MINUTES

178th Plenary Session
North Pacific Fishery Management Council
October 4-9, 2006
Grand Aleutian Hotel
Dutch Harbor, Alaska

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APPENDICES:

North Pacific Fishery Management Council

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Certified _____
Stephanie Madsen, Chair

Date Dec 12, 2006

MINUTES

178th Plenary Session
North Pacific Fishery Management Council
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The Grand Aleutian Hotel
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The North Pacific Fishery Management Council met October 4-9, 2006 at the Grand Aleutian Hotel in Dutch Harbor, Alaska. The Scientific and Statistical Committee met October 2-5 at the same location, and the Advisory Panel met October 2-7, 2006 at the UniSea Central Building, also in Dutch Harbor. The following Council, staff, SSC and AP members attended the meeting:

Council Members

Stephanie Madsen, Chair
Sue Salveson for Jim Balsiger
Dave Benson
John Bundy, Vice Chair
McKie Campbell/Earl Krygier
Lenny Corin
Doug Hoedel
Roy Hyder
Bill Tweit for Jeff Koenings
Eric Olson
ADM Brooks/CAPT Mike Cerne/
and CDR Lisa Ragone
Ed Rasmuson
Kevin Riddle

Dave Hanson was unable to attend; one seat is vacant pending replacement of Arne Fuglvog, who resigned following the June meeting.

NPFMC Staff

Gail Bendixen
Cathy Coon
Jane DiCosimo
Elaine Dinneford
Diana Evans
Mark Fina
Nicole Kimball
Jon McCracken
Chris Oliver
Jim Richardson
Maria Shawback
Diana Stram
Bill Wilson
Dave Witherell

Support Staff/Presentations

Lauren Smoker, NOAA-GCAK
Lisa Lindeman, NOAA-GCAK
Jay Ginter, NMFS-AKR
Herman Savikko, ADF&G
Kaja Brix, NMFS-AKR
Sally Bibb, NMFS-AKR
Jeff Passer, NMFS Enforcement
Kristen Mabry, NMFS-AKR
Rachel Baker, ADF&G
Ben Muse, NMFS-AKR
Jason Gasper, NMFS-AKR

Scientific and Statistical Committee

Gordon Kruse, Chair
Keith Criddle
Mark Herrmann
Sue Hills
Anne Hollowed
George Hunt
Seth Macinko
Pat Livingston, Vice Chair
Franz Mueter
Steve Parker
Ken Pitcher
Terry Quinn II
Farron Wallace
Dave Woodby

Advisory Panel

Al Burch
Lisa Butzner
Joe Childers
Craig Cross
Julianne Curry
Tom Enlow
Duncan Fields
Bob Gunderson
John Henderschedt
Jan Jacobs
Simon Kinneen
Kent Leslie
Matt Moir
John Moller
Jeb Morrow
Ed Poulsen
Michelle Ridgway
Lori Swanson

The following members of the public registered their attendance: (Very few people registered attendance at this meeting; however, Appendix I shows persons present to give public comment.)

Paul MacGregor
Frank Kelty
Arni Thomson
Thorn Smith
Gerry Merrigan
Kris Norosz
Brent Paine
Shirley Marquardt
Lori Swanson
Jim McManus

A list of persons giving public comment during the meeting is attached as Appendix I to these minutes.

A. CALL TO ORDER

Stephanie Madsen, Council Chair, called the meeting to order at approximately 8:09 a.m. on Wednesday, October 4, 2006.

Agenda. The agenda was approved as published.

Oath of Office. Sue Salveson administered the Oath of Office to Ed Rasmuson, who was reappointed to a second 3-year Council term.

Election of Officers. Earl Krygier moved to re-elect Stephanie Madsen to serve as Chair and John Bundy as Vice Chair for the next year. The motion was seconded and carried unanimously.

Minutes. Minutes of the June 2006 meeting were approved as submitted.

B. REPORTS

The Council received the following reports: Executive Director's Report (B-1), NMFS Management Report (B-2); U.S. Coast Guard Report (B-3); ADF&G Report (B-4); U.S. Fish and Wildlife Report (B-5), U.S. Dept. of State Report (B-6), and Protected Species Report (B-7). Following are brief recaps of discussion or action take during reports:

Executive Director's Report

Report on Adak Pollock fishery. Sandra Moller, Aleut Enterprise, LLC, provided a brief oral review of a written report on the 2005/2006 Adak pollock fisheries, as requested by the Council. Ms. Moller reported that disappointing catches to date can be attributed to closures to pollock fishing inside the SSL critical habitat areas in the Aleutian Islands. The Aleut Enterprise Corporation continues to work with the Council's Steller Sea Lion Mitigation Committee to find acceptable solutions.

Executive Director Chris Oliver also briefed the Council on MSA reauthorization and other issues of Council interest.

NMFS Management Report

Jay Ginter reviewed the status of current amendments in process. He advised that a hearing has been scheduled on the Amendment 79 litigation for October 24 in Washington, DC; the plaintiffs have asked for a decision by the end of the year. Mr. Ginter reported that the Agency will proceed with Amendment 85 and wait to see if provisions of the Coast Guard Act will affect Amendment 80 before proceeding on that amendment. The Agency intends to proceed with Amendment 80 when and if Amendment 85 is approved.

Josh Keaton briefed the Council on the Interagency Electronic Reporting System (IERS) in Alaska. He reported that an estimated 95% of groundfish operations in Alaska are now voluntarily using the system.

U.S. Coast Guard Report

Admiral Brooks stressed that that the Coast Guard continues to urge the Council to move forward with a comprehensive VMS program as the Coast Guard views it critical for long-term sustainability of the fisheries, with regard to enforcement, as well as for safety purposes. The Admiral reported that over 90% of commercial crab fishing vessels are in the Alaska fisheries are in compliance with safety regulations,

diminishing the need for bringing in resources from outside Alaska for the beginning of the fishery as was necessary before the rationalization program was implemented.

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

Alaska Dept. of Fish & Game Report

Herman Savikko provided a report on the status of State fisheries of Council interest occurring since the last Council meeting as well as proposals of Council interest that will be discussed at the upcoming Board of Fisheries meeting.

The Council agreed that the previous letter sent to the Alaska Board of Fisheries, dated September 26, 2006 and found under item C-1 in the Council notebook, conveys the Council's concerns with regard to pending proposals before the Board and no further letter is needed. Council and NMFS staff will attend the Board meeting.

Bill Tweit requested that in December ADF&G provide an overview of Pacific cod, statewide: the GHL, catch, rollovers, and final disposition of rollovers.

USF&W Report

Lenny Corin provided a written report to the Council which included updates on the North Pacific Pelagic Seabird Observer Program, Kittlitz's murrelet, Pacific Walrus Survey, the Northern sea otter, and the North Pacific albatross.

U.S. Dept. of State Update

Kevin Riddle was introduced as the Council's new representative from the State Department on the retirement of Stetson Tinkham. Mr. Riddle served in the Coast Guard in Alaska and is familiar with fishing activities within the State. Mr. Riddle reported on fisheries-related international meetings for the past year and those planned in the future.

Protected Species Report

Larry Cotter, Chair of the Council's SSL Mitigation Committee, provided comments to the Council relating to issues the Committee will consider at its next meeting. Mr. Cotter advised the Council of concerns raised that some conclusions made in the FMP level consultation/Draft Biop for the groundfish fisheries may be based on assumptions that may not be accurate. The Committee will discuss this with agency staff during its next meeting October 30-November 1.

Sue Salveson pointed out that the document is a draft at this point and will evolve into an agency document with appropriate agency and peer review. When the Council gets a final draft it will include input from the Agency, peer reviewers, the Council's SSC, and other interested parties.

Mr. Krygier stressed that an ecosystem approach is appropriate and that cyclical changes affecting the predator-prey relationships and carrying capacity should be taken into consideration.

Regarding Council input into the process, Ms. Madsen advised that an updated draft Biop will not be available until December 1 and that the Council will not have sufficient time to review it before the December meeting. The Council will discuss the draft in February 2007 along with a report from the SSL

Mitigation Committee. The Council should have committee proposals for mitigation measures for Council consideration at the April meeting.

Sue Salveson advised that the Agency may have a brief report in December on the peer review schedule and other issues relating to the draft BiOp.

Ms. Madsen asked staff to review the literature currently listed in the compendium to the report and cross reference that with what is referred to in the document.

FORMAT FOR COUNCIL MEETING MINUTES FOR 'C' AND 'D' AGENDA ITEMS

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

C. NEW OR CONTINUING BUSINESS

C-1 Steller Sea Lion Management

ACTION REQUIRED

(a) Review revised Proposal Ranking Tool (SSC only).
(b) Receive report on proposals received by SSL Mitigation Committee.

BACKGROUND

(a) Proposal Ranking Tool

At its June 2006 meeting, the Council received a report from its Steller Sea Lion Mitigation Committee (SSLMC) on the Committee's efforts to prepare for receiving proposals for changes in commercial fishing regulations that may affect the Steller sea lion (SSL). The SSLMC recommended to the Council that a Call for Proposals be announced, and the Council approved issuing the Call. This Call for Proposals, issued immediately after the June Council meeting, notified the public that the Council intends to consider proposals to change SSL protection measures in the Pacific cod, Atka mackerel, and pollock fisheries in the GOA and BSAI. Additional information about the proposals we have received is provided in the next part of this report.

In preparation for the proposal review process, the SSLMC has been working on a Proposal Ranking Tool (PRT) to use as a method for reviewing and ranking proposals for changes in SSL protection measures. The SSC recommended developing a tool that incorporates a multi criteria analysis process, and the SSLMC has been working with Dr. Peggy Merritt of Research Decision Support to develop a tool that incorporates SSC recommendations. The SSLMC will need a model that takes into account knowledge of SSL behavior and feeding ecology as well as information on commercial fishery interactions with SSLs. The model the SSLMC is developing is based on the Analytic Hierarchy Process (AHP). AHP is a technique for examining an issue by structuring the problem into a hierarchy and prioritizing the elements of that problem. In the case of reviewing proposals, the process involves identification of the goal of the process, identification of the factors that influence SSLs and factors that benefit the fishery, and then use software to combine rankings to determine a score for each proposal. AHP provides a transparent process for conducting this ranking.

The SSLMC met July 25-27 to develop a draft PRT (minutes of that meeting are Item C-1(a)). The tool was then presented to the SSC during the SSC's August 15-16 meeting in Juneau. At that meeting the SSC made suggestions for improving the model; the SSLMC met August 28-30 to review the SSC comments and to build a revised PRT that incorporates the SSC recommendations. The tool was further refined and a series of sensitivity tests were conducted in the September 12-14 SSLMC meeting. Several test proposals were run through the model to familiarize the Committee with its operation. A revised draft report on the PRT is attached as Item C-1(b).

At this meeting, the SSLMC will present the tool as it is currently configured to the SSC for their review and comment. Once the Committee receives SSC input and concurrence with this approach, the Committee will begin using the PRT in its process of reviewing proposals.

(b) Proposals Received by SSL Mitigation Committee

As described above, the Council issued a Call for Proposals and placed a deadline for receiving proposals of August 18, 2006. The Council received 29 proposals. The Council may receive additional proposals from the Alaska Board of Fisheries (BOF). The State of Alaska notified the Council that the BOF will consider a series of proposals for regulatory change in the groundfish fisheries in State waters, some of which may affect adjacent Federal fisheries and Federal SSL protection measures. The BOF will meet October 12-13 in a work session and October 14-15 to take up a group of groundfish fishery proposals for the Cook Inlet and Aleutian Islands areas. Another group of groundfish fishery proposals for the Alaska Peninsula area may be taken up by the BOF at a future Board meeting. The SSLMC plans to meet immediately after the BOF's October 14-15 meeting to review the Board's action and to incorporate into the proposal review process any proposals that the BOF intends to move forward.

The package of proposals was sent to the Council in a mailing early in September; a listing of those proposals is attached as Item C-1(c). Staff will present a brief overview of the proposals. The SSLMC will eventually review and analyze these proposals, once the Proposal Ranking Tool is approved and the SSLMC receives the draft BiOp. Currently the schedule calls for SSLMC recommendations on the proposals to be presented to the Council at its February 2007 meeting.

Report of the Scientific and Statistical Committee

The SSC commended the SSLMC and staff for the substantial effort invested in the development of the proposal review tool (PRT) for SSL mitigation measures, recognizing that many of the data required by the model are either not readily available, or data that SSL biologists have not agreed upon. However, the SSC recommended that the PRT continue to be refined as the SSLMC moves forward with its review of proposals. The SSC had several suggestions and comments for the committee and staff with regard to the PRT development. Please see the SSC Minutes, Appendix II to these minutes, for those comments.

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

COUNCIL DISCUSSION/ACTION

[NOTE: Mr. Tweit and Mr. Krygier participated in this discussion for Dr. Koenings and Mr. Campbell, respectively.]

The Council received an overview of the PRT from Kristen Mabry, NMFS-Alaska Region, and a review of current mitigation proposals being discussed in the Steller Sea Lion Mitigation Committee. This was an information-only agenda item; no action was required. However, Council members did have some comments under the Protected Species agenda item (B-7).

C-2 CDQ Program

ACTION REQUIRED

Report on 2006 Coast Guard Act (P.L. 109-241)

BACKGROUND

At the June meeting, staff provided the Council with a status report of pending Congressional legislation that would make significant changes to the western Alaska Community Development Quota (CDQ) Program. The Council subsequently recommended that staff wait for the outcome of

this legislation before doing further work on BSAI Amendment 71, as many primary issues currently under consideration would be determined by Congress and negate the need for further analysis or development of alternatives. In addition, the Council requested, should the bill pass over the summer, that staff provide a detailed report at the October 2006 Council meeting on the implications for the CDQ Program and non-CDQ fisheries. The Council's action at this meeting is to receive such a report. This report will be handed out at the Council meeting.

On July 11, 2006, the President signed the Coast Guard and Maritime Transportation Act of 2006 (the Coast Guard Act). Section 416(a) of the Coast Guard Act revises section 305(i)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) by replacing all of the existing language in this section with new language. The MSA amendments and associated legislative history are attached as Item C-2(a).

The MSA amendments address all aspects of management and oversight of the CDQ Program, as outlined in Table 1 below. Some of the provisions of the Act are relatively complicated and require significant analysis and/or legal interpretation from NOAA GC. Most of these MSA amendments will require revisions to Federal regulations that will be implemented through proposed and final rulemaking. The Council will also need to amend the BSAI Groundfish FMP and BSAI King and Tanner Crab FMP. For the purpose of this report, staff has divided the provisions in the Act into four general categories (allocations, fisheries management, decennial review, administrative/oversight) that staff proposes be implemented through six separate FMP and/or regulatory amendments. See Table 1 below for details. Each of the issues described below, including the plan for implementation, is detailed further in the status report that will be handed out at this meeting.

Table 1. Sub-paragraph reference and subject of amendments to section 305(i)(1) of the MSA made through the 2006 Coast Guard Act

Sub-paragraph of section 305(i)(1)	Subject of MSA requirements	Issue category	Federal vehicle for implementation
(A)	Purpose of the CDQ Program.	Admin & oversight	Am. 71/22
(B)(1)(i)	Current allocations to the CDQ Program and how those allocations are managed.	Allocations	No regulatory revisions identified
(B)(1)(ii)	Allocations to the program under future sector allocation and rationalization programs or upon the establishment of new BSAI fisheries.	Allocations	BSAI Am. 85 BSAI Am. 80
(B)(iii)	Processing and other rights related to CDQ allocations.	Allocations	No regulatory revisions identified
(B)(iv)	Restrictions on the regulation of harvest of halibut, fixed gear sablefish, pollock, and crab CDQ allocations.	Fisheries management	Regulatory amendment
(C)	Percentage allocations of groundfish, halibut, and crab among the CDQ entities (CDQ groups).	Allocations	FR notice
(D)	Specific list of the 65 eligible villages and the six CDQ groups through which each may participate in the program.	Admin & oversight	Am. 71/22
(E)(i)	Requirements for CDQ entity's board of directors.	Admin & oversight	Am. 71/22
(E)(ii), (vi)	CDQ entities must elect CDQ Panel representatives and comply with requirements established by CDQ Panel.	Admin & oversight	Am. 71/22
(E)(iii)-(v)	Allowable investments, limits on non-fisheries investments, statement of compliance.	Admin & oversight	Am. 71/22
(F)(i)	Excessive share ownership, harvesting, or processing limitations in BSAI fisheries.	Fisheries management	FMP/Regulatory amendment #2[1]
(F)(ii)-(iv)	Compliance with and exemptions from certain State laws.	Admin & oversight	No Federal regs identified
(G)	CDQ Panel membership, functions, and decision making.	Admin & oversight	No Federal regs identified
(H)	Decennial review and adjustment of entity allocations.	Decennial review	FMP/Regulatory amendment #3[1]
(I)	Approval of community development plans and amendments not required.	Admin & oversight	Remove current regulations through Am. 71/22
(J)	Community development plan defined.	Decennial review	FMP/Regulatory amendment #3[1]

[1]This denotes a second FMP/regulatory amendment package to implement the fisheries management changes, and a third FMP/regulatory package to implement the decennial review. Both are separate amendments from BSAI Am. 71/22.

Several additional documents related to effects of the Coast Guard Act are attached to this memo for reference.

- **Federal Register notice (8/8/06)**
- **NMFS letter to the State regarding decennial review of allocations (7/28/06)**
- **NMFS letter regarding Federal Advisory Committee Act (FACA) (8/22/06)**
- **NMFS letter suspending certain regulations related to community development plans (CDPs) and amendments (8/30/06)**
- **Letter from Yukon Delta Fisheries Development Association (YDFDA) regarding observer regulations (9/15/06)**

First, NMFS issued a Federal Register notice (Item C-2(b)) on August 31, 2006, to inform the public about the CDQ percentage allocations among the six CDQ groups that are in effect as a result of the Coast Guard Act. Subparagraph (C) of the Act establishes percentage allocations for groundfish, crab, and halibut allocated among the CDQ groups at those percentage allocations in effect on March 1, 2006. Note that the allocations in effect as of March 1, 2006, are the same CDQ and PSQ (prohibited species quota) percentage allocations for all quota categories originally approved by NMFS as part of the 2003–2005 CDQ allocation process. While those CDQ and PSQ percentage allocations originally expired at the end of December 2005, NMFS issued an IAD (8/8/05) that removed the expiration date. This administrative determination established the CDQ percentage allocations that were in effect on March 1, 2006, for all BSAI groundfish, halibut, and prohibited species, as well as for all crab species except Eastern Aleutian Islands golden king crab and Adak red king crab. These two crab species were added to the CDQ Program as part of crab rationalization, and CDQ group allocations for these species were implemented through a final agency decision in October 2005. In addition, the Federal Register notice provides information about the percentage allocations for PSQ allocated among the CDQ groups that were not affected by the MSA amendments, but continue in effect under an administrative determination issued by NMFS on August 8, 2005.

Second, NMFS sent a letter to Commissioner Noll of the Department of Commerce, Community and Economic Development at the State of Alaska (Item C-2(c)) in July. This letter refers to subparagraph (H) of the Act, which requires that the State of Alaska conduct the decennial review (starting in 2012) of the CDQ groups and make any adjustments to allocations that result from the review under State law. No role is required for the Secretary of Commerce in the review or allocation adjustment unless State law prevents the State from undertaking this responsibility. The letter from NMFS to the State outlines this provision of the Act and asks for a written legal determination by the State as to whether it has the legal authority to adjust CDQ allocations consistent with the requirements of the MSA. This determination will assist NMFS and the Council in determining whether FMP and/or Federal regulatory amendments are necessary to implement this provision.

Third, subparagraph (G) of the Act establishes a new entity, the CDQ Panel, whose membership consists of one representative from each of the six CDQ groups. The panel is established to: "(I) administer those aspects of the program not otherwise addressed in this paragraph, either through private contractual arrangement or through recommendations to the North Pacific Council, Secretary, or the State of Alaska, as the case may be; and (II) coordinate and facilitate activities of the entities under the program." Prior to convening, the CDQ groups requested a legal determination about whether the Federal Advisory Committee Act (FACA) applies to the CDQ Panel. For reasons outlined in NMFS's response (Item C-2(d)), NMFS has determined that FACA does not apply to the CDQ Panel.

Fourth, on August 3, the State sent a written request to NMFS for a determination on whether approval of substantial amendments to CDPs is still required under the recent MSA amendments. This request was spurred by two substantial amendments that were proposed and submitted by a CDQ group to the State. NMFS's response is provided as Item C-2(e). NMFS determined that

certain regulations related to the submission, review, and approval or disapproval by NMFS of CDPs and CDP amendments, the annual budget report, and the annual budget reconciliation report, are inconsistent with subparagraph (I) of the MSA. While these Federal regulations will be revised through our normal rulemaking process in the future, NMFS estimates that it may take a year or more to complete this process. Thus, until current regulations can be revised, NMFS is suspending enforcement of particular regulations that are clearly inconsistent with the MSA, including the requirement to submit requests for approval of substantial amendments. These regulations are outlined in the letter attached as Item C-2(e).

