

North Pacific Fishery Management Council

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Certified Richard B. Lauber
Date Sept 29, 1997

MINUTES

**126th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
February 4-8, 1997
Hilton Hotel
Anchorage, Alaska**

The North Pacific Fishery Management Council met February 4-8, 1997 at the Hilton Hotel in Anchorage, Alaska. The Council met jointly with the Alaska Board of Fisheries on Tuesday, February 4, and convened the regular plenary session on Wednesday, February 5. The Advisory Panel met February 3-5 and the Scientific and Statistical Committee met February 3-4 at the same location. The following members of the Council, staff, SSC and AP attended the meetings.

Council

Richard Lauber, Chairman
Morris Barker for Bern Shanks
CAPT Vince O'Shea for RADM Riutta
Linda Behnken
David Fluharty
Dave Hanson
Bob Mace for R. Ingram

Walter Pereyra, Vice Chair
Kevin O'Leary
Steve Pennoyer
Everett Robinson-Wilson
H. Robin Samuelsen, Jr.
Dave Benton for Frank Rue
Clem Tillion

NPFMC Staff

Clarence Pautzke, Executive Director
Jane DiCosimo
Marcus Hartley
David Witherell
Darrell Brannan

Chris Oliver, Deputy Director
Helen Allen
Gail Bendixen
Linda Roberts

THE UNIVERSITY OF CHICAGO

Department of Chemistry

Chicago, Illinois

February 19, 1954

James W. Johnson

Dear Sir:

I have your letter of January 22, 1954, regarding the matter of the proposed purchase of the property at 5700 S. University Avenue, Chicago, Illinois. I am sorry that I cannot give you a more definite answer at this time, but the matter is being handled by the appropriate authorities.

I am sure that you will understand the need for a thorough review of the proposed purchase, and I am sure that you will be satisfied with the results of the review. I am sure that you will be satisfied with the results of the review.

Sincerely,

James W. Johnson
Director of the University of Chicago
Department of Chemistry

James W. Johnson
Director of the University of Chicago
Department of Chemistry

Very truly yours,

James W. Johnson
Director of the University of Chicago
Department of Chemistry

James W. Johnson
Director of the University of Chicago
Department of Chemistry

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Support Staff

Lisa Lindeman, NOAA-GCAK
Ron Berg, NMFS-AKR
Earl Krygier, ADFG
Kim Rivera, NMFS-AKR
Jay Ginter, NMFS-AKR
John Lepore, NMFS-AKR
John Heifitz, NMFS

Rich Ferrero, NMFS-AKR
Peggy Murphy, ADFG
Cindy Hartman, NMFS-AKR
Bill Karp, NMFS-AFSC
Nick Hindman, NMFS-AKR
Tamra Faris, NMFS-AKR
Ken Griffin, ADFG

Scientific and Statistical Committee

Keith Criddle, Chair
Jim Balsiger
Sue Hills
Steve Klosiewski
Doug Larson
Seth Macinko

Jack Tagart, Vice Chair
Richard Marasco
Marc Miller
Terry Quinn
Phil Rigby (Alt)
Al Tyler
Hal Weeks

Advisory Panel

John Bruce, Chair
Ragnar Alstrom
Dave Benson
Al Burch
Bruce Cotton
Craig Cross
Dan Falvey
Kris Fanning

Stephanie Madsen, Vice Chair
Dave Fraser
Arne Fuglvog
Steve Ganey
Justine Gundersen
Spike Jones
John Lewis
Hazel Nelson

Dean Paddock
John Roos
Jeff Stephan
Teresa Turk
Robert Wurm
Lyle Yeck
Grant Yutrzenka

Other Attendees

The following people signed the attendance register:

Lennie Gorsuch
Wade Martin
James J. Nielsen
Alan Pedarsen
Terry Rennety
John Henderschedt
Steve Hughes
David Wilson
Steve Grabacki
Anthony Philemonoff
Bretn Paine
tammy Shellikoff

Gale Vick
Patrick Bradley
Joe Plesha
Tom Okey
Walter Johnson
Lance Nylander
Edwin Glotfelty
Joe Kyle
Brad Kimberlin
John Iani
Ruel Holmberg, Sr.
Freddie Christianson

Tim Richardson
Gordon Blue
Kris Norosz
Vince Curry
Shari Gross
Jack Hill
Norman Cohen
Dan Erickson
Vivian Mendhenhall
Steve Davis
Bill Jacobson
Debby Swenson

Howard Torsen
Kristin Stahl-Johnson
Denise Fredette
Chris Blackburn
Ken Allread
Thorn Smith
Brian Bigler
Wanetta Ayers
Bill Spenser

Jamie James
Peter & Linda Udelhoven
Mel Erickson
Barry Bracken
Duncan Fields
Bert Stromquist
Arni Thomson
Joan Travostino
Bob Trumble

Walter Sargent
Melanie Gundersen
B. Fortiskew Slausner
Mike Szymanski

A list of those who gave public testimony during the meeting is found in Appendix I to these minutes.

