

North Pacific Fishery Management Council

News and Notes



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BSAI Pacific Cod License Limitation Program

At its February 2000 meeting, the Council voted to release for public review the analysis for proposed Amendment 67, which would establish a Pacific cod endorsement for fixed gear vessels in the BSAI under the License Limitation Program (LLP)(based on recent participation and minimum landing requirements) after modifications requested by the Council are incorporated. The analysis is scheduled for final review in April, at which time the Council is expected to take final action.

The Council provided direction on several issues brought forward in the analysis and indicated specific information that should be added. First, the Council indicated that the analysis should provide more detailed discussion on where LLP qualified vessels that do not meet the proposed Pacific cod endorsement criteria would move to fish. Further analysis of the distributional effects of the amendment, to show how the action would affect both coastal communities and small vessel owners was also requested. The Council also indicated a need for further discussion of several decision points, specifically: whether vessels harvesting Pacific cod for bait in the crab fishery would be required to hold an LLP qualification and a Pacific cod endorsement; whether establishing a Pacific cod endorsement would have any effect on the IR/IU program; how catch histories may be combined at the general LLP level to qualify for a Pacific cod endorsement; and clarification that the LLP exemption for vessels less than 32' LOA also applies to the Pacific cod endorsement.

The Council added options for consideration during final review in April. Two grandfather clauses were included. The first grandfather provision is a revision of that proposed in October 1999 and first considered in December 1999. That grandfather provision would exempt catcher/processors which meet the original LLP qualifications, were purchased between July 1, 1997 and

December 31, 1998, and have made at least \$100,000 of investments to participate in the Pacific cod fishery (excluding gear purchases) from the recent participation and landing requirements necessary for a Pacific cod endorsement. The second grandfather provision would exempt vessels from the recent participation requirements of the program if they were qualified under the original LLP program for a fixed gear BS and/or AI endorsement, sank after June 17, 1995, and reentered the Pacific cod fishery (as evidenced by a landing) before Dec. 31, 1999.

A suboption was added to the analysis which allows pot catcher vessels to use their jig landings to count toward the minimum landing requirements. The analysis already included sub-options which allowed longline catcher vessels to count their jig landings. In addition, the Council noticed the public that they may choose to adopt different qualifying criteria for catcher vessels under 60 feet and over 60 feet, and this will be explicitly stated in the analysis.

If implemented by the Council, this program would add a Pacific cod endorsement to licenses held by fixed gear vessels that qualify for a BS and/or AI area endorsement under the current LLP and meet the selected P. cod endorsement qualification criteria. Pacific cod endorsements will likely not be added to groundfish licenses until the 2002 fishing season. Staff Contacts are Darrell Brannan and Nicole Kimball.

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Habitat Areas of Particular Concern Developed

The Magnuson-Stevens Act requires that fishery management plans identify and describe essential fish habitat (EFH), recommend measures to conserve and enhance EFH, and minimize to the extent practicable, adverse impacts from fishing on EFH. In June 1998, the Council adopted amendments to fishery management plans that describe essential fish habitat for managed species, as phase one in the EFH process. EFH is defined on the basis of general distribution, and is described as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. Phase two in this process is to identify additional habitat areas of particular concern (HAPC) and establish conservation measures to protect HAPC.

Habitat areas of particular concern (HAPC) are those areas of special importance that may require additional protection from adverse effects. HAPC is defined on the basis of its ecological importance, sensitivity, exposure, and rarity of the habitat. Several habitat types (living substrates and freshwater areas used by salmon) already have been identified as HAPC as part of the essential fish habitat amendments.

At the February meeting, the Council reviewed an initial draft of a proposed amendment that would consider identifying additional HAPC, and two management measures to protect HAPC from fishing effects. The first measure considered would potentially prohibit directed fishing for certain HAPC biota (corals, sponges, kelp, rockweed, and mussels). The second measure would establish several marine protected areas where Gorgonian corals are found in abundance. Gorgonian corals have been shown to be important shelter for rockfish and other fish species, are very long lived, easily damaged by fishing gear, and slow to recover from damage.

Based on public testimony, and input from its advisory committees, the Council voted to split the amendment and associated analysis into two parts. Part one, which would be ready for final action in April, would allow for control on the harvest of HAPC biota, based on the following problem statement.

The Council recognizes that some invertebrates (corals, sponges, mussels, rockweed and kelp), which provide important habitat for fish have the potential to be developed into large-scale commercial fisheries. The Council currently has little or no controls on the harvesting of these invertebrates. Adopting management measures as a precautionary approach would allow the Council to control any commercial fishery that might develop.