Finally, on September 15, YDFDA sent a letter to NMFS requesting an interpretation of the enforcement policy regarding observer coverage on a fixed gear catcher vessel harvesting CDQ sablefish that is less than 125' length overall (Item C-2(f)). Subparagraph (B)(iv) of the Act is as follows: "*Regulation of Harvest. The harvest of allocations under the program for fisheries with individual quotas or fishing cooperatives shall be regulated by the Secretary in a manner no more restrictive than for other participants in the applicable sector, including with respect to the harvest of nontarget species.*" YDFDA notes that Federal regulations require a CDQ vessel of this size in the fixed gear sablefish fishery to carry at least one level 2 observer, while a vessel of this size in the IFQ (non-CDQ) fixed gear sablefish fishery is only required to carry one observer for 30% of its fishing days in the calendar quarter. YDFDA requests an interpretation of NMFS's enforcement policy or a statement that NMFS is suspending enforcement of this regulation (see 50 CFR 679.50(c)(4)(v)). A response from NMFS is forthcoming.

In summary, the documents attached here are background material, provided to supplement the overall report being provided at this Council meeting. The Council's action at this meeting is to receive a report on the implementation of the MSA amendments to the CDQ Program provisions made through the 2006 Coast Guard Act.

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

Report of the Advisory Panel

The AP recommended that the Council modify the alternatives in BSAI Am. 71/22 to reflect the changes resulting from the Coast Guard Act related to administrative and government oversight issues (Subparagraphs (A), (D), (E), and (I)).

Additionally, the AP recommended that staff determine the appropriate regulatory package through which to implement "after-the- fact" transfers of CDQ allocations in order to achieve implementation as soon as possible.

COUNCIL DISCUSSION/ACTION

[NOTE: Earl Krygier and Bill Tweit participated in this discussion for Mr. Campbell and Dr. Koenings, respectively.]

Nicole Kimball (NPFMC) and Sally Bibb (NMFS-AKR) provided a thorough overview of how changes to the MSFCA will affect Council amendments to the CDQ program which are in progress but have not been submitted for Secretarial review. Staff advised that all of the administrative and oversight provisions, including any regulations necessary to govern allowable investments, are proposed to be implemented through FMP/regulatory amendments BSAI Am. 71/22.

According to the MSA amendments, increases to the CDQ allocations for Pacific cod and the flatfish, Pacific Ocean perch, Atka mackerel and secondary species allocated under Amendment 80, must be incorporated into BSAI Amendments 85 and 80, respectively. The Act specifies that the CDQ allocations

for these species be increased to 10% of the respective TACs, as a directed fishing allowance. NOAA-GC provided a written opinion on this issue that states that an additional percentage of each TAC must be provided as a CDQ incidental catch allowance (ICA).

Mr. Hyder asked for several issues to be addressed by staff, e.g., a discussion of what authorities the Council has with regard to CDQ allocations; positive and negative impacts to other non-CDQ fisheries as a result of the Act; and an economic analysis regarding improved conditions in the market place by the ability of CDQ entities to continue fishing when non-CDQ fisheries are closed because of PSC caps, etc.

The points raised by Mr. Hyder are not addressed in the current discussion paper, but the impacts on the CDQ and non-CDQ fisheries resulting from the Act are discussed in Amendments 80 and 85. Ms. Bibb pointed out that this plan of action is necessary in order to get Amendments 80 and 85 implemented in the timeframe the Council requested.

Ms. Madsen also expressed concerns over Council authorities and the ability to review changes to the amendments before submission to the Secretary. Ms. Smoker (NOAA General Counsel) clarified that Amendments 80 and 85 have not been officially submitted to the agency, so the Council could request further review if it desired.

With regard to Amendments 71/22, staff advised that a discussion paper is intended to be provided in December for Council discussion as the current Alternatives 1 and 2 would no longer be consistent with the Act.

With regard to the Council's previous action to allow 'after-the-fact transfers' staff noted that this provision is a part of a larger regulatory amendment, the rest of which is no longer appropriate as a result of MSFCMA. The Council received public comment from CDQ groups requesting that the Council expedite the provision. Ms. Bibb advised that she is under the impression that amendments required to bring the CDQ program into compliance with provisions of the Act will have priority over other Council amendments in progress.

Earl Krygier moved to recommend that staff recommend the appropriate regulatory package to implement 'after-the-fact' transfers in order to achieve Council intent as soon as possible. The motion was seconded and carried without objection.

Ms. Madsen requested that NOAA General Counsel reconsider its opinion that the Council can no longer hold CDQ groups to a hard cap under the MSA amendments. Mr. Bundy also stated that he disagrees with some of the interpretations of NOAA GC relating to the 10% allocation and need for an ICA and requested that they look again at these issues.

Ms. Smoker indicated that General Counsel has determined that Congress clearly understood the current 'landscape' of CDQ management when the legislation was passed and intended the resulting management changes.

Ms. Madsen noted that if General Counsel is unlikely to re-address the conclusions, then she hopes that potential new legislation will clarify or fix the concerns expressed by Council members.

C-3 BSAI & GOA Trawl LLP Recency

ACTION REQUIRED

Review materials and provide direction as necessary.

BACKGROUND

In June, the Council voted to proceed with a proposed amendment to make changes to the License Limitation Program (LLP) to address latent capacity in the BSAI and GOA trawl catcher vessel sector. Staff had anticipated completing the analysis for initial review in October. Unfortunately, however, we ran into unexpected problems in formulating data files necessary for analyses of this amendment, so the analysis is not yet complete. A handout will be available at the meeting including some data that was too late to be included in the Council mailings. In addition, there are three items the Council's may wish to consider and discuss at this meeting:

(1) Staff will briefly review the comprehensive description of the alternatives generated by the Council at the June meeting. This material has not been summarized previously and will give the Council a concise view of their formulation of alternatives to date;
(2) The Council requested staff to investigate patterns of LLP permit characteristics (i.e. endorsement areas, gear endorsements) for those instances where multiple LLPs are assigned to a single vessel. The results of this analysis will be reviewed; and
(3) Staff will present information relating to inclusion or exclusion of CP LLPs for the Gulf of Alaska. It may be that given the recent approval of Amendment 80, the Council may wish to consider including application of threshold criteria to BSAI CP LLPs as well as those in the GOA. Since CPs can make a choice to land on shore as CVs, the number of CPs that do not have groundfish harvests restricted by either Amendment 80 or the American Fisheries Act provisions could be considered potential latent trawl CV effort that could inhibit effectiveness of the proposed amendment.

The draft problem statement and alternatives for analysis, along with some additional discussion regarding the other two items, is attached as Item C-3(a). At this meeting, the Council will review available information, take action to revise alternatives as necessary, and discuss a revised schedule for analysis and review.

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

Report of the Advisory Panel

The Advisory Panel recommended that the Council delete Options 2 and 3 in Component 2. Additionally, they AP recommended that the analysis clarify that options for the BSAI apply to catcher vessels and catcher processors not qualified to operate as trawl catcher processors under the AFA or Amendment 80.

COUNCIL DISCUSSION/ACTION

Jim Richardson provided the Council with an update on the analysis, advising that data problems prevented completion of an initial review document for this meeting. Staff also requested Council direction on several issues to be addressed in the analysis.

Earl Krygier moved to approve the recommendations of the Advisory Panel to delete Options 2 and 3 in Component 2 and that the analysis clarify that options for the BSAI apply to catcher vessels and catcher processors not qualified to operate as trawl catcher processors under the AFA or Amendment 80. Additionally, under Component 5, under Option 1, break it out to include the

years 2000-2006 with a suboption of 2000-2005 under both Option 1 and Option 1, suboption 1. The motion was seconded. It was clarified that the intent would be for staff to address comments and questions raised during public comment.

Sue Salveson moved to amend: with regard to landing provisions, look at those same years (as in main motion) under both options, to provide consistency. The motion was seconded and carried without objection. The amended main motion carried without objection.

C-4 BS & AI Sector Allocation Split/P. Cod

ACTION REQUIRED

Review Discussion Paper

BACKGROUND

In April 2006, the Council removed from Amendment 85 the proposed action that would have apportioned the various BSAI cod sector allocations, should the TAC be split during a future specifications process. The primary reason for this decision was the concern associated with the alternatives. At the April 2006 meeting, the Council tasked staff to prepare a discussion paper on the existing alternatives and analysis for the October 2006 meeting in order to develop new alternatives or variations of the existing alternatives. Given the Council's final action on Amendments 80 and 85, Item C-4(a) provides updated information on the existing alternatives, the historical background on the issue, and a summary of the impacts of each of the existing alternatives.

Problem Statement: Apportionment of BSAI Pacific cod Sector Allocations between BS and AI Subareas

In the event that the BSAI Pacific cod ABC/TAC is apportioned between the BS and the AI management areas, a protocol needs to be established that would continue to maintain the benefits of sector allocations and minimize competition among gear groups; recognize differences in dependence among gear groups and sectors that fish for Pacific cod in the BS and AI; and ensure that the distribution of harvest remains consistent with biomass distribution and associated harvest strategy.

The following are the existing alternatives that were included in Amendment 85 prior to Council removal:

ALTERNATIVE 1: No action. A methodology to apportion the BSAI Pacific cod allocations to the jig, trawl, and fixed gear sectors between the BS and AI subareas would not be selected.

ALTERNATIVE 2: Sector allocations remain as BSAI (with BS and AI TACs). No allocation to a sector of a specific percentage of a sub-area. Sectors would have a BSAI allocation to fish in either sub-area (BS and AI) if the sub-area is open for directed fishing and TAC is available.

ALTERNATIVE 3: BS and AI sector allocations based on equal percentage from BSAI sector allocations. This alternative provides an allocation to a sector of equal percentage in both sub-areas. The allocation percentage of BSAI TAC a sector receives would result in that same percentage being applied to both the BS and AI sub-areas so that a sector would have the same percentage in both sub-areas.

ALTERNATIVE 4: (Selected as preliminary preferred alternative in February 06). BS and AI sector allocations based on a sector's historic harvest in the AI with remainder of sector's overall BSAI allocation to be caught in the BS. Sector's BSAI allocation is maintained and used in annual calculation.

Option 4.1 1995–2002
Option 4.2 1997–2003
Option 4.3 2000–2003
Option 4.4 2002–2003

At this meeting, the Council may wish to refine or revise the alternatives, and develop a timeline for analysis.

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

Report of the Advisory Panel

The Advisory Panel recommended that the Council take no further action at this time.

COUNCIL DISCUSSION/ACTION

[NOTE: Bill Tweit and Earl Krygier participated in this discussion for Dr. Koenings and Mr. Campbell, respectively; Mr. Rasmuson was absent.]

Earl Krygier moved that staff continue refining the discussion paper on apportionment of the BSAI Pacific cod sector allocations, incorporating (1) updated information for 2004-05 under Alternative 4 under the 4 options, and (2) add a new option to each of the alternatives that would make separate Bering Sea and Aleutian Island LLP area endorsements a single BSAI area-wide endorsement for the Pacific cod fishery, only if there is a Bering Sea and Aleutian Island split. The motion was seconded by Ed Rasmuson.

Mr. Krygier noted that this motion follows the intent of the SSC's recommendations, but assigns a reduced priority until more information can be developed and included.

Dave Benson moved to amend the motion include cod fishmeal production data in the tables in the discussion paper. The motion was seconded and carried without objection.

The main motion, as amended, carried without objection.

Responding to a question as to how the information would be displayed, Mr. Benson said he would prefer to have two sets of tables – one showing total retained catch, including meal, and one without.

The timing would be for staff to continue work on the discussion paper, including the above information, and return the discussion paper to the Council in February 2007. Sue Salveson pointed out that the timing may depend on how any action the Council may take on this issue may feed into possible changes to the Steller sea lion protection measures next year and whether or not any action on this particular issue would need to be considered in the final BiOp.

Ms. Salveson also asked Mr. Krygier how this action which could create new LLP endorsements might affect another Council amendment being considered which would remove latent trawl LLPS. Mr. Benson expressed concern over the possibility of doubling the number of permits when the Council has indicated an intent to reduce latent permit in the trawl recency amendment. Mr. Krygier responded that these are issues that would need to be explored in the discussion paper.

Mr. Benson requested staff address the issue of mothership deliveries (that were not reported on fish tickets) in the Aleutians, to the extent that data are available.

C-5 MRA Adjustments

This agenda subject was postponed until the December 2006 meeting.

C-6 Socioeconomic Data Collection

ACTION REQUIRED

Review discussion paper on comprehensive economic data collection.

BACKGROUND

At its June 2006 meeting, the Council tasked staff to prepare a discussion paper (Item C-6(a)) concerning the development of a comprehensive program to collect economic data from all participants in the fisheries subject to Council management. The discussion paper overviews several issues the Council could consider in developing a comprehensive data collection program, including the rationale for the program, the scope of the data that could be collected, use of the data, process for collecting and handling the data, and proprietary nature of the data and the importance of confidentiality.

Throughout the development of the program, the Council should reasonably balance the benefits and costs of the data collection program. Some aspects of data collection (such as a system of audits) can be quite costly to both industry and administrators. If critical to ensuring the data's integrity, such a system could be necessary, however, if carefully designed, the audit costs could be reduced for both participants and administrators, while still ensuring data accuracy. Additionally, the program should be developed in a manner that avoids redundancy. Since fisheries revenue data are currently collected through other initiatives (such as fish ticket, weekly processing reports, and commercial operator annual reports) the Council could consider only minimal collection of revenue data, limiting the revenue data to that necessary to ensure accurate merging across data sources. The primary focus should be on the costs associated with fishery operations – of which we are largely ignorant. While economic data collection of this type is a costly undertaking for both administrators and fishery participants, the potential benefit of improved decision making in the management of these valuable resources should not be undervalued.

If the Council wishes to proceed with this action, it could take the following actions:

- **a problem statement.**
- **identify the scope of its proposed data collection program including,**
  - **persons/fleets covered by the program, and**
  - **general types of data to be collected.**
- **direct staff to:**
  - **develop draft surveys for the proposed data collection**
  - **prepare a discussion paper providing greater detail concerning the refined purpose and scope of the proposed program (including discussion of proposed uses of the collected data).**

Report of the Scientific and Statistical

The SSC encouraged continued development of the discussion paper and noted that the document could benefit from inclusion of research priorities identified by the SSC in April 2006.

Report of the Advisory Panel

The AP had the following recommendations:

- That the Council continue to develop a comprehensive socioeconomic and economic data collection protocol. While the AP is careful to avoid drafting problem statements, the data collection aspects of problem statements from prior programs seems to encompass the problems associated with inadequate data collection.

- While recognizing the necessity to balance costs and benefits from a data collection program, The AP would encourage the council to include processors, fishermen, community entities and other interested persons in their data collection.

- That the Council clarify confidentiality issues to protect all data collection and avoid data collection that could compromise proprietary information.

- Recognizing that data accumulation across sectors will need to differ, the Council is encouraged to accommodate sector differences while collecting data.

- Recommend that the scope of the Council's data collection protocol encompass, by way of illustration but not limitation, those items listed on page 6 of the discussion paper --- fishing revenues, ownership information, employment data - both crew and processing worker info, costs structures, geographic expenditures\distribution. In addition the AP would encourage collection of data regarding benefits to and/or regulatory impacts on fishery dependant coastal communities. Community data may include days in port, vessel moorage/home port, service sector expenditures, shipping information and other community involvement------- i.e. scholarships.

- Encourages an iterative process be established between staff and industry to develop "straw man" data request forms for review and to minimize the duplication of data between data collection programs.

COUNCIL DISCUSSION/ACTION

[NOTE: Mr. Tweit participated in this discussion for Dr. Koenings.]

During the staff report, Council members expressed concerns over the security of confidential information, and the whether or not such information would be subject to the Freedom of Information Act (FOIA). The question of the boundaries of Council authority was also raised. Lisa Lindeman, NOAA General Counsel, advised that the MSFCMA does not give Councils authority to regulate shorebased operations and that NOAA-GC has interpreted the Act to include motherships in that sector. The Act gives Councils authority to regulate harvesting operations only.

With regard to the FOIA question, Ms. Madsen requested that NOAA GC research the issue with regard to current programs and report back to the Council. She pointed out that the information would be an important part of the Council's deliberations on a data gathering program.

Sue Salveson moved the following:

The Council requests NMFS Science Center staff to coordinate a workgroup of social and economic analysts and researchers from the NMFS, ADF&G, and Council staff to further develop the discussion paper on the structure of a comprehensive social and economic data collection program and survey formats for the collection of this data. The draft survey formats should be tailored to the sector-specific data needs for revenue, ownership, employment, cost, and expenditure data. The discussion paper will include the collection of economic data from shoreside processors and motherships in the event statute authority is established for collection of this information in the future.

The workgroup will work with the draft problem statement as initial guidance and relevant experience garnered to date with existing and past collections and surveys of social and economic

data to develop a practicable and reasonable approach for resolving issues identified for a comprehensive program. Additionally, the discussion paper will respond to the issues raised by the AP and SSC, particularly confidentiality issues.

The Council requests that NOAA GC be involved in the development of the discussion paper to identify legal constraints and issues that should be considered in the development of this program, including issues of confidentiality under FOIA and the extent of statutory authority.

The discussion paper and survey formats will be brought back for review at a later date for review and further development with industry input.

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

Sue Salveson advised that confidentiality and enforcement issues associated with data collection programs are important and the intent would be that General Counsel and General Counsel Enforcement, to the extent necessary, would participate in the workgroup. It will also be important for ADF&G, NMFS, and Council staff involved in preparing analyses be a part of the workgroup.

D. FISHERY MANAGEMENT PLANS

D-1(a-c) 2007/08 BSAI/GOA Groundfish Harvest Specifications

ACTION REQUIRED

(a) Review Ecosystem SAFE report
(b) Review and comment on draft EIS for 2007/08 Groundfish Harvest Specifications
(c) Recommend proposed groundfish specifications for 2007/08

BACKGROUND

(a) Ecosystem Considerations section

The Ecosystem Considerations section advances our understanding of marine ecosystem dynamics and delivers ecological, oceanographic, and climatic indices to stock assessment scientists and managers. The executive summary section was reorganized in 2006, following SSC recommendations (Item D-1(a)). The section is comprised of three main sections. Integration of information regarding ecosystem status and trends and the use of models to predict possible future ecosystem states using an indicator approach constitutes the *Ecosystem Assessment* subsection. These include climate, oceanographic, production, species, community, ecosystem-level, and ecosystem-based indicators. *Ecosystem Status Indicators* provides stronger links between ecosystem research and fishery management and to spur new understanding of the connections between ecosystem components by bringing together many diverse research efforts into one document. *Ecosystem-based Management Indices* provides either early signals of direct human effects on ecosystem components that might warrant management intervention or evidence of the efficacy of previous management actions.

Changes to two subsections were made to the 2006 draft section, as identified below. The final Ecosystem Considerations section will be presented in December 2006.

***Ecosystem Status Indicators*: The climate section is not yet updated but will be provided in the November. Current information indicates 2006 may be an El Nino year (last year was a la Nina year). Zooplankton biomasses in the Gulf of Alaska (GOA) were included. Larval fish information in the GOA was updated. Regime shift anomalies were estimated for Bering Sea/Aleutian Islands (BSAI) and GOA groundfish. Recruitment and survival indices were estimated for the aggregate**

BSAI and GOA ecosystems. Results from a transport model for winter spawning flatfish are presented.

***Ecosystem based management Indices*: The status relative to overfishing for managed stocks in the North Pacific are presented. Fish stock sustainability index (FSSI) indices are presented for species in the BSAI and GOA. Updated fishing effort for both BSAI and GOA are included. A new contribution is included on the distribution and abundance of humans in the ecosystem. Catch information are updated for PSC species and non-target catch.**

(b) Draft EIS for 2007/08 Groundfish Harvest Specifications

New this year, NMFS staff has prepared an Environmental Impact Statement, rather than an Environmental Assessment for the 2007-2008 groundfish specifications because the choice of a groundfish specifications strategy by the Council has been determined to be a major Federal action that may have significant impacts on the human environment. The Draft EIS provides decision-makers and the public with an evaluation of the environmental, social, and economic effects of alternative harvest strategies for the federally managed groundfish fisheries. It examines alternative harvest strategies that are applied to the best available scientific information to derive the total allowable catch for the groundfish fisheries. The document was distributed to you in the mail last month. The executive summary is attached as Item D-1(b)(1). An Initial Regulatory Flexibility Analysis was also prepared for the harvest specifications, and the executive summary is attached as Item D-1(b)(2). Dr. Ben Muse will summarize the analysis.

(c) 2007/08 Groundfish Harvest Specifications

Starting in 2005, the Council implemented a new policy of adopting proposed BSAI and GOA groundfish specifications for a two-year period each October with final specifications set each December. Further, the Council adopted a biennial cycle for some GOA and AI groundfish stocks, timed for when trawl surveys provide new data. Therefore, 2007 specifications that were adopted in December 2005 have been published in the *Federal Register* and will start the fishery on January 1, 2007. The proposed specifications for review at this meeting will be published in the proposed rule, and final specifications for review in December will replace those that started the 2007 fisheries, after they are published in the final rule in late February/early March 2007.

The BSAI and GOA Groundfish Plan Teams recommended projected groundfish specifications for 2007 and 2008 during their September 19-21, 2006 meeting for publication in the proposed rule (Item D-1(c)(1)). The projections for Tier 1 to 3 stocks used species-specific AFSC population models, which include information on age structure, growth and reproduction, and natural and fishing mortality. The projections for Tiers 4-6 "roll over" the 2007 final specifications. Further information on the methodology for projecting these specifications may be found in the TAC-setting EIS. Reports from the Joint and GOA groundfish plan team meetings are provided under Item D-I(c)(2); BSAI Groundfish Team minutes will be provided at the meeting.

