

North Pacific Fishery Management Council

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Certified *Richard B. Lauber*
Richard B. Lauber, Chairman *RL*

Date *January 28, 1992*

MINUTES

**97th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT Council
June 24-29, 1991
Anchorage Hilton Hotel
Anchorage, Alaska
and August 13-16, 1991
Juneau, Alaska**

The North Pacific Fishery Management Council met June 24-29, 1991 at the Anchorage Hilton Hotel in Anchorage, Alaska, continuing the meeting August 13-16, 1991, at the Baranof Hotel in Juneau, Alaska. The Advisory Panel and Scientific and Statistical Committee began on June 23. They did not reconvene in Juneau. Members of the Council, SSC, and Advisory Panel attending the meetings are listed below.

Council

Richard Lauber, Chairman
Joe Blum
CDR Joe Kyle for RADM Ciancaglini
Larry Cotter
Oscar Dyson
Bob Mace for Randy Fisher
Ron Hegge
Jon Nelson for Walter Stieglitz

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

NPFMC Staff

Clarence Pautzke, Executive Director
Steve Davis, Deputy Director
Judy Willoughby
Jim Cornelius
Brent Paine

Marcus Hartley
Helen Allen
Gail Peeler
Chris Oliver
Regina Stewart

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have fished in the area is continuing. Additionally, NMFS reported eight violations of halibut regulations and two of marine mammal regulations during this reporting period.

C. NEW OR CONTINUING BUSINESS

C-1 Sablefish Management

The Council received a report from NMFS on enforcement and implementation of a proposed IFQ program and considered approval of an IFQ system for sablefish for Secretarial review.

NMFS Report

NMFS staff reported that implementing IFQ programs for sablefish and halibut will be a complex task and the cost will be high; however, benefits to be gained might outweigh those costs. NMFS recommended that the Council create two ad hoc groups: one, organized by the Council, consisting of industry advisors from the sablefish and halibut longline industry; and a technical workgroup to be organized by the Alaska Region, NMFS. The proposed schedule would delay action on draft proposed rule language until the December 1991 Council meeting.

Report of the Scientific and Statistical Committee

The SSC endorsed the critical points summarized in the introduction of the SEIS/RIR/IRFA and highlighted several other issues for consideration: (1) concern that a continuation of open access for halibut PSC and species with small TACs taken as bycatch in the sablefish fishery could continue the race for fish and reduce the benefits of an ITQ system; (2) a pot fishery for Pacific cod would require a set-aside of part of the sablefish fixed gear TAC as retainable catch in the pot fishery, or sablefish incidental catch would have to be treated as a prohibited species; (3) to fully harvest the Pacific cod quota by longline vessels, sablefish would either have to be discarded or a system established to allow fishermen to purchase quota shares from other vessel classes; (4) a need for further development of the enforcement part of the implementation program.

Report of the Advisory Panel

The AP recommended the Council select a preferred alternative to be sent out for further public review and that two ad hoc groups be formed as suggested by NMFS.

COUNCIL DISCUSSION AND ACTION

The Council heard public testimony from over fifty individuals and groups on the supplemental SEIS/RIR/IRFA for sablefish management and were provided with written comments received on the document. Over twelve hours were spent in discussion and development of a preferred alternative. Larry Cotter offered a framework motion, seconded by Clem Tillion, which was reviewed, section by section, and amended to develop the Council's preferred alternative. It was the Council's intent that this preferred alternative be circulated for public review prior to final consideration at the September Council meeting. The preferred alternative (Appendix II to these minutes) was approved by a vote of 8 to 3, with Dyson, Mace and Pereyra voting against. The Council voted to express their desire to seek ways to generate funding from the IFQ program to defray costs of implementation and enforcement. They noted that this could be through a fee on the transfer of IFQs or some other

mechanism, but would likely require a change in the Magnuson Act. The Council asked that public comment be solicited on this subject.

C-2 Inshore-Offshore Allocation

The Council was scheduled to select a preferred alternative for inshore-offshore allocation for Secretarial review. The SEIS/RIR/IRFA and two addenda were circulated for a 30-day public review period prior to the Council meeting.

Report of the Scientific and Statistical Committee

The SSC supported the conclusion of the SEIS that the alternatives under consideration do not address the underlying conditions that caused the preemption problem. The SSC stated that open access competition for fish will, even with allocation between inshore and offshore segments of the fishery, lead to additional increases in catching and processing capacity. They suggested that a comprehensive examination of benefits and costs of the alternatives under consideration would be required before they could indicate which of the alternatives would result in the highest net regional or national benefit.

Report of the Advisory Panel

The Advisory Panel recommended that the Council adopt Alternative 3.3, including the Council's list of working definitions and assumptions and the Bering Sea inshore/offshore operational area. The AP approved a community development option but wished to make it clear that any TAC under the plan must be actively fished by the residents and not sold or leased to outside parties.