Part two of the HAPC amendments, which will require a longer time line, will be to develop a more comprehensive and iterative process for HAPC identification and habitat protection involving researchers, stakeholders, and management agencies. A scientific committee will be tasked to develop a discussion paper that identifies possible management approaches to meet habitat protection objectives and the pros and cons of each. Council staff will expand the analysis of HAPC categories, and define the process initiated by submission of a HAPC proposal, through the steps of evaluation, identification, stakeholder involvement and, where indicated, management actions. Once these actions have been taken, the stakeholder process would be initiated to better define high density Gorgonian coral areas and develop appropriate management alternatives. Staff contact is David Witherell.

Steller Sea Lions

The Council approved a regulatory amendment to examine the effects of fishery closures on Steller sea lions. The study will require two actions: establishing a ban on all trawl fishing in the Chiniak Gully region off the east side of Kodiak Island and allowing the reopening of the 10 nm no trawl zone around Gull Point and Cape Barnabas to conduct experiments on the effects of fishing in nearby waters. It is expected that this action will be in effect from August 1st to a date no later than September 20th during the years 2000 to 2003. The Council requested that NMFS provide an annual update on results of the investigation. On a related issue, the Council also requested NMFS to review the methodology used in setting the 2000 pollock TAC in Shelikof Strait. Staff contact is David Witherell.

Council acts on Halibut Charter Management

At its February meeting, the Council took final action to redefine the halibut charter guideline harvest level (GHL) and approved accompanying management measures to implement the GHL. It also initiated an analysis and approved forming an industry committee to develop elements and options to include halibut charter participants in the current halibut IFQ program.

GHL

The Council set the Area 2C and 3A GHLs based on the average of 1995-99 in pounds (1.4 M lb in Area 2C and 3.91 M lb in Area 3A). Regulations will reduce the area GHLs in proportion to reductions in area abundance (as best determined by the IPHC) based on the average of 1999-2000 in a stair-step fashion. The first step reduction would occur when abundance declines 15% (e.g., from 1.40 to 1.19 M lb in Area 2C); additional 10% step reductions will occur as needed (e.g., from 1.19 to 1.07 M lb). This approach is responsive to changes in abundance. The stair-step smooths out the problem of annual variation posed by a strict percentage-based system. When the abundance returns to the pre-reduction level, then the GHL would step back up (e.g., from 1.19 to 1.40 M lb in Area 2C).

Management measures

Management measures, for when harvest exceeds the GHL, are outlined in the attached area matrices (ATTACHMENT 1). These measures would be removed if harvests fall below the GHL and they become no longer necessary. If the GHL is exceeded, 0-20% reduction measures (e.g., trip limits, prohibiting harvest by skipper and crew) would be implemented in the season following the overage. In years of >20% overage, measures that are projected to achieve 0-20% reduction in charter harvest would be implemented in the following season and measures that are projected to achieve >20% reduction in charter harvest (e.g., annual limits, one fish bag limit in August) would be implemented one year later to allow for verification of charter harvest. The regulations will establish a framework process to review and adjust the management measures in the event of an overage and to evaluate their efficacy to determine if a subsequent regulatory package is necessary.

IFQs

The Council will fast-track development of a regulatory amendment to the current halibut IFQ program which incorporates the guided sport fishery. A committee of industry members, NMFS, Council, and ADF&G staff will refine and develop elements and options for this IFQ program. Nominations for the committee are requested in writing by February 29, 2000. The first meeting will occur sometime after March 15th, and will most likely be a two day meeting in Anchorage. The committee will report back to the Council at its April 2000 meeting in Anchorage.

A preliminary analysis on including the charter sector in the current halibut IFQ program will be scheduled for the Council in October 2000. Initial review and final action will be scheduled for December 2000 and February 2001, respectively. Participation histories will be based on the 1998 and 1999 ADF&G charter logbooks, as received by February 12, 2000. 2000 logbooks will not be used as the basis of the IFQ system. If adopted, a charterboat IFQ system could not be in place any earlier than 2002, and more likely 2003. Such a program, if adopted, would replace the GHL management regime.

Moratorium

The Council voted to not proceed with area-wide (2C and 3A) moratoria for the halibut charter fleet at this time, but will send a letter to the Board of Fisheries supporting continued development of moratoria within the **LAMP** process for local areas where they are needed. The Council will review BOF progress in development of local moratoria within the LAMP process and the analysis of the charter IFQ amendment in February 2001. The Council also has scheduled reconsideration of the current area-wide moratorium analysis, updated to reflect recent participation, for final action in February 2001 as a separate possible action, pending its action on the charter IFQ amendment.