***Bering Sea/Aleutian Islands.* Note that the projection model uses Tier 3 calculations even for walleye pollock, a Tier 1 stock. This resulted in the following OFL and ABC projections. The DEIS projection for this stock may be less informative to the public, than current specifications. Recall, though, that these projections will not be implemented.**

Species	Area	Council October 2005, from 2006-007 Dec 16 proposed rule	Council December 2005, from 2006-2007 Mar 3 final rule	DEIS projections in August 2006
Pollock OFL	BS	1,487,100	1,930,000	1,707,000
Pollock ABC	BS	1,223,200	1,790,000	1,419,800

In the BSAI, Prohibited Species Catch limits are established for halibut, red king crab, Tanner crab, opilio crab, and herring. These PSC limits are further allocated among gear types and apportioned by target fisheries. The 2007 PSC limits and apportionments, as implemented in regulation, are attached as Item D-1(c)(3). The trawl halibut allocations would start July 1, 2007, as set in the regulations.

Gulf of Alaska. **In the GOA, Prohibited Species Catch (PSC) limits are established for halibut. Total halibut PSC limits for all fisheries and gear types total 2,300 mt. The halibut PSC apportionments recommended based upon the 2006 apportionments are attached as Item D-1(c)(4).**

GOA TAC Considerations for State Pacific Cod Fishery: **Since 1997, the Council has reduced the GOA Pacific cod TAC to account for removals of not more than 25% of the Federal P. cod TAC from the state parallel fisheries. Using the area apportionments of the 2007 P. cod proposed ABC recommended by the Plan Team (for the proposed rule), the federal TAC for P. cod would be adjusted as listed below. Note these values for the proposed rule do not employ the stair-step mechanism employed by the SSC in establishing final ABC specifications for P.cod in 2006-2007.**

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

Specifications	Western	Central	Eastern	Total
ABC	22,971	32,395	3,534	58,900
State GHL	5,743	8,099	353	14,195
(%)	25	25	10	24.1
Federal TAC	17,228	24,296	3,181	44,705

Halibut discard mortality rates. **Halibut discard mortality rates are set by the Council on a 3-year cycle for non-CDQ fisheries based on an average of the past 10 years and annually for CDQ fisheries based on available data. Halibut Discard mortality rates for 2005 were presented in conjunction with recommended rates for use in 2007-2009. International Pacific Halibut Commission staff recommendations for DMRs for the BSAI CDQ (for 2007) and BSAI and the GOA non-CDQ fisheries for 2007-2009 are under Item D-1(c)(5).**

Report of the Scientific and Statistical Committee

The SSC reviewed the groundfish SAFEs and received reports on the groundfish plan team meetings. The SSC provided several specific comments and recommendations for the SAFE authors and plan team members and staff regarding stock assessments, criteria for assessing stocks in off-years, ecosystem considerations, Dark rockfish, Pacific cod allocation between the EBS and AI, and archival tag data. Please see the SSC Minutes, Appendix II to these minutes for those comments and recommendations.

Report of the Advisory Panel

BSAI:

The AP recommended the Council adopt proposed BSAI OFLs and ABCs as recommended by the Plan Team and incorporated into the draft EIS, dated September 2006, as well as the 2007/08 TACs, as noted in the draft EIS table 2-5, page 2-11 with the following changes and additions.

The AP recommended rolling over the 2006 Atka mackerel TAC of 63,000mt for 2007 and apportioning 1,282mt from the CAI to the WAI so as not to have the TAC > ABC. The AP also recommended increasing the 2006 Alaska place TAC by 17,000mt (to 32,000mt) and the 2006 O. species TAC by 10,900 mt (to 40,900mt).

The AP recommended that the Council adopt the proposed PSC bycatch allowances for the BSAI for 2007/2008 found in agenda item D-1 (c)(3)

GOA:

The AP recommended the Council adopt proposed GOA OFLs and ABCs as recommended by the plan team and the SSC for 2007-2008 and 2007-2008 TACs, as noted in the attached spreadsheet

The attachment proposes the following:
Sets the 2007-2008 GOA proposed specifications where TAC is equal to ABC for all stocks with the following exceptions:
1. The P. cod TAC is reduced according to the table in the action memo to account for the apportionment to the State waters fishery in 2007-2008.
2. Rolls over the 2006 TAC for 2007 and 2008 for:
    a. Shallow water flatfish and FHS in the Central and WGOA
    b. ATF for all areas except the CGOA
    c. OSR in the EYAK/SEO
    d. GOA wide Atka mackerel
3. Raises the proposed TAC for ATF from 25,000 mt in 2006 to 30,000 mt for 2007 and 2008.

Additionally, the AP recommended the GOA halibut PSC apportionments, annually and seasonally, for 2006 as indicated in D-1 (c)(4) should be rolled over for 2007-2008

Further, the AP recommended that the Council approve the halibut discard mortality rates for the 2007-2008 CDQ fisheries and the discard mortality rates for the 2007-2009 GOA and BSAI non-CDQ fisheries as indicated in D-1(c)(5).

The AP encourages work be completed on estimating P. cod off-bottom distance from archival tag data, in time for a presentation at the November 2006 plan team meeting. The AP recognizes that such estimates could prove extremely valuable for improving estimates of abundance and stock assessments as noted in the SSC minutes.

The spreadsheets containing the recommended harvest specifications for the BSAI and GOA groundfish fisheries are found in the minutes of the Advisory Panel which are attached as Appendix III to these minute.

COUNCIL DISCUSSION/ACTION

[NOTE: Mr. Tweit and Mr. Krygier participated in this discussion for Dr. Koenings and Mr. Campbell, respectively.]

The Council received staff reports from Diana Stram and Jane DiCosimo on the draft SAFE documents, including the Ecosystem Chapter, Plan Team reports, and a report of the Rockfish Work Group. Ben Muse provided the Council with a presentation on the new EIS/TAC-Setting process and reviewed the draft EIS for the 2007/08 groundfish specifications.

At this stage the Council would approve a preferred alternative for a harvest strategy and the associated TACs provided in the EIS; and ask that the EIS be released for public comment

Dave Benson recommended the agency adopt Alternative 2 in the draft groundfish specifications EIS, and further that the Council recommends approval of the Advisory Panel recommendations with regard to the Bering Sea TACs, along with the PSC bycatch recommendations. Additional the Council recommends approval of the Advisory Panel recommendations for the Gulf of Alaska harvest specifications as noted in the revised spreadsheet dated October 7, along with the following exceptions as outlined in the Advisory Panel recommendations:

1. **The P. cod TAC is reduced according to the table in the action memo to account for the apportionment to the State waters fishery in 2007-2008.**
2. **Rolls over the 2006 TAC for 2007 and 2008 for:**
   a. **Shallow water flatfish and FHS in the Central and WGOA**
   b. **ATF for all areas except the CGOA**
   c. **OSR in the EYAK/SEO**
   d. **GOA wide Atka mackerel**
3. **Raises the proposed TAC for ATF from 25,000 mt in 2006 to 30,000 mt for 2007 and 2008.**

The motion was seconded by John Bundy and carried without objection.

The Council's preliminary groundfish specifications for 2007/08 are found in Appendix IV to these minutes.

Bill Tweit moved that the Council go on record as advocating restoration of survey funding to previous year's (2005) levels. The motion was seconded by Doug Hoedel and carried without objection.

The Council discussed how to proceed with this motion as the Council is prohibited from lobbying Congress. The Executive Director and the Chair will draft a letter to NOAA Fisheries, copying the appropriate Congressional entities, stressing the importance of the surveys in the Council's ability to manage the fisheries based on the best scientific information.

D-1(d) VMS Requirements – Initial Review

SUBJECT: Extended Vessel Monitoring System (VMS) Coverage in the Alaska Region

ACTION REQUIRED:

Initial Review of RIR/IRFA to extend VMS coverage.

BACKGROUND:

In December 2005, the Council initiated an analysis to increase the number of commercial fishing vessels operating in the EEZ off Alaska that are subject to requirements to carry a transmitting VMS. A VMS combines a global positioning system (GPS) and a radio, and sends periodic signals to overhead satellites so the location of the vessel carrying it can be tracked.

In April the Council adopted final alternatives for analysis. A Regulatory Impact Review/Initial Regulatory Flexibility Analysis (RIR/IRFA) was sent to you in a Council mailing on September 19, 2006. The executive summary is attached as Item D-1(d)(1). Dr. Ben Muse (NMFS) will be on hand to present the results of his analysis.

Report of the Scientific and Statistical Committee

The SSC recommended releasing the draft analysis for public review pending additional consideration of several issues. Please see the SSC Minutes, Appendix II to these minutes, for those issues.

Report of the Advisory Panel

The Advisory Panel recommended that the Council not release for final review the VMS RIR/IRFA, and that a clear problem statement be developed that will provide a construct to enable the public to evaluate the need for and impacts of VMS regulatory proposals. Once a problem statement is clarified, the AP recommends that the current alternatives be reconsidered and, perhaps, expanded.

Report of the Enforcement Committee

The Committee reviewed the preliminary analysis and discussed options available to the alternatives, highlighting areas the Committee feel need some clarifications. With those changes, the Committee recommended sending the analysis out for public review and comment. The full text of the Committee's recommendations are found in Appendix V to these minutes.

COUNCIL DISCUSSION/ACTION

[NOTE: Bill Tweit participated in this discussion for Dr. Koenings.]

McKie Campbell moved the following problem statement for the VMS analysis:

The National Marine Fisheries Service (NMFS) required implementation of Vessel Monitoring Systems (VMS) to ensure compliance with Steller sea lion area closures, fisheries rationalization programs, and Essential Fish Habitat (EFH) designations.

Current VMS regulations have been implemented in a piecemeal manner to address these specific requirements.

Rationalization programs have spread fishing activity spatially and temporally, allocated resources into smaller and smaller quantities, often allow for transfers, and tend to be complex. Furthermore, the conservation and management of listed species; habitat areas of concern; and fishery resources, including prohibited species, has required a proliferation of time and area specific restrictions and closures.

In June 2005, the Council directed a broader more comprehensive analysis be conducted of the potential application of VMS for federally permitted vessels and non-permitted vessels in the EEZ with authorized gear on board. Compliance with regulations is necessary to achieve conservation, economic, and social objectives of these management programs and VMS is a tool which could greatly benefit those charged with monitoring and enforcing these programs, as well as provide the data upon which these programs may be assessed. However, broad application of VMS coverage to all other federal fishery participants is problematic owing to the diverse nature of Alaska's commercial fishing fleet.

To determine the appropriate monitoring technology requirements onboard vessels, the Council will balance, to the extent practicable, the benefits of VMS coverage versus the cost of system installation, operation, and maintenance. While determining VMS requirements, the Council will

also consider the availability of other enforcement tools, the cost and reliability of the technology, and characteristics of the participating vessels

The motion was seconded by Ed Rasmuson.

Council members discussed the wording of the problem statement, including the use of the word 'problematic' in the third paragraph. Other suggestions were made for clarification, including the issue of safety. Council members stressed that safety issues should be addressed. These issues could be addressed when the revised analysis is brought back for Council review.

Sue Salveson moved to amend: Insert as the last sentence of the third paragraph: VMS also provides safety enhancements to the fleet as well as data which can be used to enhance the scientific basis for the management of the fisheries. The motion was seconded and carried without objection.

Dave Benson moved to replace the word "is" [third paragraph, last sentence of main motion. . ."participants <u>is</u> problematic". . .] with the words "may be." The motion was seconded and carried without objection.

The main motion carried without objection.

McKie Campbell moved the following for staff direction: Staff is requested to expand the options available in the direct analysis with consideration of the balance between the benefits of VMS versus the costs or potential unintended impacts to fishermen. The analysis of exemptions shall include:

1. **Those exemptions currently in the initial analysis.**
2. **Vessels deploying dinglebar gear.**
3. **Troll fishermen operating in Federal waters who keep legal halibut as bycatch in their fishery.**
4. **Vessels with minimal amounts of IFQ quota below the thresholds of 1,000, 5,000, and 10,000 pounds.**

Staff is further requested to present this revised draft analysis to the Council at its February 2007 meeting.

The amended motion was seconded and carried without objection.

Mr. Campbell clarified that the motion does not specifically recommend not releasing the analysis for public review at this time, but that was his intent. It was suggested that releasing the revised analysis for public review and comment prior to the February meeting may allow fishermen to apply for a co-funding program which may not be available at a later time. Ms. Madsen suggested that the issue should be addressed at a meeting held in Alaska, rather than Portland, however staff advised that the revised analysis will not be completed in time for a review in December. It was pointed out that the final Council decision could be scheduled for the April meeting in Anchorage.

Sue Salveson moved to clarify item 4, to read: Vessels with minimal amounts of <u>halibut</u> IFQ quota below the thresholds of 1,000, 5,000, and 10,000 pounds. The motion was seconded and carried with McKie Campbell objecting.

There was some discussion regarding the issue of including sablefish IFQ under the Item 4 exemptions, and **John Bundy moved to include sablefish IFQ as a separate exemption at the same threshold levels as for halibut.** The amendment was seconded and carried without objection.

Roy Hyder moved to amend the motion to request staff provide the analysis for preliminary review in April instead of February. The motion was seconded, however after discussion the amendment was withdrawn.

Ms. Madsen pointed out issues brought up in the SSC and Enforcement Committee reports and during public comment regarding expanding the analysis and requested that staff take note of those comments and incorporate them to the extent possible. She also requested that a description of VMS requirements in other parts of the country.

It was clarified that with regard to Item 4, analysts would be using annual vessel landings of those IFQ species. It was pointed out that those landings would fluctuate each year, which may complicate the issue; the analysis will address the possibilities.

The main motion, as amended, carried without objection.

D-2 Prohibited Species Bycatch

ACTION REQUIRED

(a) Initial Review of VIP repeal analysis.
(b) Update and direction on BSAI Salmon bycatch.

BACKGROUND

(a) Initial Review of VIP repeal

An EA/RIR/IRFA has been prepared which assesses the potential environmental and social impacts of removing regulations designed to reduce the rate at which Pacific halibut and red king crab are incidentally caught in trawl fisheries in the GOA and BSAI management areas. The regulations promulgated for the Vessel Incentive Program (VIP) were designed to increase the amount of harvested groundfish total allowable catch in the BSAI and GOA groundfish trawl fisheries by reducing prohibited species catch rates. However, the program has not performed as intended by the Council because of costs associated with enforcement, and the relatively small number of vessels impacted by the regulation. The alternatives are considered in the analysis. These alternatives are:

1) **Status quo. No regulatory action taken to change or abolish the VIP.**

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

3) **VIP Program Elimination. Remove the regulatory authority for the VIP from the GOA and BSAI FMPs and Federal regulations (option 1) or leave the FMPs unchanged but remove the VIP from Federal regulations (option 2).**

The executive summary of the analysis is attached as Item D-2(a) and the full analysis was mailed to you on September 19th. NMFS staff will be available to present the analysis. This analysis is scheduled for initial review at this meeting.

(b) Update on BSAI Salmon bycatch in 2006 and Amendment Package B

In October 2005, the Council took final action on Amendment 84, which would exempt vessels participating in a voluntary rolling hot spot (VRHS) system from regulatory salmon savings area closures. Regulations to promulgate this exemption are delayed due to concerns regarding the

potential promulgation of regulations that include key operational components of the salmon bycatch reduction Inter-Cooperative Agreement (ICA). As a short-term measure to evaluate the operational flexibility needed to efficiently reduce salmon bycatch under these key components, an exempted fishing permit (EFP) was issued effective August 3, 2006. This permit is attached as Item D-2(b)(1).

In conjunction with action under Amendment 84, the Council revised the existing draft suite of alternatives for the next phase of the salmon bycatch analysis (currently referred to as Amendment 84B). This amendment package is intended to follow up on remaining measures that were not analyzed under Amendment 84. The current problem statement and draft suite of alternatives for this amendment package are attached as Item D(2)(b)(2). In April 2006, the Council indicated its intent to further discuss amendment package B-1 and provide direction for the analysis of the alternatives at this meeting. An SSC workshop was convened during the April 2006 Council meeting to review the current status of knowledge with respect to stock origin of AYK salmon species and bycatch in the North Pacific trawl fisheries. This workshop was also designed to provide guidance to the Council on the development of alternatives for bycatch reduction. A discussion paper on salmon bycatch is attached as Item D(1)(b)(3). This paper reviews the progress on implementation of Amendment 84, the EFP which exempts vessels in the 2006 B-season, the alternatives considered under Amendment 84B, resultant guidance from the SSC workshop and provides an update on the Chinook and chum salmon bycatch to date in 2006 season.

Report of the Scientific and Statistical Committee

The SSC noted the importance of accurately estimating the effect of the voluntary rolling hot-spot closure program in reducing bycatch. The SSC suggested that one possible method of estimation would be to obtain bycatch rates from a small number of vessels allowed to continue fishing for a limited time in the hotspot, and to compare those bycatch rates with rates from vessels that moved from the area.

The SSC also noted that there should be a consistent set of criteria used to determine when to not close areas under the VRHS closure program, and stressed the need for improvements in identification of salmon stock of origin before biomass caps can be established.

Please see the SSC Minutes, Appendix II to these minutes, for more detailed comments and suggestions.

Report of the Advisory Panel

Vessel Incentive Program. The Advisory Panel recommended the Council release for final action the VIP EA/RIR, with Alternative 3, Option 2, selected as its preferred preliminary alternative.

BSAI Salmon Bycatch. The AP confirmed its support of the 84(a) amendment package, and endorsed the use of an EFP for implementation of a rolling hot spot area closure until implementation issues for 84(a) are fully resolved. Further the AP recommended that staff track the SSC comments regarding additional spatial analysis of salmon bycatch on smaller time and area scales with the goal of further refinement of alternatives in the B(1) package.

The AP recommended that the Council request clarification from NMFS on a means to immediately enact the chum salmon closure exemption for non-pollock trawl vessels as contained in amendment 84.

The AP also endorsed the use of a separate EFP, if necessary, to monitor salmon bycatch by non-pollock trawl vessels to allow an exemption from the chum salmon closure as contained in amendment 84.

COUNCIL DISCUSSION/ACTION

[NOTE: Bill Tweit participated in this discussion for Dr. Koenings.]

VIP Analysis

Dave Benson moved to approve the recommendation of the Advisory Panel to release the VIP EA/RIR for public review, choosing Alternative 3, Option 2 as a preliminary preferred alternative. The motion was seconded by Bill Tweit and carried without objection.

BSAI Salmon Bycatch

Eric Olson moved that the Council ask staff to continue work on refinement of Amendment 84b items, and that in review of the new exempted fishing permit, request that the agency consider the concerns of the SSC during agency review of the EFP. The motion was seconded by Doug Hoedel.

During discussion, Mr. Olson indicated that he was not suggesting a mandate to incorporate the SSC's recommendations, but that they be taken into consideration.

Sue Salveson moved to amend the motion, as follows: that the Council provide further direction to staff to develop a discussion paper on interim caps which would not be biomass based but rather a negotiated cap developed among interested parties, would be of an interim nature, and ultimately replaced by a biomass-based cap when the necessary information exists. The motion was seconded by Eric Olson, and carried without objection.

Ms. Salveson indicated that a discussion paper could lay out options for developing a biomass-based cap, but she hasn't any specific direction at this time. She also noted that there would not be a new cap for existing areas, but for modified or new areas under Amendment 84b; caps would trigger area closures. She suggested staff come back with ways to develop an interim cap and not proceed with any negotiating process at this time.

Mr. Olson's motion, as amended carried without objection.

Bill Tweit moved that the Council request staff bifurcate the chum salmon exclusion section from Amendment 84 and implement it under a separate FMP amendment. The motion was seconded by Roy Hyder.

It was pointed out that the amendment has already been approved by the Council, however Sue Salveson: Salveson clarified that the amendment has not been submitted for Secretarial review yet. If the Council adopts this motion, the agency and staff would take the necessary steps to move forward more expeditiously on the part relating to the pollock trawl fleet exemption and the chum salmon exclusion would follow on at a later date.

Council members expressed the need for the exclusion to be implemented by the August 1 closure date and that this action would not slow down the entire amendment package.

The motion carried without objection.

The Council discussed the success and usefulness of the salmon bycatch workshop held at the April 2006 SSC meeting and asked staff to schedule another salmon bycatch workshop in conjunction with an upcoming Council meeting.

D-3 BSAI Crab Management

(a) BSAI Vessel Use Caps

ACTION REQUIRED

Review discussion paper on BSAI crab vessel use caps.

BACKGROUND

At its April 2006 meeting, the Council tasked staff to write a discussion paper that it could use to specify options to eliminate the use cap exemption for vessels fishing cooperative allocations under the Bering Sea and Aleutian Islands crab rationalization program. Under the current program, vessels fishing cooperative allocations are exempt from use caps. The Council expressed concern that the rapid fleet consolidation (which occurred under the program in its first year) may have displaced crew and caused economic disruption for communities. The Council requested staff to examine a range of caps, from the same caps applicable to vessels fishing individual allocations to caps of 150 percent of the level applicable to vessels fishing individual allocations. The caps that apply to vessels fishing individual allocations are:

2% for BS Opilio crab
2% BB red king crab
2% BS bairdi crab
4% for Pribilof red and blue king crab
4% for St. Matthew blue king crab
2% for EAI (Dutch Harbor) brown king crab
2% for Adak (WAI) brown king crab
2% for Adak (WAI) red king crab west of 179° West longitude

The staff discussion paper (Item D-3(a)(1)) includes the Council's draft problem statement, outlines the Council's draft alternatives, and provides a preliminary discussion of issues, background description, and summarizes the most obvious potential impacts of the proposed action. If the Council wishes to proceed with consideration of this action, it could finalize its problem statement and alternatives and task staff to develop an analysis for preliminary or initial review.