The joint meeting between the Council and the Alaska Board of Fisheries was held on Tuesday, February 4, 1997. A summary of that meeting was prepared separately (see Appendix II).

A. CALL TO ORDER/APPROVAL OF AGENDA/MINUTE(S) OF PREVIOUS MEETING(S)

Chairman Rick Lauber called the meeting to order at 8:15 a.m. on Wednesday, February 5, 1997.

Agenda. The agenda was approved as printed.

SSC Officers. The Council endorsed the election of Keith Criddle and Jack Tagart as Chair and Vice-Chair, respectively, of the SSC for 1997.

B. REPORTS

The Executive Director's Report (Agenda item B-1) was provided in written form. Fishery progress reports by the National Marine Fisheries Service and the Alaska Department of Fish and Game, and enforcement reports by NMFS and the Coast Guard are not normally requested at the first meeting of the year, however, NMFS provided a brief oral report on amendments and regulations in progress (Agenda item B-2). The Council also received oral presentations on field research on estimating mortality of trawl-bycaught halibut (Agenda item B-4), and on the Canadian individual bycatch quota program (Agenda item B-6). A special presentation was given on construction of the new Alaska Sealife Center in Seward, Alaska (Agenda item B-3). The Council's Ecosystems Committee also reported on recent activities (Agenda item B-5).

DISCUSSION/ACTION RESULTING FROM REPORTS

Executive Director's Report. Lisa Lindeman will be drafting the recusal guidelines and asked that Council members provide her with any input they may have. Draft regulations may be available for review at the April 1997 meeting.

NMFS Management Report.

Seabird Avoidance Regulations. Members of industry advised the Council that some of the seabird avoidance measures approved by the Council in December would not be mandatory in the proposed rule to be published by NMFS because they were deemed unenforceable. Representatives of the longline fisheries asked the Council to

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reaffirm their intent that all measures approved in December be made mandatory. Council members discussed the issue and took action under Agend item C-1.

Implementation of License Limitation Program. NMFS advised the Council in a letter dated February 3 that implementation of the license limitation and community development programs for groundfish and crab may be delayed until 1999, at the earliest. The letter stressed that the programs will require substantial fiscal and human to implement and manage. With regard to the CDQ program, Mr. Pennoyer pointed out that the total catch weight, measured by certified scales, are necessary as well as a heavy reliance on the observer program. The Council received a presentation from Mr. Aves Thompson of the Alaska Dept. of Weights and Measures indicating that they are prepared to provide a formal program to NMFS to evaluate and verify scales on initial installation as well as provide training for observers for periodic inspection and verification while at sea.

Council members generally were concerned about delayed implementation of the license limitation and CDQ programs and urged NMFS to do whatever necessary to strive for the original implementation date of 1998. During discussion it was pointed out that it may be possible to implement the CDQ program earlier than 1999 if the total catch measurement regulations can be implemented and enforced.

Dave Benton moved to direct the Executive Direction to send a letter to the proper NMFS/NOAA official, with copies to the Congressional delegations for Alaska, Washington and Oregon, urging that the scale certification regulations and implementation of the license limitation and community development quota programs be given a high priority. The motion was seconded and carried without objection; Steve Pennoyer abstained from the vote.

During the discussion it was clarified that although the Council affirms its intent that the LLP and CDQ programs be approved as a single package, implementation of the CDQ program would precede implementation of the LLP Program, if it is possible.

Ecosystems Committee Report. See Appendix III to these minutes.

FORMAT FOR COUNCIL MEETING MINUTES:

Each agenda item requiring Council action will begin with a copy of the original "Action Memo" from the Council meeting notebook. This will provide a "historical" background leading up to the current action. This section will be set in a different type than the actual minutes. Any attachments referred to in the Action Memo (e.g., C-1(a), etc.) will not be attached to the minutes, but will be part of the meeting record and available from the Council office on request. Following the Action Memo will be the reports of the Scientific and Statistical Committee, Advisory Panel, and any other relevant committee or workgroup on the subject. Next will be a section for discussion and motions on the subject. Finally, there will be a brief summary of actions taken, unless there is only one action and it is self-explanatory.

C. NEW OR CONTINUING BUSINESS

C-1 Halibut Issues

ACTION REQUIRED

- (a) **Report on IPHC Annual Meeting.**
- (b) **Review Area 4 catch sharing plan.**
- (c) **Consider seabird avoidance measures for halibut longline fishery.**

(d) Report from Halibut Subsistence Committee.

BACKGROUND

(a) International Pacific Halibut Commission Annual Meeting

The IPHC met January 27-30, 1997, in Victoria, British Columbia to review the revised stock assessment for halibut and set catch limits for 1997. IPHC staff will report on halibut catch limits and other action taken by the Commission. A report from the IPHC meeting will be distributed during the Council meeting.

