

North Pacific Fishery Management Council

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Certified _____
David Benton, Chairman
Date: February 7, 2001

MINUTES

146th Plenary Session NORTH PACIFIC FISHERY MANAGEMENT COUNCIL OCTOBER 4-8, 2000 Sitka, Alaska

The North Pacific Fishery Management Council met October 4-8, 2000 at the Centennial Building in Sitka, Alaska. The Scientific and Statistical Committee met October 3-4, and the Advisory Panel met October 2-5, at the same location. The following members of the Council, staff, SSC and AP attended the meetings.

Council

David Benton, Chairman
Dennis Austin for Jeff Koenings
Jim Balsiger
CAPT V. O'Shea/LCDR Greg Busch
Linda Behnken
John Bundy
Anthony DeGange for David Allen

Bob Mace (Vice Chair) for J. Greer
Kevin Duffy for Frank Rue
Dave Hanson
Kevin O'Leary
Robert Penney
H. Robin Samuelson, Jr.
[Dr. Fluharty was absent]

NPFMC Staff

Chris Oliver, Acting Executive Director
Darrell Brannan
Cathy Coon
Jane DiCosimo
Elaine Dinneford
Chuck Hamel

Nicole Kimball
Diane Provost
David Witherell
Helen Allen
Gail Bendixen
Maria Shawback

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Support Staff

Lisa Lindeman, NOAA-GCAK
Sue Salvesson, NMFS-AKR
Earl Krygier, ADFG
Kent Lind, NMFS-AKR
Jay Ginter, NMFS-AKR
Tamra Faris, NMFS-AKR

Rob Bentz, ADFG
Herman Savvikko, ADFG
Jeff Bush, DCED
Bryce Edgemon, DCED
Phil Smith, NMFS-RAM Div.
Bob Wolfe, ADFG-Subsistence

Scientific and Statistical Committee

Richard Marasco, Chair
Steve Berkeley
Keith Criddle
Doug Eggers
Steve Hare

Jack Tagart, Vice Chair
Jeff Hartman
Dan Kimura
Seth Macinko
Al Tyler

Advisory Panel

John Bruce Chairman
Ragnar Alstrom
Dave Benson
Dave Boisseau
Al Burch
Craig Cross
Dan Falvey
Kris Fanning

Stephanie Madsen, Vice Chair
Arne Fuglvog
Dave Fraser
Justine Gundersen
Spike Jones
Melody Jordan
Teresa Kandianis
Hazel Nelson

Doug Ogden
Michelle Ridgway
Jeff Steele
Jeff Stephan
Bob Ward
Lyle Yeck

Other Attendees

The following people signed the attendance register:

Lt. R. Henderickson, USCG
Arni Thomson
Will Brown
Greg Baker
John Dooley
Beth Stewart
John Iani
John Henderschedt
John Gauven
Breint Paine
Terry Leitzell

Glenn Reed
Jack Crowley
Robert Mikol
Margaret Hall
Heather McCarty
Joe Plesha
Trevor McCabe
Ken Roemhildt
Phillip Lestenkof
Gerry Hope
Kim Davis

Dick Curran
Shari Gross
Linda Kozak
Erick Thorkildsen
C. Mateo Paz-Soldan
John Littlefield
Gordon Blue

A list of those who provided public comment during the meeting is found in Appendix I to these minutes.

A. CALL TO ORDER/APPROVAL OF AGENDA/MINUTES OF PREVIOUS MEETING(S)

Chairman David Benton called the meeting to order at approximately 8:11 a.m. on Wednesday, October 4. Council members were advised that Dr. Fluharty would not attend the meeting because of a death in his family.

Agenda. The agenda was approved as submitted after Council members set a time certain to discuss Staff Tasking.

Council members discussed a future brainstorming session to review Council procedures and determine whether any changes need to be made. Council members were asked to contact Dave Benton with ideas in advance of the next meeting.

B. REPORTS

Chris Oliver gave the Executive Director's report (B-1), and the Council received reports on State fisheries issues (B-2), NMFS fisheries management (B-3), and NMFS and Coast Guard enforcement and surveillance reports (B-4).

DISCUSSIONS/ACTION RESULTING FROM REPORTS

Executive Director's Report. The Council approved the appointment of Elizabeth Sinclair to the GOA Groundfish Plan Team.

NMFS Management Report. With regard to bycatch rate standards for trawl fisheries under the halibut and red king crab VIP program, NMFS recommended reducing the BSAI first quarter bottom pollock standard from 7.5k per metric ton to 5k per metric ton because the use of bottom trawl gear has been banned. Council members agreed with this change. Other rate standards will remain the same as in the past year.

FORMAT FOR COUNCIL MEETING MINUTES

Each agenda item requiring Council action will begin with a copy of the original "**Action Memo**" from the Council meeting notebook. This will provide an "historical" background leading up to the current action. This section will be set in a different type than the actual minutes. Any attachments referred to in the Action Memo will not be attached to the minutes, but will be part of the meeting record and available from the Council office on request. Following the Action Memo will be the **reports** of the Scientific and Statistical Committee, Advisory panel, and any other relevant committee or workgroup on the subject. Last will be a section describing Council **Discussion and Action**, if any.

C. NEW OR CONTINUING BUSINESS

C-1 Pacific cod/Steller Sea Lion Interactions

ACTION REQUIRED

Brief status report on analysis and provide direction as appropriate.

BACKGROUND

At the September meeting, the Council reviewed of an analysis of the Pacific cod fisheries and alternatives to minimize possible competitive interactions with the endangered western population

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of Steller sea lions. The Council added additional alternatives to be analyzed, and recommended that additional information be examined to evaluate potential for competition. A copy of the full motion, as adopted is attached as Item C1(a).

At this meeting, NMFS staff will provide only a brief report on the status of the analysis. Final action is scheduled for a special meeting to be convened November 17-20, with implementation of the preferred alternative by emergency rule prior to January 1, 2001.

Both the **Scientific and Statistical Committee** and the **Advisory Panel** received an update on the analysis, but had no further comments.

DISCUSSION/ACTION

Sue Salveson provided the Council with an update on the current analysis and pointed out areas where Council clarification was needed.

Linda Behnken moved to add an alternative to the analysis to look at 75- and 100-pot limits for both the Bering Sea/Aleutian Islands and the Gulf of Alaska in the 3-10nm area around rookeries, and the 0-10nm range around haulouts. The motion was seconded by Kevin Duffy and carried without objection. [Dr. Fluharty was absent]

Sue Salveson advised that it is not possible to include assessments of catch by vessels using different numbers of pots. Their spreadsheet will look at the number of vessels using pot gear in the different zones and the resulting catch information. It will be a qualitative discussion on the impact of various pot limits.

Ms. Salveson also clarified that under Option 2, as adopted by the Council, that Segum Pass is not exactly on the 170° line, although it is typically used to differentiate between the Aleutian Islands and Bering Sea subareas.

Linda Behnken moved to request that the analysis address the dependence and impacts of AFA versus non-AFA vessels and inshore versus offshore vessels in critical habitat with regard to Pacific cod. (Discussion indicated that the intent would be to show where vessels deliver and process Pacific cod, and to show activities of AFA and non-AFA vessels and other sectors relative to localized removal rates of cod.) The motion was seconded by Robin Samuelsen and carried with John Bundy objecting. [Dr. Fluharty was absent]

Ms. Salveson indicated that NMFS has discussed this issue with some industry representatives who would like to see some information showing inshore and offshore deliveries and processing of cod and they will be providing that type of table; however, staff will not be able to provide an inshore-offshore analysis.

Kevin Duffy moved that the analysis include an identification of research objectives designed to evaluate the likelihood that fishery removals of Pacific cod are a significant factor in the failure of the sea lion populations to increase. The motion was seconded by Linda Behnken.

By friendly amendment, the motion was revised to remove this request from the current analysis, but to make it a high priority of NMFS after the current biological opinion is completed.

The motion carried without objection. [Dr. Fluharty was absent]

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The Council also requested an update on the biological opinion being prepared on the possible interactions of the groundfish fisheries and Steller sea lions, now due to be completed by October 31. NMFS staff had indicated that they felt information in this opinion will be utilized in preparing the analysis on the interactions of the Pacific cod fisheries and Steller sea lions. According to NMFS staff, the current plan is to have the biological opinion completed by the October 31st deadline, but it was not clear whether that is enough time to provide a comprehensive product.

