APPENDIX D

Gulf of Alaska Fisheries Management Plan Amendment Summaries

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Amendments to the Fishery Management Plan for Groundfish in the Gulf of Alaska

Prepared by the staff of the North Pacific Fishery Management Council

Amendments to the Fishery Management Plan for the Gulf of Alaska Groundfish Fishery

This document contains 1-page descriptions of the amendments to the Fishery Management Plan for the Gulf of Alaska Groundfish Fishery (GOA FMP), through 2003. The GOA FMP was implemented effective December 1, 1978. The Final EIS and RIR were published in September 1977.

Amendment Number	Amendment Title	Date of Final Rule	Supporting Analysis
1	Extension of the FMP Time Period	1978	EA
2	Joint Venture Reserve	1978	EA
3	Foreign Apportionment of Pacific Cod in Chirikof Area	1978	EA
4	Removal of Gear and Area Restrictions, Adust Optimum Yield, Reduce Regulatory Areas	1979	EA
5	Establish Species Category for Grenadiers	1979	EA
6	Reduction of Domestic Annual Harvest	1979	?EA
7	Extend the Fishery Management Plan, Adjust Optimum Yield, Establish Species Category for Thornyhead Rockfish, Domestic Reporting Requirements	1979	EA
8	Remove Fishery Management Plan Expiration Date, Establish Management Categories, Establish Districts for Sablefish Management, Require Biodegradable Panels on Pots, Adjust Reserve Schedule	1980	EA
9	Close Kodiak Gear Area to Foreign Trawl	1981	EA
10	Reduce Pacific Ocean Perch Catch, Foreign Trawl Closures in Southeast Alaska	1982	EA
11	Adjust Pollock and Sablefish Optimum Yield, Create Sablefish Management Districts in Eastern Gulf of Alaska, DAP/JVP Framework Adjustments	1983	EA, RIR, IRFA
12	Pot Gear Prohibition for Sablefish (withdrawn)	–	–
13	Increase Pollock Optimum Yield, Adjust Pollock Management Areas	1984	EA, RIR, FRFA, supplement
14	Sablefish Gear, Area and Seasonal Allocation, Demersal Shelf Rockfish Management, Optimum Yield Reductions, Halibut Prohibited Species Catch Framework, Habitat Policy, Catcher/ Processor Reporting Requirements	1985	EA, RIR, FRFA
15	Revise Fishery Management Plan Policy, Kodiak Bottom Trawl Closures, Optimum Yield and Total Allowable Catch/ Prohibited Species Catch Framework, Catcher/Processor Reporting Requirements	1987	EA, RIR, FRFA
16	Catcher/Processor Reporting Requirements, Redefine Species Management Categories	1988	EA, RIR, FRFA
17	Permit Requirements	1989	EA, RIR, FRFA
18	Domestic Observer Program, Renew Kodiak Crab Closures, Establish Shelikof District, Reporting Requirements	1989, 1990	EA, RIR, FRFA

Amendment Number	Amendment Title	Date of Final Rule	Supporting Analysis
19	Regulate Pollock Roe Stripping, Seasonal Allowance Schedule for Pollock	1991	EA, RIR, FRFA
20	Establish Sablefish Individual Fishing Quotas	1993	EIS, incl RIR & FRFA, supplement
21	Interim Harvest Levels, Fishing Gear Restrictions, Apportion Halibut Prohibited Species Catch by Gear and Season, Modify Demersal Shelf Rockfish Authorization Language, Define Overfishing, Implement Vessel Incentive Program	1991	EA, RIR, FRFA
22	Experimental Fishing Permits, Rescind Management District	1992	EA, RIR, FRFA
23	Inshore/Offshore Allocation for Pollock and Pacific Cod	1992	EIS, incl RIR & FRFA, supplement
24	Delay Season Start Date, Expand Vessel Incentive Program	1992	EA, RIR, FRFA
25	Steller Sea Lion Buffer Zones, Modify Pollock Management Districts	1992	EA, RIR, FRFA
26	Permanent Kodiak Crab Protection Zones	1993	EA, RIR
27	Establish Trawl Gear Test Zones	1993	EA, RIR, FRFA
28	Moratorium	1995	EA, RIR, FRFA, supplement
29	Salmon Retention for Food Banks	1996	EA, RIR
30	Research Plan/Observer Plan (not implemented)	1994	EA, RIR
31	Establish Separate Target Category for Atka Mackerel	1993	EA
32	Pacific Ocean Perch Rebuilding Plan	1994	EA, RIR, IRFA
33	Kodiak Pelagic Trawl Closures (withdrawn)	–	–
34	Remove Fishery Management Plan Reference to Community Development Quota Program	1994	–
35	Sablefish Individual Fishing Quota Share Blocks	1994	EA, RIR, FRFA
36	Transfer of Sablefish Community Development Quota Compensation Shares	1996	RIR
37	Limited Processing of Non-Individual Fishing Quota Species	1996	EA, RIR
38	Revised Pacific Ocean Perch Rebuilding Plan	1996	EA
39	Establish Forage Fish Category	1998	EA, RIR
40	Extend Inshore/Offshore Pollock and Pacific Cod Allocations	1995	EA, RIR, IRFA
41	Establish License Limitation Program	1998	EA, supplement
42	Individual Fishing Quota Vessel Buy Down	1996	EA, RIR, FRFA
43	Increase Individual Fishing Quota Sweep Up Levels	1996	EA, RIR
44	Overfishing Definitions	1997	EA
45	Pollock Trimester Allowances	1996	EA, RIR

Amendment Number	Amendment Title	Date of Final Rule	Supporting Analysis
46	Remove Black and Blue Rockfishes from Fishery Management Plan	1998	EA, RIR
47	Third Party Observer Program (withdrawn)	–	–
48	Total Allowable Catch Streamlining (tabled)	–	–
49	Improved Retention / Improved Utilization Program	1997	EA, RIR, FRFA
50	Halibut Donation Program	1998	EA, RIR, FRFA
51	Extend Inshore/Offshore Pollock and Pacific Cod Allocations	1999	EA, RIR, IRFA
52	Vessel Registration Program (tabled)	–	–
53	Full Retention of Demersal Shelf Rockfish (proposed, approved by Council February 2003)	–	
54	Individual Fishing Quota Indirect Ownership and Use Caps	2002	RIR
55	Define Essential Fish Habitat	1999	EA
56	Revised Overfishing Definitions	1999	EA
57	Moratorium Extensions	1999	RIR
58	Adjustments to License Limitation Program	2001	EA, RIR, IRFA, FRFA
59	Sitka Pinnacles Marine Reserve	2000	EA, RIR, IRFA, FRFA
60	Cook Inlet Bottom Trawl Ban	2002	EA, RIR, FRFA
61	Extend Inshore/Offshore Allocations for Pollock and Pacific Cod, Institute American Fisheries Act Fisheries Sideboards for Gulf of Alaska Groundfish Fisheries	2002	EIS, incl RIR & FRFA
62	Inshore/Offshore Language Revision (proposed)	–	Draft EA
63	Sharks/Skates (tabled)	–	–
64	Individual Fishing Quota Vessel Clearance and Recordkeeping and Reporting Changes (amendment approved by Secretary of Commerce January 2003)	–	EA, RIR, FRFA
65	Habitat Areas of Particular Concern: Harvest Control Measures (tabled)	–	–
66	Community Quota Share Purchase (proposed, approved by Council April 2002)	–	–
67	(unassigned)		
68	(unassigned)		
69	(unassigned)		
70	Steller Sea Lion Protection Measures (withdrawn)	–	–

GOA Amendment 1 Extension of the FMP Time Period

Dates: NMFS published a proposed rule for Amendment 1 to the Fishery Management Plan (FMP) for the groundfish of the Gulf of Alaska on August 7, 1978 (43 FR 34825). The notice of availability for the draft Environmental Impact Statement (EIS) was published in the Federal Register on July 18, 1977, and notice of the final EIS was published on October 28, 1977.

Purpose and Need: The original FMP for the Gulf of Alaska (GOA) was prepared by the Council and published by the Secretary of Commerce on April 21, 1978 (43 FR 17242). The FMP established the conservation and management measures for both the foreign and domestic groundfish fisheries in the GOA under the authority of the Fishery Conservation and Management Act (Magnuson-Stevens Act). Proposed regulations were published on April 21, 1978 (43 FR 17013 for foreign vessels; 43 FR 17242 for U.S. vessels). The FMP only managed fisheries in the GOA during 1978.

The purpose of Amendment 1 was to:

1) extend the timeframe of the FMP so that the management measures would be in effect through October 31, 1979; and
2) change the fishing year to November 1-October 31.

In addition, this amendment extended the optimum yields (OYs) and total allowable level of foreign fishing (TALFF), without change, through October 31, 1979.

Regulation Summary: The regulation revised the original FMP only slightly, extending the measures through October 31, 1979, to coincide with a fishing season start of November 1.

Analysis: An impact analysis was developed which evaluated the overall impact of this amendment on the fishery resource, economic and social factors, and physical environment. The analysis determined that the amendment is necessary to continue the plan and maintain the current OY and TALFF.

Results: The amendment maintained the OY and TALFF through October 31, 1979.

GOA Amendment 2 Joint Venture Reserve

Dates: NMFS published a notice of approval and proposed rule for Amendment 2 on October 6, 1978 (43 FR 46349). The final rule was published December 1, 1978, and the effective date was December 1, 1978 (43 FR 56238).

Purpose and Need: The original FMP for the Gulf of Alaska (GOA) was prepared by the Council and published by the Secretary on April 21, 1978 (43 FR 17242). Among other things, the FMP established the amount of fish set aside as reserve, to ensure that an adequate supply of fish was available for potential harvest by U.S. vessels in joint venture operations (the sale of U.S. caught fish to foreign processors). The original FMP also established a procedure for apportioning amounts of fish from the reserve to the total allowable levels for foreign fishing (TALFFs) during the fishing year.

Amendment 2 was proposed to 1) increase the amount of pollock held in reserve to 133,800 mt, with appropriate increases in the reserves of species taken incidental to fishing for pollock, and 2) modify the method used to determine the portion of each species' optimum yield (OY) set aside as reserve. The action established a special joint venture reserve wherein: TALFF = (0.8 OY) - domestic annual harvest - special joint venture reserve. The intent was to re-evaluate the remaining 20% of the OY and the joint venture reserves beginning January 2, 1979, and reallocate to the domestic or foreign fisheries following reassessment of U.S. development, both in terms of joint venture operations and delivery to U.S. shore-based processors.

With such a large piece of the fishery held in reserve, the Council also wanted to ensure that the fishery was apportioned effectively so that optimum yield (OY) could be reached and the fishery fully utilized. Amendment 2 provided that 25% of the initial reserve would be allocated to the TALFF every two months, unless it was determined by NMFS that the U.S. fleet could harvest all of the remaining reserve in the fishing year. This amendment stemmed from the difficulty of accurately predicting U.S. harvesting capacity when new joint ventures continued to be initiated. By establishing reserve amounts of fish for domestic harvest that could eventually be available to the foreign fleet, the possibility of overfishing or disrupting the foreign fisheries mid-season would be diminished, providing greater assurance that optimum yield would be achieved.

Regulation Summary: The regulation increased the amount of pollock held in reserve to 133,800 mt, with appropriate increases in the reserves of species taken incidental to fishing for pollock, and established the special joint reserve and stipulated the method for calculating the foreign allowance, wherein: TALFF = (0.8 OY) - domestic annual harvest - special joint venture reserve. The regulation also provided for 25% of the initial reserve to be allocated to the TALFF every two months, unless it was determined that the U.S. fleet could harvest all of the remaining reserve in the fishing year. That determination would be based on: 1) reported U.S. catch and effort by species and area; 2) projected U.S. catch and effort by species and area; and 3) projected and utilized processing capacity of U.S. fish processors. The regulation also stipulated that if part of the scheduled 25% apportionment to the TALFFs was withheld and the U.S. fleet failed to achieve the anticipated harvest levels in the next period, the amount of fish previously withheld would be made available to the TALFFs on the next bimonthly date.

Analysis: Two alternative solutions to the 25% bimonthly apportionment of the reserve to the TALFF were considered: 1) establishing a high, initial U.S. capacity estimate with lower TALFFs; or 2) establishing a low U.S. capacity with higher TALFFs. The first alternative was rejected on the basis that if the initial U.S. harvest capacity was greatly overestimated, there would not be adequate time to amend the FMP to increase the TALFF in order to achieve optimum yield. The second alternative was rejected on the basis that if the initial U.S. harvest capacity was underestimated, a relatively high TALFF could result in overfishing or disruption of the foreign fishery if an abrupt closure was deemed necessary. The preferred alternative allowed more flexibility to reach the optimum yield and prevent overfishing, depending on anticipated and reported U.S. harvest levels.

Results: The amendment allowed for sufficient flexibility to apportion the reserve and maintain a TALFF that would achieve the OY, prevent overfishing, allow for joint ventures to continue, and provide for an expanding domestic fleet.

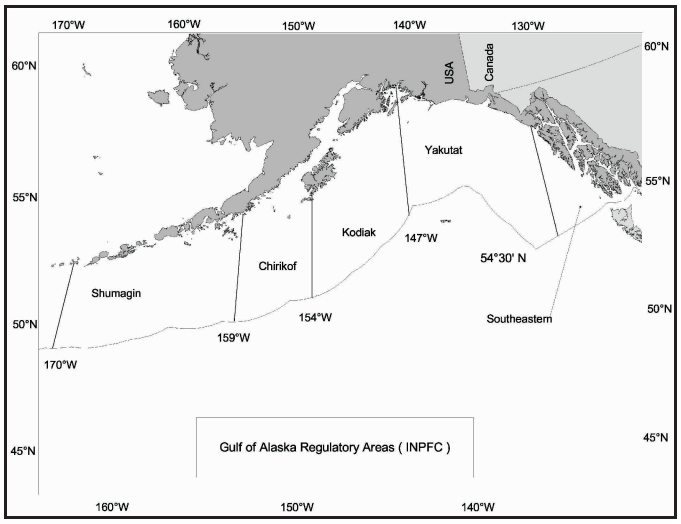
GOA Amendment 3 Foreign Apportionment of Pacific Cod in Chirikof Area

Dates: The Council approved Amendment 3 on September 8, 1978. The proposed rule was published on October 13, 1978 (43 FR 47222) and a final rule was published on December 1, 1978 (43 FR 56238), effective January 1, 1979.

Purpose and Need: The original FMP subdivided the Chirikof statistical area into two segments at 157° W. The total allowable level for foreign fishing (TALFF) for Pacific cod in the entire Chirikof area was established at 1,500 mt, which was further split to 600 mt and 900 mt for the western and eastern subdivisions, respectively. The foreign quota split between segments of the Chirikof area was based on the proportion of the area in each segment. For example, 40% of the total Chirikof area is west of the subdividing line, therefore 40% of the total quota for the area was allocated to that segment (40% of 1,500 mt = 600 mt). The division was originally established to limit the amount of Pacific cod taken by foreign longliners, since longline fishing was not allowed in the eastern segment of the Chirikof area. Amendment 2 was proposed to remove the subdivision quotas but maintain the 1,500 mt total quota, thereby allowing the foreign longline fleet to take the entire Chirikof TALFF for Pacific cod west of 157° W longitude.

The amendment was intended to allow an increase in the amount of Pacific cod taken by foreign longliners, within the confines of the overall quota for Chirikof. Since longline gear is more selective than trawl gear, allowing an increase in longline harvest was expected to reduce the amount taken by trawlers, and thus reduce the incidental catch of other species including halibut and shellfish.

Regulation Summary: The implementing regulations allowed for the foreign longline fleet to take the entire Chirikof TALFF for Pacific cod (1,500 mt), and any apportioned reserves in that fishing area, in the Chirikof fishing area west of 157° W. longitude.



Analysis: Three alternative actions to the preferred alternative were considered, including no action. The other two alternatives not chosen entailed: 1) moving the subdividing line east of 157° W to enlarge the western segment, and 2) allocating allowable catches and percentage of reserves to the eastern and western segments of the Chirikof area on other than a proportional basis. Moving the subdividing line was rejected because it would increase the longline quota and produce potential gear conflicts with domestic and foreign trawlers. Changing the allowable catch percentages was rejected because there was no supporting evidence to refute an assumption of a uniform distribution of Pacific cod throughout the Chirikof area. The preferred alternative was chosen because it decreased bycatch of other species and because no information existed to indicate that the Pacific cod distribution was so localized that this action would deplete the stock west of 157° W longitude.

Results: The amendment allowed for a greater portion of the foreign Chirikof quota to be taken by the longline fleet.

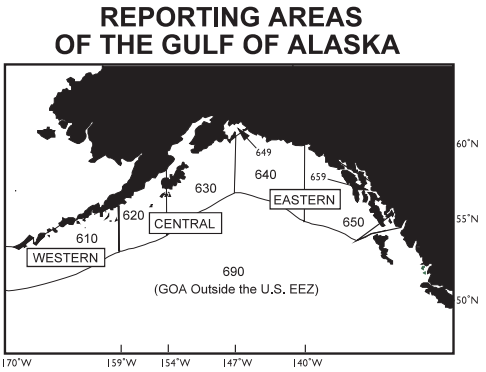
GOA Amendment 4 Removal of Gear and Area Restrictions, Adjust Optimum Yield, Reduce Regulatory Areas

Dates: The proposed rule for Amendment 4 to the Fishery Management Plan (FMP) for the groundfish of the Gulf of Alaska was published on July 9, 1979 (44 FR 40099). NMFS published a final rule on August 27, 1979 (44 FR 50042). The effective date was August 22, 1979.

Purpose and Need: The original FMP for the Gulf of Alaska was effective April 21, 1978 (43 FR 17242). After a year of practical experience implementing the management measures in the plan, the Council identified several omissions and superfluous provisions in the plan. The purpose of Amendment 4 was to fix these small omissions and to correct excessive or redundant provisions that were originally included to protect the halibut fishery but were later found to be unnecessary.

Regulation Summary: The regulations implemented the following provisions:

1) Reduce the number of fishing areas in the GOA from five to three (Western, Central, Eastern), to reduce the regulatory burden on the fisheries while still preventing localized depletion.
2) Allow foreign fishing within the 3-12 mile zone between 169° and 170° W longitude to correct an omission in the FMP.
3) Remove the restriction which allowed only 25% of the total allowable level of foreign fishing (TALFF) to be taken from December 1 to May 31. The restriction was proved unnecessary since foreign trawl operations use pelagic trawls in the winter.
4) Allow foreign longlining for sablefish seaward of 400 meters (instead of 500 meters) from May 1 to September 30 in the area between 140° and 170° W longitude. Because incidental halibut catch by longliners is low during the summer, this change increased areas for foreign nations to catch sablefish while adequately protecting halibut stocks.
5) Permit a directed longline fishery for Pacific cod between 140° and 157° W longitude seaward of 12 miles, except during the U.S. halibut season. By encouraging longlining instead of trawling for Pacific cod, the incidental mortality of halibut would be reduced.



6) Exempt foreign vessels from the requirement that fishing by all vessels of a nation in a fishing area cease when the allocation for any species has been taken. The exemption does not apply if the allocation reached is for a target species of the longliners. This was to prevent the foreign longline fishery from being closed by the foreign trawl fishery.
7) Increase the squid optimum yield to 5,000 mt (from 2,000 mt) to allow a sufficient incidental catch for foreign nations.
8) Increase the Atka mackerel optimum yield to 26,800 mt (from 24,800 mt), based on new data indicating higher historical catches.
9) Remove the domestic one-hour tow restriction. This was deemed unnecessary protection for halibut given the separate incidental catch quota on halibut for domestic fisheries.
10) Remove the domestic requirement for the use of off-bottom trawls from December 1- May 1. This measure was also considered unnecessary for halibut protection.
11) Require domestic permits to be renewed annually and domestic reporting (fish tickets) to be submitted within 7 days (instead of 3 days). This would make the Federal and State regulations consistent.

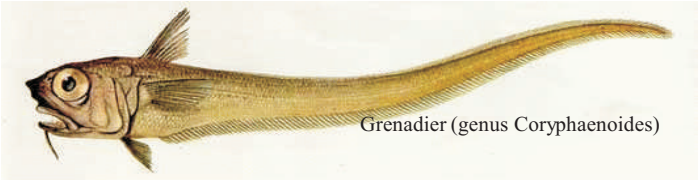
Analysis: Two alternative actions to the preferred alternative were considered, including no action. The other alternative not chosen would have imposed more restrictions on the foreign and domestic fleets and retained regulations that were unnecessary. Based on revised stock assessments, new observer information, and new foreign and domestic fishery data, the proposed actions were considered the best overall balance between biological considerations and social and economic impacts.

Results: Many of the management measures provided for in the original FMP were designed to protect the halibut resource and fishery. After experiencing how the fisheries operated under the plan for a year, it was evident that several provisions could be removed without compromising halibut conservation goals. New data and practical experience indicated that instituting the above changes would allow for a less burdensome regulatory environment for fishermen.

GOA Amendment 5 Establish Species Category for Grenadiers

Dates: The notice of availability and proposed rule for Amendment 5 to the Fishery Management Plan (FMP) for the groundfish of the Gulf of Alaska was published on July 20, 1979 (44 FR 42738). The final rule was published September 18, 1979, effective date was September 12, 1979 (44 FR 54064).

Purpose and Need: Amendment 5 was prompted by a previously unrealized bycatch of grenadiers in the longline fishery for sablefish. Grenadiers, otherwise known as rattails for their slim, pointed appearance, are an abundant, deepwater fish caught incidental to other deepwater roundfish. Although grenadiers are not a commercially valuable species, by 1979 they had comprised as high as 66% of the total foreign sablefish catch in the Gulf of Alaska and were recognized as a significant bycatch problem.


Grenadier (genus Coryphaenoides)

The original FMP identified three separate species categories: 1) prohibited; 2) specific species or species complexes; and 3) other species. The FMP would place grenadiers in the "Other Species" category, which had a Maximum Sustainable Yield/Optimum Yield (MSY/OY) of 16,200 mt as a whole. Including the grenadier catch in the total catch assessed for "Other Species" that are also taken incidentally in the longline and trawl fisheries would cause the fisheries to quickly exceed the "Other Species" MSY/OY and potentially close the directed fisheries before the allocation for the target species was reached. Amendment 5 would establish a new, distinct category for grenadiers with a separate MSY/OY.

The Council, noting the need for a long-term solution, also began developing a fourth FMP species category that would include all fish caught incidental to other species and not used commercially for any purpose. Eventually this category would include grenadiers, as well as about 20 other vertebrate and invertebrate species of no commercial value. However, because the viability of the foreign fisheries was immediately threatened, the Council viewed Amendment 5 as a timely, short-term solution that could be implemented while a fourth category was being developed.

Regulation Summary: Amendment 5 created a new species category specifically for grenadiers with a separate domestic annual harvest, total allowable level of foreign fishing, and MSY/OY of 13,200 mt. The MSY/OY was based on the recorded average grenadier catch for the previous twelve years. Since the grenadier population was not considered in the development of the OY for the "Other Species" category, that category's OY remained the same. The deletion of grenadiers from the "Other Species" category was published in a separate rule on June 29, 1979 (44 FR 37937).

Analysis: Two alternative actions to the preferred alternative were considered, including no action. The other alternative not chosen would have created a new species category comprised of fish for which there is no commercial value and which are discarded at sea. This alternative was rejected primarily because of the time constraints imposed; the foreign fisheries demanded immediate relief were they to continue to prosecute the target fisheries without the threat of an early closure due to incidental grenadier catch. This alternative remained favorable as a long-term solution, while the preferred action would remedy the current situation.

Results: The amendment created a new species category in the FMP for grenadiers, and thus reduced the threat of an early closure in the foreign longline and trawl fisheries. Grenadiers were placed in the non-specified category under Amendment 8. The "other species" management category has further evolved over time, complicating the management measures associated with these species. Currently, the other species category includes octopus, sharks, skates, and sculpins. In 1998, a final rule was published which created a "Forage Fish" category beginning in 1999. Smelts, eelpouts, and non-osmerid fishes were placed in the forage fish category. While the catches of these groups were not previously assessed against the "Other Species" quota, they have been estimated in the assessment in the past (GOA SAFE 1999).

Substantial grenadier catches are still reported in all GOA areas, reflecting the distribution of observed deepwater longline fisheries. They continue to warrant additional attention in the sablefish longline fisheries, with estimated catch weights in this fishery alone exceeding those of the entire other species category in each year.

GOA Amendment 6 Reduction of Domestic Annual Harvest

Dates: The final regulations for Amendment 6 to the Fishery Management Plan (FMP) for the groundfish of the Gulf of Alaska was published on September 27, 1979 (44 FR 55589). NMFS published the final rule on November 7, 1979 (44 FR 64410). The effective date was November 1, 1979.

Purpose and Need: The original FMP for the Gulf of Alaska (GOA) (43 FR 17242; April 21, 1978) set domestic annual harvest (DAH) estimates, Optimum Yields (OY), and the total allowable level of foreign fishing (TALFF) in order to balance fishing effort between domestic and foreign fleets, including joint venture operations. After the FMP had been in place a full year, new data was available from NMFS on 1) the total domestic harvest through April 1979, and 2) the processors' intentions to process during the remainder of the fishing year. This information made it possible to adjust downward the domestic annual harvests, by species and regulatory area in the GOA, and commensurately increase the TALFFs for all groundfish species, so that the fishery could be fully utilized.

Regulation Summary: The regulations lowered the estimates of domestic annual harvest and reallocated the surplus to the TALFF, increasing the 1978 TALFF by 27,700 mt for all species of groundfish combined. Specifications by species are provided in the table below.

Total Allowable Level of Foreign Fishing in the GOA Groundfish	(mt)
Pacific cod	29,300
Flounders	32,025
Atka mackerel	26,775
Pacific Ocean perch	22,750
Pollock	157,200
Rockfishes	6,675
Grenadiers	11,868
Sablefish	8,805
Squid	4,975
Other species	15,570

Results: The regulations adjusted the domestic annual harvest and corresponding TALFF to reflect the best information available from the observers and domestic processors, and allowed for a fully utilized groundfish fisheries in the Gulf of Alaska.

GOA Amendment 7 Extend the Fishery Management Plan, Adjust Optimum Yield, Establish Species Category for Thornyhead Rockfish, Domestic Reporting Requirements

Dates: The proposed rule for Amendment 7 to the Fishery Management Plan (FMP) for the groundfish of the Gulf of Alaska (GOA) was published on September 7, 1979 (44 FR 52284). NMFS published a final rule on November 7, 1979 (44 FR 64410). The effective date was November 2, 1979.

Purpose and Need: The original GOA FMP (43 FR 17242; April 21, 1978) set domestic annual harvest (DAH) estimates, Optimum Yields (OY), and the total allowable level of foreign fishing (TALFF) in order to balance fishing effort between domestic and foreign fleets. During the first year of implementation, reporting accuracy improved and new catch data was available from NMFS on the total domestic harvest and processing capabilities. Because implementing regulations for Amendment 1 stipulated that the FMP was only effective through November 1979, another amendment was needed to extend the FMP for the next fishing year. Certain stock assessment data was not available prior to the expiration of the current plan, so the amendment would simply rollover the optimum yields in the original plan (as amended), with a few minor exceptions.

New data from the 1977 and 1978 trawl surveys and 1979 Soviet surveys indicated increasingly abundant stocks of Pacific cod, much higher than the estimates used to set the 1978 optimum yield (OY). The domestic trawl surveys estimated maximum sustainable yield (MSY) at 88,000 mt, and the Soviet surveys estimated 67,600 mt. On that basis, the Council recommended an increase in the Pacific cod OY from the current 34,800 mt. Previous estimates for Atka mackerel, based on Soviet hydroacoustic surveys, were also low compared to new data from Soviet trawl surveys. Thus, the Council recommended that the Atka mackerel OY also be increased.

