

North Pacific Fishery Management Council

Richard B. Lauber, Chairman
Clarence G. Pautzke, Executive Director

605 West 4th Avenue
Anchorage, Alaska 99501



Mailing Address: P.O. Box 103136
Anchorage, Alaska 99510

Telephone: (907) 271-2809
FAX: (907) 271-2817

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

Date 10/15/93

MINUTES

**107th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
APRIL 21-25, 1993
Hilton Hotel
Anchorage, Alaska**

The North Pacific Fishery Management Council met April 21-25, 1993 at the Hilton Hotel in Anchorage, Alaska. The Advisory Panel and Scientific and Statistical Committee began on April 19. The Comprehensive Planning Committee met April 19-20. The following members of the Council, staff, SSC and AP attended the meetings.

Council

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

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

NPFMC Staff

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

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

Support Staff

Earl Krygier, ADFG
Dave Flannagan, NMFS-AKR
Lisa Lindeman, NOAA-GC
Sandra Lowe, AFSC
Jay Ginter, NMFS-AKR

Sally Bibb, NMFS-AKR
Kurt Schelle, CFEC
Ben Muse, CFEC
Sue Salveson, NMFS-AKR
Janet Wall, AFSC

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Scientific and Statistical Committee

Bill Clark, Chair
Bill Aron
Keith Criddle
Doug Eggers
Bud Fay
Larry Hreha

Dan Huppert
Richard Marasco
Marc Miller
Phil Rigby
Jack Tagart
Al Tyler (alternate-Quinn)

Advisory Panel

John Bruce, Chairman
Beth Stewart, V. Chair
Al Burch
Phil Chitwood
Phil Drage
Dan Falvey
Dave Fraser

Kevin Kaldestad
David Little
Stephanie Madsen
Pete Maloney
Dean Paddock
Penny Pagels
Bryon Pfundt

Perfenia Pletnikoff
John Roos
John Sevier
Harold Sparck
Michael Stevens
Robert Wurm

General Public

Approximately 100 people attended the meeting. The following members of the public signed the attendance register:

Charles J. Hill
Michael Spike Jones
Kate Graham
Charkes Rehder
Mark Springer
Shari Gross
Eileen Coogen
Lennie Gorsuch
Naomi Seeler
Joe Plesha
Arni Thomson
Vince Curry
C.L. Lowenberg
F. Gregory Baker
Hazel Nelson
Paul MacGregor
Thorn Smith
Dick Tremaine
Robert Czeisler
F.H. Glotfelty
Ron Peterson
Lance Farr
John Jemewouk
Scott Hovik
Chris Blackburn

Michael Lake
Jonathan Spoul
Norman Cohen
John Iani
Bill Jacobson
Ed Wyman
V. Gopodard
Sara Hemphill
Alexander Galanin, Sr.
Brian Bigler
Linda Kozak
Steve Hughes
Gary Wehr
Thorn Olsen
David Benson
Roger Woods
Rick Morgan
Donna Parker
William Anderson
Karl Ohls
Robert Morgan
Arni Thomson
David Stanchfield
James Tomlinson
Sinclair Wilt

Eric Fry
Doug Vincent-Lang
Steve Grabacki
Shelton Katchatag
Mark Hofmann
Helen Woods
Bob Storrs
John Cleveland
J. Jacobs
Dan Albrecht
Bruce Cotton
Albert Geiser
Bernt O. Bodal
Bill Orr
Gordon Blue
Henrick Kadak, Sr.
M. Oat
Tyson Vogeler
Richard Wood
Eric Jordan
Jim Hamilton
Eddie Rose
John Ginsberg
Dale Kelley
Mark Hofmann

Ellen K. Pikitch
Charles West
Bob Storrs
Paul Finzer
Kris Norosz
Sam Hayes

Sam Russell
Sheldon Kartatag
Denby Lloyd
Tate Hayes
Mike Atterberry
D.C. Harrison

Nevette Bowen
Joe Sullivan
Stoian Iankov
Joseph Wabey
Kevin Adams
Jed Whittaker

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

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

Chairman Lauber called the meeting to order at 8:09 a.m. on Wednesday, April 21, 1993.

Agenda. The agenda was approved with the addition of two items: D-4(e), roe-stripping regulatory amendment adjustments; and D-4(f), sea lion closures expansion.

Minutes of the January Meeting. Council members were asked to review the draft minutes and submit changes or additions by the end of the meeting.

B. REPORTS

B-1 Executive Director's Report

Clarence Pautzke reported to the Council on several items, including revision of the Statement of Financial Interests which Council members and Executive Directors are required to complete; State of Alaska legislative initiatives concerning commercial fisheries; MARPOL violations, changes in Crab Plan Team members, and plans for the June meeting in Kodiak. The Council was also advised of the Advisory Panel's election of John Bruce and Beth Stewart as Chairman and Vice-Chair for 1993.

Bob Alverson moved to confirm the election of John Bruce and Beth Stewart as Chairman and Vice-Chair of the Advisory Panel for 1993. The motion was seconded and carried without objection.

Council members agreed to begin the June meeting on Monday, June 21; the AP, SSC and Comprehensive Planning Committee will begin at 1:00 p.m. on Sunday, June 20.

During the Council's Executive Session, the Council affirmed the appointment of Stephanie Madsen to fill the Advisory Panel vacancy created by the resignation of John Woodruff and approved the appointment of Rance Morrison on the Crab Plan Team.

B-2 ADF&G Report

The Council received a written report on the Bering Sea Tanner crab fisheries, the salmon troll fishery and the Southeast Alaska demersal shelf rockfish fishery.