Dennis Austin moved to send a letter to NMFS Assistant Administrator Penny Dalton expressing the Council's desire that the biological opinion be completed as quickly as possible. However, if NMFS determines that more time is necessary to provide a high quality and comprehensive product, then the Council would support their judgment in requesting a delay. The motion was seconded by Bob Penney and carried, 9 to 1, with Samuelson voting against [Dr. Fluharty was absent].

C-2 American Fisheries Act

ACTION REQUIRED

- (a) **Receive update on EIS/proposed rulemaking: consider emergency rule for necessary 2001 provisions.**
- (b) **Take final action on groundfish processing sideboards and BSAI pollock processing excessive share caps.**
- (c) **Receive report from industry on Pacific cod sideboard issues.**
- (d) **Review proposal from September meeting and take action as appropriate.**

BACKGROUND

(a) **Update on proposed rulemaking and emergency rule**

NMFS staff will provide an overview of where we are with the development of the EIS, as well as the proposed rulemaking for the AFA, including the necessity for emergency action to have certain AFA provisions in place for 2001.

(b) **Groundfish processing sideboards and excessive share caps for pollock processing**

In June you reviewed the draft analysis for groundfish processing sideboards, and for BSAI pollock processing excessive share caps. At that time you requested additional analysis prior to releasing the document for public review. Following incorporation of the requested analysis, we released the document on July 24, noting the Council's intent for final action at this meeting. As this package is separate from the basic AFA amendment package, these actions would not be in place for the 2001 fisheries, but should be in place for 2002. The Executive Summary is included under Item C-2(b), and we have limited copies available of the entire document. We have resurrected a familiar and welcome face to provide you a summary of the analysis.

(c) **Industry report on P. cod sideboard issues**

At the June meeting you heard testimony from three operators of non-AFA vessels who have been long-time participants in the Pacific cod fisheries, and who felt that the additional effort in the 2000 early season cod fisheries by AFA vessels was adversely impacting their operations. Item C-2(c) is the letter submitted last June. At that time you requested that they meet with representatives of the AFA co-op sector to try and resolve these issues within the existing sideboard regulations and

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co-op structures, and report back to the Council in October. We expect to hear from them at this meeting, recognizing that pending Council action with regard to the Pacific cod/SSL amendment, to be resolved this November, may have implications for this issue and could help determine the appropriate course of action.

(d) September proposal

In September you received and approved an AP recommendation to add an item to the October C-2 agenda. Your action was to add to the October agenda consideration of a Problem Statement, relative to a proposal to allow inshore co-ops to contract with non-member inshore AFA catcher vessels to harvest co-op allocations. That Problem Statement is attached as Item C-2(d). The AFA, as reflected in NMFS regulations, does not allow for such transfers. The Council's June action to change the definition of qualified catcher vessel, while allowing leasing within co-op member vessels, also does not provide for the type of contracting suggested in this proposal. Adoption of this proposal would constitute a change to the prescribed provisions of the AFA, which could be done under the Section 213 provisions which allow the Council to make such changes to mitigate adverse effects in fisheries.

NMFS and Council staff have advised, to the proposers and to the AP, that such a proposal be pursued via the amendment process, in the context of overall staff tasking to be discussed later in this meeting. We have some potential AFA amendments already in the queue, and it is likely that additional AFA amendments will arise over the next few meetings, which could comprise an AFA 'omnibus' type amendment for development in 2001, and implementation in 2002. However, it is my understanding that you may wish to take action on this proposal at this meeting, which would require emergency action for implementation in 2001. If sufficient information is available to the Council to make such a recommendation at this time, that emergency rule would still have to be accompanied by the more formal analyses (EA/RIR/IRFA) necessary for potential approval for 2001.

In the C-2 Supplemental packet of comments is a discussion paper, submitted by MTC and other industry groups, which provides further detail on this proposal and some of the anticipated consequences.

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

Report of the Advisory Panel

(a) EIS/Emergency Rule. The AP recommended the Council request that NMFS move forward with the AFA emergency rule, incorporating recent Council actions to (1) define a 'qualified catcher vessel'; (2) the revised formula for calculating inshore co-op quota; and (3) the revised crab cap calculations. The AP also recommended the following additions to the emergency rule:

(1) revised observer coverage for catcher processors and motherships (require the second observer to be a level 2 observer; and

(2) revised inseason management for catcher processors and catcher vessels' sideboard closures and rollovers.

(b) Groundfish Processing Sideboards and Excessive Share Caps. The AP recommended the Council postpone indefinitely any action on excessive share caps and groundfish processing sideboards at this time, but recommended that the Council consider modifications to the IR/IU requirements for flatfish as an alternative means of protecting non-AFA processors.

(c) Pacific Cod Sideboard Issues. The AP strongly urged AFA and non-AFA cod vessels to continue to seek a resolution to their current concerns.

(d) Inshore Co-ops Contracting with Non-member Inshore AFA Catcher Vessels. The AP recommended the Council include in the AFA emergency rule, for implementation in January 2001, the proposal submitted by industry (Midwater Trawlers Co-op and others) to allow inshore co-ops, with the processor's approval, to contract with non-member inshore AFA catcher vessels to harvest co-op allocations.

DISCUSSION/ACTION

Bob Mace moved to approve the recommendations of the Advisory Panel with regard to the EIS/Emergency Rule, and to initiate an analysis of the industry proposal to allow inshore co-ops to contract with non-member inshore AFA catcher vessels to harvest co-op allocation. With respect to the excessive share cap, Mr. Mace also moved to adopt a processing excessive share cap of 30% of the BSAI pollock TAC; CDQ pollock would be excluded when calculating the cap. The motion was seconded by Linda Behnken.

With regard to the industry proposal, Mr. Mace indicated that if the motion carried, this item would be taken up during staff tasking to determine when the analysis could be undertaken.

By friendly amendment, it was clarified that NMFS will use the same entity definition being used to determine harvesting excessive shares, i.e., the '10% limited rule' linking companies.

Robin Samuelsen moved to reduce the excessive share cap to 25%. The motion was seconded by Linda Behnken and failed, 6 to 4, with Salvesson, Behnken, O'Leary and Samuelsen voting in favor. [Dr. Fluharty was absent]

John Bundy moved to remove the excessive share cap. The motion was seconded by Kevin Duffy and failed, 9 to 1, with Bundy voting in favor. [Dr. Fluharty was absent]

The motion was bifurcated in order to allow members to vote separately on the issue of the emergency rule.

Linda Behnken moved to amend to postpone processor sideboards at this time, and to initiate an analysis of alternatives to processor sideboards that would provide protection for non-AFA processors. Alternatives would include, but not be limited to, industry recommendations for modifications to the IR/IU requirements for flatfish species. The motion was seconded and carried with Bob Penney objecting.

The main motion carried unanimously. [Dr. Fluharty was absent]

The motion to move forward with an emergency rule to implement AFA measures regulating vessels and plants participating in the 2001 directed BSAI pollock fishery carried, 9 to 1, with Salvesson voting against. [Dr. Fluharty was absent]

During discussions on staff tasking, the Council scheduled the discussion on groundfish processing sideboards for the February Council meeting where new alternatives may be included. The excessive share cap amendment will not be included in the current emergency rule package or the 2001 proposed and final rules and will not be in place until the 2002 fishing season.

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Chris Oliver, Acting Executive Director, advised Council members that the report to Congress on impacts of the AFA, due on October 1, is still in the draft stage. Staff will request a continuance of the due date in order to provide a more comprehensive report next spring, after a full year of management under AFA.

C-3 Halibut Subsistence

ACTION REQUIRED

Final action.

BACKGROUND

Management measures for halibut subsistence were first developed in September 1996 because of a conflict between the IFQ/CDQ regulations and customary and traditional practices of Alaska Natives in IPHC regulatory Area 4E, whereby halibut CDQ fishermen were retaining undersized halibut for personal use. The Council formed a Halibut Subsistence Committee, initiated a regulatory amendment, and in June 1997, took final action on the part of the proposed action that allowed Area 4E CDQ fishermen to retain undersized halibut while commercial fishing. That measure took effect June 4, 1998, and was renewed by the IPHC through December 31, 2001.