COUNCIL DISCUSSION AND ACTION

Steve Pennoyer and Lisa Lindeman stated their concerns with the analysis and suggested areas where the Council should establish a clear administrative record for action on this issue. The Council heard over seventy-five people and/or groups testify on this agenda item, and were provided with numerous written comments on the subject. The Council deliberated the issue over a two-day period, using a framework motion provided by Joe Blum and seconded by Wally Pereyra. Larry Cotter offered a major amendment which included rules and definitions and a Bering Sea harvesting vessel operational area. During the lengthy discussions some Council members expressed concern that none of the alternatives would alleviate the stated problem. Concern was also expressed over the final allocation percentages which they felt do not reflect the current situation. Concerns were also expressed over the adequacy of the cost-benefit analysis portion of the document. Ultimately, elements of several alternatives analyzed in the SEIS were combined into a single preferred alternative. The final motion carried on a vote of 9 to 2, with Blum and Pereyra voting against. Final action is provided under Appendix III to these minutes. Mr. Pereyra advised Council members that he will be filing a minority statement with the Secretary in opposition to the action.

At the August extension of the meeting Mr. Blum moved to rescind action on this agenda item. The motion was seconded and failed, 9 to 2, with Blum and Pereyra voting in favor. Mr. Blum stated that he felt that the analysis should be revised and augmented and returned to the Council for further consideration.

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At the August portion of the meeting, Steve Pennoyer submitted a July 25, 1991 letter to the Council outlining areas of concern with the inshore/offshore analysis. After discussion it was decided that the analysis will be augmented as required and submitted for Secretarial review after the Council receives and reviews proposed regulations.

C-3 North Pacific Fisheries Research Plan

The Council was scheduled to receive recommendations from the Data Committee and consider approving a plan for Secretarial review.

Report of the Scientific and Statistical Committee

The SSC offered several comments on the Data Committee's recommended plan: (1) Recreational fisheries are potentially included in the plan; in addition to obvious difficulties in fee collection, the SSC pointed out that these fisheries were not included in the original analysis. (2) The SSC reemphasized the urgency for action to ensure the uninterrupted collection of fishery data in 1992. (3) The SSC stressed a need for accurate estimates of the weight of all fishery removals. The SSC plans to review the present NMFS schedule of product recovery rates at the September Council meeting.

Report of the Advisory Panel

The Advisory Panel recommended approval of Alternative 2 as defined in their April minutes. They support the concept that users of fishery resources should help pay the costs of the observer program. The AP felt that plan fisheries should include all groundfish, halibut, king and Tanner crab and herring because all those fisheries will benefit from the observer program. They also recommended that both retained catch and discards should be subject to user fees except king and Tanner crab discards in crab fisheries.

COUNCIL DISCUSSION AND ACTION

Using the Data Committee's recommended plan as a framework, a final preferred alternative was adopted after discussion and amendment. The intent of the MFCMA language with regard to the term "value" when setting fees was not clear to the Council. Earl Comstock, legislative aide to Senator Ted Stevens, advised the Council that the intent is that whatever "value" is used should be the same for all vessels; that value should be determined by the Council and NMFS. Although several Council members wished to include herring fisheries in the plan fisheries for collection of fees, they were advised by the Regional Director that if the fishery is not managed under an FMP, then they cannot collect the fees. Council members also preferred that discards and PSCs be subject to fees. However, NMFS staff advised that this is not practical now, but that they recognize the intent of the Council and will work to achieve it in the future. The Council approved the draft preferred alternative (Appendix IV to these minutes) and requested the document be prepared in plan form and returned for Council review in September.

C-4 International Fisheries

Because of the press of other business the Council did not formally take up this agenda item. Comments were taken from Robert Morgan, American Factory Trawlers, and Earl Comstock, for

Senator Stevens, regarding Donut fisheries. The Council expressed the intent to discuss in September a letter received from Senator Stevens on this subject.

C-5 Marine Mammals

Steve Pennoyer reminded Council members that comments on the marine mammal amendments are due by September 23. He suggested the Council appoint a workgroup to review the amendments and prepare recommendations for Council consideration at the September meeting. The Council agreed to this suggestion. Mr. Pennoyer also told Council members that the emergency measures for pollock and groundfish relative to the sea lion issue in the Gulf of Alaska will expire at the end of the year. The Council will need to consider permanent measures. He suggested that staff be asked to develop emergency regulations for review in September. There was no objection to the suggestion. Council members asked the Executive Director to write to Dr. Fox for an extension on the due date for comments on the marine mammal amendments.

C-6 Anti-Reflagging Act

Because of other pressing agenda items, this subject was not taken up at this meeting.

C-7 Halibut Management

The Council was scheduled to review the analysis of IFQ management alternatives for the halibut fisheries before sending the document out for public review.

