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North Pacific Fishery Management Council

605 West 4th Avenue, Suite 306, Anchorage, Alaska 99501 - (907) 271-2809 - Fax (907) 271-2817



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Council Completes October Meeting and Schedules Special November Meeting

The Council met October 7-12 at the DoubleTree Sea-Tac Hotel in Seattle and took final action on several amendments to the license limitation program (LLP), scheduled for implementation in January 2000. Details of these actions and other agenda items are inside. Two overarching issues flavored the

October meeting and will be the primary subject of a special meeting to be held in November: (1) status of Steller sea lions, and potential implications to our fisheries, and (2) status of Senate Bill 1221 and its implications to our fishery management plans. We will also discuss total weight measurement issues related to SB 1221 and how the bill's provisions may impact the State of Alaska's management of the Bering Sea and Aleutian Islands crab fisheries, as well as the Council's license limitation program. The Council will meet November 10-12, with the Advisory Panel and Scientific and Statistical Committee meeting November 8-9. Please see attached agenda for details.

NMFS will be holding scoping sessions relative to Steller sea lion measures on October 23 at the Alaska Fisheries Science Center in Seattle (7600 Sand Point Way NE, Bldg 4, Room 2039), and on October 26 in Anchorage at the Federal Building, 222 West 7th Ave., Room 154.

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Council Leadership Continues

Once again Council members showed their appreciation of the leadership of Rick Lauber and Wally Pereyra as they re-elected them Chairman and Vice-Chairman of the Council for another year. Lauber, Vice President of Pacific Seafood Processors Association, appointed to the Council in early 1990, has served as Chairman since March 1991. This will be the fifth term as Vice-Chairman for Pereyra of ProFish International who was first appointed to the Council in August 1990.

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Nominations Due for Advisory Panel and Scientific and Statistical Committee

One-year terms of the Council's Advisory Panel (AP) and Scientific and Statistical Committee (SSC) members expire in December. The SSC advises the Council on scientific and other technical matters relating to Council functions and the AP is composed of representatives of the major segments of the fishing industry and other interested parties, including recreational fisheries and the environmental community.

Resumes for persons who wish to be considered for these committees should be sent to the North Pacific Fishery Management Council, 605 West 4th Avenue, Suite 306, Anchorage, Alaska 99501, to arrive no later than 5:00 p.m., November 20, 1998. Appointments will be announced at the conclusion of the Council's December meeting at the Hilton Hotel in Anchorage, Alaska, and will become effective in January 1999. For more information, contact the Council office.

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Observer Program

The Council was scheduled to discuss the future direction of the groundfish observer program at this meeting, but that discussion was postponed due to the length of the License Limitation Program discussions in October. Additionally, NMFS has recommended that these discussions be postponed until they complete a broad program review currently being planned. A public Observer Program Workshop was scheduled for November 12-13 as part of that review process, but has now been canceled due to the November Council meeting. We will alert the public and fishing industry when that Workshop is rescheduled.

The Council did however take action on a package of regulatory amendments to the existing pay-as-you-go program, as recommended by the Observer Advisory Committee (OAC). These will be developed for Council review in December, final action in February 1999, and implementation sometime in 1999. Included in this package are the following:

- Establish regulations prohibiting contractors from distributing personal information (resumés, for example) on observers.
- Establish minimum housing standards for observers at shore plants.
- Limit an observer from having to cover more than one 100% plant, or more than two 30% plants, when pollock fisheries are being conducted.
- Allow NMFS observer program staff to be employed at NMFS' discretion either in lieu of or in addition to the vessel's regular observer.
- Revise shoreside coverage requirement to be based on weekly, as opposed to monthly, reporting period.
- Clarify definition of a fishing day for pot vessels.

In addition, the OAC recommended that NMFS continue to work with the U.S. Coast Guard in developing an observer safety policy (particularly with regard to an observer's possible refusal to board a vessel for safety concerns). Council staff contact is Chris Oliver.

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License Limitation Amendments

The Council took final action on several amendments to the crab and groundfish license limitation

programs. If approved by the Secretary of Commerce, these amendments are expected to be in place for the 2000 fishing seasons, along with the other provisions of the license limitation programs (LLP) outlined in the Final Rule published October 1, 1998.