The broader issue of defining subsistence for Pacific halibut is addressed in the public review analysis mailed to you on August 9, 2000. It includes changes made to the alternatives at the April 2000 Council meeting. These include two additional eligibility options, the most critical element in the proposed action. The five eligibility options are summarized below. The executive summary is attached as item C-3(a)(1). Additional information prepared by staff for this decision is provided in item C-3(a)(2).

	Suboption				
	A	B	C	D	E
	Tribal plus	rural	Tribal plus/individual	Tribal only	rural Tribal
eligible persons	88,663	82,171	42,003 to 88,663	42,003	36,463
Alaska Native Tribes	118		118	118	118
rural communities with halibut C&T		114			114

The Halibut Subsistence Committee met on September 7 to review the analysis. The minutes are attached under item C-3(a)(3). Based on information from public testimony, Shishmaref and Diomedes (537 and 154 total residents -94% Alaska Native for both) would be added as rural places and tribal organizations with customary and traditional use of halibut. Also, two additional tribal organizations that are applying for federally-recognized status (the King Salmon Tribal Council (King Salmon) and the Native Village of Kakanak (Dillingham)) could also be added based on information from the tribal office of the Bristol Bay Native Association. These changes would be made to the Secretarial review draft of the analysis, if adopted by the Council.

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

Report of the Advisory Panel

The AP recommended the Council adopt Alternative 2, allowing the harvest of halibut for subsistence, and adoption of Option 1: define subsistence as:

Long term, customary and traditional use of halibut for food (or non-economic consumption) for families in a non-commercial manner.

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Eligibility : The AP recommended the Council adopt the State of Alaska criteria for rural communities (as described in the analysis at Table 5.4) and to specifically include the communities of Shishmaref, Diomedes and Adak and:

- Suboption A:
1. Members of Alaska Native Federally-recognized Tribes with customary and traditional use of halibut; and
 2. Other permanent rural residents* of communities with customary and traditional use of halibut.

AP members intended that Federally-recognized tribes would be allowed to practice subsistence in any community listed in table 5.4 of the analysis. Non-tribal members would be limited to the community of residence.

Legal gear: The AP recommended the Council adopt a combination of Suboption A and B to read as follows:

The legal gear for subsistence halibut fishing is set and hand held gear, including longline, handline, rod and reel, spear, jigging and hand troll gear of not more than 30 hooks.

Additionally, the AP recommended the Council adopt Suboption C: allow tribal governments to contract with NMFS to allow proxies to be used by designated fisherman to fish for the community using up to 2 skates, up to 100 hooks each (per vessel).

The AP also recommended the Council adopt the revised Suboption D: Allow retention of subsistence halibut using commercial gear while CDQ fishing in Areas 4C and 4E. In 4E, halibut under 32 inches may continue to be retained for subsistence use. In area 4C retained subsistence halibut shall be marked and hailed prior to landing.

Customary and traditional trade of subsistence halibut: The AP recommended:

Customary and traditional trade through monetary exchange shall be limited to an annual maximum of \$400.

The AP clarified that it is their intent that when proxy fishing--the monetary value of \$400 cannot be stacked.

Customary and traditional trade through non-monetary exchange would be allowed with anyone.

Further, the AP recommended that no customary and traditional trade be allowed to occur upon the premises of commercial buying operations, or with a registered buyer. Additionally, no exchange of subsistence caught halibut from a monetary exchange, trade or barter would be allowed to enter commerce at any point.

Daily bag limit: The AP recommended the following:

- 1) Statewide, a bag limit of 8 per day;
- 2) Areas 2C and 3A, a bag limit of 6 per day;
- 3) 4C and 4E would have no bag limit.

Above limits are in effect unless changed by co-management or local area management plans.

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The AP also recommended that the Council foster development of co-management agreements with Tribal and Federal governments and other local entities (where there is no tribe) to collect information and monitor subsistence harvest and to further refine local area halibut subsistence plans for approval by the Council.

Additionally, the AP recommended that no halibut caught in sportfishing shall be possessed on board a vessel when other fish or shellfish aboard the said vessel are destined for commercial or subsistence use, sale trade or barter, and that no halibut caught in subsistence fishing shall be possessed on board a vessel when other fish or shellfish aboard the said vessel are destined for commercial use or sale, with the exception of areas 4C and 4E.

Halibut Subsistence Committee Report

The Halibut Subsistence Committee met on September 7, 2000 to discuss the current analysis. While there were comments made on various aspects of the program, the committee did not provide a recommendation on the proposed alternatives.

DISCUSSION/ACTION

Phil Smith, NMFS RAM Division, provided an historical overview of subsistence issues in Alaska and Jane DiCosimo provided a review of the staff analysis.

The Council also had comments from Gregg Williams, International Pacific Halibut Commission, Steve Meyer, NMFS Enforcement, and Ed Dersham, Alaska Board of Fisheries. Mr. Williams reviewed a letter submitted by the Commission supporting Council efforts to address the subsistence issue because the IPHC thinks it will provide a good opportunity to better assess removals through accounting procedures. He urged the Council to adopt a consistent 32" minimum size limit for fish that are caught both as subsistence and in commercial operations. Also, if combination subsistence/commercial trips are allowed, different gear regulations could present a problem for enforcement.

Steve Meyer advised Council members that NMFS Enforcement strongly supports some type of permit to identify persons eligible for subsistence fishing. Also, they feel there should be a very clear delineation of the type of fishing being prosecuted at any one time, i.e., commercial, subsistence, or sport.

Mr. Dersham reported that the Alaska Board of Fisheries would be willing to take up some of the subsistence issues and work on regulations, after the Council determines eligibility, if asked to do so by the Council. They would do this through the regular Board process using its advisory committees and the public process and input from ADF&G and Council staff.

The Council also convened a teleconference with Bob Babson of the Alaska regional office of NOAA General Counsel in order to receive advice on the overlapping authority between the Secretary of Commerce and the Council in regulating halibut under the Halibut Act, and the Federal Subsistence Board and the Secretary of the Interior under Title 8 of the Alaska Native Indian Land Claims Act (ANILCA).

Bob Penney moved to approve the recommendations of the Advisory Panel with the following changes:

- **Substitute Suboption B for Suboption A under Option 2, with the following editorial changes: “Alaska rural residents as defined in ANILCA and identified in the table 5.4 entitled ‘Alaska Rural Places and Native Groups in Areas with Subsistence Halibut Uses,’ and will also include other communities for which customary and traditional findings are developed in the future.**

- **Under Suboption B, add:**
 1. **All identified members of Alaska Native Tribes who reside in urban areas are allowed to return to their tribal domicile and exercise their subsistence rights for halibut fishing.**
 2. **All native tribes, now and in the future, that are domiciled in present or new urban areas shall be allowed to exercise their halibut subsistence rights anywhere in a designated rural area within the State of Alaska.**

The motion was seconded by Kevin Duffy. Mr. Penney clarified that he is using the Federal definitions for 'rural' and 'urban.'

Robin Samuelsen moved the following substitute motion:

Adopt Alternative 2: Allow the harvest of halibut for subsistence.

OPTION 1: Define subsistence.

Halibut subsistence regulations are needed to allow the continued practice of long-term customary and traditional practices of fishing halibut for food for families in a non-commercial manner for non-economic consumption. Subsistence is defined as the 'non-commercial, long-term, customary and traditional use of halibut.'

OPTION 2. Define eligibility.

Persons eligible to subsistence fish for halibut are:

1. **Members of Alaska Federally-recognized Tribes with customary and traditional use of halibut; and**
2. **Other permanent rural residents of communities with customary and traditional use of halibut. Residency is defined as one calendar year in Alaska. A rural area is a community or area of the state in which the non-commercial, customary and traditional use of fish or game for personal or family consumption is a principal characteristic of the economy of the community or area. The tribes and rural areas with customary and traditional use of halibut are listed in Table 5.1 (revised). A tribal member is eligible to fish in areas where there is an established customary and traditional pattern of use by their tribe, as determined by the Council. A rural resident is eligible to fish in areas where there is an established customary and traditional pattern of use by their rural community, as determined by the Council.**

OPTION 3. Define legal gear.