Lastly, the Council deleted **lodges and outfitters** from its problem statement since it does not have the ability to include halibut harvested on unguided boats (bare-boat charters) under the GHL. Staff contact is Jane DiCosimo.



American Fisheries Act

The Council received a status report from NMFS regarding implementation of the American Fisheries Act (AFA) and its associated permits, co-op allocations, and sideboards. These provisions are being implemented via emergency rulemaking for year 2000. A proposed and final rulemaking will occur in late 2000. The Council deferred comment on specific aspects of the AFA rulemaking at this meeting, with the expectation of commenting on various aspects of the Proposed Rule at the October 2000 meeting. Contract agreements for the various pollock co-ops have been submitted to the Council and are available upon request.

The Council also reviewed an analysis for groundfish processor sideboards and excessive share caps for BSAI pollock processing at this meeting. The Council requested further analysis and discussion of the issues listed below (relative to effects of alternative processing caps), with the understanding that the document will be available for initial review in June with as many of the suggested changes as possible (in addition to comments offered by the Council's Scientific and Statistical Committee).

- a. ex-vessel prices and value
- b. sector competition under aggregate caps (*i.e. the impacts on AFA catcher processors of being included in sector aggregate or "pooled" processing sideboards with other AFA processors*).
- c. IR/IU requirements
- d. AFA and non-AFA processors,
- e. Product types and markets

The Council also requested inclusion of:

1. A problem statement and how each alternative addresses the problem (see below).
2. A definition of "excessive barrier" (*i.e. consideration of recent sale of Northern Victor and American Seafoods*).
3. Further discussion of the "sliding historical period" (*page 47 of the AFA processor sideboard analysis*).
4. A description of past custom processing activity, including possible definitions and discussion of the impacts under alternatives if prohibited.
5. Further discussion of possible decision points on the "grandfather clause."
6. Make explicit, and qualitatively assess, the option of not imposing additional processing sideboards, beyond those specifically included in the AFA, on the AFA-eligible catcher/processors.
7. A discussion of the impact to catcher vessels of implementing processing caps.

Additionally, the analysis should address the following specific issues relative to the H&G factory trawl fleet, in quantitative and qualitative terms, to the extent practicable:

1. Evaluation of the potential for advantages resulting from AFA for competing more effectively in first wholesale markets upon which non-AFA sector depends:
 - (a) list of primary and secondary product forms for flatfish (or all non-pollock species) currently produced by non-AFA sector and monthly quantity and price data (industry will provide in audited form).
 - (b) monthly catch of non-pollock species.
 - (c) evaluation of degree to which prices determined in these markets are sensitive to increases in quantity.
2. Product forms and competition: Discussion of restricting the expansion of AFA processing sector based on non-competing product forms (surimi, fish meal), and vice-versa, including a discussion of market value and geographic market distribution channels of product forms currently produced by existing H&G fleet, relative to potential new product forms and distribution channels by the non-H&G fleet (AFA or non-AFA).
3. Evaluation of the potential that inadequate processing sideboards could increase capitalization of non-pollock fisheries, accelerate the race for groundfish and PSC, and limit or remove potential for a non-AFA sector industry-funded buyback.
4. Description of 'stacking' of vessel quotas among AFA vessels to date, discussion of potential for similar asset consolidation among AFA processors, and potential associated advantages to those processors in non-pollock fisheries.

We expect the revised analysis to be completed in late May for review by the Council in June. Relative to the Council actions described above, the following Draft Problem Statement was adopted by the Council:

The American Fisheries Act (AFA) was passed by Congress in the fall of 1998. The AFA established non-CDQ allocations of BSAI pollock among three major sectors (offshore, inshore, and motherships), it established specific limitations on who could participate in the harvest and processing of BSAI pollock, and it facilitated the formation of fishery cooperatives in the BSAI pollock fisheries. In establishing these operating advantages for the pollock fishery participants, the AFA recognized a need for limiting their participation in other, non-pollock fisheries as necessary to prevent adverse impacts on traditional harvesters and processors of those other fisheries due to the AFA or cooperatives in the pollock fishery. Congress directed the Council to address these concerns by developing processor sideboards and excessive share caps. The problem before the Council is to develop measures that take into account the impacts on AFA and non-AFA harvesters and processors, and fishing communities.

