

# North Pacific Fishery Management Council

## *News and Notes*



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## GOA Groundfish Rationalization

On June 6<sup>th</sup>, the Council held a public hearing to receive input on alternatives, elements, and options under consideration to rationalize the Gulf of Alaska groundfish fisheries. The Council heard testimony from nearly 100 people representing a broad range of interests, including vessel owners, processors, captains, crew, communities, and support industries. The Council extended the public comment period into Wednesday morning, delaying the start of its meeting, to accommodate all people wishing to testify. Gulf rationalization will next be on the Council's agenda at its December 2006 meeting in Anchorage. The Council has elected to remove the item from the agenda of its October meeting in Dutch Harbor to better facilitate public input from Gulf-based participants. Staff contact is Mark Fina.

## Charter Halibut

The Council reviewed three issues related to management of **charter halibut fisheries**. First, the Council included three options to include communities in a proposed interim limited entry program (moratorium), after receiving Charter Halibut Stakeholder Committee, Advisory Panel, and staff recommendations. The Council could decide to allow community quota entities as already defined in regulations to: 1) purchase existing moratorium permits, 2) be awarded new permits; and/or 3) be reissued non-renewed permits. These options are not mutually exclusive. A preliminary review of the moratorium package is scheduled for the October 2006 Council meeting. The Council also revised some other issues and options for clarity and deleted an option that would not require moratorium permit renewals. The revised text is posted on the Council website. Initial review of the overall moratorium package is tentatively scheduled for December 2006, with final action in February 2007. Implementation likely would not occur until the 2009 charter fishery season.

Second, the Council reviewed Committee recommendations for 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; 3) Quota share program. The Council adopted recommendations by International Pacific

Halibut Commission staff and streamlined the fixed percentage allocation option, so that it would be based on a combined charter/commercial catch limit as set by the IPHC each year. The Council also clarified the language for an option to allow communities to purchase permits and made several additions: 1) an option under the allocation and quota share alternatives that allocations would be set between sub-areas (yet to be identified); 2) development of local area and sub-area management plans; and 3) elements contained within the Kodiak Association of Charter-boat Operators plan, which were not already included in Committee recommendations. The Council tasked staff with developing discussion papers on the suite of alternatives, elements, and options for review in October.

Third, the Council discussed a letter by NOAA Fisheries, 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. Instead of State reporting documents, NOAA 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 could be substantial, and redundant to State reporting requirements. NOAA Fisheries recommended that the Council reconsider this action once these costs have been more fully evaluated. NOAA Fisheries will provide additional information for review at the October meeting.

## Thanks for your help!

Our Council meeting this June in (partly) sunny Kodiak was a great success, thanks to the gracious hospitality of the Kodiak Inn and the Kodiak community, and in large part to the extra efforts of Jeff Stephan, his wife Karen, and the United Fisherman's Marketing Association in facilitating meeting room arrangements and numerous other logistics during the week. Thanks again for all your help Jeff!

## Halibut/Sablefish IFQ

The Council took final action on four proposed amendments to the **commercial halibut and sablefish IFQ program**. The Council's preferred alternatives would allow: (1) non-IFQ species to be frozen onboard while directed fishing for halibut when any amount of IFQ halibut resulting from quota share assigned to vessel categories B, C, or D are held by fishermen on board a vessel in the Gulf of Alaska, Bering Sea, and Aleutian Islands; (2) use of pot longline gear in the Bering Sea IFQ and CDQ sablefish fisheries during June; (3) withdrawal of halibut and sablefish QS from initial recipients who have never fished any of those shares across all regulatory areas and allow a lottery for halibut only if the amount of QS available for a lottery is more than the number of QS units equivalent to 50,000 lb for all IPHC regulatory areas in the year of the lottery (never used QS will not be withdrawn if the holder notifies NOAA Fisheries that s/he wishes to retain those QS); and (4) temporary transfer of IFQs held by activated reservists who are not otherwise authorized to hire a skipper. Three years after implementation of Action 1, the Council also will review a report that will examine whether retention of cod and rockfish and total amount of halibut QS fished on vessels using category "A" (freezer) QS has increased as a result of the proposed regulatory change. Staff contact on halibut issues is Jane DiCosimo.

## Trawl CV LLP changes

The Council received a staff report on a proposed BSAI/GOA trawl CV LLP amendment. Following staff presentations and reviewing recommendations from the SSC and AP, the Council decided to proceed with an analysis of the amendment. The tentative schedule for initial public review of the amendment is October 2006. The draft problem statement adopted by the Council notes that vessels in the BSAI and GOA groundfish fisheries that have made significant investments, had long catch histories and are dependent on the groundfish resources from these areas may need protection from vessels that could enter the fisheries in the future, including those holding unutilized LLPs.