Industry had recommended the Council establish a Gulf-wide OY for thornyhead rockfish (genus *Sebastolobus*), a species historically taken incidental to the foreign sablefish longline fishery. The species was not previously reported as thornyhead rockfish (a.k.a. "idiot" rockfish) or assessed against the "other rockfish" category, so new reporting of the substantial bycatch of idiot rockfish meant foreign harvesters were quickly meeting the relatively small "other rockfish" quota and were threatened with early closure. The final concern addressed in Amendment 7 dealt with joint venture operations and the need to improve the equitable distribution of the catch between foreign and domestic processors.

Regulation Summary: The regulations implemented the following six provisions:

1) Extend the FMP through October 31, 1980;
2) Implement the provisions of the Processor Preference Amendment (PL 95-354), which would establish a mechanism to periodically review and reassess the domestic annual harvest and the reserve to TALFF;
3) Increase the Pacific cod OY from 34,800 mt to 60,000 mt and increase the Atka mackerel OY from 26,800 mt to 28,700 mt;
4) Create a new category and a Gulf-wide OY of 3,750 mt for thornyhead rockfish;
5) Establish that the Council will consider, on a case-by-case basis, the possibility of time and area closures to joint venture operations to allow a domestic processor to process the catch; (note: this provision was disapproved by the Secretary)
6) Create new domestic reporting requirements to facilitate better estimates of domestic annual harvesting and processing capabilities.

Analysis: Three alternative actions to the preferred alternative were considered, including no action. Taking no action would have ceased all fishing because the current plan expired October 31, 1979. Another alternative would have maintained the current optimum yields, an option deemed unacceptable in light of new biological information. The third alternative not chosen would have imposed more restrictive regulations on the foreign and domestic fleets, without appreciable benefit to the resource or the U.S. fishery. The preferred actions would remove unnecessary regulations while maintaining a conservative management regime and providing for both domestic expansion and the needs of foreign fisheries.

Results: The amendment extended the management actions in the FMP and increased the optimum yields for two species, allowing for a larger harvest but remaining biologically conservative. The Council also adopted provisions that would better safeguard the expanding domestic harvesters and processors, and started considering additional closures to joint ventures so that new domestic processors could be fully utilized. These were incremental changes that would begin to replace the foreign effort with domestic effort.

GOA Amendment 8 Remove Fishery Management Plan Expiration Date, Establish management Categories, Establish Districts for Sablefish Management, Require Biodegradable Panels on Pots, Adjust Reserve Schedule

Dates: GOA Groundfish FMP Amendment 8 was adopted by the Council in May 1980. NMFS published the proposed rule on September 11, 1980, and a final rule on November 5, 1980, effective November 1, 1980 (45 FR 73486).

Purpose and Need: This omnibus amendment was designed to conform the Gulf of Alaska groundfish plan to the newly adopted Bering Sea plan, enhance management, and protect incidentally caught species. The establishment of four species categories was designed to allow more flexible treatment of species caught incidentally to the target species. Information on squid, rockfish, and several other species was found insufficient to warrant optimum yields for the three main regulatory areas in the Gulf so their management was changed to Gulf-wide. Sablefish management also needed changes because the growing U.S. fishery tended to fish in too localized an area off Southeast. The Eastern area thus was divided into three smaller areas to spread the fishery out. Requiring biodegradable panels reduced ghost fishing by lost sablefish pots.

The purpose of modifying the timing of reserve releases was to allow for increased catches by domestic fisheries. The 20% of OY reserve for each species of groundfish enabled managers to provide fish to domestic fishermen if they needed it, or release it to the foreigners if the domestic fisheries did not need it. The new schedule of releases was designed to give domestic fishermen more time to demonstrate their needs.

Regulation Summary: The amendment included six measures:

1) Change plan management year to January 1-December 31 and remove plan expiration date;
2) Set Gulfwide OY for squid, thornyhead rockfish, other rockfish, and other species;
3) Establish four species categories: target species, other species, unallocated species, and nonspecified species;
4) Establish three regulatory districts for sablefish management- Yakutat, Southeast Outside, and Southeast Inside;
5) Adjust reserve release schedule to 40% in April, 40% in June, 20% in August; allow transfer of domestic allocations to foreign Total Allowable Level of Foreign Fishing (TALFF); and
6) Require biodegradable panels on sablefish pots.

A seventh measure which would have authorized the Regional Director to issue field orders to resolve gear conflicts between foreign and domestic fishermen, was disapproved by NMFS for lack of specificity on January 11, 1982.

Analysis: An 8-page environmental assessment was prepared for this plan amendment. Each of the alternatives was briefly compared to the status quo at the time. Very little was done in the way of economic analysis of the alternatives.

Results: Parts 1 and 2 mainly were administrative changes that facilitated management of the fisheries. Part 3 replaced three categories with four to alleviate operational problems with fishermen having to report non-target species in the "other species" category. Under that system there was a threat of closure of the groundfish fishery when one of those species of no commercial value was present in high abundance. The term "unallocated species" replaced the term "prohibited species". This category later was changed back to "prohibited species' and included crab, herring, salmon and other species that must be avoided, and if caught, must be returned to the sea immediately. The sablefish management areas subsequently were revised to further divide the Yakutat area, but other than that remain mostly intact. The schedule for the release of the 20% reserve was used until the mid-1980s. With the withdrawal of foreign fleets from 1986 on, the reserves were released mainly at the first of the season when the final groundfish specifications are set. Though the use of sablefish pots was banned subsequently in the Gulf of Alaska, biodegradable panels are required in all groundfish and crab pot gear used elsewhere.

GOA Amendment 9 Close Kodiak Gear Area to Foreign Trawl

Dates: GOA Groundfish FMP Amendment 9 was adopted by the Council in July 1980. NMFS published the proposed rule on July 9, 1981, and a final rule on October 6, 1981, effective October 2, 1981 (46 FR 49128).

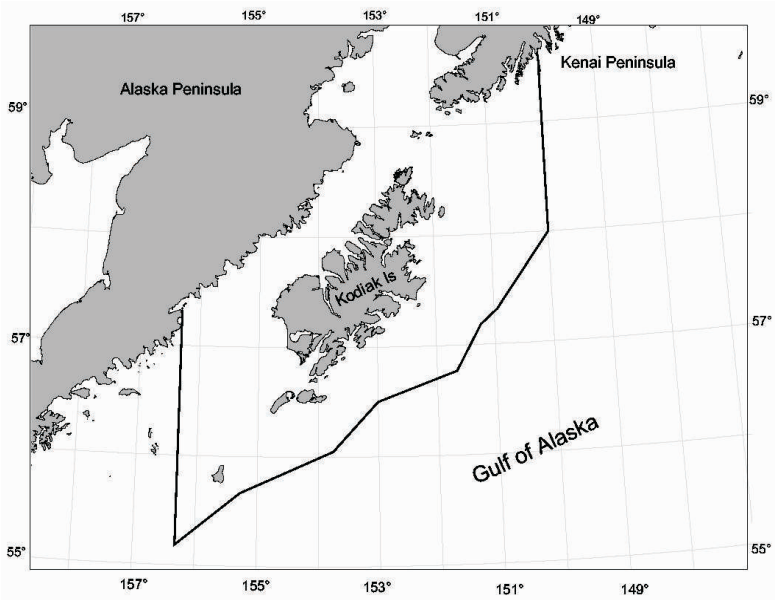
Purpose and Need: Although there were six small areas around Kodiak Island (the "Kodiak Gear Areas") closed to foreign trawling from August 10 to June 1, domestic crab fishermen testified at numerous hearings that the loss of gear to foreign trawlers and the fear of future losses on the crab fishing grounds outside the small closed areas still were problems. This was a problem only with the foreign fleets because the domestic trawlers avoided domestic crab gear by coordinating their activities with the crab fleet.

Regulation Summary: The amendment replaced six small fixed gear areas around Kodiak with a larger, single closed area to prevent gear conflicts between foreign trawlers and U.S. crab fishermen and to prevent preemption of crab grounds during the crab season by foreign trawlers. It remained closed from 2 days ahead of the Kodiak king crab season, normally September 15th through February 15th.

The Kodiak Gear Area (a.k.a. Lechener Line) is bounded as indicated at right.

Analysis: A 4-page environmental assessment was prepared for this plan amendment. Two alternatives to the status quo were studied. A modification of the Kodiak Gear Area to permit unrestricted foreign trawling in two areas east and south of Trinity Island was rejected because the area contained significant numbers of king crab.

Results: This closure, also known as the "Lechner Line" for the biologist that proposed its boundary, remained in place while foreign trawlers still worked the grounds off Kodiak. Foreign trawling ceased in the Gulf of Alaska after 1985.



GOA Amendment 10 Reduce Pacific Ocean Perch Catch, Foreign Trawl Closures in Southeast Alaska

Dates: GOA Groundfish FMP Amendment 10 was adopted by the Council in February 1981. NMFS published the proposed rule on December 7, 1981 (46 FR 59565), and a final rule on June 2, 1982, effective June 1, 1982 (47 FR 23936).

Purpose and Need: Pacific ocean perch (POP) stocks were subject to intense foreign fishing that began in 1962 and 1963, peaking with harvests of over 340,000 mt in 1965. In the late 1970s, foreign harvests of POP were under 15,000 mt and the stocks remained severely overfished. The purpose of Amendment 10 was to rebuild the POP stock and to protect domestic halibut fisheries in southeast Alaska. Foreign trawlers fishing in Southeast Alaska waters were taking incidental catches of halibut, a prohibited species for trawlers, but a major target fishery for domestic longline fishermen.

Regulation Summary: The amendment reduced the acceptable biological catch for POP from 29,000 mt in the Eastern Regulatory Area, to 875 mt, the OY from 14,400 mt to 875 mt, and allowed domestic and foreign fisheries 500 mt and 200 mt, respectively, for bycatch purposes. Federal waters east of 140° W were closed to all foreign fishing, and only pelagic trawling with recording netsonde devices was allowed in waters between 140° and 147° W all year. All domestic fishing sanctuaries east of 140°W were consequently deleted as they were no longer necessary.

Analysis: A 9-page environmental assessment was prepared for this plan amendment. The reduction in POP ABC and OY was designed to help the POP stocks recover. The closures to all foreign trawling east of 140° W, and to non-pelagic trawling between 140° and 147° W was designed to protect the halibut resource and reduce gear conflicts between foreign and domestic fishermen. The 1978-79 average incidental halibut catch by foreign fleets was 967 mt, or about 24% of the domestic directed harvest, with an ex-vessel value of nearly $4 million in the Eastern Regulatory Area. Additionally, there were recorded incidents of conflicts between foreign trawlers and domestic longline fishermen that had to be resolved. The Alaska Longline Fishermen's Association estimated that in 1980 alone, gear conflicts with foreign trawlers resulted in losses between $2,500 and $20,000 each.

Results: These closures and adjustments to the POP harvest specifications helped set the stage for later rebuilding of the perch stocks and reduced incident bycatch of halibut. The trawling restrictions on foreign vessels off Southeast were very significant at the time and represented one more step along the way to complete Americanization of Gulf of Alaska fisheries. No foreign vessels caught or processed fish in the Gulf of Alaska after 1988.

GOA Amendment 11 Adjust Pollock and Sablefish Optimum Yield, Create Sablefish Management Districts in Eastern Gulf of Alaska, DAP/JVP Framework Adjustments

Dates: GOA Groundfish FMP Amendment 11 was adopted by the Council in July 1982. NMFS published the proposed rule on July 1, 1983, and a final rule on September 21, 1983, effective October 16, 1983 (48 FR 43044).

Purpose and Need: Domestic fisheries for pollock were expanding rapidly in the Gulf of Alaska because of foreign joint venture opportunities. Domestic harvest expanded from only 1,900 mt in 1980 to 17,000 mt in 1981, to more than 75,000 mt in 1982. Lengthy plan amendments were needed at the time to make changes in allocations of fish to domestic and joint venture fishermen, and flexibility was needed for the Regional Administrator to reapportion reserves and domestic allocations to foreign fishermen if it was projected that domestic fishermen could not harvest it. The regional administrator also needed some flexibility to impose closures for conservation reasons on foreign fleets as had already been done for domestic fisheries. And finally, agencies needed to have good catch reporting, particularly from large factory trawlers that were capable of leaving the state to deliver their processed product elsewhere.

Regulation Summary: The amendment made the following changes:

1. Increased OY for pollock in the Central Area of the Gulf from 95,200 mt to 143,000 mt;
2. Divided the Yakutat district into east Yakutat (137°-140° W) and West Yakutat (140°-147° W) for sablefish management;
3. Reduced OY for sablefish from 12,300 mt to a range of 7,730-8,900 mt and apportioned it among the regulatory areas and districts;
4. Established a framework procedure for Regional Administrator to annually determine domestic (DAP) and joint venture (JVP) components of domestic annual harvest (DAH) for each species OY;
5. Eliminated the domestic non-processed (bait and personal consumption) component of DAH, combining it within the purely domestic component, DAP;
6. Increased flexibility of Regional Administrator to reapportion reserves and surplus DAH to foreign fishing (TALFF);
7. Authorized Regional Administrator to impose time-area closures on foreign nations to conserve resources; and
8. Imposed radio/telephone catch reporting requirements on domestic vessels leaving State waters to land fish outside Alaska.

Analysis: A 21-page environmental assessment and 33-page regulatory impact review were completed on this amendment. The OY for pollock was increased to 143,000 mt, the midpoint of the MSY range of 95,200 mt to 191,000 mt for the Central Regulatory area. The sablefish OY was reduced and apportioned by smaller area to respond to conservation concerns and hasten rebuilding of the stocks. The introduction of the framework mechanism for changing DAP and JVP responded directly to the rapid pace of development in those domestic fisheries. The use of plan amendments was too slow a process. Bait and personal consumption were not being monitored and were better included in DAP rather than remaining a separate category. Authority for the Regional Administrator to reapportion unused domestic set-asides to foreign fisheries would ensure fuller use of OY. The Regional Administrator had authority to impose conservation closures on domestic fishermen. This amendment just established similar consistent authority for the foreign fisheries. This amendment ensured that all catches were reported, even those bound to leave the state for landings elsewhere.

Results: This omnibus amendment provided for increased pollock catch to match the needs of the growing domestic industry, and reduced sablefish harvests for conservation purposes. It increased the ability of the Regional Administrator to respond to needs of the domestic fisheries, while promoting fuller use of OY. Additionally, it enhanced the agency's ability to monitor catch.

GOA Amendment 12 Pot Gear Prohibition for Sablefish (withdrawn)

Dates: Amendment 12 was adopted by the Council in July 1982. No record of a proposed or final rule was available, as the amendment was withdrawn after adoption of Amendment 14.

Purpose and Need: Amendment 12 addressed two potential problems in the Southeast sablefish fishery:
(1) conservation and restoration of the depressed sablefish fishery; and
(2) fishing grounds preemption and wastage of the existing sablefish resource.

Regulation Summary: Amendment 12 prohibited the use of pot longline gear for sablefish between 140°W longitude and Cape Addington.

Analysis: A 21-page RIR (draft dated April 1983) analyzed three alternatives: 1) the status quo; 2) make sablefish an exclusive hook and line fishery between 140°W longitude and Cape Addington (preferred action); and 3) do not include trawl gear in the proposed management measure. Pot gear was identified as less suitable for the area, given the bottom topography. Lost pot gear entangles hook and line gear, making both unretrievable and leading to ghost fishing. This situation led to a grounds preemption problem that resulted in pot longline gear being prohibited in southeast Alaska. Pot longline gear was used extensively in the mid-1970s, but was used to harvest less than one percent of sablefish between 1980-82. Since there was no existing or anticipated trawl fishery for sablefish in this area, a restriction on the use of trawl gear for sablefish was not adopted. However, later trawl gear was limited to sablefish bycatch in other directed groundfish trawl fisheries.

Results: Hook and line is the only allowed gear in the directed sablefish fishery. Amendment 14 prohibited the use of all pot gear in this fishery. An individual fishing quota program for sablefish was approved in 1988 and implemented in 1995 in both the GOA (Amendment 20) and BSAI (Amendment 15). Pot longline gear continues to be permitted for sablefish in the Bering Sea and Aleutian Islands.

GOA Amendment 13 Increase Pollock Optimum Yield, Adjust Pollock Management Areas

Dates: The amendment was approved by the Council in December 1983. The (corrected) proposed rule for Amendment 13 to the Fishery Management Plan (FMP) for the groundfish of the Gulf of Alaska was published May 23, 1984 (49 FR 21773). The final rule was published on July 17, 1984. The effective date was August 13, 1984 (49 FR 28853).

Purpose and Need: Amendment 13 was proposed to combine the Western and Central GOA regulatory areas into one unit for pollock management and increase the pollock optimum yield (OY) for the combined area. The amendment was based on new scientific information and analysis which indicated that: 1) the pollock resource would be managed more effectively and the possibility of over- or under-harvest would be minimized if the Western and Central areas were combined, and 2) the exploitable biomass of pollock and therefore the amount available for harvest have increased substantially for those areas and supports an increase in OY.

The amendment was necessary to allow the pollock resource in the Western and Central Gulf to be managed as one stock. It was intended to provide optimum harvest of the pollock resource and to prevent undue restriction and economic hardship to the domestic groundfish fishery, by allowing both the harvest of the increased surplus production of the pollock resource and the distribution of fishing effort according to pollock availability.

Regulation Summary: The final regulations contained the following two actions:

1) Adjusted the management of the pollock resource by combining the Western and Central Regulatory Areas of the Gulf of Alaska for managing the pollock fisheries only; and

2) Increased the optimum yield for the combined area from 200,000 mt to 400,000 mt.

Analysis: An RIR/IRFA was prepared for an emergency interim rule to implement Amendment 13. The emergency interim rule effected the action on March 23, 1984 (49 FR 10931) and was extended through September 18, 1984 (49 FR 24142). In addition to the status quo, the analysis evaluated the impacts of increasing the pollock OY. Projections of exploitable biomass of pollock in the Western and Central Gulf were made for 1984-1986 for five different levels of OY and four different recruitment scenarios.

Results: The pollock OY was increased to 400,000 mt for the Western/Central Gulf. Since the amendment was passed, the Western and Central regulatory areas have been separated and an allowable biological catch and total allowable catch (TAC) is set for each area. Exploitable biomass and catches of Gulf pollock have varied over the years, and major exploitable concentrations are found primarily in the Western and Central areas. In 2003, the Gulf-wide TAC was 54,350 mt, with the Western and Central areas apportioned 16,788 mt and 30,024 mt, respectively.

GOA Amendment 14 Sablefish Gear, Area and Seasonal Allocation, Demersal Shelf Rockfish Management, Optimum Yield Reductions, Halibut Prohibited Species Catch Framework, Habitat Policy, Catcher/Processor Reporting Requirements

Dates: GOA Groundfish FMP Amendment 14 was adopted by the Council in May 1985. NMFS published the proposed rule on July 26, 1985, and a final rule on October 24, 1985, effective November 18, 1985 (50 FR 43193).

Purpose and Need: The sablefish fishery traditionally had been a foreign longline fishery off Alaska, but in the eastern Gulf of Alaska in the early 1980s, domestic longliners had increased their harvests rapidly as markets developed. With improvements in the market for sablefish, two new gear types, pots and sunken gillnets, entered the fishery in 1984. In addition, trawling by foreign joint ventures in the Central and Western Gulf also took sablefish. All these gears created an overcapacity problem in the domestic sablefish fishery, as well as gear conflicts between longliners and pot fishermen. This amendment was designed to address these excess capacity and grounds preemption problems. They decided that gear and area restrictions and apportionments to gear types would be most effective.

In the early 1980s, all Sebastes species other than Pacific ocean perch and four associated slope rockfish species were managed as "other rockfish" on a Gulf-wide basis, and yet a domestic fishery harvesting demersal shelf rockfish in the southeastern area was expanding very rapidly by 1984. Yelloweye and quillback rockfish were the primary targets of this longline fishery. Amendment 14 was designed to separate out and protect demersal shelf rockfish from the more general "other rockfish" category.

Other parts of Amendment 14 were designed to establish revised optimum yields for several species of groundfish; to establish a mechanism for timely reporting of catches by domestic catcher-processors which could stay at sea for long periods, and thus did not report as frequently as catcher vessels that landed their catch ashore and submitted fish tickets; to give more flexibility to managers in controlling halibut bycatch in the timely manner in the face of rapidly changing joint venture and domestic fisheries; to respond to a new habitat conservation policy of NMFS requiring more emphasis on habitat concerns in developing fishery management plans and amendments; and last, to delay the sablefish season opening to address resource allocation, fishermen safety and fish quality concerns.

Regulation Summary: The amendment made the following changes:

1. Established gear/area restrictions and OY apportionments to gear types for sablefish;
2. Established a Central Southeast Outside District with 600 mt OY for demersal shelf rockfish;
3. Changed OYs for pollock, Pacific ocean perch, other rockfish, Atka mackerel, and other species;
4. Established catcher/processor reporting requirements;
5. Implemented framework procedure for setting and revising halibut PSC limits;
6. Implemented NMFS habitat policy; and
7. Set seasons for hook and longline and pot sablefish fisheries.

Analysis: A 44-page environmental assessment, 75-page regulatory impact review (RIR) for sablefish management measures, and 65-page RIR for the remaining measures, were completed on this amendment. The most contentious issue was the allocation of sablefish to the longline fleet, one of the most heated decisions the Council had up until then. Longliners had taken the vast majority of the sablefish harvest of all gear types, particularly in the Eastern Gulf. The OY for sablefish was expected to increase in coming years, and prices and markets were good, so considerable additional capacity was expected to enter the fishery. The alternative chosen slowed the growth in capacity and diminished the possibility of gear conflicts and grounds preemption more than the other alternatives analyzed. The other measures in the amendment allowed for more flexibility in managing the groundfish fishery which was undergoing tremendous growth in domestic fisheries and displacement of foreign fleets in the Gulf of Alaska.

Results: This omnibus amendment provided for the first allocations of a species among domestic fishermen, a management approach that would be used in other major species later on. Longliners were allocated 95% of the sablefish in the Eastern Area and trawlers received 5% for bycatch purposes. Pots were excluded the first year. In the Central Gulf, longliners were phased into an 80% allocation over two years, pots were phased out by the second year, and trawlers ended up with 20%. In the Western Gulf, pots were all phased out over four years, and longliners and trawlers split the harvest 80/20 after a 4-year phase-in. In approving the sablefish allocations, NMFS offered to publish a control date of September 26, 1985, the day of final approval, announcing that anyone entering the fishery after that date would not be guaranteed future participation should the Council develop an effort control regime. As it turned out, it took the Council and NMFS another ten years to develop and implement the individual fishing quota system by which the sablefish and halibut longline fisheries were managed starting in 1995. The sablefish season was changed from January 1 to April 1. The sablefish IFQ season is now tied to the start of the halibut IFQ season, which since implementation in 1995 has been March 15 - November 15.

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Rockfish management was changed with the separation of the demersal shelf rockfish (DSR) species from other rockfish. Additionally, a new Central Southeast District was established for managing DSR and the State of Alaska was placed in charge of managing the area. The State regulations applied only to vessels registered under the laws of the State.

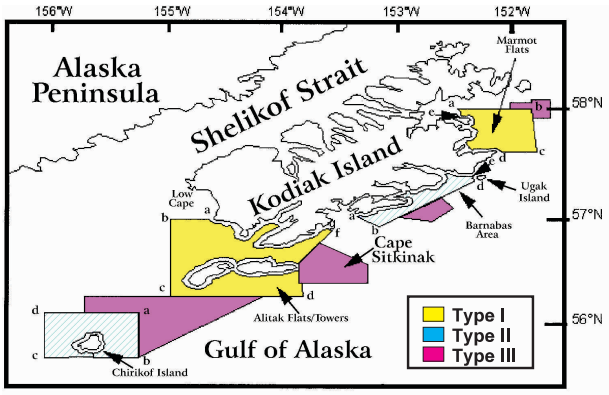
Prohibited species catch limits for halibut in the Gulf were placed in a framework procedure for setting limits for domestic and joint venture trawl fisheries. Plan amendments would no longer be needed to change PSC limits and the limits would be by area and by specific trawl group (domestic, joint venture, and foreign), rather than domestic and joint venture trawlers combined, so each fishery, not all, would suffer the consequences of taking too much bycatch. When the PSC limit is reached there would be a closure just to on-bottom trawling, not all trawling as under previous regulations. The limits would apply all year, not just from December 1 through May 31.

The new reporting requirements were applied to catcher/processors and motherships that keep their catch or fish received for 14 days or more. Those vessels were required to report every week, and also to report their position 24 hours before starting or stopping fishing in a regulatory area. A definition of "directed fishing" also was established.

GOA Amendment 15 Revise Fishery Management Plan Policy, Kodiak Bottom Trawl Closures, Optimum Yield and Total Allowable Catch/ Prohibited Species Catch Framework, Catcher/Processor Reporting Requirements

Dates: An emergency interim rule for Amendment 15 was published March 12, 1986 (51 FR 8502) and it was subsequently extended June 9, 1986 (51 FR 20832). The proposed rule was published on December 12, 1986 (51 FR 44812), and the final rule on March 13, 1987 (52 FR 7868). A corrected version was published April 15, 1987 (52 FR 12183).

Purpose and Need: Four problems were identified in the GOA groundfish fisheries:
(1) inability to efficiently adjust harvest guidelines;
(2) inadequate reporting requirements;
(3) inadequate protection of king crab near Kodiak Island;
(4) inadequate inseason management authority.



Regulation Summary: Regulations designated:

(1) a multispecies OY as a Gulf-wide range of 116,000-800,000 mt, set a framework procedure to set target quotas for each species category, and set administrative procedures for setting PSC limits in the Gulf fishery;
(2) revised recordkeeping and reporting requirements such that at-sea catcher/processor and mothership vessels must submit weekly catch reports regardless of how long their catch was retained before landing;
(3) Type I, Type II and Type III areas for special bottom trawl restrictions to protect king crab. Type I areas have very high king crab concentrations and, to promote rebuilding of the crab stocks, are closed all year to all trawling except with pelagic gear. Type II areas have lower crab concentrations and are only closed to non-pelagic gear from February 15 through June 15. Type III areas are adjacent to Type I and II areas and have been identified as important juvenile king crab rearing or migratory areas. Type III areas become operational following a determination that a "recruitment event" has occurred. The Regional Administrator will classify the expanded Type III area as either Type I or II, depending on the information available. A "recruitment event" is defined as the appearance of female king crab in substantially increased numbers (when the total number of females estimated for a given district equals the number of females established as a threshold criterion for opening that district to commercial crab fishing). A recruitment event closure will continue until a commercial crab fishery opens for that district or the number of crabs drops below the threshold level for that district.

The Alitak Flats/Towers and Marmot Flats areas are Type I areas, closed to non-pelagic trawls all year. Chirikof Island and Barnabas are Type II areas, closed to non-pelagic trawls from February 15 to June 15. These areas encompass 80% to 90% of the known female king crab stocks. When necessary, Type III areas will be closed by regulatory amendment; the Regional Administrator will specify which of the Type III areas are closed and whether the closure is for an entire year or only a portion of a year;
(4) authority to the Secretary of Commerce to make certain inseason changes to gear regulations, seasons, and harvest quotas.

Analysis: An EA/RIR/IRFA (final draft dated October 1986) was prepared for this amendment. Two alternatives (in addition to the status quo) were examined for actions 1, 3 and 4. One alternative to the status quo was examined for action 2.

Results: The OY for the Gulf has remained unchanged, but the TAC's are adjusted annually based on updated information. Recordkeeping and reporting requirements have been further modified via regulatory amendments, however, weekly reporting by at-sea vessels is still required. Kodiak red king crab trawl closure areas were first implemented as Amendment 15 in 1987 with a three year sunset. These closure areas were renewed in Amendment 18, which was in effect for 1990-92. Amendment 26 extended the closures permanently. Nonetheless, GOA crab stocks in the vicinity of Kodiak Island remain depressed.