Report of the Scientific and Statistical Committee

The SSC found the discussion paper to be a well-written, thoughtful consideration of the issues at this preliminary stage. It is not clear whether the Council will continue to pursue action on this issue, but if so, the SSC looks forward to the development of a full draft analysis.

Report of the Advisory Panel

The AP recommended the Council table any further development on the discussion paper until the 18-month review of the crab rationalization program and that the discussion paper be updated with current data at that 18-month review.

COUNCIL DISCUSSION/ACTION

[NOTE: Mr. Tweit and participated in this discussion for Dr. Koenings.]

McKie Campbell moved to request staff to expand the discussion paper to include available data for the first full year of the crab rationalization program.

Such information should include, but not be limited to:

- **Information from the other crab fisheries**
- **Information from the "data collection program"**
- **Other relevant information identified during Council discussions or by Council staff, such as additional socio/economic data**

If Council staff identifies relevant gaps in the available data, staff is further requested to make the Council aware of those gaps.

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

During discussion of the motion, Mr. Benson asked about a problem statement. Mr. Campbell responded that more information is needed before developing an amendment package. His motion deals with expansion of the discussion paper. Mr. Bundy pointed out that the discussion paper is not clear regarding what the problem is and also focuses on the negative impacts, some of which were anticipated and analyzed when the program was developed. He suggested that the paper does not identify any of the positive aspects of the program such as safety, a higher value fishery, and reductions of vessels on the water.

Council requested staff return the revised discussion paper at the February Council meeting.

It was suggested that it may be appropriate to wait until the 3-year review before discussing the need for use caps. Mr. Campbell responded that in February the Council can determine whether there are data gaps and begin to resolve that kind of issue in anticipation of the 3-year review.

(b,c) BSAI Crab Safe/Crab CIE Report/Overfishing Definitions Update

ACTION REQUIRED

(b) Receive Crab Plan Team report and approve Crab SAFE report.
(c) Update on crab overfishing definitions analysis (SSC only).

BACKGROUND

(b) Receive Crab Plan Team report, Review and approve Crab SAFE report

The Crab Plan Team met September 13-15th, 2006 in Anchorage, Alaska, to review the status of stocks and to compile the annual Stock Assessment and Fishery Evaluation (SAFE) report. The Crab SAFE report was mailed to you September 19th. The SAFE report summarizes the current biological and economic status of fisheries, total allowable catch (TAC), guideline harvest levels (GHL), and analytical information used for management decisions or changes in harvest strategies. The report is assembled by the Crab Plan Team with contributions from plan team members as well as from additional personnel from the State of Alaska, Department of Fish and Game (ADF&G), and the National Marine Fisheries Service (NMFS). The minutes of the Crab Plan Team meeting are attached as Item D-3(b)(1). A revised version of the graph of snow crab stock status in relation to overfishing is attached at Item D-3(b)(2).

A problem statement, draft suite of alternatives and comparison of alternatives for the forthcoming BSAI Crab FMP amendment to revise the overfishing levels and status determination criteria for all BSAI crab species are attached as Item D-3(b)(3) and Item D-3(b)(4). The Council may wish to review and approve the problem statement and alternatives at this meeting. Initial

Review of this EA is scheduled for December 2006. Periodic updates on the progress of the analysis have been provided to the SSC. The final SSC update on the analytical framework for the analysis is scheduled for this meeting.

(c) Update on crab overfishing definitions analysis (SSC only)

Progress continues on refining alternative overfishing definitions for the BSAI crab stocks. An inter-agency working group has been providing updates to the SSC on a periodic basis to solicit their advice on the direction of the analysis. Refinements were made to the analytical framework to address comments received from the Crab Workshop, the Crab Plan Team, the SSC and the recent Center for Independent Experts review. The Crab Plan Team has approved a draft problem statement and suite of alternatives for the analysis and a timeline for completion of the EA (see D-3b above). An update the analytical framework for the analysis will be provided at this meeting. Refinements have been made to the eastern Bering Sea Snow Crab assessment report (appendix B to the 2006 Crab SAFE report) to address input from the SSC in June 2006. Jack Turnock (NMFS) will be available to present these changes to the assessment.

Report of the Scientific and Statistical Committee

The SSC commended the Plan Team for its excellent work and pointed out that the SAFE gets better each year. The SSC suggested that the Plan Team develop a section of the SAFE that provides further information about how the State of Alaska determines TAC which will be useful for forecasting future catches in OFL evaluations. The SSC also requested the Plan Team to examine how rationalization has affected discard mortality. The SSC also had suggestions and comments for the Plan Team on the snow crab model. Please see the SSC Minutes, Appendix II to these minutes, for those suggestions.

Report of the Advisory Panel

The AP recommended the Council adopt the problem statement and the three alternatives for initial review in December

Additionally, the AP notes the lack of info regarding handling mortality for crab and recommends collaborative efforts between industry, NMFS, and ADF&G for on-the-grounds research into crab handling mortality.

COUNCIL DISCUSSION/ACTION

Dave Benson moved to approve the BSAI Crab SAFE report. The motion was seconded by Ed Rasmuson and carried without objection.

With regard to the Advisory Panel recommendations regarding adoption of a problem statement and alternatives for crab overfishing definitions, it was pointed out that this was not advertised as an action item for the Council and therefore could not be addressed at this time. Stall will continue work on the amendment and provide it to the Council for initial review at the December meeting.

D-4 Essential Fish Habitat

ACTION REQUIRED:

a) Review alternatives for the Bering Sea EFH analysis, and revise as appropriate.

b) Initial Review of the Aleutian Islands EFH area adjustment.

BACKGROUND:

The Council took action in February 2005 to conserve essential fish habitat (EFH) from potential adverse effects of fishing. EFH is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. The EIS prepared for the action concluded that while fisheries do have long term effects on benthic habitat, these impacts were minimal and had no detrimental effects on fish populations. The Council adopted several new measures to minimize the effects of fishing on EFH in the Aleutian Islands and Gulf of Alaska.

Bering Sea EFH

The EFH EIS evaluated a suite of alternatives for the eastern Bering Sea (EBS). Based on that analysis, the Council determined that additional habitat protection measures in the EBS were not needed right away, and that an expanded analysis of potential mitigations measures for the EBS should be conducted prior to taking action. In December 2005, the Council discussed alternatives to conserve habitat in the EBS and finalized a problem statement.

> ***The Council intends to evaluate potential new fishery management measures to protect Essential Fish Habitat (EFH) in the Bering Sea. The analysis will tier off of the 2005 EFH Environmental Impact Statement and will consider as alternatives open and closed areas and gear modifications. The purpose of the analysis is to consider practicable and precautionary management measures to reduce the potential adverse effects of fishing on EFH and to support the continued productivity of managed fish species.***

In June 2006, the Council reviewed two discussion papers regarding alternatives to minimize (to the extent practicable) the effects of fishing on EFH in the Bering Sea. The first paper addressed the framework of the analysis and provided some potential alternatives. The second paper evaluated the need for possible protection measures for St. Matthew blue king crab and Eastern Bering Sea snow crab stocks. The Council adopted alternatives and options for the analysis (Item D-4(a)). Additionally, the Council requested the crab plan team meet to consider additional protection areas for St. Matthew blue king crab and Bering Sea opilio crab, and to provide recommendations to the Council in October. The crab plan team report is provided in the notebooks under D-3(b)(1).

The Council also requested staff prepare a discussion paper on open area approaches that would include recent fishing effort distribution. The paper is attached as Item (D-4(b)). At this meeting, the Council will finalize the alternatives for open areas.

In December, the Council will focus on the gear modification alternatives. Dr. Craig Rose from the Alaska Fisheries Science Center is scheduled to report on recent research on gear modification in the Bering Sea to mitigate the effects of bottom trawl fisheries during the December 2006 meeting. The preliminary results indicate that rollers on the sweeps may increase catches of some target species and that bottom contact was reduced.

Initial review of this analysis is tentatively scheduled for February, 2007.

Aleutian Islands EFH

The Aleutian Island Habitat Conservation Area (AIHCA) was adopted as part of a suite of conservation measures to minimize the adverse effects of fishing in the Aleutian Islands subarea. The AIHCA prohibits the use of non-pelagic trawl fishing gear in designated areas of the AI to reduce the effects of fishing on corals, sponges, and hard bottom habitats, while allowing most fishing areas that have been trawled repeatedly in the past remain open.

During the June 2006 meeting, fishery participants requested that the open area boundaries be slightly modified to allow fishing in areas historically fished and to prevent bottom trawling in areas that have not been repeatedly fished. One location near Agattu Strait had been historically fished and was included into the closure area. A second location near Buldir Island was included in the portions of the AIHCA open to bottom trawling but has some documented presence of sponges which is indicative of a fragile habitat. The proposed amendment would open the Agattu area and close the Buldir area. The analysis was mailed to you two weeks ago; the executive summary is attached as Item D-4(c).

The Council had originally been scheduled to make an initial review of the analysis and take final action on the amendment at the October meeting. However, staff ran into a few snags with the data, thus complicating the analysis. A letter from NMFS further details these analytical and data issues. Given these considerations, it may be prudent to delay final action on this issue.

Report of the Scientific and Statistical Committee

After consideration of information provided in the staff report, comments by the Crab Plan Team, and considerable public comment, the SSC recommends that the Council family and public would be better informed and that more meaningful habitat protection might result through a collaborative effort between the industry, agency, public and NGOs to devise open area bounds, similar to that employed in the creation of the AIHCA.

The SSC also suggested that the Council consider an experimental approach to assessing habitat impacts of trawling by adopting a statistical design of open and closed areas in northern Bering Sea areas not now fished.

With regard to AIHCA adjustments, the SSC recommended that the Council not take further action, but request completion of the analysis to adjust the AIHCA boundaries near Buldir and Agattu Islands.

The SSC had additional recommendations and suggestions for the analysts for both issues. Please see the SSC Minutes, Appendix II to these minutes, for those recommendations.

Report of the Advisory Panel

Bering Sea EFH. To the extent that data are available, the AP recommended including directed foreign fishery and joint venture fishery data in the analysis of the potential impacts of establishing the open areas as defined in Alternatives 2 and 4 for the analysis.

AI EFH. The AP recommended that the Council task staff to resolve, in cooperation with the industry, questions regarding the appropriate boundaries of the Agattu area opening (using the same methodology as that used in the original analysis and any pertinent 2005 fisheries data) in order to revise the analysis for final action.

COUNCIL DISCUSSION/ACTION

[NOTE: Mr. Tweit and Mr. Krygier participated in this discussion for Dr. Koenings and Mr. Campbell, respectively.]

(a) BSAI Habitat Conservation

Earl Krygier provided a written motion to amend portions of the Council's Motion of June 12, 2006. The June 12 motion was as follows:

Alternative 1: Status quo
Alternative 2: Open area approach utilizing fishing data through 2005 to define area
Option 1: Include the areas north of Bogoslof, south of Nunivak Island in the open area, and the 10-minute strip in the Red King Crab Savings Area.
Alternative 3: Require gear modifications on all bottom flatfish trawl gear to reduce seafloor contact and/or increase clearance between the gear and substrate.
Alternative 4: Open area approach utilizing fishing data through 2005 5o define area, plus require gear modifications on all bottom flatfish trawl gear to reduce seafloor contact and/or increase clearance between the gear and substrate.
Option 1: include the areas north of Bogoslof and south of Nunivak Island in the open area, and the 10-minute strip in the Red King Crab Savings Area.

Additionally, the Council requests the crab plan team meet to consider additional crab protection areas for St. Matthew blue king crab and Bering Sea opilio crab, and make recommendations to the Council at the October meeting. Based on these recommendations, the Council may consider changes to the 'open area' alternatives or possible designation as HAPC in the future.

Mr. Krygier moved the following:

The Council tasks staff to evaluate a modified open area approach under Option 1 of both Alternatives 2 & 4 and evaluate two additional options as follows:

Alternative 2 & 4 Revised Option 1: include the areas north of Bogoslof, south of Nunivak Island and the 10-minute strip in the Red King Crab Savings Area in the open area, and redefine the Northward boundary[1] of the proposed Bering Sea Open Area to include Blue King Crab Savings Area near St. Matthew Island (see attached map).

Alternatives 2 & 4 New Option 2: In order to fish in the Closed Area north of the Open Area boundary an Experimental Fishery Permit is required.

Alternatives 3 & 4, New Option 3: For the region north of the historically fished area, research openings will be established to assess the impact of bottom trawling on benthic habitat and organisms – particularly opilio crab. The area opened shall be established across bottom contours so as to include representative habitat types.

Further:

1) Council tasks staff to present better depiction of the maps to include bathymetry of the slope.
2) The Council, in response to SSC and public comment, tasks staff with drafting a white paper to discuss current scientific information on three canyons within the EBS, including Pribilof Canyon, Middle Canyon, and Zhemchug Canyon.
3) The Council tasks staff to bring forth a summary of current research on skate nurseries and the degree of overlap of fisheries in the EBS.
4) Lastly, staff should bring forward as part of the discussion information a draft schedule for the next HAPC process.

[1] **The redefinition of the northward boundary, defined in the staff discussion paper (AGENDA D-4(b) October 2006, Figure 4), is near St. Matthew Island and extends southwest to protect juvenile**

non-ovigerous female and male blue king crab habitat, and northeast to protect ovigerous females habitat. This area has: (1) been represented in the NMFS and ADF&G surveys to contain juvenile and mature BKC; (2) locations of PSC catch in the rock sole trawl fleet; and (3) observations from the directed crab fishery. Industry comments indicate that increased flatfish trawl effort has been progressing northward on average 20 miles/year, some of this effort is occurring near St. Matthew Island. This crab stock is severely depleted, designated overfished, such that the last pot survey found only 5 legal male BKC in the area.

The motion was seconded by Ed Rasmuson.

Sue Salveson indicated concern over the term "experimental permit." Mr. Krygier clarified that he was referring to the current "exempted permit" process. He suggested that perhaps the SSC could discuss the concept and provide the Council with feedback for future discussion.

Bill Tweit moved to amend to add an the new Option 3 as an option under Alternative 3 as well. The motion was seconded and, after discussion of intent, carried without objection.

During discussion it was pointed out that Option 3 deals with open areas and Alternative 3 has no open areas. Mr. Tweit clarified that he was referring to the region north of the historically fished area and proposing that research closures be established. It was determined that staff will need to make the appropriate changes in Alternative 3 to achieve Mr. Tweit's objective.

Mr. Tweit proposed rewording his motion to achieve his intent that, under Alternative 3, establish a habitat research area that is that area shown on the map provided by Mr. Kryiger's motion. . .It would not be an open-area concept, but would focus on gear modification with the addition of the establishment of a habitat research area, similar to the new option for Alternative 4.

Ms. Salveson pointed out that the Council really doesn't need an alternative for an exempted fishing permit because the Council has that option already. Without further direction from the maker of the motion, she felt that the alternative was not necessary.

Sue Salveson moved to amend request Council staff to provide more than one option for the northern boundary of the open area under Alternatives 2 and 4 based on varying levels of bottom trawl activity. Staff would determine appropriate breaks in the data used to establish these thresholds ranging from relatively low to relative high effort. The motion was seconded and carried with Benson objecting.

The main motion, as amended, carried without objection.

(b) *Aleutian Islands EFH*

Sue Salveson reviewed a letter to the Council from NMFS-Alaska Region dated September 27, 2006 outlining information developed subsequent to the drafting of the current analysis. In comparing 2001 through 2005 VMS and observed fishing locations it was determined that errors were made in interpreting observed fishing locations in the data supporting the EA/RIR/IRFA. Corrected data sets should be available shortly and NMFS recommended the Council not take final action at this meeting.

Earl Krygier moved that the Council approve the recommendation of the Advisory Panel "to task staff to resolve, in cooperation with the industry, questions regarding the appropriate boundaries of the Agattu area opening (using the same methodology as that used in the original analysis and

any pertinent 2005 fisheries data) in order to revise the analysis," deleting the portion regarding final action. The motion was seconded.

Bill Tweit moved to amend to delete the words, "and any pertinent 2005 fisheries." The motion was seconded and carried without objection.

Ms. Salveson reiterated the point in the NMFS letter that the AIHCA was developed based on certain data and the Council needs to resolve the issues surrounding those data before taking further action.

The main motion, as amended, carried without objection.

Mr. Corin recommended that a workgroup composed of USF&W, ADF&G, NMFS staff, as well as representatives from the University of Alaska and others with expertise in this field to discuss recommendations in the SSC report. There was concern on the part of some Council members about forming a large new workgroup to discuss how to incorporate the SSC comments.

Further discussion resulted in the decision to ask USF&W and Council staff to work together to review the comments to ensure adequate information is included in the analysis. The Council will receive an update in December.

D-5 Ecosystem Approaches

ACTION REQUIRED

(a) Update on the Aleutian Islands FEP and take action as necessary.
(b) Update on the Alaska Marine Ecosystem Forum.

BACKGROUND

(a) Update on the Aleutian Islands FEP.

In June, the Council initiated development of a Fishery Ecosystem Plan (FEP) for the Aleutian Islands ecosystem area. The Council also created a technical AI Ecosystem Team to assist Council staff in developing the FEP. The Team was appointed over the summer, based on recommendations made by the SSC. Team members with their associated area of expertise are listed below.

NPFMC:	**Diana Evans (management)**
AFSC:	**Sandra Lowe (Atka mackerel)**
	Steve Barbeaux (pollock)
	Paul Spencer (rockfish)
	Sue Moore (marine mammals)
	Kerim Aydin (modeling)
	Jennifer Sepez (socioeconomics)
PMEL:	**Carol Ladd (oceanography)**
ADFG:	**Forrest Bowers (state fisheries)**
USFWS:	**Vernon Byrd (seabirds)**
NPRB:	**Francis Wiese (research)**
UCSC:	**Jim Estes (habitat – tentative)**
NMFS:	**John Olson (benthic habitat, GIS)**

The Team meets for the first time on September 26-27, 2006, at which time they intend to develop a timeline to complete the document by June, 2007. The Ecosystem Committee will meet by

teleconference on October 3, to provide feedback on the Team's approach. Further information, including the Committee's minutes, will be distributed at the Council meeting.

(b) Update on the Alaska Marine Ecosystem Forum.

The Council has signed a Memorandum of Understanding (MOU) with 10 Federal agencies and 4 State agencies to create the Alaska Marine Ecosystem Forum (AMEF). The AMEF seeks to improve coordination and cooperative understanding between the agencies on issues of shared responsibilities related to the marine ecosystems off Alaska's coast. The initial focus of the AMEF will be on the Aleutian Islands marine ecosystem. A copy of the MOU will be available on the Council's website in the coming weeks.

The AMEF had its inaugural meeting in mid-September. A draft of the meeting summary will be distributed at the meeting. The member agencies of the AMEF are listed below.

Alaska Marine Ecosystem Forum Members **(Alaska agency heads, or their representatives)**

North Pacific Fishery Management Council

Federal: National Marine Fisheries Service
Fish and Wildlife Service
Minerals Management Service
National Park Service
Bureau of Land Management
Environmental Protection Agency
United States Forest Service
United States Coast Guard
Alaskan Command
United States Army Corps of Engineers

State: Department of Environmental Conservation
Department of Fish and Game
Department of Natural Resources
Department of Commerce, Community, and Economic Development

Report of the Scientific and Statistical Committee

The SSC received the staff report on the Aleutian Islands FEP and the Alaska Marine Ecosystem Forum and provided comments and suggestions to staff with respect to the proposed FEP outline. The SSC expressed concern that the proposed FEP advisory team that would be formed after the FEP technical team might create problems if its work and recommendations are not integrated into the plan teams' Ecosystem Consideration section. For the full text of SSC comments and recommendations, see the SSC minutes, Appendix II to these minutes.

Report of the Advisory Panel

The AP reported that it recognizes the potential value of the AI FEP in providing an integrated marine ecological baseline for informing fishery management decisions and recommended that the Council request the AI FEP team to actively seek stakeholder input throughout this process and specifically incorporate humans as a component of the ecosystem plan. The AP recommended that a community representative from the AI region with specific expertise in local and traditional knowledge be added to the FEP team.

Report of the Ecosystem Committee

A written report of the last meeting of The Ecosystem Committee report was provided and briefly reviewed by staff. With regard to the Aleutian Islands Fishery Ecosystem Plan, the Committee recommends that the Council approve the Team's suggestion of a two-phase approach to developing the FEP. The Committee also recommended that the the list of communities for outreach be expanded to include additional communities in the Aleutian Islands, specifically Nikolski and Unalaska. For the Committee's full set of comments and recommendations, please see the report included as Appendix VI to these minutes.

COUNCIL DISCUSSION/ACTION

[NOTE: Mr. Tweit and Mr. Krygier participated in this discussion for Dr. Koenings and Mr. Campbell, respectively.]

John Bundy moved the first three recommendations of the Ecosystem Committee:

1. **Write a comment letter to support NOAA funding for research days at sea.**
2. **Approve the FEP Team's suggestion of a two-phase approach to developing the FEP.**
3. **Expand the list of communites for outreach more broadly to those in the Aleutian Islands, specifically adding Nikolski and Unalaska.**
4.

The motion was seconded and carried without objection.

John Bundy moved to approve the 4th committee recommendation: Write a letter to NOAA objecting to the initiative to define Alaska as a single Large Marine Ecosystem (LME). The motion was seconded by Dave Benson and carried without objection.

During discussion it was pointed out that according to scientific literature on LMEs there are four in Alaska with distinctly different ecosystems. Additionally, funding for various scientific programs would be significantly reduced under the initiative.

