

North Pacific Fishery Management Council

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Certified Richard B. Lauber
Richard B. Lauber, Chairman
Date Jan 20, 1993

MINUTES

**105th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
December 8-13, 1992
Hilton Hotel
Anchorage, Alaska**

The North Pacific Fishery Management Council met December 8-13, 1992 at the Hilton Hotel in Anchorage, Alaska. The Advisory Panel and Scientific and Statistical Committee began on December 7. The Gulf of Alaska Industry Rockfish Committee, the Bycatch Cap Committee, and the Habitat Committee also met during the week. The following members of the Council, staff, SSC and AP attended the meetings.

Council

Richard Lauber, Chairman
Alan Millikan for Robt. Turner
RADM Roger Rufe/CAPT Bill Anderson
Linda Behnken
Oscar Dyson
Bob Mace for Randy Fisher
Ron Hegge

Robert Alverson, Vice Chair
Henry Mitchell
Dave Hanson
Steve Pennoyer
Wally Pereyra
Clem Tillion for Carl Rosier

NPFMC Staff

Clarence Pautzke, Executive Director
Judy Willoughby
Darrel Brannan
Marcus Hartley
Brent Paine

Chris Oliver, Deputy Director
David Witherell
Helen Allen
Gail Peeler
Regina Stewart

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Support Staff

Earl Krygier, ADFG
Sue Salvesson, AFSC
Jessie Gharrett, NMFS-AKR
Loh-Lee Low, NMFS-AFSC
David Benton, ADFG
Ron Berg, NMFS-AKR
Galen Tromble, NMFS-AKR

Dave Flannagan, NMFS-AKR
Lisa Lindeman, NOAA-GC
Russ Nelson, AFSC
Sandra Lowe, AFSC
Joe Terry, AFSC

Scientific and Statistical Committee

Bill Clark, Chair
Bill Aron
John Burns
Doug Eggers
Larry Hreha
Richard Marasco

Marc Miller
Don Rosenberg
Jack Tagart
Phil Rigby for Gordon Kruse
Al Tyler (alternate-Quinn)

Advisory Panel

John Woodruff, Chairman
Dave Fraser, V. Chairman
John Bruce
Al Burch
Gary Cadd
Phil Chitwood
Dan Falvey

Spike Jones
Kevin Kaldestad
David Little
Pete Maloney
Dean Paddock
Penny Pagels

Perfenia Pletnikoff
John Roos
John Sevier
Harold Sparck
Beth Stewart
Robert Wurm

General Public

Approximately 150 people attended the meeting. The following members of the public signed the attendance register:

Margaret Toner
Lynda Smith
Steve Hughes
Capt. Robt. Gravino
Brad Matsen
Kris Norosz
Stephen Winchell
Denise M. Fredette
Arni Thomson
Shari Gross
Pat Marcuson
Kate Graham
Tim McKee
Ron Rogness

John Walsh
Deming Cowles
Joe Plesha
Wm. Sturdevant
John Sackton
Tyson Vogeler
Anton Meyer
Denby Lloyd
C. Jensen
Mike Atterberry
Eric Yould
Debra Hughes
Michael Lake
Jerry Ivanoff

Bill Stokes
Steve Grabacki
Brian Bigler
Sinclair Wilt
Roger Woods
Helen Woods
Stan Hovik
Ed Wyman
Eric Fry
Ellen Lockyer
Laine Welch
Scott Ellis
Brenda Huber
Michael Daniels

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Norman Cohen
Chris Blackburn
Joe Sullivan
F. Gregory Baker
Karl Ohls
Dennis Robinson
Sara Hemphill
James Tomlinson
John Gruver
Linda Kozak
Kenneth Allread
Bob Trumble
Paul Frost
Dick Tremaine
John Iani
Mel Monsen
Bryce Edgmon
Donald Nielsen
Mark Angason
Frank Charles
Robert F. Morgan

Michael Sissenwine
Tuck Donnelly
Frank Kelty
Paul Cullenberg
John Henderschedt
Eric Maisonpierre
Ole Mathisen
Kenneth Kirkman
Paul Swenning
Matt Falk
Chip Treinen
Dan Oliver
Bruce Cotton
Jack Hill
Dave Benson
Bill Jacobson
Herry Nelson
Donna Parker
Joe Kyle
Robert M. Desantel
Katsumi Kenaston

Vic Horgan, Jr.
Elizabeth Hastorf
Wilbur McGlasher
John Cleveland
Dee McKinney
Vern Hall
Phil Watkin
Earl Comstock
Trevor McCabe
Steve Finley
Frank Danner
Jim McManers
Leslie Hughes
Ray Ward
Scott Crowther
Larry Dinneen
Steve Drage
Matt Berman
Ellen Lockyer
Mike Szymanski
Mark Kandianis

NOTE: A list of those testifying on Council agenda items is found in Appendix I to these minutes.

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

Chairman Lauber called the meeting to order at approximately 8:07 a.m. on Tuesday, December 8, 1992. Chairman Lauber introduced Robert Turner, Director of the Washington Department of Fisheries. Admiral Rufe was also in attendance for part of the meeting. Also introduced was Michael Sissenwine, Chief Scientist for NMFS.

Agenda. The Executive Director pointed out a late request for Council action. Residents from Savoonga and Gambell requested that the Council consider recommending a longer halibut season and a separate registration area to allow them to develop their halibut fisheries. The Council voted to discuss the matter under "Other Business," Agenda C-5.

Minutes of Previous Meeting. The minutes of the September 1992 meeting were approved. Council member Behnken mentioned a vote which may have been incorrectly recorded. The record will be researched and the minutes will reflect the correct vote before being finalized.

B. REPORTS

B-1 Executive Director's Report

The Executive Director introduced two new Council staff members, David Witherell, GOA plan coordinator, and Darrell Brannan, management analyst. Council members were provided with

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committee lists and asked to contact Chairman Lauber if they wish put on or taken off any particular committee.

The Council was advised that the public comment period on revisions to the Clean Water Act are due by December 21 and asked whether they wished to comment. The matter was turned over to the Habitat Committee which met later in the week.

The Council was also updated on the November 12-13 meeting of the Comprehensive Planning Committee and progress on the proposed rule for the Halibut and Sablefish IFQ programs. It was agreed that the Comprehensive Planning Committee will meet Sunday, January 17, at 8:00 a.m. at the Anchorage Hilton.

B-2 ADF&G Report

Earl Krygier reported on fisheries managed under delegated authority to the State of Alaska since the last Council meeting.

Bering Sea king and Tanner crab fisheries: A harvest of 2.3 million pounds was taken by 174 vessels (106 more than in 1991) in the **St. Matthew blue king crab fishery**, the first major Bering Sea fishery with a 100-pot limit. Ten vessels harvested 1.4 million pounds in the **Dutch Harbor brown king crab fishery**. In the **Bristol Bay red king crab fishery**, 281 vessels with a pot limit of 250 pots landed a total of 8 million pounds. All portions of this population are down and future fisheries are doubtful due to poor recruitment. In the **Adak red/brown king and Tanner crab fishery**, 12 vessels had harvested 710,000 pounds of red king crab and 200,000 pounds of brown king crab as of November 29. Approximately 260 vessels participated in the **Bering Sea C. bairdi fishery** and, by November 29, had harvested approximately 8.7 million pounds. Mr. Krygier also noted that due to buoy sticker problems, issuance of stickers was suspended prior to the opening of the Tanner crab fishery. Also, on November 30, the National Marine Fisheries Service suspended pot limits in the Bering Sea/Aleutian Islands citing inconsistency with the Fishery Management Plan.

Troll Salmon: The winter troll fishery opening was delayed by ten days by the Board of Fisheries in an attempt to decrease the winter harvest and increase the duration of the summer fishery. Between October 11 and November 24, the preliminary harvest of chinook salmon was 15,554 fish. A preliminary estimate of Alaska hatchery contributions was about 13.5%.