GOA Amendment 16 Catcher/Processor Reporting Requirements, Redefine Species Management Categories

Dates: Council approved Amendment 16 in September 1987. The proposed rule for Amendment 16 was published on December 21, 1987 (52 FR 48303). NMFS published a final rule on March 10, 1988 (53 FR 7756). Effective date was April 7, 1988. Amendment 11a to the BSAI FMP was adopted jointly.

Purpose and Need: Amendments 16 for the GOA and 11a for the BSAI were proposed in response to a need for better information from catcher/processors and mothership processor vessels in order to sufficiently address fishery management problems, enforce current regulations, and meet the conservation goals identified in the FMPs. The amendment intended to add the following to the currently required weekly catch reports by catcher/processors and motherships: information on the number of cartons and unit net weight of a carton of processed fish by species; a Product Transfer Report; and a Cargo Transfer/Offloading Log. The amendment also changed the public comment period, redefined the definition of prohibited species, and respecified the other three species categories for both the Gulf of Alaska and Bering Sea/Aleutian Islands FMP.

In addition, Amendment 16 instituted several other minor regulatory changes specific only to the Gulf of Alaska FMP.

Regulation Summary: The regulations implemented the following provisions to both the GOA and BSAI FMPs:

1) Augmented the current catcher/processor and mothership reporting requirements with at-sea transfer information, specifically, a Cargo Transfer/Off-Loading Log and Product Transfer Report;

2) Revised the definition of prohibited species to include Pacific salmonids, Pacific herring, Pacific halibut, king crab, Tanner crab, and steelhead trout. Respecified the other three categories:
    a) Target species–pollock, Pacific cod, flounders, rockfish, and sablefish
    b) Other species–Atka mackerel, squid, sculpins, sharks, skates, eulachon, smelts, capelin, and octopus
    c) Non-specified species–those species taken incidentally in the groundfish fisheries but are not managed by the FMP. No catch records are required;

3) Required the public comment period for proposed annual specifications and prohibited species catch limits to be 30 days following the date of filing of the notice for public inspection with the Office of the Federal Register.

In addition, several minor regulatory changes were included that apply only to the GOA FMP: 1) the term "target quotas" for groundfish was changed to "total allowable catches"; 2) general reorganization and editing; 3) the addition of a vessel safety section; and 4) removal of the reserve category for some species of groundfish.

Analysis: An EA/RIR/IRFA was prepared for Amendment 11a, which determined there was no significant environmental impact as a result of this action, but small entities may be affected.

Results: Since the amendment was passed, the four species categories have remained intact, and the "optimum yield" concept is applied to all except the prohibited species category. The prohibited species group has maintained the definition listed in the amendment. A single total allowable catch still exists for the other species group which currently includes squid, smelts, octopus, sharks, skates, and sculpins; Atka mackerel was moved to the target species group in 1993. In 1998, a final rule on forage fishes was published which removed smelts from the other species category and placed them in a separate "Forage Fish" category beginning in 1999.

GOA Amendment 17 Permit Requirements

Dates: Amendment 17 was adopted by the Council in June 1988. The proposed rule was published on September 6, 1988 (53 FR 34322) and the final rule was published on May 1, 1989 (54 FR 18519). Effective date of approved measures was May 26, 1989. Amendment 12 to the BSAI FMP was adopted jointly.

Purpose and Need: Under regulations implementing the FMPs for the BSAI and GOA, vessels that are harvesting or processing in the EEZ are required to have Federal permits and are subject to Federal regulations. One of the regulations states that catcher/processor and mothership processor vessels must submit weekly weight reports of groundfish caught and processed at sea. Regulations also require all catcher vessels, including catcher/processors, to submit fish ticket reports of groundfish catches to the Alaska Dept. of Fish & Game. NMFS was using these reports to determine the ongoing reapportionments of surplus groundfish to joint venture processors and to the total allowable level of foreign fishing (TALFF). Vessels not fishing in the EEZ (but may have been fishing in State waters or beyond the 200-mile limit), were not required to have a Federal permit and are thus not subject to the Federal reporting requirements. The regulatory loophole inherent in the language of the regulations is that vessels outside the EEZ could receive and process fish that were caught in the EEZ and would not be required to report them to NMFS.

The intent of the weekly reporting regulation was to receive information from all vessels harvesting or processing fish from the EEZ so that inseason management actions, such as time/area closures and reapportionments of surplus groundfish, could be done efficiently and effectively without surpassing the quota for each species. The Council recognized this loophole and approved Amendment 17, which re-worded the weekly reporting requirement to capture all vessels harvesting and receiving EEZ-caught fish.

Regulation Summary: Amendment 17 required that all vessels of the U.S. receiving EEZ-caught fish would have to hold a Federal permit and thus would have to comply with the weekly reporting requirements.

Analysis: A 133-page EA/RIR/IRFA (dated May 18, 1988) analyzed the proposal above and the status quo for the BSAI and GOA FMPs. A draft assessment specific to GOA Amendment 17 also analyzed an action that would both change the date or establish an additional sablefish longline season. This action was eventually separated into GOA Amendment 17a and not approved by the Council.

Results: Weekly reporting form the offshore processors enhanced monitoring of quotas and overall fishery performance.

GOA Amendment 18 Domestic Observer Program, Renew Kodiak Crab Closures, Establish Shelikof District, Reporting Requirements

Dates: GOA Groundfish FMP Amendment 18 (BSAI Amendment 13) was adopted by the Council in June 1989 and approved by the Secretary in November 1, 1989. A proposed rule (54 FR 36333) was published on September 1, 1989 and corrected on September 22, 1989 (54 FR 39022). A final rule implementing actions in Amendments 13/18 (54 FR 50386), except for the Observer Program, was published on December 6, 1989 and effective January 1, 1990. A final rule implementing the Observer Program (55 FR 4839) was published on February 12, 1990 and effective on February 7, 1990. A correction was filed on January 11, 1990 (55 FR 1036).

Purpose and Need: Since foreign fishing had been curtailed, NMFS needed to replace the foreign fisheries observer program with one to cover the domestic fishery. The purpose of a comprehensive data collection program for the domestic groundfish fishery is to provide adequate and reliable data on which to:
(1) base inseason and inter-season management decisions;
(2) efficiently carry out resource management; and
(3) measure fishery performance against existing and proposed management measures.
Additionally, the Shelikof Strait was identified to contain spawning populations of pollock, the Kodiak crab trawl closure areas were scheduled to sunset on December 31, 1989, Pacific halibut PSC limits were also set to expire in 1989.

Regulation Summary: Amendment 18 to the groundfish FMPs authorized a comprehensive domestic fishery observer program. The 1990 and 1991 Observer Plans required specific levels of observer coverage which varied with size of fishing vessel and quantity of fish processed by floating and shoreside processors. These requirements were established because it was recognized that living marine resources could not be effectively managed without the types of information that were either available only or most efficiently through an observer program.

The Observer Plans required that owners and operators of vessels and shoreside processing facilities participating in the groundfish fishery arrange for and pay for the cost of placing observers aboard their vessels and at their shoreside processing facilities beginning in January, 1990. Each vessel or processor required to have observer coverage is responsible for the cost of obtaining the required observers from a certified contractor. The cost averaged between $5,800 and $7,100 per observer month in 1991.

Amendment 18 also:
(1) established Shelikof Strait area as a management district;
(2) closed areas around Kodiak Island to bottom trawl gear;
(3) established for one year, interim Pacific halibut PSC limits for fixed gear (750 mt) and trawl gear (2,000 mt);
(4) deleted fishing season dates from the FMPs but retained them in regulation; and
(5) clarified authority to recommend TACs for additional or fewer target species within the "target species" category.

Analysis: A193-page EA/RIR/IRFA (final draft dated July 21, 1989) included the preferred alternative to the status quo for five of the six actions affecting GOA groundfish management. In approving its action to delete fishing seasons from the FMPs, the Council also considered a framework procedure for annually setting fishing seasons.

Results: The domestic observer program provides information for stock assessment and in-season management, including the ability to accurately assess catch and bycatch in the fisheries. This program provides information to make the North Pacific fisheries among the most tightly managed in the world. Three problems were later identified for observer coverage payment. It was not an equitable system in that some operations payed for 100% coverage and others did not pay anything, it limited the ability of the NMFS to effectively manage the observer program, and it may result in a conflict of interest that could reduce the credibility of observer data. The Research plan, under Amendment 30, was designed to address these three problems. Industry support for such a change is demonstrated by the willingness and ability of the industry to convince Congress and the President to amend the Act to allow the North Pacific Fisheries Research Plan to be established and paid for by a broad-based system of user fees. The proposed plan was to be applicable to the groundfish, halibut, and BSAI crab fisheries. Instead, implementation was delayed one year, then replaced with a modified pay-as-you-go system adopted under Amendments 47/47. Fees were collected by NMFS in the first year of implementation, which were later returned when the research plan was repealed.

The Kodiak closures are still in effect, as are the fixed and trawl gear halibut PSC levels (although the fixed gear level was dropped to 300 mt with implementation of the halibut IFQ program). The Shelikof Strait management district was rescinded in GOA Amendment 25, when pollock management in the Western/Central Area was divided into three districts.

GOA Amendment 19 Regulate Pollock Roe Stripping, Seasonal Allowance Schedule for Pollock

Dates:. GOA Amendment 19 (BSAI Amendment 14) was adopted by the Council in June 1990. NMFS published the final rule on January 7, 1991 (56 FR 492). Effective date of implementation was January 1, 1991.

Purpose and Need: Growth of the domestic harvesting and processing capacity of the domestic pollock fishery had created competition for the pollock TAC by 1990. Competition for pollock during the roe season is intensified due to the high value of the roe relative to other products. In addition, extraction of roe can be done faster than production of other pollock products. By roe stripping, fishermen can increase their share of the pollock TAC by quickly producing the most valuable product at the least cost. This amendment was intended to address the following problems:

(a) roe stripping is a wasteful use of the pollock resource;
(b) roe stripping causes an unintended allocation of pollock TAC among seasons and industry sectors;
(c) roe stripping may adversely affect the ecosystem;
(d) roe stripping may adversely affect the future productivity of the stock; and
(e) roe stripping increases the difficulty of accurately monitoring the pollock TAC for inseason management.

Regulation Summary: The amendment implemented rules that regulated the practice of stripping roe (eggs) from female pollock and discarding female and male pollock carcasses without further processing, and seasonally allocated the TAC of pollock. Season opening dates established were as follows for the GOA: January 1, April, July, and October, and for the BSAI: January 1 and June 1. To get at the issue of roe stripping, product recovery rate standards were established, which if exceeded would constitute a violation. The recovery rate standard established was 10 percent of the total round-weight equivalent of pollock and other pollock products onboard a vessel at any time during a fishing trip. To extrapolate round weight equivalents, the rule established product recovery rates as follows: fillet (18%), surimi (15%), mince (17%), meal (17%), and head&gut (50%).

Analysis: A 138-page EA/RIR/IRFA (final draft dated July 20, 1990) was prepared for this amendment. Five primary alternatives including the status quo were considered. The other alternatives that were not chosen would have just prohibited pollock roe-stripping, required full utilization of all pollock in pollock fisheries, or implemented seasonal allowances for pollock to reduce the amount harvested in the winter-early spring. Options for these alternatives included applying the regulations only to certain areas, and restricting the GOA pollock fishery to midwater gear only. The alternative adopted combined the elements of roe-striping and seasonal allowances for all areas.

Results: Since the amendment was approved, the practice of roe stripping has stopped. In 1993, regulations were further tightened to close loopholes that could have potentially undermined the intent of the roe stripping regulations (58 FR 57752). "Fishing trip" and "pollock roe" were better defined as were the pollock products that could be used to calculate retainable amounts of pollock roe. Full retention and utilization of pollock was required under Amendment 49.

GOA Amendment 20 Establish Sablefish Individual Fishing Quotas

Dates: NMFS published the proposed rule for BSAI Amendment 15 and GOA Amendment 20 on December 3, 1992 (57 FR 57130) with a corrected version published December 29, 1992 (57 FR 61870). These amendments were adopted jointly by the Council in 1991. The final rule implementing the amendments was published November 9, 1993 (58 FR 59375) with the effective date of implementation December 9, 1993. Actual program implementation was March 15, 1995, following application, appeals, and establishment of monitoring systems. Portions of the regulations were amended in subsequent final rules.

Purpose and Need: In 1987, the Council recognized a need to take management action with regard to the sablefish fishery because it was exhibiting significant problems created by a short-season, derby-style fishery. Over time, with the constant increase of new entrants in the fishery, the sablefish fixed gear fishing seasons had degenerated to several short seasons each year. Typical problems included allocation conflicts, gear conflict, deadloss from lost gear, increased bycatch and discard mortality, excess harvesting capacity, decrease in product wholesomeness, safety concerns, and economic instability in the fisheries and fishing communities. In December 1988, the Council decided that the status quo was unacceptable and expressed a desire to explore the limited access options of license limitation, Individual Fishing Quotas (IFQs), and annual fishing allotments in a draft EIS. In January 1990, the Council decided to focus on IFQ options as an alternative to the status quo. The IFQ approach was preferable in that it provided fishermen with the authority to decide how much and what type of investment they wished to make to harvest the resource (by guaranteeing a certain amount of catch at the beginning of the season and extending the season over a period of 8 months), while also addressing the problems created by a derby-style fishery. In addition, in early 1991, the Council found that the management problems in the fixed gear sablefish fishery also afflicted the halibut fishery, and therefore decided to consider a similar IFQ system for the halibut fishery. The intent was that a single IFQ program would apply to both fisheries.

The IFQ Program is a regulatory regime designed to promote the conservation and management of the halibut and sablefish fisheries, and to further the objectives of the Magnuson-Stevens Act and the Northern Pacific Halibut Act. The program essentially assigns the privilege of harvesting a percentage of the sablefish and halibut quota to specific individuals with a history of harvest in the fisheries. The rights given to each person are proportional to their fixed gear halibut and sablefish landings during the qualifying period determined by the Council and are represented as quota shares. Under this program, only persons holding quota shares are allowed to make fixed gear landings of halibut and sablefish in the regulatory areas identified.

Regulation Summary: The IFQ Program was approved for the Pacific halibut (via regulatory amendment) and sablefish fixed gear fisheries in the Federal waters of the BSAI and GOA, and these fisheries have been managed under the program since 1995. The regulations outline several key provisions of the program: initial allocation of quota shares (QS); vessel categories; transfer provisions; use and ownership provisions; the annual process for allocating quota shares; and the establishment of Community Development Quotas. The regulations state that legal landings of halibut or sablefish harvested with fixed gear had to occur at any time during 1988-1990 to qualify for an initial allocation of quota share. Generally, if a vessel owner or lessee is qualified, their initial quota share would be based on their highest total landing of halibut for any 5 years of the 7-year base period 1984-1990. For sablefish, the initial quota share would be based on the highest total landing of sablefish for any 5 years of the 6-year base period 1985-1990. Each person eligible to receive quota share would have it assigned to one of four vessel categories: “A”-freezer vessels of any length; “B”- catcher vessels greater than 60'; “C”- catcher vessels less than or equal to 60' for sablefish, or between 35'-60' for halibut; “D”- catcher vessels less than or equal to 35' for halibut. Initial quota share would be assigned to the vessel category that a person’s most recent fixed gear landings of groundfish or halibut were caught by that vessel.

Analysis: A Supplemental Environmental Impact Statement/Environmental Impact Statement (final draft dated September 1992) and several appendices containing background information and an evaluation of the New Zealand Individual Transferrable Quota program were prepared for the initial review of the IFQ management alternative. Two alternatives were considered: 1) the status quo open access system characterized by fixed quotas for each regulatory area, and 2) IFQs. In addition, the document recognized the Council’s previous determination that open access or more traditional management measures are not acceptable for the sablefish fishery. The Council rejected license limitation on the basis that it may not be possible to reduce the fleet size in an equitable manner, and because of the significant potential for the reduction in vessel number to be offset by an increase in fishing power per vessel. Annual fishing allotments that were also considered previously were deemed a more complicated management program that would not solve the race for fish. With the preferred IFQ alternative, the Council intended to acknowledge and reward long-term and consistent participation in the fisheries; those whose catch histories showed less dependence on and participation in the fisheries were supposed to receive relatively small amounts of quota share. However, the method by which initial quota shares were calculated also allowed for one to two years of poor performance in the fishery due to circumstances beyond a person’s control.

Continued

Results: The fixed gear halibut and sablefish IFQ program continues to rationalize the fishery and is generally considered a successful market-based management system to address overcapitalization. Overall for the combined sablefish and halibut fisheries, an estimated total of 5,626 vessel owners received initial quota shares and 86.4% of the recipients were from Alaska. As expected, the number of quota share holders has decreased significantly over time. The fishing season was converted from several 24-hour period openers each year to an eight-month season from March 15 to November 15. Among some of the anticipated and realized benefits are bycatch reductions and safety improvements. Bycatch reduction was inherent in the program, due to the close interaction between sablefish and halibut fisheries. Much of the longline bycatch of halibut occurred in the sablefish fisheries, and many fishermen fish for both (and received IFQ for both). To the extent sablefish fishermen have halibut IFQ, this halibut is now retained and counted against the target quotas, as opposed to being caught as bycatch and discarded (by regulation it previously had to be discarded). This resulted in an immediate reduction of the GOA halibut Prohibited Species Cap from 750 metric tons annually to around 150 metric tons annually (Oliver and Pautzke 1997). Likewise, improved safety is inherent in the program; instead of having to fish intensely under any weather conditions, fishermen can choose their fishing weather considering the seasons, grounds, and size and sea worthiness of their vessel.

In addition, IFQs have reduced gear conflicts and fishing mortality due to lost gear within the sablefish and halibut fisheries by reducing the intense competition for grounds in a short time. Product quality and price has also increased under the IFQ Program, as fishermen have more time to cater to the fresh fish market. At the time of the Council decision, analysts estimated that the total annual benefits of the IFQ program would range from $30.1 to $67.6 million.

Subsequent regulations were proposed following the final rule for Amendments 15/20, to refine various portions of the regulations implementing the IFQ Program and make the program more responsive to the conservation and management goals specified in the Magnuson-Stevens Act. Some of the changes were intended to clarify ambiguous regulations, and others were new provisions designed to make the program more effective. The comprehensive list of regulatory provisions added or amended is contained in the final rule (60 FR 87).

GOA Amendment 21 Interim Harvest Levels, Fishing Gear Restriction, Apportion Halibut Prohibited Species Catch by Gear and Season, Modify Demersal Shelf Rockfish Authorization Language, Define Overfishing, Implement Vessel Incentive Program

Dates: GOA Amendment 21 (BSAI Amendment 16) was adopted by the Council in June 1990. NMFS published a proposed rule on September 18, 1990 and a final rule implementing the approved portions of Amendment 16 on January 24, 1991 (56 FR 2700). Effective date of implementation was January 24, 1991. The amendment was revised to include a vessel incentive program, and the interim final rule was published on May 10, 1991 (56 FR 21619), which was effective May 6, 1991 through June 5, 1991.

Purpose and Need: A number of management measures were bundled together in this amendment, including PSC bycatch management, procedures for specifying TAC, and gear restrictions. The main purpose of this amendment was to better manage PSC bycatch in non-directed fisheries, particularly in the BSAI.

Because there is insufficient time between the end of the December Council meeting and January 1 of a new fishing year, this amendment was developed to establish interim TACs so that the fishery would open on January 1. Prior to this amendment, changes to gear definitions or other restrictions required an FMP amendment to change. In order to respond more rapidly to changes in the fishery, the purpose of this action was to allow gear restrictions to be accomplished through a regulatory amendment. Revised Guidelines for Fishery Management Plans (the "602 Guidelines"), required each FMP to include an objective and measurable definition of overfishing for each stock or stock complex under management.

Regulation Summary: The amendment contained 8 approved management measures; those pertaining to the GOA follow:
(1) Apportioned PSC limits into bycatch allowances for trawl fishery categories;
(2) Allowed separate apportionment of halibut PSC to hook and line and pot gear in the GOA;
(3) Allowed seasonal allocation of halibut and crab PSC;
(4) Established procedures for interim TAC specifications;
(5) Established fishing gear restrictions (definition of pelagic trawl, biodegradable panels & halibut excluders on pot gear);
(6) Modified authorization language that allows demersal shelf rockfish in SE Alaska to be managed by the State;
(7) Established definitions of overfishing.
(8) Modified PSC limits and bycatch limitation zones for halibut, bairdi crab, and red king crab in the BSAI

Later revisions to the amendment included addition of a vessel incentive program, which would issue civil penalties (fines) to vessels that exceeded seasonal fixed bycatch rate standards for halibut and crab taken in specified target fisheries.

Analysis: A 213-page EA/RIR/IRFA (final draft dated July 31, 1990) was prepared for this amendment. In the original draft, three primary alternatives to a BSAI measure described for BSAI Amendment 16 were considered. The analysis was revised several times to address other issues, including the vessel incentive program.

Results: Portions of the proposed amendment were disapproved by the Secretary. In response, revisions to this amendment were made in BSAI Amendment 16a and in Amendment 19/24.

GOA Amendment 22 Experimental Fishing Permits, Rescind Management District

Dates: GOA Groundfish FMP Amendment 22 (BSAI Amendment 17) was adopted by the Council in September 1990. NMFS published a proposed rule on December 4, 1991 (56 FR 63487) and a final rule on March 26, 1992 (57 FR 10430). Effective date of implementation was April 24, 1992, except for certain sections effective April 1, 1992.

Purpose and Need: The purpose of the amendment was to address several conservation issues in the GOA and BSAI in one package. Description summaries of the GOA proposals follow. Three changes to the BSAI FMP also established Walrus Island groundfish fishing closures, established the Bogoslof District in the Aleutian basin, and defined a groundfish pot.

1. Authorize experimental fishing permits:
An FMP amendment is proposed whereby the Regional Director, in consultation with the Council and Alaska Fishery Science Center, may issue experimental fishing permits to persons for purposes of obtaining information necessary to promote fishery conservation and management of the fisheries.

2. Rescind GOA statistical area 68:
An FMP amendment is proposed to delete statistical area 68 (East Yakutat District), because it is not needed for fishery conservation and management and is imposing, therefore, unnecessary recordkeeping and reporting costs.

Regulation Summary: This amendment allows the NMFS Regional Director, after consulting with the Director of the Alaska Fishery Science Center and with the Council to authorize for limited experimental purposes, the target or incidental harvest of groundfish that would otherwise be prohibited. The amendment also combined statistical area 68 with statistical area 65.

Analysis: A 71-page EA/RIR/IRFA (final draft dated May 14, 1991) was prepared for this amendment. Five management actions were evaluated under this amendment package. Two modified the GOA FMP. Two alternatives considered changes to GOA statistical area 68.

Results: A number of experimental fishing permits that have been proposed by both the groundfish industry, the agency, and the public have been approved by the Regional Administrator since implementation.

GOA Amendment 23 Inshore/Offshore Allocation for Pollock and Pacific Cod

Dates: NMFS published a proposed rule to implement GOA Amendment 23 and BSAI Amendment 18 on December 20, 1991 (56 FR 66009). The final rule was issued June 3, 1992, and the effective date of implementation was June 1, 1992 (57 FR 23321).

Purpose and Need: Amendments 18 and 23 developed out of a concern to prevent preemption of resources by one industry sector over another. Substantial processing of pollock by several catcher/processor vessels contributed to an early closure of the pollock fishery in the Shelikof Strait area in 1989, effectively preventing inshore components from realizing their anticipated economic benefit from processing pollock. Upon industry request, the Council considered the issues of coastal community development and shoreside preference at its June 1989 meeting and adopted the Fishery Planning Committee's suggested management alternatives for analysis. The problem statement adopted by the Council identified the issue as a resource allocation problem and stated that specific processing allocations for the inshore and offshore sectors established at the beginning of a fishing year would resolve the preemption problem and allow operators to better plan their harvesting and processing activities for the year.

The Council decided to include only pollock in the BSAI and Pacific cod and pollock in the GOA, in order to allow for more detailed analyses. After much discussion about the benefits of alternative measures to deal with the preemption problem, the Council reviewed the first draft SEIS/RIR/IRFA in April 1991, and adopted its preferred alternative in June 1991. The adjoining amendments to the BSAI and GOA FMPs would establish inshore/offshore allocations of pollock and Pacific cod in the GOA, and pollock in the BSAI. In addition, the amendments would establish a Catcher Vessel Operational Area (CVOA) in the Bering Sea, which would limit access to pollock within the area to catcher vessels delivering to inshore or offshore processors. These amendments also established the Western Alaska Community Development Quota (CDQ) program to provide Western Alaska communities with long-term employment and access to the fisheries. The primary purpose of Amendments 18 and 23 was to protect the inshore component of the fishery from preemption by the offshore fleet. The amendments provided an interim solution for the inshore component, which includes small coastal communities that are highly dependent on fishing to maintain economic stability. While the amendments do not directly address overcapitalization in the fisheries, the approval by the Council specifically expressed an intent to develop and implement a more comprehensive, long-term limited access program.

Regulation Summary: The alternative adopted and approved defined the inshore and offshore components of the fisheries. BSAI Amendment 18 was only partially approved, allocating 35% of the 1992 non-roe pollock season TAC to the inshore component, and the remaining 65% to the offshore component. The portion that was not approved would have further allocated pollock through 1995: the inshore allocation would have increased to 40% in 1993 and 45% in both 1994 and 1995. A NMFS economic review indicating a large net loss to the Nation as a result of this action provided the rationale for disapproval by the Secretary of Commerce. The GOA inshore component was allocated 90% of the Pacific cod TAC and 100% of the pollock TAC for each fishing year. While catcher/processors from the offshore component would not be able to conduct directed pollock fishing in the GOA, they would be allowed appropriate bycatch amounts.

Analysis: An extensive final SEIS/RIR/IRFA (dated March 1992) and a 265-page appendix containing community profiles were prepared for these amendments. Eight alternatives including the status quo were considered. The alternatives not chosen would have implemented traditional management tools or formed an allocation system with a different basis, such as vessel class, species, or at the individual vessel level. The alternative chosen was broadened to include development of a Comprehensive Fishery Rationalization Program, of which inshore/offshore allocations would be a part.

Results: Amendment 23 was approved in its entirety for the Gulf of Alaska, and resulted in 100% of the pollock quota and 90% of the Pacific cod quota (less bycatch amounts in other fisheries) being reserved for harvest by vessels delivering to onshore processors. This amendment was approved for a three-year period, through the end of 1995 (see Amendments 40 , 51, and 61 which extended these measures through 2004). The allocation implemented by this amendment provided protection and operational stability for harvesters and processors and the coastal communities in which they operated.

GOA Amendment 24 Delay Season Start Date, Espand Vessel Incentive Program

Dates: GOA Amendment 24 (BSAI Amendment 19) was adopted by the Council in December 1991. NMFS published the final rule on September 23, 1992 (57 FR 43926). Effective date of implementation was September 30, 1992.

Purpose and Need: The purpose of the amendment was to further address bycatch issues that were raised under Amendments 16 to the BSAI FMP and 21 to the GOA FMP. This amendment was aimed to control and reduce halibut bycatch mortality in the Alaska groundfish fisheries in response to the international, social, and economic conflicts between U.S. and Canadian halibut fishermen and U.S. groundfish fishermen that take halibut as bycatch.

Regulation Summary: Amendments 19/24 established three FMP amendment management measures. One pertained to the GOA FMP and its implementing regulations:

(1) Delay the season opening date of the GOA groundfish trawl fisheries to January 20 of each fishing year to reduce salmon and halibut bycatch rates;
(2) Further delay the season opening date of the GOA trawl rockfish fishery to the Monday closest to July 1 to reduce halibut and chinook salmon bycatch rates;
(3) Change directed fishing standards to further limit halibut bycatch associated with bottom trawl fisheries:
(4) Expand the vessel incentive program to address halibut bycatch rates in all trawl fisheries.