The Council approved analysis of a license-based LLP threshold eligibility for vessels meeting a minimum catch criteria of at least one landing or two landings (two options) over a qualification period. LLPs not meeting these minimum catch criteria will have endorsements in the management area removed of all area (BSAI & GOA) or subarea (BS, AI, WG and CG) depending upon the option selected by the Council. The participation periods (recency criteria) to be analyzed are 2000-2005 and 1995-2005. The analysis will apply to LLPs held by BSAI trawl catcher vessels as well as LLPs held by GOA trawl catcher vessels and catcher processors. The Council requested staff provide the number of LLPs for vessels under 60 feet potentially eliminated under the eligibility criteria.

The analysis will examine several options for the program, including: alternatives for dealing with multiple (stacked) LLPs on a single vessel, options to exclude LLPs held by AFA vessel owners and LLPs used for eligibility in Amendment 80. Options for harvest during the qualification period include trawl groundfish harvests and groundfish harvests taken by trawl and fixed. The analysis will also address options for vessels with a catch history in the parallel waters or state waters Aleutian Island fishery.

The Council's draft problem statement and complete elements of the LLP limitation program are listed on the Council web site. Staff contact is Jim Richardson.

## Fishery Ecosystem Plan for the AI

The Council initiated development of a Fishery Ecosystem Plan (FEP) for the Aleutian Islands ecosystem area. The FEP will be a strategic policy and planning document, to guide the Council in its management actions relating to the Aleutian Islands. The FEP document, and its associated process, is anticipated to be evolutionary in nature, and its purposes are intended to be achieved over time. The purposes of the FEP are:

- a. to integrate information from across the FMPs with regard to the Aleutian Islands, using existing analyses and reports such as the Groundfish PSEIS, the EFH EIS, and the Ecosystem Considerations chapter (note, this integration should be user-friendly, i.e., short, simple, and avoiding redundancy)
- b. to identify a set of indicators for the Aleutian Islands to evaluate the status of the ecosystem over time
- c. to provide a focal point to develop and refine tools, such as ecosystem models, to evaluate the indicators
- d. to identify sources of uncertainty and use them to determine research and data needs
- e. to assist the Council in setting management goals and objectives, and in understanding the cumulative effects of management actions

The Council also agreed to form a technical AI Ecosystem Team to assist Council staff in developing the FEP. The SSC is providing advice on the appropriate membership of the team. Staff contact is Diana Evans.

## Crab Management

The Council concurred with the revised State/Federal Action Plan for commercial king and Tanner crab fisheries of the Bering Sea and Aleutian Islands. The primary difference in the revised action plan (from the previous 1993 version) is in the timeline provided for data exchange between ADF&G and NMFS.

The Council also received a report from the Pacific Northwest Crab Industry Advisory Committee (PNCIAC) covering issues discussed in a recent meeting of that committee. Among the primary issues discussed at the PNCIAC meeting were their concerns with highgrading reported in recent crab fisheries, and their efforts to work within the industry to address this serious issue.

The Council was apprised of progress made towards an amendment to revise the existing overfishing definitions for BSAI crab stocks. A discussion paper outlining the proposed alternatives for the EA and detailing the review process as it relates to the determination of overfishing for these stocks will be reviewed by the Crab Plan Team at their September plan team meeting and by the Council at the October meeting. Staff contact is Diana Stram.

# Improved Retention/ Utilization

The Council completed final action on Amendment 80 at this meeting. Below is a brief summary of the preferred alternative. A complete copy of the June 2006 final action is available on the Council's website.

## CDQ Groundfish Allocations

10% of Amendment 80 species and secondary species (except Pacific cod) taken incidental in the primary trawl fisheries.

## Non-AFA Trawl CP Groundfish Allocation

YFS	ITAC (mt)	H&G/Limited Access
	< = 87,500	93% / 7%
	87,500 – 95,000	87.5% / 12.5%
	95,000 – 102,500	82% / 18%
	102,500 – 110,000	76.5% / 23.5%
	110,000 – 117,500	71% / 29%
	117,500 – 125,000	65.5% / 34.5%
	>125,000	60% / 40% (AFA Sideboards removed)
Rock Sole	100%	
Flathead Sole	100%	
Atka Mackerel	98% in 541/EBS and 542, in the first year of the program, decreasing by 2% increments over 4-yr period to 90%. 100% in 543.	
AI POP	95% in 541 and 542 in the first year of the program, decreasing to 90% in the second year of the program. 98% in 543.	

These allocations would be managed as a hard cap. The remaining portion of the Amendment 80 species would be allocated to the trawl limited access fishery. Prior to the allocation of the Amendment 80 species, an ICA would be taken off the top to accommodate incidental catch by the fixed-gear vessels and the trawl limited access sectors. AFA vessel sideboards amounts will be determined after CDQ reserve amounts are deducted from TAC. Unutilized groundfish, PSC, and ICA allocations shall be rolled over to the Non-AFA Trawl CP cooperative participants. Any PSC rollover will be discounted 5%, which will remain in the water.

## PSQ Allocation to CDQ Program

Increase PSQ reserves allocated to the CDQ program (except herring, halibut, and Chinook salmon) to levels proportional to the CDQ allocation of primary species under Component 2.