Report of the Scientific and Statistical Committee

The SSC offered several comments to staff for minor revisions to the document. They suggested that the document should contain information on how social impacts should be considered in the decisionmaking process in light of Magnuson Act specifications.

Report of the Advisory Panel

The AP preferred that the Council select their preferred alternative which would be compared with traditional management measures before sending the document out for public review. However, after hearing from staff that all alternatives should be circulated for public review the AP recommended releasing the document with several provisions, including identification of a preferred alternative, a "use it or lose it" option, and that in September the Council would select a final preferred alternative which would then be analyzed against traditional management measures and another public review period provided before final approval.

COUNCIL DISCUSSION AND ACTION

During Council questions of staff, the issue of windfall profits was discussed. Some Council members felt it is an important issue and should be analyzed. Staff indicated that the subject is touched on in the document. Another issue raised was that of the common use and public trust heritage issue. Wally Pereyra suggested that NOAA General Counsel provide an analysis of this issue and how it relates to ITQs.

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(Jim Cornelius, Steve Davis, Marcus Hartley, Gail Peeler and Regina Stewart did not attend the Juneau portion of the meeting.)

Support Staff

Earl Krygier, ADFG
Gregg Williams, IPHC
Loh-Lee Low, NMFS-AFSC
Ron Berg, NMFS-AKR
Dale Evans, NMFS-AKR
Dave Flannagan, NMFS-AKR
Lisa Lindeman, NOAA-GC

Ray Baglin, NMFS-AKR
Sue Salvesson, AFSC
Jessie Gharrett, NMFS-AKR
Russ Nelson, AFSC
Joe Terry, AFSC
Jay Ginter, NMFS-AKR

Scientific and Statistical Committee

Bill Clark, Chair
Terry Quinn, Vice Chair
Bill Aron
John Burns
Doug Eggers
Larry Hreha

Dan Huppert
Gordon Kruse
Richard Marasco
Marc Miller
Don Rosenberg
Jack Tagart

Advisory Panel

John Woodruff, Chairman
George Anderson
John Bruce
Al Burch
Phil Chitwood
Dave Fraser

Loretta Lure
Pete Maloney
Jack Miller
Dan O'Hara
Perfenia Pletnikoff
John Roos

Harold Sparck
Beth Stewart
Dave Woodruff
Robert Wurm
Lyle Yeck

General Public

Approximately 185 people attended the Anchorage portion of the meeting. The following members of the public signed the attendance register:

Brian Bigler
Drew Scalzi
Will Tillion
Mark Millikin
Dennis Hicks
Heidi Zemalt
Nancy Gross
John O. Crowley
Stephen A. Meyer
Linda Freed
Jack Crowley

Naofumi Yoshiike
Al Womac
Pat & Barbara McBride
Eileen Hughes
Tim Meintz
Lauren Rogerson
Brian Harber
Phillip Fitts
Kate Tesar
Michael Galginaitis
Jack Hill

Jeff Stephan
Sherie Hendel
Max Shadle
Thorn Smith
David Clarke
Kris Norosz
Linda Behnken
Bruce Cotton
James Swift
Jackie Lindauer
Carolyn Young

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Valarie Zwalhen
Arthur Robinson
Dale Kelley
Mike Stone
David Jackson
John Henderschedt
Jim Hutchens
Patrick Baker
D. Davis
Stephanie Love
Jim Lowe
Ross Levine
Jeff Johnson
June Merica
David Allison
Laura Cooper
Steve Grabacki
Robert Price
Vic Horgan, Jr.
Lu Dochtermann
Larry Dirks
Greg Seider
Brenda Huber
Lynn Langford-Walton
Arne Lee
Maren Bribskov
Alexander Galanin, Sr.
Danny Graham
Jack Wood
Harold Thompson
David Ackley
Sinclair Wilt
Glen Fowler
Mick Stevens
Steve Hughes
Mark Lundsten
Chris Scanlon
Mel Myers
Brent Bodal
Dan Alex
C. Lowenborg
Linda Kozak
Scott Vorratt
Larry Sund
Gary Haugen
Alf Aulic
Rosetta Demoski
Dennis Petersen
Gary Henningh

Sen. Pat Pourchot
Joseph Wakey
Gary Edwards
James Moore
Gary Cadd
Jack Molan
Jennifer Barker
Dan Oliver
Tim Tapping
David Nevzoroff
Bryan McDuffie
Lee Kueckelhan
Jerry McBeath
Robert Breskovich
Laura Coffe
Mike Atterberry
Jeff Hendricks
Joanne Molan
Tom Weinhandl
Franz Hofmeister
Brad Matsen
Ador Sibayan
David Benson
Joe Plesha
Brad Resnick
Morrison Edwards
Chris Blackburn
Alec Brindle
Robert Czeisler
Bruce Wilkinson
James Salisburn
Laurie Drage
Mark Decker
Greg Baker
John bErgerson
Debbie Robbins
Paul Kelly
Marilyn Leland
Karl Ohls
Kevin Bruce
Ingrid Jacobsen
William Arterburn
Fran Ulmer
Bruce Buls
Rick Malsed
Tim Wilkie
Tom Gilmartin
Mark Hughes
David Stanchfield