Suboptions A and B. The legal gear for subsistence halibut fishing is set and hand-held gear of not more than 30 hooks, including longline, handline, rod and reel, spear, jigging, and hand-troll gear. Not more than 2 hooks may be used in non-rural fishing area. Non-rural fishing areas are the Cook Inlet area, Juneau area, and the Ketchikan area.

Suboption D. Retention of subsistence halibut less than 32" (shorts) while commercial fishing is allowed only in Regulatory Area 4E. Retention of halibut greater than 32" while commercial fishing is allowed statewide, with retentions reported and counted against an IFQ.

OPTION 4. Allow the customary and traditional trade of subsistence halibut.

Suboption A. Customary and traditional trade through monetary exchange shall be limited to an annual maximum of \$400 per person. No customary and traditional trade is allowed upon the premises of commercial buying operations. Persons licensed to engage in a fisheries business may not exchange, solicit to exchange, or receive for commercial purposes subsistence-taken halibut. No

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exchange of subsistence-caught halibut from a monetary exchange, trade, or barter is allowed to enter commerce at any point.

Suboption B. Customary and traditional trade through non-monetary exchange is allowed with anyone.

OPTION 5. The daily limit for subsistence halibut in rural areas is up to 20 halibut, except there is no limit in 4C and 4E, and the daily limit is 2 halibut in non-rural fishing areas. Non-rural fishing areas are the Cook Inlet area, the Juneau area, and the Ketchikan area.

OPTION 6. Cooperative agreements with tribal, State and Federal governments and other entities may be developed for harvest monitoring, local area planning, and other issues affecting subsistence use of halibut.

The North Pacific Fishery Management Council (Council) requests the Alaska Board of Fisheries (Board) to recommend potential regulatory options in subsistence halibut regulations relating to:

1. legal gear,
2. daily limits,
3. reporting requirements,
4. customary and traditional use areas of tribes and rural communities; and
5. non-rural area definitions for halibut fishing areas.

The Board will meet on this issue during their normal 2000-2001 cycle and will present its recommendations to the Council at the Council's June 2001 meeting.

The motion was seconded by Kevin Duffy.

Linda Behnken moved to amend the substitute motion, to substitute a clarified version of the eligibility language in suboption B, as follows:

- The first sentence, "Alaska rural residents as defined in ANILCA . . .," would remain the same as in Mr. Penney's motion.
- Subparagraph 1 under that section would read: All identified members of Alaska Native Federally-recognized tribes with the finding of customary and traditional use of halibut who move to or have moved to an urban area are allowed to return their area of tribal membership and exercise their subsistence rights for halibut fishing.
- Subparagraph 2 under that section would read: All members of Alaska Native Federally-recognized tribes who reside in an area that is urban or becomes urban in the future shall be allowed to exercise their halibut subsistence rights anywhere in a designated rural area within the State of Alaska.

The motion was seconded by Bob Penney and carried, 9 to 1, with Samuelsen voting against. [Dr. Fluharty was absent]

Ms. Behnken clarified that the list of communities referred to (Table 5.4) is a list of communities developed by the State of Alaska, however if the State should amend their listing, it would not necessarily change the Council's list under this program. That would have to be determined by the Council upon request of a

community. It was also clarified that the motion, based on an AP recommendation, includes the communities of Shismaref, Diomedede and Adak, although they are not included in Table 5.4.

Linda Behnken moved to amend Option 5 of the motion to delete everything after the words, '4C and 4E.' As revised, Option 5 would read:

The daily limit for subsistence halibut in rural areas is up to 20 halibut, except there is no limit in Areas 4C and 4E.

The motion was seconded by Bob Mace and carried without objection. [Dr. Fluharty was absent.]

By friendly amendment, Option 3, Suboption D, was amended to clarify that residents of the communities of Savoonga and Gambell are also allowed to retain subsistence halibut less than 32" (shorts) while commercial fishing. The amendment also deleted the requirement that retention of halibut greater than 32" while commercial fishing would be reported and counted toward CDQ fisheries.

The substitute motion, as amended, carried unanimously. [Dr. Fluharty was absent]

Mr. Penney recommended that the Council send a letter to the Alaska State Legislature and/or to the appropriate federal agency to urge support for the Alaska Board of Fisheries in its role of helping the Council achieve the intent of the halibut subsistence program. Council members agreed that the Chairman should send an appropriate letter.

Mr. Samuelsen served notice that he would request a reconsideration of the vote the following day.

On the following day, the Council discussed some minor editorial changes to the printed motion. **Robin Samuelsen moved to reconsider the motion. The motion to reconsider carried, 6 to 4, with Behnken, Duffy, Mace and Penney voting against.** [Dr. Fluharty was absent]

Robin Samuelsen moved to amend the main motion to remove the community of Adak from the list of eligible communities. The motion was seconded and failed, 8 to 2, with Samuelsen and Benton voting in favor. [Dr. Fluharty was absent]

Robin Samuelsen also moved to amend the motion to state that in order to meet the eligibility requirements under the halibut subsistence program, communities would only be required to appear before the NPFMC Advisory Panel and the Council and request eligibility, however the motion did not receive a second.

Linda Behnken moved to urge communities seeking eligibility to subsistence fish for halibut to pursue a 'customary and traditional' finding from the appropriate bodies before petitioning the Council for inclusion. The motion was seconded by Bob Penney and carried, 9 to 1, with Samuelsen voting against. [Dr. Fluharty was absent]

The main motion, as amended, carried, 9 to 1, with Samuelsen voting against. [Dr. Fluharty was absent]
The main motion, as amended is included as Appendix II to these minutes.

Mr. Samuelsen requested that the inclusion of Adak in the list of eligible communities be placed on the December agenda for further discussion. Council members agreed and asked the Executive Director to do so.

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C-4 Halibut Charter IFQ Analysis

ACTION REQUIRED

- (a) Update on halibut GHL analysis.
- (a) Preliminary review of analysis of halibut charter IFQ alternatives.
- (b) Discuss Gulf of Alaska Coastal Communities Coalition charter IFQ proposal .

BACKGROUND

(a) Halibut GHL analysis

In February, the Council took final action to approve a revised Guideline Harvest Level (GHL) and implementing management measures to manage the halibut charter fishery in Areas 2C and 3A. The analysis was submitted for NMFS regional review in July 2000.

ADF&G Sportfish Division staff will report on its efforts to correct Statewide Harvest Survey (SWHS) data, which was the basis for the Council's preferred alternative. As a consequence of correcting errors and adjusting estimation procedures, the estimated statewide sport harvest changed for 1996-98 by a maximum of 9% for chinook salmon and Pacific halibut, and 17% for coho salmon. The 1996-98 estimates have been revised, but not yet republished. The corrected estimates for 1996-99 charter/non-charter halibut harvests will be released in mid-October. ADF&G staff are scheduled to brief the SSC on the methodology for correcting the estimates at the December meeting.

It is not possible to determine the impact of the data correction on the Council's GHL decision without the corrected data. However, the Council may wish to schedule a discussion of this issue for the December Council meeting and consider possible future action. Possible choices include:

1. Maintain the preferred alternative (average of 1995-99 harvest in pounds), and
 - a. withdraw the GHL analysis from NMFS review and correct the poundage associated with the average as recommended by ADF&G or
 - b. submit the final review analysis as prepared since it was the best available information at the time of final action and send a letter during the Secretarial public comment period notifying him that the poundage associated with its preferred alternative should be revised in final rulemaking as recommended by ADF&G.
2. Reconsider final action on the halibut charter GHL based on corrected data.

(b) Preliminary review of alternatives

In February, the Council also initiated an analysis for developing an Individual Fishing Quota (IFQ) program for the halibut charter fishery. In April, the Council adopted a problem statement and a suite of 80 management options recommended by its Halibut Charter IFQ Committee and Advisory Panel. The alternatives are listed under Item C-4(b)(1).