Bering Sea Tanner Crab Fisheries: A total of 289 vessels, including 21 catcher processors, landed 33.5 million pounds during the 4-1/2 month *C. bairdi* fishery. The pre-season harvest guideline was set at 38.1 million pounds. In the *C. opilio* fishery, 246 vessels, including 26 catcher processors, landed over 224.6 million pounds of crab, 17 million pounds more than the pre-season harvest guideline.

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Salmon Troll Fishery: The winter chinook troll catch to date was 33,200 fish with a large portion occurring during the past few weeks in Sitka Sound. The final catch is expected to be between 36,000 and 38,000 fish.

Southeast Alaska Demersal Shelf Rockfish Fishery: The fishery remains closed until July 1, when the Outside sections will open. The Fairweather Grounds are closed to directed fishing for the remainder of the 1993 season.

B-3 NMFS Management Report

Ron Berg reported on the status of regulatory and plan amendments in process. The Council also was provided with a written "Status of Council Tasking."

Council members asked Mr. Berg to provide an explanation of the "Best Blend" procedure used by NMFS to estimate total catch. In addition to the oral presentation, Mr. Berg was asked to provide a written report for the June Meeting.

Council member Bob Alverson asked that staff provide a comparison of bycatch rates on 30% and 100% observed vessels for both trawl and longline fisheries.

Janet Wall, AFSC Observer Program, provided the Council with information on the role of the domestic observer on shore.

B-4 Enforcement Report

Dave Flannagan reported that during the period December 1, 1992 through March 31, 1993, NMFS and the Coast Guard opened a total of 67 investigations. NMFS initiated 46, 17 of which originated from the observer program.

Mr. Flannagan also advised the Council that a Special Agent and Fisheries Enforcement Officer have been hired to staff the Dutch Harbor station and two more Fisheries Enforcement Officers have been hired for the Kodiak office; hiring of two agents for Juneau to address reporting and observer compliance has been approved for delayed hiring, possibly August or September.

Capt. Anderson reported that during the same period the Coast Guard issued 47 violations to 13 vessels. The violations ranged from minor safety violations to underlogging and failure to have the required observer coverage. The fishing vessel *American Empress* was cited for numerous logging violations after a detailed comparison of their daily catch and production logs revealed gross underlogging of roe by 16.8 percent and overlogging of fillets by 24.3 percent. In addition to the written report, Capt. Anderson reported that 17 vessels were boarded in Area 517, Unimak Pass. Two vessels were terminated for unsafe operations. Accounting for halibut discard on unobserved vessels as compared with rates on observed vessels was found to be a problem. The Coast Guard is compiling the information obtained during the boardings to submit to NMFS.

The Coast Guard reported that for 1993, high seas driftnet patrol flights will be expanded deep into historical driftnetting areas since all such activity on the high seas constitutes a violation of the UN moratorium. During 13 flights into the Donut Hole, there were no sightings of vessels actively fishing.

C. NEW OR CONTINUING BUSINESS

C-1 Observer Program

The Council was advised that the Research Plan is now under review by NOAA General Counsel and is expected to be submitted for Secretarial review by the end of April.

In January the Council established an ad hoc Observer Committee to examine information collected by the Observer Program and confidentiality issues surrounding that information. The Committee met on March 16 in Seattle and again on April 20. The Council received reports from the Committee as well as a presentation from Janet Wall from the NMFS Observer Program addressing concerns voiced by the Committee.

There were no AP or SSC reports on this agenda item.

Report of the Ad Hoc Committee on Observer Information

The main focus of the Committee was to address concerns expressed by Council members and industry on information included in post-trip reports filled out by observers. The Committee was generally concerned with some of the questions observers are required to answer and with the general nature of some post-trip reports which include additional information not directly related to biological monitoring of the fisheries. Another concern of the Committee was the issue of confidentiality and whether the information contained in the post-trip reports would be accessible to persons other than the vessel owner/operator, for example through FOIA requests by the general public.

Report of the NMFS Observer Program Staff

Janet Wall, NMFS Observer Program, advised the Council that the Observer Program is working to resolve some of the concerns voiced by the Committee. A written report outlining proposed changes to the observer reports was provided to Council members. Ms. Wall stressed that while they are working to alleviate concerns of the Council and industry, NMFS feels some of the information provided by the observers is critical to the safety and well-being of future observers and should not be eliminated entirely.

The issue of data confidentiality is still being assessed by NOAA General Counsel. NOAA GC also was requested to report back on NMFS's ability to release observer reports to vessel owners.

There was no Council action on this agenda item.

C-2 Sablefish and Halibut IFQ Plan

The Council was scheduled to review the implementation process and schedule for the sablefish and halibut IFQ program. NMFS advised that the program will not be in place until 1995 and asked the Council to clarify its intent for the CDQ portion of the IFQ program, specifically whether or not the Council wishes the CDQ portion to be implemented ahead of the overall IFQ program.

There were no AP or SSC reports on this agenda item.

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COUNCIL DISCUSSION AND ACTION

The Council discussed a request from Jeff Stephan to re-activate the IFQ Industry Implementation Team. Council members agreed that the Team could be a valuable tool in assessing the implementation plans once they are developed. As soon as the preliminary system has been developed, the Chairman will consider reactivating the Team.

Bob Alverson moved that the CDQ and IFQ programs for sablefish and halibut be implemented simultaneously. The motion was seconded by Ron Hegge and carried with Mitchell objecting.

C-3 Pollock Community Development Quotas

The Council was to receive a detailed account of how each operation performed in 1992 with respect to its goals and objectives. However, because the 1992 program was so short, Executive Director Pautzke suggested that a more thorough review and report would be available later in the year when the State will review each operation. Combined, the CDQ operations harvested 95% of the 101,445 mt of pollock allocated.