Sarah Fishen
Richard Tremaine
Steve Berts
Krys Holmes
Laurie Williams
Scott Hovik
Penny Pagels
Roger Woods
Bob Trumble
Barry Fisher
Rod Moore
Gail Heineman
Yereth Rosen
Duncan Smith
Gary Edwards
John Iani
Tom Beardsley
Shari Gross
Terry Smith
Bill Jacobson
Mel Monsen
Charles McKee
Sharon Davis
Jay Hastings
Andy Hollenbech
David Rogers
Wesley A. Pulard
A. Krukoff
Denise Caffney
Arni Thomson
James Kudwa
Pete Farris
Robert Morgan
Walter Parker
Dem Cowles
Mark Kandianis
Chris Chavasse
Vern Hall
Michael Lake
Bruce Cotton

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Approximately 100 people attended the Juneau portion of the meeting. Those who signed the register are listed below.

Jeff Stephan
Ole Mathisen
Paul MacGregor
Brian Bigler
Alexander Galanin, Sr.
Perfenia Pletnikoff
Gary Horgen
Bill Arterburn
Robert Morgan
Rich Listowski
Kris Norosz

Kurt Schelle
Mark Snigaroff
Shari Gross
John Iani
Phil Chitwood
Bruce Buls
Patricia Phillips
Stan Hovik
Dale Kelley
Dem Cowles
Norman Cohen

Kate Tesar
Dave Benson
Joe Sullivan
STan Simonson
Denby Lloyd
Debbie Robbins
Chris Blackburn
Thorn Smith
Linda Behnken

NOTE: Public testimony on all agenda items is found in Appendix I to these minutes.

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

Chairman Lauber called the meeting to order at 8:07 a.m. on Tuesday, June 24, 1991.

Agenda. A discussion of a letter received from Senator Stevens regarding Donut fisheries was added to agenda item C-4, International Fisheries. Bob Alverson suggested that the Sablefish IFQ agenda item be taken up in total, rather than splitting the reports and public testimony from Council discussion/action. However, it was pointed out that the scheduling was to allow the AP and SSC to complete their deliberations on the subject before the Council took action. A motion to keep the entire agenda item together was defeated.

Minutes of Previous Meetings. Council members were provided with the draft minutes for the December 1990, and January and April 1991 Council meetings and asked to provide comments to staff by mid-July.

B. REPORTS

B-1 Executive Director's Report

Clarence Pautzke reported on Council staff changes: Steve Davis has been employed by LGL Associates and will leave the staff in early July; Regina Stewart has been hired as Secretary; and Russell Harding of New Zealand has been hired to fill the Economist position.

The June 1992 meeting location needed to be approved; Sitka was suggested as a possibility. Council members approved the Sitka site.

Dr. Pautzke reviewed recent Magnuson Act amendments for the Council and advised that comments are due by July 23. Other subjects covered in the Executive Director's report included a request from the Mid-Atlantic Council for support for habitat conservation funding, development and restoration; a final action plan for marine recreational fisheries; and efforts of the eight regional councils to

develop a consensus on funding formulas. Dr. Pautzke also provided the Council with a current summary of staff tasking.

B-2 ADF&G Report

Since the last Council meeting the activities of fisheries managed under joint authority of the Council and the Alaska Board of Fisheries included crab, demersal shelf rockfish, salmon and sea lions.

The C. opilio Tanner crab fishery closed on June 23rd in the Western subdistrict when it was projected that the guideline harvest level of 68.9 million pounds would be reached in that district. The present estimate is that an all-time record total of 315 million pounds of C. opilio Tanner crab were harvested during the season.

For rockfish, between January 1 and June 21, shoreside landings have reached 226 mt. It is anticipated that the Southeast demersal shelf rockfish fishery will be open for the summer season.

The preliminary total for the 1991 winter Southeast and Yakutat troll salmon fishery is 42,239 chinook. Preliminary results show that as much as 26% were Alaskan hatchery fish.

ADF&G also reported that on June 13th an emergency order was issued closing areas to trawling within ten nautical miles of fourteen identified Steller sea lion rookeries in Cook Inlet and in the Central and Western Gulf of Alaska to protect sea lions near rookeries.

