the Adak EFP for 2007.** The motion was seconded by Ed Rasmuson and carried without objection.

#### **D-2 Prohibited Species Bycatch**

#### **ACTION REQUIRED**

- (a) Final action on VIP repeal amendment package
- (b) Review EFP for salmon bycatch

#### **BACKGROUND**

- (a) Final Action on VIP repeal amendment package

In October, the Council completed initial review of an EA/RIR/IRFA to evaluate repealing the Vessel Incentive Program (VIP). The public review draft was posted on the NMFS Alaska Region website in early November and the Executive Summary is attached as Item D-2(a) (Copies of full the document are available if necessary). This analysis assesses the potential environmental and economic impacts of removing regulations designed to reduce the rate at which Pacific halibut and red king crab are incidentally caught in trawl fisheries in the GOA and BSAI management areas. The regulations promulgated for the VIP were designed to increase the amount of harvested total allowable catch (TAC) in the BSAI and GOA groundfish trawl fisheries by reducing prohibited species catch (PSC) rates. However, the program has not performed as intended by the Council because of costs associated with enforcement and the relatively small number of vessels impacted by the regulation. Three alternatives are considered in the analysis:

Alternative 1) No Action. No regulatory action taken to change or abolish the VIP.

Alternative 2) Notice of schedule. Reduce the frequency in which VIP rates are published to annual (Option 1) or permanently established through a single rulemaking event (Option 2).

Alternative 3) VIP elimination. Remove the regulatory authority for the VIP from the GOA and BSAI FMPs and Federal regulations (Option 1) or leave the FMPs unchanged but remove the VIP from Federal regulations (Option 2).

In October, the Council identified Alternative 3, Option 2 as its preliminary preferred alternative. This analysis is scheduled for final action at this meeting.

- (b) Review EFP for salmon bycatch

In October 2005, the Council took final action on BSAI Amendment 84, electing to exempt vessels participating in a voluntary rolling hot spot (VRHS) system from regulatory salmon savings area



closures. Regulations to promulgate this exemption are delayed due to concerns regarding the potential promulgation of regulations that include key operational components of the salmon bycatch reduction Intercooperative Agreement (ICA). In October 2006, the Council requested staff bifurcate the two provisions adopted under proposed Amendment 84 in order to pursue the Chum Salmon Savings Area exemption for the non-pollock trawl fleet on a faster timeline than was anticipated for the main exemption for vessels under the ICA. It is the latter provision which has delayed the regulations for this amendment package. Since that time it has become apparent to NMFS and Council staff that this bifurcation is more complex than envisioned at the time of Council action. A letter from NMFS is attached as Item D-2(b)(1) which describes why it appears to be more prudent at this time to focus staff resources upon the implementation of both provisions of Amendment 84 together as initially envisioned at the time of Council final action in 2005. Staff will provide an update to the Council on progress towards implementation of Amendment 84 at this meeting.

As a short-term measure to evaluate the operational flexibility needed to efficiently reduce salmon bycatch under key components of the ICA, an exempted fishing permit (EFP) was issued effective August 3, 2006. This permit expired in November 2006. A report on the progress of this EFP will be provided by the applicants at this meeting. An additional EFP application has been requested for the 2007 A and B pollock seasons. The EFP, letters of approval, and the associated EA were mailed to you on November 17<sup>th</sup>. A copy of the letter of approval from NMFS is attached as Item D-2(b)(2). The application permit is attached as Item D-2(b)(3) and the executive summary of the EA is attached as Item D-2(b)(4). Approval of the 2007 EFP is scheduled for final action at this meeting.

#### **Report of the Scientific and Statistical Committee**

In April 2007, the SSC will conduct an updated salmon bycatch workshop. The results from the 2006 salmon bycatch EFP appear to demonstrate that salmon bycatch rates in the area of traditionally high bycatch were held to rates observed in other areas. The 2007 EFP will obtain more information from the winter fishing season to demonstrate whether the participating vessels can meet the contractual details of the draft salmon bycatch intercooperative agreement (ICA) under a Voluntary Rolling Hot Spot System. The SSC recommends approval of the salmon bycatch EFP.

