Summary of North Pacific Fishery Management Council Actions Related to the American Fisheries Act

Since the passage of the American Fisheries Act (AFA) in October 1998, National Marine Fisheries Service (NMFS) and the North Pacific Fishery Management Council (NPFMC) have undertaken an extensive public process to develop the management program proposed under Amendments 61/61/18/8. Amendments 61/61/13/8 were developed and revised during the course of eleven NPFMC meetings over the past two years and have been the subject of numerous additional public meetings held by the NPFMC and NMFS to address specific aspects of the AFA. While the permanent management program proposed under Amendments 61/61/13/8 was under analysis and development by the NPFMC and NMFS, the statutory deadlines in the AFA were met on an interim basis through several emergency interim rules. The following timeline provides a summary of the two-year public process through which NMFS and the NPFMC developed Amendments 61/61/13/8.

November 1998. After the passage of the AFA in October 1998, the NPFMC held a special meeting in November, 1998, in Anchorage to address among other things, the new requirements of the AFA and the effect of the AFA on the fisheries under the jurisdiction of the NPFMC. The NPFMC made various recommendations to NMFS regarding the regulation of cooperatives in the catcher/processor sector and the management of sideboards for AFA catcher/processors for the upcoming 1999 fishery and began the process of identifying issues and alternatives for upcoming AFA-related actions.

December 1998. At its December, 1998, meeting in Anchorage, the NPFMC approved two emergency rules to implement required provisions of the AFA for the 1999 fishing year. The first emergency interim rule required two observers on all AFA-listed catcher processors and established procedures for making inseason sideboard closures (64 FR 3435, January 22, 1999; extended at 64 FR 33425, June 23, 1999). The second emergency interim rule made several technical changes to the CDQ program regulations to accommodate the new requirements of the AFA (64 FR 3887, January 26, 1999; extended at 64 FR 34743, June 29, 1999). After extensive public testimony and input from the NPFMC’s Advisory Panel (AP) and Scientific and Statistical Committee (SSC) the NPFMC identified a suite of alternatives for the management program that subsequently became known as Amendments 61/61/13/8.

February 1999. At its February, 1999, meeting in Anchorage, the NPFMC finalized sideboard and AFA management measure alternatives with the intent that a draft analysis would be reviewed at the April 1999 meeting with a final decision scheduled for June 1999 to allow the NPFMC to meet the July 1999 deadline imposed by the AFA for recommendation of sideboard measures. The NPFMC also began preparation of a separate discussion paper to examine the structure of the inshore cooperative program. This separate analysis was in response to a proposal by a group of independent catcher vessel owners who advocated a change in the program to allow the formation of an independent vessel cooperative that would not be tied to a particular processor. A draft analysis was scheduled for review in June, 1999, with further discussion in October, 1999.

April 1999. At its April, 1999, meeting in Anchorage, the NPFMC reviewed its draft analysis for Amendments 61/61/13/8, and received extensive public testimony regarding alternatives and issues that should be considered under Amendments 61/61/13/8. The NPFMC directed staff to make various revisions and additions to the analysis with the intent that the amendment package would be before the NPFMC for final action in June 1999. The NPFMC also reviewed its discussion paper on the structure of the inshore cooperative program and the proposed independent catcher vessel cooperative and requested that a broader analysis be prepared for initial review at the October 1999 meeting. In addition, the NPFMC formed an inshore cooperative implementation committee to advise NMFS on many of the technical issues related to the formation and management of inshore cooperatives.

May 1999. The NPFMC’s inshore co-op implementation committee held a public meeting with NMFS on May 10-13 in Seattle to examine alternative management approaches for inshore catcher vessel cooperatives. The approach to implementing and managing inshore cooperatives developed at this
meeting forms the basis of the inshore cooperative management program contained in this proposed rule.

**June 1999.** At its June, 1999, meeting in Kodiak the NPFMC reviewed Amendments 61/61/13/8 and after extensive public testimony, approved a suite of AFA-related recommendations including restrictions on the formation and operation of cooperatives, harvesting sideboards for catcher/processors and catcher vessels, and catch weighing and monitoring requirements. However, the NPFMC was unable to reach a decision on two AFA-related issues; groundfish processing sideboards and excessive processing share caps. To address these issues, the NPFMC established an industry committee to further examine alternatives and work with state and Federal managers to resolve implementation issues with the intent that the NPFMC would review the committee’s recommendations in October 1999.

**August 1999.** The NPFMC’s processing sideboard industry committee held a public meeting in Seattle to examine alternatives for processing sideboards and excessive processing share caps. The committee was unable to reach complete consensus on a recommended approach for processing sideboard caps. However, the committee did develop some general recommendations for the NPFMC and provided the NPFMC with some requests for additional analysis and information.