D-6 Staff Tasking

ACTION REQUIRED

(a) Review tasking and committees and provide direction.
(b) Review PGSEIS Workplan and determine priority issues.

BACKGROUND

The list of Council committees is attached as Item D-6(a). Item D-6(b) is the three meeting outlook, and Item D-6(c) and Item D-6(d) are the summary of current projects, timelines, and tasking. In June, the Council added two new projects (revisions to seabird avoidance measures, socioeconomic data collection) to the tasking list. The Council also requested that the pelagic trawl definition and performance issue be separated from the BSAI EFH analysis and put on separate track, but has not yet provided direction on tasking priority. Additionally, as discussed under Agenda Item D-2, there are several new CDQ related projects stemming from the recent Coast Guard Act. The Council may wish to discuss tasking priorities to address these projects, as well as potential additions discussed at this meeting, given resources necessary to complete existing priority projects.

In 2004, the Council developed a workplan to bring groundfish management in line with its revised management policy (adopted as part of the Groundfish PSEIS). This workplan is reviewed by the Council at each meeting as part of the staff tasking agenda item, and is posted on the Council's website. The workplan, updated to reflect the current status of each item, and its relationship to the management objectives, is attached as Item D-6(e).

In June, the Council stated their intent to discuss the management objectives and review priority actions in detail during the October meeting. A progress report detailing the Council's progress on implementing the workplan is attached as Item D-6(f). The report includes the full list of management objectives from the FMPs, and staff notes on revising the workplan. At this meeting, the Council may wish to develop a new workplan to achieve the management objectives.

Report of the Scientific and Statistical Committee

The SSC reviewed the Programmatic Workplan and noted that several current and ongoing action items and groundfish FMP amendments are not listed. The SSC provided staff with recommendations for revisions and updates to the Workplan. Please see the SSC Minutes, Appendix II to these minutes, for the specific recommendations.

Report of the Advisory Panel

The AP requested the Council adopt the staff recommendations for revisions of a preliminary workplan with the additional inclusion of the following:

Increase "Alaskan Native Consultation and Participation by Representatives of Fishery Dependant Communities" with the addition of "develop a protocol and strategy to increase Alaskan native and community consultation and comments," as a priority action.

The AP further recommended the Council review the draft plan for the purpose of establishing priorities at its December meeting, and that the Council begin analysis on the proposal from Alaska Groundfish Databank to revise the MRAs for arrowtooth flounder.

COUNCIL DISCUSSION/ACTION

[NOTE: Mr. Tweit and Mr. Krygier participated in this discussion for Dr. Koenings and Mr. Campbell, respectively.]

With regard to the charter halibut management analysis, Ed Rasmuson asked staff to provide the following information: the halibut TAC for each year since 1993 to current year available; the average price for halibut each of those years, the estimated halibut mortality for each of those years, and the total harvest by charter and sport fishermen (separately) during those years. Mr. Rasmuson also said that it would be helpful if staff could deliver that information to Council members in advance of the next meeting.

Groundfish Programmatic Workplan

The Council requested staff provide a side-by-side comparison of the existing workplan and the staff recommendations provided at this meeting for Council consideration at the December meeting.

Enforcement Committee Agenda for December

Council members advised that the MRA adjustment issue should be put on the Committee's agenda after a final set of alternatives is provided for review.

Committees

It was noted that the following committee positions need to be reassigned by the Council Chair:
IFQ Implementation Committee: The seats held by Arne Fuglvog and Cora Crome.
VMS Committee: If the Committee is reactivated, Bob Mikol's seat needs to be reassigned.
Non-Target Species Committee: Peggy Murphy is no longer with AMCC; the Executive Director will check on her status before the Chair determines whether a replacement is necessary.
NPFMC/ABOF Joint Protocol Committee: It was noted that the third Board of Fisheries seat is unfilled at this time. The Executive Director will discuss this with the Board's Executive Director.

Comments on the EIS for the 2007/08 Groundfish Harvest Specifications

Bill Tweit moved that the Council provide formal comment to the NMFS on the EIS: The letter would advise the Agency that after review of the draft EIS, the Council continues to support the preliminary preferred alternative, and that the Council has examined in particular some of the primary issues that the SSC reviewed at its meeting (pp. 7-8 of SSC Minutes) and that the Council has had an in-depth discussion with the Agency at this meeting. The SSC comments will be forwarded to the agency for their consideration as well.

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

MRA for Arrowtooth Flounder

Doug Hoedel moved to task staff to develop an amendment to revise the MRA for arrowtooth flounder, as proposed by the Alaska Groundfish Databank. The motion was seconded by Ed Rasmuson and carried without objection.

It was clarified that this is direction to staff to prepare a discussion paper on the issue before proceeding with an analysis. There was no discussion on the timing on this task.

Other Tasking Issues

With regard to the 'after-the-fact' transfer regulations, Mr. Olson reiterated his desire that this issue be made a priority by separating it from other parts of the amendment that are not consistent with the new provisions of the MSFMCA and forwarding it for Secretarial approval.

Ms. Salveson noted that the Agency will need to proceed with a separate regulatory amendment and understands the Council's wishes.

Management Plan for the Arctic Ocean

Earl Krygier moved the following:

The Magnuson-Stevens Act (Section 302) provides the North Pacific Fishery Management Council the authority over the fisheries in the Arctic Ocean, Bering Sea, and Pacific Ocean seaward of Alaska. The Council currently has developed and implemented only one FMP (the Salmon FMP) that extends northward of the Bering Strait into the Arctic Ocean.

Scientific studies have indicated significant warming in the North Pacific, and changes in marine ecosystems are anticipated. Data on the fishery resources in the Alaska portion of the Arctic Ocean (Chukchi and Beaufort Seas) are limited, but the potential exists for commercial fisheries to quickly develop there in the near future. Fisheries in the EEZ may be potentially uncontrolled without regulations implemented pursuant to Federal or State management plans.

Therefore, the Council is tasking staff to develop a discussion paper to explore potential management approaches and measures necessary to control development of fisheries in the Arctic Ocean.

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

ADJOURNMENT

Council Chair Stephanie Madsen adjourned the meeting at approximately 10:16am on Monday, October 9, 2006.

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

PERSONS GIVING PUBLIC COMMENT
North Pacific Fishery Management Council
October 4-9, 2006
Dutch Harbor, Alaska

B-Reports

Sam Cotten, Aleutians East Borough (ABOF Proposals)
Ed Richardson, Pollock Conservation Cooperation (SSL Issues)
Donna Parker, High Seas Catcher Vessel Cooperative
Sandra Moller/Dave Fraser, Aleut Enterprise Corporation

C-1 SSL Issues – no comments

C-2 CDQ Management

Morgen Crow/Larry Cotter/Jonathan Thorpe/Billy Charles, CDQ Panel
Don Mitchell, Norton Sound Economic Dev. Corp.
Paul Peyton, Bristol Bay Economic Dev. Corp.

C-3 Trawl LLP Recency

Julie Bonney, Alaska Groundfish Databank
Dave Fraser, Adak Fisheries/3 Amigos
Brent Paine, United Catcher Boats
Donna Parker, High Seas Catcher Vessel Cooperative

C-4 BS and AI Sector Allocation Split for Pacific Cod

Donna Parker, Arctic Storm
Arni Thomson, Alaska Crab Coalition
Thorn Smith, North Pacific Longline Assn.
Dave Fraser, Adak Fisheries/City of Adak
Paul MacGregor, At-Sea Processors Assn.
Brent Paine/John Gruver, United Catcher Boats
Sandra Moller, Aleut Enterprise Corporation

C-6 Socioeconomic Data Collection

Glenn Reed, Pacific Seafood Processors Assn

D-1(a-c) Groundfish Specs

John Bruce/Tom Casey, Jubilee Fisheries
Jon Warrenchuk, Oceana
Gerry Merrigan, Prowler Fisheries
Julie Bonney, Alaska Groundfish Databank
Thorn Smith, North Pacific Longline Assn.
Lori Swanson, Groundfish Forum

D-1(d) VMS Analysis

Anne Williams, Alaska Longline Fishermen's Assn.
Jeb Morrow, Fisherman
Julianne Curry, Petersburg Vessel Owner's Assn
Gerry Merrigan, Halibut Fisherman
Zachary Nehaus, Fisherman
Bubba Cook, World Wildlife Fund

D-2(a) VIP Program

Paul MacGregor
Lori Swanson, Groundfish Forum

D-2(b) BSAI Salmon Bycatch

Lori Swanson, Groundfish Forum
John Gruver, United Catcher Boats/AFA Co-ops
Becca Robbin-Gisclair, Yukon River Drainage Fisheries Assn

D-3(a) BSAI Crab Vessel Use Caps

Arni Thomson, Alaska Crab Coalition
Jorn Kvinge/Jim Brady, Arctic Sea; Tom Suryan, Bristol Mariner, Owen Kvinge, North Sea
Lenny Herzog, Alaska King Crab Harvester Co-op
Dave Fraser, Adak Fisheries/City of Adak
Keith Colburn, F/V Wizard, Alaska Crab Producers Co-op
Steve Minor, Central Bering Sea Fishermen's Assn.

D-3(b) BSAI Crab SAFE

Frank Kelty, City of Unalaska
Steve Minor, Pacific Northwest Crab Industry Advisory Committee
Leonard Herzog, Alaska King Crab Harvesters Co-op

D-4(a) Bering Sea Habitat Conservation Open Area Boundaries

George Pletnikof, Greenpeace
Janis Searles/Jon Warrenchuk, Oceana
John Gauvin, H&G Environmental Workgroup
Dorothy Childers, Alaska Marine Conservation Coalition
Bubba Cook, World Wildlife Fund
David Benton, Marine Conservation Alliance
Whit Sheard, Pacific Environment
Paul MacGregor, At-Sea Processors Assn.

D-4(b) EFH Aleutian Island Area Adjustments

Jon Warrenchuk, Oceana
John Gauvin, H&G Environmental Workshop
Dave Fraser, Adak Fisheries

D-5 Ecosystem Approaches

David Benton, Marine Conservation Alliance

D-6 Staff Tasking

Jim McManus/Glenn Sullivan, Trident Seafoods
Julie Bonney, Alaska Groundfish Databank
Frank Kelty, City of Unalaska
Gerry Merrigan, Halilbut Fisherman

DRAFT REPORT
of the
SCIENTIFIC AND STATISTICAL COMMITTEE
to the
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
October 2-5, 2006

The Scientific and Statistical Committee met during October 2-5, 2006 at the Grant Aleutian Hotel in Dutch Harbor, AK . Members present were:

Gordon Kruse, Chair *University of Alaska Fairbanks*	Pat Livingston, Vice Chair *NOAA Fisheries—AFSC*	Keith Criddle *University of Alaska Fairbanks*
Mark Herrmann *University of Alaska Fairbanks*	Sue Hills *University of Alaska Fairbanks*	Anne Hollowed *NOAA Fisheries—AFSC*
George Hunt *University of Washington*	Seth Macinko *University of Rhode Island*	Franz Mueter *SigmaPlus Consulting*
Steve Parker *Oregon Department of Fish and Wildlife*	Ken Pitcher *Alaska Department of Fish and Game*	Terry Quinn II *University of Alaska Fairbanks*
Farron Wallace *Washington Dept of Fish and Wildlife*	Doug Woodby *Alaska Department of Fish and Game*	

Members absent:

Steven Hare
International Pacific Halibut Commission

B-7 Protected Resources

The SSC received an informational report from Bill Wilson (NPFMC staff). He presented brief summaries of the following topics, none of which require action by the SSC.

- Seabirds - During the June meeting the Council and SSC received reports regarding the distribution of seabirds, particularly species with conservation concerns, within inside waters and trials of seabird avoidance measures from small longline vessels. The Council approved proceeding with additional analyses and preparation of an Environmental Assessment of new regulations regarding requirements for seabird avoidance measures within inside waters and standards for seabird avoidance measures from small vessels operating in outside waters.
- Cook Inlet Beluga Whales - NMFS is conducting a status review of the Cook Inlet beluga whale population for consideration for listing under the U.S. Endangered Species Act. They completed a 90 day finding, published in the Federal Register, concluding that there was adequate information to warrant preparation of an EIS that considers population status in relation to a number human activities including salmon fisheries.
- Sea Lion Research - In late May 2006, as a result of a judicial ruling on a lawsuit filed by the Humane Society challenging the legality of Steller sea lion research permits issued by NMFS, all Steller sea lion permits were vacated. Negotiations between the Humane Society and NMFS resulted in an agreement to allow certain non-invasive research to resume. NMFS has contracted for the preparation of an EIS on their program for

issuance of research permits for SSLs and northern fur seals. The schedule for completion of the EIS is March 2007 and permits could be potentially issued for research by May or June 2007.

- Experimental Pollock Fishery - The NPFMC authorized an experimental pollock trawl fishery within Steller sea lion critical habitat to be conducted by the Aleut Enterprise Cooperation in cooperation with AFSC NMFS. The objective of this fishery was to evaluate the use of small commercial vessels for acoustic surveys of pollock in the Aleutian Islands, with trawling being used to validate acoustic surveys. A preliminary report on the project has been prepared and distributed.
- Sea Lion Recovery Plan - The SSC met and reviewed the draft Steller sea lion recovery plan in mid-August. Comments on the draft plan were formulated and provided to the Council. The Council met via teleconference in late August to discuss the SSC comments and develop their own comments that were then provided to NMFS. The comments are now under review by NMFS Office of Protected Resources.
- International Whaling Commission - The International Whaling Commission will meet in Anchorage during May 2007. The IWC chairman is Dr. Hogarth, director of NMFS. It is anticipated that the IWC will discuss subsistence whaling by Alaskan Natives among other topics. It is not anticipated that the IWC will discuss issues directly relevant to the NPFMC.
- Sea Lion Biological Opinion - NMFS provided a draft of the first four chapters of the BiOp on Alaskan groundfisheries in relationship to the endangered western population of Steller sea lions. The Council will receive a detailed presentation on the completed draft during the February 2007 meeting. The SSC received public testimony from Ed Richardson regarding the current draft.

C-1 SSL Management

Bill Wilson (NPFMC staff), Kristen Mabry (NMFS AK Region) and Larry Cotter (SSLMC chair) provided an overview of ongoing development of a multi-criteria decision tool to be used to evaluate proposals for changes to SSL protection measures in the GOA and BSAI groundfish fisheries. Dave Fraser (Adak Fisheries), Ed Richardson (Pollock Conservation Cooperative), and Clem Tillion (Aleutian Enterprise Corporation) provided public comment.

The SSC commends the SSLMC and staff for the substantial effort that has been invested in the development of the proposal review tool (PRT). In particular, the SSC notes that the PRT has been adjusted to incorporate many of the suggestions included in our June and August 2006 minutes including use of the Analytic Hierarchical Process approach. The SSC recognizes the difficulty facing the SSLMC in developing a PRT that realistically reflects the relative impacts of competing proposals and a proposal against the status quo. Many of the data required by the model are either not readily available or have not reached agreement among SSL biologists.

The SSC remains encouraged by the progress that has been made and recommends that the PRT continue to be refined as the SSLMC moves forward with review of the proposals that have been received. The PRT provides an explicit representation of the criteria that the SSLMC considers relevant to discriminating among proposals, the weights assigned to those criteria, and the variables used to inform those criteria. This transparency facilitates public review, which can be expected to lead to evolution of the criteria, weights, and variables and to identify information gaps. In examining the PRT, it is important to remember that the PRT is intended as a mechanism to help the SSLMC develop advice to help the Council identify proposals or suites of proposals to advance for analysis and review.

As it continues to refine the PRT, the SSC encourages the SSLMC to consider the following:

1. Although there are many advantages to pairwise comparison of alternatives, with 29 proposals and many possible combinations of proposals to consider, the number of pairwise comparisons is too large. (There are 435 unique pairings of the 29 proposals, with each pairing requiring the evaluation of multiple variables.) Therefore, the SSC recommends that the PRT be used to rate proposals and suites of proposals.

2. It appears that "structural adjustment" decreases the effective weight of nodes with smaller numbers of subsidiary nodes. While this may be appropriate if the subsidiary nodes are all of equal importance, it is unclear if the structurally adjusted weights will reflect the relative weights intended by the SSLMC. Therefore, the SSC recommends that the SSMLC contrast the standard and structurally weighted results of a few representative proposals before deciding whether to use a structurally balanced framework for evaluating the actual proposals.

3. The interaction of distance zones and numbers of sites warrants careful review; the lack of difference between impacts to single sites and multiple sites in the 0-3 mile zone is counterintuitive. This is one example; the SSC encourages the SSLMC to continue its sensitivity analyses and investigation of the PRT to be sure it reflects the weights intended by the committee.

4. Because this is the first time that the PRT will be used to inform Council deliberations, it would be very useful to have it very well documented. The final report should elaborate on the reasoning that led the SSLMC to adopt the particular criteria, variables, and model structure. This includes the reasoning that led to the weighting scores of each of the criteria, the data used, the role of and rationale behind expert opinions, etc. For example, from discussion it appears that the % TAC variable is intended to use the regional/seasonal TAC but that is not explicitly stated.

5. The percent of sites affected in a region may not be a good proxy for the significance of the impact of proposals because sites differ in SSL numbers and demographics and in the timing of use. It may be advantageous to solicit NMFS-PRD input regarding the relative importance of individual sites and to use that importance to weight the number of sites impacted and the magnitude of impact anticipated. If numbers of animals on terrestrial sites is incorporated into the PRT, then the SSC suggests getting the detailed data on seasonal use of rookeries and haulouts such as data from the western and central Gulf of Alaska collected under the oversight of Kate Wynne of the University of Alaska Fairbanks. The Alaska Sea Life Center has limited data on seasonal use of several sites in the eastern Gulf of Alaska.

6. The assumption that fishing during the spawning season would result in localized depletion of the prey field available to SSL should be carefully discussed. The SSC notes that the argument for the Shelikof Strait pollock allocation was that the likelihood of localized depletion would be reduced in the winter because pollock have a strong behavioral response that could be expected to result in rapid re-composition of schools in the wake of disturbance by fishing. The goal of TAC management with time area partitions is to maintain more even exploitation rates over meso-scale spatial areas.

7. The SSC notes that use of the PRT has not yet been evaluated by NMFS-PRD and suggests that NMFS-PRD seek an early opportunity to meet with the SSLMC to contribute to further development of the PRT.

8. The SSC concurs with the principle of dividing the TAC into subunits more aligned with SSL regions. There is some question about how well the groundfish fishery statistical areas

correlate with the SSL regions and how to best align these two different regional reporting methods.

9. When proposals have impacts that could affect multiple dimensions of a single node, the node should be restructured into two or more nodes.

10. The SSC suggests that the SSLMC reexamine which season is the most important for SSL, especially adult females. Summer haulouts are ranked second, below summer rookeries but ahead of winter rookeries and winter haulouts. However, summer haulouts are occupied by non-reproductive animals without the strong affinity to specific terrestrial sites. It might be appropriate to reconsider this ranking and assign a ranking of summer haulouts below that of winter rookeries and winter haulouts, both of which contain females with dependent young. Unfortunately, only limited data are available on the winter foraging range of reproductive females with dependent young. It is known that lengths of foraging trips are relatively short, 2-3 days (Trites and Porter. 2002)[1], therefore females cannot range great distances from winter haulouts. The SSC suggests that the SSLMC re-examine the bioenergetics data, especially Winship et al. (2002)[2]. It may be most appropriate to add a third season (spring) to the model or to weight the score by a bioenergetics curve. The SSC requests that whatever the decision is, that the SSLMC document the decision thoroughly and specifically.

As they review proposals rated by the SSLMC using the PRT, the Council and public should be aware that:

1. Irrespective of whether the SSLMC relies on ratings of proposals against a status quo, or conducts pairwise comparisons, the significance of differences in scores will be uncertain. It is important not to make too much of small differences in ratings unless these differences are insensitive to modest variations in the weights.

2. SSC heard several suggestions by fishers to do a "pre-fishery" assessment of local biomass using their own vessels so that local fisheries could be established. The SSC cautions against taking this idea to the limit of de facto individual TACs. Carried to the extreme, someone could propose to go assess the biomass in a particular area, then take some percentage of that within some period of time at some distance from SSL's with the idea being that "enough" fish are left in the water so that SSL's in the area have enough food so that no nutritional stress occurs. We don't know what "enough" is, what the energetic demand is, or even how many SSL's are feeding in any given area. Nevertheless, the SSC is supportive of projects that could lead to refined understanding of spatial and temporal patterns of fish populations and interactions with SSL. Giving heightened priority to proposals that include a research component to collect the necessary information may be advantageous, although it is not clear whether such a "research-bonus" should be incorporated into the PRT, considered in general discussions of the SSLMC, or reserved for consideration in the Council's analysis and review processes. For example, if a proposal calls for opening an area near a haul-out or rookery where seasonal attendance is uncertain, "extra points" could be given to those proposals that provided a sampling design that would allow collection of information to reduce the uncertainty in seasonal attendance and diet information or if it included a sampling design for conducting an assessment of local prey density prior to opening the fishery.

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[1] Trites A. W., and B. T. Porter. 2002. Attendance patterns of Steller sea lions and their young during winter. Journal of Zoology, London. 256:547-556

[2] Winship, A. J., A. W. Trites, and D.A.S. Rosen. 2002. A bioenergetics model for estimating the food requirements of Steller sea lions in Alaska. Mar. Ecol. Prog. Ser. 229:291-312.