#### **Report of the Advisory Panel**

(a) VIP Repeal. The AP recommends the Council adopt Alternative 3, Option 2.

(b) Salmon Bycatch EFP. The AP recommends the Council approve the EFP for salmon bycatch in 2007.

#### **COUNCIL DISCUSSION/ACTION**

[NOTE: Earl Krygier sat in for McKie Campbell for this discussion.]

(a) VIP Repeal

The Council received a staff report on the analysis from Ben Muse, NMFS-AKR.

**Earl Krygier moved to adopt the recommendation of the Advisory Panel to adopt Alternative 3, Option 2 (leave the FMPs unchanged, but remove the VIP from Federal regulations).** The motion was seconded by Ed Rasmuson and carried without objection.

Council members indicated that this action contains the essence of what it wishes to accomplish through other current amendments and supersedes a program that was unenforceable, yet leaves the option to initiate a more viable program. A future program could be implemented by regulation rather than a full FMP amendment.

*(b) Salmon Bycatch EFP*

In addition to staff reports, the Council received a presentation from John Gruver (AFA CV Cooperative) and Karl Haflinger (Sea State) on the 2006 project and plans for 2007.

**Eric Olson moved to recommend approval of the EFP for 2007.** The motion was seconded by Earl Krygier and carried without objection.

It was noted that public comments have been considered and are being addressed to the extent practicable without delaying research.

**D-3 Bering Sea Habitat Conservation**

**ACTION REQUIRED:**

**Receive report on EBS gear modification research and finalize alternatives for analysis**

**BACKGROUND:**

The Council took action in February 2005 to conserve essential fish habitat (EFH) from potential adverse effects of fishing. EFH is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. The EIS prepared for the action concluded that while fisheries do have long term effects on benthic habitat, these impacts were minimal and had no detrimental effects on fish populations. The Council adopted several new measures to minimize the effects of fishing on EFH in the Aleutian Islands and Gulf of Alaska. The EFH EIS also evaluated a suite of alternatives for the eastern Bering Sea (EBS). Based on that analysis, the Council determined that additional habitat protection measures in the EBS were not needed right away, and that an expanded analysis of potential mitigations measures for the EBS should be conducted prior to taking action.

In December 2005, the Council discussed a framework for alternatives to conserve habitat in the EBS and finalized a problem statement. In June 2006, the Council reviewed two discussion papers that provided background information to assist the Council formulating a reasonable range of alternatives. The Council requested staff to develop a concept paper on an open area approach to allow bottom trawling in areas historically fished. In October, 2006 the Council reviewed the open area approach concept and suggested options for the northern boundary of the proposed open area, based on varying thresholds levels of historic fishing. These are depicted in Item D-3(i). The October Council motion is attached as Item D-3(ii) and the problem statement and revised alternatives are attached as Item D-3(iii). Several issues have been raised by staff regarding options for scientific research (Item D-3(iv)), and the Council may wish to address these issues at this meeting.

The Council will receive a report from Dr. Craig Rose (AFSC) on recent research on gear modification in the Bering Sea to mitigate the effects of bottom trawl fisheries. A report of preliminary results is attached as Item D-3(v).

The Council also requested a discussion paper summarizing current scientific information on three canyon areas (Pribilof Canyon, Pervenets Canyon, and Zhemchug Canyons) and a summary

of current research on skate nurseries and the degree of overlap with fisheries. A copy of this paper was sent out in a Council mailing. The Council further requested a review of the HAPC process, and that information is attached as Item D-3(vi).

At this meeting, the Council is scheduled to finalize the alternatives for analysis. Initial review of the analysis is currently scheduled for February, 2007.