Adding Vessel Name to the License. The Council voted to develop a regulatory amendment which would add the name of the vessel to all groundfish and crab licenses. In addition, the Council restricted the number of times a license can be transferred during a calendar year to once. These actions were taken to strengthen the Council's previous actions that restrict the leasing of crab or groundfish licenses.

Restrict Transfers of Licenses Earned on Non-Federally Permitted Vessels. Licenses earned on vessels that did not hold a Federal Fisheries Permit prior to October 9, 1998 may be transferred only if the vessel originally assigned the license is transferred along with the license. If a vessel in this category is lost, the vessel may be replaced (subject to the upgrade provisions in the LLP program). However, the permit may be transferred only with the replacement vessel.

The Council also clarified that transfers of fishing histories and the subsequent licenses which would be issued as a result of those transfers that occurred after February 7, 1998 would be prohibited.

Add Gear Designations to the Groundfish LLP. Trawl, fixed, or all gear designations will be added to groundfish licenses based on the vessel's LLP landings history through June 17, 1995. Gear endorsements will apply to the overall license, and not each area endorsement. For example, a person applies an "all gear" license to a vessel. The license has area endorsements that were earned by using only pots in the Central Gulf and trawls in the Bering Sea. The "all gear" endorsement applies to the overall license, and allows the license holder to fish with any legal gear type in both the Central Gulf and the Bering Sea.

There are two ways to change the license gear designation based on landings which occurred after June 17, 1995. First, if a vessel made a landing with the new gear type (fixed/trawl) between June 18, 1995 and February 7, 1998 then the license recipient can choose either the fixed or trawl gear designation, but not both. The second way to change the license's gear designation is for the vessel owner to have made a "significant" financial investment toward the conversion of a vessel or the deployment of fishing gear on or before February 7, 1998 and making a landing on that vessel with the new gear type by December 31, 1998. This will allow the license recipient to choose which of the two gear endorsements (trawl or fixed, but not all) they will receive. A significant financial commitment is defined as a minimum purchase of \$100,000 worth of equipment specific to trawling or having acquired groundline, hooks or pots, and hauling equipment for the purpose of prosecuting the fixed gear fisheries on or by February 7, 1998.

Rescind the CDQ Vessel Exemption. The Council voted to rescind the CDQ vessel exemption, with grandfather rights to any vessel currently being built or operating in an existing CDP.

Add a Recent Participation Requirement to the Crab LLP. In order to reduce latent capacity in the BSAI crab fisheries, the Council voted to require that crab vessels must have made a landing during 1996, 1997, or on or before February 7, 1998 (one landing in any of the three years) in addition to the landing requirements under the original LLP, to qualify for the general license and species/area endorsements earned under the original LLP. This action reduces the overall number of eligible vessels in the fleet from 365 to 272, a 25% reduction in the fleet compared to the original LLP.

The following exemptions were also included under this provision:

1. Vessels with only a Norton Sound red and blue summer king crab endorsement.
2. All vessels that are less than 60' LOA and are qualified under the original LLP.
3. Vessels that made landings in the BSAI crab fishery in 1998, on or before February 7, 1998, and for which the owner acquires license limitation rights from a vessel that meets the general qualification period (GQP) and endorsement qualification period (EQP) landing requirements. The owner must have acquired the rights or entered into a contract to acquire the rights by 8:36 a.m. Pacific time on October 10, 1998.
4. A vessel that was lost or destroyed and which made a landing in the BSAI crab fishery at any time from the time when the vessel left the fishery through January 1, 2000. A vessel would be deemed to have met the recent participation criteria and would be granted a general license and all the species/area endorsements to which it was entitled under the original crab LLP.

The Council urged NMFS to implement the changes in the crab LLP as soon as possible (NMFS currently plans to implement the changes by the start of the 2000 fishing season). However, if it is not possible to have these amendments in place by 2000 and interim use permits are necessary, the Council recommended that NMFS have them mirror the permanent license as closely as possible for simplicity and consistency.

A discussion of Senate Bill 1221's impact on the number of vessels qualified to fish crab under LLP will be placed on the agenda at the special November Council meeting. The Council will determine if any further action is required and may schedule such action for a subsequent meeting.