C-6 Social and Economic Data

Mark Fina (NPFMC staff) provided an overview of a draft discussion paper that proposes the development of a comprehensive social and economic data collection process.

The SSC encourages continued development of this discussion paper and notes that the document could benefit from inclusion of research priorities identified in our April 2006 report. In preparing a more complete draft of the discussion paper, the SSC encourages inclusion of a more detailed description of social data and the types of performance studies that could be developed from such data. The proposal should contain a short description of the envisioned linkage between economic analyses and social analyses. The SSC also notes that the inventory data are essential for understanding demand relationships and that without information on product inventories, discussion of revenue and welfare impacts of management measures is seriously impaired. The next draft of the discussion paper should recognize that the CP sector is not well represented as a component of the catching sector or as a component of the processing sector and should be subject to a specifically designed data collection instrument. In addition to data identified in the discussion paper or referenced in the SSC list of Research Priorities, data on plant/vessel production and consumption of fish oil should be collected.

D-1(a) Groundfish Plan team report and Ecosystem SAFE report

The SSC received a report from Diana Stram (NPFMC staff) and Jim Ianelli (AFSC) on the joint BSAI/GOA Plan Team meeting as well as the GOA and BSAI Groundfish Plan Team meetings in September. The report covered a variety of issues and included a very brief summary of the Ecosystem SAFE report and results from 2006 bottom trawl and EIT surveys.

Public comment was received from Thorn Smith (North Pacific Longline Association), Dave Fraser (Adak Fisheries), Gerry Merrigan (Prowler Fisheries), Ed Richardson (Pollock Conservation Cooperative), and Jon Warrenchuk (Oceana).

The SSC provides comments on the following specific issues:

- Criteria for assessing stocks in off-years (i.e., years without surveys). In response to a previous SSC request, the Plan Teams developed a protocol for determining criteria that help determine if a specific assessment will be conducted in an off-year. **The SSC endorses these criteria, but requests some clarification of how stocks that are classified as approaching an overfished condition would fit into the framework.**
- Substantially revised assessments. There are at least two assessments that were modified substantially from previous assessments (not including other species). In particular, the sablefish model was substantially revised and the northern rockfish model for the Gulf of Alaska were revised and updated in an off-year to address some concerns noted last year. We commend the authors for their work in improving these assessments. The full assessments will be reviewed at the December meeting.

  Regarding the northern rockfish assessment, the SSC noted two issues of concern:
  (1) The model fits poorly to recent high but extremely variable survey estimates. This high variability is related to the patchy distribution of rockfish and the presence of a number of untrawlable areas. The treatment of untrawlable areas in the analysis of survey data potentially affects all rockfish species (as well as other species) and was highlighted as a concern in the recently completed CIE review of rockfish assessments. Presently, estimates from trawlable areas are simply expanded to untrawlable areas and it is

assumed that densities are the same in these areas. **The SSC encourages the stock assessment authors and the RACE division to initiate a more thorough exploration of the effects of untrawlable areas on survey estimates of abundance and of alternative ways to deal with untrawlable areas**. This work could build on previous work by Mark Zimmerman (AFSC) on the effect of untrawlable areas on biomass estimates in the West Coast survey region.

(2) A second issue raised by the Plan Team was the recognition that preliminary results from an analysis of the maturity schedule for northern rockfish suggest that the age at 50% maturity is younger. The SSC notes that this revised schedule will likely influence the calculation of biological reference points and encourages the release of the results of this study after reviews are completed.

- Dark rockfish. Diana Stram reviewed the GOA groundfish Plan Team recommendations concerning the draft EA to remove dark rockfish from the GOA groundfish FMP and defer management responsibility for dark rockfish to the state. The Plan Team recommended the analysis go forward and recommended dropping alternative 3 from the EA because it is unlikely that the State will take on additional assessment/survey responsibility for a federally managed species. **The SSC concurs with both Plan Team recommendations and further recommends the analysis encompass both the GOA and BSAI FMP's for consideration. The analysis should consider previous comments and suggestions outlined in the SSC's April 2006 minutes.**
- Budget for groundfish surveys. The SSC is quite alarmed to learn that reductions in the NMFS budget may lead to reductions in survey effort in 2007. Reducing the extent and/or frequency of surveys has important implications for uncertainty of biomass estimates and catch specifications in the future. Survey biomass and age composition are critical information sources for all stock assessments, so reducing the quality of the information will reduce the quality of the stock assessments. The potential for increased errors in assessments may require more conservative harvest specifications in the future. The SSC encourages the Council to write NMFS and congressional representatives to advocate restoration of survey funding.

  The AFSC is currently conducting research to examine the effects of different survey designs and survey frequency on stock assessments. **The SSC strongly encourages these efforts, given the importance of surveys to stock assessments, and would like to receive a presentation on findings when they become available.**
- Tier 5/Tier 6 determinations for other species. For some of the other species assessments, authors noted that Tier 6 determinations seem inappropriate, yet there is insufficient information to use the Tier 5 formula. **The SSC points out that the Tier 6 formula is not binding and encourages the assessment authors and plan teams to explore other creative ways of determining reasonable harvest levels for species with minimal information on stock size.**
- Ecosystem Considerations. The SSC received a copy of the ecosystem SAFE and Plan Teams received an in-depth presentation on the ecosystem chapter. Because of logistical constraints, the SSC received only an abbreviated summary of the Ecosystem SAFE and will receive the full presentation in December (time permitting). In the future, as in the past, the SSC would like to receive a full report in October and a brief summary of the highlights in December. The SSC noted that the authors were very responsive to SSC requests (see October 2005 minutes) and the structure of the Ecosystem Chapter has improved greatly over time. The only suggestion the SSC provides at this point is to further streamline the Executive Summary to a short, bulleted list that only highlights major physical and biological changes that affect the Northeast Pacific environment in

2006 and their potential significance. We also seek clarification on page 39 under the target species status concerning which species are "overfished" or not.

- Pacific cod allocation among EBS and AI. The Plan team considered cod structure and, based on available information, did not recommend splitting Pacific cod specifications for the EBS and AI but provided subarea allocations for the Council if needed. The SSC re-iterates its position from the December 2003 minutes, which states that: "*The ABC for BS/AI cod is not currently allocated by area. ...* ***The SSC believes that the ABC should be split among BS and AI areas*** (Note: highlight not in original), *but we are not in a position to address the concerns expressed by the authors. Therefore, for the 2005 specification process, the SSC requests the authors to evaluate the methods used to split the ABC and their potential management implications, so that specific recommendations can be made to the Council on this issue in the future.*" While methods have been developed to estimate appropriate apportionments to the EBS and AI, there are still allocation issues to be resolved before the geographic split can be implemented (see staff discussion paper of September 15 on "Apportionment of BSAI Pacific cod sector allocations to BS and AI subareas"). New genetic information on Pacific cod will soon become available. **The SSC is interested in receiving a report from Mike Canino (possibly in February 2007) on the genetic basis for differences in cod populations between the EBS and AI.**
- The Plan Teams and SSC received a paper on estimating Pacific cod off-bottom distance from archival tag data that was collected for different purposes. The SSC encourages continued work along those lines, recognizing that such estimates could prove extremely valuable for improving survey estimates of abundance and stock assessments.

D-1(b) Groundfish harvest specification EIS

Ben Muse (NMFS AK Region) presented a summary of a draft EIS for 2007/2008 groundfish harvest specifications. NMFS decided to prepare an EIS for the 2007/2008 specifications instead of an EA (which was used in the past to compare alternative harvest strategies). The advantage is that in future years there is no need to prepare a lengthy document for each assessment cycle but instead rely on a supplementary EIS (which can refer back to this EIS) if substantive issues arise that would change the conclusions of this EIS. The SSC appreciates these efforts to streamline the NEPA process.

The draft EIS has been released for public review and the SSC offers the following comments on the structure and contents of the draft EIS:

- The authors produced a very readable and well structured document and the SSC appreciated the efforts to organize the draft EIS into separate stand-alone chapters with parallel structures. A number of short tables in each chapter contain brief and useful summaries of anticipated impacts under the different alternatives.
- The SSC also appreciates the responsiveness of the authors to previous SSC comments, in particular the inclusion of an appendix that details the projection methodology and efforts to compute confidence bounds for estimates of gross revenue. However, the SSC notes that including a discussion of unsuccessful efforts to compute such confidence intervals in the draft EIS may be premature at this point. Moreover, we re-iterate previous SSC concerns that estimates of gross revenue are not a very useful measure of revenue without cost information.
- While the organization into separate stand-alone chapters enhances readability, it also created a lot of redundancy. In particular, the SSC notes that sections on "reasonable foreseeable future actions" within each chapter repeat much of the same information and

the authors may wish to consider combining the discussion of "reasonable foreseeable future actions" and their impacts on the different components of the ecosystem into a single chapter.

- The narrative format and a number of small tables in each chapter provide excellent summaries and discussions of anticipated impacts, but the large number of components examined within each chapter makes it sometimes difficult for the reader to identify those components that may be impacted under one or more alternative. The SSC suggests adding a single summary table at the beginning of each chapter that indicates for each component examined in the chapter and for each alternative whether anticipated impacts are unknown, of no concern, or of potential concern.

Regarding the move from annual EAs to an EIS/SEIS process, the SSC requests clarification on the following issues:

- If the SIR results in a finding that a Supplementary EIS is required, does the SEIS apply to all of the harvest specifications (regions and species) or can it be limited to only those regions and/or species that are affected?
- The changes that would trigger a Supplementary EIS are rather vague and should be formalized to the extent possible.
- It appears that the SIR determination is made exclusively by NMFS. It should be clarified whether there is a role for the Council in the process that determines whether a SEIS is required.

Other, minor comments regarding the contents of the draft EIS:

- Page v of the Executive summary contains a strong statement under 'Essential Fish Habitat' that "... *the assessment concludes no action is needed to further conserve EFH*". This determination cannot be made based on the Harvest Specification EIS and the statement should be removed.
- Table 7-2 contains numbers that either suggest unreasonable precision or may be in error. We suggest dropping all decimal points.
- There is an apparent large contradiction between the first paragraph on page 13-6 and the numbers of unemployed Akutan residents in Table 13-2. This contradiction should be clarified in the text, rather than in a footnote on the following page (Footnote 33).
- In the analysis of seabird impacts, the authors should consider separating the discussion of albatrosses from those of shearwaters because albatrosses are much rarer and have a very different life history and life expectancy. For example, on page 9-5 it is stated that the takes of other albatrosses and shearwaters are less than 1% of the populations at risk. A take of one percent of the albatross population may reflect a substantial increase in total mortality of these species, which may experience natural mortality rates on the order of 5-10%.
- On p. 9-4, first paragraph under 'Incidental take': The second sentence should read "average **annual** longline bycatch ..." instead of "average longline bycatch...".

D-1(c) Groundfish Harvest Specifications

Diana Stram (NPFMC staff) presented groundfish harvest specifications for 2007 and 2008 as summarized in the draft EIS and approved by the Plan Teams.

The SSC approves the BSAI and GOA groundfish harvest specifications as recommended by the Plan Team and summarized in the Plan Team minutes with two minor corrections:

- The 2008 OFL for rex sole in the GOA should be 11,200, not 112,000

- The sablefish OFL and ABC values for 2007 and 2008 should be apportioned to the BS and AI subregions based on the same ratio used for ABC apportionments in 2006 (49.7% BS, 50.3% AI):

sablefish	2007		2008	
	OFL	ABC	OFL	ABC
BS	3080	2580	2680	2240
AI	3120	2620	2720	2260

In the OFL and ABC projections for 2007/2008, the SSC noted small discrepancies between the 2007/08 OFL/ABC specifications adopted in December 2005 (which will open the 2007 fishery) and projections used in the draft EIS. The difference arises because the projection model for the draft EIS used a Tier 3 model, whereas the projection used in December 2005 (as recommended by SSC) used Tier 1 projections. **The SSC believes that the Tier 3 projections provide a reasonable approach for this year. However, we recommend that, in the future, projections should be done using the same approach that is approved by the Council in December of the previous year.** The SSC also encourages further exploration of the projection methodology by stock assessment authors and the Plan Teams to more closely approximate the management process.

The SSC notes that projections for 2007/2008 indicate relatively large decreases in the OFL and ABC of walleye pollock and Pacific cod and smaller decreases in other species. The total ABC for 2008 is projected to be just above the 2 million mt cap and catches may be constrained by halibut PSC limits.

D-1(d) VMS Requirements

The SSC received a presentation on the draft RIR/IRFA from Dr. Ben Muse (NMFS AKR). Public testimony was received from Gerry Merrigan (Halibut fisherman), Ann Williams (Alaska Longline Fishermen's Association), and Bubba Cook (World Wildlife Fund).

The SSC recommends releasing the draft analysis for public review pending additional consideration of the following issues:

- **The current statement of purpose and need does not seem sufficiently relevant to the proposed alternatives.** The SSC notes that the bulk of the impacts of the proposed alternatives to the status quo result from increases in VMS coverage of the halibut and sablefish fleets. The SSC suggests that the Council further refine the problem statement to address this inconsistency, specifying the need for extending VMS coverage to these two fishery components, and how this need varies regionally.

- **It is hard to assess who is affected and who is not under various options.** The SSC suggests the addition of a table near the beginning of the document that clarifies which gears/fisheries will be required to comply with the VMS regulations and which gears/fisheries are exempt.

- To the extent possible, the SSC would like to see the existing analysis taken to a finer scale in terms of the specific fleets, fisheries, and areas affected (e.g., break down the halibut/sablefish fisheries into existing vessel size and area categories).

- The program may create unintended behavioral incentives. For example, the exemptions that are tied to vessel size may encourage the kind of odd vessel design noted in other fisheries in Alaska featuring vessel length-based regulations. Additionally, implementation of the program may create incentives that could lead to consolidation of fishing operations.

D-1(e) Other Species Analysis Action Plan

Jane DiCosimo (Council staff) provided a review of the action plan to develop an EA/RIR/IRFA to evaluate approaches for managing the "other species" category. There was no public comment. The action alternatives could break out some or all of the species assemblages in "other species" for separate management, potentially eliminating the "other species" category altogether (remove BSAI and GOA sharks, sculpins, and octopuses, along with BSAI skates and GOA squids). GOA skates and BSAI squids have already been removed from the "other species" category and are currently managed as separate assemblages. Reclassification to separate management groups would require assemblage-specific OFLs and ABCs be set for each group as part of the annual specifications process for the BSAI and the GOA.

The problem statement describes the potential vulnerability of non-target species with small population sizes to overfishing under the current management approach of lumping these groups under a single "Other Species" TAC. The objectives of the proposed action should be clarified in the EA by describing how this action will help facilitate integration with the more global plan for managing non-target species, which is currently awaiting requirements under a reauthorized MSFMCA.

Under the programmatic management objective to prevent overfishing, this action is an intermediate step as it reduces the vulnerability to excessive fishing mortality for an assemblage, but does not provide species-level OFL and ABC protection for assemblage members (recognizing that these data are often not available). Given an upcoming more global action to evaluate management of non-target species, the SSC believes that the present action should focus on developing a framework that could be applied to "other species" assemblages, that is logically consistent with management of assemblages such as "other rockfish", and that is consistent between the BSAI and GOA. This exercise could be used to inform proposals for a framework for addressing non-target species management. The criteria used to identify sensitive species or species assemblages should be logically consistent with the criteria to be used to separate these assemblages into species categories in the future, if possible.

The EA should provide details on how well the newly separated assemblages will be monitored to provide better protection from overfishing given the difficulty to apply the tier-level framework to some taxa with unique life histories. Recommendations for enhanced data collection, such as species-level identification in the observer programs and in the landings, along with new biological studies, would be useful.

The SSC understands that the alternatives presented are not mutually exclusive and do not need to be, allowing the Council to choose to remove any combination of groups from the "other species" category; the document should clearly state this intent. To that end, BSAI skates could be removed from Alternative 3 as it is redundant.

Because this action is an intermediate effort to protect species groups incidentally captured in target fisheries, the SSC recommends that it focus on groups that are likely to have a

high prevalence in the catch. Accordingly, the SSC supports including the option to evaluate the grenadier group, but does not recommend including non-specified species because they would be more effectively addressed when the non-target species amendment is undertaken. Because of the number of species involved, they would consume analysis effort in this action that should be focused on developing a consistent framework.

Jane DiCosimo (NPFMC) discussed the Council's plan to consider proposals for alternative rockfish harvest policies in December. Owing to a full December meeting agenda, the SSC recommends that this agenda item be delayed until the February SSC meeting to allow more time for discussion and review. Delaying this agenda item until February would have the added advantage of allowing time for the AFSC to develop a plan to address comments raised by the CIE rockfish harvest strategy and stock assessment review.

D-2 (a) Vessel Incentive Program (VIP)

The SSC received a report from Ben Muse (NMFS-AKR) summarizing the EA/RIR/IRFA on the Vessel Incentive Repeal initiative and outlining three alternatives for Council consideration. The SSC compliments Dr. Muse on condensing a fairly complex issue into a relatively brief presentation. Public comment was received from Mr. Paul McGregor (on his own behalf).

Alternative 1 (status quo) would require that the agency renew enforcement of the VIP, leading to additional administrative and other costs. Alternative 2 would reduce the twice annual publication of rates to just once per year. Alternative 3 would eliminate the program in regulation, and possibly also by amending the GOA and BSAI groundfish FMPs.

The SSC believes that the EA/RIR/IRFA report is ready for release.

D-2(b) BSAI Salmon Bycatch

Diana Stram (Council Staff) provided an update on the status of the BSAI salmon bycatch reduction program. John Gruver (AFA Catcher Vessel Intercooperative) provided public comment.

Currently before the Council is Amendment package B-1 (a follow-up for measures not in Amendment 84), which would establish new salmon savings systems and an evaluation of the need and strategy for salmon bycatch caps. Package B-1 is to be considered prior to package B-2, which would develop an individual vessel salmon bycatch accountability program. Also, the Council will be considering the efficacy of the Voluntary Rolling Hot Spot (VRHS) closure system. An experimental fishing permit (EFP) has been granted for the period August 3 to November 1, 2006 to exempt AFA and CDQ vessels testing the efficacy of a VRHS program from regulations pertaining to salmon savings area closures.

The staff report identified continued increases in Chinook salmon bycatch in 2006, with the highest ever bycatch (over 59,000 fish) in the A season (January – March) in the recent 8 years, triggering the first ever Chinook savings area closure in the A season. Continued high catches in the B season (beginning in June) resulted in closure on September 1, 2006. Vessels under the EFP were exempt from these regulated closures. Bycatch of non-Chinook salmon (primarily chum salmon) has been lower this year than in 2005 and a closure was not triggered.

In regards to the performance report required by the Intercooperative Agreement under the EFP, the SSC notes the importance of accurately estimating the effect of the VRHS closure program in

reducing bycatch. The number of salmon avoided may be difficult to estimate without a direct effort to estimate the number of salmon that would be caught if vessels were not moved from the hotspot. **One possible method of estimation would be to obtain bycatch rates from a small number of vessels allowed to continue fishing for a limited time in the hotspot, and to compare those bycatch rates with rates from vessels that moved from the area.** The benefit of this method relative to using only pre-closure bycatch rates might be judged based on a comparison of pre- and post-closure bycatch rates.

The SSC also noted that there should be a consistent set of criteria used to determine when to not close areas under the VRHS closure program. At present, there are clear criteria for closure, but there are occasional decisions to not follow through with closures for various ad hoc reasons. These criteria will be needed to evaluate the efficacy of the criteria in providing the best bycatch reduction. Also, the SSC notes that the goal should be to reduce the number of salmon caught, whereas the VRHS closure system focuses on salmon per ton of pollock.

In June 2005 the SSC recommended "an expanded examination of an appropriate limit on salmon bycatch that considers such factors as region of origin and, at least for salmon of Alaskan origin, total run sizes and the allocated quantities of salmon to subsistence, commercial and sport users, as well as escapement goals." This recommendation is still appropriate, and the SSC suggests that one approach to the analysis is to consider salmon bycatch as an "allocation" of catch in the context of allocations to the directed salmon fisheries by the state of Alaska. To do so properly will involve considerations of the percentage of bycatch from western Alaska and estimated natural mortality expected to occur between age of salmon in bycatch and mean age of salmon returning to the rivers.

Improvements in identification of salmon stock of origin are needed before biomass caps can be established. Other data sources to investigate, which might assist in understanding origins and amounts of salmon in the Bering Sea, include North Pacific Anadromous Fish Commission information on chum salmon hatchery release numbers by year and country as well as country specific marking efforts; BASIS survey information; and foreign fishery data on locations and timing of salmon bycatch.

The SSC offers several suggestions for spatial analysis of salmon bycatch. First, it may be worthwhile to examine the relationship between salmon bycatch and surface or subsurface water temperatures, as there may be a correlation. Placing oceanographic moorings in the outer shelf domain might provide useful information in this regard. Second, it might be worthwhile to look for consistent hot spots relative to pollock densities when the spatial data are displayed on relatively short time scales, instead of looking at cumulative salmon bycatch over the duration of the pollock fishery. Specifically, maps of chum salmon bycatch over 2003-2006 seemed to suggest two spots of consistently high bycatch. Do these hold up over prior years and are they observable using daily bycatch rates used by SeaState? Comparisons of bycatch during the foreign fishing days could perhaps reveal some insights about ways (time/areas) to reduce bycatch.

D-3(a) Crab Vessel Use Caps

The SSC received a presentation from Mark Fina (NPFMC) based on a draft discussion paper. Public testimony was received from Tom Suryan (Mariner Fleet, Sea Boats), Arni Thompson (Alaska Crab Coalition), and Lenny Herzog (Alaska King Crab Harvesters Cooperative).