#### **Report of the Scientific and Statistical Committee**

The SSC greatly appreciates the efforts by Dr. Rose to evaluate alternative designs for trawl sweeps that may reduce habitat impacts from bottom trawls. The SSC encourages further work on this, including examination of long-term effects by returning to the experimental sites one or more years later, use of video to record the interaction of the sweeps on living structures such as sea whips and to compare effects on sessile invertebrates between net and sweep footprints of the trawl. The SSC would also like to see this work expanded to include trawl effects on crab injury and mortality.

The SSC also offered comments and suggestions for future EA documents that add to previous SSC recommendations (see SSC Minutes, Appendix II to these minutes for the full text of SSC recommendations and comments).

#### **Report of the Advisory Panel**

The Advisory Panel had several recommendations for changes to the alternatives and options (see AP Minutes, Appendix III to these minutes for those recommendations).

#### **COUNCIL DISCUSSION/ACTION**

[NOTE: Earl Krygier sat in on this discussion for McKie Campbell.]

The Council received a presentation from Dr. Craig Rose (AFSC) regarding modifying trawl sweeps to reduce effects on the Bering Sea shelf, and a presentation from Matt Eagleton, NOAA Fisheries Habitat Conservation on the HAPC process relative to the Bering sea option, as well as an overview of the alternatives and options from Cathy Coon, NPFMC staff. The Council discussed options for the 3-year cycle for HAPC proposals and scheduled a more thorough discussion of the issue for the April 2007 meeting.

#### **Earl Krygier provided the following written motion:**

**The Council adopts the AP motion as alternatives for analysis under BSHC with the following modifications, and tasks staff to bring back an initial analysis for review.**

**Alternative 1: Status quo. No additional measures would be taken to conserve benthic habitat.**

**Alternative 2: Open area approach. This alternative would prohibit trawling with bottom trawl gear outside of a designated 'open area'. The open area would be designated by utilizing fishing effort data through 2005 to define the open area. The designated open area would include the areas north of Bogoslof and south of Nunivak Island. The 10 minute strip in the Red King Crab Savings Area would remain open pursuant to current regulations. The Northward boundary of the open area would be configured such that the area south and west of St. Matthew Island is excluded from the open area to conserve blue king crab habitat. ~~There are three options for establishing the~~**

~~northward boundary of the open area, based on bottom trawl effort distribution. There is also one option that would require an Exempted Fishing Permit to fish outside of the designated open area.~~

~~Option 1: Smallest open area. Northern open boundary based on high effort intensity.~~

~~Option 2: Slightly larger open area. Northern boundary based on medium effort intensity.~~

~~Option 3: Larger open area. Northern boundary based on low effort intensity.~~

~~Option 4: Require Exempted Fishing Permit. Bottom trawling in the closed areas north of the open area boundary would only be authorized under an Exempted Fishing Permit.~~

~~(Figure 1)~~

Suboption 1: This suboption would be analyzed with the other open area approaches. In the region of Etolin Strait (near Nunavak Is.) adopt a sub-option to depict the differences between the Alternative adopted in the October 2006 and the staff Option 1 configuration for the lines between 165°W and 163°30'W. (Figure 2)

**Alternative 3: Gear modifications.** This alternative would require gear modifications for all bottom trawl gear used in flatfish target fisheries. Specifically, this alternative would require discs on bottom trawl sweeps to reduce seafloor contact and/or increase clearance between the gear and substrate.

~~Option 1: Gear modification and research closures. Areas would be closed to bottom trawling in the northern Bering Sea to research the impact of bottom trawling on benthic habitat and organisms, particularly *C. opilio*. The research areas would be located in areas that have not had much fishing effort between St. Matthew and St. Lawrence Islands. The research areas shall be established across bottom contours so as to include representative habitats and should focus on assessing habitat impacts of trawling by adopting a statistical design of open and closed areas.~~

Option 1: Gear modification and research closure area. The Northern Bering Sea Research Area closure would be located in area north of St. Matthew Island between St. Lawrence Islands. The area would be designated as closed to bottom trawl fishing. Future access to this area could occur through the normal EFP or research fishing processes. Included in this area is a St. Matthew Island Crab Habitat Protection Area..