Allow Limited Processing Upgrades for Catcher Vessels. The Council also voted to allow vessels less than 60' LOA, operating under a groundfish catcher vessel license in the Gulf of Alaska or Bering Sea and Aleutian Islands, to process up to one metric ton of round fish per day. A provision to allow vessels 60' LOA or greater to process limited amounts of products was not included in this amendment. Staff contact is Darrell Brannan.

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Crab Buyback Program

Following action on the crab LLP eligibility criteria, the Council once again reviewed and discussed the proposed crab permit buyback program. The Crab Reduction and Buyback (CRAB) Group has drafted a preliminary buyback business plan (BBP), pursuant to the Magnuson-Stevens Act. Finalization of the specifics of that plan has been awaiting two things: (1) Council action on the eligibility requirements, which prescribes the number of LLP qualified vessels, and in turn affects the overall projected costs of the buyback plan to be supported by an industry fee (assuming 2/3 approval of an industry referendum to be conducted by the Secretary of Commerce), and (2) publication by NMFS of generic guidelines for all buyback plans nationwide.

The Council has now taken its action on LLP, as described above, and the guidelines are expected to be published by NMFS very soon. This fall, Council staff will work with the drafters of the BBP to address those guidelines and confirm the BBP's consistency with them and the FMP. Based on the Council's recent action, the BBP will no longer need to differentiate between two classes of crab licenses (an A' and B' license), so no FMP adjustment is required for that aspect. At this meeting, the Council took action to allow for the severability of a crab license from a groundfish license, solely for the purposes of accommodating buyback of the crab permit. No further FMP amendments appear to be necessary, and the BBP can now be finalized for Council review at the February 1999 meeting, and then submitted to the Secretary of Commerce.

Between now and February, staff will also be putting together an analysis of the BBP, to confirm that it addresses all of the provisions outlined in the guidelines. The Council will review this in February, after which time the buyback program can be forwarded to the Secretary. Submission will initiate the agency's role in the buyback program, which will include an industry referendum and, if approved, implementation of the buyback. Council staff contact is Chris Oliver.

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Community Development Quotas

The Council approved the State of Alaska's recommendations for 1999 allocations of pollock CDQs and five bycatch species (squid, arrowtooth flounder, other species, chinook salmon, and other salmon).

In addition, the Council approved analysis of three changes to the multispecies CDQ program for 2000. First, the program would be amended to: (1) establish CDQ and PSQ overage/underage

provisions; (2) modify the squid specifications to allow a higher level of squid bycatch; (3) develop a framework for removing and adding species to the CDQ program; and (4) allow some species to be fished in common (pooled) by CDQ groups. This analysis is scheduled for initial review in February 1999. The second proposal would examine starting all CDQ trawl fisheries, except for pollock, on January 1 instead of January 20. This analysis would be available later in 1999. The third change would revise observer coverage requirements for CDQ deliveries to shoreside processing plants. The Council advised NMFS to revise the current regulations which require one observer to monitor each delivery of groundfish CDQ so that observer coverage requirements for deliveries of groundfish CDQs would be based on the amount of groundfish production in a month, as is required in the open access fisheries.

The Council also stated its intent that NMFS should move forward with a technical amendment to correct a reference in regulatory language at §679.31(d) that specified crab CDQ reserves by 'calendar' year, to allow the State of Alaska to more effectively manage the crab CDQ fisheries. As provided in the crab fishery management plan, the actual decision on whether to allow an early opening to the CDQ opilio fishery will be up to the Board of Fisheries.

Regarding a technical correction to remove the Area 4E halibut trip limit, the Council confirmed its intent to retain the 6,000 lb trip limit through September 1 each year. The Council recommended a waiver process, whereby any CDQ group unable to harvest its halibut CDQs in Area 4E with smaller vessels under the trip limit would be required to notify the other CDQ groups in the area, of its inability to catch its halibut allocation by August 15, and offer the unused quota to them. If there were no takers, then a waiver would be granted and the CDQ group would then be allowed to use larger vessels and exceed the trip limit after September 1.

The Council has also requested that NMFS staff work with the industry and other agency staff to address: (1) the availability of observers for the 1998 CDQ fishery and (2) the conflict in the IFQ and CDQ regulations between harvesting CDQ and IFQs together. Staff contact for CDQ issues is Jane DiCosimo.