The Council also asked for the status of the pot limit in the Bering Sea/Aleutian Islands king and Tanner crab fisheries which was recently rejected by the Secretary of Commerce. NMFS staff explained that the State regulation, as approved by the Board of Fisheries, is not consistent with the King and Tanner Crab FMP because it was interpreted as discriminatory between vessels of various lengths. NMFS believes pot limits, per se, are a valuable management tool and the rejection was a technical response to FMP language. Mike Martin, Chairman of the Alaska Board of Fisheries told the Council he believes there was a breakdown of communication among ADF&G, NMFS and the Board of Fisheries; they are willing to work with NMFS to draft a regulation which accomplishes the goal and is also consistent with the Council's FMP. The Council suggested that the Pacific Northwest Crab Industry Advisory Committee meet on this issue and comment to the Council. Earl Krygier pointed out that the Committee had been unable to come to a consensus on the issue in previous discussions. The Council asked for recommendations from the PNCIAC and industry on this issue at the January meeting.

B-3 NMFS Management Report

Ron Berg reported that the CDQ program for pollock began on December 3 and to date, approximately 12 vessels have checked in and are operating within the approved Community Development Programs. He also reported on the current status of regulatory and plan amendments in progress:

Revised BSAI Amendment 18, approved on November 23, will implement the 35%/65% inshore-offshore allocations for 1993-95.

The Sablefish and Halibut IFQ amendment has been published in the *Federal Register* with the comment period ending January 11 and the final date for a decision is January 29.

The June 24 control date for groundfish, crab and halibut is currently being reviewed by the Department of Commerce.

The Moratorium rule is being developed at the Region. Because of priorities and time required to approve an FMP amendment, it is anticipated that implementation would not occur until late April or May of 1993.

A regulatory amendment to require the offloading of prohibited species prior to fishing in the EEZ is also in progress at the Regional level. The regulatory amendment to delay the 2nd quarter pollock fishery in the Gulf of Alaska until June 1 is under review in Washington, DC and should be published early in January and should be in effect by April 1. The regulatory amendment to establish a "Fair start" in the GOA black cod hook and line fishery is also undergoing review in DC.

GOA Amendment 26, to re-establish the crab no-trawl areas around Kodiak Island, is being reviewed at the Central Office. The 1993 Recordkeeping and Reporting regulations is being reviewed at the Region level. BSAI Amendment 21, the bycatch amendment to establish the hook and line caps for halibut and re-establish the caps for trawl gear, should have a final decision by February 9. The final rule for the North Pacific Fisheries Research Plan is still being developed at the Regional level. The Pelagic trawl definition, including a performance-based definition, is in Washington, DC awaiting publication in the *Federal Register*. The Proposed Rule for PRRs is under review by OMB, and Amendments 22/27, the trawl test sites, should be approved by December 18.

The Council also received an update of total catches for 1992 along with a comparison to 1991 harvests.

B-4 Enforcement Report

During the period September 1 through November 30, 1992, NMFS and the Coast Guard opened a total of 312 investigations. NMFS independently initiated 232 investigations, 53 of which originated from the observer program. Ninety-six cases were closed as unfounded and an additional 124 cases were closed due to lack of enforcement resources. Forty-nine cases were handled with written warnings and 44 summary settlement offers were issued.

The Coast Guard reported no vessel seizures and one catch seizure during the reporting period. The entire catch (18,365 lbs) of the vessel ONE OCEAN was seized after 117 undersized halibut were found on board. In addition, the vessel was cited for possession/use of a crucifier, retaining undersized halibut, destruction of evidence and improperly marked gear. Three vessels were cited

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for IPHC violations during the October halibut opening. In September, two vessels were cited for incursions into sea lion rookery zones.

High Seas driftnet patrols by the Coast Guard resulted in observation of two vessels well north of the September high seas driftnet area. The vessels were determined to be from the People's Republic of China. Limited communication was established, however it was broken off when the Coast Guard requested consensual boarding. Case documentation and photographs were forwarded to the Department of State for further investigation. The Coast Guard also reported that in September the Japanese Maritime Safety Agency arrested the chief fisherman of two coastal salmon vessels for illegal fishing, based on the U.S. Coast Guard's sightings and photographs of May 22, 1992. During the reporting period the Coast Guard also detected eight driftnet vessels well north of the authorized area, in the vicinity of the Russian 200-mile limit. The sightings were reported to the Russian Maritime Board Guard who expressed appreciation for the information and indicated they would send an aircraft to patrol the area.

B-5 Marine Mammal Report

Richard Ferraro of the NMFS Marine Mammal Lab in Seattle, provided a summary of recently-completed surveys for harbor seals and killer whales. Preliminary results of the summer 1992 harbor seal surveys in the Gulf of Alaska indicate that the population in the Center and Western Gulf of Alaska continues to decline. Counts from over 50 sites in the Kodiak Archipelago show a decrease of over 90% since 1984. Population assessment surveys for killer whales in the Central and Western Gulf of Alaska and the Bering Sea during the summer of 1992 found a total of 12 pods; 184 animals were counted by individual identification. Researchers noted scarring, probably resulting from gunshot wounds, on seal pods (total 13 animals). The highest frequency of scarring (six cases) was noted in four pods located north of Unalaska Island.

Chairman Lauber asked about a report that 14 tags were found in the stomach of a killer whale during an autopsy. Mr. Ferraro confirmed the report, saying the whale was recovered on the west side of Montague Island. The tags were found to be from Steller sea lion pups tagged during 1987 and '88 on Marmot Island. Mr. Ferraro pointed out that this was only one instance and without a larger sample size, inferences can't be made.

C. NEW OR CONTINUING BUSINESS

C-1 Observer Program

(a) Status Report on the North Pacific Fisheries Research Plan

The Council approved the Research Plan in June of 1992. Because of the press of other Council tasks, the Proposed Rule has not yet been completed. Staff advised that the Magnuson Act authorization language for the Research Plan has been changed to authorize a fee limit of up to 2% of exvessel value of plan fisheries. The change was made to eliminate confusion surrounding the use of 'first wholesale value,' and is consistent with Council intent.

Wally Pereyra moved to delete the reference to "first wholesale value" in the Council-approved North Pacific Fisheries Research Plan. The motion was seconded by Clem Tillion and carried without objection.

(b) Changes to the Current Observer Program for 1993

In September the Council reviewed the draft analysis for proposed changes to the existing Observer Program and approved sending it out for public comment. The changes, intended to correct deficiencies in the current program, could be implemented by mid-1993 and would be in effect until full implementation of the Research Plan.

The changes proposed were:

1. Reduce the lower length limit for 100% coverage from 125' to 115'.
2. Reduce the lower length limit for 30% coverage from 60' to 55' or 57'.
3. Change the 30% coverage requirement from a quarterly requirement with no connection to target fishery to a monthly requirement, possibly also by target fishery, of a quarterly requirement by statistical area.
4. Consider reducing the level of coverage for vessels fishing with pot gear.
5. Change the requirement for observer coverage from fishing trip days to fishing days and define 'fishing days'.
6. Revise conflict of interest standards for observers and observer contractors.
7. Require multiple observers on some processing vessels.

Report of the Scientific and Statistical Committee

The SSC had no comment on this agenda item other than to refer the Council to comments from earlier meetings.

Report of the Advisory Panel

The Advisory Panel recommended the following:

1. Retain status quo; no change.
2. Alternative 5: establish a pilot program for all gear types.
3. Retain status quo: no change.
4. Alternative 3: Require all vessels using pot gear which meet the minimum vessel length requirement for mandatory observer coverage carry an observer 30% of the vessel trip days during each calendar quarter in which they fish more than 10 days.
5. Alternative 2: A fishing day would be defined as a day in which gear is retrieved. Such gear must have been deployed in a manner that is intended to actually catch fish--as a minimum, pots, traps, and longlines must be baited; trawls must have closed code-ends attached and be set to fishing depth.
6. Defer decisions to Council, NMFS and NOAA-GC.
7. Alternative 3, modified: Relegate authority to the Regional Director to require multiple up to 2 observers on certain vessels or plants.