**Alternative 4: Open area approach and gear modifications.** This alternative would prohibit trawling with bottom trawl gear outside of a designated 'open area' (described in Alternative 2) and require gear modifications on all bottom flatfish trawl gear. The open area options are identical to Alternative 2. The gear modification language is the same as Alternative 3. There is also one option that would require an Exempted Fishing Permit to fish outside of the designated open area, and one option that establishes special open areas for research.

~~Option 1: Smallest open area. Northern open boundary based on high effort intensity.~~

~~Option 2: Slightly larger open area. Northern boundary based on medium effort intensity.~~

~~Option 3: Larger open area. Northern boundary based on low effort intensity.~~

~~Option 4: Require Exempted Fishing Permit. Bottom trawling in the closed areas north of the open area boundary would only be authorized under an Exempted Fishing Permit.~~

~~Option 5: Special Open Areas for Research. Special open areas to the north of the Northern open area boundary will be established for the purpose of conducting research to assess the impact of bottom trawling on benthic habitat and organisms, particularly *C. opilio*. The research areas shall be established across bottom contours so as to include representative habitat types.~~

Option 1: Gear modification and research closure area. The Northern Bering Sea Research Area

closure would be located in area north of St. Matthew Island between St. Lawrence Islands. The area would be designated as closed to bottom trawl fishing. Future access to this area could occur through the normal EFP or research fishing processes. Included in this area is a St. Matthew Island crab Habitat Protection Area.

**Other Comments:**

The Council selects the open area approach depicted from the October, 2006 Council Motion to utilize the same methodology used in the EFH EIS with more updated fishing effort information. The medium and high suboptions are not sufficiently inclusive of historically fished areas and therefore do not meet the problem statement.

The Council acknowledges the flatfish trawl industry will be meeting with Western Alaska communities in the vicinity of Etolin Strait to address concerns on the location of the open area in proximity to these communities. This information will be brought back to the Council in February 2007 in the form of a suboption to Alternative 2.

Except for defining a bottom trawl closure for a Northern Bering Sea Research Area the Council recommends not specifying criteria for research in this analysis to ensure any future is based on the best available scientific information. The Council strongly supports future research in the designated Northern Bering Sea Research Area to focus on a research design on the effects of trawling in previously untrawled areas.

The Council requests staff to provide map figures in the document to be provided as detailed color maps in a large enough scale to interpret the slope, and other bathymetric features.

Additionally the Council will consider Bering Sea skate nurseries as a priority in the next HAPC cycle.

Lastly, the Council adopts the SSC's recommendation to gather more information on the Bering Sea slope canyons and suggests this be napped a top priority for NPRB research.

The motion was seconded.

**Eric Olson moved to amend to re-insert option 2 under Alternative 2.** The motion was seconded by Jay Ginter.

**Jay Ginter moved to amend the amendment to include Option 2 under Alternative 4.** The motion was seconded, but failed, carrying the Olson's amendment (both failed).

The main motion carried without objection.

**D-4 BSAI Crab Management**

This agenda item was taken off the agenda.

**D-5 Staff Tasking**

**ACTION REQUIRED**

- (a) Review tasking and committees and provide direction.
- (b) Review progress on Arctic Ocean management discussion paper.
- (c) Review PGSEIS Workplan and determine priority issues.

**BACKGROUND**

The list of Council committees is attached as Item D-5(a). Item D-5(b) is the three meeting outlook, and Item D-5(c) and Item D-5(d) are the summary of current projects, timelines, and tasking. In October, the Council added two new projects (GOA arrowtooth flounder MRA, Arctic Ocean management) to the tasking list. Additionally, there were several new CDQ related projects stemming from the recent Coast Guard Act. The Council may wish to discuss tasking priorities to address these projects, as well as potential additions discussed at this meeting, given the resources necessary to complete existing priority projects.