NMFS Regional Director Steve Pennoyer submitted a letter to the Council concerning Amendment 25 to the BSAI groundfish plan which partitions PSCs between CDQ and non-CDQ fisheries and further apportions the CDQ PSCs to the six individual operations. NMFS has found that managing many, very small quantities of PSCs may not be doable under the present data collections systems and asked the Council to reconsider Amendment 25 and adopt a simple partition of PSC between CDQ and non-CDQ fisheries with no allocation by operation.

There were no AP or SSC reports on this agenda item.

COUNCIL DISCUSSION AND ACTION

The Council took no action to change their earlier recommendation that the apportionments be made among the CDQ operations. The general feeling was that NMFS needs to start managing on an individual company or vessel basis in order to ever have the ability to implement IFQs. The Council feels the CDQ fisheries are the place to start because their future participation depends in part on an evaluation of past performance, and bycatch rates will be one of the factors considered. The Council recommended that NMFS move ahead as best they can to monitor and enforce bycatch limits on an individual CDQ operation basis.

C-4 Scallop Management

The Council received a preliminary draft of proposed scallop management measures and took public testimony. However, because of the press of other agenda items, no staff report was given or Council action taken. The Council is scheduled to review the draft analysis at their June meeting and consider sending it out for public review. There were no AP or SSC reports on this agenda item.

C-5 Reauthorization Issues

The Advisory Panel had comments on this agenda item; however, because of a lack of time, Council action on this agenda item was deferred to the June meeting.

Report of the Advisory Panel

The AP understood there was no new information to report on marine mammal or endangered species legislation, but requested that the subject come before them at the June meeting.

C-6 Comprehensive Rationalization Plan

The Comprehensive Planning Committee met April 19-20 to receive reports on staff activities since January with regard to data collection, agency work teams, development of analytical tools and community profiles. Staff also provided a draft schedule for anticipated activities during May and June. At this meeting the Council was scheduled to begin focussing on elements and options for further analyses.

There was no AP report on this agenda item.

Report of the Scientific and Statistical Committee

The SSC provided extensive comments to staff with regard to the structure of the analyses for the Comprehensive Rationalization Plan (see SSC Minutes, Appendix II to these minutes). With regard to the planned survey of industry, the SSC suggests special attention be devoted to the survey design, particularly considering problems of non-response, self-selection, and strategic and hypothetical bias. Objectives for specific data should be specified soon. The SSC would like to review more advanced plans for the industry information collection and development of the scenario approach. The SSC also felt that the aim of the social impact assessment is still unclear and that the Council should identify factors of interest beyond economic impacts such as employment and spending. Given the constraints imposed on this study, there is a need to consult with General Council to determine minimal requirements. The SSC recommended that after the Council has identified their interests and requirements have been clarified, a committee of experts, including Dr. Miller, should be assembled to develop a study plan. The SSC also encouraged the use of qualitative assessments as proposed by the staff to screen alternatives before performing a full analysis on a manageable number of options.

Report of the Comprehensive Planning Committee

After receiving staff reports and public testimony, the Committee provided staff with direction in development of license limitation, All Species IFQ, and Target or PSC IFQ options. Specific recommendations are found in the Committee's report to the Council (Appendix III to these minutes).

COUNCIL DISCUSSION AND ACTION

Council members made several minor changes to the Committee minutes prepared by staff (see Appendix III).

The Council had previously requested that NOAA-GC provide information regarding allocation to processing facilities. Lisa Lindeman, NOAA-GCAK, stated that there's no clear prohibition of such an allocation in the Act. Ms. Lindeman said there is some risk in proceeding with such an action since it hasn't been done before and therefore any such allocation will have to be fully justified.

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Henry Mitchell moved to direct staff to analyze the theoretical underpinnings of allowing the Council to allocate processing shares. However, the motion was later withdrawn after discussion indicating that this will be done later in the process if the Council chooses to allocate to the processing sector.

Bob Alverson moved to approve the report of the Comprehensive Planning Committee, as amended. The motion was seconded and carried without objection.

D. FISHERY MANAGEMENT PLANS

D-1 Salmon Management

In a letter to the Council, the NMFS Regional Director advised that because the Pacific Salmon Treaty Commission has failed to successfully negotiate a new chinook salmon annex to replace the previous one which expired in 1992, that now there is no catch quota specified for the 1993 Southeast chinook fishery. In addition, because of the listing of spring/summer and fall Snake River chinook as a "threatened" species, federal consultation and approval are necessary for the Southeast Alaska management regime for 1993. The Council received a review of the situation from Steve Pennoyer, Regional Director, and Mel Seibel from the Alaska Department of Fish and Game was available to answer Council questions.

The Scientific and Statistical Committee and Advisory Panel did not address this agenda item.

COUNCIL DISCUSSION AND ACTION

Linda Behnken moved the following:

The Council finds, conditionally, that it does not need to take action under the provisions of the Salmon FMP, and can defer management of the Southeast Alaska chinook salmon fishery to the State IF the State provides a management regime that (1) includes a harvest quota of 263,000 treaty chinook salmon, and (2) satisfies the Endangered Species Act requirements through consultation with the National Marine Fisheries Service. Verification that these conditions have been met should be certified by the Regional Director, in a letter to the Council, prior to the start of the fishery. If the Regional Director is unable to certify the State's Southeast Alaska management plan, the Council should consider, at its June 1993 meeting, what rulemaking is required to satisfy the Federal obligations under the Pacific Salmon Treaty, the objectives of the Salmon FMP, the Magnuson Act, and other applicable law.

The motion was seconded by Bob Mace and carried unanimously.