Report of the Enforcement Committee

The Committee discussed two aspects of the proposed regulatory amendment for changes to the current groundfish Observer Program. The proposal to base coverage requirements on fishing days (instead of fishing trip days and define a fishing day) would be beneficial for enforcement of the

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coverage requirements. Enforcement personnel could then rely on logbooks for verification of required coverage. The Committee did express concern with how a fishing day would be defined. The Committee also addressed the proposal to change the 30% coverage requirements from quarterly to monthly, with the option to also make it by target fishery. The Committee noted that the requirement by target fishery would be the most burdensome on enforcement, while the change to a monthly requirement, or a change in the number of days for the trigger, would pose only minor additional enforcement problems.

COUNCIL DISCUSSION AND ACTION

Pending implementation of the Research Plan, some Council members felt that only minimal changes should be made to the current observer plan. Steve Pennoyer advised that although the Research Plan could be approved and implemented by mid-1993 and collection of fees begun, funds to begin the actual program may not be available until late 1994 or early 1995.

The Council made the following changes to the current observer plan for 1993:

Reduce the lower length limit for 100% coverage from 125' to 115'.

Henry Mitchell moved to approve the lower minimum size limit for 100% coverage from 125 ft. to 115 ft. LOA. The motion was seconded by Wally Pereyra.

Mr. Mitchell pointed out that a significant number of vessels in this size category are taking a large proportion of the harvest and that they should have observer coverage in the interim until the Research Plan is implemented. Other Council members felt this and other changes should be deferred until after the Research Plan is implemented.

Bob Alverson moved to table the following proposals until the first Council meeting following Secretarial approval of the Research Plan:

**Reduce the lower length limit for 100% coverage from 125' to 115';
Reduce the lower length limit for 30% coverage from 60' to 55' or 57'; and
Require multiple observers on some processing vessels.**

The motion was seconded by Wally Pereyra and carried, 7 to 4, with Hegge, Mitchell, Pennoyer and Tillion voting no.

Change the requirement for observer coverage from fishing trip days to fishing days and define 'fishing days'.

Bob Alverson moved to adopt Alternative 2: A fishing day would be defined as a day in which gear is retrieved. Fish actually have to be landed for a day that is covered. Such gear must have been deployed in a manner that is intended to actually catch fish--as a minimum, pots, traps, and longlines must be baited; trawls must have closed codends attached and be set to fishing depth. The motion was seconded by Bob Mace.

There was some discussion regarding whether the motion should refer to product 'retained' rather than 'landed'. It was the consensus that Enforcement should insert whichever word will accomplish the intent of the motion.

The motion carried without objection.

Change the 30% coverage requirement from a quarterly requirement with no connection to target fishery to a monthly requirement, possibly also by target fishery, or a quarterly requirement by statistical area.

Linda Behnken moved to adopt Alternative 5B, modified as follows: Require that vessels operating in the sablefish longline fishery in the Eastern Gulf of Alaska that are 60' and over, but less than 125 ft. LOA, meet some of their observer coverage requirements for the quarter by requiring a NMFS-certified observer during at least one fishing trip in that regulatory area. The motion was seconded by Clem Tillion.

The motion carried, 6 to 5, with Alverson, Mace, Millikan, Pennoyer, and Pereyra voting no.

In addition, Wally Pereyra moved to adopt Alternative 3A: To require vessels 60 feet and over but less than 125 ft in length overall carry a NMFS-certified observer during 30% of their days during fishing trips in each calendar quarter in which they fish more than three days in the groundfish fishery. Each vessel must meet some of its observer coverage requirements for the quarter by carrying an observer during at least one fishing trip for each target fishery in which the vessel participated. Each fishing trip resulting in retained catch that the vessel makes during the quarter will be designated as having been operated in a particular target fishery, using the targeting criteria listed below:

The following target criteria would be used to determine the target fishery of each vessel trip. If one species or species group has the largest amount of retained catch, that is the target.

Targets in the GOA: Pollock; Pacific cod; Flatfish; Rockfish; Sablefish; Other (everything else);

Targets in the BSAI: Pollock; Atka mackerel; Pacific cod; Rockfish; Flatfish; Sablefish; Other (everything else).

The motion was seconded and carried unanimously

Consider reducing the level of coverage for vessels fishing with pot gear.

Henry Mitchell moved to exclude pot gear from observer requirements. The motion was seconded by Clem Tillion.

Mr. Mitchell said that he feels there is sufficient information to indicate that this is a clean fishery. Mr. Hegge pointed out that some information is needed to maintain control over the fishery.

Clem Tillion moved to amend to reduce coverage for vessels using pot gear to 10%. The motion was seconded by Henry Mitchell.

Bob Alverson moved a substitute motion: to adopt Alternative 3: Require 30% observer coverage on vessels using pot gear which are at least equal to the minimum length of vessel required to carry an observer during each calendar quarter in which they fish more than 10 days. The motion was seconded by Ron Hegge, and carried 7 to 4 with Dyson, Mitchell, Tillion and Lauber voting no.

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Revise conflict of interest standards for observers and observer contractors.

Henry Mitchell moved to include "significant others" in the definition section describing "Financial or Personal interest." The motion was seconded by Wally Pereyra.

Henry Mitchell moved to amend to reflect that these definitions would apply to the observed fishery. The motion was seconded and failed, 6 to 5, with Alverson, Mitchell, Pennoyer, Pereyra and Lauber voting in favor.

Wally Pereyra moved to amend the motion to change Section 5(a)(2) as follows: [insertions are underlined]:

2. may not have a financial or personal interest in the observed fishery, specifically including, but not limited to, any financial or personal interest, financial or otherwise, in the vessel or shorebased facility to which he or she is assigned.

The motion was seconded by Henry Mitchell and failed, 7 to 4, with Behnken, Mitchell, Pereyra and Lauber voting in favor.

At this point, the Council recessed for the evening. The following morning, staff provided a summary sheet of points needing clarification on the Research Plan. The previous motions were withdrawn and the Council worked from the sheet provided by staff.

Issue 1: Defining "Observed Fishery".

Henry Mitchell moved to adopt the following: Conflict of interest standards and financial or personal interest only apply to the vessels or plants being observed. The motion was seconded by Linda Behnken and carried, 9 to 2, with Millikan and Pereyra voting against.

Issue 2: Incomplete and contradictory definitions of "financial and personal interest."

Henry Mitchell moved to adopt the following: "Financial or personal interest" means any source of income to, or capital investment or other interest held by an individual, partnership, or corporation or an individual's spouse, immediate family, or significant other living within the same household. The motion was seconded by Clem Tillion, but was subsequently withdrawn in favor of a new motion.

Bob Alverson moved to adopt the following: "Financial or personal interest" means any source of income to, or capital investment or other interest held by an individual, partnership, or corporation or an individual's spouse, immediate family member, parent, or significant other living within the same household. The motion was seconded by Steve Pennoyer and carried without objection.

Issue 3: Placing restrictions on observers who choose to work in the observed fishery.

Bob Mace moved to adopt the following: A certified observer may not serve as an observer for twelve consecutive months after the last day of employment as a paid crew member or employee in the observed fishery. The motion was seconded by Bob Alverson.

After some discussion, Mr. Mace moved to substitute the following:

A certified observer may not serve as an observer on any vessel or at any shorebased facility owned or operated by a person (as that term is defined at 50 C.F.R. §620.2) who formerly employed the observer, for a period of 12 months after being employed by that person. The motion was seconded by Henry Mitchell and carried without objection.

Issue 4: Prohibiting observer contractors from assigning observers in response to requests for or against a specific individual or specific gender, race, creed or age of individual.

Bob Mace moved to adopt the following:

A certified observer contractor --

- 1. shall assign observers without regard to any preference by representatives of vessels and shoreside facilities for or against a specific observer;**
- 2. shall assign observers without regard to any preference by representatives of vessels and shorebased facilities for or against any classification of observers based on race, gender, age or religion.**

The motion was seconded by Oscar Dyson and carried without objection.