B-3 NMFS Management Report

Dale Evans reported on groundfish catches to date and recent management actions. The Aleutian Islands has been closed to trawling to prevent overfishing of Atka mackerel. The other rockfish fishery in the Aleutians will be reopened for fixed gear. Also, the pollock reserve, in the Bering Sea (195,000 mt) will be released bringing the Bering Sea TAC to 1,300,000 mt as set in the initial specifications. At the rate the pollock fishery is progressing, about 60,000 tons a week, it is expected that the fishery will close around the first of September.

B-4 Enforcement Report

For the period April 1 through May 31, 1991, the Coast Guard reported four seizures of foreign vessels for illegal fishing within the U.S. EEZ. Coast Guard air patrols sighted 11 driftnet vessels conducting fishing operations outside authorized areas. During the same period 328 domestic vessels were boarded and 40 violations issued. The Coast Guard also provided a chart of vessel sightings in the Donut.

NMFS Enforcement reported that they have completed a preliminary review of 1990 logbook and observer records for the last three quarters of 1990. Records from 2,989 vessels have been reviewed with investigative files opened on 784 vessels for failure to submit logbooks. Based on first quarter files, it is projected that 75% of the cases will be closed without punitive action after submission of the required log or exonerating evidence. Seven vessels and/or processing plants were cited during the period. Confusion surrounding a May 2 opening of the Bering Sea/Aleutian Islands to flatfish fishing led to several vessels entering no-trawl zones in Bristol Bay to fish for yellowfin sole. Eight of the vessels voluntarily admitted entering the zone. Investigation of additional vessels alleged to

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Larry Cotter moved to send the halibut document to public review and to ask NOAA General Counsel to address the issue of windfall profits and the public trust doctrine as discussed by the Council. The motion was seconded by Joe Blum.

With respect to the public trust doctrine and whether the Council can legally approve ITQs under the Magnuson Act, Lisa Lindeman, NOAA-GC, commented that it is not clear whether the public trust doctrine applies to water and fishery resources. Even if it did, ITQs would only infer exclusive rights to harvest, i.e., a license. The Council and the Secretary would not be abdicating their roles as public trustees of the resource. It was suggested that a brief summary of this opinion be included in the document sent out for public review.

Henry Mitchell moved to amend the motion to analyze, for all alternatives, the following concept: That in the Bering Sea the current bycatch amounts of halibut be reserved for the use of the community development quotas and that the Secretary distribute those to the relative communities to be benefitted. The motion was seconded by Wally Pereyra.

Mr. Mitchell suggested that this would decrease bycatch over time and the communities would have the opportunity to harvest halibut out of the current bycatch amounts. They could either fish it themselves in a directed fishery, or it could be structured so that they could assign part of that quota to another vessel.

The motion to amend failed, 8 to 3, with Mitchell, Pereyra, and Blum voting in favor.

Henry Mitchell moved to amend the motion: in the options for CDQs, set the percentage of quota set aside for Areas 4A, 4B, 4D, at 35%. The motion was seconded by Wally Pereyra, and carried, 7 to 4, with Hegge, Mace, Alverson and Blum voting against.

It was clarified that this is an additional option for comment and analysis. The other percentages also will remain as options.

Wally Pereyra moved to include in the analysis an option that halibut bycatch in the trawl fishery be managed as an ITQ. The motion was seconded by Joe Blum and carried, 6 to 5, with Alverson, Cotter, Dyson, Hegge, and Lauber voting against. **This motion was subsequently brought up for reconsideration and, on reconsideration, was defeated 6 to 5, with Blum, Mace, Mitchell, Pennoyer and Pereyra voting in favor.**

The main motion to send the document out for public review, as amended, carried, 8 to 3, with Mitchell, Dyson and Pereyra voting against.

D. FISHERY MANAGEMENT PLANS

D-1 Groundfish: Plan Amendments and Regulatory Actions

(a) NMFS Status Report on Plan and Regulatory Amendments, Emergency Rules

The Council was provided with a written summary of amendments and other actions in progress. No discussion was held.

(b) Amendment 22/17

The Council was scheduled to review Amendments 22 to the Gulf of Alaska Groundf Plan and 17 to the Bering Sea and Aleutian Islands groundfish plan and approve for public review. The amendments included the following issues:

- (1) Authorize experimental fishing permits.
- (2) Establish Walrus Islands groundfish fishing closures.
- (3) Rescind Gulf of Alaska statistical area 68.
- (4) Establish a Bogoslof District in the Bering Sea.
- (5) Definition of a groundfish pot.

Report of the Scientific and Statistical Committee

A summary of the SSC's comments follows. Detailed comments can be found in the SSC minutes, Appendix V to these minutes.

(1) **Authorize experimental fishing permits.** The SSC recommended adoption of Alternative 2, Option 1, which would allow experimental fishing permits to be issued by the Regional Director, in consultation with the Alaska Fisheries Science Center.

(2) **Establish Walrus Islands groundfish fishing closures.** The SSC recommended approval of Alternative 2, to retain the current 12-mile radius buffer zones with seasonal groundfish fisheries closures.

