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North Pacific Fishery Management Council

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June Council Meeting Held in Dutch Harbor

Getting everyone to the Council meeting in Dutch Harbor on time was a challenge with the notorious weather providing for some interesting flying experiences! Once safely on the ground, though, Dutch Harbor and the Grand Aleutian Hotel provided a smooth, comfortable ride for the remainder of the week. As before, the hotel and the community at large welcomed the Council and industry with wonderful meeting accommodations and the finest hospitality. The relaxed atmosphere helped take some of the edge off of otherwise contentious issues, including final action on the inshore/offshore pollock allocation. These and other agenda items are detailed inside. Thanks again to the Grand Aleutian and Dutch Harbor/Unalaska for hosting another productive meeting.

The October Council meeting will be held in Seattle, Washington the week of October 5 at the Doubletree Hotel at the Sea/Tac Airport.

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Secretary of Commerce Reappoints Behnken and O'Leary

Secretary of Commerce Daley recently announced the reappointment of *Linda Behnken* and *Kevin O'Leary* to the Council for another three-year term. This will be the third term for Ms. Behnken who lives in Sitka and currently fishes in the longline fisheries and salmon troll fisheries off Alaska. Ms. Behnken serves on the Council's Ecosystem Committee. Mr. O'Leary, a longliner from Kodiak, was first appointed to the Council in 1995. He serves on the Council's Ecosystem Committee, is a member of the joint Council/Alaska Board of Fisheries Committee, and chairs the Council's IFQ/CDQ Fee Recovery Committee.

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NOTICE TO FISHERMEN in West Yakutat and Western Gulf Submarine Cable Route Installation August through November 1998

Please read the **notice** regarding the installation of a fiber optic submarine cable in the Gulf of Alaska between August - November 1998 between Alaska (Whittier, Valdez and Juneau) and Norma Beach, Washington. The notice provides the scheduled installation dates, charts and other important information for fishermen. The three maps showing the exact route are available from the Council office, most fishermen's associations, and from Tyco Submarine Systems.

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BSAI Pollock Bottom Trawl Gear Prohibition

The Council adopted an amendment to prohibit the use of non-pelagic trawl gear for vessels targeting

pollock in the BSAI. Only pelagic trawl gear as defined in regulations (together with the performance-based bycatch standard of 20 crabs) will be allowed in the directed pollock fishery. The objective of this amendment is to address Magnuson-Stevens Act mandates to reduce bycatch. Although this action could be taken annually as part of the BSAI TAC specification process, the plan amendment will make this prohibition a permanent regulation. Total bycatch limits of prohibited species (including a 7.5% CDQ apportionment) will be reduced to reflect this gear prohibition. Prohibited species bycatch will be reduced by 100 mt of halibut mortality, 3,000 red king crab, 50,000 *C. bairdi* crab, and 150,000 *C. opilio* crab. Staff contact is Dave Witherell.

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Inshore-Offshore 3

The Council spent three days taking public comment and considering the Inshore-Offshore pollock allocations. Those deliberations resulted in a shift of 4% of the Bering Sea and Aleutian Islands (BS/AI) pollock TAC from the offshore sector to the inshore sector, while the Gulf of Alaska pollock and Pacific cod allocations were left unchanged. The new BS/AI split is 39% Inshore and 61% Offshore, after CDQs are deducted. There is no separate allocation to "True Motherships" they remain within the offshore sector. In addition to the basic allocation split, the Council created a set-aside within the inshore allocation for BS/AI catcher vessels less than 125' LOA delivering to processors in the inshore sector. These small catcher vessels were allocated 2.5% of the combined BS/AI pollock TAC (adjusted for the 7.5% CDQ). Harvest of the set-aside will take place before the Bering Sea 'B' season (there is no Aleutian Island 'B' season), starting on or about August 25. Any overages or underages resulting from the set-aside fishery will be subtracted from/added to the inshore BS open access 'B' season quota.