**Arctic Ocean Management**

In October, the Council requested staff to prepare a discussion paper that explores potential options for managing fisheries in the Arctic Ocean, should they develop in the future. A draft paper is attached as Item D-5(e).

**Programmatic Groundfish SEIS Workplan**

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

The Council may wish to revise the workplan's priority action items at this meeting, as some of these items have been achieved. In October, the Council reviewed a report on the Council's progress on implementing the workplan. The report, attached as Item D-5(g), has been revised based on the SSC comments from October, and, at the Council's request, supplemented with additional information regarding community consultation and participation. Item D-5(h) provides a strawman revised workplan, using the existing workplan annotated with the staff notes from the progress report.

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

**Report of the Advisory Panel**

The AP recognized that the MSA may influence future council priorities. For this reason, the AP recommends the Council consider requesting staff to provide a briefing on elements of the (new) MSA at the February meeting.

The AP recommends that a set of protocols be developed regarding the confidentiality of the BSAI EDR data, including aggregation of all data, for the purpose of protecting individual QS and PQS holders. At this time, no clear guidance has been given to NMFS staff on this important issue.

There also need to be protocols established on the use of the data. These include concise narrative establishing the quality, deficiencies, and variability of the data, coming from a variety of sources, contained in the EDRs. Some of the questions currently in the EDRs may need to be revised or removed. The AP requests that Council staff develop a discussion paper that outlines suggested protocols for the council and industry to review. To the extent possible, staff should incorporate industry input into the discussion paper.

Additionally, the AP requests Council initiate a discussion paper regarding potential modifications to the B season side board requirements for crab qualified vessels fishing in the GOA directed B season Pcod fishery.

The AP also asks the Council to begin a review to change the custom processor use caps for western golden king crab in the western region

### **COUNCIL DISCUSSION/ACTION**

*Arctic Ocean* Management The Council received an overview of a discussion paper requested exploring potential options for managing fisheries in the Arctic Ocean, presented by Bill Wilson, NPFMC staff.

Ms. Madsen read a brief statement into the record from John Lepore (NOAA-GCAK) regarding Council options. He suggested that a fishery management plan would be the only option so that the Council could shut down any fishing in the area until research can be done.

Earl Krygier moved the following:

**For waters north of the Bering Strait, the Council moves to develop an analysis that would include the following alternatives:**

- 1. Status quo for those waters.**
- 2. Amend the existing scallop FMP, and the BSAI King and Tanner Crab FMP to prohibit commercial fishing in the Chukchi Sea.**
- 3. Adopt a new FMP for the waters north of the Bering Strait for any species with the following suboptions:**
  - a) close all Federal waters to commercial fishing until such time as the Council develops a policy for opening the waters to select commercial practices; or
  - b) close all Federal waters north of the Bering Strait to commercial fishing for forage species, and all waters north of a line at Pt. Hope to commercial fishing for all species. (See Figure 1 map in staff discussion paper.)

### **NOTES:**

- 1. The effect of (b) would be to allow for commercial fishing for fish species (other than forage species) in the waters between the Bering Strait and Pt. Hope.**
- 2. The policy for opening waters north of the Bering Strait could be developed through a Fishery Ecosystem Plan or other mechanism as the Council deems appropriate.**
- 3. Initial analysis should flesh out what is required under each alternative, such as what is required as part of an FMP (e.g., EFH), and whether these requirements could be deferred until such time as the Council decides to open a fishery.**

**4. Under each alternative, describe the requirements of deferring management to the State of Alaska, and the procedure for deferring management.**

The motion was seconded by Ed Rasmuson and carried without objection.

Mr. Krygier indicated that a first draft be provided to the Council at its April meeting.

PGSEIS Workplan Diana Evans provided an update of the current workplan. Council members made various suggestions for updating the plan. The Council opted to review the changes at the next meeting before adopting the revised workplan.

Joint Meeting with Alaska Board of Fisheries: The Executive Director is working with the Executive Director of the ABOF to find a common date for a joint meeting, possibly during the Council's March/April meeting in Anchorage.