C-2 Community Development Quotas

The Council teleconferenced to review community development quota allocations for pollock on November 25, 1992 and approved the Governor's recommended allocations. Fishing was scheduled to commence as soon as the allocations were published in the *Federal Register*.

The final rule for CDQs provides that all existing federal regulations will apply to the harvest of CDQs in 1993 except that an offshore vessel in the CDQ program can fish in the CVOA even when the area is closed to the offshore component. CDQ harvests may occur during or between the A and B seasons, depending on the approved seasonal CDQ allocations. CDQ harvests cannot commence for 1993 until after the A season begins on January 20. CDQ vessels must have 100% observer coverage and submit daily observer and vessel production reports.

In September the Council stated its intent to consider various alternatives for the CDQ fisheries for 1993, i.e., must CDQ allocations be fished in the same seasons and proportions as the olympic pollock fishery, and if some or all of the CDQ allocation can be fished during the roe season, should that be subtracted from the 40% of the pollock available to the olympic system during the roe season? The Council was also scheduled to determine the harvest split between the A and B seasons and a proposed groundfish plan amendment assigning PSC bycatch to inshore, offshore, and CDQ fisheries under other agenda items.

There was no SSC report on this agenda item.

Report of the Advisory Panel

The AP recommended the Council split the 1993 CDQs identical to the open fishing for A and B seasons and recommended the A season apportionment of CDQ pollock be made outside of the open A season fishery (so there is no reduction in the A season amount in the open fishery).

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COUNCIL DISCUSSION AND ACTION

The Council confirmed their intent that the CDQ fisheries operate as stated above. However, Ron Berg pointed out that the final regulations are written, for enforcement purposes, so that offshore components involved in CDQ fisheries cannot fish within the CVOA until the offshore component has completed the B season.

Clem Tillion moved that the pollock allocation be split 45%/55% for the A and B seasons, respectively. The motion was seconded by Henry Mitchell and carried without objection.

The Council also stated their intent that CDQ fisheries could be prosecuted any time after January 20, but they cannot exceed the "A" season quota before April 15.

C-3 Committee Memberships

The following persons were appointed to the Advisory Panel and Scientific and Statistical Committee for 1993:

Advisory Panel

John Bruce
Al Burch
Phil Chitwood
Phillip Drage
Tom Elias
Dan Falvey
Dave Fraser

Kevin Kaldestad
David Little
Pete Maloney
Dean Paddock
Penny Pagels
Bryon Pfundt
Perfenia Pletnikoff

John Roos
John Sevier
Harold Sparck
Mick Stevens
Beth Stewart
John Woodruff
Robert Wurm

Scientific and Statistical Committee

Bill Aron
Bill Clark
Keith Criddle
Doug Eggers
F.H. "Bud" Fay
Larry Hreha
Dan Huppert

Rich Marasco
Marc Miller
Terry Quinn/Al Tyler
Phil Rigby
Jack Tagart

C-4 MFCMA Reauthorization

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

C-5 Other Business

The Council received a request from the residents of Savoonga and Gambell on St. Lawrence Island for the Council to endorse a change in the halibut regulations which would allow them a fishing season from June 1 to September 30, include a separate registration area, implement a 6,000 lb. trip limit, and a 100,000 lb. quota.

The Council briefly discussed the proposal, however noted that it arrived too late to be analyzed for a recommendation to the IPHC at the annual meeting and took no action.

D. FISHERY MANAGEMENT PLANS

D-1 Final Groundfish Specifications for 1993

(a) Assumed mortality rates for halibut.

The Council received a report from Bob Trumble, IPHC staff, regarding their estimates of halibut mortality. During Council discussion of a careful-release regulatory amendment, Mr. Trumble advised the Council of IPHC's support of such methods and ways in which they will work with the Council on discard mortality rates.

The Plan Team, based on a study of release condition factors prepared by the IPHC and NMFS, recommended that in 1993 the fisheries be managed using fishery-specific assumed discard mortality rates as follows:

Bering Sea/Aleutian Islands Trawl Fisheries:

- Midwater pollock - 80%
- Atka mackerel, rock sole, yellowfin sole, and other flatfish - 70%
- Pacific cod, bottom trawl pollock, and rockfish - 60%
- Arrowtooth flounder, Greenland turbot, and 'other species' - 40%

Gulf of Alaska Trawl Fisheries:

- Midwater pollock - 75%
- Rockfish, shallow water flatfish, and 'other species' - 60%
- Pacific cod, bottom trawl pollock, and deepwater flatfish - 55%

Bering Sea/Aleutian Islands Hook and Line Fisheries: All targets - 20%

Gulf of Alaska Hook and Line Fisheries:

- Pacific cod and rockfish - 16%
- Sablefish - 25%

BSAI and GOA Pot Fisheries: All targets - 5%

Report of the Scientific and Statistical Committee

After hearing testimony questioning the substantially increased hook and line halibut mortality estimates in the Gulf of Alaska sablefish longline fishery between 1990 and 1991, the SSC discussed possible causes, including sampling bias. While the SSC was not able to identify a specific cause for the increased discard mortality rate observed in the longline fishery, they noted that it is possible that because many operators do not bring halibut on board, there is a possibility of bias since samples are only being taken consistently from only a few vessels. The SSC suggested that NMFS and IPHC review the observer database and methods to determine if sampling problems explain the changes between 1990 and 1991 estimates. The SSC strongly supports the IPHC longline discard study proposed for 1993 as a high research priority.

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Report of the Advisory Panel

For the trawl fisheries the AP endorsed the numbers recommended by IPHC/NMFS (same as the Plan Team's recommendations). For the longline fleet, the AP recommended using an average of the numbers recommended by IPHC/NMFS and those used for 1992. The AP also recommended that careful release techniques be encouraged so these rates can be reduced. The AP believes that while the 1991 data are the most current available, that in 1992 techniques were used which will reduce mortality rates.

COUNCIL DISCUSSION AND ACTION

Steve Pennoyer moved to adopt the Advisory Panel's recommendations for halibut discard mortality rates in the 1993 Bering Sea/Aleutian Islands and Gulf of Alaska trawl fisheries, by target fisheries as recommended by the IPHC/NMFS and plan teams. The motion was seconded and carried without objection.

Bob Alverson moved to adopt the Advisory Panel's recommendations for halibut discard mortality rates in the 1993 Bering Sea/Aleutian Islands and Gulf of Alaska hook and line fisheries, by target fisheries as suggested by the plan team. The motion was seconded by Wally Pereyra and carried without objection.

(b) Gulf of Alaska Rockfish Management

The Council received a staff overview of several reports prepared for the Gulf of Alaska Rockfish Committee and distributed to Council members. In light of the Council's initiation of long-term management planning for rockfish, the GOA Plan Team gave special attention to the subject during their November meeting. They reviewed the latest stock assessment information for all rockfish species/complexes and reviewed a draft analysis of stock projections for POP under four alternative exploitation strategies.

Report of the Rockfish Committee

The Council's GOA Rockfish Committee also met in November and were provided the same information described above. The Committee was unable to arrive at a consensus on any rebuilding goals for POP, but came to the following recommendations for the Council:

1. For 1993, the $B_{35\%}$ target level (of female spawning biomass) is considered appropriate for POP, and the $F_{35\%}$ (adjusted downward) is an appropriate strategy for attaining this target biomass level. However, the Committee is concerned whether the $B_{35\%}$ (or $F_{35\%}$) strategy is appropriate for a long-lived, slow growing species like rockfish. The Plan Teams should strive to evaluate this strategy on an annual basis to determine if this is an appropriate strategy for rockfish. Other targets, such as $B_{40\%}$ for example, should continue to be evaluated in the future. The strategy employed by the Plan Team for 1993 is based on an estimate of virgin biomass in 1960; any exploitation strategy chosen may be vulnerable to the accuracy of this estimate.
2. The Committee recognizes that the stock projections provided are not guarantees and that shorter term harvests could be foregone without long-term benefits to the stock. However, the risk of the stocks going down are minimized by the recommended strategy. The

Committee recommends to the Council that an economic analysis be conducted which examines the possible impacts and tradeoffs associated with the four exploitation strategies depicted in the paper by John Heifetz. The Council should identify specific goals with regard to this stock and develop full biological and economic analyses if further rebuilding is specified.