D-2 Groundfish FMP Amendments

- (a) Rebuilding plans for rockfish and reconsideration of GOA 1993 POP ABC and TAC and Directed Fishing Standards.

Rockfish Rebuilding

In January the Council reviewed options available to rebuild depleted rockfish stocks in the Gulf of Alaska and asked staff to continue preparing an analysis incorporating suggestions made by the SSC. The Council was provided with a revised analysis for review.

Report of the Scientific and Statistical Committee

The SSC recommended the analysis be released for public review after some technical clarifications provided to the authors. The SSC also recommended that the Gulf of Alaska plan team should be asked to review the package and provide its advice before the Council takes final action.

Report of the Advisory Panel

The AP recommended that the Council send the document out for public review with the inclusion of a discussion of the economic impacts of a Policy 2 application to the 1993 TAC. The AP also requested that the Council ask staff to provide a table that would compare the actual TAC/catch in the last 5-10 years with the TAC/ABC that would have resulted by applying each of the four policy options to the biomass estimated for each particular year.

COUNCIL DISCUSSION AND ACTION

Linda Behnken moved to send the analysis out for public review after inclusion of the recommendations made by the AP and SSC. The motion was seconded by Henry Mitchell and carried without objection.

Reconsideration of 1993 POP ABC/TAC in the Gulf of Alaska

The National Marine Fisheries Service delayed approval of the Council's recommended 1993 specifications for Pacific ocean perch in the Gulf of Alaska because of subsequent biological and economic data developed for the rockfish rebuilding analysis. NMFS asked the Council to review their recommendations based on the updated information.

The SSC did not address this agenda item.

Report of the Advisory Panel

The Advisory Panel recommended the Council reaffirm their original recommendation of a 2,560 mt TAC for Pacific ocean perch in the Gulf of Alaska for 1993.

COUNCIL DISCUSSION AND ACTION

The majority of the Council felt that their December recommendation was a responsible one in light of the status of the stock and their wish to establish a formal rebuilding plan.

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Clem Tillion moved to reaffirm the 1993 Gulf of Alaska Pacific ocean perch TAC of 2,560 mt. The motion was seconded by Ron Hegge.

Al Millikan moved to amend the TAC to 3,000 mt. The motion was seconded by Wally Pereyra.

Mr. Millikan said conservation is a main concern but the Council has a responsibility to set the optimum yield. The current TAC will exclude a fishery which industry depends upon and any expectation of improvement in the fishery could be 30 years away. The risk of overfishing is low because 3,000 mt is still below the ABC.

Wally Pereyra moved to table the issue until the June Council meeting when the rebuilding plan will be considered for final approval. The motion was seconded and failed, 8 to 3, with Alverson, Millikan and Pereyra voting in favor.

Mr. Millikan's amendment failed, 8 to 3, with Millikan, Pennoyer and Pereyra voting in favor.

The main motion carried, 9 to 2, with Millikan and Pereyra voting against.

Directed Fishing Standards

In December the Council requested that NMFS develop a regulatory amendment which would adjust directed fishing standards for rockfish in the Gulf of Alaska. In a letter to the Council Regional Director Steve Pennoyer advised that they have determined that insufficient information is available to indicate that a conservation and management problem exists in the rockfish fisheries at this time. The Region does, however, intend to prepare a comprehensive regulatory amendment addressing directed fishing standards in all groundfish fisheries. This amendment may be available for Council review in June.

(b) Preferential and seasonal allocations of Pacific cod.

An analysis of alternatives for preferential or seasonal allocations of Pacific cod in the Bering Sea/Aleutian Islands was initiated in January 1992. Since that time the Council has asked staff to provide several draft analyses for preliminary review. The Council was provided with a revised analysis prior to the meeting and was scheduled to review it before releasing for public comment.

Report of the Scientific and Statistical Committee

The SSC advised that decisions about alternative management policies for cod need to be considered in the context of current and anticipated future change. The continued decline of the BSAI cod biomass can be expected to intensify competition for shares of the TAC. In an open fishery without seasonal allocations it can be expected that catches will become increasingly concentrated towards the beginning of the first trimester. The SSC supported the release of the draft analysis for public review and comment, but pointed out that the Council already has the ability to allocate catch between gear groups, and that immediate industry concerns could be addressed through existing mechanisms. In the long term, the allocation of fish resources both within and between gear types could be resolved through ITQs.

Report of the Advisory Panel

The AP recommended against sending the document out for public review. The majority felt that the document lacked an adequate problem statement and lacked specific proposed actions.

COUNCIL DISCUSSION AND ACTION

There was considerable discussion on this issue. Some Council members felt that the document should not be released until a more definitive problem statement is added. Some also expressed concern over this type of allocation when the Council is beginning to rationalize all the fisheries. Several motions and amendments were made to include some analysis of the jig fishery before the analysis is released for public review, however all motions were set aside for a more general framework motion.

Steve Pennoyer moved to send the analysis out as an informational document so the public could see the data and have the ability to comment on it before the Council takes any further action. The motion was seconded by Clem Tillion. Mr. Pennoyer stressed that this would not imply that the Council would take final action in June.

Mr. Pennoyer pointed out that many issues before the Council to "fine-tune" current fishery management measures should take second priority to the development of a comprehensive rationalization program. He also stressed that he felt the document needs a more clear problem statement and more definitive alternatives.

Henry Mitchell moved to add an analysis of a separate jig fishery component. The motion was seconded by Al Millikan.

During discussion it was pointed out that there may not be much data available for an analysis of the jig fishery. It was the consensus that the analysts would use available information, but that the analysis should not be held up for efforts to do surveys or exhaustive literature searches.