Draft Problem Statement
adopted by the Council in April 2000

The Pacific halibut resource is fully utilized. The NPFMC recently adopted a GHL to resolve allocation issues between the guided sport sector and other users of the halibut resource. Upon adoption by the Secretary of Commerce, the GHL will stop the open-ended reallocation

between commercial and guided sport fishermen, address a number of conservation concerns, and provide a measure of stability to the halibut fishery. Guided sport IFQs will address problems related to overcapitalization in the guided sport sector. Extending the existing halibut quota share program to include the guided sport sector, with provisions to recognize the unique nature of the guided sport sector, will resolve future allocation conflicts between the commercial and guided sport sectors, and provide access opportunities for halibut fishermen, processors and consumers.

A preliminary review of the alternatives was distributed to you on September 25. The draft and appendices are also included with this agenda item. Staff has proposed a restructured set of alternatives and requested clarification on a number of decision points (Item C-4(b)(2)).

Staff has also requested that the Council consider rescheduling initial review and final action to February and April 2001. This would allow the staff to incorporate the corrected ADF&G SWHS data and a NMFS-contracted report with university economists which will analyze the likely economic consequences of the ten issues in the proposed charter IFQ program structure. The contracted report is due in early November 2000.

(c) GOACCC IFQ proposal

The Council has also scheduled continued discussion of a proposal to set aside initial charter allocation to 35 Gulf coastal communities. The Executive Summary of that report and list of proposed communities is under Items C-4(c)(1) and (2). The Gulf Coastal Communities Coalition has proposed a draft problem statement, which was considered but not adopted by the Council in April.

GOACCC Proposal Problem Statement

National Standard 8 of the Magnuson-Stevens Fishery Conservation and Management Act directs that "Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts in such communities." Many smaller Gulf of Alaska communities have yet to developed mature halibut charter businesses. The current Elements and Options for Analysis by Council Staff on the halibut charter IFQ issue do not include options allocating, or setting aside quota share for developing halibut charter fisheries in these fisheries-dependant coastal communities, nor do they address the sustained participation of many Gulf of Alaska communities in the halibut charter fishery. Moreover, the current Elements and Options for Analysis do not address the future importance of halibut charter fishing resources to these communities.

A set-aside would redistribute the benefits of a quota system to coastal communities, perhaps at some net loss in overall economic benefit if transfer restrictions created a class of quota share that could only be traded among communities. The distributional impacts would vary depending on the details of the program. As currently proposed, setting aside 10% of the initial charter allocation for communities would dilute the amount of quota share received by charter operators. Also, if the community set-aside is reserved strictly for charter use, then communities would compete directly with the charter industry and not with commercial harvesters. If communities are issued QS in addition to that awarded the charter sector (110%), then commercial harvesters would share some of the distributional burden because of the increase in the quota share pool.

The proposal includes approximately 80 additional options and suboptions for analysis (Item C-4(c)(3)). Staff recommends that if the Council chooses to add Gulf communities as initial issues to

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the analysis, it only add the allocation decision point to the current halibut charter IFQ analysis. If the Council's preferred alternative awards initial issuance of charter QS to communities during final action, it would then initiate a trailing amendment to analyze the details of the administration and management of those community-based QS. Due to the timing of implementation, the entire program would be implemented simultaneously perhaps as early as 2003.

Report of the Scientific and Statistical Committee

The SSC reported that the overall tenor and detail contained in the document are reasonable, however they had several issues that they felt should be addressed, along with extensive comments to the drafters. Please see the SSC minutes, Appendix III to these minutes for detailed comments.

Report of the Advisory Panel

The AP recommended the Council adopt staff recommendations for restructuring the analysis and offered several recommendations for additions or changes to the alternatives. (Please see AP Minutes, Appendix IV to these minutes).

Report of the Halibut Charter IFQ Committee

The Committee met on October 2 to review the preliminary analysis. The committee provided several recommendations for revisions to the analysis. Additionally, the Committee identified that a quantitative analysis of the impacts of the proposed charter IFQ program on anglers should be considered by the Council, although they recognized this may require substantial time and funds. The Committee also recommended that the analysis should be separable for Area 2C and 3A and recommended that the Council consider an IFQ system for Area 3A only, if there is not sufficient support for a program in Area 2C. (The Committee's full report is included as Appendix V to these minutes.)

DISCUSSION/ACTION

Phil Smith, NMFS-RAM Division, provided the Council with a presentation on how the commercial halibut IFQ program and a charter IFQ program might interact. Jane DiCosimo, Chuck Hamel, and Rob Bentz provided a staff overview of the analysis.

Bob Mace moved to adopt the recommendations of the Advisory Panel and to include the recommendations of the SSC. The motion was seconded.

Bob Penney moved to amend to re-schedule initial review of the analysis for the February 2001 council meeting. This was accepted as a friendly amendment.

Captain O'Shea referred to the requirement of a Coast Guard license in several of the eligibility criteria for transfer, but not in the initial allocation option. **Linda Behnken moved to amend to include the requirement that a vessel had to have been operating with a Coast Guard license during the eligibility period (Option 3, Issue 2).** This was accepted as a friendly amendment.

Kevin Duffy moved to amend to delete the recommendation to add technical advisors to the Halibut Charter IFQ Committee as voting members. This was accepted as a friendly amendment.

Linda Behnken moved to request the IFQ Implementation Committee to review the draft analysis and comment to the Council. The motion was seconded and carried without objection.

It was clarified that the original motion included staff recommendations for re-ordering the alternatives.

The main motion, as amended, carried without objection.

C-5 CDQ Program

ACTION REQUIRED

- (a) Review and comment on the State of Alaska's percentage allocation recommendations for selected species for the 2000 CDQ fisheries.
- (b) Initial review to revise the administrative regulations for the CDQ Program.

BACKGROUND

(a) State of Alaska's recommendations for the 2001 CDQ fisheries

The State of Alaska is forwarding to the Council its recommendations for CDQ group allocation percentages for the 2001 and 2002 groundfish fisheries. The State recommendations will be provided during the meeting. This is the first full allocation cycle for all species (groundfish and prohibited species, crab, and halibut) under the multi-species CDQ program. This consultation is required under NMFS regulations before the State may submit its recommendations to NMFS for approval and implementation.

(b) Initial review

The Council will consider an initial analysis of revisions to the administrative regulations for the Community Development Quota Program that have been proposed by the State of Alaska. The revisions would allow the CDQ groups to make some management and economic development decisions without prior review and approval by the State of Alaska and NMFS. In addition, the revisions would clarify whether the State and NMFS have oversight authority over decisions made by businesses in which the CDQ groups are majority owners. The initial review draft of the analysis was mailed to you on September 13. The alternatives are listed below. The CDQ Implementation Committee review the draft analysis at its September 22 meeting. The committee's recommendations are attached.

Alternative 1: Status quo. Do not revise the CDQ Program administrative regulations.

Alternative 2: Implement revisions to the CDQ Program administrative regulations based on the State of Alaska's proposal.

Alternative 3: Implement some of the revisions to the CDQ Program administrative regulations proposed by the State of Alaska, but clarify that oversight of the CDQ Program by the State of Alaska and NMFS *does not extend to* the activities of businesses that the CDQ groups own.

Neither the Scientific and Statistical Committee nor the Advisory Panel addressed this agenda issue.

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DISCUSSION/ACTION

The Council received the recommendations of the State for CDQ allocations for the years 2001-02, and an overview of proposed changes/revisions to the CDQ administrative regulations from Sally Bibb (NMFS) and Jeff Bush and Bryce Edgemon (State of Alaska).

Lisa Lindeman, NOAA General Counsel, briefly reviewed the legal opinion NOAA GC provided on the definition of a CDQ project. Briefly, the opinion concluded that no clear interpretation emerges from a review and legal analysis of the regulatory language or the history of the development of the CDQ regulations. As a result, NOAA GC recommended that the Council, State, CDQ groups, NMFS and the public consider the issue to determine how best to resolve the competing interests.

Linda Behnken moved that the Council express support for the CDQ allocations as recommended by the State and urge the Secretary of Commerce to approve them. The motion was seconded by Robin Samuelsen and carried without objection.

Linda Behnken moved to recommend staff (NMFS & ADFG) continue to work on revisions to the CDQ administrative regulations and request they draft an analysis of what they perceive to be the oversight responsibilities of each, clarifying for the Council any inconsistencies in those responsibilities or existing definitions, and provide the Council with guidance on how to better define those issues. The motion was seconded by Robin Samuelsen and carried without objection.