Additionally, the Council approved a motion delaying consideration of the issue of inshore co-op structure (including the Dooley-Hall proposal and associated alternatives) until the June meeting in Portland. Staff will distribute to the Council and interested industry the revised discussion paper prepared by Dr. Halvorsen et al, along with a summary of issues, alternatives, and decision points, noting that this issue will not be on the April Council meeting agenda. This should be available in early March. Included in this package will be a discussion of the issue of 'qualified catcher vessel' as it relates to the issue of retiring catcher vessels from the pollock fishery and still maintaining their pollock history within a co-op. Current language in the AFA will be addressed as well as the issues of permanent retirement and partial retirement (i.e., disposition of non-BSAI endorsements). The Council may provide direction on this specific issue as well at the June meeting. Council contacts for AFA-related issues are Chris Oliver or Darrell Brannan.



Staff Tasking

The Council reviewed all issues currently in development, and groundfish and IFQ program proposals received in last year's annual proposal cycle. Council and NMFS staff will be largely devoted over the next several months to high priority, legally mandated issues, including development of a programmatic SEIS (Supplemental Environmental Impact Statement) for all groundfish fisheries, and associated FMP updates; an EIS for implementation of the AFA; a report to Congress on the AFA; crab rebuilding amendments; amendments related to Essential Fish Habitat (EFH) and Habitat Areas of Particular Concern (HAPC); revised overfishing definitions for groundfish; and, continuation of the domestic observer program. Additional tasks between now and June will be limited to the following items:

- Revisions to the analysis of species/gear endorsements (LLP) for BSAI P. cod fixed gear fisheries, for final action in April.
- Additional analysis of processor sideboards and excessive share caps for BSAI pollock processing, for initial review in June.

- Development of initial alternatives and options for a halibut charterboat IFQ program, for review in April. Analysis of these alternatives and options would occur over the summer, for preliminary review in October.
- Completion of an analysis for halibut subsistence management, for initial review in April.
- Completion of the analysis of inshore co-op structure alternatives (Dooley-Hall proposal), for final action in June.
- Completion of an analysis of observer program regulatory amendments, including ATLAS hardware requirements, for initial review in April.
- Assistance in development of a discussion paper related to a proposal from the Gulf Coast Communities Coalition (GCCC) to allow communities to acquire halibut QS/IFQs.

Other issues or amendments previously tasked by the Council will be developed as time allows, sometime after the June Council meeting. These are depicted on our three-meeting outlook for tentative (T) consideration in October. No other new proposals were accepted by the Council for development at this time. The Council will not initiate new amendments, or discuss staff tasking, until the June meeting at the earliest. Council contact is Chris Oliver.

Upcoming meetings

Observer Committee - the Council's newly appointed Committee will meet on March 20-21 at the Alaska Fisheries Science Center in Seattle. Council contact for details is Chris Oliver.

Crab Industry Co-op Development - the industry initiative to develop co-op style management options for the BSAI crab fisheries continues, with a meeting scheduled for March 2 at the Leif Erickson Hall in Ballard. Council members Dave Fluharty and Kevin O'Leary continue to act as facilitators in this effort, with the Council offices providing logistical support and acting as an additional point of contact for interested industry (call Chris Oliver for details). Please refer to our website for copies of previous meeting minutes and associated materials.

Pacific Northwest Crab Industry Advisory Committee - PNCIAC will meet Wednesday March 1, 2000 at 9:00 a.m. at the Leif Erickson Lodge, 2245 NW 57th St, Seattle, WA. The Committee will meet with representatives of the Alaska Department of Fish and Game to review proposals before the Alaska Board of Fisheries concerning crab. Contact Arni Thomson (206-547-7560) for more details.

Halibut Charter IFQ Committee – Nominations for this committee are being requested in writing by February 29, 2000. The first meeting will occur sometime after March 15th, and will most likely be a two day meeting in Anchorage. Call Jane DiCosimo at the Council office for details.

Environmental Nominations for Advisory Panel

The Council is seeking nominations from the environmental community to fill a vacancy on its 21-member Advisory Panel. The appointment will last through 2000. The Council's preference is to continue its past practice of filling the seat with someone directly involved with an environmental organization, for example, an active staff member or volunteer, to facilitate efficient communication with the environmental community. Nominations, with a brief background letter, should be received at the Council office no later than March 3, 2000. The next meeting of the AP is scheduled for April 10th. Staff contact is Clarence Pautzke.

Halibut Charter IFQ Committee Nominations Sought

A new Council committee is being formed to refine elements and options for an IFQ system for the halibut charter fishery (see article above). Nominations or letters of interest are due by February 29 and should be sent to the Council office: NPFMC, 605 W. 4th Ave., #306, Anchorage, AK 99501. Council committees are "no-host" meaning that committee members serve at their own expense. The committee may meet several times between now and June, most probably in Anchorage.