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Halibut and Sablefish IFQs

The Council took final action on four IFQ amendments that will be implemented in time for the 1999 IFQ season.

Action 1. FMP language will be revised to allow QS holders wishing to hire skippers to

establish indirect vessel ownership through corporate ties.

Action 2: FMP language will be revised to add language to the definition of "a change in the corporation or partnership" specific to estates.

Action 3: Usage caps for fixed gear sablefish will be changed from percent to QS units based on 1996 QS units.

Action 4: QS holders will be allowed to provide NMFS/RAM with the name of an immediate family member as a beneficiary to whom the existing survivorship transfer privileges will be granted in the absence of a surviving spouse.

In a separate motion, the Council clarified that its intent with regard to partnerships was that, for freezer vessel QS, a partnership does not dissolve if an existing partner(s) buys out another partner.

The Council reviewed a proposal from NMFS Enforcement on a weighmaster program for IFQ fisheries. The Council adopted a recommendation from the Advisory Panel to refer enforcement issues identified in the weighmaster proposal to a joint meeting of a Enforcement Committee and IFQ Implementation Team subcommittee. The joint committee would be tasked with evaluating the following: (1) adequate compliance monitoring levels; (2) the potential for involving personnel from ADF&G, USCG, NMFS and the IPHC in achieving the compliance monitoring program; and (3) proposals to address the remaining enforcement needs at adequate compliance monitoring levels. Staff contact for IFQ amendments and the weighmaster program is Jane DiCosimo.

The Council received a report from NMFS staff on the IFQ cost recovery fee program, initiated under a mandate of the Sustainable Fisheries Act of 1996. NMFS requested that NMFS staff work cooperatively with ADF&G, processors and fishermen to develop a standardized fee collecting mechanism which will provide consistency between current fee collection programs, the IFQ fee, CDQ program, and potential future fee programs. The Council also requested that NMFS incorporate a mechanism to reflect actual (as opposed to standardized) prices, and an appeals process which allows fishermen to submit evidence regarding discrepancies between the standardized price and actual prices received. Staff contact for the fee recovery program is Chris Oliver.

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Initial 1999 GOA Groundfish Specifications and SAFE

The Council has recommended rolling over all 1998 final specifications as **initial specifications for 1999**. These include overfishing levels, allowable biological catches, total allowable catches, prohibited species catches, and halibut discard mortality rates. The Council will recommend final

specifications based on recommendations provided by the GOA Groundfish Plan Team in the final SAFE report. Initial PSC limits for halibut are listed below.

Trawl Gear		Hook and Line	
1st quarter	600 mt (30%)	1st trimester	250 mt (86%)
2nd quarter	400 mt (20%)	2nd trimester	15 mt (5%)
3rd quarter	600 mt (30%)	3rd trimester	25 mt (9%)
4th quarter	400 mt (20%)	DSR	10 mt
	2,000 mt		300 mt

Quarter	Shallow water complex	Deep water complex	Total
1	500 mt	100 mt	600 mt
2	100 mt	300 mt	400 mt
3	200 mt	400 mt	600 mt
4	No	apportionment	400 mt

Staff contact is Jane DiCosimo.

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Initial 1999 BSAI Groundfish Specifications and SAFE

The Council reviewed the preliminary Stock Assessment and Fishery Evaluation (SAFE) document for the 1999 Bering Sea/Aleutian Islands (BSAI) fisheries. This document contains revised assessments for groundfish stocks where new information was available. Based on this information, and input from its advisory bodies and the public, the Council recommended preliminary levels of ABC and Total Allowable Catch (TAC). With the exception of Bering Sea pollock, the interim catch

specifications are the same as last year's specifications. The ABC and TAC for Bering Sea pollock were reduced to 1,035,000 mt to reflect new information about the status of this stock. Twenty-five percent of the initial specifications will go forward as interim specifications for management of the 1999 groundfish fisheries until superseded by publication of final specifications. Assessments for all stocks will be finalized by the groundfish plan team in November. On the basis of comments and new information, the Council will adopt final recommendations for the 1999 fishing year at its December meeting.