With respect to timing for the analysis, Council requested that it be provided by the December meeting.

The Council also discussed the make-up of the current CDQ Committee. It was recommended that if the committee is going to be taking on more policy-type issues, all six CDQ groups be included. The Council decided to wait until the issues are better defined in the analysis before deciding on the re-constitution of the current committee, or whether a new policy committee would be appointed.

D. FISHERY MANAGEMENT PLANS

D-1 Groundfish Management

ACTION REQUIRED

- (a) Recommend interim and preliminary specifications for 2001 for the Bering Sea/Aleutian Islands and the Gulf of Alaska.**
- (b) Initial review of Bering Sea/Aleutian Islands FMP Amendment 68: Pacific cod pot gear split (CP/CV) analysis.**
- (c) Progress report on GOA rationalization.**

BACKGROUND

(a) BSAI and GOA groundfish specifications

The preliminary SAFE reports, BSAI and GOA groundfish ABCs and TACs, bycatch apportionments, and halibut discard mortality rates need to be approved and made available for public review and comment. The attached Tables 1 through 6 from the December 1999 newsletter list the 2000 final

specifications (ABCs, TACs, PSC limits, and halibut discard mortality rates) that the Council is considering for approval as preliminary specifications for 2001.

(b) BSAI Pacific cod pot gear split

The current Pacific cod total allowable catch (TAC) in the BSAI is apportioned 51% to fixed gear, 47% to trawl gear, and 2% to jig gear (BSAI Plan Amendment 46). In October 1999, the Council adopted Amendment 64 to the BSAI FMP, which further split the fixed gear Pacific cod allocation (51%) among the fixed gear sectors as follows: 80% to freezer longliners; 0.3% to catcher longliners; 1.4% to pot or longline vessels less than 60 feet LOA; and 18.3% to pot vessels. This action was intended to promote stability in the BSAI Pacific cod fixed gear fishery until comprehensive rationalization is completed. Amendment 64 was approved by the Secretary of Commerce on July 12, 2000, and was implemented by final rule on August 24, effective starting September 1, 2000. As of September 16, the pot cod fishery reported harvesting approximately 27.5% of the total catch from the fixed gear sector. NMFS closed directed fishing for Pacific cod in the BSAI by pot vessels $\geq 60'$ LOA upon implementation of Amendment 64, to prevent that sector from further exceeding their (18.3%) allocation of the fixed gear Pacific cod TAC in 2000. As of September, pot vessels had harvested 20.8% of the annual fixed gear Pacific cod TAC. Although the fishery is now closed to pot vessels $\geq 60'$, pot vessels would not likely target cod heavily in the third season regardless, due to coinciding crab fisheries and the fact that cod are usually dispersed by the fall and not caught as efficiently with pot gear.

At the time the Council approved Amendment 64, they acknowledged that a further split of the Pacific cod pot gear TAC among pot catcher/processors and catcher vessels may be necessary to stabilize the recent harvest distribution corresponding to those sectors, as was done for freezer longliners and longline catcher vessels. However, because the public had not been noticed that this action may take place under Amendment 64, the Council delayed action specific to the pot sector and initiated this follow-up amendment in October 1999.

Amendment 68 would split the 18.3% of the pot gear Pacific cod TAC among pot catcher/processors and pot catcher vessels according to historical catch. The options for analysis consider catch from 1995-1999 and are similar to those previously considered under Amendment 64; the only exception is that 1999 catch data is included, data which was not available at the time the Council took action on the original fixed gear split. The analysis also calculates the options two ways, both including and excluding catch that has been rolled over from other gear sectors. Since the Council has not had the opportunity to modify the alternatives under consideration since Amendment 64, any additional alternatives that the Council would like to see included should be added at this meeting. The Council may also wish to review the problem statement to ensure that it accurately reflects the concerns that need to be addressed.

The analysis was mailed to you on September 15 and is scheduled for initial review at this October Council meeting. Final review is scheduled for December. The options for splitting the pot gear TAC are provided in the executive summary, attached as item D-1(b).

Finally, the estimates of ex-vessel and first wholesale revenue (Tables 4.9-4.11) were made using the 1999 TAC, although the analysis states that the 2000 TAC was used. The 2000 Pacific cod fixed gear TAC was 9% higher than the 1999 TAC. Because a linear equation is used to calculate the revenue projections, the revenue values in Tables 4.9-4.11 would increase by 9% using the 2000 TAC. This discrepancy will be remedied in the final review draft of the analysis, and the tables will be updated using the 2000 TAC. This does not affect the options under consideration to apportion the Pacific cod pot gear TAC.

(c) Progress report on GOA rationalization

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During final action on AFA sideboard measures in December 1998, the Council added a framework proposal submitted by Alaska Groundfish Databank for pollock co-operatives in the Gulf of Alaska to staff tasking, noting that this task would not be started by staff until the committee formed to study this issue has completed its work.

A ten member Gulf of Alaska Co-op Committee convened in April, June, and October, 1999 and April and June 2000. A committee meeting is also scheduled for October 5. A comprehensive amendment proposal was prepared in June 1999. A problem statement was approved in October 1999. A new draft proposal for cooperatives in Regulatory Areas 620-640 was discussed in April 2000 and a revised draft was posted on the Council website in May with a call for counter-proposals and comments. In June 2000, the committee reviewed all the proposals but made no specific recommendations on them. It requested direction from the Council on its mission and requested additional members. The Council added John Henderschedt and Kris Norosz and indicated plans to add an environmental representative to the committee.

The minutes from these meetings and the March 16 and May 9 draft proposals and public comments on them are attached as Items D-1(c)(1) and (2). A summary spreadsheet and descriptions comparing the proposals was prepared by committee member Joe Childers (Item D-1(c)(3)).

It is likely that such a broad program (all groundfish species in Area 620 -640) would take considerable time to develop and implement. Coincident with GOA rationalization, the Council has also noticed the public that it is considering rationalization options specifically for the GOA Pacific cod fisheries. The Council indicated it may wish to initiate more near-term rationalization options specifically for the cod fisheries. Staff compiled some information on the GOA cod fisheries for Council review in June. This is included under Item D-1(c) (4).

To that issue, the committee recommended in June:

A majority of the committee recommended that rationalization be a undertaken through a separate management plan that would supercede any action taken by the Council on GOA LLP. The intent is to not allow LLP changes to subordinate GOA rationalization.

The Council may wish to consider this under the broader scope under Staff Tasking (D-3) later in the meeting.

Report of the Scientific and Statistical Committee

(a) Interim and Preliminary Specifications for 2001 BSAI/GOA Groundfish. The SSC reported that they only briefly reviewed the draft EA/RIR as members did not receive it prior to the meeting. However, the SSC did recommend that the EA be revised to contain an explicit species-specific set of algorithms for setting interim specifications.

(b) BSAI Pacific Cod Pot Gear Split. The SSC received a staff overview of the analysis and provided several suggestions to the drafters for revisions before the document is released to public review. (Please see SSC Minutes, Appendix III to these minutes, for specific recommendations.

Pacific Halibut Discard Mortality. The SSC received a report from Gregg Williams of IPHC on an alternative method of estimating halibut discard mortality. The SSC recommends waiting until the Steller sea lion/Pacific cod issue is resolved before moving ahead on this issue because fishing areas, methods, and time frames may change and thus alter the discard mortality rates.

Report of the Advisory Panel

The Advisory Panel did not address this agenda item because of a lack of time.

DISCUSSION/ACTION

(a) Interim GOA and BSAI Groundfish Specifications for 2001

Jim Balsiger pointed out that the tables provided in the Council briefing books showing specifications for the year 2000 differ from those provided by NMFS staff in tables distributed at this meeting. The tables in the notebook reflect the Council action last December for the year 2000 groundfish fisheries. The tables distributed at this meeting by NMFS staff reflect changes made during the year as a result of Steller sea lion/ pollock RPAs and Pacific cod differs because accounting for the state water Pacific cod fishery was accomplished after the publication of the original tables.