Analysis: A 111-page EA/RIR/IRFA (final draft dated April 10, 1992) was prepared for this amendment. The analysis was broken down into different management actions, and alternatives for each were evaluated separately. The number of alternatives (including the status quo) considered varied for each management measure.

Results: Since the amendment was approved, bycatch of crab and halibut has been controlled to stay within the PSC limits. PSC catch limits have been apportioned among different trawl fisheries in the BSAI, and fisheries have been closed when their respective apportionments/seasonal allowances were reached. Catch of groundfish (particularly flatfish) has been forgone due to these restrictions. Few vessels have been cited for violations of the vessel incentive program. PSC management was again revisited in following amendments, such as BSAI Amendment 25.

GOA Amendment 25 Steller Sea Lion Buffer Zones, Modify Pollock Management Districts

Dates: GOA Amendment 25 (BSAI Amendment 20) was adopted by the Council in September 1991. NMFS published a final rule on January 23, 1992 (57 FR 2683). Effective date of implementation was January 20, 1992.

Purpose and Need: The purpose of the amendment was to allow regulations to be implemented to afford marine mammals additional protection, particularly Steller sea lions. Steller sea lions were listed as threatened under the Endangered Species Act on November 26, 1990 (55 FR 49204). Although the ultimate cause of the Steller sea lions decline remains unknown, Steller sea lions had been incidentally taken in fishing gear, intentionally killed and harassed by fishermen, and may compete with commercial fisheries for food resources. The purpose of amendment 25 was to allow and implement regulations to reduce the likelihood that commercial groundfish removals would deplete Steller sea lion prey abundance in key habitats, as well as to reduce incidental take of Steller sea lions.

Regulation Summary: Regulations authorized by this amendment implemented the following measures:

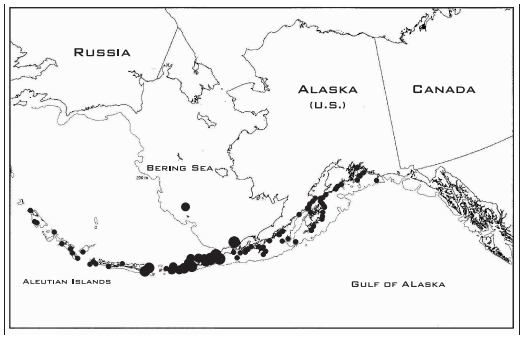
(1) Areas are closed year-round to fishing by vessels using trawl gear within 10 nautical miles of key Steller sea lion rookeries located in the GOA and BSAI management areas;

(2) Areas are closed within 20 nm of five sea lion rookeries to directed pollock fisheries during the "A" season. These rookeries are Sea Lion Rocks, Akun Island, Akutan Island, Seguam Island, and Agligadak Island;

(3) In the GOA, the specified total allowable catch for pollock in the combined western/central area is further divided among three pollock management districts: Area 61 (170º-159º W. longitudes), Area 62 (159º-154º W. longitudes), and Area 63 (154º-147º W. longitudes). The Shelikof Strait district was eliminated. To prevent excessive accumulation of unharvested portions in any quarterly allowance of the pollock TAC, a limit of 150 percent of the initial quarterly allowance in each pollock management district was established.

Analysis: A 29-page EA/RIR/IRFA was prepared for the trawl closure area section and a 10 page EA/RIR/IRFA was prepared for the section revising GOA districts (final drafts un dated, but near October 30, 1991). Five alternatives including the status quo were considered for the trawl closure section and two alternatives were considered for the GOA districts section of the Amendment. The other alternatives that were not chosen would have established larger time/area closures (20 nm year-round, 10 nm in summer with 20 nm winter extensions, 20 nm summer with 60 nm winter extensions). The alternative chosen (10 nm year-round rookery closures) represent an approximation of the average summer foraging range (average was 8 miles; maximum of 21 miles) for the six female Steller sea lions with pups tagged and tracked.

Results: Many subsequent actions have been taken to minimize the impacts of fisheries on Steller sea lions. On March 12, 1993, NMFS extended the no-trawl zone around Ugamak Island out to 20 nm during the pollock roe fishery (58 FR 13561). Amendment 28 to the BSAI FMP subdivided the Aleutian Islands region into 3 districts to reduce localized depletion of Atka mackerel. Critical habitat for Steller sea lions was designated on August 27, 1993 (58 FR 45269). Amendment 45 to the GOA groundfish FMP further subdivided the areas for pollock fishing; these were further modified by regulatory amendment in June (63 FR 31939). A regulatory amendment implemented in 1999 seasonally apportioned the AI Atka mackerel TAC into two seasons, incrementally shifted the allowable catch outside of Steller sea lion critical habitat area, and added a 20 nm no-trawl zone around Sequam rookery.



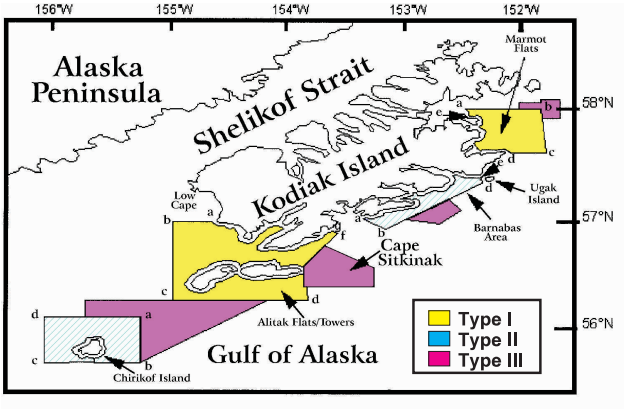
Location of Steller sea lion rookery and haulouts closed to pollock fishing in 1999.

In 1997, the western population (west of 144º longitude) of Steller sea lions was listed as endangered under the Endangered Species Act. In April 1998, plaintiffs (Greenpeace, the American Oceans Campaign, and the Sierra Club) filed suit against NMFS challenging the FMPs under both the Endangered Species Act and the National Environmental Protection Act. In December 1998, NMFS issued a Biological Opinion that the Alaska pollock fisheries proposed for the years 1999 to 2002 were likely to jeopardize the continued existence of Steller sea lions and modify its critical habitat. As a result, numerous management actions were taken via emergency rule and standard rulemaking to temporally and spatially disperse the pollock fisheries, and establish numerous no-trawl zones around rookeries and haulouts. The plaintiffs have further challenged NMFS on the adequacy of these reasonable and prudent alternatives.

GOA Amendment 26 Permanent Kodiak Crab Protection Zones

Dates: GOA Groundfish FMP Amendment 26 was adopted by the Council in June 1992. NMFS published the final rule on January 6, 1993 (57 FR 61585). Effective date of implementation was January 1, 1993.

Purpose and Need: The red king crab stock around Kodiak Island peaked in 1965, with landings of 94 million pounds, and then declined and remained at moderately low levels though the 1970's. No fishery has been allowed since 1982 in an attempt to rebuild the stock. While the cause for the decline of red king crab is not known, most researchers believe the decline can be attributed to a variety factors including overfishing, fish predation on king crab, and a warmer ocean environment. Fishery managers have enacted measures to provide an environment conducive to the recovery of the red king crab stock by minimizing impacts from other fisheries.



Trawl closure areas, designed to protect Kodiak red king crab, were first implemented as Amendment 15 in 1997 with a 3-year sunset. These closure areas were renewed as Amendment 18, which became effective in 1990. Because Amendment 18 also had a 3-year sunset, the management measure was scheduled to expire at the end of 1992. These restrictions were considered necessary because of the poor condition of the king crab resource off Kodiak and because trawl bycatch and mortality rates are highest during the spring months when king crab migrate inshore for reproduction. The molting period off Kodiak begins around February 15 and ends by June 15. The purpose of this amendment was to renew these closure areas to protect red king crab.

Regulation Summary: The regulation simply made the provisions of Amendment 18 permanent. The Council designated Type I, Type II and Type III areas for special bottom trawl restrictions to protect king crab. Type I areas have very high king crab concentrations and, to promote rebuilding of the crab stocks, are closed all year to all trawling except with pelagic gear. Type II areas have lower crab concentrations and are only closed to non-pelagic gear from February 15 through June 15. Type III areas are adjacent to Type I and II areas and have been identified as important juvenile king crab rearing or migratory areas. Type III areas become operational following a determination that a "recruitment event" has occurred. The Regional Administrator will classify the expanded Type III area as either Type I or II, depending on the information available. A "recruitment event" is defined as the appearance of female king crab in substantially increased numbers (when the total number of females estimated for a given district equals the number of females established as a threshold criterion for opening that district to commercial crab fishing). A recruitment event closure will continue until a commercial crab fishery opens for that district or the number of crabs drops below the threshold level for that district.

The Alitak Flats/Towers and Marmot Flats areas are Type I areas, closed to non-pelagic trawls all year. Chirikof Island and Barnabas are Type II areas, closed to non-pelagic trawls from February 15 to June 15. These areas encompass 80% to 90% of the known female king crab stocks.

When Type III areas are closed by regulatory amendment, the Regional Administrator will specify which of the Type III areas are closed and whether the closure is for an entire year or only a portion of a year.

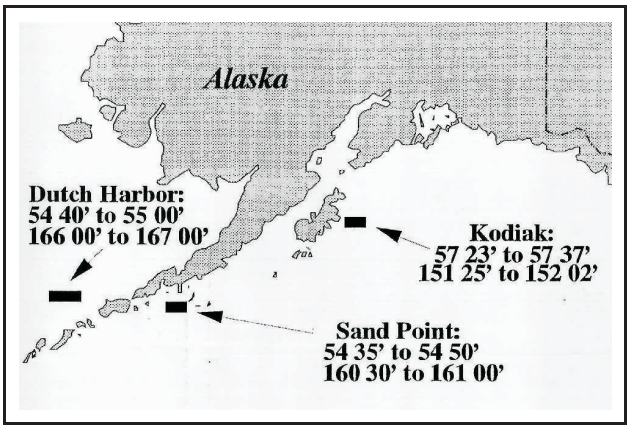
Analysis: An 18-page EA/RIR (final draft dated September 14, 1992) was prepared for this amendment. Three alternatives including the status quo were considered. Under the status quo alternative, the time/area closures would have expired at the end of 1992. The other alternative not chosen would have simply extended the closures for another three years. The alternative adopted made these closures permanent.

Results: Since the amendment was approved, GOA crab stocks in the vicinity of Kodiak Island remain depressed. The last good year class produced was in 1973-74. Recent surveys have failed to detect signs of rebuilding.

GOA Amendment 27 Establish Trawl Gear Test Zones

Dates: GOA Amendment 27 (BSAI Amendment 22) was adopted by the Council in April 1992. NMFS published a proposed rule on December 14, 1992 (57 FR 59072) and a final rule on January 23, 1993 (58 FR 5660). Effective date was January 15, 1993.

Purpose and Need: The purpose of the amendment was to provide trawl fishermen an opportunity to test their trawl fishing gear when the GOA or BSAI is otherwise closed to trawling. Until 1992, the GOA and BSAI were open to trawling for most of the year, and the industry was able to test gear in preparation for a season opening. However, in 1992, new regulations delayed the opening of the trawl season from January 1 to January 20 to reduce the bycatch rates of chinook salmon and Pacific halibut. This amendment allows fishermen to test their gear and begin fishing efficiently at the beginning of a season, reducing lost fishing time that might result from gear problems.



Location of trawl test zones in the Alaska EEZ.

Regulation Summary: This amendment allows the Secretary to promulgate regulations establishing areas where specific types of fishing gear may be tested, to be available for use when the fishing grounds are closed to that gear type. Specific gear test areas contained in regulations that implement the FMP, and changes to the regulations, will be done by regulatory amendment. These gear test areas would be established in order to provide fishermen the opportunity to ensure that their gear is in proper working order prior to a directed fishery opening. The test areas must conform to the following conditions:

(1) Depth and bottom type must be suitable for testing the particular gear type;
(2) Must be outside State waters;
(3) Must be in areas not normally closed to fishing with that gear type;
(4) Must be in areas that are not usually fished heavily by that gear type; and
(5) Must not be within a designated Steller sea lion protection area at any time of the year.

The rule implementing this amendment established three trawl test areas: Dutch Harbor (54 °40' to 55° 00'N; 166° 00' to 167° 00W'), Sand Point (54 °35' to 54° 50'N; 160° 30' to 161° 00'W), and Kodiak (57°23' to 57° 37'N; 151° 25' to 152° 02'W). The regulation further required that the trawl codend must be left unzipped so as not to retain fish, that groundfish may not be onboard, and that the time used to test gear would not contribute to observer coverage requirements.

Analysis: A 13-page EA/RIR/IRFA (final draft dated September 1, 1992) was prepared for this amendment. Two alternatives including the status quo were considered.

Results: Since the amendment was approved, fishermen have been able to test their gear when trawl fishing is otherwise prohibited.

GOA Amendment 28 Moratorium

Dates: NMFS published a proposed rule for GOA Amendment 28, BSAI Amendment 23, and Crab Amendment 5 on May 12, 1995 (60 FR 25677). The final rule was published on August 10, 1995 (60 FR 40763). Effective date of implementation for most sections of the amendment was September 11, 1995.

Purpose and Need: In 1987, concerned with excess harvesting capacity in the groundfish, crab, and halibut fisheries of the BSAI and GOA, the Council established a committee to examine the problem of overcapitalization. Upon concluding that allocation conflicts and overcapitalization would worsen under the current open access system, the committee recommended a limited access management approach for these three fisheries. Concerned with the potential for speculative entry into the fisheries during discussions of management alternatives, NMFS published a control date notice of February 9, 1992. Anyone not having previously participated in the fisheries before that date would not be assured future access to the fisheries should a limited access system be adopted.

The purpose of this amendment was to provide for an interim measure to slow significant increases in the harvesting capacity of the groundfish and crab fishing fleets until a Comprehensive Rationalization Plan (CRP) could be implemented. The CRP, which continues to be developed by the Council, is intended to resolve the overall issue of overcapitalization on a long-term basis, and transition the fisheries from an open access management system to a more market-based, limited access system. Without the regulatory ability to institute a moratorium, the Council feared that potentially unlimited new entry into the fishery would exacerbate overcapitalization and hinder the ultimate development of a successful CRP. The anticipated short-term effects of the amendment included increasing economic benefits to fishermen and reducing the risk of overfishing.

Regulation Summary: After several proposed moratoriums and revisions, the final rule required a moratorium permit for vessels within specific vessel categories that harvest groundfish and BSAI Area crab resources off Alaska. Generally, a vessel qualified for a moratorium permit if it made a legal landing of any moratorium species during the qualifying period of January 1, 1988 through February 9, 1992. In addition, a vessel that made a legal landing during the qualifying period, in either a groundfish or crab fishery, but not both, could cross over as a new vessel in the fishery in which it did not made a legal landing in the qualifying period provided: 1) it uses the same gear type in the new fishery as it used to qualify for the moratorium in the other fishery; or 2) it made a legal landing in the crossover fishery during the qualifying period and it uses only the same gear type it used in that period.

Analysis: A 22-page supplemental analysis (final draft dated February 1995) was prepared for the final resubmittal of the proposed moratorium for these amendments, which were originally approved by the Council in 1992. The supplemental analysis outlined the changes from the original moratorium proposal: revision of the qualification period, halibut and sablefish qualification, consideration of current participation, crossovers, and the appeals process. The analysis also indicated that the revised moratorium would allow 4,144 unique vessels in the crab and groundfish fisheries, about 1,800 more than the current participant fleet but significantly less than the 15,709 unique vessels that participated in the fisheries since 1978 that had the potential to re-enter if no action was taken.

Results: Since the amendment was approved, the Council has implemented the License Limitation Program (LLP) to limit entry into the groundfish and crab fisheries off of Alaska. As anticipated, the LLP (Amendment 60 to the BSAI FMP/Amendment 58 to the GOA FMP/Amendment 10 to the BSAI Crab FMP) replaced the vessel moratorium established in these amendments starting in the 2000 fishing season. For general licenses, the base qualifying period established was January 1, 1988, through June 27, 1992, approximately four months longer than the moratorium qualification period, in order to be consistent with the Council's published cutoff date for qualification under the Comprehensive Rationalization Plan. The LLP also required an area endorsement for the BSAI or the GOA, to provide for present participation in the fisheries (the qualifying period being January 1, 1992 through June 17, 1995). The moratorium established by Amendments 23 and 28 limited speculative entry into the fisheries while the LLP was being developed and approved, and kept the overcapitalization situation from worsening during development of the long-term Comprehensive Rationalization Plan. In addition, the moratorium qualifications could be transferred to other vessels (provided that the length of the new vessel was the same or less than the original), and so helped provide a basis for the LLP transfer process.

GOA Amendment 29 Salmon Retention for Food Banks

Dates: GOA Amendment 29 (BSAI Amendment 26) was adopted by the Council in September 1994. NMFS published final rule on July 24, 1996 (61 FR 38358). Effective date of implementation was July 19, 1996. Selection of an authorized distributor for donated salmon was announced on August 16, 1996 (61 FR 42591).

Purpose and Need: The Alaska groundfish fisheries result in incidental fishing mortality of Pacific salmon. Vessel operators participating in these fisheries typically use trawl, hook-and-line, or pot gear. Trawl gear operations account for most of the groundfish catch, harvesting 92 percent and 94 percent of the groundfish catch during 1992 and 1993, respectively. Trawl gear fisheries for Alaska groundfish also account for more than 99 percent of the salmon bycatch by the Alaska groundfish fisheries. These fish are dead when brought on board a vessel and must be returned to Federal waters as prohibited species once a NMFS-certified observer has determined the number of salmon and completed the collection of any biological or scientific data.

The incidental salmon mortality experienced in the groundfish fisheries is one of several competing uses of the fully utilized salmon resource. Salmon also are used as catch and bycatch in directed commercial, subsistence, and sport salmon fisheries and as bycatch in other non-salmon and non-groundfish fisheries. Salmon used as bycatch in the groundfish fisheries and in other fisheries can exacerbate the management problem associated with the allocation of salmon among escapement goals set by Alaska State management policy and the terminal salmon fisheries. The groundfish fisheries may result in reduced escapement or harvest in the salmon fisheries, thereby imposing a cost on other salmon users.

The action would authorized the retention and processing of salmon taken as bycatch in the Alaska trawl fisheries for donation to needy individuals. The intent of this action is to reduce bycatch and waste and potentially provide the opportunity to collect additional data that would support a more long-term solution to the salmon bycatch problem.

Regulation Summary: The Salmon Donation Program authorizes the distribution of Pacific Salmon taken as bycatch in the groundfish trawl fisheries in the groundfish fisheries off Alaska to economically disadvantaged individuals through NMFS authorized distributor selected by the Regional Director in accordance with federal regulations implemented under the FMP.

Analysis: A 24-page EA/RIR (final draft dated March 1996) was prepared for this amendment. Three alternatives including the status quo were considered. Under the status quo alternative, all bycaught salmon would be retained until a NMFS-certified observer has determined the number of salmon and collected any biological or scientific data. Salmon could not be retained for reasons other than the collection of biological or scientific data and ultimately must be discarded in Federal waters as a prohibited species. The other alternative not chosen would have mandated that every salmon taken in the Alaska groundfish trawl fisheries be retained, processed for human consumption, and donated to a nonprofit foodbank organization. Because NMFS's authority under the Magnuson-Stevens Act to directly regulate harvesting and processing fishery resources is limited to the EEZ, this alternative was not developed further but instead provided a qualitative comparison with the other alternatives.

Results: Since the amendment was approved, many fishing companies have voluntarily participated in the donation program. Through 1998, the authorized distributor, Northwest Food Strategies, has distributed over 3 million pounds (approximately 12 million meals) of donated salmon and halibut to needy people. Under Amendment 50, the donation program was expanded to include halibut.

GOA Amendment 30 Research Plan/Observer Plan (not implemented)

Dates: GOA Amendment 30 (BSAI Amendment 27) was adopted by the Council in June 1992, then reconsidered and adopted as revised in December 1993. NMFS published a proposed rule on May 6, 1994 (59 FR 23664) and a final rule on September 6, 1994 (59 FR 46126). Effective date of implementation was October 6, 1994. Amendment 1 (which delayed implementation until 1997) to the research plan was announced on December 26, 1995 (60 FR 66755).

Purpose and Need: Amendment 18 to the groundfish FMPs authorized a comprehensive domestic fishery observer program. The 1990 and 1991 observer programs required specific levels of observer coverage which varied with size of fishing vessel and quantity of fish processed by floating and shoreside processors. These requirements were established because it was recognized that living marine resources could not be effectively managed without the types of information that were either available only or most efficiently through an observer program.

The observer programs required that owners and operators of vessels and shoreside processing facilities participating in the groundfish fishery arrange for and pay for the cost of placing observers aboard their vessels and at their shoreside processing facilities beginning in January, 1990. Each vessel or processor required to have observer coverage is responsible for the cost of obtaining the required observers from a certified contractor. The cost averaged between $5,800 and $7,100 per observer month in 1991. There were three problems identified for this method of paying for observer coverage. It was not an equitable system in that some operations payed for 100% coverage and others did not pay anything, it limited the ability of the NMFS to effectively manage the observer program, and it may have resulted in a conflict of interest that could reduce the credibility of observer data. The Research plan was designed to address these three problems. Industry support for such a change is demonstrated by the willingness and ability of the industry to convince Congress to amend the Act to allow the North Pacific Fisheries Research Plan to be established and paid for by a broad-based system of user fees. The proposed plan was to be applicable to the groundfish, halibut, and BSAI crab fisheries.

Regulation Summary: The Magnuson-Stevens Act authorized the Council and the Secretary to establish a North Pacific Fisheries Research Plan which: (1) requires that observers be stationed on fishing vessels and at fish processing facilities, and (2) establishes a system of fees to pay for the cost of implementing the Research Plan. The Research Plan, as adopted under this amendment, contained four objectives and elements that included observer employment and contracts, observer duties, data collection and transmission, annual determination on coverage level, inseason changes to coverage levels, establishment of an observer oversight committee, coordination between the NMFS groundfish and ADF&G shellfish observer programs, a fee assessment (up to 2% of ex-vessel value of harvested fish), and details on fee collection and contingency plans in case of funding shortfalls.

Analysis: A 26-page EA/RIR (final draft dated March 22, 1994), together with a lengthy (100+ pp.) appendix section, was prepared for this amendment. Three alternatives including the status quo were considered. Under the status quo alternative, the authority to establish a research plan would not be used, existing observer coverage requirements and contracting arrangements would be used, and no observer program would be implemented for the halibut fishery. The alternative adopted provided for a research plan to address problems identified with the existing observer program.

Results: Though the amendment was approved, it was never fully implemented. Instead, implementation was delayed one year, then replaced with a modified pay-as-you-go system adopted under Amendments 47/47. Start up fees were collected by NMFS in the first year of implementation (1995), but the Council repealed the Research Plan due to various concerns, including the possibility that the fee would not cover all necessary coverage levels. Fees were refunded following the repeal of the Plan. An Observer Committee has been convened to examine fee plan alternatives and is currently evaluating possible options.

GOA Amendment 31 Establish Separate Target Category for Atka Mackerel

Dates: GOA Groundfish FMP Amendment 28 was adopted by the Council in June 1993. NMFS published a (corrected) notice of availability on July 26, 1993 (58 FR 42758) and a notice of approval on October 22, 1993 (58 FR 54553). Effective date of implementation was October 18, 1993.

Purpose and Need: Atka mackerel was an important target species of the foreign fishery in the Gulf of Alaska. The directed fishery for this species waned and through lack of interest by the domestic fishery, was combined with "other species" in 1988. The "other species" category was intended to allow for bycatch of species of minor commercial importance such as sculpins, skates, squid, smelts, etc. The "other species" category has been generally available as a Gulf-wide TAC equal to five percent of the sum of TACs for all target fisheries.

In 1990, a directed fishery resumed when a closure of the Atka mackerel fishery in the BSAI resulted in vessels moving into the Western GOA to continue targeting this species. The fishery expanded significantly in 1992 (13,835 mt), and accounted for almost the entire TAC of "other species" in the GOA. As a result, "other species" became non-retainable early in the year (May) in the entire GOA. This closure preempted fishing for "other species" and caused discarding of minor species such as octopus. In 1993, Atka mackerel were again targeted in the GOA, accounting for almost the entire TAC of other species in the Western GOA. As a result, "other species" was closed to directed fishing early in the year (April 2) in the Western GOA.

The GOA FMP defined other species as groundfish species and/or species groups, which currently are only of slight economic importance or contain economically valuable species but insufficient data exist to allow separate management. Atka mackerel no longer met this definition. The purpose for the proposed amendment was to improve management of the Atka mackerel resource in the Gulf of Alaska. By establishing Atka mackerel as a target species, harvest levels would be based on biological stock assessments. The proposed amendment would not only reduce the potential for overfishing Atka mackerel, but also allow for increased harvesting of the "other species" complex, and reduce user conflicts within the Western GOA.

Regulation Summary: Amendment 31 created a separate target category for Atka mackerel in the GOA groundfish FMP. This meant that harvest levels of Atka mackerel would be based on biological stock assessments. Although the catch would primarily occur in the Western Gulf, TAC's for Atka mackerel would be set Gulfwide to avoid waste and discarding of the small amount caught in the other subareas. The species composition of the other species category would remain the same, with the exception of Atka mackerel. TACs for other species in the GOA would increase to include 5% of the TAC for Atka mackerel.

Analysis: A 45 page EA (final draft dated July 3, 1993) was prepared for this amendment. Two alternatives including the status quo were considered. The alternative chosen was more conservative in establishing a biologically based acceptable biological catch level for this species in the GOA, rather than allowing for relatively unrestricted catch.

Results: In the late 1980s, an Atka mackerel population existed in the GOA primarily in the Shumagin Islands area. By the late1990s, the TAC was set at bycatch levels (600 mt) because there is no reliable estimate of current biomass and the species has exhibited vulnerability to fishing pressure in a foreign trawl fishery in the 1970s and early 1980s.

Catch specifications (mt) for Atka mackerel in the GOA.

Year	ABC	TAC	Catch
1994	4,800	3,500	3,538
1995	3,240	3,240	701
1996	3,240	3,240	1,580
1997	1,000	1,000	331
1998	600	600	316
1999	600	600	262
2000	600	600	170
2001	600	600	76
2002	600	600	84
2003	600	600	na

GOA Amendment 32 Pacific Ocean Perch Rebuilding Plan

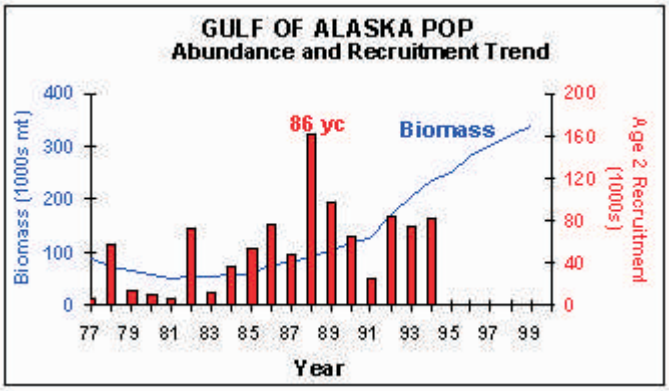
Dates: GOA Groundfish FMP Amendment 32 was adopted by the Council in September 1993. NMFS published final rule on April 15, 1994 (59 FR 18103). Effective date of implementation was March 31, 1994.