3. The Council should take all reasonable measures to ensure that the ABCs are not exceeded, for rockfish as well as other species.
4. The Committee strongly supports the efforts of the Center's Rockfish Working Group to further define the biological parameters for these species and to develop appropriate assessment methodologies. The Council should strive to facilitate the activities of this Group in any way that it can.

Report of the Scientific and Statistical Committee

The SSC reviewed the documents available, particularly on the determination of rockfish ABCs and agreed, in general, with the plan team's recommended ABCs. The SSC reaffirmed its previous statement that ABCs should take into account all fishing mortality, including undocumented bycatch. The need for reduced rockfish TACs was discussed by the SSC, and, although the issue of a rebuilding schedule was not specifically addressed, the SSC agreed that the $F_{35\%}$ exploitation rate does provide for some stock growth. The SSC stressed that further analyses on the issue of rebuilding will be required in order to determine appropriate objectives and benefits and costs of various options.

Report of the Advisory Panel

The AP recommended the Council initiate a regulatory amendment to redefine/reevaluate directed fishing standards to reflect true unavoidable bycatch of rockfish and prevent topping off. They also recommended the Council initiate a regulatory amendment to require unobserved vessels to retain all rockfish. Adequate enforcement guidelines to maintain the directed fishing standards should be analyzed as well.

COUNCIL DISCUSSION AND ACTION

The Council took this item up after they had finalized the 1993 groundfish harvest allocations for the Gulf of Alaska. Council members agreed that a rebuilding schedule for POP should be pursued. Several motions were made in an attempt to arrive at actual rebuilding rates and schedules; however it was pointed out that any analysis will have to include several viable alternatives and that the Council cannot make that decision at this point. The specific motions were withdrawn from the floor in favor of a suggestion by Steve Pennoyer:

Steve Pennoyer moved that the Council direct staff to report in January on rockfish species in the Gulf of Alaska that may need rebuilding. The Council can then choose the scope of the amendment and possible alternatives to be considered. The motion was seconded and carried without objection.

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(c) Setting a Buffer Between ABC and TAC

The Council received a letter from the Commissioner of the Alaska Department of Fish and Game urging them to adopt a policy of setting a buffer between ABC and TAC, not only for rockfish, but for all species. The Commissioner stated that when TACs are equal to ABCs, then the ABC often becomes the target harvest level, leaving a potential to exceed the ABC. This is unacceptable, particularly in cases where the ABC is equal to the overfishing level.

The Council took no action on this policy proposal.

(d) Gulf of Alaska 1993 Groundfish Specifications

The Council received the final SAFE document and the draft Environmental Assessment for the 1993 Gulf of Alaska groundfish TACs, in addition to a review of the status of stocks by plan team members. The Council approved the EA for the 1993 groundfish TACs for both the Gulf of Alaska and Bering Sea/Aleutian Islands groundfish FMPs. The Plan Team, SSC and AP recommendations for the 1993 ABCs and TACs are found in Appendix II to these minutes.

SSC comments specific to each species are found in the SSC Minutes, Appendix III, and AP comments are found in Appendix IV.

COUNCIL DISCUSSION AND ACTION

Council discussion centered mainly on pollock and the rockfish species. With regard to pollock, the SSC recommended an "ecosystem ABC" for the Western and Central Gulf because of uncertainties regarding the ecosystems and the decline of marine mammals and sea birds that prey on pollock, especially in light of a low probability of recruitment of a strong year class, continued declines in spawning biomass, disproportionate targeting on older fish, and the change in the age at maturity for pollock.

Many Council members felt that the "ecosystem" aspect has been taken into consideration by spreading out the pollock fishery over time and by closures around the sea lion rookeries. It was also pointed out that the Plan Team addressed the issue by using a conservative exploitation rate for pollock.

GOA ABCs

The Council worked from a framework motion to approve the ABCs as recommended by the SSC. Only one amendment was made to the SSC's recommendations for ABCs:

Bob Mace moved that the pollock ABC for the Western and Central Gulf of Alaska be set at 157,000 mt. The motion was seconded by Oscar Dyson and carried, 9 to 2, with Hegge and Pennoyer voting against.

The main motion to approve the ABCs recommended by the SSC, as amended, carried without objection.

The Council noted that the Plan Team's final recommendation of 206,400 mt for the pollock ABC was much higher than their preliminary recommendation in September although there had been no

noted change in stock status. It was explained that the new ABC was based on a higher optimal exploitation rate. The Council chose to approve a lower ABC because of uncertainty with the stock assessment model. The 157,000 mt in Mr. Mace's motion was the SSC's recommendation for a stock-specific ABC for the Western and Central areas of the Gulf of Alaska. The SSC had also recommended a lower, 'ecosystem ABC' of 111,000 mt; however, the Council preferred to address this under the TAC-setting process.

GOA TACs

The Council worked from a framework motion to approve the AP's recommendations for the 1993 GOA TACs. The Council approved the lower pollock TAC of 114,400 mt recommended by the AP to acknowledge the ecosystem concerns of the SSC, including protection of marine mammals. The following amendments to the AP recommendations were made:

Clem Tillion moved to amend to set the TAC for Pacific ocean perch at 2,560 mt (for bycatch only). The motion was seconded by Ron Hegge and carried, 6 to 5, with Mace, Millikan, Mitchell, Berg (for Pennoyer) and Pereyra voting no.

Mr. Tillion said the rationale would be to allow for bycatch so there wouldn't be any unnecessary waste, and to allow for rebuilding of the stocks.

Clem Tillion moved to amend to set the TAC for other slope rockfish at 5,383 mt. The motion was seconded by Ron Hegge and carried, 6 to 5, with Mace, Millikan, Mitchell, Berg (for Pennoyer) and Pereyra voting no.

Wally Pereyra moved to amend to set the TAC for demersal shelf rockfish at 600 mt and that it be designated bycatch only. The motion was seconded by Bob Alverson.

Mr. Pereyra expressed concern over the recommended increase of 52.5% over last year. It has been recognized that there may be a significant amount of bycatch in the halibut fishery that has not been reported.

It was pointed out that this fishery is managed by the State and the Council or NMFS cannot designate it bycatch only.

The motion failed, 9 to 2, with Alverson and Pereyra voting in favor.

Wally Pereyra moved to increase the arrowtooth flounder TAC to 100,000 mt. The motion was seconded by Henry Mitchell.

Mr. Pereyra said that he thinks fisheries-related effects on the ecosystem have contributed to an unnaturally large increase in arrowtooth and this will affect other fisheries in a negative way. He has concerns about their consumption of pollock, shrimp and crab in the Gulf of Alaska. Council members expressed concern about bycatch implications, particularly of rockfish and cod, of this increased TAC.

The motion failed, 9 to 2, with Mitchell and Pereyra voting in favor.

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The main motion, as amended, carried, 10 to 1, with Pereyra voting against. [Final Council-approved ABCs, TACs, etc. are found in Appendix V to these minutes.]

It was clarified that although the AP recommendation specified bycatch only for the shorttraker and thornyhead rockfish species, the Council was not specifying them as such. They preferred to set the TAC at an appropriate level and allow the Regional Director the latitude to allow a directed fishery later in the year if he determined it feasible.

Later in the meeting, Steve Pennoyer asked the Council to consider a concern the plan team pointed out with regard to the "Other Species" category. The Plan Team recommended that the "Other Species" TAC be divided proportional to the aggregate TACs of different species throughout the three Gulf of Alaska regulatory areas so that attainment of bycatch in one area will not shut down the fisheries in all areas. There is concern that the level of bycatch for the rockfish species in the Gulf of Alaska is caused by the current directed fishing standards for other fisheries being too high.