Linda Behnken moved to approve the interim and preliminary groundfish specifications for the 2001 for the Bering Sea/Aleutian Islands and Gulf of Alaska, as shown in the tables distributed by NMFS staff. The motion was seconded by Robin Samuelsen and carried without objection. These tables are provided in Appendix VI to these minutes.

Robin Samuelsen noticed the Council that he will bring up prohibited species caps for salmon in both the BSAI and GOA at the December meeting and would like staff to provide an analysis of steps that could be taken to restrict chinook bycatch caps in the GOA such as those in the BSAI. Council members deferred discussion of this until staff tasking.

It was noted that no Council action is required with respect to the bycatch standard rates as proposed by NMFS unless changes are warranted. Council members had no changes to recommend.

Bob Mace moved that drafters of analyses be urged to provide documents to the SSC at least two weeks prior to the meetings for advance review. The motion was seconded by Linda Behnken and carried without objection.

(b) BSAI Pacific Cod Pot Gear Split

The Council deferred action on this issue until the December meeting.

(c) GOA Rationalization

The Gulf Rationalization Committee met in June and received clarification of legal authorities from NOAA General Counsel and public comments. The Committee recommended that the Council eliminate latent license in the GOA using a recency requirement as soon as possible. The Committee also recommended that the Council begin to develop a rationalization plan for the GOA that will facilitate:

1. the continued participation of long-time fishermen and processors; and
2. the long-term survival of coastal fishing communities.

The Committee indicated that members would provide proposals for committee review during the February Council meeting and then will propose a menu of options to the Council for analysis.

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Linda Behnken moved to rename the Gulf Co-op Committee as the 'Gulf Rationalization Committee,' and that the chairman reassign committee members to include all gear types: 9 groundfish members, and a representative of the conservation community. The reconstituted committee would work from the problem statement adopted by the Council at the June 2000 meeting and report back to the Council with recommendations for alternatives. The motion was seconded and carried without objection.

D-2 Crab Management

ACTION REQUIRED

- (a) Review the Crab SAFE and report of Crab Plan Team.
- (b) Progress report on co-op development and buyback.

BACKGROUND

(a) BSAI Crab SAFE

The Crab Plan Team recently assembled a Stock Assessment and Fishery Evaluation (SAFE) report for king and Tanner crab stocks of the Bering Sea and Aleutian Islands. The SAFE details the current biological and economic status of fisheries, guideline harvest levels (GHL), and support for different management decisions or changes in harvest strategies. Copies of the SAFE have been distributed.

A summary of the 2000 survey results is attached as Item D-2(a)(1). Overall, the status of BSAI crab stocks is poor. Three stocks (Bering Sea *C. bairdi*, *C. opilio*, St. Matthew blue king crab) remain below the minimum stock size threshold (MSST) established. One additional stock (Pribilof Islands blue king crab) appears to be approaching MSST, so a rebuilding plan may need to be developed for this stock as well. Not all the news is bad, however, as early signs of recruitment were observed for *bairdi*, *opilio*, and Bristol Bay red king crab.

In addition to preparing the SAFE report, the Crab Plan Team also reviewed a proposal for bycatch reduction and habitat protection by the Alaska Marine Conservation Council (AMCC). This review was requested by the Council in June. The team recommended that additional analysis of this proposal was unwarranted at this time. The plan team minutes are attached as Item D2(a)(2).

(b) Crab Co-op Development and Buyback

Further development on both these initiatives has continued within the industry committees that were formed last year, and which have been facilitated by Council members Fluharty and O'Leary. On the buyback front, there still appears to be support at the Congressional level for some type of legislated crab permit buyback, supported by some combination of loans, federal appropriations, and possibly use of the Capital Construction Fund. A draft bill was circulated in September when the industry buyback committee met, and that draft is included under Item D-2(b)(1). Recall also that formal submittal and approval of the Council's October 1998 recency actions with regard to crab LLP qualification has yet to occur, and it is likely that will need to be implemented before any actual buyback can occur. Industry members who are deeply involved in that process may be able to update the Council further.

Regarding developments on the co-op front, the industry co-op committee also met again in September, with their discussions focused on some fundamental, major issues, particularly the issues of processor inclusion, hired skippers, and communities. While co-ops were the original focus of this initiative, a potential IFQ program, or two-pie IFQ program, now seems to have taken center stage in those discussions. There are also, I understand, continued efforts at the

Congressional level for some type of legislative direction on crab IFQs. In September you voted to send a letter to the Secretary of Commerce, with copies to the Congressional delegations, regarding the development of co-ops or IFQs in the event the current moratorium is lifted. A copy of that letter is included under Item D-2(b)(2).

Following your direction from the June meeting, Council staff developed an interactive database (CRABSAM) which was made available to the industry in August so that they could assess various catch history and processing history alternatives being discussed. In June you also had some discussion of formalizing the development of crab co-ops or IFQs within the Council process, which could include initiating analyses and possibly appointing a more formalized Council committee to facilitate that development. I think where we go from here depends on what comes out of Congress in terms of Magnuson-Stevens Act reauthorization, or other Congressional actions, along with consideration of other staff tasking issues to be discussed at this meeting. Final resolution of the Council's October 1998 crab LLP recency requirements may also impact the speed and direction of crab co-op or IFQ development.

Additional materials distributed at the September industry meeting are included under Item D-2(b)(3).

The Advisory Panel did not address this agenda item because of a lack of time.

Report of the Scientific and Statistical Committee

The SSC commended the Crab Plan Team for continuing improvement of the Crab SAFE, and in examining crab overfishing definitions.

Report of the Crab Plan Team

The Plan Team met to review current survey data and rationale for the 2000/2001 GHs. The Team also noted that the 2001 Crab SAFE includes additional chapters – on bycatch, habitat (distribution maps), crab model structure details, and improvements to the Executive Summary. As requested by the Council, the Team also reviewed a proposal from the Alaska Marine Conservation Coalition to reduce opilio bycatch limits in trawl fisheries and prohibit trawling in areas with opilio crab. The Team voted unanimously that current snow crab bycatch control measures for trawl fisheries were sufficiently conservative, and there is no compelling reason to modify these measures at this time.

DISCUSSION/ACTION

Linda Behnken moved that the Council establish a BSAI Crab Rationalization Committee. The motion was seconded and carried without objection. She suggested that until the Council develops a problem statement, the committee could begin to help the Council formally identify the problem and help to identify elements and options to pursue.

Linda Behnken moved to ask the Crab Plan Team to look at the bycatch increase in the COBLZ (C. Opilio Bycatch Limitation Zone) and to analyze crab bycatch in Area 517 to determine whether that boundary line should be adjusted, and to report back to the Council. The motion was seconded by Kevin O'Leary and carried without objection. As to timing, Ms. Behnken asked only that the Plan Team address this at its next meeting.

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D-3 Staff Tasking

BACKGROUND

We last discussed the status of staff tasking at the June meeting in Portland, where we gave you an extensive assessment of staff workloads, staff hours spent on various projects over the past two years, and our assessment of what could realistically be done between June and October, given existing, priority assignments and staff availability. Based on those discussions you gave us limited new tasking assignments, most of which have been completed. Additional analyses related to crab processing sideboards, and to groundfish processing sideboards/pollock processing excessive share caps has been completed, with Council action also complete or scheduled for completion at this meeting. The Cook Inlet bottom trawl ban has also been completed with Council action in September. It and the DSR retention amendment each need about another week of work by Council staff before we forward it to NMFS. As reported under D-2, Council staff compiled preliminary data related to historical crab harvest and processing in an interactive database which was made available in August.

Two regulatory amendments related to the P. cod fisheries, which were identified as candidates for outside contract help, have not been initiated, partly due to the pending P. cod/SSL measures which could affect the necessity and direction of those actions. The proposed split of the BSAI P. cod pot sector allocation, between catcher processors and catcher vessels was also identified in June for possible contract help; however, Council staff were able to complete that analysis over the summer for initial review at this meeting. A proposal for three separate sideboard pools, originally raised last February, was put on hold in June for future consideration, pending industry efforts to resolve sideboard issues. Council staff involvement in the comprehensive SEIS project is mostly complete, with some potential input required in the next few weeks. We do still have to complete our FMP updates as a parallel part of the SEIS project, which is expected to take three to four weeks of overall staff time over the next month or so. We have also devoted staff effort over the summer to the AFA EIS and to Observer Program issues. The halibut charter IFQ analysis remains the most significant tasking item at this time, for the next two to three months. A brief summary of each staff persons' major tasking for the next few months follows:

David Witherell will be working, along with Cathy Coon, on the HAPC stakeholder process this fall and winter, along with initial development of a salmon bycatch package as discussed in September (pending your further direction). It appears we will also have to do an EIS relative the EFH designation, though the timing on that is uncertain. The BSAI FMP update also has to be completed, and David has Groundfish and Crab Plan Team responsibilities this fall. He also staffs the Ecosystem Committee and associated issues. Cathy is also assisting NMFS with data and GIS related portions of the P. cod/SSL analysis. She may be available for additional projects this fall.