North Pacific Fishery Management Council

Tentative Meeting Dates for 2000-2002*

	February Week of/ Location	April Week of/ Location	June Week of/ Location	October Week of/ Location	December Week of/ Location
2000		10/Anchorage	5/Portland	2/Sitka	4/Anchorage
2001	5/Anchorage	9/Anchorage	4/Kodiak	1/Seattle	3/Anchorage
2002	4/Anchorage	8/Anchorage	3/Dutch Harbor	Sept 30/ Seattle	2/Anchorage

*Meeting dates subject to change depending on availability of meeting space. Any changes will be published in the Council's newsletter.

Revised 2000 GOA groundfish specifications

As a result of the final reasonable and prudent alternatives to mitigate the adverse impacts of the GOA pollock fishery on Steller sea lions, the Council's December 1999 ABC and TAC recommendations were modified by NMFS in the final rule. The RPAs established four seasonal apportionments of the pollock TAC. Under the emergency rule, 30 percent of the annual TAC in the Western and Central Regulatory Areas in the GOA is apportioned to the A season (January 20 through March 1) to the Western GOA, the Shelikof Strait, and Statistical Areas 620 and 630 (outside the Shelikof Strait) in the Central GOA; 15 percent to the B season (March 15 through May 31) to the Western GOA, the Shelikof Strait, and Statistical Areas 620 and 630 (outside the Shelikof Strait) in the Central GOA; 30 percent to the C season (August 20 through September 15) to the Western GOA and Statistical Areas 620 and 630 in the Central GOA; and 25 percent to the D season (October 1 through November 1) to the Western GOA and Statistical Areas 620 and 630 in the Central GOA. The Shelikof area apportionments during the A and B seasons are derived from the estimate of pollock biomass in the critical habitat of the Shelikof Strait (489,900 mt) divided by the pollock biomass estimated

for the entire GOA (958,000 mt) multiplied by the A and B seasonal apportionments of pollock TAC, 30 percent of the annual TACs (27,361 mt) in the A season and 15 percent of the annual TACs in the B season (13,680 mt) in the GOA.

Walleye pollock (Metric Tons)		
Area	ABC	TAC
Shumagin W (61)	32,340	32,340
Chirikof C (62)	13,372	13,372
Kodiak C (63)	24,501	24,501
Shelikof	20,987	20,987
WYAK	2,340	2,340
EYAK/SEO	6,460	6,460
Total ²	100,000	100,000
Pacific cod		
W	27,500	20,625
C	43,550	34,080
E	5,350	4,010
Total	76,400	58,715
Other species		
Gulfwide	NA	14,215
GOA TOTAL	448,010	298,510

After the Council approved final groundfish specifications in December 1999, ADF&G determined that harvests of Pacific cod in state waters of the Kodiak District in the Central GOA increased to over 90 percent of the 1999 GHL for the area. This resulted in an unanticipated increase in the 2000 GHL for the Kodiak District from 10 percent to 12.5 percent of the Central GOA ABC. This resulted in an increase from 19.25 percent in 1999 to 21.75 percent of the Central GOA ABC in 2000. NMFS is adjusting the Council's recommended Pacific cod TAC downward for the

Central GOA from 35,615 mt to 34,080 mt to reflect the increased 2000 GHLS in the Central GOA (1,535 mt).

The FMP specifies that the amount for the "other species" category is calculated as 5 percent of the combined TAC amounts for target species. The sum of the TACs for all GOA groundfish is 298,510 mt. As a result of the lower TAC for Pacific cod, the GOA-wide "other species" TAC is adjusted to 14,215 mt.

Fishery Web Links

If you are a web user, check out many of the fishery links that are available from our website at www.fakr.noaa.gov/npfmc. An interactive calendar link (<http://www.calendars.net:8186/NPFMC>) from our homepage lets you check out fishery-related meetings (not necessarily related to the NPFMC) and also lets you post all *your* fishery-related meetings. This site is a great way to keep track of the many events happening and a great way to keep others informed of events you may have planned. Other links to check out include:

www.fakr.noaa.gov - NMFS Alaska Region (Juneau)

www.state.ak.us/local/akpages/FISH.GAME/adfghome.htm - Alaska Department of Fish & Game (ADF&G-Juneau)

www.uaf.alaska.edu/seagrant - Alaska Sea Grant College Program (Fairbanks)

www.uaf.alaska.edu/otc - North Pacific Fisheries Observer Training Center (Anchorage)

www.comfish.org - Comfish - Alaska's largest fisheries trade show, March 24, 25 and 26, 2000

www.heads-up.net - Heads Up - News connecting the West Coast Fishing industries