The Council also recommended preliminary bycatch allowances for Pacific halibut, herring, red king crab, and Tanner crab for 1999 (PSC). These allowances will only be in place until the final recommendations of the Council in December are adopted by the Secretary of Commerce. Note that the preliminary PSC limit for *C. opilio* snow crab was apportioned among fisheries. Lastly, the Council recommended that standards for the Vessel Incentive Program (VIP) for the first two quarters of the 1999 Gulf and BSAI trawl fisheries be the same as last year's standards. Staff contact is David Witherell.

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Scallop License Limitation

Amendment 4 has been proposed to establish a license limitation system for the scallop fishery to replace the Federal vessel moratorium, which is scheduled to expire in the year 2000. At the October meeting, the Council reviewed the analysis and released it for public review with minor modifications. Two additional alternatives were added to the four presented in the document. The first additional alternative would issue licenses to moratorium permit holders that made landings in 1996, 1997, or 1998 (through 10/9/98). Another alternative would issue licenses to moratorium permit holders that make legal landings in two of three years 1996-1998. The Council also clarified that licenses would be issued to current moratorium permit holders for those permits that were fished in the recent qualifying period. The problem statement was revised to reflect that additional participation or increased harvesting capacity may impose significant economic hardship to current participants. Given the small number of participants in the scallop fishery, the analysis will also explore options relative to confidentiality of information. Final action on this amendment is scheduled for February 1999. Staff contact is David Witherell.

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Bycatch Management Committees

The Council is considering programs to control bycatch at the individual vessel level. Committee

meetings have been held during the past year to evaluate three different proposals to reduce bycatch and equitably distribute the costs of controlling bycatch. The three proposals were to develop a Vessel Bycatch Accountability (VBA) Program, a Halibut Mortality Avoidance Program (HMAP) and an Individual Vessel Checklist Program (IVCP). The committees reported to the Council in October and provided several recommendations. Based on this input, the Council requested the committees to meet again and develop a pilot program for both VBA and HMAP for possible implementation next year. Elements of IVCP should be incorporated into these programs where applicable to improve monitoring and reduce bycatch. Staff contact is David Witherell.

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Chinook Salmon Bycatch

The Magnuson-Stevens Act amendments emphasized the importance of bycatch effects on achieving sustainable fisheries. National Standard 9 mandates that conservation and management measures shall, to the extent practicable: (1) minimize bycatch; and (2) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch. To comply with these provisions of the Act, the Council highlighted the need for additional bycatch management measures during the 1997 call for proposals, and initiated development of several of the proposals received.

One of the proposals approved for analysis was a proposal to lower the chinook salmon bycatch limits that trigger a closure of the Chinook Salmon Savings Areas in the Bering Sea. This proposal, submitted by the Yukon River Drainage Fisheries Association, identified that the current bycatch trigger of 48,000 chinook salmon is inadequate and does not reduce chinook salmon bycatch. Additionally, bycatch of chinook salmon after April 15 does not apply towards the PSC limit that triggers a closure.

In October, the Council reviewed a draft analysis that included alternatives to lower the trigger, and alternatives for hotspot area closures at the start of the fishing year. The Council released the document for public review with several analytical revisions suggested by the Scientific and Statistical Committee. A suboption of subdividing the trigger among pollock fisheries (shoreside, mothership, and offshore) and non-pollock fisheries was added for analysis. Final decision on this amendment is scheduled for February 1999. Staff contact is David Witherell.

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Status of BSAI Crab Stocks

The big news for the crab fishery this year was Bristol Bay red king crab. A number of conservation

measures implemented over the past few years, together with favorable environmental conditions, have resulted in improved survival of juvenile crabs. A large 1990 year-class has grown to spawning size and will recruit to the fishery over the next two years. The spawning stock has increased to a level above the rebuilding threshold, allowing the exploitation rate to be increased to 15%. The fishery will open on November 1 with a preseason GHL of 16.4 million pounds, which is about double last year's catch. The Council also requested that the crab Plan Team review the assessment model for red king crab at a future meeting.