The rules and regulations pertaining to the CVOA will remain the same, except that during the 'B' season, harvesting operations inside the CVOA will be restricted to catcher vessels delivering to the inshore sector. Under the current regulations, catcher vessels delivering to any sector are allowed to operate inside the CVOA during both the 'A' and 'B' seasons. The new regulations will restrict catcher vessels delivering to offshore processors (including motherships) from operating inside the CVOA during the pollock 'B' season. Catcher/processors will continue to be restricted from harvesting pollock inside the CVOA during the 'B' season.

A three year sunset date was also included in the amendment package. Therefore, Inshore/Offshore 3 will remain in effect only through the 1999, 2000, and 2001 pollock fishing seasons. Staff contacts are Chris Oliver or Darrell Brannan.

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Community Development Quotas

At its June meeting, the Council decided to permanently extend the pollock CDQ program at 7.5 percent of the total allowable catch. Without this action, the pollock CDQ program would expire on December 31, 1998. This action will also serve to merge the pollock CDQ program with the multi-species (MS) CDQ program after 1998. The final rule for the MS-CDQ program was published on June 4, 1998, and the MS groundfish CDQ fisheries (the remaining groundfish and prohibited species) are scheduled to commence on October 1. Community development plans for the MS groundfish CDQ fisheries will be due to NMFS in early July for review. NMFS will publish the notice approving the community development plans and allocations to specific CDQ groups prior to October 1. Applications for pollock CDQ allocations for 1999 and 2000 will be reviewed by the State of Alaska this summer and the State will make pollock CDQ allocation recommendations to the Council at its October 1998 meeting. NMFS will implement these allocations before January 1, 1999.

NMFS has prepared a discussion paper addressing some of the issues and alternatives with regard to the MS CDQ program. Rulemaking defining how the halibut and multi-species groundfish CDQ fisheries will be integrated must be effective in early 1999. Therefore, NMFS will consult with the CDQ Implementation Committee prior to publishing a proposed rule, but consultation with the Council will be timed to occur during the public comment period on the proposed rule in October 1998. Questions on the CDQ program or requests for the NMFS discussion paper should be directed to Jane DiCosimo.

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License Limitation Program

The Council reviewed an initial analysis of proposed amendments, initiated last February, to the license limitation program (LLP) which is scheduled for implementation in the year 2000. The Council approved the analysis for release to public review with some revisions and additions. The revised amendment proposals are as follows:

1. Prevent transfer of permits from vessels that never held a federal fishery permit during the LLP qualifying period and prohibit transfers of fishing histories and subsequent licenses as of February 7, 1998, (applies to all vessels).

Option: Allow the transfer of the license with the vessel upon which it was earned, or with vessels which have existing transfers of the permits that were grandfathered.

2. Prohibit licenses and fishing histories earned by vessels employing non-trawl gear to be used on vessels employing trawl gear and licenses and fishing histories earned by vessels employing trawl gear to be used on non-trawl gear vessels (i.e., if a vessel never used trawl gear during the original qualification periods, that license could not be converted for using trawl gear, and vice-versa). The following options would be examined:

a. Grandfather rights only to persons who can demonstrate significant financial commitment to apply a non-trawl license or fishing history to a trawl operation (and the reverse) as of February 7, 1998, with the following suboptions:

- (i) has made a landing with trawl gear (or the reverse, non-trawl) by February 7, 1998;
- (ii) has made a significant investment in conversion of a vessel to deploy trawl (or the reverse, non-trawl) gear by February 7, 1998.

3. Rescind the CDQ vessel exemption portion of the LLP, with grandfather rights to any vessels currently built or operating in an existing CDP under this provision.

4. Clarify that catch history transfers would be recognized, except those occurring after June 17, 1995, and where the owner of the vessel at that time was unable to document a vessel under Chapter 121, Title 46, U.S. Code (further discussion of legal ramifications of this proposed amendment will be incorporated in the analysis).

5. Initiate an amendment (possibly a trailing amendment) to the Crab LLP to include a recent participation clause, with the following options:

Option A. Crab landings in:

- i. 1995
- ii. 1996
- iii. 1997
- iv. through February 7, 1998
- v. any combination of the above (any combination of those single or multiple years)

(Revised analysis will explicitly examine the alternative of participation in any one year between 1995 and February 7, 1998.)