Steve Pennoyer moved to direct NMFS to draft a regulatory amendment for Council review at the January meeting to deal with the directed fishing standards for rockfish in the Gulf of Alaska. The motion was seconded by Bob Mace and carried without objection. In January the Council will review the draft amendment and determine whether to proceed with an emergency rule.

Gulf of Alaska Halibut PSC Apportionments

Steve Pennoyer moved to approve the AP's recommendations for halibut PSC apportionments in the Gulf of Alaska for 1993:

**Trawl gear: 600 mt (1st quarter)
 400 mt (2nd quarter)
 600 mt (3rd quarter)
 400 mt (4th quarter)**

**Longline gear: 200 mt (January 1-July 14)
 500 mt (May 15-August 31)
 50 mt (September 1-end of season)**

The motion was seconded by Oscar Dyson and carried without objection. Mr. Pennoyer clarified that the 10 mt for the DSR fishery would come out of the third trimester longline allowance, but could be used at any time, and that pot gear would be exempt from a cap.

(d) Bering Sea/Aleutian Islands 1993 Groundfish Specifications

The Council received the final SAFE document and the draft Environmental Assessment for the 1993 Bering Sea/Aleutian Islands groundfish TACs, in addition to a review of the status of stocks by plan team members. The Council approved the Environmental Assessment for the 1993 groundfish TACs for public review. The Plan Team, SSC and AP recommendations for the 1993 ABCs and TACs are found in Appendix II to these minutes.

SSC comments specific to each species are found in the SSC Minutes, Appendix III, and AP comments are found in Appendix IV.

COUNCIL DISCUSSION AND ACTION

ABCs

Bob Mace moved to adopt the ABCs recommended by the SSC (with the ABC for Atka mackerel set at 117,100 mt). The motion was seconded by Henry Mitchell and carried without objection.

The SSC had expressed concern over the disproportionate harvest of Atka mackerel in the eastern Aleutian area and recommended that until a plan amendment to split the Aleutian area into eastern and western regulatory areas is approved, that the ABC be restrained to an amount acceptable for the eastern area, 32,100 mt. Development of a plan amendment was approved by the Council in September, however it has not yet been completed for Council review. The Council decided, with reference to Atka mackerel, to leave the ABC at 117,100 mt and set the TAC at a lower amount. When the plan amendment is implemented, then the Regional Director would have the ability to respecify the ABC between the areas.

TACs

Henry Mitchell moved to adopt the AP recommendations for TAC (see Appendix II). The motion was seconded by Bob Alverson.

Using this as a framework motion, the Council made the following amendments to the TACs recommended:

Henry Mitchell moved to amend to increase the pollock TAC to 1.3 million mt. The motion was seconded by Bob Mace.

Mr. Mitchell said the resource seems to be in good shape and he believes the marine mammal issue has been taken into consideration. The industry needs this amount of pollock to maximize their efficiency. Mr. Alverson said he would prefer the AP's recommendation of 1.2 million mt because of the lower biomass.

The motion carried, 6 to 5, with Alverson, Behnken, Hegge, Pennoyer, and Lauber voting no.

Wally Pereyra moved to raise the Pacific cod TAC to 164,500 mt, equal to the ABC. The motion was seconded by Bob Mace and carried without objection.

Wally Pereyra moved to reduce the yellowfin sole TAC to 200,000 mt. The motion was seconded by Bob Alverson and carried without objection.

Wally Pereyra moved to set the Atka mackerel TAC at 52,000 mt. The motion was second by Clem Tillion.

Clem Tillion moved to substitute 32,000 mt. The motion was seconded and carried without objection.

The main motion, as amended, carried without objection.

Later in the meeting a motion to reconsider the yellowfin sole TAC was approved.

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Bob Mace moved to increase the yellowfin sole TAC to 220,000 mt. The motion was seconded by Bob Alverson and carried without objection.

The amended TACs were approved without objection. [Final Council-approved ABCs and TACs are found in Appendix V.]

Seasonal Allocation of Pollock to A & B Seasons

Wally Pereyra moved to allocate the BSAI pollock for 1993 as follows: 45% for the A season and 55% for the B season. The motion was seconded by Al Millikan and carried, 8 to 3, with Behnken, Hegge and Lauber voting against.

Wally Pereyra moved to direct staff to begin preparation of an FMP amendment to framework the ability to set the beginning date of the pollock A season. The motion was seconded by Henry Mitchell and carried without objection.

PSC Apportionments

Bob Alverson moved to adopt the AP's recommendations for the 1993 BSAI trawl PSC apportionments and seasonal allowances (see Appendix II). The motion was seconded by Bob Mace.

Wally Pereyra moved that the Pacific cod halibut cap be raised from 950 mt to 1,192 mt. The motion was seconded by Bob Mace.

Bob Alverson moved to substitute 1,000 mt. The motion was seconded by Linda Behnken and carried, 6 to 5, with Mace, Millikan, Mitchell, Berg (for Pennoyer) and Pereyra voting against.

Bob Mace moved to deduct 50 mt (the difference between the original 950 mt and the approved 1,000 mt) proportionately from the halibut caps of the remaining categories. The motion was seconded by Bob Alverson and carried without objection.

The main motion carried, as amended, without objection.

Bob Alverson moved to adopt the AP's recommendations for the 1993 BSAI non-trawl PSC bycatch allowances (see Appendix II). The motion was seconded by Bob Mace. The motion was clarified to include the recommendation that there would be no seasonal apportionment of the PSC, and that there would be an exemption for pot gear for 1993 only.

VIP Incentive Rates

Bob Alverson moved to adopt the AP's recommendations for the Vessel Incentive Program rate standards for 1993 (see Appendix II). The motion was seconded by Linda Behnken and carried without objection. [Final Council-approved PSCs and VIP rates are found in Appendix V.]

D-2 Groundfish Regulatory Amendments - Final Review

(a) Pollock B Season Delay

A revised analysis was sent out for public comment following the September Council meeting. The Council received an overview of the document from the drafters, Drs. Terry Smith and Matt Berman of the University of Alaska's Institute for Social and Economic Research.

Report of the Scientific and Statistical Committee

The SSC reviewed the revised analysis and noted that the authors stated that, ". . .delaying the pollock "B" season has little substantive effect on overall groundfish catch and the bycatch of prohibited species with the exception of herring." They also noted that the analysis indicates, ". . .although total groundfish tonnages, net revenue, bycatch amounts, bycatch impact costs, and net bycatch costs vary among alternatives, the magnitude of the predicted changes are small relative to overall catch and bycatch levels and are likely within the precision of the data used to estimate the model." The SSC made no recommendation as to whether the amendment should be approved, however they once again stressed that the model used is poorly documented and should be fully evaluated. Until that time they recommended the Council use caution in evaluating the results obtained from it.

Report of the Advisory Panel

The AP recommended the Council set the start of the pollock "B" season to August 15. Most AP members felt this date best accounted for and balanced all the factors and needs of the industry.

COUNCIL DISCUSSION AND ACTION

During the review of the analysis by the authors the Council felt the information gathered and analyzed was sufficient to use in determining the costs and benefits of the proposed change.

Bob Mace moved to adopt the AP's recommendation of an August 15 opening date for the pollock B season. The motion was seconded by Wally Pereyra.

Council members felt this date would increase the size and value of the pollock harvested resulting in fewer small pollock being harvested and discarded and would allow catcher processors the opportunity to participate in salmon processing during the summer months. The August 15 date will also be early enough so that smaller boats could avoid the poor weather later in the year.

Oscar Dyson moved to table the motion until after the Council discussed the Exclusive Registration amendment. The motion was seconded and failed, 6 to 5, with Behnken, Dyson, Hegge, Tillion and Lauber voting in favor.

The main motion carried without objection.

(b) Gangion Cutting-Careful Release Amendment

IPHC has indicated they will consider lower mortality rates only if a regulation requiring gangion-cutting and careful release methods is implemented.

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The SSC did not consider this agenda item.