The outlook for Tanner crab stocks is not so good. Although large male opilio crabs are currently in high abundance and this year's GHL will be 196 million pounds, very few juvenile crabs were detected by the survey. As a result, catches of opilio are expected to decline dramatically over the next two years. The survey also indicated that adult bairdi crabs remain in very low abundance. Under the minimum stock size thresholds adopted under Amendment 7, the Bering Sea bairdi stock will be deemed overfished. To address this situation, the Council approved analysis of an aggressive rebuilding plan for this stock. The rebuilding plan will address all sources of crab mortality, as well as habitat protection. The Council will review the draft rebuilding plan when they meet jointly with the Alaska Board of Fisheries in February 1999. Staff contact is David Witherell.

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Groundfish Amendments

Sablefish rolling closures. Because of the elimination of trawl fishery interactions and reduction in longline interactions due to the reordered survey sequence, and the uncertain effects of these interactions on the sablefish stock assessment, NMFS sablefish survey and assessment scientists recommended that rolling closures in the GOA and BSAI sablefish fisheries were not necessary.

GOA demersal shelf rockfish retention. The Council released for public review an analysis of retention of DSR in fixed gear fisheries. The Council added an option to Alternative 2 to require IFQ registered buyers to accept deliveries of rockfish and Pacific cod as a condition of their permit, and requested additional analytical work on prices and markets for DSR species. The analysis will be available by November 5.

GOA fair start amendment. The Council did not take up this action, as both the GOA Western/Central Gulf Committee and Advisory Panel tabled action on this issue.

Improved Retention/Improved Utilization. The Council released for public review an analysis of regulatory changes to the IR/IU program to: (1) allow discards of adulterated fish; (2) increase the maximum allowable roe percentage in the Bering Sea and Aleutian Islands, (3) add additional product forms against which pollock roe may be retained (and add an option to delete meal as a primary

product form against which to measure roe retention); and (4) clarify retention and utilization requirements for IR/IU species used as bait or consumed on board a vessel. This analysis will be available from the Council by November 5. Staff contact is Jane DiCosimo.

Shark management. At the request of the joint Board of Fisheries/North Pacific Council committee, the Council initiated an analysis for shark management with the following alternatives:

Alternative 1. Maintain the status quo and continue management under different commercial fishing regulations in state and federal waters.

Alternative 2. Amendment of the Council's groundfish FMPs to separate sharks, skates, and rays from the "other groundfish" species category and enact specific federal regulations.

Alternative 3. Amend the Council's FMPs to separate sharks, skates, and rays from the "other groundfish" species category and make explicit management deferrals to the state (as with demersal shelf rockfish).

Alternative 4. Delete sharks from the Council's FMPs and allow management to defer to the state in federal waters (as with lingcod).

Staff contact for the above groundfish amendments is Jane DiCosimo.

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Other Council Actions Related to Staff Tasking

In addition to the actions described above, the Council (under 'Staff Tasking') reviewed some 40 new proposals for regulatory or plan amendments which were received in this year's annual proposal cycle. The Council grouped these proposals into three categories: (1) those proposals which would be developed for Council consideration; (2) those which would definitely not be further developed at this time; and, (3) those which are on hold for the time being, pending resolution of SB 1221. Most of the proposals fall into this latter category. In summary, the Council specifically identified the following proposals for development by staff: # 17, 37, and 3 (these are primarily agency proposals related to management considerations, and will likely include #27 as well) and # 11, 12, 13, and 16 (these are related to further identification and protection of essential fish habitat).

The following proposals were specifically identified for no further development at this time: # 28, 29, and 34. The Council recommended that four proposals related to marine mammals concerns (15, 22,

23, and 24) be incorporated into NMFS' analysis of potential management measures needed to address concerns related to the status of Steller sea lions (the Council also recommended incorporation of relevant aspects of the inshore/offshore 3 analysis in that review). The remaining proposals are on hold and may or may not be approved by the Council for further development pending discussions at the November meeting.

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Council Documents Available for Public Review and Comment

- Preliminary 1999 GOA and BSAI Groundfish Stock Assessment and Fishery Evaluation (SAFE) Documents.
- GOA Demersal Shelf Rockfish Retention - Environmental Assessment/Regulatory Impact Review (EA/RIR). Available by November 5.
- Improved Retention/Improved Utilization Amendments. EA/RIR available by November 5.
- GOA demersal shelf rockfish (DSR) retention analysis will be available by November 5.

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