## Non-AFA Trawl CP PSC Allocation

Halibut and crab PSC levels shall be reviewed by the Council during the fifth year of the program and adjusted as necessary (through the normal amendment process).

## *Halibut PSC*

BSAI Trawl limited access sector: 875 mt

Non-AFA Trawl CP sector: 2525 mt initial allocation with a 50 mt reduction in the second, third, fourth and fifth year after program implementation. In the sixth year and subsequent years, the allocation would be 2325mt unless adjusted. In the third year only, the 50 mt reduction would be reallocation to the CDQ/PSQ reserve program.

## *Crab PSC*

Allocation of crab PSC to the non-AFA Trawl CP sector shall be based on the % of historic usage of crab PSC in all groundfish fisheries from 2000-2002 for red king crab (62.48%) and from 1995 to 2002 for opilio (61.44%) and bairdi (zone 1: 52.64% and zone 2: 29.59%) (resulting percentages are reported in the far right column in Table 3-43 May 5, 2006 EA/RIR/IRFA). The initial allocation will be reduced by 5% per year starting in the second year until the Non-AFA Trawl CP sector is at 80% of their initial allocation. Trawl limited access sectors shall receive an allowance of the sum of the combined AFA CV/CP sideboards.

## Cooperative Formation

To form a cooperative, membership must be comprised of at least 3 separate entities and must have at least 30% of the eligible vessels, including LLP licenses with associated catch history for an eligible vessel that has been transferred to that LLP license.

## Groundfish and PSC Allocation Within the Non-AFA Trawl CP Sector

Allocations will be based on total catch using 1998-2004 year combination. In the Atka mackerel fishery, each vessel will receive its 1998-2004 catch history based all subareas combined. For non-mackerel vessels (less than 200' in length having less than 2% of the sector's history of Atka mackerel), their allocation would be distributed by area according to the vessel's catch distribution. After the deduction of the non-mackerel vessel allocation, the remaining amount will be allocated to the mackerel vessels (greater than 200' in length and have more than 2% if the sector's mackerel allocation) based on each vessel's respective catch history distributed equally in each area. AI POP will be allocated equally in each subarea.

## Excessive Share Caps and Vessel Use Caps

Excessive share cap would be applied on an aggregate basis at 30% of the sector's allocation. Vessel use caps would be 20% of the entire Non-AFA Trawl CP sector allocation. Persons or vessels that are over the initially allocation will be grandfathered based on catch history held at the time of final Council action.

## Sideboards

### *BSAI*

In the BSAI, management of unallocated groundfish species would remain as status quo.

### *GOA*

Non-AFA Trawl CP vessels having weekly participation greater than 10 weeks in the flatfish fishery during 1998-2004, will be eligible to participate in the GOA flatfish fisheries. Non-AFA Trawl CP vessel(s) that fished 80% of their weeks in the GOA flatfish fisheries from 2000 to 2003 will be exempt from GOA halibut sideboards. Exempt vessels will be prohibited from directed fishing for all other sideboard species in the GOA (rockfish, Pacific cod, and Pollock). In addition, exempt vessels may lease their BSAI Amendment 80 history.

Gulf wide halibut sideboards for deep and shallow water complex fisheries would be established based on actual usage from 1998-2004. That calculation results in the following percentages, less the percentage attributed to GOA PSC sideboard exempt vessel:

GOA Halibut PSC Sideboard Limits for Non-AFA Trawl CP Sector (as percent of GOA total sideboard limit, ie, 2,000mt in 2006)						
	Season 1	Season 2	Season 3	Season 4	Season 5	Total
Deep Water Trawl Fisheries	2.84%	11.92%	11.60%	n/a	Combined w/shallow water	26.36
Shallow Water Trawl Fisheries	0.85%	1.92%	2.06%	1.73%	5.15%	11.71%

Note: The F/V Golden Fleece data still needs to be deducted from the above table

GOA pollock, Pacific cod, and directed rockfish species sideboards would be established based on catch history from 1998-2004. While CGOA rockfish demonstration program is in place, the CGOA rockfish demonstration program takes

precedence. Finally, an aggregate sideboard limit for each sideboard species will be established for all qualified vessels subject to sideboards.

#### Socioeconomic Data Collection Program

The Council included a data collection program in the action. The program will collect economic data from the non-AFA trawl CP sector on a periodic basis. The purpose of the data collection program is to understand the economic effects of the Amendment 80 program on vessels or entities regulated by this action, and to inform future management actions. Data will be used by Council and agency staff, recognizing that confidentiality is of extreme importance. In addition, the Council also requested a discussion paper be prepared on issues surrounding collecting socioeconomic data for all North Pacific fisheries.

Staff contact is Jon McCracken.