In previous discussion, it was suggested that the jig fishery be included in the hook and line definition. Mr. Mitchell clarified that he would prefer that all possibilities should be explored, both an inclusion with the hook and line definition and as a separate entity.

The amendment carried, 10-1, with Mace voting no.

Ron Hegge moved to amend to split the two issues: the portion addressing allocation between gear types would go out for information purposes only; the portion addressing season changes would go out for public comment with possible final Council action in June. The motion was seconded by Bob Alverson and failed, 6 to 5, with Alverson, Behnken, Hegge, Mitchell and Tillion voting in favor.

Wally Pereyra moved to table action until June with the proviso that industry would get together and come back with a recommendation of how they want to see an interim split between gear groups which would remain in place until the rationalization program is completed. The motion was seconded by Bob Mace and failed, 6 to 5, with Dyson, Mace, Millikan, Mitchell, and Pereyra voting in favor.

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The main motion, submitted by Steve Pennoyer, carried 8 to 3, with Mace, Millikan, and Pereyra voting no.

A motion to reconsider the vote was made by Henry Mitchell, seconded by Ron Hegge, and carried, 7 to 4, with Dyson, Mace, Millikan and Pereyra voting no.

Wally Pereyra moved to amend to add the following problem statement to the analysis:

Since 1989 the overcapitalization problem in the Bering Sea/Aleutian Island cod fishery has been exacerbated by a large increase in the number of factory longliners which has resulted in suboptimization in the fishery.

The motion was seconded by Henry Mitchell.

Ron Hegge moved a substitute amendment, to add the following problem statement:

The Bering Sea/Aleutian Islands Pacific cod fishery, through overcapitalized open-access management, exhibits numerous problems which include: compressed fishing seasons, periods of high bycatch, waste of resource, gear conflicts and an overall reduction in optimum benefit from the fishery. The objective of this amendment is to provide a bridge to comprehensive rationalization. It should provide a measure of stability to the fishery while allowing various components of the industry to optimize their utilization of the resource.

The motion was seconded by Steve Pennoyer and carried, 9 to 2, with Mace and Millikan voting no.

Ron Hegge moved to amend the main motion to delete the reference to sending the document out for informational purposes only. The motion was seconded by Steve Pennoyer.

The intent of the motion is to allow the Council the option of taking final action on any portion of the analysis in June.

Henry Mitchell moved to amend that the following specific allocations be analyzed: 75/25, 40/60, 50/50, each allocation to be considered for longliners and trawlers, i.e. 75% to longliners; 25% to trawlers and 75% to trawlers and 25% to longliners. The motion was seconded by Wally Pereyra and failed, 8 to 3, with Mitchell, Tillion, and Lauber voting yes.

Al Millikan moved to add a statement that would notice the public that the Council would not take action in June unless there was a consensus of the major industry components on an allocation. The Council, by consensus, decided that this information would be included in the cover letter accompanying the document going out for public comment. The final wording was:

Unless there is consensus among major industry components the Council is unlikely to take action in June. The motion carried without objection.

Wally Pereyra moved to amend to include in the analysis some consideration of available 1993 product value information. The motion was seconded and carried without objection.

Staff advised that it may be difficult to identify product prices for 1993 because of a substantial amount of instability.

The main motion, as amended, carried, 8 to 3, with Mace, Millikan and Pereyra voting no.

(c) Add Pelagic gear to other trawl prohibitions around Kodiak Island.

Under Amendment 26, time/area closures and crab protection zones around Kodiak became permanent. In January, the NOAA Office of Enforcement expressed concern about the effectiveness of the amendment as adopted by the Council. Restricting the closures to only one form of trawl gear would create enforcement problems. At that time, the Council asked staff to analyze a closure to all trawling. The Council was scheduled to review the analysis and consider approval for public review.

There was no SSC report on this agenda item.

Report of the Advisory Panel

The AP recommended the Council not send the document out for public review and that the issue be referred back to the Kodiak Groundfish Committee to work with NMFS Protection to resolve areas concerning enforceability.

COUNCIL DISCUSSION AND ACTION

The Council noted that the analysis indicated that closing these areas to pelagic trawling could reduce some important nearshore pollock fishing grounds, and that the existing closures have been closely monitored by the Kodiak fishing industry for several years.

Oscar Dyson moved not to send the analysis out for public review. The motion was seconded by Henry Mitchell and carried, 10 to 1, with Ron Berg (for Pennoyer) voting against.

(d) Establish Atka mackerel as a separate target species in the Gulf of Alaska.

The Council was scheduled to review the proposed amendment for public review. Because Atka mackerel has recently become a target species in the Gulf, it no longer meets the definition for "other species" as it is now classified. High landings of Atka mackerel in 1992 accounted for almost the entire TAC of "other species" in the Gulf of Alaska, resulting in other species becoming non-retainable in May for the entire GOA.

Report of the Scientific and Statistical Committee

The SSC recommended sending the analysis out for public review.

Report of the Advisory Panel

The AP recommended sending the analysis out for public review.

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COUNCIL DISCUSSION AND ACTION

Bob Mace moved that the analysis be sent out for public review. The motion was seconded and carried without objection.

(e) Proposed Salmon Bycatch Vessel Incentive Program/BSAI Chinook Salmon Bycatch Amendment

Sue Salveson, NMFS, provided an overview of the proposed Salmon Vessel Incentive Program. The Council had previously received the draft chinook salmon bycatch analysis for review.

Report of the Scientific and Statistical Committee

The SSC had several detailed comments on the BSAI Chinook Salmon Bycatch analysis (see Appendix II). The SSC pointed out that there are significant problems associated with estimation of chinook salmon bycatch rates in the domestic observer program; because of these sampling difficulties it would be difficult to implement a bycatch management regime based on chinook salmon bycatch caps and most likely impossible to implement a VIP based on chinook salmon bycatch rates.