Purpose and Need: The purpose of this amendment was to establish a plan to rebuild stocks of the rockfish Pacific ocean perch (POP) (Sebastes alutus) in the Gulf of Alaska (GOA). POP is a highly valued groundfish. It was heavily exploited by a foreign trawl fleet from the early 1960's until the mid-1970's. Thereafter, a domestic at-sea processing fleet harvested POP at a substantially lower rate. Catches of POP peaked in 1965 when an estimated 350,000 metric tons (mt) were harvested by the foreign fleet; catches declined sharply in the late 1960's. From 1961-1977, annual POP landings averaged over 40,000 mt; after 1977, landings averaged 6,000 mt. In the domestic fishery, POP was managed as part of a larger slope rockfish assemblage of about 20 species until 1991, when POP was established as a separate target species category to prevent possible overfishing. As a result of increased concern about the status of POP stocks, biomass assessment methodology has been improved and domestic harvest levels have been reduced. The 1993 total allowable catch (TAC) of 2,560 mt was available only as incidental bycatch in other groundfish fisheries. In recent years POP has been managed as a single species, harvest levels have been reduced, and directed fisheries have been restricted or eliminated. In spite of this conservative management in recent years, POP biomass has increased only slightly and remains depressed from historic levels. The intent of this amendment was to minimize POP mortality necessary to maximize the probability of rebuilding success in a realistic time period.

Regulation Summary: The alternative chosen was projected in modeling simulations to rebuild POP biomass to a target level (B_{MSY}) in about 14 years by harvesting POP at a fishing mortality rate lower than the optimum rate. The target biomass B_{MSY} is the total biomass of mature females that would produce the maximum sustainable yield, on average; this number is currently estimated at 150,000 mt. The optimal fishing mortality rate is the rate that maximizes expected biological and economic yields over a range of plausible stock-recruitment relationships.

Amendment 32 establishes the procedure for deriving the annual GOA TACs for POP. POP stocks are considered to be rebuilt when the total biomass of mature females is equal to, or greater than, B_{MSY}. Annual TACs will be established as follows:

1) determine the current biomass, B_{MSY}, and the optimal fishing mortality rate;
2) determine the fishing mortality rate halfway between the optimal fishing mortality rate and the fishing mortality rate estimated to be sufficient to supply unavoidable bycatch of POP based on 1992 bycatch rates;
3) when the current biomass of mature females is less than B_{MSY}, adjust the resultant fishing mortality rate in (b) by the ratio of current biomass to B_{MSY}. When B_{MSY} is attained, the fishing mortality rate will be the optimal fishing mortality rate;
4) the GOA TAC of POP is the amount of fish resulting from the adjusted fishing mortality rate in (c); and
5) the TAC is apportioned among regulatory areas in proportion to POP biomass distribution.



Analysis: An 86-page EA/RIR/IRFA (final draft dated November 8, 1993) was prepared for this amendment. Four alternatives including the status quo were considered. The other alternatives would have established a slower rebuilding schedule (11 years) via an optimal fishing mortality rate or a faster schedule (18 years) by prohibiting a directed fishery for Pacific Ocean Perch. The alternative chosen was a fishing mortality rate that was intermediate between the optimal rate and a bycatch only rate.

Results: Since the amendment was approved, the stock has been rebuilding to target levels. In 1996, Amendment 38 was implemented to allow the POP TAC to be set at or below the amount dictated by the rebuilding plan's algorithm. The current female spawning biomass (B_{2000} = 92,920 mt) is quickly nearing target levels ($B_{40\%}$ = 110,120 mt). The current spawning biomass is much larger than it was in 1992 due to good recruitment and low fishing mortality.

GOA Amendment 33 Kodiak Pelagic Trawl Closures (withdrawn)

Dates: An EA/RIR/IRFA was developed for proposed Amendment 33 to the GOA FMP to close the crab protection zones around Kodiak Island to all trawling. Amendment 33 was withdrawn by the Council in April 1993.

Purpose and Need: Under Amendment 26, time/area closures and crab protection zones around Kodiak became permanent. These restrictions afforded protection to king crab in some areas during their molting or soft-shell period while in other areas it protected crabs from trawls year-round. The closures applied to bottom trawling operations only. In January 1993, the NOAA Office of Enforcement expressed concern about the effectiveness of the amendment as adopted by the Council. Most trawl vessels that operate around Kodiak do not have full-time observer coverage, and the only way NOAA can enforce closures is by aerial surveillance. Air surveillance can rarely distinguish between a pelagic and bottom trawl operation. The Council asked staff to analyze a closure to all trawling in light of the enforcement difficulties. The purpose of this amendment was to fully meet the Council's intent to protect crab habitat under Amendment 26.

Analysis: A 25-page EA/RIR/IRFA (final draft dated April 1993) was prepared for this amendment. Two alternatives were considered: 1) the status quo, and 2) closing the time/area crab protection zones around Kodiak Island as specified under Amendment 26 to all trawling, including pelagic trawling. The analysis indicated that the proposed alternative would make enforcement of crab closures by aerial surveillance more effective and less costly, as all vessels observed fishing with trawls in the closed areas would be in violation. The analysis also noted that bycatch rates of pelagic trawls in the Gulf of Alaska are very low.

Results: The Council noted that the analysis indicated that closing these areas to pelagic trawling could reduce some important nearshore pollock fishing grounds, and that the existing closures have been closely monitored by the Kodiak fishing industry for several years. On the basis of effective self-enforcement, the Council moved not to send the analysis out for public review and the amendment was effectively withdrawn from further consideration.

GOA Amendment 34 Remove Fishery Management Plan Reference to Community Development Quota Program

Dates: Amendment 34 to the FMP for the Groundfish of the Gulf of Alaska was adopted by the Council in April 1994 along with Amendment 30 to the FMP for the Groundfish of the Bering Sea/Aleutian Islands. Final rule was published August 24, 1994, and the effective date of implementation was September 23, 1994 (59 FR 43502). NMFS published the proposed rule on May 31, 1994 (59 FR 28048).

Purpose and Need: Amendment 34 to the GOA FMP corrected the inadvertent inclusion of the Community Development Quota (CDQ) program in the FMP by removing and reserving section 4.4.1.1.8 on "Community Development Quotas". Because the program exists for Western Alaska communities, the Community Development Quota Program should have been included only in the FMP for the Groundfish of the Bering Sea/Aleutian Islands, but not the Gulf of Alaska.

Regulation Summary: The alternative adopted removed the inadvertent inclusion of the CDQ program in the FMP for the GOA.

Analysis: No analysis was necessary for the preparation of Amendment 34. The amendment simply removed an inadvertent reference to the Community Development Quota Program from the FMP for the Gulf of Alaska.

Results: The result of the amendment was to correct the FMP for the Groundfish of the Gulf of Alaska so that it does not include a section on the CDQ program.

GOA Amendment 35 Sablefish Individual Fishing Quota Share Blocks

Dates: GOA Amendment 35 was adopted by the Council in 1994 along with BSAI Amendment 31 and a regulatory amendment affecting the Pacific halibut fishery in and off the State of Alaska. NMFS published the proposed rule to implement the Modified Block Proposal and clarify the transfer process for the Individual Fishing Quota (IFQ) program on June 28, 1994 (59 FR 33272).Effective date of implementation was November 7, 1994 (59 FR 51135; October 7, 1994.)

Purpose and Need: The IFQ program, implemented in 1995, assigned the privilege of harvesting a percentage of the sablefish and halibut quota to specific individuals with a history of harvest in the fisheries. Quota shares can be bought and sold, allowing people who did not receive an initial allocation the option to buy or lease quota. Concern over the potential for excessive consolidation of quota shares, the projected reduction of the longline fleet, and the social and economic effects on coastal communities, shore-based processors, and fishermen was the impetus for Amendment 31. Amendment 31, implementation of the Modified Block Proposal, was intended to reduce the maximum potential consolidation relative to the existing IFQ program by significantly increasing the theoretical minimum number of quota share holders and thereby easing the transition from open access to IFQs.

The purpose of this amendment is to provide for improved long-term productivity of the sablefish and halibut fisheries, by further promoting the conservation and management objectives of the Magnuson-Stevens Act and the Halibut Act. In addition to sustaining the health of the fisheries, the Council needed to address the issue of protecting small producers, part-time participants, and entry-level participants who may tend to disappear because of potential excessive consolidation under the IFQ program. The purpose of the amendment is to protect the viability of these small entities without interfering with the opportunities currently available under the IFQ program for larger operations.

Regulation Summary: The alternative adopted and approved provided that initial allocations of quota share that represent less than 20,000 lb of IFQ in the implementation year will be issued as a block, 2) quota share that represents 20,000 lb or more of IFQ in the implementation year will be "unblocked" quota share, and 3) quota share in a block cannot be separated and will have to be transferred as a block. Fishermen could own two blocks of halibut and two blocks of sablefish quota share in each area, but persons holding any amount of unblocked quota share are limited to one block of quota share per area. A sweep up provision allowed fishermen to combine small amounts into fishable amounts: halibut blocks can be combined to a sum of less than 1,000 lbs and sablefish blocks can be combined until the sum reaches 3,000 lbs. The amendment also clarified that blocked and unblocked quota share would be transferable subject to the approval of the NMFS Regional Director and the regulations. The Modified Block Proposal created the potential that some quota share would become non-transferable because the size would exceed the quota share use limits established in 50 CFR 676.22 (e) and (f); the alternative adopted solved the issue of nontransferability by allowing the transfer of a quota share block exceeding the use limits by dividing the block into two blocks.

Analysis: A 283-page EA/RIR/IRFA (final draft dated May 25, 1994) was prepared for this amendment and adjoining Amendment 31 to the FMP for the groundfish of the Bering Sea/Aleutian Islands. Without a block amendment, the IFQ program could have potentially reduced the number of halibut and sablefish quota share fishermen to 200 and 100, respectively. Three separate block proposals were considered to ameliorate this problem. The two alternatives that were not chosen would have created unique, variable size blocks or partial blocks that could be transferred across catcher vessel classes, resulting in increased search and transaction costs of persons who want to sell or buy additional quota share. The alternative chosen allowed persons to purchase relatively small amounts of quota share that is unblocked, but lowers transaction costs associated with blocked quota share.

Results: Amendment 35 created both blocked and unblocked quota shares based on the 1994 quota. As anticipated, there has been some consolidation of quota share to fewer persons than received quota share by initial issuance, but significantly less so than if the block proposal not been added. The total number of initial issuees (unique number of people) in the halibut fishery was 4,830, which was reduced to 3,485 by the end of 2001. The total number of issuees in the sablefish fishery was 1,052, reduced to 872 by the end of 2001. The number of unique vessels landing halibut and sablefish before the IFQ program was 3,450 and 1,191 in 1994, and by 2001 the number of vessels was reduced to 1,451 and 433, respectively.

GOA Amendment 36 Transfer of Sablefish Community Development Quota Compensation Shares

Dates: GOA amendment 36 was adopted by the Council in 1995 along with BSAI amendment 32 to relieve transfer restrictions on Community Development Quota (CDQ) compensation quota shares (QS). NMFS published a proposed rule that would implement GOA Amendment 36 and BSAI Amendment 32 on October 13, 1995 (60 FR 53331). Effective date of implementation was February 23, 1996. (61 FR 1844; January 24, 1996.)

Purpose and Need: The Community Development Quota (CDQ) program was proposed in conjunction with the IFQ program for sablefish and halibut management. The CDQ program apportioned designated percentages of the annual fixed gear total allowable catch (TAC) of sablefish and halibut to eligible Western Alaska communities, intending to provide near-shore communities with long-term, stable employment and access to the fishery resource. Apportioning part of the fixed gear TAC to communities reduced the amount of that TAC available for harvest by persons receiving annual allocations of IFQ. As a result, CDQ compensation quota shares were issued as partial compensation to persons who received (reduced) quota shares in CDQ areas.

Two problems were identified that inhibited the current transfer of CDQ compensation quota shares. Firstly, most CDQ compensation QS would be issued in allocations of less than 20,000 lbs and therefore would be blocked under the block provision, meaning it is nonseverable (see BSAI Amendment 31/GOA Amendment 35). The block provision was added to the IFQ program to prevent excessive consolidation of fishing privileges. Blocked quota share, especially small blocks such as the CDQ compensation QS, is difficult to market because of the two-block limit; thus creating a significant barrier to transfer. The second problem is that the IFQ program allowed transfer of quota shares only within the same vessel category. This provision was included to prevent significant consolidation into large vessel operations. However, residents of CDQ areas traditionally employed smaller vessels than the non-residents who received initially issued quota shares in the CDQ areas, making it difficult for residents of CDQ areas to increase their holdings as they must purchase larger vessels as well as initially issued quota share in the larger vessel categories.

Amendments 32 and 36 were proposed to relieve the unintended consequences of the IFQ transfer restrictions, which are contrary to the original purpose of providing CDQ compensation quota shares. By relieving the existing transfer restrictions on initial recipients of CDQ compensation quota shares, it effectively increases the remunerative value of those shares and facilitates the full utilization of the allocated resources managed under the IFQ program.

Regulation Summary: The amendment exempted some CDQ compensation QS from the block provision and allowed for a one year period of relief (one-time transfer) from the restriction against transferring CDQ compensation QS across vessel length categories. Regulations state that if a person is issued CDQ compensation QS for an area where the person already has regular QS, then their CDQ compensation QS is combined with their existing QS and is either "blocked" or "unblocked" depending on the sum total of their QS (this makes much of the CDQ compensation QS unidentifiable after issuance). If a person is issued CDQ compensation QS for an area in which the person doesn't have other QS, the QS is left unblocked. The exemption does not include Category "A" vessels–vessels of any length authorized to process IFQ species.

Analysis: A 21-page Regulatory Impact Review (final draft dated January 1995) was prepared for this amendment. Including the status quo, two alternatives addressing the block provision and three alternatives addressing the transfer across vessel length classes were considered. The option that was not chosen would have allowed"pooling" of quota shares with other compensation share holders, as opposed to exempting CDQ compensation QS from the block provision in perpetuity. With regard to transfer across vessel length classes, the other alternative not chosen would have allowed a one-time trade across vessel classes as defined by a transaction involving initially issued large vessel QS in CDQ areas and small vessel CDQ compensation QS in non-CDQ areas. The alternative chosen is more flexible by not defining the type of transaction allowed.

Results: Since the amendment was approved, coastal communities that rely on the small vessel fleet have benefitted by having IFQ in more accessible areas. The action did not significantly change the overall character of the fleet because CDQ compensation quota share accounted for only 3.5% of the total amount of quota share issued in the non-CDQ areas of the Gulf of Alaska; therefore, the net gain or loss in any one vessel length category has been insignificant. A report examining the distribution of all QS by block status shows that 69.2% of the QS in the BSAI was blocked at the end of 1998. In the Gulf of Alaska, percentage of blocked QS ranged from 7.6% in the Central Gulf to 20.1% in the Western Gulf. In addition, the amount of swappable CDQ compensation QS–catcher vessel QS that can be fished on any size vessel until its first transfer–declined sharply by year-end 1998, even though there were very few actual swaps of this type of QS to other vessel categories. Most of the decline came from regular transfers, where CDQ compensation QS also loses its swappable status. Over the 1995-98 time period there were only 5 swaps in Southeast area, 4 in West Yakutat, and 3 each in the Central and Western Gulf.

GOA Amendment 37 Limited Processing of Non-Individual Fishing Quotas Species

Dates: Amendments 37 to the GOA and 33 to the BSAI were adopted by the Council in 1996. NMFS published a proposed rule that would implement both amendments on April 2, 1996 (61 FR 14547). Effective date of implementation was July 26, 1996. (61 FR 33382; June 27, 1996.)

Purpose and Need: The IFQ program was designed to promote the conservation and management objectives of the Magnuson-Stevens Act and Northern Pacific Halibut Act. The program was implemented in 1995 and assigned the privilege of harvesting a percentage of the sablefish and halibut quota to specific individuals with a history of harvest in the fisheries. Persons receive an annual allocation of IFQ and are authorized to harvest IFQ species.

Included in the IFQ program is a provision prohibiting the processing (freezing) of fish, other than IFQ halibut or sablefish, on board a harvesting freezer vessel if, along with that fish, IFQ sablefish were harvested by a person who has catcher vessel quota shares of sablefish. The Council's intent in allowing the use of catcher vessel quota share on freezer vessels was to increase the fishing opportunities of IFQs held by crew members. The prohibition on freezing non-IFQ species came out of a Council concern that, if the owners of large, industrial-type processing vessels could harvest IFQ species with IFQ assigned to vessel categories B, C, and D while processed fish are on board, these operators could acquire the majority of the "catcher vessel" quota share that would normally be harvested by smaller boats without processing capabilities. These smaller vessels usually use shoreside local processors in coastal communities. The Council did not want to dramatically change the character of the fisheries and deprive coastal communities of the revenue generated by small vessel deliveries of IFQ species.

The combination of allowing catcher vessel quota share to be used on freezer vessels with the prohibition on processing non-IFQ species resulted in unanticipated waste of non-IFQ species caught incidentally to sablefish. Persons are required to retain all Pacific cod and rockfish caught incidentally to IFQ sablefish. Pacific cod and rockfish have a shorter "shelf life" than sablefish, and a typical sablefish fishing trip is too long to maintain sufficient quality of incidentally caught non-IFQ fish. Without the ability to freeze the non-IFQ species, the fish was often landed in poor condition, decreasing the market value of the fish significantly.

The purpose of Amendments 37 and 33 was to address the lost revenue and waste that occurs because fish other than IFQ halibut and sablefish are discarded, or if not discarded, become a low quality product, due to the prohibition on processing fish other than IFQ halibut and sablefish.

Regulation Summary: The alternative adopted and approved authorized the processing of fish other than IFQ halibut or IFQ sablefish on board the harvesting vessel by persons authorized to harvest IFQ sablefish based on an annual allocation of IFQ assigned to vessel categories B or C. This authorization is not extended to persons authorized to harvest IFQ halibut, due to the fact that halibut is characteristically prosecuted by local vessels that do not have onboard processing capabilities. Several modifications were also made to the regulations implementing the IFQ program in order to accommodate the new provision. In addition, while non-IFQ species could be frozen onboard, the freezing of IFQ sablefish caught with catcher vessel quota share on a freezer vessel would continue to be prohibited.

Analysis: A 14-page EA/ RIR (final draft dated March 8, 1996) was prepared for these amendments. The analysis determined that the proposal would not have a significant economic impact on a substantial number of small entities, and would not adversely effect shore-based plants because most of the bycatch of non-IFQ species would be discarded as the period of marketability of unprocessed product is typically exceeded. Two alternatives including the status quo were considered. The alternative chosen allows for the freezing of non-IFQ species when catcher vessel quota share is used on freezer vessels.

Results: In 1996, only thirty-eight sablefish quota share recipients in the freezer vessel category were eligible to use catcher vessel quota share from the 188 quota share holders in the less than 60 feet vessel class and 763 quota share holders in the greater than 60 feet vessel class. Allowing non-IFQ species caught incidentally to IFQ sablefish to be frozen onboard freezer longliners has significantly enhanced product quality and has allowed for the recovery of revenue otherwise lost to discards. The following is an estimate of commercial non-IFQ species landed by weight, for each 100 mt of sablefish landed in the BSAI longline sablefish fishery in 1999: 33 mt of Greenland turbot, 14 mt of rockfish, 2 mt of Pacific cod, and 4 mt of shortraker/rougheye (1999 Blend data). This equates to approximately half the weight of the targeted IFQ sablefish harvest–fish which would have potentially been discarded or in non-marketable condition had the prohibition on processing continued.

GOA Amendment 38 Revised Pacific Ocean Perch Rebuilding Plan

Dates: Amendment 38 was adopted by the Council in December 1995. NMFS published a proposed rule to amend the Fishery Management Plan for groundfish of the GOA on July 5, 1996 (61 FR 35174). and published approval of the amendment on October 2, 1996 (61 FR 51374). Effective date of implementation was September 25, 1996.

Purpose and Need: The continued decline of the Pacific ocean perch (POP) stock prompted the Council to recommend a rebuilding plan for POP, established in Amendment 32 to the Fishery Management Plan for the groundfish of the GOA (59 FR 18103; April 15, 1994). The POP Rebuilding Plan provides a specific strategy for POP stocks, based on available biological and economic information. The plan established an algorithm, or formula, to determine the annual POP total allowable catch (TAC), which is then apportioned among the regulatory areas in the Gulf of Alaska. However, the rebuilding plan neglected to allow for any flexibility to reduce the TAC below the amount specified by the formula.

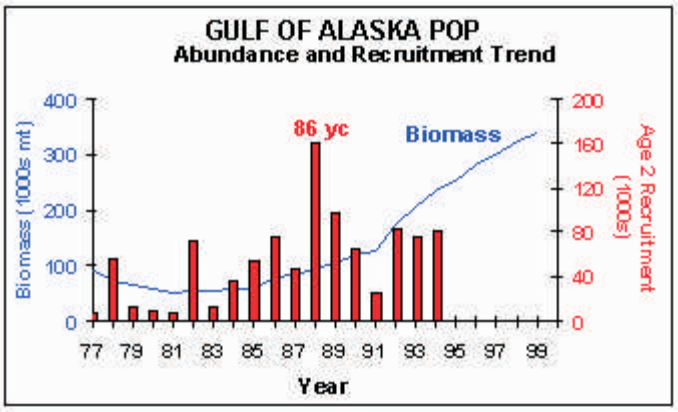
Given this standard formula, it was possible for the TAC to be greater than the acceptable biological catch (ABC) determined by biological and survey data and published in the annual Stock Assessment and Fishery Evaluation (SAFE) reports. The TAC is determined using the formula in the Rebuilding Plan and is then apportioned to each regulatory area according to the percentage biomass distribution used for the ABC apportionment. Approving a TAC greater than the acceptable biological catch is a practice inconsistent with the current management practices for other groundfish stocks and the conservation and management objectives of the Magnuson-Stevens Act. The Council also expressed concern with the inability to lower the TAC to accommodate other potential resource conservation issues.

The purpose of this amendment is to improve conservation and management of POP and to further the goals and objectives of the fishery management plan by providing the flexibility to lower the calculated TAC for Pacific ocean perch based on biological or resource conservation concerns.

Regulation Summary: The alternative adopted and approved allowed the Council to recommend a POP total allowable catch at or below the amount dictated by the formula in the Rebuilding Plan. The regulations specify that any downward adjustments would be based on biological or resource conservation concerns about the POP stock or associated with the POP fishery that are not accounted for in the Rebuilding Plan or the annual stock assessment reports. The amendment only gives the Council the alternative of recommending a lower POP TAC based on resource conservation concerns, and not socioeconomic concerns. Under Amendment 38, the formula in the Rebuilding Plan would be considered the upper bound limit for the POP TAC.

Analysis: An 18-page EA (final draft dated June 1996) was prepared and an Interim Report on the Status of the Pacific Ocean Perch Rebuilding Plan in the Gulf of Alaska (Heifetz et al 1995) was submitted for this amendment. Three alternatives including the status quo were considered. The other alternative would have re-evaluated the entire POP Rebuilding Plan to reconsider the Council's intended harvest strategy. The alternative chosen would not change the general direction established by the earlier Rebuilding Plan except to allow the Council more flexibility in recommending the annual TAC if the Council identified specific biological or conservation issues that were not adequately addressed by the formula TAC level.

Results: Since the amendment was approved, the Council has continued to approve conservative TACs for the POP stock in the Gulf of Alaska as it rebuilds. The 1996 Stock Assessment and Fishery Evaluation report stated that the 1996 triennial trawl surveys indicated substantially increased biomass estimates since the 1993 survey. However, in order to ensure the stock was fully recovered, the 1997 TAC was set at 80% of the Western and Central Gulf ABC and the TAC from 1996 was rolled over for the Eastern Gulf. Since then the stock status has continued to improve, yet the annual TACs have been set below the ABCs so as to remain precautionary. The TACs for 1997, 1998 and 1999 increased to 9,190 mt, 10,776 mt and 12,590 mt, respectively; while the TAC from 2000 to the present has been set equal to the ABC (for 2003 TAC was 13,660 mt.)



GOA Amendment 39 Establish Forage Fish Category

Dates: GOA Groundfish FMP Amendment 39 (BSAI Amendment 36) was adopted by the Council in April 1997. NMFS published the final rule on March 17, 1998 (63 FR 13009). Effective date of implementation was April 16, 1998.

Purpose and Need: Forage fish are abundant fishes that are preyed upon by marine mammals, seabirds and commercially important groundfish species. Forage fish perform a critical role in the complex ecosystem functions of the BSAI and the GOA by providing the transfer of energy from the primary or secondary producers to higher trophic levels. Significant declines in marine mammals and seabirds in the BSAI and GOA have raised concerns that decreases in the forage fish biomass may contribute to the further decline of marine mammal, seabird and commercially important fish populations. Forage fish are the principal diet of more than two thirds of Alaskan seabirds. In addition, many seabirds can subsist on a variety of invertebrates and fish during nonbreeding months but can only raise their nestlings on forage fish. Small forage fish such as capelin, herring, sandlance and eulachon also have been recognized as important prey items for a variety of marine mammal species including: Northern fur seal, Steller sea lion, harbor seal, spotted seal, bearded seal, humpback whale and fin whale.

Regulation Summary: This amendment defined a forage fish species category and authorized that the management of this species category be specified in regulations in a manner that prevents the development of a commercial directed fishery for forage fish which are a critical food source for many marine mammal, seabird and fish species. Forage fish species are not included in a target species category. Management measures for the forage fish category will be specified in regulations and may include prohibitions on directed fishing, limitations on allowable bycatch retention amounts, or limitations on the sale, barter, trade or any other commercial exchange, as well as the processing of forage fish in a commercial processing facility.

The forage fish species category would include all species of the following families:

Osmeridae (eulachon, capelin and other smelts),
Myctophidae (lanternfishes),
Bathylagidae (deep-sea smelts),
Ammodytidae (Pacific sand lance),
Trichodontidae (Pacific sand fish),
Pholidae (gunnels),
Stichaeidae (pricklebacks, warbonnets, eelblennys, cockscombs and shannys),
Gonostomatidae (bristlemouths, lightfishes, and anglemouths),
and the Order Euphausiacea (krill).

Analysis: A 59 page EA/RIR (final draft dated January 1998) was prepared for this amendment. Two alternatives including the status quo were considered, along with 4 options for the non-status quo alternative. The options not chosen would have put forage fish in the other species category or the prohibited species category. The alternative chosen protected forage fish by prohibiting a directed fishery and the sale and barter of forage fish. The amendment also reduced waste by allowing retention (up to a maximum retainable bycatch amount as set in regulations) and processing (into fishmeal) those forage fish caught incidentally in groundfish fisheries.

Results: No commercial fishery has been allowed to develop on forage fish in the Exclusive Economic Zone (EEZ) off Alaska.

GOA Amendment 40 Extend Inshore/Offshore Pollock and Pacific Cod Allocations

Dates: The Council adopted Amendment 40 (BSAI Amendment 38) in June 1995. NMFS published a proposed rule to amend the Fishery Management Plan (FMP) for the groundfish of the Bering Sea/Aleutian Islands and the FMP for the groundfish of the Gulf of Alaska on September 18, 1995 (60 FR 48087). The final rule was published on December 12, 1995. Effective date of implementation was January 1, 1996 (60 FR 63654).

Purpose and Need: Amendments 38 and 40 extended the provisions of Amendment 18 to the BSAI FMP and Amendment 23 to the GOA FMP, which expired on December 31, 1995. Amendments 18 and 23 (FR Notice 57(107)23321-23346; June 3, 1992) set inshore and offshore processor allocations of pollock in the BSAI and pollock and Pacific cod in the GOA, respectively, as a response to an early closure in 1989 when several catcher/processors harvested substantial amounts of pollock in the BSAI and GOA and forced an early closure of the GOA pollock fishery. Amendment 18 allocated 35% of the 1992 non-roe pollock season TAC to the inshore sector, and the remainder to the offshore sector. Shortly after, a 35-65% inshore/offshore split was set in a revised amendment for the years 1993-1995. Amendment 23 provided for an allocation of 90% of the Pacific cod TAC and 100% of the pollock TAC to the GOA inshore sector. In addition, the Catcher Vessel Operational Area (CVOA) and the Community Development Quota (CDQ) program in the BSAI were established. The CVOA limited access to pollock within the area to catcher vessels delivering to either inshore or offshore processors. The CDQ program allocated 7.5% of the BSAI pollock TAC to CDQ fisheries.