## MRA accounting period

At its June 2006 meeting, the Council conducted an 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, accounting is instantaneous. So, a vessel must be in compliance with the MRA at all times during a fishing trip. This 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, and end of a weekly reporting period. Prior to this meeting, the analysis considered 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. At this meeting, 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 and other rockfish, but requested that staff include analysis of effects of the action with respect to other rockfish. The change in accounting would be all of the non-AFA trawl catcher processor sector prior to the implementation of the Amendment 80 cooperative program. After implementation of Amendment 80, the change would apply only to participants in the non-AFA catcher processor limited access fishery (and not to cooperative fishing). The Council requested staff to evaluate the implications of relaxing the MRA accounting period on incentives for cooperatives formation and membership. Staff contact is Mark Fina.

## Exempted Fishing Permit

The Council approved an exempted fishing permit for testing a halibut excluder designated to reduce halibut bycatch rates on trawl catcher vessels targeting P. Cod in the Gulf of Alaska. The permit was submitted by the Marine Conservation Alliance Foundation with John Gauvin as the principal investigator. The following performance goals will be used to measure the ability of the EFP to meet the stated objective: (1) compared to an unmodified trawl, the excluder device should result in at least a 40 percent reduction in the halibut bycatch rate (kilogram of halibut per metric ton of allocated groundfish); (2) compared to an unmodified trawl, the excluder device should not reduce the target species catch by more than 10 percent; and (3) the excluder must be functional for a typical GOA trawl vessel which has limited deck space and may have only aft reels. The EFP will contain the following regulatory exemptions: trawl closures in the Central GOA for reasons other than overfishing concerns; PSC limits for halibut (limited to 90mt); and observer requirements while the EFP is being prosecuted. The total amount of groundfish allowed to be harvested annually is 1,300 mt, of which 950 mt will likely be Pacific cod. Regulations describing maximum retainable (MRA) amounts apply; however, Pacific cod is designated as the basis species from which retainable amounts are to be calculated

The permit will be effective for 1 year August 1, 2006 – August 31, 2006, but may be eligible for an extension for 2007. Staff contact is Diana Stram

# Observer Program

The Council reviewed the analysis for BSAI Amendment 86/GOA Amendment 76 to modify the funding and deployment mechanism in the North Pacific Groundfish Observer Program. The Federal regulations authorizing the current program expire after December 31, 2007. The five primary alternatives under consideration included: no action; extension of the existing program; and three alternatives to restructure the program such that NMFS would contract directly with observer providers for observer coverage. Observer coverage under the restructuring alternatives would be funded by a user fee and/or Federal funding. The problem statement identifies the data quality and disproportionate cost issues resulting from the current program structure, as well as the fundamental need for an observer program beyond 2007.

The Council also reviewed a letter from NMFS recommending Alternative 2 (extension of the current program) at this time. This recommendation was based on the fact that: 1) Congressional authority necessary to implement any of the fee-based alternatives has not yet occurred, 2) it is not possible to estimate costs associated with the fee-based alternatives until overtime pay issues are clarified by the Department of Labor or in statute; and 3) the current observer program expires on December 31, 2007. The Observer Advisory Committee (OAC) also reviewed this letter at its January 2006 meeting and recommended that the Council select Alternative 2, given the need for continuing the program in the short-term and the lack of control over the Congressional authority and cost issues.

In June, the Council selected Alternative 2 as its preferred alternative, recognizing that while this alternative does not meet the majority of the issues identified in the problem statement, it meets the short-term need of preventing the expiration of the observer program. The Council anticipates initiating a new amendment package for a restructured program at such time that the Congressional authority and cost issues are resolved to the extent that an analysis can be completed. Broad authority to collect fees to pay for observer coverage is included in several proposed bills to amend the Magnuson Stevens Act. A letter was also sent from NMFS to the Department of Labor earlier this year requesting clarification on the application of overtime pay rules in the North Pacific observer program. The restructuring alternatives evaluated in Amendments 86/76 would provide a starting point for a new amendment package, at such time that these issues are resolved.

Finally, the Council reviewed a discussion paper prepared by NMFS on video monitoring and its potential for large scale implementation in the North Pacific fisheries. Video is becoming an increasingly viable technology for monitoring some types of fishing activity or enhancing the ability of observers to gather data. The paper stressed that the implementation approach for electronic monitoring will depend on the monitoring questions being asked in different fisheries and programs, and that the regulatory process needed to implement this approach is not well suited to a rapidly evolving technology. It is expected that the current technology could be used to enhance human observers for routine monitoring functions, for example, to determine whether a discard occurred and quantification of that discard. Species identification requires further development. NMFS has formed an

internal technology working group to explore the ongoing issues associated with electronic monitoring and to prioritize future research projects.

The public review draft of Amendments 86/76 and the video monitoring paper are on the Council's website. Note that the OAC was reconstituted in February, and the membership list is also posted on the Council's website. Staff contact is Nicole Kimball.