(3) **Rescind Gulf of Alaska statistical area 68.** The SSC recommended incorporating East Yakutat into the Southeast Outside District.

(4) **Establish a Bogoslof District in the Bering Sea.** The SSC concurred with an Advisory Panel recommendation to create a Basin area for management purposes.

(5) **Definition of a groundfish pot.** The SSC offered no recommendation on this proposal.

Report of the Advisory Panel

A summary of the AP recommendations follows. More detailed comments can be found in the AP minutes, Appendix VI to these minutes.

(1) **Authorize experimental fishing permits.** The AP recommended approval of Alternative 2 with certain caveats (see AP minutes).

(2) **Establish Walrus Islands groundfish fishing closures.** The AP recommended approval of Alternative 2, the current 12-mile closure with a transit zone for fishing vessels around Right Hand Point. They also recommended the closure be reviewed in 5 years.

(3) **Rescind Gulf of Alaska statistical area 68.** The AP recommended retaining the status quo on this proposal.

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(4) **Establish a Bogoslof District in the Bering Sea.** The AP recommended adoption of Alternative 2, Option 1. (See AP minutes for map of defined area.)

(5) **Definition of a groundfish pot.** The AP recommended adoption of Alternative 4, to implement a groundfish pot tagging system.

COUNCIL DISCUSSION AND ACTION

(1) Authorize experimental fishing permits.

Joe Blum moved to adopt Alternative 2, Option 2: Implement a process for allowing experimental fishing; the Regional Director would consult the Council before issuing permits. The motion was seconded by Henry Mitchell. The intent would be to use the same review procedure used by the Pacific Council.

Henry Mitchell moved to amend to include a provision that on experimental fisheries where it is anticipated that less than 200 mt would be taken, the Regional Director may approve without Council involvement. The motion was seconded by Ron Hegge and, after discussion, failed unanimously.

The main motion carried, 10 to 1, with Mitchell voting against.

(2) Establish Walrus Islands groundfish fishing closures.

Henry Mitchell moved to approve the Advisory Panel's recommendation: Maintain the current 12-mile radius buffer zones with seasonal groundfish fishery closures, and to establish a transit zone for fishing vessels around Right Hand Point. The motion was seconded by Joe Blum.

Bob Alverson moved to amend by recommending to the Secretary of Commerce that the legal hunt on the Twins and the native subsistence harvest on Round Island/Walrus Island be further restricted. The motion was seconded by Wally Pereyra, and failed, 6 to 5, with Alverson, Blum, Mace, Pennoyer, and Pereyra voting in favor.

Joe Blum moved to amend the main motion to strike the word "groundfish". The motion was seconded by Wally Pereyra.

During discussion several questions were raised regarding surveys and data. Subsequently, the issues were tabled to the August extension of the meeting when a representative of U.S. Fish and Wildlife Service could be present. The motion to table carried 6 to 5.

After further discussion and clarification at the August meeting, Mr. Blum's amendment carried, 6 to 4, with Cotter, Mitchell, Tillion and Lauber voting against. (Mr. Mace was not in attendance.)

The main motion carried, 7 to 3, with Mitchell, Tillion and Lauber voting against. (Mr. Mace was not in attendance.)

(3) Rescind Gulf of Alaska statistical area 68.

Larry Cotter moved to adopt Alternative 2, rescind Area 68 and combine it with Area 65; the TAC for demersal shelf rockfish would extend westward three degrees of longitude. The motion was second by Bob Alverson.

Bob Alverson moved that, for the purpose of blackcod management, Area 68 be combined with Area 65 and that the current management procedures be kept for other species for which the Council has responsibility. The motion was seconded and failed, 7 to 4, with Alverson, Blum, Mace and Pereyra voting in favor.

The main motion carried, 7 to 4, with Alverson, Blum, Mace and Pereyra voting against.

(4) Establish a Bogoslof District in the Bering Sea.

NMFS staff provided the Council with a recommendation for the area to be designated as the Bogoslof. However, because the area differed from those provided for public comment, Council members decided to consider the options already presented.

Joe Blum moved to establish a unique Bogoslof District (Area 518) for which a pollock TAC, separate from the Aleutian Islands subarea and the Bering Sea subarea, would be specified annually (per the recommendation of the Advisory Panel). The motion was seconded by Bob Alverson and carried without objection. The Council affirmed their intent that this action would include the AP's recommendation to establish a separate TAC with a roe and non-roe apportionment for that area.

Steve Pennoyer suggested that if between now and the start of the season there is reason to suspect that a significant harvest of Aleutian Basin stock will occur outside Area 518, the Council could then consider an emergency rule different from the current one.

(5) Definition of a groundfish pot.