Amendments 38 and 40 were necessary to extend the inshore/offshore allocations set in Amendments 18 and 23 through December 31, 1998. The purpose of the amendments was to keep the fishery from turning back into the "free-for-all" it represented previously. Since the original inshore/offshore allocation, the Council had been working toward developing a long-term, comprehensive plan for rationalizing all the groundfish and crab fisheries in and off of Alaska. By the end of 1995, when it was evident that the plan would not be ready for implementation before the inshore/offshore allocations expired, the Council determined it was necessary to extend the provisions of Amendments 18 and 23 for an additional three years in order to maintain stability in the industry, facilitate further development of the comprehensive management regime, and allow for the realization of the goals and objectives of the pollock CDQ program.

Regulation Summary: The provisions of BSAI Amendment 18 became the basis of Amendment 38, and the provisions of GOA Amendment 23 became the basis for Amendment 40. Thus, in the BSAI the apportionments of pollock in each subarea and season would be allocated 35% for processing by the inshore sector and 65% by the offshore sector. In the GOA, the apportionment of pollock would be allocated entirely for processing by the inshore sector, and the apportionment of Pacific cod would be allocated 90% for the inshore sector, 10% for the offshore sector.

Analysis: A 268-page EA/RIR/IRFA (final draft dated August 1, 1995) and several appendices were prepared for this amendment. Two alternatives were considered: 1) No action, and 2) continuation of the current program for a period of three additional years (1996-1998), including the pollock CDQ program as an unseverable element of the overall package. The analysis reiterated the Council's intent not to consider alternative inshore/offshore allocation percentages, as that would likely require significant new and complex economic analyses, create unnecessary delays in implementing an allocation scheme, and be inconsistent with the overall intent to develop a more long-term solution through the Comprehensive Management Plan process.

Results: This amendment simply retained the existing inshore/offshore pollock processing allocations for an additional three-year period, through 1998. Stability within and among industry sectors, and associated communities and participants, was maintained by this amendment.

GOA Amendment 41 Establish License Limitation Program

Dates: The Council took final action to recommend Amendment 41 in June 1995. The amendment was adopted with Amendment 39 to the FMP for groundfish of the BSAI and Amendment 5 to the FMP for the Commercial King and Tanner Crab Fisheries in the BSAI. NMFS published a proposed rule on Amendment 41 on August 15, 1997 (62FR43866). NMFS published the final rule on October 1, 1998, with an effective date of January 1, 1999. Following application and appeals, actual implementation occurred January 1, 2000.

Purpose and Need: In 1992, the Council committed to rationalize the groundfish and crab fisheries and begin development of a Comprehensive Rationalization Plan (CRP). The CRP was prompted by concerns that expansion of the domestic harvesting fleet, in excess of that needed to efficiently harvest the optimum yield, was burdening compliance with the Magnuson-Stevens Act and severely deteriorating the economic benefits derived from the crab and groundfish fisheries. The Council examined several management alternatives including license limitation programs, individual fishing quotas (IFQs), and more traditional measures, and determined that a limited entry program had the most potential to address the immediate overcapitalization problems of the industry. As a result, the Council approved the License Limitation Program (LLP) in 1995, recognizing the need for further rationalization in the future development of an IFQ system.

The overall purpose of the LLP is to help resolve the competing and oftentimes conflicting needs of the domestic fisheries that developed under open access and to close the gap between fishing capacity and the available fishery resource. The LLP limits the number, size, and specific operation of vessels fishing crab and groundfish in the BSAI and GOA based on historical participation. During the design and refinement of the LLP, the Vessel Moratorium Program (VMP) was implemented to provide industry stability and curtail interim increases in fishing capacity. The intent was for the LLP to replace the VMP upon implementation

Amendment 39 also expanded the Community Development Quota (CDQ) Program by including in CDQ allocations a percentage of the total allowable catch (TAC) of groundfish and crab species in the BSAI that was not previously included in the existing CDQ programs for pollock, halibut, and sablefish.

Regulation Summary: The final rule limited access to the commercial groundfish fisheries in the BSAI and GOA and commercial crab fisheries in the BSAI, except for demersal shelf rockfish east of 140° W. longitude and sablefish managed under the IFQ program. The rule provided for the following: issuance of a single type of groundfish license; LLP is not applicable to waters of the State of Alaska; licenses would be issued to current owners (as of 6/17/95) of qualified vessels; licenses would be designated as catcher vessel or catcher/processor and with one of three vessel length classes; the crab and groundfish base qualifying period is 1/1/88-6/27/92 and the groundfish area endorsement qualifying period is 1/1/92-6/17/95; endorsement areas are defined as Aleutian Islands, Bering Sea, Western Gulf Central Gulf, and Southeast Outside, or state waters shoreward of those endorsement areas; landing requirements for general license and area endorsement qualifications by vessel class; and additional provisions addressing crossover vessels, transfers, and vessel linkages. The rule also included in CDQ allocations 7.5% of the TAC of groundfish and crab in the BSAI that was not originally included in the CDQ programs for pollock, halibut, and sablefish.

Analysis: A final EA/RIR (dated September 1997) and several supplemental analyses considered the status quo and a general license limitation alternative. Out of a comprehensive list of elements and options the Council considered during the debates on LLP, the analysis identified one option for each component of a license limitation program to create the preferred alternative described above in the final rule. A supporting document also analyzed the differences between the vessel moratorium program and the license limitation program passed by the Council. The vessel moratorium was more liberal in terms of qualification criteria and the areas a vessel could fish. Under the moratorium a vessel was only required to make one landing of a qualifying species between 1/1/88 and 2/9/92, and having met that criteria the moratorium permit holders could fish groundfish in any federal waters off Alaska. Therefore, because the LLP had dual qualification criteria, many fewer vessels were expected to qualify than did for the moratorium.

Results: The LLP was effective January 1, 2000, thus an evaluation of the program and the final number of license holders is not yet available. The LLP continues to be refined through subsequent amendments. The Council recently approved BSAI Amendment 60, GOA Amendment 58, and BSAI Crab Amendment 10 which amended the LLP to include: a crab recency requirement of one landing during 1/1/96-2/7/98 in addition to the general license and area endorsement qualifications; a requirement that the vessel name is included on the license; license designations for the type of gear authorized to harvest LLP groundfish as either "trawl" or "non-trawl" gear (or both); and a requirement that the vessel itself would be a specific characteristic of the license and could not be severed (i.e., the license could not be used on any other vessel). In addition, Amendment 67 to the BSAI FMP was approved by the Council in April 2000. This amendment requires a Pacific cod species and gear endorsement to fish in the BSAI fixed gear Pacific cod fishery, including recent participation criteria for the period 1995-1999, in addition to the general license and area endorsement qualifications.

GOA Amendment 42 Individual Fishing Quota Vessel Buy Down

Dates: Amendments 42 to the GOA and BSAI FMPs were initiated by the Council in 1995.The proposed rule was published on June 25, 1996 (61 FR 32767) and the final rule, on August 22, 1996 (61 FR 43312). Effective date of implementation was August 16, 1996.

Purpose and Need: During the first year of fishing under the Individual Fishing Quota (IFQ) Program in 1995, IFQ fishermen reported that the prohibition against using or transferring QS across vessel categories limited their ability to improve the profitability of their operations. Many fishermen reported that they had received QS that represented far fewer pounds than their recent catch history prior to the IFQ program. Small boat fishermen reported the scarcity of medium- and large-size QS blocks (≥5,000 lb (2.3 mt)) available to smaller vessels and requested that the Council enable them to purchase shares from QS holders in larger vessel size categories. Also, category B vessel operators reported difficulties in using or marketing small category B blocks and requested the opportunity either to downsize operations or to sell smaller QS blocks to owners of smaller vessels.

Amendment 42 was intended to relieve certain restrictions in the IFQ Program by increasing the flexibility of QS use and transfer while maintaining the management goals of the IFQ Program and to provide small boat fishermen with more opportunities to improve the profitability of their operations.

Regulation Summary: Amendment 42 and a regulatory amendment to the IFQ Program for fixed gear Pacific halibut and sablefish fisheries in and off Alaska allowed QS initially assigned to a larger vessel category to be used on smaller vessels, while continuing to prohibit the use of QS or its associated IFQ assigned to smaller vessel categories on larger vessels. QS will continue to be assigned to vessel categories by existing criteria and will retain original vessel category assignments. However, halibut and sablefish QS and their associated IFQ assigned to vessel Category B can be used on vessels of any size and halibut QS assigned to vessel Category C likewise can be used on vessels of categories C and D. The regulations continue to prohibit the use of QS and IFQ on vessels larger than the maximum length on average (LOA) of the category to which the QS was originally assigned. It does not apply to halibut in IFQ regulatory areas 2C or to sablefish east of 140 °. W. long. Halibut QS assigned to vessel Category B in IFQ regulatory areas 2C and sablefish QS east of 140°W. long. are prohibited from use on vessels less than or equal to 60 ft (18.3 m) LOA except in QS blocks equivalent to less than 5,000 lb (2.3 mt) based on the 1996 Total Allowable Catch (TAC).

Analysis: A 31-page analysis (Secretarial review draft dated August 5, 1996) examined two alternatives to the status quo. The Council ultimately recommended an alternative that included an exemption for Southeast Alaska. Allowing the "buydown" to occur only for category B blocks < 5,000 lb in Southeast still benefits crewmen and small vessel owners who would be able to use small category B blocks on smaller vessels without affecting the market price of category B medium and large blocks and unblocked QS.

Results: Amendment 42 is assumed to have attained its job of increasing the availability of QS to owners of smaller vessels, however, no systematic evaluation has been performed.

GOA Amendment 43 Increase Individual Fishing Quota Sweep Up Levels

Dates: Amendments 43 to the GOA and BSAI FMPs were initiated by the Council in 1995.The proposed rule was published on September 27, 1996 (61 FR 50797) and the final rule, on December 26, 1996 (61 FR 67962). Effective date of implementation was December 20, 1996.

Purpose and Need: This amendment along with a regulatory amendment to effect the same regulatory change for halibut is necessary to increase the consolidation ("sweep-up") levels for small quota share (QS) blocks for Pacific halibut and sablefish managed under the IFQ program. The IFQ longline industry reported that current sweep-up levels do not equal the harvest of a viable fishing trip and proposed a moderate increase in these levels to allow greater amounts of QS to be swept-up into economically "fishable" amounts, without overly increasing consolidation or allowing the creation of large-sized blocks. This action is intended to maintain consistency with the objectives of the IFQ program (i.e., prevent excessive consolidation of QS, maintain diversity of the fishing fleet, and allow new entrants into the fishery), while increasing the program's flexibility by allowing a moderately greater amount of QS to be "swept-up" into larger amounts that can be fished more economically.

Regulation Summary: Amendment 43 would increase the sweep-up levels for small QS blocks for Pacific halibut and sablefish from the current 1,000 lb (0.45 mt) maximum for Pacific halibut and 3,000 lb (1.4 mt) maximum for sablefish to a 3,000 lb (1.4 mt) maximum and a 5,000 lb (2.3 mt) maximum, respectively. Two other changes were recommended to accompany these increases:

a) The base year TAC for determining the pounds would be the 1996, rather than 1994, TAC which was used for the first sweep-up levels;
b) Once QS levels are established for the appropriate regulatory areas based on the 1996 TAC, those QS levels would be fixed and codified. This would eliminate any confusion as to the appropriate sweep-up level in pounds, which would fluctuate with changes in the annual TAC.

Sablefish	Halibut
(i) Southeast Outside district: 33,270 QS	(i) Area 2C: 19,992 QS.
(ii) West Yakutat district: 43,390 QS	(ii) Area 3A: 27,912 QS.
(iii) Central Gulf area: 46,055 QS	(iii) Area 3B: 44,193 QS.
(iv) Western Gulf area: 48,410 QS	(iv) Subarea 4A: 22,947 QS.
(v) Aleutian Islands subarea: 99,210 QS	(v) Subarea 4B: 15,087 QS.
(vi) Bering Sea subarea: 91,275 QS	(vi) Subarea 4C: 30,930 QS.
	(vii) Subarea 4D: 26,082 QS.
	(viii) Subarea 4E: 0 QS

The maximum number of QS units that may be consolidated into a single QS block in each IFQ regulatory area.

Analysis: A 32-page analysis (final review draft dated November 27, 1996) included a range of alternatives of setting the sweep-up level at 1,000, 3,000, and 5,000 lb for halibut and 3,000, 5,000, and 7,000 lb for sablefish. The Council rejected the status quo levels (the lowest) and the highest levels. The analysis concluded that a moderate increase in the sweep-up levels would likely increase the transfer of very small, blocked QS to crew and small boat fishermen who seek to increase their holdings. While some price increases in small block shares might have occurred, a price differential was projected to remain between smaller and larger QS blocks. If the ability to transfer and consolidate small blocks would increase, then the number of unfished blocks would decrease.

At much larger sweep-up levels than currently allowed, the price differential between blocked and unblocked shares was projected to be lost. The effectiveness of the Block Program may be eliminated at large sizes since large blocks and unblocked shares have been reported to sell at roughly the same price and would eliminate entry level QS. Price structure goals of the Block Program would be lost, as well. The differential pricing of larger blocked and unblocked QS would be further exacerbated by the paucity of financing for the IFQ industry at the time, particularly for crew and new entrants without capital or assets.

Results: Relatively few sweep-up transactions occurred in 1995 and 1996 but the number of sweep-up transactions in 1997 increased over previous years and may have been related to the higher sweep-up limits that went into effect in late 1996. In 1998, the number decreased to levels closer to those similar to 1995 and 1996. In total, the number of sweepable blocks declined by 693 for halibut and 151 for sablefish from 1995 through 1998.

GOA Amendment 44 Overfishing Definitions

Dates: GOA Amendment 44 (BSAI Amendment 44) was adopted by the Council in June 1996. The notice of approval for this amendment was published on January 17, 1997 (62 FR 2656). Effective date of implementation was January 9, 1997.

Purpose and Need: In response to the national standards established in the Magnuson Act and advisory guidelines, the Council developed an objective and measurable definition of overfishing and, in 1991, implemented that definition under Amendments 16 (BSAI) and 21 (GOA) to the FMPs. In the years since implementation of that definition, fishery scientists had the opportunity to evaluate the efficacy of these definitions of ABC and overfishing. In light of that experience and with the increased understanding of the reference fishing mortality rates used to define ABCs and overfishing, fishery scientists have raised several concerns about the definitions and the extent to which they reflect and account for levels of uncertainty about fish populations. Consequently, NMFS's Overfishing Definitions Review Panel and the Council's Scientific and Statistical Committee recommended redefining ABC and overfishing to facilitate more conservative, risk-averse management measures when stock size and mortality rates are not fully known. The purpose of this Amendment was to revise the ABC and overfishing definitions to be consistent with these recommendations.

Regulation Summary: Amendment 44 provided for more conservative definitions of ABC and OFL. The fishing mortality rate used to calculate ABC was capped by the overfishing rate. The maximum allowable fishing rates were prescribed through a set of 6 tiers which are listed in descending order of preference, corresponding to descending information availability. These tiers are shown in the adjacent table. Harvest rates used to establish ABCs are reduced at low stock size levels, thereby allowing rebuilding of depleted stocks. If the biomass of any stock falls below Bmsy or $B_{40\%}$ (the long-term average biomass that would be expected under average recruitment and $F=F_{40\%}$), the fishing mortality is reduced relative to stock status. This serves as an implicit rebuilding plan should a stock fall below a reasonable abundance level.

Analysis: A 60-page EA (final draft dated January 6, 1997) was prepared for this amendment. Two alternatives including the status quo were considered. The alternative chosen was more conservative for several reasons. First, the overfishing rate varies with biomass. Second, the ABC fishing rate is reduced when biomass is below levels that produce maximum sustainable yields. Lastly, more caution is incorporated into establishing fishing rates when less information is available; this is particularly true of tier 1.

Results: The amendment resulted in lower (more conservative) ABCs; consequently, total allowable catch levels were reduced for many species. The definitions adopted under Amendment 44 were further revised under Amendment 56.

Tiers used to determine ABC and OFL for BSAI groundfish stocks under Amendment 44.

(1) Information available: Reliable point estimates of B and B_{MSY} and reliable pdf of F_{MSY} .

1a) Stock status: $B/B_{MSY} > 1$

$F_{OFL} = m_A$, the arithmetic mean of the pdf

$F_{ABC} \le m_H$, the harmonic mean of the pdf

1b) Stock status: $a < B/B_{MSY} \le 1$

$F_{OFL} = m_A \times (B/B_{MSY} - a)/(1 - a)$

$F_{ABC} \le m_H \times (B/B_{MSY} - a)/(1 - a)$

1c) Stock status: $B/B_{MSY} \le a$

$F_{OFL} = 0$

$F_{ABC} = 0$

(2) Information available: Reliable point estimates of B, B_{MSY} , F_{MSY} , $F_{30\%}$, and $F_{40\%}$.

2a) Stock status: $B/B_{MSY} > 1$

$F_{OFL} = F_{MSY} \times (F_{30\%}/F_{40\%})$

$F_{ABC} \le F_{MSY}$

2b) Stock status: $a < B/B_{MSY} \le 1$

$F_{OFL} = F_{MSY} \times (F_{30\%}/F_{40\%}) \times (B/B_{MSY} - a)/(1 - a)$

$F_{ABC} \le F_{MSY} \times (B/B_{MSY} - a)/(1 - a)$

2c) Stock status: $B/B_{MSY} \le a$

$F_{OFL} = 0$

$F_{ABC} = 0$

(3) Information available: Reliable point estimates of B, $B_{40\%}$, $F_{30\%}$, and $F_{40\%}$.

3a) Stock status: $B/B_{40\%} > 1$

$F_{OFL} = F_{30\%}$

$F_{ABC} \le F_{40\%}$

3b) Stock status: $a < B/B_{40\%} \le 1$

$F_{OFL} = F_{30\%} \times (B/B_{40\%} - a)/(1 - a)$

$F_{ABC} \le F_{40\%} \times (B/B_{40\%} - a)/(1 - a)$

3c) Stock status: $B/B_{40\%} \le a$

$F_{OFL} = 0$

$F_{ABC} = 0$

(4) Information available: Reliable point estimates of B, $F_{30\%}$, and $F_{40\%}$.

$F_{OFL} = F_{30\%}$

$F_{ABC} \le F_{40\%}$

(5) Information available: Reliable point estimates of B and natural mortality rate M.

$F_{OFL} = M$

$F_{ABC} \le 0.75 \times M$

(6) Information available: Reliable catch history from 1978 through 1995.

OFL= the average catch from 1978 through 1995, unless an alternative value is established by the SSC on the basis of the best available scientific information

ABC ≤ 0.75 × OFL

GOA Amendment 45 Pollock Trimester Allowances

Dates: Amendment 45 was initiated by the Council in 1995.The notice of approval for this amendment was published on May 31, 1996 (61 FR 27308). Effective date of implementation was May 30, 1996.

Purpose and Need: Since 1990, the TACs specified for pollock in the Western and Central Regulatory Areas have been divided into four equal quarterly allowances, which became available on the 1st of January, June, July, and October. The quarterly allowance system was implemented as part of Amendment 19 to limit excessive harvests of roe-bearing pollock and provide a more stable year-round pollock fishery for GOA-based vessels and processors. In November 1990, NMFS listed the Steller sea lion as threatened under the Endangered Species Act and subsequently approved Amendment 25, which further subdivided the annual TAC specified for pollock in the W/C Regulatory Area into three management districts (Statistical Areas 610, 620, and 630). This action was implemented to avoid a concentration of fishing effort in time and/or space that could cause localized depletions of Steller sea lion prey and exacerbate the decline of Steller sea lions. Its effect was to divide the pollock TACs in the W/C Regulatory Areas into 12 individual allowances (four quarterly openings in each of the three management districts).

In August 1995, GOA pollock industry members submitted a proposal to combine the third and fourth quarterly allowances of pollock TAC into a single seasonal allowance of 50% of the TAC released on September 1, rather than the current quarterly releases of 25% on July 1 and October 1. Representatives of the inshore sector of the Bering Sea pollock fishery requested that the opening date for the combined third and fourth quarter allowance be delayed until October 1 so that Bering Sea-based vessels would have time to finish the Bering Sea non-roe pollock fishery before the start of the final pollock season in the W/C Regulatory Areas.

Several problems were identified with the current quarterly allowance system for pollock in the W/C Regulatory Area:
1) Since 1991, chum salmon bycatch had been approximately 500% higher during the third quarter pollock opening than any other quarter;
2) The third quarter pollock fishery conflicted with summer salmon processing activities;
3) Declining pollock stocks and escalating fishing effort had made the GOA pollock fishery increasingly difficult to manage, especially during the fourth quarter; and
4) Some GOA pollock fishery participants had requested the Council maintain concurrent GOA and Bering Sea pollock seasons to discourage the Bering Sea-based fleet from participating in GOA pollock openings.

Regulation Summary: Amendment 45 authorized seasonal allowances of pollock total allowable catch (TAC) to be specified for the combined Western/Central (W/C) Regulatory Areas of the Gulf of Alaska. The third and fourth quarterly allowances of pollock TAC were combined in the W/C areas into a single seasonal allowance that would be available on September 1. Therefore, the pollock TACs were divided into three seasonal allowances: 25% of TAC available on January 1, 25% of TAC available on June 1, and 50% of TAC available on September 1. This action complemented a regulatory amendment to delay the start of the Bering Sea pollock "B" season from August 15 to September 1 starting in 1996.

Analysis: A 31-page analysis (Secretarial review draft dated January 1998) considered three opening date options for a combined third and fourth quarter allowance; September 1, September 15, and October 1. A coalition of Bering Sea and central Gulf-based processors and vessels submitted a compromise proposal to the Council in January 1996 to establish an October 1 opening date for the Western Gulf Regulatory Area and a September 1 opening date for the Central Gulf Regulatory Area. Western Gulf-based processors and fishermen expressed dissatisfaction with the compromise proposal because an October 1 opening date in the Western Regulatory Area would facilitate entry by Bering Sea-based vessels. However, the Council subsequently recommended that NMFS implement this compromise proposal as the preferred option. The Council believed that an October 1 opening date for the Western Regulatory Area and a September 1 opening date for the Central Regulatory Area would achieve the objectives outlined above while causing the least amount of dislocation for current participants in the fishery. NMFS ultimately implemented a single opening of September 1 for both areas based on additional public comments on the proposed rule. The simultaneous opening was believed to disperse effort, resulting in more manageable fisheries and a more equitable distribution of fishing opportunity.

Results: Amendment 45 was in effect for the1996-98 seasons, after which it was superceded by a regulatory amendment that implemented reasonable and prudent alternatives (RPAs) for Steller sea lions authorized under Amendment 25. The RPAs returned the management regime to quarterly pollock allowances.

GOA Amendment 46 Remove Black and Blue Rockfish from Fishery Management Plan

Dates: The Council adopted Amendment 46 in June 1997. NMFS published the proposed rule (62 FR 63691) on December 2, 1997, and the final rule (63 FR 11167) on March 6, 1998. Effective date of implementation was April 6, 1998.

Purpose and Need: Amendment 46 removed black and blue rockfish from the FMP. The State of Alaska (State) now regulates fishing for these species by vessels registered under Alaska law to provide for more responsive management and prevent localized overfishing of black and blue rockfish stocks. Expansion of a fishery for these species in the central GOA in the mid-1990's was believed to possibly result in unsustainable black and blue rockfish catches.

Two problems with Federal management of black and blue rockfish were identified:
1) The total allowable catch (TAC) for all pelagic shelf rockfish (PSR) species was based on a triennial trawl survey. Survey catches are dominated (93 - 99 percent) by the underexploited dusky rockfish. This led to acceptable harvest levels for the PSR assemblage as a whole, but may be inappropriate for lower black and blue rockfish stocks;
2) The trawl survey only samples fish on or near a smooth bottom. However, most black and blue rockfish occur in rocky nearshore reef habitats that are not sampled by this survey.

Amendment 46 was to implement more responsive, regionally-based, management of these species than is currently possible under the FMP. The intended effect of this action was to:
1) prevent localized overfishing of black and blue rockfish stocks;
2) provide for more responsive State management;
3) repeal duplicative Federal regulations.

Regulation Summary: Amendment 46 removed black and blue rockfishes from the FMP. No additional regulations were promulgated.

Analysis: A 31-page analysis (Secretarial review draft dated January 6, 1998) identified 1,416 catcher vessels that participated in the GOA groundfish fishery in 1996. Of those, 302 vessels, or 21 percent, were presumably affected by the proposed action. Those vessels landed 973,443 lb of black rockfish, most in the directed jig-gear fishery, at an estimated value of $344,000. Removing black and blue rockfish from the PSR TAC was predicted to encourage the development of a small vessel fishery targeting under-exploited black and blue rockfish stocks in the Western and Eastern GOA. At the same time, the State was predicted to more effectively manage potentially overexploited stocks in the Central GOA and increase their long-term yield.

Another alternative to the status quo examined would have kept black and blue rockfishes in the FMP and assigned management authority for them to the State of Alaska. Similar management authority was granted to the State to address similar management problems for demersal shelf rockfish (DSR) in Southeast Alaska under Amendment 14, and clarified under GOA Amendment 21. This alternative was rejected because under delegated authority, the state would need to meet federal requirements that were deemed unwieldy. Further, the state believed it could not meet the costly assessment needs required under a federal plan for the nearshore complex in the near future; though conservation was assured through precautionary management.

Results: Black and blue rockfishes are no longer federally managed.

GOA Amendment 47 Third Party Observer Program (withdrawn)

At the December 1997 meeting the Council was scheduled to take action approving an alternative observer program structure - a Joint Partnership Agreement (JPA) between NMFS and the Pacific States Marine Fisheries Commission (PSMFC), which would have established PSMFC as a third party procurement point for observers. This was being considered as a replacement for the repealed Research Plan (Amendment 30), in an effort to address conflict of interest and other issues in the existing pay-as-you-go program structure. Due to legal concerns of PSMFC this amendment was not approved by the Council and was never forwarded for Secretarial review. Instead, the existing pay-as-you-go program was extended for an additional time period, through year 2000. Currently, NMFS and Council staff are working on revised program structure alternatives, including a fee-based plan, and the current program has been extended.

GOA Amendment 48 Total Allowable Catch Streamlining (tabled)

Dates: The BSAI and GOA Plan Teams first proposed streamlining the groundfish specifications process in 1996. The Council initiated Amendments 48 to the GOA and BSAI FMPs in December 1996 to address administrative and public notice issues. The Council's preferred action to roll over harvest specifications from one year to the next was approved in June 1998. ABCs, TACs, and PSC amounts would remain unchanged from year to year until revised in a final rule. In July 1999, the NMFS Regional Administrator notified the Council that the Council's preferred alternative was not in compliance with the National Environmental Policy Act, the Administrative Procedures Act, and the Regulatory Flexibility Act. However, the Council and NMFS acknowledge the continuing need to revise the existing TAC specification process to meet the following objectives:

1) manage fisheries based on the best available information;
2) make adjustments to TAC amounts to respond to new information or conservation concerns;
3) comply with NEPA, ESA, and RFA provisions while minimizing unnecessary disruption to fisheries;
4) provide adequate opportunity for public review and comment on new information leading to annual TAC recommendations; and
5) promote administrative efficiency while minimizing public confusion regarding proposed and interim specifications.

Purpose and Need: The annual specification process for the Alaska groundfish fisheries needs to be improved to serve the public better, by:
1) eliminating the publication of proposed and possibly misleading information in proposed and interim specifications;
2) enhancing the ability of NMFS to adjust the TAC and PSC amounts inseason;
3) removing obsolete references to foreign and joint venture management measures.

Regulation Summary: This amendment was not formally submitted to the Secretary and no regulations have been implemented.