## Salmon Excluder Research

John Gauvin (North Pacific Fisheries Research Foundation) and John Gruver (United Catcher Boats) provided a progress report to the Council on the on-going EFP to test a salmon excluder device in the pollock trawl fishery. This on-going EFP has been working to develop behaviorally-based avoidance device configurations placed within the intermediate of the trawl net which allow salmon to escape without harm prior to being captured in the pollock trawl cod end. The report provided updates from the fall 2005 and winter 2006 evaluation of various excluder device configurations on the ability to reduce chum and Chinook salmon bycatch in the pollock trawl fishery. The report indicated positive results to date on Chinook escapement after changing placement and size of the excluder and time of slowdowns.

Future research includes focusing on maximizing the escapement at slowdown through the use of a flap that opens when tow speed decreases. Staff contact is Diana Stram

## FMP Consultation

The Council received an update on the FMP consultation process. NMFS Sustainable Fisheries (SF) Division has submitted to the Protected Resources (PR) Division a Biological Assessment document that summarizes SF's assessment of effects of the groundfish fisheries on ESA-listed species. Submission of the BA initiates the consultation process. In addition, the Council's Steller Sea Lion Mitigation Committee has met several times to review new information on SSLs to prepare itself for tracking the consultation process and to review proposals for regulatory changes (see Call for Proposals in this newsletter). The Committee is also working on a process for evaluating proposals and plans to use a "trade-off tool" for comparing proposals; a subcommittee of the SSLMC meets June 26 to work on the trade off tool that will then be presented to the full committee for further refinement. The SSC recommended that the SSLMC include in the development of a trade off tool a procedure for making decisions with multiple objectives. The Council asked that the Committee investigate this further and periodically brief members of the SSC on progress in development of the trade off tool. The full SSLMC meets June 27-30. Both meetings are at the Alaska Fisheries Science Center in Seattle. The announcements and agendas for these meetings are posted on the Council's web site. Staff contact is Bill Wilson.

# Call for Proposals: SSL Protection Measures

The Council requested that the SSL Mitigation Committee issue a Call for Proposals for changes in SSL protection measures in the Pacific cod, pollock, and Atka mackerel fisheries in the GOA or BSAI. This newsletter announces that Call for Proposals. The public is invited to submit proposals using the format that is posted on the Protected Resources page of the Council's web site. The SSL Mitigation Committee will receive proposals until August 18. The Committee will then start a review process, eventually leading to a package of recommended regulatory changes for Council review and further analysis. Staff contact is Bill Wilson.

## SSL Literature

The Council received a briefing from Dr. Jack Tagart on the compendium of SSL literature produced by Dr. Tagart and Dr. Tom Loughlin. The Compendium is an annotated bibliography of Steller sea lion related research and includes summaries of research and relevant publications produced since 2000 in eleven thematic categories: SSL life history, foraging, vital rates, fishery effects, ecosystem effects, other anthropogenic effects, predation, disease, contaminants, management, and communications. The Compendium will be an important part of the record for the new FMP consultation and a source document to inform NMFS, the Council, the SSL Mitigation Committee, and the public as the consultation proceeds. The Compendium is available on the Council's web site. Staff contact is Bill Wilson.

## SSL Recovery Plan

The Council received a presentation on the draft SSL Recovery Plan from Mr. Shane Capron, NMFS, Protected Resources Division. The draft Plan was released for a 60 day public review on May 24, 2006. The SSC received this presentation as well, and recommended that the Council request an extension of the comment period so that the Council and SSC could review further the draft Recovery Plan and prepare detailed comments. The Council requested that NMFS extend the comment period until September 1 to allow adequate time for review and comment on this important issue. Staff contact is Bill Wilson.

## Fur Seal Plan

The Council received a report that NMFS recently released for public review its draft Conservation Plan for the northern fur seal. Since the comment period for the review ends August 4, 2006, the Council asked staff to review the plan and convene the fur seal committee if substantial issues are found, and comments appear to be warranted. Staff contact is Bill Wilson.

## Seabird Interactions

Ed Melvin and Michelle Wainstein with the Washington Sea Grant Program and Sunny Rice with the University of Alaska Marine Advisory Program presented new information to the Council on seabird interactions with small vessels. Dr. Melvin presented information on seabird distribution in inside waters of Southeast Alaska and Prince William Sound, noting that the lack of albatrosses and related species suggests that seabird avoidance measures for all vessels in these waters might be relaxed. Ms. Rice reported on trials of new seabird deterrent devices appropriate for various kinds of small longline vessels. The Council initiated an analysis of new regulations for seabird avoidance in inside waters and for small vessels. A copy of the motion is available on the Council's website. Staff contact is Bill Wilson.

## Cook Inlet Belugas

The Council received a briefing on the status of beluga whales in Cook Inlet. This population has declined in recent years, and although subsistence harvest was thought to have caused the decline, this harvest has been greatly restricted in recent years yet the beluga abundance has not rebounded. Some are concerned that shipping, pollution, commercial fishing, and other factors could contribute to further declines in its population. Trustees for Alaska has filed a petition with the Secretary of Commerce to list the Cook Inlet beluga whale under the Endangered Species Act and that its critical habitat be designated. Some groups, including the State of Alaska, have filed letters with the Secretary urging that the Cook Inlet beluga not be listed at this time. The Council is concerned over potential effects of an ESA listing on Cook Inlet fisheries, and the Council asked to receive additional information on this species at future Council meetings. Staff contact is Bill Wilson.