Joe Blum moved to adopt Alternative 4, to institute a registration and/or tagging system whereby pots would be registered and/or identified as groundfish or crab pots with a metallic tag. The motion was seconded by Henry Mitchell and carried without objection.

At the close of the Council meeting draft regulations for these changes were provided to the Council. They were asked to contact staff if there were any discrepancies.

(c) Consider industry request to increase TAC for deepwater flatfish in the Central Gulf to 35,000 mt

The Council received a request from industry to increase the deepwater flatfish TAC in the Central Gulf to 35,000 mt. Pacific cod, Pacific ocean perch and shortraker/rougheye quotas have been taken during the first half of 1991 and little else remains available for harvesters and processors except flatfish. The Gulf groundfish plan authorizes the Regional Director to make such inseason adjustments based on relevant fishery resource information.

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Oscar Dyson moved to recommend to the Regional Director to increase the TAC for deepwater flounder in the Central Gulf by 25,000 mt, for a total TAC of 35,000 mt. The motion was seconded by Larry Cotter. Action was postponed until the August extension of the meeting.

At the August meeting there was discussion of possible salmon bycatch in the fishery. NMFS staff reported they have no information to indicate this would be a problem, however, if such a problem should arise they could handle it on an inseason basis.

Henry Mitchell moved to amend the motion to state that if the catch of king salmon in that area should exceed the rate of .01 of king salmon per metric ton of groundfish, the fishery would be closed. The motion was seconded by Wally Pereyra and carried without objection.

The main motion, as amended, carried without objection.

- (d) Initial consideration of any proposed changes in groundfish seasons and recordkeeping and reporting requirements for 1992.

At this time, under the bycatch amendment package, options are being analyzed for changing groundfish season starting date in both the Bering Sea/Aleutian Islands and the Gulf of Alaska as well as dividing the rockfish season in the Gulf of Alaska. No other options are being considered at this time. Larry Cotter pointed out that the Council will probably need to consider an emergency rule to delay season opening dates in January and suggested that in September the public should be given the opportunity to comment on those dates. The Council agreed to agenda the subject for September. There was no other Council discussion or action on this item.

- (e) BSAI Quarterly Pacific Cod Allocation

In December 1990 the Council recommended emergency action to seasonally allocate the Pacific cod harvest in the BSAI. In January 1991 the Regional Director requested additional rationale for the emergency rule request. The Council let stand their earlier request for emergency action and that a plan amendment be initiated sometime this year pending staff availability. For the 1991 fishing year, the quarterly apportioned halibut PSC caps for the "other species" category (which includes cod) in the BSAI in fact served to effect a quarterly allocation of the harvest.

Report of the Advisory Panel

The AP did not recommend quarterly apportionments of Pacific cod. However, they did recommend that the Council direct staff to begin immediate work on an amendment to address exclusive area registration for all pollock and Pacific cod harvesting vessels of all gear types.

COUNCIL DISCUSSION AND ACTION

Ron Hegge moved to direct staff to begin analysis of quarterly cod allocations in the Bering sea/Aleutians Islands. The motion was seconded by Henry Mitchell.

It was pointed out that the Council had already agreed that an amendment analysis should be undertaken when staff was available. Steve Pennoyer said that his staff will not be able to begin work on this amendment until at least after the September Council meeting.

Ron Hegge expressed concern that there are several projects being delayed for lack of funding and/or staff and suggested that the Regional Director and/or Council go to Washington to discuss Council/Region needs with Dr. Fox.

The motion carried, 6 to 4, with Blum, Cotter, Pennoyer and Pereyra voting against.

D-2 Bycatch Management

The Council received a report on the IPHC workgroup on halibut and a report from the Council's Ad Hoc Bycatch Committee on bycatch amendment priorities. The Council also was scheduled to review herring bycatch management. Because of the lack of time at the June meeting and a need for the Council's recommendations for bycatch options for analysis before the August meeting, it was suggested that a teleconference be held to discuss those recommendations.

Report of the Advisory Panel

The AP submitted a list of seven bycatch amendment priorities (see AP minutes, Appendix VI). In terms of herring bycatch, the AP recommended that the mid-winter herring savings area identified in Amendment 16A remain in effect and not be altered in 1992.

Results of July 3, 1991 Teleconference

The Council received a report from the Ad Hoc Bycatch Committee which reviewed 26 bycatch proposals and developed priorities for Council consideration. The Committee recommended the following amendment proposals be analyzed for the bycatch amendment:

- (1) Enhance hotspot authority for the Regional Director and extend it to the Gulf of Alaska.
- (2) Improve the current incentive program and include midwater pollock fishery and salmon in the Gulf of Alaska rockfish and BSAI midwater pollock fisheries.
- (3) Prohibit night trawling for Pacific cod.
- (4) Delay the Gulf of Alaska rockfish opening to July 1 or July 15.
- (5) Delay groundfish season opening dates for Bering Sea and Gulf of Alaska: January 15, February 1, or July 15.
- (6) Close all trawling east of 140°W.
- (7) Baseline/floating caps for halibut in BSAI/GOA.
- (8) Reduce BSAI halibut PSC cap 10% per year for 5 years.
- (9) Reduce BSAI halibut PSC cap of 5,300 mt to 4,500 mt.