Report of the Advisory Panel

The Advisory Panel unanimously recommended the Council approve Alternative 3 for all retainable halibut on all hook and line vessels in the Gulf of Alaska and Bering Sea/Aleutian Islands. Alternative 3 states:

Amend the Federal Regulations to require that halibut caught on groundfish hook and line gear be released outboard of the roller by cutting the gangion as close to the hook as possible or by carefully removing the hook with a gaff in a way that does not add injury to the halibut, and without penetrating the halibut with the gaff.

COUNCIL DISCUSSION AND ACTION

Bob Alverson moved to adopt the AP's recommendation, Alternative 3 (shown above). The motion was seconded and carried unanimously.

The Council felt that the analysis, presentations by IPHC staff, and public comment supported the proposal. They feel the regulation should reduce the mortality rate of discarded halibut, and allow more harvest of Pacific cod and other groundfish.

Ron Hegge moved to recommend to the Secretary that the regulation be implemented by Emergency Rule. The motion was seconded by Bob Alverson and carried 10 to 1, with Pereyra voting against.

The Council cited the fact that analysis of observer data has indicated that halibut are not being released in the manner previously thought and that there is more than likely a higher mortality rate than previously assumed. There is not enough time to implement the regulatory amendment for the January 1 season opening and without the amendment in place there may be damage to the halibut resource. By reducing halibut mortality industry will also be better able to attain the OY in groundfish fisheries.

(c) Define Legal Gears in the FMPs

This agenda item was deferred because of a lack of time.

(d) Enforcement Standards for Performance-based Pelagic Trawl Definition

In September the Council recommended that NMFS proceed with a proposed rule to implement a performance-based pelagic trawl definition, in addition to the definition based on gear configurations. NMFS staff advised the Council that the Proposed Rule had not yet been published. As proposed, the standards for violation, when waters are closed to non-pelagic gear, would be 20 crabs in a haul. The crabs would have to be intact and with a carapace width of greater than 1.5 inches. NOAA General Counsel has indicated concern that the regulation allows only one crab per haul, but enforcement standards are 20 crab per haul to avoid the "instant bandit" situation.

Report of the Enforcement Committee

The Committee was also concerned about the inconsistency between the regulation and the enforcement standards. They also discussed the extent to which the proposed regulations and enforcement standards would be in conflict with State of Alaska prohibitions on bottom trawling which disallow on-bottom trawling and enforcement is based on physical evidence that the trawl was in contact with the bottom. The Committee recommended proceeding with that portion of the proposed regulation based on gear configuration and withholding the performance-based definition for further evaluation.

The SSC and AP did not consider this agenda item.

COUNCIL DISCUSSION AND ACTION

Steve Pennoyer advised that the 20-crab enforcement provision has been withdrawn from the proposed rule.

Wally Pereyra moved to send the proposed rule forward with the pelagic trawl description as previously adopted, using the performance-based approach provided by NMFS. The motion was seconded by Oscar Dyson and carried without objection. Mr. Pereyra indicated that he made the motion assuming that the definition can be modified during the specification process.

Ron Hegge moved to recommend adoption of the definition by Emergency Rule. The motion was seconded by Wally Pereyra and carried, 10 to 1, with Alverson voting no.

Council members noted that without the rule in place there may be some serious conservation and management problems in the fishery. High rates of halibut bycatch force industry to go to a pelagic trawl and the existing regulation defining pelagic trawl does not stop the mortality of halibut. If rates are not brought down, industry will exceed the halibut caps again, against Council and IPHC wishes to conserve halibut. Although the situation has been apparent for some time, the Council has not been able to devise a solution until now and wants NMFS to move quickly to implement it.

(e) Comment on Proposed Rule for Hook and Line Longline Fair Start Provisions

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

(e) Comment on Proposed Rule for Delay of the GOA 2nd Quarter Pollock Season

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

D-3 Groundfish Plan Amendments - Final Rule

(a) Pribilof Island Trawl Closure

The Council received information from ADF&G staff that they would like to supplement the analysis before Council action. Earl Krygier, ADF&G, indicated that the major author of the analysis is no longer available and that they are looking for an economist to complete the project.

The SSC did not address this agenda item.

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Report of the Advisory Panel

The AP unanimously recommended the Council send the EA/RIR back to the preparers for more development in several areas:

1. the proposed closure area should relate more to the expressed problem, blue king crab;
2. the document should have the cost-benefit analysis related to just the affected closed areas and not the entire Bering Sea;
3. more information on seabirds and marine mammals;
4. CPUE data should be used in establishing closure areas;
5. the effect of fisheries other than trawling on blue king crab;
6. data on pollock size, if available, from the proposed closure area vs outside of it.

COUNCIL DISCUSSION AND ACTION

The Council heard staff reports and public testimony on this agenda item and agreed to ADF&G's request to continue working on the analysis. ADF&G will have a report on the status of the analysis at the next meeting.

(b) Exclusive Registration Areas

A revised analysis was sent out for public comment following the September Council meeting. The Council received an overview of the document from the drafters, Drs. Terry Smith and Matt Berman of the University of Alaska's Institute for Social and Economic Research.

Report of the Scientific and Statistical Committee

The SSC evaluated the two parts of the analysis - benefit/cost and economic impact. The SSC did not have a recommendation as to whether the proposal should be approved; however they stressed once again that the model used for the economic assessment, the Alaska Fisheries Economic Assessment Model, is not an acceptable scientific tool of analysis. However, the SSC was pleased with the use of a "choice" model used on the cost/benefit analysis portion of the document and felt that the direction of change in economic benefits predicted is reasonable under the assumptions and that the magnitude is reasonable.

Report of the Advisory Panel

The Advisory Panel recommended the Council establish an exclusive registration program for pollock trawl vessels for Gulf of Alaska management areas 62 and 63 (147°W - 159°W).

COUNCIL DISCUSSION AND ACTION

Oscar Dyson moved adoption of the Advisory Panel recommendation for exclusive registration areas in the Gulf of Alaska for the pollock trawl fishery with a sunset date to coincide with the sunset of the inshore-offshore regulations. The motion was seconded by Clem Tillion.

Clem Tillion moved to apply exclusive registration for pollock trawl to the entire Gulf of Alaska. The motion was seconded by Wally Pereyra and carried, 7 to 4, with Mace, Millikan, Mitchell and Pennoyer voting against.

Clem Tillion moved to include all groundfish. The motion was seconded by Oscar Dyson and failed, 8 to 3, with Behnken, Dyson and Tillion voting in favor.

Henry Mitchell moved to exclude the Eastern regulatory area. The motion was seconded and carried without objection.

The main motion, as amended, carried 10 to 1, with Alverson voting against.

(c) Inshore-Offshore CDQ Bycatch (Amendment 25)

In June the Council asked staff to prepare an amendment which would include alternatives to allocate the pollock fishery prohibited species catch limit allowances among the three pollock allocation fisheries established by Amendments 18 and Revised 18. A draft analysis was reviewed in September and after changes and additions were made according to Council direction, the analysis was sent out for public comment.

The amendment included the following alternatives:

Alternative 1: Status quo: no explicit allocation of the pollock fishery PSC allowances among the three pollock allocation fisheries. Once a PSC allocation is taken, the appropriate pollock fishery would be closed to all three pollock allocation groups.

Alternative 2: would make three changes to the existing bycatch management regime:

- 1. Establish separate PSC allowance fisheries for:**
 - Atka mackerel/other groundfish,**
 - bottom trawl pollock, and**
 - midwater pollock.**

- 2. Establish the authority for the Secretary, in consultation with the Council, to determine whether the attainment of either the halibut or crab PSC allowance for the midwater pollock fishery would trigger a closure of that fishery, and similarly whether the attainment of the halibut, crab or herring PSC allowance for the Atka mackerel/other groundfish fisheries would trigger a closure of those fisheries.**

- 3. Establish an explicit allocation of each pollock fishery PSC allowance among the three pollock allocation fisheries. That is, the onshore processing, at-sea processing, and CDQ pollock fisheries, would each receive a fixed percent of the midwater and bottom trawl allowances for crab, halibut and herring. The formula to be used annually to set the percent for each PSC allowance and each pollock allocation fishery would be specified in the regulations. For 1993 and until changed, the PSCs would be distributed in proportion to the expected pollock catch in each fishery.**

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Alternative 3: Similar to Alternative 2, but would apply only to the herring PSC limit and allowances. It would establish Atka mackerel/other groundfish and bottom trawl pollock as separate PSC allowance fisheries for herring. It would establish explicit allocations of the bottom trawl and midwater trawl pollock fishery herring PSC allowances among the three pollock allocation fisheries.