The SSC found the discussion paper to be a well-written, thoughtful consideration of the issues at this preliminary stage. It is not clear whether the Council will continue to pursue action on this issue but, if so, the SSC looks forward to the development of a full draft analysis.

D-3 (b) Crab SAFE and Plan Team report

Diana Stram (NPFMC Staff) briefed the SSC on recent Crab Plan Team activities, including development of the SAFE. Public testimony was received from Leonard Herzog (Alaska King Crab Harvesters Intercooperative) and Arni Thompson (ACC).

The SSC commends the Team for its excellent work and progressive approach in achieving its responsibilities. The SAFE is well organized and gets better each year. An Executive Summary provides a convenient overview of stock condition and status determination criteria. The SSC suggests that the Plan Team develop a section of the SAFE that provides further information about how the State of Alaska determines TAC; this will be useful for forecasting future catches in OFL evaluations. This section would summarize the biomass measure used (whether from a survey or from a model), the harvest rate used, and the formula and process used for the calculation of TAC.

The SSC also requests the Team to examine how rationalization has affected discard mortality. Has there been any change in the length and timing of the fishing season? Has the slower pace of the fishery reduced handling mortality? The SSC strongly suggests that field research on discard mortality, especially for Tanner and snow crabs, is needed to improve confidence in stock assessments and estimation of total fishing mortality.

As a note to the Crab Plan Team; the bycatch level totals in the table on p. 5-2 (Tanner crab) appear incorrect for 2004 and 2005.

Snow crab model

Jack Turnock (NMFS -AFSC staff) presented an update of his work on the snow crab model. The SSC notes that the author was very responsive to SSC comments in June and has devoted a large amount of work to this model since June and has greatly improved the model and its results. **While there are remaining improvements to be made, the SSC agrees with the Plan Team that the model should be used this year to provide a more stable biomass estimate than the survey.** The SSC notes that the discard mortality rate used in the model (50%) is different than the one used for management (25%), which creates a disconnect. The SSC encourages the stock assessment author to perform a sensitivity study with various discard mortality values including the rate used in the harvest model, in light of the uncertainty in this parameter.

The SSC also notes that there are patterns in the residuals of the fits to survey size frequency data. Jack Turnock noted uncertainty in the practice of using shell condition as a proxy for shell age. The SSC encourages research on growth patterns and shell age to resolve this problem.

D-3(c) CIE Review and Crab Overfishing Definitions

The SSC received the CIE's document reviewing crab overfishing definitions by Michael Bell, Patrick Cordue, and Nick Caputi. The SSC had received a presentation from Michael Bell at the June council meeting. The report closely follows that presentation and all three reviewers focused on two main issues. They supported the new overfishing definitions framework, with the caveat of developing default parameters, and conducting simulation modeling to test effective spawning biomass measures, fishery sustainability, and rebuilding performance. They suggested

that the crab workgroup should focus on developing an effective proxy for effective spawning biomass proportional to total fertilized egg production, but could use mature male biomass in the short term. They also suggested evaluating MSY control rules as distinct from, but in combination with, potential harvest strategies. The SSC notes that the CIE report was helpful to both the crab workgroup and for the Crab Plan Team and believes that the report will continue to be useful in the development of overfishing definitions and stock assessments.

Diana Stram and Jack Turnock reported on progress concerning revising overfishing definitions. The workgroup met in July and resolved most outstanding issues. There is agreement on input parameters and the range of values used for discard mortality. The model is in place and preliminary results have been obtained. Consequently, the final workgroup report should be available by the end of October. The SSC congratulates the workgroup for its substantial progress. The Crab Plan Team has developed a problem statement and range of alternatives for the analysis along with a draft outline. **The SSC endorses the problem statement and range of alternatives and looks forward to reviewing the EA in December.**

D-4 (a) Review alternatives for the BS EFH analysis.

Cathy Coon (NPFMC Staff) provided an overview of Bering Sea Habitat Conservation alternatives formalized by the Council during the June meeting and EA/RAR/ERFA to adjust Aleutian Islands Habitat Conservation Area (AIHCA) boundaries. The presentation included reference to comments and recommendations made in May by the Crab Plan Team with regard to a crab bycatch analysis to evaluate potential new habitat conservation measures. The Crab Plan Team did not believe additional protection measures are required at this time. Public testimony was received from Jon Warrenchuk (Oceana), John Gauvin (H&G Environmental Workgroup), Dorothy Childers (Alaska Marine Conservation Council), Bubba Cook (World Wildlife Fund), Ed Richardson (Pollock Conservation Cooperative) and Donna Parker (Arctic Storm).

The current suite of alternatives adopted by the Council in June employs an open area approach and considers flatfish trawl gear modifications to minimize the effects of fishing on EFH in the Bering Sea. The open area approach has habitat conservation benefits by limiting trawling to those areas already impacted and preventing fishing effects on habitat in untrawled areas.

The current alternatives provide little or no contrast to the status quo due to the magnitude of the open area in consideration. In June, 2006, the SSC recommended an expansion of the alternatives to include consideration of 5 items. **After consideration of information provided in the staff report, comments by the crab plan team, and considerable public comment, the SSC recommends that the Council family and public would be better informed and that more meaningful habitat protection might result through a collaborative effort between the industry, agency, public and NGO's to devise open area bounds, similar to that employed in the creation of the AIHCA.** This effort should allow for the consideration of potential protections for canyon habitats, skate nursery areas, as well as closures for research as suggested by the SSC in June, 2006. The SSC recognizes the possible consideration of canyons and skate nurseries in a subsequent HAPC process, but suggests that inclusion of these in the EFH consideration would allow for a more comprehensive approach.

In order to fully evaluate the impacts of the proposal, the SSC requests that a separate map be provided showing open and closed areas along the slope.

The SSC recommends the following considerations in development of the open area alternatives:

1. Analysis of an option to retain some open areas in the northern Bering Sea that are not currently fished to account for a potential northward, climate-induced shift in fish distributions and displacement of fisheries from traditional fishing grounds. This analysis should include the potential impact on snow crab habitat that does not now receive significant trawl effort, and it should include a Long-term Effects Index (LEI) analysis to help develop area boundaries and assess impacts.
2. Update information used in the 2004 EFH EIS with more recent information on habitat types that may represent essential fish habitat. There are a number of data sources that could be analyzed and may include, but are not limited to:
    a. Fishery logbook information
    b. Observer data
    c. VMS
    d. Survey observations of living substrate
    e. Bottom type profiles including bathymetry and sediment type
3. Provide analysis for potential economic impacts.

The SSC notes that research on gear modification is ongoing and looks forward to analysis of new data and how it may help reduce impact on habitat found in the BS.

The SSC suggests that the Council consider an experimental approach to assessing habitat impacts of trawling by adopting a statistical design of open and closed areas in northern Bering Sea areas not now fished. A statistically valid sample of open areas could be selected at random as research areas within a larger area of waters closed to trawling that will remain unfished.

As outlined in previous SSC minutes, the SSC again recommends the preparation of two analyses that may provide insight into development of habitat protection measures including: 1) analysis of data to measure the efficacy of current crab closures and 2) analysis of bycatch data in pelagic trawls.

D-4 (b) AIHCA adjustment.

Cathy Coon (NPFMC Staff) noted errors processing observer data used to adjust AIHCA boundaries in the EA/RIR/IRFA. **The SSC recommends that the Council not take further action but requests completion of the analysis to adjust the AIHCA boundaries near Buldir and Agattu Islands.**

Some details that need consideration in the EA/RIR include:

1. Additional information on the avifauna potentially impacted, especially for red-faced cormorants, which have undergone large declines in recent years.
2. Review the significance criteria table (Table 4.1-4) and note any changes to the original habitat analysis in the EFH EIS.
3. Clarification on the link between rockfish and target biomass in terms of significance.
4. Provide additional charts displaying bathymetry or other geographic information pertinent to the analysis including maps to illustrate the location of red-faced cormorant rookeries and their proximity to open fishing areas. Additionally, information on the dive depths of these cormorants, bottom depths in the areas opened, and substrate types in these areas may help to assess the potential for the proposed change to affect cormorant foraging.

D-5 Ecosystem Approaches

Diana Evans (NPFMC Staff) presented updates on the Aleutian Islands FEP and the Alaska Marine Ecosystem Forum. Testimony was received from Jon Warrenchuk (Oceana), Dave Fraser (Adak Fisheries), and John Gauvin (H&G Environmental Workgroup).

The Aleutian Islands FEP effort of the NPFMC is beginning with the formation of a technical AI Ecosystem Team to assist Council staff in the development of the FEP. The team was formed over the summer and met in September. The report of the team's first meeting and proposed outline for the FEP was presented. The SSC provides the following comments and recommendations with respect to the proposed FEP outline and the process for FEP development and communication.

With respect to the proposed FEP outline, the SSC recommended the addition of an implementation section that would clarify that the implementation of actions recommended in the FEP would occur through the existing FMP's. The additions of a research priorities section and a history section were also suggested. The section on "Value added" of FEP process (5.3) should be moved up to the Introduction. Also, the Purpose and need section (1.3) should move up ahead of section 1.1. The Priorities Section (6.0) should point back to the PSEIS workplan and ecosystem research priorities identified by the SSC for the PSEIS. The SSC suggests that the glossy executive summary document could include a schematic of a conceptual model for the Aleutian Islands, similar to the one derived for the GOA by the GEM program. This would help communicate the important processes and interactions occurring in this region to a wide variety of audiences.

Several comments were made concerning the structure and order of sections within Chapter 2. The section should include not only a discussion of fisheries but also how fisheries interact with other activities. The FEP should include a discussion of other activities that potentially affect fisheries, such as shipping, tourism, oil and gas development, and subsistence activities. It might be more logical to put a description of the boundaries (2.2) before AI processes and interactions (2.1). Subsections in 2.1 seem ordered from the middle out and might start with either humans (the top) or oceanography (the bottom).

The SSC expressed concern that the proposed FEP advisory team that would be formed after the FEP technical team might create problems if its work and recommendations are not integrated into the plan teams and Ecosystem Considerations section. The SSC recommends that the advisory team play a role in developing the summary tables for the AI assessment section of the Ecosystem Considerations document. Outreach to stakeholder groups and gathering input from local communities was identified as a very important activity that needed to be done through a variety of avenues such as plan teams, presentations to local communities, and the Internet. Implementation of actions identified should still have to go through the regular plan team and Council process.

The progress in organizing the Alaska Marine Ecosystem Forum was outlined to the SSC. The MOU creating the Forum has been signed and members have met to brief the Forum on each of the respective agency's objectives, activities, and interests in the Aleutian Islands. The SSC thought that there might be ways this group could interact with the FEP group and also mentioned some connections the group might make with research entities, such as NSF.

D-6 (b) PGSEIS Workplan and priority issues

The SSC received a report from Diana Evans (Council staff) on the progress-to-date and future plans for accomplishing the Programmatic workplan.

Several current and ongoing action items and groundfish FMP amendments are not listed in the workplan. For example under habitat, the NPFMC is considering EFH actions in the Bering Sea and HAPC will be further considered through an on-going three year review cycle of proposals. The salmon closure areas should be mentioned under bycatch reduction measures as well as habitat protection. Under "Protection of Steller Sea Lions", it would be useful to acknowledge the following activities: 1) NMFS is preparing a Biological Opinion, and 2) the sea lion recovery plan is being revised. These two documents will include evaluations of the potential impacts of fishing on Steller sea lions. Likewise, the NPFMC's sea lion mitigation committee has solicited proposals to modify existing protection measures and they have developed tools to evaluate the proposals. The item concerning "account for uncertainty" currently listed under "Ecosystem Management" should also be included under "Prevent Overfishing". The Alaska Native Communication issue should include communication activities that might occur with regard to the Aleutian Islands FEP.

The SSC suggests that plan amendment numbers or action items should be included in the table to track work items. The latter could be more effectively incorporated prior to the action name under "specific priority actions".

Although the workplan table would become longer, inclusion of all nine management objectives in the table would allow inclusion of more Council work items, such as including current community outreach activities under "Increase Alaska Native Consultation".

The timelines for items presented indicate only one item (AI FEP) that will continue past April of 2007, while work items such as "other species breakout analysis" are not planned to be finished until 2009. It would be useful to compare the three meeting outlook with the workplan to examine whether we are tracking the milestones in the workplan.

ADVISORY PANEL MINUTES
North Pacific Fishery Management Council
October 2-7, 2006 Dutch Harbor, Alaska

The following members were present for all or part of the meeting:

Al Burch	Duncan Fields	Matt Moir
Lisa Butzner	Bob Gunderson	John Moller
Joe Childers	John Henderschedt	Jeb Morrow
Craig Cross	Jan Jacobs	Ed Poulsen
Julianne Curry	Simon Kinneen	Michelle Ridgway
Tom Enlow	Kent Leslie	Lori Swanson

C-3 Trawl LLP Recency

The AP recommends the Council delete option 2 and 3 in component 2. *Motion passed 17/0*

Additionally, the AP recommends the analysis clarify that options for the BSAI apply to CVs and to CPs not qualified to operate as trawl CPs under the AFA or amendment 80. Motion passed 18/0.

C-2 CDQ Program

The AP recommends the Council modify the alternatives in BSAI Am. 71/22 to reflect the changes resulting from the Coast Guard Act related to administrative and government oversight issues (Subparagraphs (A), (D), (E), and (I)). *Motion passed 17/0.*

The AP recommends that staff determine the appropriate regulatory package through which to implement "after-the-fact" transfers of CDQ allocations in order to achieve implementation as soon as possible. *Motion passed 17/0.*

C-6 Comprehensive economic data collection

The AP recommends that the Council continue to develop a comprehensive socioeconomic and economic data collection protocol. While the AP is careful to avoid drafting problem statements, the data collection aspects of problem statements from prior programs seems to encompass the problems associated with inadequate data collection.

The AP, while recognizing the necessity to balance costs and benefits from a data collection program, would encourage the council to include processors, fishermen, community entities and other interested persons in their data collection.

The AP further recommends that the Council clarify confidentiality issues to protect all data collection and avoid data collection that could compromise proprietary information.

The AP recognizes that data accumulation across sectors will need to differ and encourages the Council to accommodate sector differences while collecting data.

The AP recommends that the scope of the Council's data collection protocol encompass, by way of illustration but not limitation, those items listed on page 6 of the discussion paper --- fishing revenues, ownership information, employment data - both crew and processing worker info, costs structures, geographic expenditures\distribution. In addition the AP would encourage collection of data regarding benefits to and/or regulatory impacts on fishery dependant coastal communities. Community data may include days in port, vessel moorage/home port, service sector expenditures, shipping information and other community involvement------- i.e. scholarships.

The AP would encourage an iterative process be established between staff and industry to develop "straw man" data request forms for review and to minimize the duplication of data between data collection programs. *Motion passed 13/5*

C-4 BSAI Pcod split

The AP recommends that the Council take no further action at this time. *Motion passed 17/0*

D1 Groundfish Management

BERING SEA

The AP recommends the Council adopt proposed BSAI OFLs and ABCs as recommended by the Plan Team and incorporated into the draft EIS, dated September 2006, as well as the 2007/08 TACs, as noted in the draft EIS table 2-5, page 2-11 with the following changes and additions: *Motion passed 16/1.*

The AP rolled over the 2006 Atka mackerel TAC of 63,000mt for 2007 and apportioned 1,282mt from the CAI to the WAI so as not to have the TAC > ABC. The AP also increased the 2006 Alaska place TAC by 17,000mt (to 32,000mt) and the 2006 Ospecies TAC by 10,900 mt (to 40,900mt).

The AP recommends the Council adopt the proposed PSC bycatch allowances for the BSAI for 2007/2008 found in agenda item D-1 (c)(3) *Motion passed 17/0*

GULF OF ALASKA
The AP recommends the Council adopt proposed GOA OFLs and ABCs as recommended by the plan team and the SSC for 2007-2008 and 2007-2008 TACs, as noted in the attached spreadsheet. *Motion passed 16/1*

The proposed attachment does the following:
Sets the 2007-2008 GOA proposed specifications where TAC is equal to ABC for all stocks with the following exceptions:
1. The Pcod TAC is reduced according to the table in the action memo to account for the apportionment to the State waters fishery in 2007-2008
2. Rolls over the 2006 TAC for 2007 and 2008 for:
    a. Shallow water flatfish and FHS in the Central and WGOA
    b. ATF for all areas except the CGOA
    c. OSR in the EYAK/SEO
    d. GOA wide Atka mackerel
3. Raises the proposed TAC for ATF from 25,000 mt in 2006 to 30,000 mt for 2007 and 2008. Motion passed 17/0

Additionally, the AP recommends the GOA halibut PSC apportionments, annually and seasonally, for 2006 as indicated in D-1 (c)(4) should be rolled over for 2007-2008 *Motion passed 17/0*

Further, the AP recommends that the Council approve the halibut discard mortality rates for the 2007-2008 CDQ fisheries and the discard mortality rates for the 2007-2009 GOA and BSAI non-CDQ fisheries as indicated in D-1(c)(5). *Motion passed 17/0*

The AP encourages work be completed on estimating Pcod off-bottom distance frm archival tag data, in time for a presentation at the November 2006 plan team meeting. The AP recognizes that such estimates could prove extremely valuable for improving estimates of abundance and stock assessments as noted in the SSC minutes. *Motion passes 17/0.*

D-1 BSAI and GOA Specifications

(d) Vessel Monitoring System

The AP recommends the Council not send the RIR/IRFA out for final review and first develop a clear problem statement that will provide a construct to enable the public to evaluate need for and impacts of VMS regulatory proposals. The AP also recommends that, once a problem statement is clarified, that the current alternatives be reconsidered and, perhaps, expanded. *Motion passed 14/1*

The following motion failed 3/12, and is the opinion of the minority:
Should the Council not modify the current problem statement, the AP further recommends that the RIR/IRFA be revised to more accurately assess economic costs to fishermen -- not based only on vessel length but on net value of the fishery, especially with reference to value to the fisherman from groundfish and with some reference to geographical differences in costs. That the document should include detailed discussion of individual fishermen may be impacted — particularly those who primarily participate in state waters fisheries. The document should expand the discussion of specific problem areas where VMS may be needed. The AP strongly believes that the current document should include several additional tables and/or a matrix that will help inform those impacted by the regulations. Signed, Duncan Fields, Jeb Morrow, and Julianne Curry.

D-2 Prohibited Species Bycatch

(a) Vessel Incentive Program

The AP recommends the Council release for final action the VIP EA/RIR with Alternative 3 option 2 selected as its preferred preliminary alternative. *Motion passed 16/0*

(b) BSAI Salmon bycatch

The AP confirms our support of the 84(a) amendment package. The AP endorses the use of an EFP for implementation of a rolling hot spot area closure until implementation issues for 84(a) are fully resolved. Further the AP recommends that staff track the SSC comments regarding additional spatial analysis of salmon bycatch on smaller time and area scales with the goal of further refinement of alternatives in B(1).

The AP recommends that the Council request clarification from NMFS on a means to immediately enact the chum salmon closure exemption for non- pollock trawl vessels as contained in amendment 84.

The AP also endorses the use of a separate EFP, if necessary, to monitor salmon bycatch by non-pollock trawl vessels to allow anactment an exemption from the chum salmon closure as contained in amendment 84. *Motion passed 16/1*

D-3 BSAI Crab Management

(a) Crab Vessel Use Caps
The AP recommends the Council table any further development on the discussion paper until the 18 month review, and further, that the discussion paper be updated with current data at that 18 month review. *Motion passed 16/1.*

(b) Crab Plan Team report and SAFE
The AP recommends the Council adopt the problem statement and the three alternatives for initial review in December. *Motion passed 16/0*

Additionally, the AP notes the lack of info regarding handling mortality for crab and recommends collaborative efforts between industry, NMFS, and ADF&G for on-the-grounds research into crab handling mortality.

D-4 Essential Fish Habitat

(a) Bering Sea EFH
To the extent that data are available, include directed foreign fishery and joint venture fishery data in the analysis of the potential impacts of establishing the open areas as defined in alternatives 2 and 4 for BS EFH analysis. *Motion passed 15/2*

(b) AI EFH
The AP recommends the Council task staff to resolve, in cooperation with the industry, questions regarding the appropriate boundaries of the Agattu area opening (using the same methodology as that used in the original analysis and any pertinent 2005 fisheries data) in order to revise the analysis for final action. *Motion passed 17/0.*

D-5 Ecosystem approaches

The AP recognizes the potential value of the AI FEP in providing an integrated marine ecological baseline for informing fishery management decisions. The AP recommends that the Council request the AI FEP team to actively seek stakeholder input throughout this process and specifically incorporate humans as a component of the ecosystem plan. The AP recommends that a community representative from the AI region with specific expertise in local and traditional knowledge be added to the FEP team.
Motion passed 12/6

Minority Report
The undersigned minority fully supports the intent of the motion to encourage the FEP team to actively seek stakeholder input in the development of the FEP, but does not agree with the inclusion of a specific representative from the AI on the Aleutian Islands FEP team. Signed: John Henderschedt, Craig Cross, Lori Swanson, Tom Enlow, Kent Leslie, and Matt Moir.

D-6 Staff Tasking

The AP requests the Council adopt the staff recommendations for revisions of a preliminary workplan with the additional inclusion of the following:

Increase "Alaskan Native Consultation and Participation by Reprensentatives of Fishery Dependant Communities" with the addition of "develop a protocol and strategy to increase Alaskan native and community consultation and comments," as a priority action.