Analysis: A 13-page analysis concluded that the existing specification process is inadequate. Proposed specifications that often are outdated by the time they are published for public review. Interested parties realize that those numbers will change, sometimes considerably, after release of the final SAFE reports and December Council meeting. The *Federal Register* publication of proposed specifications, therefore, may no longer serve a useful purpose.

Rejected alternatives included:
1) scheduling the Council and Plan Team meetings to occur earlier in the year to allow more time to publish proposed and final specifications; interim specifications would be unnecessary. A limiting factor to the specification process is the time needed by the Plan Teams to analyze data and produce final SAFE documents. Survey data is not available until late summer or early fall, and it is unlikely that assessments of the fisheries could be made any earlier. The Plan Teams and the Council prefer to base their recommendations on the most current possible information. A minimum of two weeks is needed between the November Plan Team meeting and the December Council meeting for the SAFE reports to be released for public review. It would be impracticable, therefore, for the specification process to occur any earlier in the year.
2) change the fishing year to an April 1-March 31 cycle so that the final specifications could be published in enough time to eliminate the need for interim specifications. This change in fishing year could also benefit the Plan Teams if they were allowed more time to analyze fishery data. However, NMFS is required to provide annual statistics to other organizations, such as the United Nations Food and Agriculture Organization. Coordination with State-managed fisheries, which operate on the calendar year would be difficult. Finally, some biologists believe that the calendar year is the best time period in which to manage temperate species, since they reproduce early in the spring and a measure of year class strength and recruitment is available to the scientists each year in time to do annual stock assessments. If the fishing year were changed, fish year classes may be split into different years, complicating the determination of recruitment, growth, and mortality.

Results: The Council currently reviewing a revised Amendment 48.

GOA Amendment 49 Improved Retention / Improved Utilization Program

Dates: GOA Amendment 49 was adopted by the Council in June 1997, mirroring its September 1996 action under BSAI Amendment 49. The notice of approval for this amendment was published on December 3, 1997 (62 FR 65379). Effective date of implementation was January 12, 1998.

Purpose and Need: To reduce discards, the Council adopted an improved retention and utilization program (IR/IU) for all groundfish target fisheries. The Council's objective for Gulf of Alaska groundfish fisheries centers on the same basic concern that motivated an IR/IU program in the BSAI groundfish fisheries; that is, economic discards of groundfish catch are at unacceptably high levels. An IR/IU program for the GOA would be expected to provide incentives for fishermen to avoid unwanted catch, increase utilization of fish that are taken, and reduce overall discards of whole fish, consistent with current Magnuson-Stevens Act provisions. In addition, the Council recognizes the potential risk of preemption of certain existing GOA groundfish fisheries which could occur in response to economic incentives displacing capacity and effort from BSAI IR/IU fisheries. This risk can be minimized if substantially equivalent IR/IU regulations are simultaneously implemented for the GOA.

The IR/IU program was intended to improve utilization and effective control/reduction of bycatch and discards in the fisheries off Alaska to address the following problems:

1) bycatch and discard loss of groundfish, crab, herring, salmon, and other non-target species;
2) economic loss and waste associated with the discard mortality of target species harvested but not retained for economic reasons;
3) inability to provide for a long-term, stable fisheries-based economy due to loss of fishery resources through wasteful fishing practices;
4) the need to promote improved retention and utilization of fish resources by reducing waste of target groundfish species to achieve long-term sustainable economic benefits to the nation.

Regulation Summary: Amendment 49 requires all vessels fishing for groundfish in the Gulf of Alaska to retain all pollock and Pacific cod beginning January 1, 1998, and all shallow water flatfish beginning January 1, 2003. It established a 15-percent minimum utilization standard for all at-sea processors.

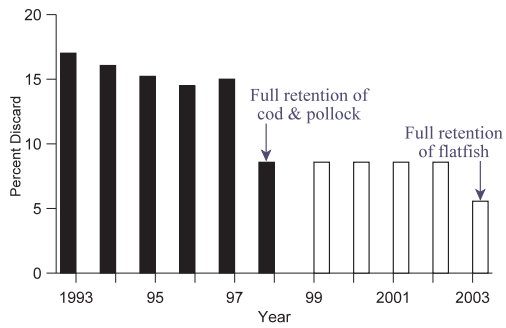
Analysis: A 130-page analysis (Secretarial review draft dated October 1997) reviewed a variety of bycatch reduction plans that had been discussed by the Council since 1993. While other alternatives were discussed, primary focus was given to these three alternative programs:

1) individual fishing quotas for groundfish species;
2) a "Harvest Priority" program that would provide for quota set-asides for vessels exhibiting low bycatch rates of non-target species;
3) retention and utilization mandates, with built-in incentives for fishing operations to avoid catch of unwanted species.

The analysis determined that pollock, Pacific cod, and shallow water flatfish represent approximately 33 percent of the total discards of allocated groundfish in the GOA groundfish fisheries. The Council concluded that by requiring 100 percent retention of these four species, initially pollock and Pacific cod, and subsequently yellowfin and rock sole, the Council's objective of "substantially reducing discards of unprocessed groundfish" in these fisheries could be achieved.

Results: Beginning in 1998, 100% retention of pollock and Pacific cod was required, regardless of how or where it was caught. Only fish not fit for human consumption can be legally discarded. This measure has dramatically reduced overall discard of groundfish.

Gulf of Alaska shallow water flatfish retention will be required beginning in 2003; the delay will allow for development of new markets and gear technological responses by the vessels engaged in these fisheries. These retention requirements are expected to reduce overall discard rates (all species) to about 5%.



Total discard rates of Alaska groundfish, all areas and species combined, 1993-1998, projections through 2003.

GOA Amendment 50 Halibut Donation Program

Dates: The Council first considered a halibut donation program to allow limited retention of halibut for donation to needy individuals in January 1993. Administrative difficulties were addressed in designing such a program, and Amendments 50 to the GOA and BSAI FMPs were adopted in April 1997. It expanded the existing Salmon Donation Program (SDP) to create a Prohibited Species Donation (PSD) program that would include halibut as well as salmon. The effective date of implementation was July 13, 1998 (63 FR 32144; June 12, 1998). This rule was effective only for a 3-year period ending December 31, 2000, to allow the Council to assess its success. In June 2000 the Council extended the program for 3 years with a review, but no sunset.

Purpose and Need: Approximately 6,500 metric tons of halibut were taken incidentally to the Alaska groundfish fisheries during 1999. Vessels participating in these fisheries typically use trawl, hook-and-line, or pot gear, with trawl gear accounting for most of the groundfish catch and halibut bycatch.

The Council discourages the discard of incidental catches of fish as wasteful. Managing halibut incidentally caught in the groundfish fisheries as a prohibited species is an appropriate short term bycatch measure. Except as provided under the prohibited species donation program, retention of prohibited species captured while harvesting groundfish is prohibited to prevent covert targeting on these species. The prohibition removes the incentive that groundfish fishermen might otherwise have to target on the relatively high valued prohibited species, and thereby, results in a lower incidental catch. It also eliminates the market competition that might otherwise exist between domestic halibut fishermen and groundfish fishermen who might land halibut in the absence of the prohibition.
The Council's intent was to:

1. reduce regulatory discards and protein waste in the groundfish trawl fisheries;
2. provide additional opportunity to collect biological samples or scientific data;
3. support an industry initiative to reduce regulatory discards and provide a healthy alternative to the diets of people who often only have access to meager and inadequate food.

The action endorsed a policy of reducing unnecessary discard of dead, but wholesome, fish and in doing so provide public benefit by allowing fish that would otherwise be discarded to be retained for processing and delivery to food bank organizations. Any costs associated with this recommended action would be borne by the voluntarily participating shoreside processors and the NMFS authorized distributor.

Regulation Summary: This action authorized the voluntary donation of Pacific halibut taken as bycatch in specified groundfish trawl fisheries off Alaska to economically disadvantaged individuals. Under the prohibited species donation program, NMFS expanded the existing salmon donation program to also authorize distribution by tax-exempt organizations through a NMFS-authorized distributor. The program is limited to dead halibut by trawl catcher vessels and delivered to shoreside processors.

Analysis: A 20-page analysis (Secretarial review draft dated September 12, 1997) determined that no changes in fishing activities in a manner that would affect the amount of groundfish harvested nor the amount of halibut taken as bycatch in the Alaska trawl fisheries was expected by the preferred alternative. In general, no information exists to indicate that the current level of halibut bycatch landed at shoreside processing sites in the Alaska trawl fisheries presents critical conservation issues. The total burden to processors resulting from the preferred alternative could not be estimated because participation would be voluntary; however, based on information acquired through the SDP, costs were estimated at approximately 20 cents per pound for donated halibut.

Results: Waste of salmon and halibut has been reduced by allowing bycatch to be donated to food banks. The food banks in turn distribute the fish to needy people in the northwestern United States. Many fishing companies voluntarily participate in the donation program. Through 1998, over 3 million pounds of donated salmon have produced an estimated 12 million meals for needy persons. To date, two plants in Dutch Harbor have donated halibut. Although limited to no more than 50,000 lb, the actual donated amount was 21,196 lb in 1998 and 4,476 lb in 1999. Inconsistency in reporting and enforcement may have led to the decline in participation in 1999.

GOA Amendment 51 Extend Inshore/Offshore Pollock and Pacific Cod Allocations

Dates: The Council approved Amendment 51 in June 1998, and NMFS published a proposed rule for Amendments 51/51 to the GOA and BSAI FMPs on October 29, 1998 (63 FR 57996). The final rule was published on January 25, 1999. Effective date of implementation was January 20, 1999 (64 FR 3653).

Purpose and Need: The TACs for pollock in the BSAI and for pollock and Pacific cod in the GOA have been allocated between the inshore and offshore components of the groundfish fisheries since 1992. Amendments 51/51 were proposed to extend the provisions of Amendment 38 to the BSAI FMP and Amendment 40 to the GOA FMP, which expired on December 31, 1998. Amendments 38 and 40 previously extended BSAI Amendment 18 and GOA Amendment 23, respectively. The original amendments set processor allocations of the pollock TAC in the BSAI and pollock and Pacific cod processor allocations in the GOA, as a response to an early closure in 1989 when several catcher/processors harvested substantial amounts of pollock in the BSAI and GOA and forced an early closure of the GOA pollock fishery. The amendments allocated 35% to the inshore and 65% to the offshore processing sector of the BSAI pollock fishery, and allocated 90% of the cod and 100% of the pollock to the inshore processing sector in the GOA. The Catcher Vessel Operational Area (CVOA) and the Community Development Quota (CDQ) program were also established. The CVOA limited access to pollock within the area to catcher vessels delivering to either inshore or offshore processors. The CDQ program allocated 7.5% of the BSAI pollock TAC to CDQ fisheries.

At its meeting in June 1998, the Council took final action to adopt Amendments 51/51 to the FMPs. By proposing these FMP amendments, the Council intended to change the inshore/offshore allocations in the BSAI but continue the existing allocations in the GOA. However, on October 21, 1998, the President signed the American Fisheries Act (AFA) into law (Pub. L. 105-277). The AFA, among other things, allocated the BSAI pollock TACs differently than the Council had recommended. The Council held a special meeting November 10-13, 1998, in part to discuss the effects of AFA on its inshore/offshore proposal and other management programs. In light of the AFA, the Council recommended specific changes to its Amendment 51/51 proposal, and on December 15, 1998, NMFS partially approved BSAI Amendment 51 and fully approved GOA Amendment 51. The decision not to approve parts of BSAI Amendment 51 is consistent with the Council's intent for achieving consistency with the AFA as expressed at its meeting in November 1998.

Regulation Summary: As adopted by the Council in June 1998, this amendment reestablishes, without change, the current inshore/offshore allocation regime in the GOA through December 31, 2001. The amendment maintains the current allocation: 100% of the pollock TAC to the inshore component, and 90% of the Pacific cod TAC to the inshore component and 10% to the offshore component.

Analysis: A 299-page EA/RIR/IRFA (final draft dated December 9, 1998) was prepared for Amendment 51/51. Five alternatives were considered, including: the no action alternative; a rollover of the existing inshore/offshore program; several options to revise the BSAI pollock processing inshore/offshore percentages; a set-aside for catcher vessels less than 125' length overall; and a set-aside for catcher vessels less than 155' length overall. The Council's preferred alterative was to allocate 39% of the BSAI pollock TAC inshore and 61% offshore (after CDQs are deducted from the BSAI TAC), and to maintain the current GOA allocations of 90% Pacific cod and 100% pollock to the inshore sector. With the passage of the AFA, however, the portions of the amendment stipulating BSAI pollock allocations became immaterial, thus only the GOA portions of the amendment and the provisions relevant to the CVOA were approved.

Results: This amendment continued the pollock and cod allocations in the Gulf as they were established in 1992. Industry sector and community stability have been maintained through the approval of this amendment. See Amendment 61/62 which further extends the GOA allocation through 2004, to be consistent with the duration of the BSAI allocations under the AFA.

GOA Amendment 52 Vessel Registration Program (tabled)

Dates: The Council initiated an analysis of two complementary management actions in GOA Amendment 52 in December 1997 and approved it in February 1998. GOA and BSAI Plan amendments 52 authorized NMFS to establish a vessel registration program for "at risk" fisheries that met certain criteria. They were tabled because of changes in the fisheries as a result of the American Fisheries Act and Amendment 61. Only a regulatory amendment for a stand-down for trawl vessels transiting between the BSAI and GOA was submitted to the Secretary and approved. Effective date of implementation for the stand-down was September 8, 1998. (63 FR 48641; September 11, 1998.)

Purpose and Need: Management of the inshore pollock and Pacific cod fisheries of the Western and Central (W/C) Regulatory Area of the Gulf of Alaska (GOA) has become increasingly difficult. The risk of harvest overruns has grown due to TAC amounts that are small relative to the potential fishing effort. The problem has been most acute in the Western Regulatory Area due to the constant potential pressure that numerous large catcher vessels based in the Bering Sea (BS) could cross into the GOA to participate in pollock and Pacific cod openings that have relatively small TACs. NMFS currently lacks a pre-season vessel registration program that could gauge potential effort in these fisheries prior to openings, and inseason catch information in these fisheries is neither timely nor accurate enough to allow adequate management.

The objective of Amendment 52 is to create a vessel registration program to require vessels to announce their participation in either the BSAI or GOA pollock and Pacific cod fisheries before the fishery commenced. This action is necessary to prevent unexpected shifts of fishing effort between BSAI and GOA fisheries that can lead to overharvesting the total allowable catch (TAC) in the Western and Central Regulatory Areas of the GOA.

Regulation Summary: Under a vessel registration program, NMFS would establish criteria to determine which fisheries would require registration. Based on these criteria, NMFS would create a roster of "registration fisheries" that would be announced at the beginning of each year and supplemented as necessary on an inseason basis throughout the year. Criteria for establishing a registration requirement for a fishery could include:

(1) the size of the TAC amount or PSC limit specified for the fishery relative to the degree of interest in that fishery,
(2) a fishery for which the TAC or PSC limit was exceeded by a significant amount in the previous year and the current year's quota and expected effort are similar,
(3) a fishery for which the above two criteria may not apply but an expanded interest has developed inseason, and
(4) a "mop-up" fishery.

Vessel operators would be required to register with NMFS a certain number of days before beginning directed fishing in a registration fishery and penalties would be established for non-compliance.

Analysis: A 25-page EA/RIR/IRFA (public review draft dated January 1998) was prepared for this amendment. Two complementary management actions were considered by the Council, in addition to the status quo alternative. The analysis concluded that the fleet as a whole would benefit if NMFS is able to manage "at risk" fisheries so that quotas are more fully harvested and the overhead costs associated with re-crewing and transiting to the fishing grounds for short term "mop-up" openings could be avoided. A registration requirement would reduce the flexibility of vessel operators to enter and leave fisheries at will. In some cases, this could pose costs for certain operations if they realize mid-course that they would prefer to be participating in a short term fishery for which they have not registered. Nevertheless, while a registration requirement for certain "at risk" fisheries will increase the constraints on the fleet, it will serve to increase the ability of NMFS to manage such fisheries to obtain optimum yield and provide the greatest net benefit to the nation.

Results: Due to higher priorities, the vessel registration program was not developed by NMFS. As a result of the American Fisheries Act of 1998, the structure of the pollock fisheries in the BSAI has been significantly altered, obviating the need for the vessel registration program as originally envisioned by the Council. A broader vessel registration program in conjunction with electronic reporting requirements may be developed in the future.

GOA Amendment 53 Full Retention of Demersal Shelf Rockfish (proposed, approved by Council February 2003)

Dates: The Council initiated the analysis for Amendment 53 in December 1997 and approved it in February 2003, after revising its June 2002 final action decision to address legal issues. The analysis has not yet been submitted for NMFS regional review.

Purpose and Need: In September 1997, the Council initiated an analysis of a groundfish proposal submitted by the ADF&G to require full retention of Demersal Shelf Rockfish (DSR) in GOA Regulatory Area 650 (east of 140° W longitude) to reduce waste and enhance estimates of total removals of the species for stock assessment purposes. The GOA Groundfish Plan Team (Team) had identified a high level of unreported mortality of demersal shelf rockfish (DSR) associated with the halibut fixed gear fishery and associated uncertainty in estimating this mortality in the annual DSR stock assessment. The maximum retainable bycatch (MRB) rate for DSR limits fishermen to 10 percent by weight of DSR against their halibut fixed gear harvest. Any poundage in excess of the 10 percent MRB limit is discarded (dead) at sea. Anecdotal information from commercial fishermen suggested that the 10 percent MRB limit for DSR taken during the directed halibut fixed gear fishery is inadequate and that for some trips the bycatch level may be much higher than the 10 percent MRB limit. Because they would be subject to fines by violating the MRB, the Team and subsequently the Council became concerned that many fishermen may not land or report such overages.

Accurate reporting from the proposed full retention program would be used to:
(1) define true bycatch rates for this rockfish assemblage;
(2) calculate total mortality;
(3) enhance the DSR stock assessment and refine estimates of allowable biological catch (ABC) and total allowable catch (TAC); and ultimately
(4) revise the DSR MRB limit, as appropriate.

Regulation Summary: Regulations have not yet been drafted. They will require full retention of DSR in the fixed gear fisheries in GOA Regulatory Area 650:
(1) eliminate the maximum retainable bycatch (MRB) limit for DSR;
(2) require that all DSR caught by Federally-permitted vessels using fixed gear in the Southeast Outside District be retained, landed, weighed and reported;
(3) limit the amount of DSR that may be sold to an amount that is no more than 10 percent of other retained catch; and
(4) fishermen may do one or all of the following with amounts of DSR that are in excess of the amount that may be sold:
   a. voluntarily surrender to the State of Alaska amounts of DSR that are in excess of the amount that may be sold;
   b. retain amounts of DSR that are in excess of the amount that may be sold for personal use; or
   c. donate amounts of DSR that are in excess of the amount that may be sold to a state-recognized charity that provides meals for the homeless, the needy, the sick or infirm, or the elderly.

Analysis: A 28-page EA/RIR/IRFA (public review draft dated September 1999) was prepared for this amendment. Three separate management actions were considered. Five alternatives including the status quo were considered for each action. The preferred action aims to enhance estimates of total removals of demersal shelf rockfish (DSR) for stock assessment purposes to prevent overfishing and to reduce waste of these species that are discarded dead above the maximum retainable bycatch (MRB) limit. Under the preferred action commercial fixed gear fishermen would be required to bring to shore all landed DSR and have such fish counted by fishery managers. To reduce bycatch and waste and reduce the risk of overfishing, an accurate accounting system is needed to calculate total bycatch mortality of DSR and to provide information for a future revision to the DSR MRB limit. The preferred action would enhance management of DSR within its TAC without : (1) encouraging "topping off" with bycatch species, and (2) wasting the resource.

Results: The amendment has not yet been implemented.

GOA Amendment 54 Individual Fishing Quota Indirect Ownership and Use Caps

Dates: The Council approved Amendments 54/54 to the GOA and BSAI FMPs in October 1998. The final rule implementing this action was issued April 29, 2002 (67 FR 20915). Effective date of implementation was May 29, 2002.

Purpose and Need: During the 1995-97 IFQ seasons, NMFS broadly interpreted the FMP and regulatory language to allow persons holding initial allocation QS to hire skippers to fish their IFQ on vessels owned by other "persons," provided that the QS holder could show a corporate association to the owner of the vessel. This policy allows individual QS holders to hire skippers to fish their IFQ on vessels owned by corporations or partnerships in which the individual QS holders are shareholders or partners. The policy also allows corporations or partnerships holding QS to fish the collectively held QS on a vessel owned by individuals who are shareholders or partners in the corporation or partnership. At the beginning of the 1997 IFQ season, NMFS announced to the IFQ fleet that this policy of broadly interpreting the term "person" as it pertains to IFQ hired skipper provisions would continue until the Council could clarify its original intent. Two other clarifying FMP language changes were also included in this action.

Three actions proposed for this plan amendment are:

(1) Revise the FMP to allow a QS holder's association to a vessel owner, through corporate or other collective ties, to substitute for the QS holder's vessel ownership *per se* for purposes of hiring a skipper to fish the QS holder's IFQ. (This document analyzes a proposal to revise the current FMP language and pertinent regulations to authorize a QS holder's indirect vessel ownership, through corporate or other collective ties, to serve as a substitute for direct vessel ownership *per se* for purposes of the IFQ program's hired skipper provisions.)

(2) Revise the definition of "a change in the corporation or partnership" in the FMPs to include language specific to estates. Estates are included under the definition of the term "Person" in the FMPs and 50 CFR 679.2 as "corporations, partnerships, associations, or other entities." The FMPs and IFQ implementing regulations require that upon any change in a corporation, partnership, or other entity that holds QS the QS transfer to a qualified individual. A "change" in a corporation, partnership, or other entity is defined as the addition of a shareholder or partner to the corporation, partnership, or collective entity. This definition is not applicable to estates, because estates are not collective entities which may acquire additional shareholders, partners, or members. Nevertheless, because an estate's QS would not automatically transfer to an heir once the estate is probated, the FMPs and IFQ regulations need to define the point at which estates must transfer their QS to a qualified individual.

(3) Change sablefish use limits from percentages of the total number of QS units in the QS pool for each area to a specific number of QS units. In June 1996, the Council approved a regulatory amendment to increase the Bering Sea (Area 4) halibut use caps from ½ percent to the QS equivalents of 1 ½ percent based on 1996 QS pools. This amendment also revised the halibut use limits to be expressed as a fixed number of QS units rather than as a percentage, in order to provide QS holders with a more stable reference for measuring their holdings against area use caps. Sablefish IFQ use limits are set in the FMPs. Consequently, the regulatory change to the halibut use limits could not at the same time change the calculation of sablefish use limits to a fixed number of QS units for consistency. This FMP amendment would effect that revision to calculate the sablefish in QS units based on the appropriate percentage of the 1996 QS pools. This change would standardize the application of use caps for both halibut and sablefish fisheries and would provide the same level of predictability for sablefish QS holdings as currently exists for halibut QS.

Analysis: A 20-page EA/RIR/IRFA (Secretarial Review draft dated January 2001) was prepared for this amendment. Three separate management actions were considered. One status quo and one proposed alternative were considered for each action.

Results: The amendment was implemented in 2002.

GOA Amendment 55 Define Essential Fish Habitat

Dates: NMFS published EFH guidelines as interim final rule on December 19, 1997 (62 FR 66531). GOA and BSAI Amendments 55/55 were adopted by the Council in June 1998 along with EFH amendments for other FMPs (groundfish, salmon, scallops, crab). The final rule was published on April 26, 1999 (64 FR 20216). Effective date of implementation was January 20, 1999.

Purpose and Need: The Magnuson -Stevens Act was amended in 1996 by the Sustainable Fisheries Act. The new Act mandated that any FMP must include a provision to describe and identify essential fish habitat (EFH) for the fishery, minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat. Essential fish habitat has been broadly defined by the Act to include "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity". All eight regional Councils are required to amend their fishery management plans by October 1998 to:

- identify and describe EFH for species managed under a fishery management plan;
- describe adverse impacts to that habitat from fishing activities and non-fishing activities;
- recommend conservation and enhancement measures necessary to help minimize impacts, protect, and restore that habitat; and
- include conservation and enhancement measures necessary to minimize to the extent practicable, adverse impacts from fishing on EFH.

The purpose of this amendment is to provide for improved long-term productivity of the fisheries, to allow NMFS and the Council to be more proactive in protecting habitat areas, and by alerting other federal and state agencies about areas of concern. Federal agencies engaging in activities that may adversely affect EFH must consult with NMFS regarding those activities. NMFS must, and the Council may, make suggestions on how to mitigate any potential habitat damage. The Council will be required to comment on any project that may adversely affect salmon habitat or habitat of any other anadromous fish (smelt, steelhead, etc.).

Regulation Summary: The alternative adopted and approved defined EFH as all habitat within a general distribution for a species life stage, for all information levels and under all stock conditions. A general distribution area is a subset of a species range. For any species listed under the Endangered Species Act, EFH includes all areas identified as "critical habitat". EFH was described in text, tables, and maps. Habitat areas of particular concern were identified as living substrates in shallow and deep waters, and freshwater habitats used by anadromous fish.

Analysis: A 364-page EA (final draft dated January 1999) and a background assessment report were prepared for this amendment. Three alternatives including the status quo were considered. The other alternative that was not chosen would have defined EFH only as areas of high concentration for each life stage. The alternative chosen was more conservative in that defining a larger area may offer more protection.

Results: Since the amendment was approved, NMFS has been sued by a coalition of plaintiffs (Earthjustice Legal Defense Fund, Center for Marine Conservation, National Audubon Society, and others) who allege that the EFH amendment failed to meet statutory requirements (did not analyze the effects of fishing on habitat, and did not impose practicable measures to minimize impacts of fishing gear) and violated NEPA. The Council and the Agency are currently preparing an Essential Fish Habitat EIS to address these concerns.

In February 2000, the Council reviewed the first draft analysis for management measures that would identify additional Habitat Areas of Particular Concern (HAPC) types and areas, and take additional measures to protect HAPC from potential effects caused by fishing activities. Alternative management actions that were considered included making HAPC biota (e.g., mussels, kelp, sponges) a prohibited species, and prohibiting bottom fishing in areas shown to have concentrations of Gorgonian coral, which have been shown to be long lived (500 yrs), vulnerable to fishing gear, and important habitat for rockfish. 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 on which for final action in April 2000, would prohibit commercial harvest and sale of HAPC biota, specifically sponges and coral. 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.

GOA Amendment 56 Revised Overfishing Definitions

Dates: GOA Amendment 56 (BSAI Amendment 56) was adopted by the Council in June 1998. The notice of approval for this amendment was published on March 8, 1999 (64 FR 10952). Effective date of implementation was January 27, 1999.

Purpose and Need: The 1996 amendments to the Magnuson-Stevens Act defined the terms "overfishing" and "overfished" to mean a rate or level of fishing mortality that jeopardizes the capacity of a fishery to produce the maximum sustainable yield (MSY) on a continuing basis. Additionally, it requires that all FMPs specify objective and measurable criteria for identifying when the fishery is overfished and, in the case of a fishery which is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing and rebuild the fishery. The Magnuson-Stevens Act further required regional fishery management councils to submit amendments, by October 11, 1998, that would bring fishery management plans into compliance.

The Magnuson-Stevens Act and the revised guidelines indicate that MSY, treated as a target strategy under the current FMP definition of overfishing, should represent a limit rather than a target. This means that "limit" harvest strategies (such as the rules used to specify overfishing levels [OFL]) should result in a long-term average catch that approximates MSY, and that "target" harvest strategies (such as the rules used to specify ABC) should result in catches that are substantially more conservative than the limit. Because tiers 2-4 of the current FMP definition could be interpreted as treating MSY as a target rather than as a limit, Amendment 56 revised tiers 2-4 by changing the default fishing mortality rate value from $F_{30\%}$ to the more conservative estimate of $F_{35\%}$.