## Essential Fish Habitat

The Council will initiate a regulatory FMP amendment to adjust boundaries within the Aleutian Islands Habitat Conservation Areas (AIHCA). The AIHCA was adopted under the EFH action taken by the Council in February 2005 and will be into the regulations by August 2006. The changes are to include one historically fished area identified near Aggattu Island that was not included in the current regulations as an open area and to remove one area near Buldir Reef that has not been historically fished and is considered open. The Council initiated this amendment process after receiving public comment from the fishing industry. The regulatory language within the FMP for EFH includes latitude and longitude boundaries for the open and closed areas in the AICHA. Some of these latitude and longitude positions once groundtruthed with fishing charts need to be modified to represent the intent of the action. Staff contact is Cathy Coon.

# Bering Sea Habitat Conservation

The Council received a report on two discussion papers on Bering Sea habitat conservation during the June meeting. The purpose of these two discussion papers was to provide background information to assist the Council in formulating a reasonable range of alternatives to minimize (to the extent practicable) the effects of fishing on EFH in the Bering Sea.

The first discussion paper provided a framework of alternatives for the upcoming Bering Sea habitat conservation analysis based on the problem statement adopted by the Council in December 2005. The Council intends to evaluate potential new fishery management measures to further conserve benthic habitat in the Bering Sea. The analysis will tier off of the 2005 EFH Environmental Impact Statement and will consider as alternatives open and closed areas and gear modifications. The purpose of the analysis is to consider practicable and precautionary management measures to reduce the potential adverse effects of fishing on EFH and to support the continued productivity of managed fish species. The Council adopted alternatives for the analysis (the motion is available on the Council's website). An update on current gear modification research will be available in December.

The second discussion paper provided information on St. Matthew blue king crab and Bering Sea snow crab (*Opilio*) stocks. No new information warrants additional habitat protections for these crab species within the current rebuilding plans however there may be increased fishery interactions with the locations of the crab stocks due to the northward expansion at the trawl fleet. At this meeting the Council requested the crab plan team meet to consider additional crab protection areas for St. Matthew blue king crab and Bering Sea *Opilio* crab, and make recommendations to the Council at the October meeting. Based on these recommendations, the Council may consider changes to the 'open area' alternatives or possible designation as HAPC in the future.

The Council also discussed the need for the evaluation of the current pelagic trawl gear performance standards within the Bering Sea habitat conservation analysis. The Council noted that the current standards seem to be working. Re-evaluation of pelagic trawl performance standards will not be included in the Bering Sea Habitat Conservation analysis, but may be addressed separately. Staff contact is Cathy Coon.

## Upcoming Meetings

**Crab Plan Team meeting:** September 13-15, Anchorage location TBA

**Groundfish Plan Team meetings:** September 19-22, AFSC Seattle

**SSLMC meeting:** June 27-30, ASFC, Seattle

# CDQ Program

In April, the Council received a presentation from the State of Alaska on its draft 2006 – 2008 CDQ allocation recommendations. No Council action was required, recognizing that Federal regulations require the State to consult with the Council on its allocation recommendations. For all CDQ and prohibited species, except for halibut and crab, the State's draft recommendations are as follows: APICDA – 15%; BBEDC – 19%; CBSFA – 8%; CVRF – 22%; NSEDC – 20%; and YDFDA – 16%. The State has not yet submitted these recommendations to NMFS, and has extended the comment period for the CDQ groups to June 30. The current CDQ allocations have been in place since 2003, per a NMFS action that made the 2003 - 2005 allocations effective until they are replaced by a future final agency action or Congressional action. The current (2006) CDQ pollock allocations are as follows: APICDA – 14%; BBEDC – 21%; CBSFA – 5%; CVRF – 24%; NSEDC – 22%; and YDFDA – 14%.

The U.S. Coast Guard and Maritime Transportation Act of 2006 (H.R. 889) currently being considered in Congress contains amendments to the CDQ Program section of the Magnuson-Stevens Act (MSA), including provisions that maintain the current allocations to each CDQ group until such time that they are adjusted (starting in 2012 and then every ten years). In addition, this legislation would address, among other issues: overall allocations to the CDQ Program; whether some allocations are modified to represent directed fishing allowances or continue as total allocations; eligible communities; administration of the program; and the oversight roles of NMFS and the State of Alaska. The conference committee bill and report were released on April 6, but this bill has not yet been approved by Congress. Controversy over a section of the bill unrelated to the CDQ provisions appears to be delaying formal consideration by the House and Senate.