Option B. Analysis will consider:

- i. all vessels
- ii. vessels under 60 ft.
- iii. vessels 60-125 ft.
- iv. vessels over 125 ft.

Option C. Provide an exception to the additional umbrella landing requirement for:

- i. any vessel that made landings in the Bering Sea crab fishery in 1998, prior to February 7, and for which the owner acquires license limitation program rights related to a vessel that meets the General Qualifying Period (GQP) and Endorsement Qualifying Period

(EQP) landing requirements, or

ii. a vessel that was under construction for the Bering Sea crab fishery and whose owner has acquired a crab moratorium qualification for the vessel prior to February 7, 1998.

Option D. Exempts vessels under 60 feet from recent participation requirements when these vessels otherwise qualify under the original crab LLP.

The following also applies to proposed action 5, crab LLP:

- The recent participation requirement would apply to the general umbrella license only (i.e., if a vessel satisfies the recent participation criteria chosen, it would receive its original umbrella license and species/area endorsements under that umbrella new species/area endorsements could not be 'earned' during the new qualification period).
- This amendment is not to impede or delay implementation of the LLP program. If the recent participation amendment cannot be implemented before or at the same time as implementation of the LLP, interim permits would be issued upon petition by an applicant with documentation indicating that they would be reasonably likely to prevail for an LLP license. Interim permits would be non-transferable.
- Council serves notice that the above dates for meeting performance standards are very firm. The Council may examine more recent participation than February 7, 1998, in making its final decision (such as date of final Council action), but cannot now foresee any extraordinary circumstances that would allow the cut-off dates to be advanced past those shown above.
- The analysis will include a discussion of allowing the severance of a crab license from a joint crab/groundfish license for the sole purpose of retiring the crab license in perpetuity.

6. Allow limited processing for catcher vessels in the BSAI and GOA under the following options:

Option A: Allow processing of bycatch amounts of any groundfish, up to directed fishing standards.

Option B: Allow processing of any species, excluding pollock, as a target species of (a) up to 5 mt round weight per day for vessels <60'; and (b) up to 18 mt round weight per day for vessels >60'.

(Analysis will re-examine guidelines 3, 4, and 5 used in the document to identify candidate vessels for limited processing upgrades. Analysis will also identify the maximum universe of potential vessels which could upgrade.)

A revised analysis will be reviewed by the Council's SSC and should be available for public review by early August and can be obtained by request from the Council offices. Final action on these

proposed amendments is scheduled for the October meeting in Seattle. Written comments should be submitted to the Council offices by September 29. Council staff contact is Chris Oliver or Darrell Brannan.

On a separate but related note, the Council discussed certain provisions of the pending final rule for the LLP, including the provisions for license transfers among vessels. Due to concerns that the final rule would allow transfers of a license among multiple vessels during a fishing year, the Council requested NMFS to provide an options paper for review at the October meeting in Seattle. This paper will explore the idea of designating a vessel on the license and establishing procedures for verifying new ownership upon transfer or change in ownership of the vessel. Two aspects to be included would be (a) frequency of transfers, and (b) waiting period between transfers.

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Crab Buyback Program

The Council received an update on the crab vessel buyback program from Gordon Blue of the Crab Reduction and Buyback (CRAB) group. Finalization of the specifics of a crab business buyback must await Council action in October which may impact the number of LLP eligible vessels (and thereby, possibly alter the specifics of the CRAB buyback business plan and industry referendum on a fee). In the meantime, the CRAB group has made significant progress and continues to enjoy the support of the Council for some form of license buyback to further reduce the LLP crab fleet. Generic buyback guidelines are pending as a proposed rule from NMFS which should further facilitate development of the CRAB buyback program. Staff contact is Chris Oliver.

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Essential Fish Habitat

The Magnuson-Stevens Act amendments emphasized the importance of habitat protection to healthy fisheries and strengthening the ability of NMFS and the Councils to protect and conserve habitat of finfish, mollusks, and crustaceans. This habitat is termed essential fish habitat (EFH), and is broadly defined to include "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity."