**October 1999.** At its October, 1999, meeting in Seattle, the NPFMC reviewed its analysis on the structure of the inshore cooperative program including the proposal to allow formation of independent catcher vessel cooperatives and received extensive public discussion on this issue. However, the NPFMC voted to postpone action until February 2000 and requested further analysis on this issue. The NPFMC also re-examined its June 1999 catcher vessel sideboard exemption recommendations and requested that NMFS delay implementation of these measures until the NPFMC had the opportunity to analyze and discuss possible revisions to its recommended catcher vessel sideboard exemptions. The NPFMC announced that it would be revising its sideboard exemption recommendations at its December 1999 meeting. Finally, the NPFMC reviewed what had now become a separate analysis of groundfish processing sideboards and excessive processing share caps. After extensive discussion and public comment on this issue, the NPFMC chose to expand and revise its analysis with intent to review the issue again in February 2000 with final action scheduled for June 2000.

**December 1999.** At its December, 1999, meeting in Anchorage, the NPFMC approved two emergency interim rules to implement required provisions of the AFA for the 2000 fishing year. These measures were necessary to meet certain statutory deadlines in the AFA while the comprehensive suite of permanent management measures under Amendments 61/61/13/8 continued to undergo development, revision, and analysis by the NPFMC and NMFS. The first emergency interim rule set out permit requirements for AFA vessels, processors, and cooperatives (65 FR 380, January 5, 2000; extended at 65 FR 39107, June 23, 2000). The second emergency interim emergency rule established sector allocations, co-op regulations, sideboards, and catch monitoring requirements for the AFA fleets (65 FR 4520, January 28, 2000; extended at 65 FR 39107, June 23, 2000).

**February 2000.** At its February, 2000, meeting in Anchorage, the NPFMC reviewed its revised analysis of groundfish processing sideboards and excessive share processing caps and requested analysis of several additional issues with the intent that the analysis would be reviewed again in June 2000. The NPFMC postponed action on proposed changes to the structure of the inshore cooperative program and independent catcher vessel proposal until June 2000. Finally, at this meeting, the NPFMC and NMFS decided it would be appropriate to expand the environmental assessment (EA) prepared for Amendments 61/61/13/8 into an EIS given the magnitude of the proposed management program to implement the AFA.

**April 2000.** At its April, 2000, meeting in Anchorage, the NPFMC received extensive testimony from industry on several elements of Amendments 61/61/13/8. Catcher vessel owners requested that the NPFMC consider revising several of its recommendations related to catcher vessel sideboards, retirement of vessels, and the formula for calculating inshore co-op allocations. The NPFMC requested preparation of a supplemental analysis of these issues for consideration in June 2000. The NPFMC also received testimony from crab fishermen who opposed the crab processing caps implemented in 2000.
through emergency interim rule. The NPFMC announced its intent to examine alternatives for crab processing caps at its June 2000 meeting with final action on any changes scheduled for September 2000. In addition, the April NPFMC meeting was used as a scoping meeting to solicit input from the public on issues and alternatives that should be addressed in the EIS under preparation for Amendments 61/61/13/8.

**June 2000.** At its June, 2000, meeting in Portland, the NPFMC reviewed its analysis of proposed structural changes to the inshore cooperative program and recommended two changes related to retirement of vessels and allocation formulas that would supersede the measures set out in the AFA. These changes were incorporated as revisions to Amendments 61/61/13/8. The NPFMC also examined the issue of groundfish processing sideboards and excessive processing share caps and voted to release its analysis for public review with intent to take final action on these measures at its October 2000 meeting. The NPFMC's original intent was to include groundfish processing sideboards and excessive processing share caps in Amendments 61/61/13/8. However, due to the extensive additional analysis required for these two issues, the NPFMC has decided not to address these issues under Amendments 61/61/13/8 but rather submit them as separate amendments at a later date.

**September 2000.** At its September, 2000, meeting in Anchorage the NPFMC voted to add 1998 to revise the basis years used to calculate crab processing sideboard amounts by adding 1998 and giving it double-weight. In other words, 1995-1998 would be used to determine crab processing history with the 1998 year counting twice. This change represented the NPFMC's final revision to Amendments 61/61/13/8 before official submission of the Amendments to the Secretary of Commerce for review and approval.

**October 2000.** At its October, 2000, meeting in Sitka the NPFMC voted to move forward with the emergency rule to allow the AFA fisheries to start in 2001. This included the new provisions that were approved by the NPFMC during 2000. The NPFMC also voted to postpone action on the processor sideboard amendment, and begin looking at other alternatives to meet the AFA mandate to protect non-AFA processors. The NPFMC postponed action on the processing sideboards because they felt the proposed alternatives could impose unintended consequences on the fleet and their may be better alternatives, which have not yet been studied. The NPFMC also voted to implement an excessive pollock processing share cap of 30 percent of the non-CDQ pollock fishery in the BSAI. The cap will be applied to entities using the NMFS 10 percent limited rule that is used to determine excessive harvesting shares.