Note that in December 2005, the Council adopted three primary alternatives and several options for analysis of BSAI Amendment 71, many of which would be determined and/or affected by the proposed legislation described above. However, regulatory and FMP amendments would still be necessary to implement the MSA amendments. Staff will continue to wait for the outcome of the Coast Guard bill before doing further work on the Amendment 71 analysis. Some of the provisions of the current bill are relatively complicated and will require significant analysis and/or legal interpretation from NOAA GC. Should the bill pass over the summer, staff will provide a detailed report at the October 2006 Council meeting on the implications for the CDQ Program and non-CDQ fisheries. The Council would have an opportunity in October to assess the impacts and revise its alternatives and options for analysis in BSAI Amendment 71.

The current suite of alternatives for Amendment 71, as well as a preliminary summary of the alternatives that would be affected by the bill, are provided on the Council website. Staff contact is Nicole Kimball.



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## TAC setting EIS

The Council reviewed the suite of alternatives which NMFS is proposing to include in the Environmental Impact Statement (EIS) to accompany our annual quota (TAC) specifications this fall. The alternatives proposed by NMFS were similar to alternatives included in previous TAC setting documents, with one significant addition which originated from the public comment (scoping) period. The new Alt 4 proposed was as follows:

1. Set TACs for rockfish species in Tier 3 at  $F_{75\%}$ . Set TACs for rockfish species in Tier 5 at  $F=0.5M$ . Set spatially explicit TACs for shortraker and rougheye rockfish in the BSAI.
2. Set TACs at  $F_{75\%}$  for pollock, Pacific cod, and Atka mackerel (in the BSAI), unless total TAC is below OY; in which case, set  $F_{\%}$  for these species that would achieve the lower limit of OY.
3. Set TACs for all other species following Alternative 2.

This alternative sets conservative harvest rates for important prey species (pollock, Atka mackerel, and Pacific cod) and sets conservative and spatially explicit TACs for rockfish species that are long-lived and late to mature species.

The Council recommended to NMFS deletion of Option 2 under this alternative. Primary reasons for this Council recommendation were that (1) reduction of harvest for these three species can already be accommodated as necessary under Alternative 2, the status quo process which incorporates ecosystem considerations; (2) there are numerous other prey species which may need to be accounted for, and singling out these three is not necessary or appropriate; and, (3) the currently ongoing FMP consultation and associated Biological Opinion relative to Steller sea lions will be specifically focusing on these three particular prey species. The draft EIS will be completed by NMFS this summer and available for further Council comment in October.

## SSL Permits Vacated

The Humane Society and other plaintiffs have sued the Secretary of Commerce, Conrad Lautenbacher, William Hogarth, and NMFS claiming violations of NEPA, the ESA, the MMPA, and the APA by issuing certain permits that authorize research on the Steller sea lion. On May 26, 2006 U.S. District Court (for the District of Columbia) Judge Ellen Segal Huvelle ordered that the contested permits that authorize research on SSLs be vacated. These research permits were issued by NMFS for SSL research for 2006 and subsequent years. The agency has initiated preparation of an EIS to explore and analyze potential impacts of the SSL (and northern fur seal) research activities and to explore alternative ways that this research might be conducted. But the plaintiffs claimed that the EIS should be completed before this research continues and the Court has agreed, claiming that the requirements of NEPA were not properly followed. In effect, the Court Order largely terminates nearly all SSL research currently being conducted by the National Marine Mammal Laboratory, the Alaska Sea Life Center, the North Pacific Universities Marine Mammal Research Consortium, the Alaska Department of Fish & Game, the Oregon Department of Fish and Wildlife, and the Aleutians East Borough. The Council was informed that these research groups are working together to develop a list of research activities that are "non invasive" and might be allowed to continue, and hope to meet with the plaintiffs and the judge soon. Additional information on this new development will be provided to the Council in October. Staff contact is Bill Wilson.