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- (10) Establish halibut PSC cap for longliners in BSAI, using options of 500, 1,000 and 1,500 mt.
- (11) Salmon bycatch - analyze ADF&G Time/Area closure and season opening delay for the Bering Sea/Aleutian Islands and, if time allows, for the Gulf of Alaska.
- (12) Review PSC allowances by fishery: combine rocksole with yellowfin sole and other flatfish and delay fishery until May; specify separate bycatch allowances for Pacific cod/bottom trawl pollock; and prohibit all trawling for species in the "other fishery" category when bycatch allowance is reached.

COUNCIL ACTION (DURING TELECONFERENCE)

Larry Cotter moved to approve the Bycatch Committee recommendations, and authority to allocate halibut PSC between inshore and offshore components of industry. The motion was seconded by Clem Tillion..

Bob Mace moved, and Oscar Dyson seconded, a substitute motion to include the following items for analysis for amendment 19/24:

Enhance hotspot authority and extend it to the GOA;
Improve the current incentive program;
Delay GOA Rockfish opening date to July 1 or July 15; and,
Delay all opening dates for BSAI/GOA to: Jan. 15, Feb. 1 and July 15.

After discussion and amendment, the following proposals were adopted for analysis:

- (1) Enhance the NMFS Regional Director's "hotspot" authority in the Bering Sea/Aleutian Islands, and extend it to the Gulf of Alaska.
- (2) Improve the current bycatch incentive program, including the addition of the midwater pollock fishery to address compliance problems with the revised pelagic gear definition, and salmon bycatch in the Gulf of Alaska rockfish and Bering Sea and Aleutians midwater pollock fisheries.
- (3) Delay the Gulf of Alaska rockfish opening date to July 1 or July 15.
- (4) Delay all groundfish fishery opening dates for the Bering Sea/Aleutian Islands and Gulf of Alaska to January 15, February 1, or July 15. (Including an option to maintain the status quo of January 1 for fixed gear fisheries.)
- (5) Establish a separate halibut PSC limit for longliners within the overall halibut PSC for the Bering Sea/Aleutian Islands. Options for the longline apportionment include 500 mt, 1,000 mt, and 1,500 mt.
- (6) Prohibit all trawling for species in the "Other Fishery" category when the bycatch allowance is reached and assign a separate bycatch allowance for Pacific cod and bottom trawl pollock.

For proposals addressing salmon bycatch issues, the Council instructed staff to use a range from 0.004 salmon/mt of groundfish up to the groundfish fleet's current average in analyzing potential extension of bycatch incentive programs and hotspot authority to cover salmon bycatch. In addition, the Council requested the Alaska Department of Fish and Game to commence analysis of a proposal to close all trawling off Southeast Alaska east of 140°W longitude.

Herring Bycatch Management

NMFS staff reported that the Secretary has determined the winter savings area defined in Amendment 16a is adequate for protecting winter concentrations of herring based on long-term historical data and recent distribution patterns of herring bycatch. Regarding the summer herring savings areas, the Council has requested ADF&G to examine alternatives for an extended summer savings area to provide further protection to migrating herring stocks.

Incentive Program

Dale Evans, NMFS, reported that personal identification numbers were issued to trawl vessels in the fishery being monitored under the vessel incentive program. Reported bycatch rates are posted on the electronic bulletin board and vessels are able to access the board to check their observed bycatch rates. For those vessel that seemed to be outside industry standards for bycatch rates were sent letters reporting on their standing for May and June. Approximately twelve letters were issued. For vessels with higher than normal rates, observers are being debriefed to verify preliminary data. It's too soon to say how successful the program is at this point.

Larry Cotter pointed out that the Bycatch Committee had recommended that vessel names be published instead of personal identification numbers on the electronic bulletin board. Mr. Evans advised that the rates published are preliminary and publishing vessel names may cause added stress for observers.

Larry Cotter moved that the Council strongly recommend that NMFS replace the personal identification number with the vessel name. The motion was seconded by Henry Mitchell and carried without objection. Steve Pennoyer suggested that it would be best to wait until after observers have been debriefed and prosecution proceedings initiated before releasing the vessel name. The maker of the motion and second accepted this as a friendly amendment. The motion carried without objection.

E. FINANCIAL REPORT

There was no financial report at this meeting.

F. PUBLIC COMMENTS

There were no further public comments.

G. ADJOURNMENT

Chairman Lauber adjourned the meeting at 3:09 p.m. on Friday, August 16, 1991.