Report of the Advisory Panel

The AP unanimously recommended that the Council send the Salmon Bycatch VIP analysis out for public review. The AP also had several other specific recommendations for Council consideration (see AP Minutes, Appendix IV for greater detail):

- Consider mandatory retention of all salmon bycatch with a stiff penalty for discard.
- Request NMFS to publish actual number of salmon bycatch (preferably all bycatch) by vessel name for all fisheries.
- Encourage creation of a foundation which would collect fees on a per-salmon basis for unacceptable salmon bycatch; funds would be used to do stream-of-origin analyses, stock strength analyses, and bycatch pattern analyses.
- Request NMFS to release tow-by-tow data for more timely independent industry analysis.

The AP stressed that their intent was not to set a cap, but to create an incentive to reduce the actual rate and apply pressure to those who would not otherwise comply.

COUNCIL DISCUSSION AND ACTION

Steve Pennoyer moved to accept the AP recommendation to send the EA/RIR for the Salmon Bycatch VIP Program out for public review, for final action on that, combined with the other salmon amendment package, at the June meeting. The motion was seconded by Oscar Dyson.

Mr. Pennoyer clarified that his motion only dealt with the regulatory actions required of the Council. The other recommendations of the AP regarding the foundation, etc., are not under the Council's regulatory purview.

Wally Pereyra moved to amend the motion to include the industry proposal (the AP's recommendation) as an alternative for consideration at the June meeting. However, the motion was later withdrawn after discussion of alternative ways of considering the proposals.

Bob Mace suggested that a cover letter accompanying the analysis explain the industry suggestions and encourage input on those suggestions for consideration at the June meeting. The Council agreed with this suggestion and Mr. Pereyra withdrew his amendment.

Lisa Lindeman requested that there be some analysis of whether a fisherman can affect or control salmon bycatch. If fishermen can't control salmon bycatch, then there could be a problem with any action the Council might take with regard to a salmon VIP program.

Earl Krygier suggested that Option 1 under Alternative 2 in the VIP EA/RIR be excluded because both the AP and SSC have indicated it is not feasible. Mr. Pennoyer recommended not deleting options at this point.

Steve Pennoyer moved to include the recommendation of NOAA-GC regarding analysis of whether or not a fisherman can affect and control salmon bycatch. By consensus, this was included in the main motion.

The main motion, as amended, carried without objection.

D-3 Groundfish Regulatory Amendments

(a) Trawl mesh regulations.

At the December 1992 meeting the Council received a proposal from the Highliners Association to require use of 90 mm single square mesh in the upper portion of all codends used in the BSAI and GOA directed pollock fisheries. The Council asked staff to prepare a draft EA/RIR for the proposal. The analysis was provided to the Council prior to the meeting.

The Council received a presentation on research underway to study codend selectivity on Alaska pollock being conducted jointly by the Alaska Fisheries Development Foundation, University of Washington, and the Fishery Industrial Technology Center.

Report of the Scientific and Statistical Committee

The SSC recommended sending the document out for public review after minor changes.

Report of the Advisory Panel

The AP recommended the Council refrain from sending the document out for public review until the AFDF study has been completed and incorporated into the analysis.

COUNCIL DISCUSSION AND ACTION

Bob Alverson moved to adopt the AP recommendation to refrain from sending the analysis forward for public review until results of current research are available. The motion was seconded by Wally Pereyra and carried without objection.

Linda Behnken suggested that any future draft of the analysis incorporate comments and suggestions made by the SSC. There was no objection to this suggestion.

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(b) Total weight measurement.

In January 1992 the Council recommended that NMFS develop a regulatory amendment that would require accurate estimation and reporting of total catch species for all groundfish fisheries within the EEZ of the GOA and BSAI. At this meeting NMFS provided a draft analysis of alternatives to apply only to the pollock CDQ fisheries.

Report of the Scientific and Statistical Committee

The SSC reviewed the draft regulatory amendment and recommended releasing it for public review and comment. The SSC believes accurate reporting of total fishery removals is a basic requirement for reliable stock assessments and effective management.

Report of the Advisory Panel

The AP recommended the Council send the regulatory amendment out for public review after incorporating the following into the analysis:

1. Require total weight measurement on all at-sea processing, and
2. Include an estimate of the cost to the resource of inaccurate estimates of removals.

COUNCIL DISCUSSION AND ACTION

Bob Alverson moved to send the regulatory amendment out for public review. The motion was seconded and carried, 10 to 1, with Lauber voting no.

(c) Framework opening date for the BSAI pollock "A" season.

In January the Council asked staff to develop a framework amendment which would allow the opening date for the BSAI pollock 'A' season to be set during the September-December annual specifications process. A discussion paper was provided to the Council during the meeting. Council member Wally Pereyra submitted a letter requesting that the analysis include the alternative of making it illegal for any vessel which participates in the BSAI pollock fishery to enter other trawl fisheries before the opening of the pollock fishery.

There was no SSC report on this agenda item.

Report of the Advisory Panel

The AP recommended the analysis be supplemented with the request made by Council member Pereyra and returned for Council review in June before releasing for public review.

COUNCIL DISCUSSION AND ACTION

Wally Pereyra moved to revise the EA/RIR to include the alternative suggested in his April 15 letter to the Council and to send the analysis out for public review prior to the June meeting, allowing final action to be taken in June. The motion was seconded by Bob Mace and carried without objection.