Regulation Summary: Amendment 56 revised the ABC and overfishing definitions set under Amendment 44 to be more precautionary. Like Amendment 44, the maximum allowable rates are prescribed through a set of six tiers which are listed below in descending order of preference, corresponding to descending order of information availability. For most tiers, ABC is based on $F_{40\%}$, which is the fishing mortality rate associated with an equilibrium level of spawning per recruit (SPR) equal to *40%* of the equilibrium level of spawning per recruit in the absence of any fishing. To further minimize the possibility of catches jeopardizing a stock's long term productivity, there is a buffer established between ABC and OFL. Amendment 56 modified the OFL definition from $F_{30\%}$ to $F_{35\%}$ for stocks having tiers 2-4 information.

Analysis: A 24-page EA (final draft dated June 23, 1998) was prepared for this amendment. Two alternatives including the status quo were considered. The alternative chosen was more conservative in that it consistently treats MSY as a limit rather than a target.

Results: These definitions are currently being used in the annual quota specifications process.

Tiers used to determine ABC and OFL for BSAI groundfish stocks under Amendment 56.

(1) Information available: Reliable point estimates of B and B_{MSY} and reliable pdf of F_{MSY} .

1a) *Stock status:* $B/B_{MSY} > 1$
$F_{OFL} = m_A$, the arithmetic mean of the pdf
$F_{ABC} \leq m_H$, the harmonic mean of the pdf

1b) *Stock status:* $a < B/B_{MSY} \leq 1$
$F_{OFL} = m_A \times (B/B_{MSY} - a)/(1 - a)$
$F_{ABC} \leq m_H \times (B/B_{MSY} - a)/(1 - a)$

1c) *Stock status:* $B/B_{MSY} \leq a$
$F_{OFL} = 0$
$F_{ABC} = 0$

(2) *Information available: Reliable point estimates of B,* B_{MSY} , F_{MSY} , $F_{30\%}$, and $F_{40\%}$.

2a) *Stock status:* $B/B_{MSY} > 1$
$F_{OFL} = F_{MSY}$
$F_{ABC} \leq F_{MSY} \times (F_{40\%}/F_{35\%})$

2b) *Stock status:* $a < B/B_{MSY} \leq 1$
$F_{OFL} = F_{MSY} \times (B/B_{MSY} - a)/(1 - a)$
$F_{ABC} \leq F_{MSY} \times (F_{40\%}/F_{35\%}) \times (B/B_{MSY} - a)/(1 - a)$

2c) *Stock status:* $B/B_{MSY} \leq a$
$F_{OFL} = 0$
$F_{ABC} = 0$

(3) *Information available: Reliable point estimates of B,* $B_{40\%}$, $F_{30\%}$, and $F_{40\%}$.

3a) *Stock status:* $B/B_{40\%} > 1$
$F_{OFL} = F_{35\%}$
$F_{ABC} \leq F_{40\%}$

3b) *Stock status:* $a < B/B_{40\%} \leq 1$
$F_{OFL} = F_{35\%} \times (B/B_{40\%} - a)/(1 - a)$
$F_{ABC} \leq F_{40\%} \times (B/B_{40\%} - a)/(1 - a)$

3c) *Stock status:* $B/B_{40\%} \leq a$
$F_{OFL} = 0$
$F_{ABC} = 0$

(4) *Information available: Reliable point estimates of B,* $F_{30\%}$, and $F_{40\%}$.
$F_{OFL} = F_{35\%}$
$F_{ABC} \leq F_{40\%}$

(5) *Information available: Reliable point estimates of B and natural mortality rate M.*
$F_{OFL} = M$
$F_{ABC} \leq 0.75 \times M$

(6) *Information available: Reliable catch history from 1978 through 1995.*
OFL= the average catch from 1978 through 1995, unless an alternative value is established by the SSC on the basis of the best available scientific information
$ABC \leq 0.75 \times OFL$

GOA Amendment 57 Moratorium Extensions

Dates: Amendments 57 to the GOA FMP,, 59 to the BSAI FMP, and and Amendment 9 to the Crab FMP were approved jointly by the Council in June 1998. On November 13, 1998, NMFS published the proposed rule for GOA Amendment 57, BSAI Amendment 59, and Crab Amendment 9 (63 FR 63442). The final rule was published on January 25, 1999 (64 FR 3651). Effective date of implementation was January 19, 1999.

Purpose and Need: In 1987, concerned with excess harvesting capacity in the groundfish, crab, and halibut fisheries of the BSAI and GOA, the Council established a committee to examine the problem of overcapitalization. Upon conclusion that allocation conflicts and overcapitalization would worsen under the current open access system, the committee recommended a limited access management approach for these three fisheries. Concerned with the potential for speculative entry into the fisheries during discussions of management alternatives, the Council adopted Amendment 23 to the BSAI FMP and Amendment 28 to the GOA FMP, which required a moratorium permit for vessels within specific vessel categories that harvest groundfish and BSAI crab resources off Alaska. Generally, a vessel qualified for a moratorium permit if it made a legal landing of any moratorium species during the qualifying period of January 1, 1988, through February 9, 1992.

The purpose of Amendments 23 and 28 was to provide for an interim measure to slow significant increases in the harvesting capacity of the groundfish and crab fishing fleets until additional measures, such as the License Limitation Program (LLP) could be implemented. The LLP is part of a developing Comprehensive Rationalization Plan intended to resolve the overall issue of overcapitalization on a long-term basis, and transition the fisheries from an open access management system to a more market-based, limited access system. Without a moratorium, the Council feared that potentially unlimited new entry into the fishery would exacerbate overcapitalization and hinder the ultimate development of a successful Comprehensive Rationalization Plan.

The original amendments instituting the moratorium (Vessel Moratorium Program) were scheduled to expire on December 31, 1998. The License Limitation Program, intended to replace the Vessel Moratorium Program , would not be in effect until January 1, 2000. Therefore, regulatory action was necessary to extend the moratorium in order to eliminate the one year lag time between the expiration of the moratorium and the beginning of the LLP.

Regulation Summary: The final rule simply extended the Vessel Moratorium Program and the existing moratorium permits through December 31, 1999. The regulation also provided that no person could apply for a new moratorium permit after the original moratorium program expiration date of December 31, 1998, unless the application was based on a moratorium qualification that was used as a basis for obtaining a moratorium permit issued on or before that date.

Analysis: A 10-page RIR (final draft dated August 1998) was prepared for Amendments 59, 57, and 9. Two alternatives were considered: 1) allowing the Vessel Moratorium Program to expire (no action alternative), and 2) extending the program for one year. The analysis determined that although all of the impacts of a one-year lapse between the moratorium program and the LLP were not known, one potentially significant impact could be speculative entry into the affected fisheries by persons who would not qualify to fish under the moratorium program or the LLP. Because allowing new entry would exacerbate overcapitalization and the race for fish, the analysis determined that the no action alternative was inconsistent with the overall intent of comprehensive rationalization. The preferred alternative extended the moratorium for one year, allowing time for NMFS to complete the design and implementation of the LLP.

Results: As anticipated, the LLP to limit entry into the groundfish and crab fisheries off of Alaska went into effect January 1, 2000, effectively replacing the Vessel Moratorium Program (The authorization for the LLP is contained in BSAI Amendment 60/GOA Amendment 58/BSAI Crab Amendment 10). For general licenses, the base qualifying period established was January 1, 1988, through June 27, 1992, approximately four months longer than the moratorium qualification period, in order to be consistent with the Council's published cutoff date for qualification under the Comprehensive Rationalization Plan. The LLP also required an area endorsement for the BS, AI or the GOA, to provide for present participation in the fisheries (the qualifying period being January 1, 1992 through June 17, 1995). The moratorium established by Amendments 23 and 28 and extended by Amendments 59, 57, and 9 limited speculative entry into the fisheries while the LLP was being developed and approved, and kept the overcapitalization situation from worsening.

GOA Amendment 58 Adjustments to License Limitation Program

Dates: This amendment was approved by the Council in October 1998. The final rule implementing the amendment was published in 2001.

Purpose and Need: Following the approval of the original LLP program, industry members requested that the Council revise several of the provisions and qualification criteria, including adding a recent participation criteria for crab. BSAI Amendment 60, GOA Amendment 58, and BSAI Crab Amendment 10 encompass a package of changes focusing primarily on further capacity reductions and transferability restrictions, to tighten up the License Limitation Program before implementation.

Regulation Summary: Five changes were adopted and approved under these amendments: 1) a requirement that the vessel itself would be a specific characteristic of the license and could not be severed (i.e., the license could not be used on any other vessel); 2) license designations for the type of gear authorized to harvest LLP groundfish as either "trawl" or "non-trawl" gear (or both); 3) recision of the Community Development Quota (CDQ) exemption and thus the requirement that CDQ vessels hold a crab or groundfish license; 4) the addition of a crab recency requirement which requires one landing during 1/1/96-2/7/98 in addition to the general license and area endorsement qualifications; and 5) allowance of limited processing (1 mt) for vessels <60' LOA with catcher vessel designations. The most significant addition under these amendments was the recent participation requirement of at least one landing in the king and Tanner crab fisheries between January 1, 1996 and February 7, 1998, which applied only to the base qualifying period under the crab LLP.

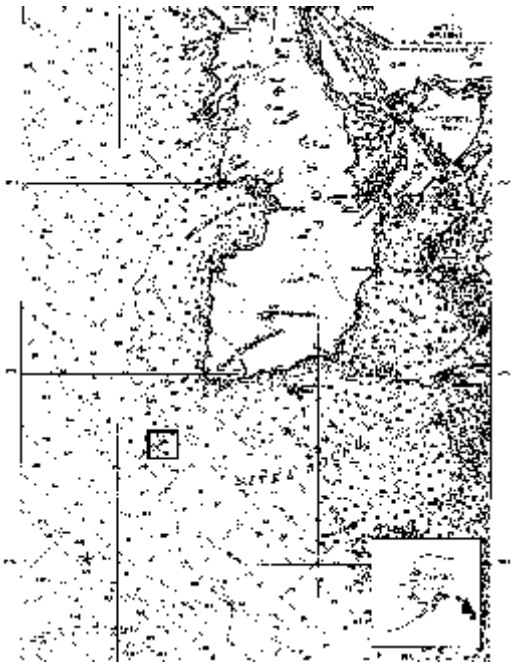
Analysis: A 203-page EA/RIR/IRFA (final draft dated July 1999) was prepared for these amendments. Six proposed actions were analyzed along with the status quo for each alternative, and the five changes outlined above were adopted. The change that was not approved would have clarified the Council's intent that catch history transfers be recognized, except those occurring after June 17, 1995, and where the owner of the vessel at that time was unable to document a vessel under Chapter 121, Title 46, U.S.C. NOAA General Counsel advised the Council that this action may violate foreign reciprocity agreements listed in the Magnuson-Stevens Act; therefore, the Council decided not to proceed with this proposed action.

Results: Amendment 58 is expected to reduce the number of vessels eligible to participate in the overcapitalized crab fisheries, and provide further capacity restrictions in the groundfish fisheries.

GOA Amendment 59 Sitka Pinnacles Marine Reserve

Dates: GOA Groundfish FMP Amendment 59 was adopted by the Council in June 1998, and was approved August 9, 2000. The final rule implementing the amendment was published November 9, 2000 (65 FR 67305) with an effective date of implementation of December 11, 2000.

Purpose and Need: The new Magnuson-Stevens Act mandate to identify, conserve, and enhance essential fish habitat is regarded as an important tool for sustainable fisheries and healthy ecosystems. This mandate includes the role of ecosystem management and identifies EFH as the waters and substrate necessary to fish for spawning, breeding, feeding, and growth to maturity. The pinnacle area provides habitat for all of these purposes for a variety of species and is extremely productive, in part due to its physical oceanography. Closure of this area will allow a vital ecosystem to be maintained at natural levels in an area surrounded by heavy fishing pressure. The closure would also protect the fragile nature of this rare habitat, and prevent the harvest or bycatch of these species during critical portions or their life history.


Location of the Sitka Pinnacles Marine Reserve.

The boulder field at the base of the pinnacles provides important refuge for adult fishes including large numbers of yelloweye rockfish (*Sebastes ruberrimus*), tiger rockfish (*S. nigrocinctus*), prowfish (*Zaprora silenus*) and lingcod (*Ophiodon elongatus*) as well as octopus. Aggregations of small deep-water rockfishes occur here as well, including sharpchin (*S. zacentrus*), pygmy rockfish (*S. wilsoni*), and redstripe rockfish (*S. proriger*). Besides harboring adult fishes, the boulder field is also used as spawning habitat by lingcod. The sides and top of the pinnacle are comprised of columnar basalt and *Primnoa* gorgonians provide ecologically important biogenic habitat for fishes on the steep walls of the pinnacles. Juvenile rockfishes occur in great abundance at the top of the pinnacle, as do Puget Sound rockfish (*S. emphaeus*) a small rockfish that is important prey for other rockfish and lingcod. Dense assemblages of sessile invertebrates, including *Metridium* and other anenomes, tunicates and hydrocorals provide cover for these small fishes. Adult lingcod utilize the top of the pinnacle as a seasonal feeding platform after spawning, occurring in extremely dense aggregations during the late spring and early summer. The small size of the area and high density and feeding behavior of the lingcod make them extremely susceptible to fishing pressure. In addition to fish living directly on the habitat or using the pinnacle and associated fauna for cover, there are large schools of pelagic fishes that congregate in the water column above the pinnacle. These include black (*S. melanops*), yellowtail (*S. flavidus*), dusky (*S. ciliatus*) and widow (*S. entomelas*) rockfishes that feed on the plankton in the water column.

The State of Alaska had already implemented a prohibition on fishing for lingcod and rockfish within the prescribed area. The purpose of the proposed amendment would be to mirror this regulation for federally managed fisheries, and make the closure more comprehensive.

Regulation Summary: Amendment 59 would prohibit fishing in an area containing important fish habitat, totaling 3.1 square nautical miles, off Cape Edgecumbe near Sitka, Alaska. This closure would apply to commercial, sport, charter, bycatch and subsistence fisheries for all species of bottomfish and halibut, and boat anchoring to prevent habitat degradation, and to create a groundfish refuge. The area is defined by a square, with lines connecting the following points in a clockwise manner: 56°55.5' N L following, 135°54' W L clockwise 56°57' N Latitude.,135°54' W Longitude; 56°57' N Latitude,135°57' W Longitude; 56°55.5' N Latitude, 135°57' W Longitude.

Analysis: A 20-page EA/RIR/IRFA (final draft dated November 1999) was prepared for this amendment. Two alternatives including the status quo were considered.

Results: The amendment was approved August 9, 2000.

GOA Amendment 61 Extend Inshore/Offshore Allocations for Pollock and Pacific Cod, Institute American Fisheries Act Fisheries Sideboards for Gulf of Alaska Groundfish Fisheries

Dates: Amendment 61, to conform with and implement provisions of the American Fisheries Act (AFA), was approved by the Council in June 1999, and implemented by NMFS via two emergency rules: (1) AFA permit requirements published on January 5, 2000, with an effective date of December 30, 1999, and (2) all other provisions of the AFA published on January 28, 2000 with an effective date of January 21, 2000. A permanent rulemaking to implement the provisions of the AFA, for 2001 and beyond, is expected to be implemented in the fall of 2000, following completion of an EIS.

Purpose and Need: For the GOA, an additional issue is to change the duration of the inshore/offshore allocations for the GOA (Amendment 51) to be consistent with the duration of the BSAI pollock allocations under the AFA; i.e., extend through the year 2004.

In addition, the AFA included provisions for the Council to enact as necessary measures to further protect non-AFA fisheries from adverse impacts resulting from the AFA and pollock fishery cooperatives. In addition to implementing the prescribed portions of the AFA, Amendment 61 contains various specific protective measures developed by the Council which limit the pollock industry's participation in other fisheries - these are referred to as 'sideboards'.

Regulation Summary: The regulations extend the GOA inshore/offshore allocations under Amendment 51 through 2004. Additionally, regulations define the sideboard amounts of crab and non-pollock groundfish (based on historical share) that can be harvested and processed by the AFA operators, in both the BSAI and the GOA.

Analysis: The original analysis for Amendment 61, upon which the emergency rules are based, is 320 pages in length with several appendices. That analysis focuses on alternatives for establishing sideboard limits for the AFA harvesters and processors, and also examines alternatives for the structure of inshore sector co-ops (the relationship between harvest vessels and the shore plants to which they deliver pollock). Primarily, the alternatives analyzed cover a wide range of options for determining the amount of the sideboard limits for each sector, whether such sideboards are applied at the sector level vs individual vessel/plant level, and whether and to what extent there may be exemptions from the sideboards. The analysis also examines the ownership structure of the pollock industry to determine the entities and companies to which sideboards will be applied. Implementation and monitoring aspects of the various alternatives are also considered. A pending EIS will further examine these issues as well as the prescribed measures of the AFA, including the specific sector allocations and limited entry aspects of the Act.

Results: The AFA was fully implemented in 2000 via the emergency rules, with permanent implementing regulations (through at least 2004) in 2002. Several issues continue to consume a significant amount of NMFS and Council resources, with various changes and regulatory amendments in the pipeline. Included are further consideration of the issues of inshore co-op structure, processing sideboards for crab and groundfish, recalculation of sideboard amounts, and consideration of further exemptions from sideboards. A significant, indirect impact of the AFA is that other industry sectors are now pushing for co-op style management in their fisheries, through either Congressional mandate or through the Council process.

GOA Amendment 62 Inshore/Offshore Language Revision (proposed)

Dates: As of February 20, 2003, a proposed rule has not been published by NMFS regarding Amendment 62 to the Fishery Management Plan for the groundfish in the Gulf of Alaska. The Council identified the preferred alternatives for the inshore/offshore language revisions for the BSAI and GOA Groundfish FMP at the June 2002 meeting.

Purpose and Need: In October of 1998, the American Fisheries Act was signed into law. With the passage of AFA, inshore/offshore language in the Groundfish FMP was superseded. Amendment 62 would remove this obsolete and inconsistent language in the Groundfish FMP.

Regulation Summary: The Council selected the preferred alternatives for inshore/offshore in June 2002. The preferred alternatives would remove reference to BSAI inshore/offshore from the GOA Groundfish FMP and remove the December 31, 2004 sunset date for GOA inshore/offshore allocation. At the same time the Council selected the preferred alternatives for inshore/offshore language revisions for BSAI.

Analysis: 61-page EA (draft dated February 14, 2003) was prepared for this amendment. The analysis included options for inshore/offshore revisions for both GOA and BSAI and also included options for revisions for the single geographic location restriction in the BSAI. Five options, including status quo, were considered for the inshore/offshore revisions. Of these, two were specific to the GOA Groundfish FMP. The first was to remove any reference to BSAI inshore/offshore from the GOA Groundfish FMP while other alternative was to remove the December 31, 2004 sunset date from the GOA inshore/offshore allocations.

Results: The Council took final action for inshore/offshore language changes in June 2002 and single geographic location in October 2002.

GOA Amendment 65 Habitat Areas of Particular Concern: Harvest Control Measures (tabled)

Dates: The Council adopted Amendment 65 (BSAI Amendment 65) in April 2000.

Purpose and Need: The Magnuson -Stevens Act was amended in 1996 by the Sustainable Fisheries Act. The new Act mandates that any FMP must include a provision to describe and identify essential fish habitat (EFH) for the fishery, minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat. Essential fish habitat has been broadly defined by the Act to include "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity". 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.

The purpose of amendment 65 is to provide for improved long-term productivity of the fisheries by controlling harvest on invertebrates (e.g. corals, sponges, mussels, rockweed and kelp), which provide important habitat for fish, but have the potential to be developed into large-scale commercial fisheries.

Regulation Summary: At the April 2000 meeting, the Council took final action on Harvest Control measures of HAPC Part 1. The Council adopted alternative 2 of the analysis which will add corals and sponges to the prohibited species category. This action will essentially split prohibited species into two types: the first type will continue to allow no retention for halibut, salmon, and crab species, and the second type would include only corals and sponges as prohibited species whose management would be specified in the regulations. The HAPC prohibited species will allow retention, but will prohibit the sale, barter, trade or processing of corals and sponges. Kelp (including rockweed), and mussels would not be subject to any management actions at this time. This action will apply to both the Bering Sea and Gulf of Alaska groundfish fisheries in the EEZ; other fisheries may be considered for HAPC biota protection in the future. The Council will relay concerns to the Alaska Board of Fisheries regarding protection of HAPC biota in state waters.

Analysis: A 67-page EA (draft dated March 6, 2000) was prepared for this amendment. Three alternatives including the status quo were considered. The alternatives include establishing HAPC biota as a prohibited species, or establishing a new HAPC category to allow for a controlled fishery to develop. Various options would allow some HAPC species (e.g., coral and sponges) to be prohibited from harvest, while allowing controlled fisheries to occur on the remaining species (e.g., kelp and mussels).

Results: Due to the court case on Essential Fish Habitat (see Amendment 55), the HAPC amendment was put on hold. Council and Agency staff are currently preparing an analysis of HAPC.

GOA Amendment 66 Community Quota Share Purchase (proposed, approved by Council April 2002)

Dates: The Council approved a preferred alternative for Amendment 66 on April 10, 2002. The amendment package has not yet been forwarded for Secretarial review.

Purpose and Need: In 1991, the Council proposed an IFQ Program as the best alternative to address problems associated with excess harvesting capacity in the commercial Pacific halibut and sablefish longline fisheries off Alaska. Typical problems stemming from overcapitalization and short "derby" openings include gear conflicts, deadloss from lost gear, increased bycatch and discard mortality, decrease in product quality, safety concerns, low ex-vessel prices, and a host of other issues. The IFQ Program was approved for the Pacific halibut and sablefish fixed gear fisheries in the Federal waters of the BSAI and GOA in 1991 and implemented since 1995. The IFQ Program essentially assigns the privilege of harvesting a percentage of the sablefish and halibut quota to specific individuals with a history of harvest in the fisheries. During the development of the program, the Council built in several provisions to address concerns regarding transferability and the goal of preserving an owner-operated fleet. Among other things, the Council was concerned about consolidation of ownership and divestiture of coastal Alaskans from the fisheries. Ultimately, the Council included a requirement for catcher vessel quota share (QS) to only be purchased by individual fishermen, with proven sea time, who would also be required to be on the vessel and fish the resulting IFQs. The primary intent of this provision was to maintain a diverse, owner-operated fleet and prevent a 'corporate', absentee ownership of the fisheries.

Consideration of including communities in the commercial IFQ Program was motivated by several provisions in the MSA and current National Research Council reports, as well as a specific community proposal. The proposal cited a disproportionate amount of QS transfers out of smaller, rural communities as a symptom of the continuing erosion of their participation in the commercial IFQ fisheries. The Council decided to analyze a proposal to allow a defined set of small, rural, coastal, Gulf of Alaska communities to purchase catcher vessel QS in IPHC management areas 2C, 3A, and 3B. Several factors contributed to the initiation of this analysis: 1) the rate of decline of the amount of QS in the smaller communities is higher than that of larger communities; 2) the bulk of the QS consolidation has taken place in the smaller QS holdings, and 3) very few initial large quota share recipients reside in smaller, coastal communities. The concern was that because small, remote, Gulf coastal communities are dependent on fisheries for a large portion of their employment and income and have few alternative economic opportunities, a decline in the number of QS holders in these communities has a severe effect on unemployment and related social and economic impacts.

The Council defined criteria which would allow 42 eligible Gulf of Alaska coastal communities to purchase halibut and sablefish QS. The criteria for eligibility is as follows: less than 1,500 people, no road access to larger communities, direct access to saltwater, and a documented historic participation in the halibut and/or sablefish fisheries. Communities not listed in the final regulations must apply to the Council to be approved for participation in the program and will be evaluated using the same criteria. The eight major elements of the program that were analyzed and included are:

Element 1.	Eligible communities	Element 5.	Purchase, use, and sale restrictions
Element 2.	Ownership entity	Element 6.	Performance standards
Element 3.	Use caps for individual communities	Element 7.	Administrative oversight
Element 4.	Cumulative use caps for all communities	Element 8.	Program Review

Analysis: A 144-page EA/RIR/IRFA (public review draft dated April 10, 2002) was prepared for this amendment. The analysis outlined several alternatives, options, and suboptions for each of the eight elements listed above. The analysis of alternatives was guided by the problem statement, which stated that a number of small coastal Gulf communities are struggling to remain economically viable and the current IFQ Program, as with other limited entry programs, increases the cost of entry into or expansion in the commercial halibut/sablefish fisheries. The problem statement also noted that allowing qualifying communities to purchase QS for lease to and use by community residents will help minimize adverse economic impacts on these small, remote, coastal communities in Southeast and Southcentral Alaska, and help provide for the sustained participation of these communities in the IFQ fisheries, without undermining the goals of the original IFQ Program.

Results: The Council's preferred alternative on Amendment 66 included provisions for each of the eight elements listed above. The preferred alternative requires that a new non-profit entity be established to purchase the QS on behalf of one or more eligible communities, and that the resulting IFQs can only be leased to residents of the ownership community. The proposed amendment package has not yet been forwarded for Secretarial review.

GOA Amendment 70 Steller Sea Lion Protection Measures (withdrawn)

Dates: The amendment was approved by the Council in October 2001, along with GOA Amendment 70. NMFS published regulations as an emergency rule for 2002 fisheries on January 8, 2002 (67 FR 956) and extended them through December 31 (67 FR 34860). A proposed rule for the permanent regulations has not yet been published. NMFS decided to implement the Steller sea lion protection measures by regulations rather than plan amendment.

Purpose and Need: The western population of Steller sea lions declined by over 70% since the 1960s, and was listed as endangered in 1997 (62 FR 24345). One hypotheses to explain the continued decline of the western stock of Steller sea lions was nutritional stress due to competition with fisheries for prey. The 11/30/00 Biological Opinion concluded that fisheries for walleye pollock, Pacific cod and Atka mackerel being managed under the fisheries regulations in effect in the year 2000, jeopardized the survival and recovery of Steller sea lions and adversely modified their critical habitat. The 2000 Biological Opinion included a reasonable and prudent alternative (RPA) that included, among other things, areas closed to trawling, which if implemented in its entirety, would have had substantial adverse impacts to the fishing industry and fishing communities. Federal legislation (Public Law 106-554) allowed for a phase-in of the RPA for the 2001 fisheries while the Council developed an alternative approach which would allow fisheries to operate in such a manner that would not jeopardize the continued existence of Steller sea lion and would prevent adverse modification of their critical habitat.

Regulation Summary: The preferred alternative implements the restricted and closed area approach. This alternative is the RPA detailed in the November 30, 2000, Biological Opinion. Essential elements of this approach are: 1) to establish large areas of critical habitat where fishing for pollock, Pacific cod, and Atka mackerel is prohibited, 2) to restrict catch levels in remaining critical habitat areas, 3) seasonally apportion catches, 4) to establish a modified harvest control rule that prohibits directed fishing should pollock, cod, or mackerel stocks fall below 20% of the unfished level, and 5) a vessel monitoring system requirement for all vessels (except jig gear) participating in these fisheries.

Analysis: A 2,206 page EIS/RIR/IRFA (final draft dated November 2001) was prepared for this amendment. Five alternatives were considered including no action, a low and slow approach (from draft programmatic SEIS), a restricted and closed area approach (from the 11/2000 RPA), an area and fishery specific approach (from RPA Committee) and a critical habitat catch limit approach (based on measures in place in 2000). A map packet, containing poster sized maps that show the closure areas proposed for each alternative, was also provided. The analysis the preferred alternative would avoid jeopardy and adverse modification while at the same time, have the least negative social and economic impacts to fishermen, processors, and communities.

Results: Amendment 70 was implemented as a regulatory amendment, and not a plan amendment. The Biological Opinion on the preferred alternative, dated October 19, 2001, was challenged in US District Court. A list of trailing amendments was proposed when the Council took final action in October 2001. Two of these amendments (prohibition of AI pollock fishery, and pot gear exemptions for Cape Barnabus and Caton Island haulouts) have been analyzed.