The AP further recommends the Council review the draft plan for the purpose of establishing priorities at its December meeting. *Motion passed 17/1.*

The AP recommends the Council begin analysis on the attached proposal to revise the MRAs for ATF. *Motion passed 18/0.*

Gulf of Alaska October Recommendations for proposed 2007 and 2008 OFLs, ABCs, TACs

SPECIES		ABC (mt) 2007	OFL 2007	TAC 2007	ABC (mt) 2008	OFL 2008	TAC 2008
Pollock	W (610)	23,363		23,363	23,908		23,908
	C (620)	24,635		24,635	25,209		25,209
	C (630)	14,905		14,905	15,252		15,252
	WYK (640)	1,447		1,447	1,481		1,481
	SubTotal	64,350	90,200	64,350	65,850	92,700	65,850
	SEO (650)	6,157	8,209	6,157	6,157	8,209	6,157
	TOTAL	70,507	98,409	70,507	72,007	100,909	72,007
Pacific Cod	W	22,971		17,228	15,639		11,729
	C	32,395		24,296	22,055		16,541
	E	3,534		3,181	2,406		2,165
	TOTAL	58,900	70,100	44,705	40,100	48,300	30,435
Deep water flatfish1	W	421		421	421		421
	C	4,145		4,145	4,145		4,145
	WYAK	2,665		2,665	2,665		2,665
	EYAK/SEO	1,446		1,446	1,446		1,446
	TOTAL	8,677	11,008	8,677	8,677	11,008	8,677
Rex sole	W	1,096		1,096	1084		1,084
	C	5,207		5,207	5147		5,147
	WYAK	992		992	980		980
	EYAK/SEO	1,405		1,405	1389		1,389
	TOTAL	8,700	11,400	8,700	8,600	11,200	8,600
Shallow water flatfish2	W	24,720		4,500	24,720		4,500
	C	24,258		13,000	24,258		13,000
	WYAK	628		628	628		628
	EYAK/SEO	1,844		1,844	1,844		1,844
	TOTAL	51,450	62,418	19,972	51,450	62,418	19,972
Flathead sole	W	10,905		2,000	11,435		2,000
	C	26,047		5,000	27,313		5,000
	WYAK	2,091		2,091	2,192		2,192
	EYAK/SEO	57		57	60		60
	TOTAL	39,100	48,600	9,148	41,000	51,100	9,252
Arrowtooth flounder	W	20,897		8,000	21,237		8,000
	C	139,881		30,000	142,155		30,000
	WYAK	16,541		2,500	16,811		2,500
	EYAK/SEO	7,081		2,500	7,197		2,500
	TOTAL	184,400	215,300	43,000	187,400	218,800	43,000
Sablefish	W	2,464		2,464	2,213		2,213
	C	5,879		5,879	5,278		5,278
	WYAK	2,103		2,103	1,888		1,888
	SEO	3,254		3,254	2,921		2,921
	TOTAL	13,700	16,500	13,700	12,300	14,800	12,300
Other Slope rockfish	W	577		577	577		577
	C	386		386	386		386
	WYAK	317		317	317		317
	EYAK/SEO	2,872		200	2,872		200
	TOTAL	4,152	5,394	1,480	4,152	5,394	1,480
Northern rockfish	W	1,719		1,719	1,719		1,719
	C	4,181		4,181	4,181		4,181
	E	0		0	0		0
	TOTAL	5,900	7,000	5,900	5,900	7,000	5,900
Pacific ocean perch	W	4,282	5,069	4,282	4341	5156	4341
	C	7,646	9,052	7,646	7751	9208	7751
	WYAK	1,135		1,135	1150		1150
	SEO	1,636		1,636	1658		1658
	EGOA	2,771	3,279	2,771	2,808	3336	2,808
	TOTAL	14,699	17,400	14,699	14,900	17,700	14900

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	C	353		353	353		353
	E	337		337	337		337
	TOTAL	843	1,124	843	843	1,124	843
Rougheye rockfish	**W**	124		124	124		124
	C	557		557	557		557
	E	219		219	219		219
	Total	900	1,100	900	900	1,100	900
Pelagic shelf rockfish	W	1,452		1,452	1,653		1,653
	C	3,270		3,270	3,751		3,751
	WYAK	302		302	346		346
	EYAK/SEO	437		437	501		501
	TOTAL	5,461	7,108	5,461	6,251	8,554	6,251
Thornyhead rockfish	W	513		513	513		513
	C	989		989	989		989
	E	707		707	707		707
	TOTAL	2,209	2,945	2,209	2,209	2,945	2,209
Big skates	**W**	695		695	695		695
	C	2,250		2,250	2,250		2,250
	E	599		599	599		599
	Total	3,544	4,726	3,544	3,544	4,726	3,544
Longnose skates	**W**	65		65	65		65
	C	1,969		1,969	1,969		1,969
	E	861		861	861		861
	Total	2,895	3,860	2,895	2,895	3,860	2,895
Other Skates	GW	1,617	2,156	1,617	1,617	2,156	1,617
Demersal Rockfish	**SEO**	410	650	410	410	650	410
Atka Mackerel	GW	4,700	6,200	1,500	4,700	6,200	1,500
Other Species	GW	NA	NA	4,500	NA	NA	4,500
TOTAL		482,764	593,398	264,367	469,855	579,944	251,192

North Pacific Fishery Management Council OFL, ABC, and TAC recommendations for 2007-2008

Species	Area	2006				2007			2008		
		OFL	ABC	TAC	Catch**	OFL	ABC	TAC	OFL	ABC	TAC
Pollock	EBS	2,090,000	1,930,000	1,485,000	1,485,000	1,707,000	1,419,800	1,419,800	1,418,100	1,168,700	1,168,700
	Aleutian Islands	39,100	29,400	19,000	19,000	39,100	29,400	19,000	39,100	29,400	19,000
	Bogoslof District	50,600	5,500	10	0	50,600	5,500	10	50,600	5,500	10
Pacific cod	BSAI	230,000	194,000	188,180	188,180	176,100	148,500	144,045	144,900	121,700	118,049
Sablefish	BS	3,680	3,060	2,820	921	3,080	2,580	2,580	2,680	2,240	2,233
	AI	3,740	3,100	3,000	1,070	3,120	2,620	2,620	2,720	2,260	2,267
Yellowfin sole	BSAI	144,000	121,000	95,701	95,701	138,900	117,100	117,100	126,200	106,400	106,400
Greenland turbot	Total	14,200	2,740	2,740	2,487	18,300	2,630	2,630	17,500	2,630	2,630
	BS	n/a	1,890	1,890	1,890	n/a	1,815	1,815	n/a	1,815	1,815
	AI	n/a	850	850	597	n/a	815	815	n/a	815	815
Arrowtooth flounder	BSAI	166,000	136,000	13,000	13,000	172,200	140,500	20,000	177,400	144,800	144,800
Rock sole	BSAI	150,000	126,000	41,500	35,098	146,000	122,500	85,736	133,100	111,600	111,600
Flathead sole	BSAI	71,800	59,800	19,500	18,528	67,100	55,900	22,000	62,700	52,200	52,200
Alaska plaice	BSAI	237,000	188,000	8,000	17,000	227,100	180,200	32,000	218,400	173,200	129,637
Other flatfish	BSAI	24,200	18,100	3,500	3,500	24,200	18,100	5,000	24,200	18,100	18,100
Pacific ocean perch	BSAI	17,600	14,800	12,600	12,068	17,900	15,100	15,100	17,900	15,100	15,100
	BS	n/a	2,960	1,400	868	n/a	3,020	3,020	n/a	3,020	3,020
	AI total	n/a	11,840	11,200	11,200	n/a	12,080	12,080	n/a	12,080	12,080
	WAI	n/a	5,372	5,085	5,085	n/a	5,481	5,481	n/a	5,481	5,481
	CAI	n/a	3,212	3,035	3,035	n/a	3,277	3,277	n/a	3,277	3,277
	EAI	n/a	3,256	3,080	3,080	n/a	3,322	3,322	n/a	3,322	3,322
Northern rockfish	BSAI	10,100	8,530	4,500	3,887	10,100	8,500	5,000	10,000	8,500	5,000
Shortraker rockfish	BSAI	774	580	580	169	774	580	580	774	580	580
Rougheye rockfish	BSAI	299	224	224	183	299	224	224	299	224	224
Other rockfish	BSAI	1,870	1,400	1,050	556	1,870	1,400	1,400	1,870	1,400	1,400
	BS	n/a	810	460	251	n/a	810	810	n/a	810	810
	AI	n/a	590	590	305	n/a	590	590	n/a	590	590
Atka mackerel	Total	130,000	110,000	63,000	63,000	107,300	90,900	63,000	75,200	65,100	65,100
	WAI	n/a	41,360	15,500	15,500	n/a	34,182	16,782	n/a	24,481	24,481
	CAI	n/a	46,860	40,000	40,000	n/a	38,718	38,718	n/a	27,728	27,728
	EAI/BS	n/a	21,780	7,500	7,500	n/a	18,000	7,500	n/a	12,891	12,891
Squid	BSAI	2,620	1,970	1,275	1,437	2,620	1,970	1,275	2,620	1,970	1,970
Other species	BSAI	89,404	58,882	29,000	29,000	89,404	62,950	40,900	89,404	62,950	35,000
Total	BSAI	3,476,987	3,013,086	1,994,180	1,989,785	3,003,067	2,426,954	2,000,000	2,615,267	2,094,554	2,000,000

**2006 catch is based on projected catch and includes CDQ.

North Pacific Fishery Management Council OFL, ABC, and TAC recommendations for 2007-2008

Species	Area	2006				2007			2008		
		OFL	ABC	TAC	Catch**	OFL	ABC	TAC	OFL	ABC	TAC
Pollock	EBS	2,090,000	1,930,000	1,485,000	1,485,000	1,707,000	1,419,800	1,419,800	1,418,100	1,168,700	1,168,700
	Aleutian Islands	39,100	29,400	19,000	19,000	39,100	29,400	19,000	39,100	29,400	19,000
	Bogoslof District	50,600	5,500	10	0	50,600	5,500	10	50,600	5,500	10
Pacific cod	BSAI	230,000	194,000	188,180	188,180	176,100	148,500	144,045	144,900	121,700	118,049
Sablefish	BS	3,680	3,060	2,820	921	3,080	2,580	2,580	2,680	2,240	2,233
	AI	3,740	3,100	3,000	1,070	3,120	2,620	2,620	2,720	2,260	2,267
Yellowfin sole	BSAI	144,000	121,000	95,701	95,701	138,900	117,100	117,100	126,200	106,400	106,400
Greenland turbot	Total	14,200	2,740	2,740	2,487	18,300	2,630	2,630	17,500	2,630	2,630
	BS	n/a	1,890	1,890	1,890	n/a	1,815	1,815	n/a	1,815	1,815
	AI	n/a	850	850	597	n/a	815	815	n/a	815	815
Arrowtooth flounder	BSAI	166,000	136,000	13,000	13,000	172,200	140,500	20,000	177,400	144,800	144,800
Rock sole	BSAI	150,000	126,000	41,500	35,098	146,000	122,500	85,736	133,100	111,600	111,600
Flathead sole	BSAI	71,800	59,800	19,500	18,528	67,100	55,900	22,000	62,700	52,200	52,200
Alaska plaice	BSAI	237,000	188,000	8,000	17,000	227,100	180,200	32,000	218,400	173,200	129,637
Other flatfish	BSAI	24,200	18,100	3,500	3,500	24,200	18,100	5,000	24,200	18,100	18,100
Pacific ocean perch	BSAI	17,600	14,800	12,600	12,068	17,900	15,100	15,100	17,900	15,100	15,100
	BS	n/a	2,960	1,400	868	n/a	3,020	3,020	n/a	3,020	3,020
	AI total	n/a	11,840	11,200	11,200	n/a	12,080	12,080	n/a	12,080	12,080
	WAI	n/a	5,372	5,085	5,085	n/a	5,481	5,481	n/a	5,481	5,481
	CAI	n/a	3,212	3,035	3,035	n/a	3,277	3,277	n/a	3,277	3,277
	EAI	n/a	3,256	3,080	3,080	n/a	3,322	3,322	n/a	3,322	3,322
Northern rockfish	BSAI	10,100	8,530	4,500	3,887	10,100	8,500	5,000	10,000	8,500	5,000
Shortraker rockfish	BSAI	774	580	580	169	774	580	580	774	580	580
Rougheye rockfish	BSAI	299	224	224	183	299	224	224	299	224	224
Other rockfish	BSAI	1,870	1,400	1,050	556	1,870	1,400	1,400	1,870	1,400	1,400
	BS	n/a	810	460	251	n/a	810	810	n/a	810	810
	AI	n/a	590	590	305	n/a	590	590	n/a	590	590
Atka mackerel	Total	130,000	110,000	63,000	63,000	107,300	90,900	63,000	75,200	65,100	65,100
	WAI	n/a	41,360	15,500	15,500	n/a	34,182	16,782	n/a	24,481	24,481
	CAI	n/a	46,860	40,000	40,000	n/a	38,718	38,718	n/a	27,728	27,728
	EAI/BS	n/a	21,780	7,500	7,500	n/a	18,000	7,500	n/a	12,891	12,891
Squid	BSAI	2,620	1,970	1,275	1,437	2,620	1,970	1,275	2,620	1,970	1,970
Other species	BSAI	89,404	58,882	29,000	29,000	89,404	62,950	40,900	89,404	62,950	35,000
Total	BSAI	3,476,987	3,013,086	1,994,180	1,989,785	3,003,067	2,426,954	2,000,000	2,615,267	2,094,554	2,000,000

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	SubTotal	64,350	90,200	64,350	65,850	92,700	65,850
	SEO (650)	6,157	8,209	6,157	6,157	8,209	6,157
	TOTAL	70,507	98,409	70,507	72,007	100,909	72,007
Pacific Cod	W	22,971		17,228	15,639		11,729
	C	32,395		24,296	22,055		16,541
	E	3,534		3,181	2,406		2,165
	TOTAL	58,900	70,100	44,705	40,100	48,300	30,435
Deep water flatfish1	W	421		421	421		421
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	TOTAL	8,677	11,008	8,677	8,677	11,008	8,677
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Enforcement Committee DRAFT Minutes
October 3, 2006 5:30pm
October 4, 2006 5:00pm
Grand Aleutian Hotel
Makushin Room
Dutch Harbor, Alaska

Committee present: Captain Mike Cerne, Cathy Coon (staff), Roy Hyder (chair), Bill Karp, Ken Lawrenson, LT Alan McCabe, Jeff Passer, LCDR Lisa Ragone, Sue Salveson, Herman Savikko, Lauren Smoker, and Garland Walker.

1.Report on VMS Initial Review for EA/RIR (Ben Muse)

Dr. Ben Muse (NMFS AKR) provided an overview on the draft RIR/IRFA on Vessel Monitoring Systems. The document contains input provided by the Committee. The Committee commends Ben on the entire analysis and recommends to the Council that the document be released for public review.

The Committee discussed certain issues within the document pertaining to enforcement, and requests some amendments to the document for the next iteration.

The Committee recommends the document include some assessment of the value of the fisheries not covered by VMS. Currently the document contains a table that provides volume (in terms of metric tons) and the value of the fisheries may also provide some valuable information in the review.

The Committee discussed the options available to the Alternatives, and highlighted that a clarification may be warranted under the transit option. The analysis currently evaluates an exception to operating VMS on vessels while transiting the EEZ by requiring gear stowage and a check in call to NOAA OLE or U.S. Coast Guard. The Committee would like the Council to consider the gear stowage and the call to enforcement as an "either/or" situation instead of both being required. The Committee supports the gear stowage option and feels the "call in" is not necessary and may be difficult for vessels to comply with. A "call in" could also be man-power intensive to enforcement. The Committee noted that the gear stowage exemption would be consistent with current law that allows foreign fishing vessels to pass freely through the EEZ if they have their gear stowed.

Additionally, NMFS enforcement had a specific comment relative to law enforcement response to VMS failures. This pertains to Section 3.3 of the analysis. It was noted that there are no cases from Alaska to Hawaii and to U.S. western Pacific territories where enforcement has ever directed a vessel back to port when its VMS failed. They have always worked with vessels by telephone, fax, or radio contact to allow the vessel to complete a trip. It is important, however, to continue to give enforcement the authority to direct a vessel to port on a case-by-case basis if there is an overriding concern about compliance with other regulations.

Suggested Agenda Items for the next meeting
1 Halibut Charter (Captain Cerne)
2. MRA
3. VIP Appeal Analysis (NMFS staff)
4. VMS (February)
5. AIHCA Modification (February)

Ecosystem Committee Minutes

Tuesday, October 3, 2006 2pm-3:15pm
TELECONFERENCE – (907) 586-7060

Committee: Stephanie Madsen (chair), Doug DeMaster, David Benton, Jon Kurland, Diana Evans (staff)

Others participating included: Chris Oliver, David Witherell, Bill Wilson, Sue Salveson, Joe McCabe, Melanie Brown, Kristin Mabry, Lenny Corin, Dave Fraser, Kristy Despars, Janis Searles, Jon Warrenchuk, Kate Wynne, Clem Tillion, Peggy Murphy

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The Committee worked through their agenda, and also discussed some informational items at the end of the meeting. At this time, the Committee does not plan to have a meeting in December, and anticipates its next meeting will be just before the February, 2007, Council meeting.

Alaska Marine Ecosystem Forum

The Committee received the draft meeting summary from the first Alaska Marine Ecosystem Forum meeting, which took place in September. The Council has signed a Memorandum of Understanding with ten Federal and four State agencies, creating the Alaska Marine Ecosystem Forum. This is the culmination of the Committee's initiative begun in early 2005, to examine the practicability of ocean councils and alternative ways to achieve interagency collaborations on ocean issues.

National Ocean Research Priorities Report

Ms Evans provided an overview of the recently issued Joint Subcommittee on Ocean Science and Technology report, *Charting the Course for Ocean Science in the United States: Research Priorities for the Next Decade*. The comment deadline is October 20, and the Committee discussed whether it would be advisable for the Council to provide comments. **The Committee recommends the Council write a comment letter to support NOAA funding for research days at sea**, which is critical to understanding the impacts of changes in the North Pacific, such as loss of sea ice and climate change.

Aleutian Islands Fishery Ecosystem Plan

The Committee received the September meeting report from the Aleutian Islands Ecosystem Team, describing their planned approach for developing the Fishery Ecosystem Plan. The Committee concurs generally with the Team's approach and proposed schedule, although noting that the schedule is ambitious. Consequently, **the Committee recommends that the Council approve the Team's suggestion of a two-phase approach to developing the FEP**. The Team will provide a first version of the FEP by June 2007, and will provide recommendations about what analyses should be initiated for the second phase (to be completed on a longer time frame).

The Team proposes to seek input and consultation from the communities that fall within the boundary of the AI ecosystem, as identified in the FEP: Adak and Atka. **The Committee recommends that the Council concur with this proposal, and expand the list of communities for outreach more broadly to those in the Aleutian Islands, specifically adding Nikolski and Unalaska**.

Finally, the Committee acknowledges the Team's efforts to keep the FEP concise and non-duplicative, and encourages the Team to persist with this principle as they proceed to the writing of the document.

Other items

Dr Fluharty appointed Chair of NOAA Science Advisory Board: The Committee congratulated Dr Fluharty on his appointment as Chair of the NOAA Science Advisory Board.

NOAA's External Ecosystem Task Team (EETT) report approved: Dr Fluharty provided a written update to note that the EETT report was approved by the NOAA Science Advisory Board in July, and will be sent to VADM Lautenbacher this week. The EETT, whose membership included David Fluharty, Stephanie Madsen, and Terry Quinn, was tasked to provide advice to NOAA on its science and research programs relating to NOAA's ecosystem goal. Dr Fluharty noted that the Ecosystem Committee's feedback to the EETT at previous meetings was helpful, and consequently the EETT report recommendations reflect opportunities for indigenous regional approaches and encourage regionally-distinct approaches toward implementing Integrated Ecosystem Assessments.

NPRB Bering Sea Integrated Ecosystem Research Program: Mr Benton reported that the North Pacific Research Board recently allocated $14 million for a six-year, vertically-integrated ecosystem research plan for the Bering Sea, which would study physical oceanography, levels of the food web, higher trophic levels, and human beings as part of the ecosystem. The Board also authorized the NPRB's Executive Director to work with the National Science Foundation to partner in this initiative. NSF would bring about $21 million to the program, which makes this an exciting opportunity to create a legacy study for the Bering Sea. A request for proposals for this program has been issued.

NOAA's initiative to define Alaska as a single Large Marine Ecosystem (LME): Mr Benton and Dr Demaster described NOAA's initiative to define programs around LMEs, and that Alaska has been defined as one LME complex by NOAA. According to the scientific literature on LMEs, there are four in Alaska: the Bering Sea/Aleutian Islands, the Gulf of Alaska, the Beaufort Sea, and the Chukchi Sea. For logistical reasons, and due to similarities between the regions and their management, the Beaufort and the Chukchi Seas have for some time been combined as a single Arctic LME. However, NOAA has recently decided to further combine the LMEs in Alaska into one LME complex, despite the fact that the remaining ecosystems are significantly different. The first adverse implication has recently emerged, a decision to divide national ocean observing system funding equally among LMEs. If funding continues to be distributed on this basis, Alaska will continually be disadvantaged under the single LME complex identification. **The Committee recommends that the Council write to NOAA, objecting to the Alaska LME classification, and requesting that it be reversed.**