At the June meeting, the Council adopted plan amendments for the five FMPs (BSAI and GOA groundfish, salmon, crab, and scallops) to incorporate EFH provisions. These provisions included identification and description of EFH including habitat areas of particular concern, identification of research and information needs, and identification of potential adverse effects on EFH due to fishing and non-fishing activities. The Council adopted Alternative 2, that designates EFH as described by general distribution. Staff contact is Dave Witherell.

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Cape Edgecumbe Pinnacles

The Council adopted a plan amendment to prohibit boat anchoring and fishing for groundfish, halibut, and scallops in a 4-mile by 4-mile pinnacle area off Sitka. This amendment was originally proposed by the Alaska Department of Fish and Game as a means to protect important habitat for rockfish and ling cod, and was later incorporated into the EFH amendment package. The Council reviewed the material and decided to separate the pinnacle closure from EFH provisions, and adopt it as a separate amendment (tentatively assigned Amendment 59 to the GOA groundfish FMP). In the future, the pinnacle area will be re-evaluated for consideration as a habitat area of particular concern. An option of prohibiting recreational and commercial salmon fishing in the pinnacle area was considered, but not adopted. The Council will discuss the salmon issue with the Alaska Board of Fisheries at its committee meeting in July. Staff contact is Dave Witherell.

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Moratorium

The Council voted unanimously to extend the existing vessel moratorium for another year (through the end of 1999) to cover the interim period before implementation of the LLP. This extension applies only to the fishing period under the moratorium, i.e., the deadline for application for a moratorium permit is still December 31, 1998. Staff contact is Chris Oliver.

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Observer Program

At this meeting, the Council received formal notification from NMFS and the Pacific States Marine Fisheries Commission (PSMFC) that the third-party, joint partnership agreement (JPA) program structure was dissolved. This program structure would have established the PSMFC as the sole source through which industry would obtain observers, working as an interface between industry and the observer contracting companies. Because of contracting, liability, and other legal impediments, NMFS and PSMFC announced that the JPA cannot be established as originally envisioned. For these reasons, the Council voted to extend the current observer program structure through the year 2000. During this time, staff will continue to work on a fee-based funding mechanism, as well as examine both short and long-term adjustments to the existing program. A detailed discussion is planned for the October Council meeting in Seattle. A meeting of the Council's Observer Advisory Committee (OAC) will occur between now and October, but has not yet been scheduled. Council staff contact is Chris Oliver.

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Overfishing Definitions

National Standard 1 states that conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry. The Sustainable Fisheries Act (SFA), which amended the Magnuson-Stevens Act in 1996, contained several provisions that affected National Standard 1 though the standard itself was not changed. The SFA added a definition of "overfishing" and "overfished," changed the definition of "optimum," required that each fishery management plan specify objective and measurable criteria for identifying when a fishery is overfished, and added a section on identifying and rebuilding overfished fisheries. On May 1, 1998, NMFS published national standard guidelines in the Federal Register to assist the Councils with amending FMPs to conform with new provisions of the Act. To bring our groundfish, crab, scallop, and salmon plans into compliance, several analyses were prepared by staff to examine alternative definitions of maximum sustainable yield (MSY), optimum yield (OY), and overfishing. In June, the Council reviewed the analyses and took final action on these plan amendments. Staff contact is Dave Witherell.

Groundfish

The BSAI and GOA groundfish FMPs will be amended to treat MSY as a limit rather than a target. This means that "limit" harvest strategies (such as rules to define the overfishing level (OFL)) should result in a long-term average catch that approximates MSY, and that "target" harvest strategies (such as rules to specify acceptable biological catch (ABC)) should result in catches that are substantially more conservative than the limit. More specifically, tiers 2-4 of the current definitions will be modified, and $F_{35\%}$ (rather than $F_{30\%}$) becomes the baseline overfishing rate. The Council also received a report from Dr. Grant Thompson on the NMFS guidelines for National Standard 1. In particular, Dr. Thompson explained how annual catch quotas can be established above the MSY level when stocks are in high abundance.