Committee Memberships: Mr. Oliver advised the Council that the membership of the Pacific Northwest Crab Industry Advisory Committee is up for renewal. Staff will put out a call for nominations.

MFCMA Revisions. Ed Rasmuson asked that the Executive Director include information regarding which recommendations of the U.S. Commission on Ocean Policy were included in the amendments to the Act.

Enforcement Committee Agenda. The Council agreed that the Committee should address the Vessel Monitoring System analysis; Aleutian Islands Habitat Conservation boundary modifications, and the Bering Sea Habitat Conservation Area relative to boundaries and enforcement aspects. Ms. Madsen also pointed out that the Committee will need to address halibut management measures prior to Council action. CDR Ragone noted that the Committee would also like to review the proposed seabird interactions scheduled for Council action in February.

Funding for State Halibut Survey. The Council agreed to send a letter in support for the fifth year of funding for the State halibut survey.

Observer Debriefing Issues. After comments during public comment, the Council agreed to send a letter to NMFS suggesting benefits of having an observer debriefer in Kodiak, particularly relating to provisions of the rockfish pilot program. The Council will also consider scheduling a meeting of the Observer Oversight Committee if and when needed to review the amendment package prior to Council action.

HAPC Proposal Cycle. A motion was approved to notice the public that the Council will discuss the issue of timing for a call for HAPC proposals in April and will be looking for suggested priorities. There were comments that April may be too early to address new proposals and that the Council should wait until more information is available. It was pointed out by the maker of the motion (Mr. Krygier) that this would only be a discussion of priorities, not necessarily initiating a proposal cycle at this time.

Pot Escape Mechanisms-Canadian Methods. Mr. Krygier suggested that the Council send a letter to NMFS requesting that they review Canadian research and the use of escape mechanisms, particularly in association with the sablefish fisheries. This suggestion was made in light of recommendations from the Council's plan teams. It was suggested that ADF&G conduct a workshop/public meeting in connection with a future Council meeting. The workshop would include Canadian representatives to pull together information, possibly with the help of the North Pacific Research Board.



*'Constructive Loss' Definition.* The Council received a request during public comment period that the current halibut omnibus amendment that the Council comment to the Secretary suggesting that the Agency define the term 'constructive loss.' The Council approved this suggestion.

Miscellaneous.

Earl Krygier moved the following:

**The Council recommends that a set of protocols be developed regarding the confidentiality of the BSAI Economic Data Report (EDR) data, including aggregation of all data, for the purpose of protecting individual QS and PQS holders. At this time, no clear guidance has been given to NMFS staff on this important issue.**

**There also need to be protocols established on the use of the data. These include concise narrative establishing the quality, deficiencies, and variability of the data, coming from a variety of sources, contained in the EDRs. Some of the questions currently in the crab EDRs may need to be revised or removed. The Council requests that staff develop a discussion paper that outlines suggested protocols for the council and industry to review. To the extent possible, staff should incorporate industry input into the discussion paper.**

**The Council directs staff to prepare a discussion paper that provides a description of all current sideboard restrictions (Bering Sea and Rockfish Pilot Program and their general effect on Gulf of Alaska Fisheries.**

**The Council requests that staff draft a discussion paper to review the effects of changes to the custom processor use caps for king crab in the western region**

The motion was seconded by Ed Rasmuson and carried without objection.

Council Appointments.

The Chair announced that all members of the SSC would be reappointed, with the replacement of Steven Hare by Bill Clark (IPHC). It was noted that Mark Hermann retired from the SSC.

Advisory Panel members re-appointed for 3-year terms included: Craig Cross, Jan Jacobs, Kent Leslie, Matt Moir, and John Moller. Appointed for another year to complete a three-year term is Julianne Curry. New members appointed to 3-year terms were Mike Martin of Kodiak and Tina McNamee from Sitka.

**ADJOURNMENT**

Council Chair Stephanie Madsen adjourned the meeting at approximately 12:06 pm on Tuesday, December 12, 2006.

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