**DRAFT NPFMC THREE-MEETING OUTLOOK - updated 6/20/06**

October 2, 2006 Dutch Harbor, Alaska	December 4, 2006 Anchorage, Alaska	February 5, 2007 Portland, Oregon
<p>ESA Consultation on FMPs: <b>Action as necessary</b>  <b>Review SSLMC proposals and determine alternatives</b>                      Sea Otter BiOp: <b>Review and Comment</b>                      Adak Pollock Fishery EFP: <b>Receive Report</b></p> <p>BSAI sector allocation split for Pacific cod: <b>Discussion paper</b></p> <p>Charter Halibut Mgmt: <b>moratorium discussion paper</b>  <b>Permanent solution alternatives discussion paper</b></p> <p>MRA adjustments: <b>Final Action</b>                      Cost Recovery: <b>Discussion Paper (T)</b>                      Observer Program: <b>Action as necessary</b></p> <p>Trawl LLP Recency: <b>Preliminary review (T)</b></p> <p>CDQ cost recovery program: <b>Initial Review</b>                      CDQ Am. 71: <b>Discussion paper (T)</b></p> <p>Socioeconomic data collection: <b>Discussion paper (T)</b></p> <p>Crab Vessel Use Caps: <b>Discussion Paper</b></p> <p>BS Habitat Conservation: <b>Open Area boundaries and crab data/plan team report</b>                      EFH AI Open Area Adjustment: <b>Initial/Final Action (T)</b></p> <p>Other Species Breakout: <b>Review analytical outline (SSC)</b></p> <p>GOA Dark rockfish: <b>Report/Update</b></p> <p>BSAI Crab SAFE Report: <b>Review and Approve</b>                      PGSEIS Workplan: <b>Review</b>                      AI FEP: <b>Action as necessary</b>                      EIS for TACs: <b>Comment on draft EIS</b>                      Groundfish Specifications: <b>Adopt proposed specs for 07/08</b>                      Ecosystem SAFE Report: <b>Review</b></p> <p>VIP Repeal: <b>Initial Review (T)</b></p> <p>Salmon Bycatch (B package): <b>Update and Direction</b></p> <p>VMS Requirements: <b>Initial Review (T)</b></p>	<p>ESA Consultation on FMPs: <b>Action as necessary</b>                      SSL &amp; Fishery Mitigation: <b>Finalize alternatives</b>                      Seabird Interactions: <b>Initial Review (T)</b>                      BOF AI pollock fishery: <b>Receive report</b></p> <p>BSAI sector split for Pacific cod: <b>Preliminary Review (T)</b></p> <p>Charter Halibut Mgmt: <b>Initial review of moratorium (T)</b>                      Halibut Separate Accountability: <b>Discuss/action as necessary</b>                      Halibut Subsistence Survey Report: <b>Review</b></p> <p>Observer Program: <b>Action as necessary</b></p> <p>Trawl LLP Recency: <b>Initial review (T)</b></p> <p>CDQ cost recovery program: <b>Final Action (T)</b>                      CDQ Am. 71: <b>Action as necessary</b></p> <p>GOA Rationalization:  <b>Review preliminary analysis and refine alts.</b>                      Crab Vessel Use Caps: <b>Initial Review (T)</b></p> <p>BS Habitat Conservation: <b>Report on gear modifications</b></p> <p>Other Species Breakout: <b>Action as necessary (T)</b></p> <p>GOA Dark rockfish: <b>Initial Review (T)</b>                      Rockfish Management: <b>Action as necessary (T)</b></p> <p>AI FEP: <b>Action as necessary</b>                      EIS for TACs: <b>Summary of Comments</b>                      Groundfish Specifications: <b>Adopt final specs for 07/08</b></p> <p>VIP Repeal: <b>Final Action (T)</b></p> <p>Pelagic Trawl Performance Standards: <b>Discuss</b></p> <p>VMS Requirements: <b>Final Action (T)</b></p>	<p>ESA Consultation on FMPs: <b>Action as necessary</b>                      SSL &amp; Fishery Mitigation: <b>Action as necessary</b>                      Seabird Interactions: <b>Final Action (T)</b></p> <p>BSAI sector split for Pacific cod: <b>Initial Review (T)</b></p> <p>Charter Halibut Mgmt: <b>Final action on moratorium (T)</b>  <b>Permanent solution: action as necessary</b></p> <p>Observer Program: <b>Action as necessary</b></p> <p>Trawl LLP Recency: <b>Final Action (T)</b></p> <p>CDQ Am. 71: <b>Initial Review (T)</b></p> <p>GOA Rationalization: <b>Action as necessary</b></p> <p>Crab Vessel Use Caps: <b>Final Action (T)</b></p> <p>BS Habitat Conservation: <b>Initial Review (T)</b></p> <p>Other Species Breakout: <b>Preliminary Review (T)</b></p> <p>GOA Dark rockfish: <b>Final Action (T)</b>                      Rockfish Management: <b>Action as necessary (T)</b></p> <p>AI FEP: <b>Action as necessary</b></p> <p>VMS Requirements: <b>Final Action (T)</b></p>

TAC - Total Allowable Catch  
 BSAI - Bering Sea and Aleutian Islands  
 IFQ - Individual Fishing Quota  
 GHL - Guideline Harvest Level  
 HAPC - Habitat Areas of Particular Concern  
 LLP - License Limitation Program  
 VIP - Vessel Incentive Program  
 PSC - Prohibited Species Catch

AI - Aleutian Islands  
 GOA - Gulf of Alaska  
 SSL - Steller Sea Lion  
 BOF - Board of Fisheries  
 FEP - Fishery Ecosystem Plan  
 CDQ - Community Development Quota  
 ESA - Endangered Species Act  
**(T) Tentatively scheduled**

**Future Meeting Dates and Locations**  
 February 5 - 13, 2007 in Portland  
 April 2 - 10, 2007 in Anchorage  
 June 4 - 12, 2007 in Sitka  
 October 1 - 9, 2007 in Anchorage  
 December 3 - 11, 2007 in Anchorage