Options that could be added to Alternative 2 or 3, requested at the September meeting, are listed below:

1. Each CDQ allocation of a pollock fishery PSC allowance would be allocated explicitly among the individual Community Development Programs.
2. Exempt CDQ pollock fisheries from the PSC limit closures.
3. Eliminate the primary halibut PSC limit that closes Zones 1 and 2H, but retain the overall halibut PSC limit that closes the entire BSAI.

The SSC did not address this agenda item.

Report of the Advisory Panel

The AP unanimously recommended the Council apportion the pollock PSC caps between CDQ and combined inshore/offshore fisheries based on their proportion of the pollock quota. The AP wants the CDQ fisheries to have separate quotas but thinks all other fishing should work out of the same pool. The AP also recommended that the Council adopt option 3 under Alternative 3, to eliminate the primary halibut PSC caps that close Zones 1 and 2H.

COUNCIL DISCUSSION AND ACTION

Bob Alverson moved to adopt the AP recommendation, except that with reference to the recommendation on Zones 1 and 2H, the Council would have the ability, on an annual basis, of reimposing the zones if it was deemed necessary. The motion was seconded by Linda Behnken.

During discussion of the motion, Clem Tillion noted that the State would prefer that the PSC allocations to CDQ fisheries be allocated to each recipient in proportion to their pollock allocation.

Bob Alverson moved to amend to include the intent that the CDQ PSC be allotted to each operation, proportional to their pollock allocation. The motion was seconded by Henry Mitchell and carried, 10 to 1, with Pereyra voting against.

Lisa Lindeman expressed concern over assigning PSCs in this manner. If a CDQ fishery has only a few vessels in it, they may be a problem with closing a fishery on the basis of undebriefed observer data; similar to the problem they had with the "penalty box" program. However, Ms. Lindeman said that it is possible that by the time is regulation is implemented the Observer Program can assure the reliability of data to shut down fisheries on information gathered.

The main motion, as amended, carried without objection.

D-4 Groundfish Plan Amendments - Initial Review

The Council was scheduled to review a draft analysis for Bering Sea/Aleutian Islands salmon bycatch proposals. However, Council staff advised that the analysis by the State of Alaska is not yet complete. The Council will receive the draft EA/RIR before the end of December, for initial review at the January meeting.

D-5 Other Groundfish Issues

(a) Bycatch Management Planning

This item was for information only. The Council received a written report from the Bycatch Cap Committee.

(b) Permit Requests for Experimental Fishing

In September the Council reviewed a draft request for an experimental fishing permit to be requested by Terra Marine Research and Education. The permit would allow for limited retention of bycaught salmon and halibut to be distributed to needy persons through a network established by Terra Marine. The Council deferred action until the permit was formally submitted to the National Marine Fisheries Service.

Another permit request, submitted by the Alaska Fisheries Development Foundation (AFDF), was provided for Council comment. The request has been reviewed by the Regional Director and published in the *Federal Register*. The applicants requested a permit to harvest 750,000 pounds of arrowtooth flounder to demonstrate the feasibility of producing market grade arrowtooth surimi under commercial circumstances. The two vessels contracted for the project would employ observers throughout the harvest period.

The SSC did not address this agenda item.

Report of the Advisory Panel

The AP recommended Council approval of the AFDF permit request.

COUNCIL DISCUSSION AND ACTION

Terra Marine Permit

Steve Pennoyer advised the Council of several obstacles in approving the permit at this time, including the necessity for the IPHC to change their regulations in order to allow retention of trawl-caught halibut. The Council, although still in favor of the general concept, deferred a recommendation until specifics of the proposal are resolved and it is published in the *Federal Register*.

During Council discussion it was suggested that the Discards Committee should evaluate the proposal and make recommendations to the Council. The Council also discussed the problem with the IPHC regulations.

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Wally Pereyra moved to notify the U.S. section of the IPHC that the Council would like to see the relaxation or elimination of the trawl no-retention statute in the Commissions regulations. The motion was seconded by Oscar Dyson.

Henry Mitchell moved to amend the motion to ask the IPHC to allow for a three-year time period, the suspension of the trawl no-retention regulation for projects that utilize PSC bycatch but only if it goes into a Council-approved, non-profit food distribution effort. The motion was seconded by Rick Lauber.

Some members felt the first proposal was too broad in scope and that the IPHC would have a difficult time considering such a proposal. Dave Flannagan, NMFS-Enforcement, outlined current ways of distributing fish, seized for various violations, to needy organizations. Several Council members felt that this option should be pursued more vigorously.

Bob Mace moved to table the issue until the January Council meeting. The motion was seconded by Wally Pereyra and carried without objection.

AFDF Proposal

Henry Mitchell moved to recommend approval of the AFDF proposal for an experimental permit. The motion was seconded by Clem Tillion and carried without objection.

(c) Trawl Mesh Regulations

The Council received a proposal from the Highliners Association proposing trawl mesh regulations be implemented in North Pacific fisheries. The proposal noted the high bycatch of undersized fish (pollock) associated with the use of small mesh, multi-layered codends.

Representatives of the industry proposal asked the Council to give them an indication of whether this would be a feasible plan amendment. More work will need to be done by industry before it is submitted as an actual amendment proposal.

Report of the Scientific and Statistical Committee

The SSC reviewed the industry proposal and found it to have merit and recommended the Council study ways to implement the mesh-size proposal, including the possibility of an industry-organized voluntary compliance.

Report of the Advisory Panel

The AP unanimously supports study of trawl mesh regulations and development of a regulatory amendment for better, cleaner gear.

COUNCIL DISCUSSION AND ACTION

Oscar Dyson moved that it is the sense of the Council that this proposal would be a viable amendment. The motion was seconded by Ron Hegge and carried without objection.

It was noted that the Council could not address an amendment until at least April, but more information would be prepared for January.

(d) Preliminary Report on Subdividing Aleutian Region

The Council was scheduled to receive an update on the proposed amendment, however staff advised that work is not yet complete. The analysis will be available for review at the January meeting.

D-6 Staff Tasking

The Council received an update on current Council-initiated regulatory and plan amendments. Because of a lack of time, there was no discussion on this agenda item.

E. FINANCIAL REPORT

There was no financial report at this meeting.

F. GENERAL COMMENTS

Kate Graham, Chris Blackburn, and Steve Hughes advised the Council of their concern that the regulatory amendment for the trawl test areas will not be implemented in time for use before the 'A' season begins. Although it is too late for this particular amendment, they asked the Council to find a way to prevent amendments from being sidetracked in the future and to keep industry advised of the status of amendments. One suggestion was to publish the status of amendments on the NMFS bulletin board.

Mark Kandianis, a Kodiak scallop fisherman, told the Council that he is concerned because scallops are not covered by an FMP and therefore will not be included in the proposed moratorium for Council fisheries. The Alaska sea scallop fishery has been a small one, with a maximum of 19 vessels, and currently with less than ten active in the fishery. He and other scallopers are concerned about the potential for large numbers of new entrants into the fishery because of the moratorium on other fisheries coming into effect and asked the Council to address the problem. [The issue of scallop management is on the January Council agenda.]

G. CHAIRMAN'S REMARKS AND ADJOURNMENT

The Chairman announced the appointments to the AP and SSC for 1993 (see agenda item C-3) and adjourned the meeting at 11:53 a.m on Sunday, December 13, 1992.