Scallops

The Scallop FMP will be amended to redefine overfishing, OY, and MSY, and update the FMP with additional information on bycatch data collection. The current OY is 0 - 1.8 million pounds, and the overfishing definition is simply landings exceeding OY. The alternative adopted by the Council will reduce OY to a maximum of 1.24 million pounds, establish MSY at 1.24 million pounds, and establish overfishing rates ($F_{OFL}=F_{MSY}=M=0.13$) for weathervane scallops. OY, MSY, and overfishing would not be established for pink, spiny, or rock scallops as these are



undeveloped fisheries that are managed through ADF&G via special permit.

Crab

The BSAI King and Tanner Crab FMP will be amended to redefine overfishing, OY, and MSY, and update the FMP with new information. The amendment will establish MSY point estimates, along with minimum stock size thresholds (MSST) for individual crab stocks based on prevailing environmental conditions (1983-1997 period). Overfishing will be defined as a fishing mortality rate in excess of natural mortality ($M=0.2$ for king crabs, $M=0.3$ for Tanner crabs) or a biomass that falls below MSST. Because the *C. bairdi* spawning biomass is below MSST, the stock will be deemed "overfished" based on the guidelines, and will require that a rebuilding plan be developed for management of this stock.

Salmon

The Salmon FMP will be amended to update the FMP to include recent information on the conservation policies of the State of Alaska and Pacific Salmon Commission, as well as new Magnuson-Stevens Act definitions of OY.

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Atka Mackerel and Sea Lions



In 1990, the Steller sea lion was designated as threatened under the Endangered Species Act (ESA). Critical habitat was designated in 1993 and includes marine areas within 20 nautical miles (nm) of all rookeries and major haulouts west of 144°W. In 1997, the species was split into two separate management populations on the basis of genetics information. The listing status of the western population (i.e., west of 144°W longitude) was changed to endangered while the status of the eastern population remained as threatened. The western population of Steller sea lions (i.e., west of Cape Suckling or 144°W longitude) has declined by 80% or more since the mid 1960s.

Since most of the recent fishery removals of Atka mackerel occur within Steller sea lion critical habitat, preliminary analyses have suggested that the fishery is capable of creating localized depletions of an important Steller sea lion prey where sea lions are likely to forage.

The purposes of this proposed action are to reduce the probability of fishery-induced localized depletions of Atka mackerel and reduce the probability of adverse modification of Steller sea lion critical habitat as required by the ESA. Several alternatives were examined, including additional geographical and seasonal allocation of the Atka mackerel TAC, geographic rotation of Atka mackerel harvests, and allocation of the TAC to subareas inside and outside sea lion critical habitat in

the Aleutian Islands.

The Council adopted a precautionary approach in approving a plan amendment to reduce the probability of localized depletion of Atka mackerel in critical habitats for Steller sea lions. The amendment will allocate the Atka mackerel TAC on a seasonal basis (50% available January 20, and 50% available September 1) for all AI regulatory areas and allocate most of the TAC in areas outside of critical habitat for the central and western AI areas. In Area 543, the proportion of the catch taken outside critical habitat will be increased from the current 15% taken outside to 35% in 1999 (with a corresponding decrease in catch within critical habitat), and will be incrementally increased over four years to reach a target of 40% inside and 60% outside critical habitat in 2002. In area 542, catch outside critical habitat will be increased from the current 5% taken outside, to 20% in 1999, again with the target of 40% inside and 60% outside critical habitat in 2002. For area 541, a 20 nm year-round closure will be implemented around the Seguam rookery. A vessel monitoring system (VMS) will be required for vessels participating in the BSAI Atka mackerel fishery. The Council also recommended that the jig fishery for Atka mackerel be exempted from these actions, and that CDQ fisheries be exempted from the seasonal allocation, but would abide by the critical habitat percentages. Further, the Council recommended that information relative to this issue should be reviewed on an annual basis. In concert with the annual review, NMFS should conduct research and develop a research plan (together with industry and other parties) to determine effects of these management measures by area. Staff contact is Dave Witherell.

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Ecosystem Committee

The Ecosystem Committee met informally to plan for a full day workshop to be held immediately prior to the October Council meeting in Seattle. The central theme to the meeting will be regime shifts and local knowledge. Staff contact is Dave Witherell.