**List of Persons Testifying at NPFMC Meeting
April 21-24, 1993**

Agenda B-3 NMFS Management Report

Linda Kozak, Fishing Vessel Owners Assn.
Arni Thomson, Alaska Crab Coalition

Agenda B-4 Enforcement Report

Van Schmitt, Ketchikan
Bob Trumble, International Pacific Halibut Commission

Agenda C-2 Observer Program

Steve Hughes, Midwater Trawlers Cooperative

Agenda C-4 Scallop Management

Teresa Kandianis, Kodiak

Agenda C-6 Comprehensive Rationalization Plan

Mike O'Callahan, E.A.R.T.H.
Group: Kate Graham, American High Seas Fisheries Assn.
Chris Blackburn, Alaska Groundfish Data Bank
Dave Fraser, American Independent Fishermen
Paul MacGregor, American Factory Trawlers Assn.

Mark Springer, Hooper Bay
Arni Thomson, A.C.C.
Joe Plesha, Trident Seafoods
Vince Curry, Pacific Seafood Processors Assn.

Agenda D-2 Salmon Management

Eric Jordan, Sitka
Dale Kelley, Alaska Trollers Assn.

Agenda D-2(a) Rockfish Rebuilding Plans and POP AbC/TAC

Mary Standaert, Alaska Sablefish, Inc.
Dan Falvey, Alaska Longline Fishermen's Assn.
Penny Pagels, GreenPeace
Deming Cowles/Kris Norosz, Fisheries Conservation Action Group
Mike Szymanski, Fishing Company of Alaska

Agenda D-2(b) Pacific Cod Allocation

Thor Olsen/Steve Drage, Seattle
Linda Kozak, KLVOA
Bob Trumble, IPHC
Thorn Smith/Don Iverson/Jim Beaton, North Pacific Fisheries Assn.
Gary Westman/Harold Jones, MTC
Bob Storrs, Unalaska Local Fishermen's Assn.
Group: Al Burch, Alaska Draggers Assn.
 Kate Graham, AHSFA
 Steve Hughes, MTC
 Chris Blackburn, AGDB
 Dave Fraser, AIF
 Paul MacGregor, AFTA
Deming Cowles/Kris Norosz, FCAAG
Ed Wyman, Neptune Marine Products
Jan Standaert, Deep Sea Fishermen's Union

Agenda D-2(c) Trawl Prohibitions Around Kodiak Island

Eddie Rose, Kodiak
Group: Kate Graham, AHSFA
 Steve Hughes, MTC
 Chris Blackburn, AGDB
 Dave Fraser, AIF
 Al Burch, ADA
Steve Drage/Paul Finzer/Stoian Iaankov, Seattle

Agenda D-2(e) BSAI Salmon Bycatch Amendment Analysis/VIP Analysis

Tate Hayes, Anchorage
Group: Karl Ohls, Bering Sea Fishermen's Assn.
 Joe Sullivan, AFTA
 Pete Maloney
 Steve Hughes, MTC
 Kate Graham, AHSFA
Dave Fraser, AIF
Kate Graham, AHSFA
Dan Albrecht, Yukon River Drainage Fisheries Assn.

Agenda D-3 Groundfish Regulatory Amendments

Thor Olsen, Seattle
Kate Graham, AHSFA/Dave Fraser, AIF
Paul MacGregor, AFTA
Chris Blackburn, AGDB

Agenda D-4(a-b) Pribilof Trawl Closure/Ban on Night Trawling

Gary Westman/Thor Olsen, Dakota Fisheries Management
Bill Clark, IPHC

During discussion it was agreed that if the analysis required for the additional alternative would delay a final action in June, then it should not be done.

(d) Define legal gears.

The Council was scheduled to take final action on a regulatory amendment which would define specific legal gear types for both the Gulf of Alaska and Bering Sea/Aleutian Islands groundfish FMPs. Current regulations define only illegal gears. The amendment was released for public review following the January Council meeting.

There was no SSC report on this agenda item.

Report of the Advisory Panel

The AP recommended the amendment include a sunset clause of 3 years, or when a groundfish ITQ program is in place, and that seine gear be included in the list of legal gear.

COUNCIL DISCUSSION AND ACTION

Bob Alverson moved adoption of Alternative 2:

Prohibit the use of gear types that are not defined in 50 CFR 672.2 and 675.2 (hook and line, jig (which includes troll), longline, longline pot, pelagic trawl, pot-and-line, and trawl.

The motion was seconded by Wally Pereyra.

Wally Pereyra moved to amend to include a sunset clause effective on implementation of a comprehensive ITQ program. The motion was seconded by Clem Tillion and failed, 7 to 3, with Mitchell, Pereyra and Tillion voting in favor; Mace was not present.

It was pointed out that when a comprehensive program is developed all regulations will have to be reviewed.

Wally Pereyra moved to amend to include Danish and Scottish seines, classified as bottom trawl gear, as legal gear in the Bering Sea/Aleutian Islands. The motion was seconded and carried, 8 to 2, with Hegge and Lauber voting against; Mace was not present.

The main motion carried, as amended, 8 to 2, with Mitchell and Pereyra voting against; Mace was not present.

D-4 Other Groundfish Issues

(a) Pribilof Island trawl closure.

In December the Council received a draft analysis on the proposal. After receiving testimony from the public, SSC and AP, the Council asked that the analysis be expanded to achieve the objective of protecting crab habitat while allowing important adjacent waters to remain open for trawling. The

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Council was advised that work is continuing on the analysis and a draft may be available at the June Council meeting.

(b) Ban on night trawling.

In response to a proposal from the Midwater Trawlers Cooperative in January, the Council requested staff to begin developing information for a possible amendment to ban trawling for Pacific cod at night in the BSAI. The Council received a staff discussion paper summarizing scientific studies on day/night bycatch rates and identifying some enforcement concerns and other issues for consideration.