Jane DiCosimo, along with Chuck Hamel, will be fully subscribed with the halibut charter IFQ analysis at least through December. Depending upon discussions under agenda item C-4, and given the expectation of revised data and related, outside analyses in early November, it may be more realistic to schedule this issue for formal initial review in February, and final action in April. The potential GOACCC proposal to allocate charter QS to communities would likely require a trailing amendment, or would expand the existing amendment analysis. The shark/skate package would also require 2-3 weeks of her time to complete, though that could be postponed until after the new year. Jane also has Plan Team duties this fall and is the staff person for the GOA rationalization initiative and the IFQ and CDQ committees, and is overseeing the GOA FMP update. Chuck's other duties include staffing the Socio-economic Data Committee and tracking initiatives associated with that Committee.

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Nicole Kimball is going to be working on the FMP updates mentioned above, and may assist with parts of the halibut charter IFQ analyses. I also expect her to be taking over some of the AFA related burden in the foreseeable future, and she also will be working on Observer Program related issues. Based on our September discussions, we expect that to be a fairly major agenda item in February, with staff work in December and January to respond to various Observer Committee information requests. She has some availability this fall for other projects.

Darrell Brannan, despite his move to Florida, is still working for the Council and will be available to us, fortunately, for another month or so. He has been working behind the scenes in August and September on the AFA EIS, and on a preliminary report to Congress on AFA implementation. This is a very preliminary report as 2000 is the first year of full pollock co-op implementation. After we receive the end-of-year co-op reports, and have time this fall and spring for further research and analysis, we expect to submit a complete report to Congress by March 2001. For Darrell's remaining time with us I expect him to be working on that project, helping finalize the AFA EIS, and helping to finalize RFPs and SOWs related to longer-term outside contracts with our AFA funds, which would occur in 2001. These issues are also where I expect a lot of my time to be devoted, in addition to other administrative and fall budgetary items.

Elaine Dinneford, along with our computer systems/network manager Diane Provost, will continue to provide data support for all of the existing and new projects. She also has an extensive tasking outline related to the long-term compilation, management, and improvement of our various fisheries databases. Helen, Gail, and Maria will continue, as you know, to provide the necessary finance, administrative and clerical staff support that really makes all of this happen. Our new economist, Maria Tsu, will need time this fall to come up to speed on our fisheries issues and process, but could likely contribute to existing or new projects to some extent between now and February.

Item D-3 (a) is a summary of existing and potential tasking in a format similar to the one we provided last June (again, this does not take into account any NMFS staff workload). I have identified the completion level of existing tasks, estimated where possible the required staff time for existing and potential new tasks, and estimated available staff time between now and February. Our Council meeting schedule this fall really impacts staff availability as well, given the time to prepare for meetings, staff them, and follow-up after them. I believe that there is some limited staff time available for new projects at this time, but there are two or three major projects on the potential tasking list that probably cannot proceed very far until after the new year. For your reference I have copied the proposals from last year's cycle, including IFQ program proposals, under Item D-3(b). We did not call for new proposals this past summer. Item D-3(c) is the letter we sent to Governor Knowles after the September meeting, regarding our discussions of salmon bycatch and development of possible reduction measures. As reflected in that letter, I would expect the Council to provide specific direction on that project at the December meeting, when we have the co-op reports and a more detailed proposal from industry.

Outside contracting has some potential, though our baseline Council budget for this year is tapped out with the additional meetings this fall, and our existing AFA funds are earmarked for longer-term projects, including some outside help on portions of the AFA report to Congress. Our 2001 budget is still up in the air, though we may be getting an increase, and we also may be getting some additional AFA funding, but that will not be available to us until January. I recommend we address staff tasking as a major agenda item again at the February 2001 meeting, after the dust has settled a bit from this fall and our hiring and budget picture are resolved.

Neither the SSC nor the AP discussed this agenda issue.

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DISCUSSION/ACTION

Sue Salvesson reviewed NMFS staff tasking and advised the Council that any new tasking at this point would have to be prioritized by the Council and at the expense of other actions currently awaiting completion.

Linda Behnken moved that the Council adopt the additional options provided by the Gulf of Alaska Community Coalition for the Halibut IFQ analysis, but not to task staff at this time. The motion was seconded by Kevin Duffy and carried without objection. [Dr. Fluharty was absent] The intent is to add it to the tasking list to be discussed in December.

Linda Behnken moved that as an alternative to processor sideboards, the Council schedule for February a Council discussion of modifications to the Bering Sea Improved Retention/Improved Utilization program as well as bycatch reduction measures. The public would be notified that at that time the Council will identify a problem statement and options and alternatives for analysis. The motion was seconded by Kevin O'Leary and carried without objection. [Dr. Fluharty was absent]

Dennis Austin moved to add the Midwater Trawler's proposal to allow an AFA vessel from one co-op to lease quota from another co-op with concurrence of all co-op participants to the future tasking list, targeting implementation for 2002. The motion was seconded by John Bundy, and failed, 7 to 3, with Austin, Bundy and Benton voting in favor. [Dr. Fluharty was absent]

Kevin O'Leary moved to request the Crab Rationalization Committee to review and refine a draft problem statement, with elements and options, for the BSAI crab fisheries provide to the Council at the February 2001 meeting. The Problem Statement would read as follows;

Draft Problem Statement for the Bering Sea/Aleutian Islands Crab Fisheries

The crab fisheries in the BSAI are fully utilized despite amendments to the License Limitation Program and American Fisheries Act sideboards for the crab fisheries. The capacity in the crab fisheries far exceeds the available resources. The ability for crab harvesters to diversify into other fisheries has been severely curtailed under the License Limitation Program and other management actions designed to bring stability to other gear groups and species. Many of the concerns identified by the North Pacific Fishery Management Council in 1992 still exist for the Bering Sea/Aleutian Islands crab fisheries, including: resource abundance problems, excess harvesting capacity, bycatch mortality and deadloss, safety, and economic stability. As a necessary step in the continued process of comprehensive rationalization prompt action is required to protect crab resources and promote stability for those dependent on the crab fisheries which harvesters, processors, and coastal communities.

The Committee would be tasked to bring back the problem statement to the Council at the February meeting with elements and options for analysis to rationalize the Bering Sea crab fisheries, building upon, by not restricted by the work done by the current ad hoc Crab Committee. Based on Council review of the Committee's work in February the Council may task staff to develop an analysis for rationalization of the Bering Sea crab fisheries.

The motion was seconded by Linda Behnken and carried with Mace objecting. [Dr. Fluharty was absent]

Kevin O'Leary moved to request the Gulf Rationalization Committee to meet to review and refine options for analysis based on the June 19, 2000 problem statement adopted by the Council and to

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report back to the Council in February if possible. The motion was seconded by Linda Behnken and carried with Samuelsen objecting. [Dr. Fluharty was absent] Mr. O'Leary suggested that options to be considered should include, but not be limited to, IFQs, cooperatives, and recency requirements to the current license limitation program. The Council also recommended the Chairman revise the committee (see agenda item D-1).

Robin Samuelsen suggested that the Council needs to develop a rating method for proposals brought forward; i.e., conservation concerns, Congressional mandates. He suggested that Council staff might make some suggestions for such a rating program.

E. ADJOURNMENT

There being no further business before the Council, Chairman Benton adjourned the meeting at approximately 4:20 p.m. on Sunday, October 8, 2000.

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**146th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
OCTOBER 4-8, 2000
Sitka, Alaska**

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- II Council Action on Halibut Subsistence
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