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Halibut Discard Mortality Rate Revised

Halibut discard mortality rates (DMRs) are used to monitor the halibut mortality PSC limits for individual fisheries. These DMRs are estimated from viability data collected by NMFS observers. DMRs for individual groundfish fisheries are generally established pre-season during the annual specification process each December. For 1998, the Council recommended a DMR of 12% for the BSAI Pacific cod hook-and-line fishery, with a provision that a mid-year retroactive adjustment be made based on updated information. In June, the Council reviewed an analysis prepared by International Pacific Halibut Commission staff on 1998 in-season observer data for this fishery. Based on this analysis, the Council recommended a DMR of 11% for the first half of the 1998 Pacific cod

hook-and-line fishery. DMRs for all fisheries will be reassessed during the Council's final specification process in December for 1999. Staff contact is Jane DiCosimo or Gregg Williams of the IPHC.

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Experimental Permit

The Council endorsed a proposal submitted by Groundfish Forum for an Experimental Fishing Permit (EFP). The objective of the EFP is to select and test the most promising device that can be placed in a trawl that lowers bycatch of halibut and reduces halibut bycatch rates without significantly lowering the catch rates of target flatfish species. The test is scheduled to take place over about a 10-day period in August or September of 1998 on the grounds of the deep water flatfish fishery in the Central and Western Gulf of Alaska. Staff contact is Jane DiCosimo.

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Call for Proposals

As part of its annual process, the North Pacific Fishery Management Council invites proposals to amend the crab, scallop and groundfish fishery management plans (FMPs) to address pertinent fishery management problems and concerns.

After devoting much effort to refining the IFQ halibut and sablefish program from 1995-98, the Council decided to go to a two-year cycle for IFQ proposals at its December 1997 meeting. Under this plan, **the Council will not be calling for IFQ proposals in 1998**. The next call for proposals will be in the summer of 1999 for changes that would be implemented for the IFQ season in 2000. Any proposals submitted in 1998 will be held to the 1999 cycle.

Habitat Areas of Particular Concern: The North Pacific Fishery Management Council recently adopted amendments to fishery management plans that describe essential fish habitat for managed species. Essential fish habitat is described as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. The next step in this process is to identify habitat areas of particular concern (HAPC) for each fishery management plan (FMP). The Alaska region has FMPs for Gulf of Alaska groundfish, BSAI groundfish, BSAI king and Tanner crab, Alaska scallops, and Alaska salmon. Proposals to amend the FMPs are being solicited to (1) identify HAPC, and (2) establish conservation measures to minimize, to the extent practicable, adverse impacts from fishing on HAPC. Additional details and guidelines for HAPC proposals are available from the Council office. In October, the Council will prioritize the proposals and task staff with an amendment package for initial review in April 1999 and final action in June 1999. Proposals are due by Monday, August 17,

1998. Staff contact is Dave Witherell.

Groundfish, Scallop, and Crab Proposals: Proposals for amending the groundfish, Alaska scallop, and BSAI crab FMPs are due by Monday, August 17 and will be reviewed by the Council at the October meeting.

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BSAI/GOA FMP Language Updates

In July, look for quarterly updates of the BSAI and GOA FMP management measures (Section 14 in the BSAI FMP; Section 4 in the GOA FMP) on the Council web site! In preparation of updates to the two FMPs, Council staff will update the FMP language that describes current management measures last updated in 1995 for the BSAI FMP and 1994 for the GOA FMP. The FMPs in their entirety will be revised in early 1999. The *BSAI Species Profile* will be the basis for updating Section 9 in the BSAI FMP, and the *GOA Species Profile* (now available in hard copy and available on the web site by the end of June) will be the basis for revising Section 5 of the GOA FMP. Contact the Council office for a copy of the *GOA Species Profile* or revised management measure sections of the FMPs.

Staff contact is Jane DiCosimo.

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Documents Available to the Public

1. NMFS discussion paper on whether to administer the small boat halibut CDQ fishery under the RAM division or Sustainable Fisheries is available from the Council office.
2. The revised draft analysis on proposed amendments to the License Limitation package will be available for public review by early August.
3. The Gulf of Alaska FMP Summary is available from the Council office and also is available on the web site.
4. The Gulf of Alaska Species Profile is available from the Council office and should be posted on the web site by the end of June.

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