Report of the Advisory Panel

The AP recommended the Council request the issue be further developed with regard to other gears fishing through the night, and registration of Pacific cod vessels. The AP's main concern is that all potential solutions need to be explored.

COUNCIL DISCUSSION AND ACTION

Linda Behnken moved adoption of the AP's recommendation. The motion was seconded by Bob Alverson and failed, 6 to 4, with Alverson, Behnken, Tillion and Lauber voting in favor; Mace was not present.

Council members felt that because of other work being done on a comprehensive plan that staff time should not be devoted to a plan amendment for this issue at this time. Council members expressed the opinion that although they do not wish a plan amendment, they would agree that enforcement should give some thought to the proposal and, if funding is available, IPHC should begin analyzing the database for anything that might reduce halibut bycatch.

(c) Consider emergency rule to reduce bycatch of Pacific cod in the yellowfin sole fisheries.

At the request of Council member Ron Hegge, the Council was asked to consider recommending that the NMFS Regional Director implement an emergency rule to reduce the amount of Pacific cod bycatch in yellowfin sole trawl fishery. This can be accomplished by modifying the BSAI directed fishing standard regulations. The Council asked that this be put on the June agenda, included in the NMFS management report.

(d) Set VIP rate standards for the 2nd and 3rd quarters of the 1993 fishing year.

The Council was scheduled to recommend bycatch rate standards for the VIP program for the second and third quarters of the 1993 trawl fisheries in the GOA and BSAI.

Report of the Advisory Panel

The AP recommended the Council rollover current standards and request NMFS assign staff time to get vessel names from previous years up on the bulletin board and try to get as close to real-time posting of current rates according to PIN number.

COUNCIL DISCUSSION AND ACTION

Steve Pennoyer moved to adopt the following bycatch rate standards for the 3rd and 4th quarters:

<u>Fishery</u>	<u>Halibut</u> (kg Halibut/mt Catch)	<u>Red King Crab</u> (# of crab/mt catch)
BSAI Midwater Pollock	1.0	n/a
BSAI Bottom Pollock	5.0	n/a
BSAI Yellowfin Sole	5.0	2.5
BSAI Other Trawl Fisheries	30.0	2.5
GOA Midwater Pollock	1.0	n/a
GOA Other Trawl Fisheries	50.0	n/a

The motion was seconded by Henry Mitchell and carried without objection.

(e) Pollock "roe-stripping" regulatory adjustments.

NMFS advised the Council of proposed regulatory adjustments to the pollock roe-stripping regulations which would close loopholes in the current regulations. The changes include: (1) Change the definition of "fishing trip" so vessel operators cannot "top off" at the end of a lengthy fishing trip with roe product and also prevent a vessel operator from partially offloading some pollock product, but retaining other pollock product, such as roe, during a trip; (2) prevent vessel operators from using "unprocessed" pollock as primary product to calculate retainable amounts of roe or discarding any primary pollock product at sea that was used to calculate retainable amounts of roe; and (3) prohibit using primary roe-related products such as "headed and gutted with roe" to calculate retainable amounts of roe-only product.

Report of the Advisory Panel

The AP recommended the Council approve the regulatory changes.

COUNCIL DISCUSSION AND ACTION

Al Millikan moved to concur with NMFS recommendation to forward the roe-stripping regulatory adjustments forward to Secretarial review. The motion was seconded by Henry Mitchell and carried without objection.

(f) Sea lion closures/Critical habitat areas.

NMFS presented a draft regulatory amendment modifying the seasonal 20 nautical mile sea lion rookery protection zones around Sea Lion Rocks, Akun, Ugamak, Akutan, Agligadak and Seguam Islands in November and December when significant pollock harvest is forecast.

NMFS has also proposed designating critical habitat for the Steller sea lion pursuant to the Endangered Species Act. The ESA allows NMFS to designate areas as critical to listed species if the area is essential to the conservation of the species and may require special management considerations or protection. The proposed critical habitat designation includes: (1) all Steller sea lion rookeries and haul-outs, including a zone that extends 3,000 feet landward and vertical of each rookery and haul-out boundary, and that extends 3,000 feet seaward from rookeries and haul-outs located east of 144°W longitude, or 20 nm seaward from rookeries and haul-outs located west of

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144°W longitude; (2) all of Shelikof Strait; and (3) two large areas in the BSAI region, one surrounding Seguam Pass and the other extending from just west of Sea Lion Rocks to west of Adugak Island, and extending as far north as 56°N latitude.

Report of the Advisory Panel

The AP recommended the Council send the regulatory amendment to modify the Steller sea lion rookery protection zones out for public review.

COUNCIL DISCUSSION AND ACTION

Henry Mitchell moved to send the regulatory amendment to modify the Steller sea lion rookery protection zones out for public review. The motion was seconded by Wally Pereyra and carried without objection.

Council members discussed the NMFS proposal to designate critical habitat for the Steller sea lion pursuant to the ESA. Council members agreed with the need to protect endangered species but were concerned that areas designated may be larger than necessary.

Wally Pereyra moved that the Council request that NMFS make every effort to review the areas to make them as specific as possible and appropriate to the needs of the Steller sea lions. The motion was seconded and carried with Steve Pennoyer abstaining.

D-5 Crab Management

This agenda item was deferred to the June meeting because of a lack of time.

D-6 Staff Tasking

The Council did not take up this specific agenda item. Council members were provided with a list of current amendments and other projects in process.

E. FINANCE REPORT

There was no finance report at this meeting.

F. ADJOURNMENT

The meeting was adjourned at 12:23 p.m. on Saturday, April 24, 1993.