The Council and IPHC will meet jointly during the April 1997 Council meeting to discuss halibut management issues of mutual interest. During that meeting, IPHC staff will present the recent halibut assessment and bycatch reduction models to the SSC for their review.

(b) Area 4 Catch Sharing Plan

In February 1995, the IPHC requested that the Council consider a change in apportioning Area 4 subarea quotas for 1996 and beyond. IPHC staff had recommended distributing halibut quotas in Area 4 subareas according to the proportion of biomass in each area, which was calculated in 1994 based on habitat area estimates. IPHC staff had recommended moving towards the biomass method for subareas 4A and 4B given the considerable stock separation in those subareas. Staff noted that there was no biological or conservation basis for catch limits in subareas 4C, 4D, and 4E and suggested that the IPHC apportion catch limits based on biomass distributions for subareas 4A, 4B, and combined subareas 4C-E, with the Council making subarea allocations (4C, 4D, and 4E) for the combined subarea (4C-E) catch limit.

In December 1995, the Council approved an interim catch sharing plan based on the 1995 status quo halibut allocations until such time as the IPHC approved a biomass-based apportionment for Area 4 quotas. Contained in the plan are allocations of: 4A: 33%; 4B: 39%; 4C: 13%; 4D: 13%; and 4E: 2%. The catch sharing plan also set aside 80,000 lb of quota greater than 5,920,000 lb (1995 and 1996 total Area 4 quota) to Area 4E.

The IPHC staff recommendations for 1997 include subarea apportionments for Area 4A, 4B, and combined 4C-E. At its January 1997 meeting, the IPHC deferred implementation of biomass-based subarea apportionments until 1998 to allow the Council to amend its catch sharing plan. The Council's current catch sharing plan will direct the first 80,000 lb of the total 1997 halibut Area 4 catch limit to Area 4E, with the remaining amount to be allocated according to the above percentages.

Possible revisions to the Council's catch sharing plan changes would remove Areas 4A and 4B and continue to apportion the IPHC combined Area 4C-E catch limit with the Council status quo subarea apportionments: 4C: 46.4%; 4D: 46.4%; and 4E: 7.2%. The Council may also choose alternative apportionments. The Council may also reexamine the 80,000 lb allocation to Area 4E, given the significant increase in halibut catch limits in all Area 4 subareas for 1997. With the proposed removal of Areas 4A and 4B from the catch sharing plan beginning in 1998, the formula for allocating the additional 80,000 lb to Area 4E may need to be revised so as to be deducted from Areas 4C and 4D only.

(c) Seabird avoidance

At its December 1996 meeting, the Council approved gear modifications, seabird avoidance devices, or changes in fishing methods designed to reduce the incidental mortality of seabirds for the groundfish fisheries in the Gulf of Alaska and Bering Sea/Aleutian Islands. The Council deferred action for the halibut hook-and-line fishery until the IPHC had reviewed proposed regulations at its annual meeting. Approved measures for groundfish fisheries include the following:

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- 1. All hook-and-line fishing operations would be conducted in the following manner:**
 - **Baited hooks must sink as soon as possible after they are put in the water. This could be accomplished by the use of weighted groundlines or thawed bait.**
 - **The dumping of offal shall be avoided to the extent practicable while gear is being set or hauled; if discharge of offal is unavoidable, the discharge must take place aft of the hauling station or on the opposite side of the vessel to that where gear is set or hauled.**
 - **Every effort shall be made to ensure that birds brought aboard alive are released alive and that wherever possible, hooks are removed without jeopardizing the life of the bird.**

- 2. One or more of the following measures would be employed at all times when baited hooks are being set:**
 - **A buoy, board, stick, broom, or other like device shall be towed behind the vessel at a distance appropriate to prevent birds from taking baited hooks. Multiple devices may be employed, or;**
 - **A streamer line designed to effectively discourages birds from settling on baits during deployment of gear, shall be towed, or;**
 - **Gear shall be set only at night (between the times of nautical twilight). When fishing at night, only the minimum vessel's lights necessary for safety shall be used; or**
 - **Baited hooks shall be deployed under water using a lining tube designed and manufactured for such a purpose, or;**
 - **With the approval of the Regional Administrator, other experimental seabird avoidance devices may be substituted for those listed above.**

The required measures to reduce the incidental mortality of seabirds would be applicable to vessels using hook-and-line gear in both the GOA and BSAI directed groundfish fisheries. Rulemaking to require seabird avoidance measures would be initiated separately for the groundfish fisheries and the halibut fishery to provide the IPHC opportunity to review the proposed measures. Recommendations by the IPHC on seabird avoidance in halibut fisheries will be provided at the meeting. Item C-1(c)(1) is a letter from NMFS concerning the application of these measures to the halibut fisheries.

(d) Halibut Subsistence

At its December 1996 meeting, the Council appointed a working group to provide recommendations to the Council for the development of regulations to allow the subsistence harvest of halibut. The committee met on January 22, 1997. A report of that meeting will be provided at meeting time. Council member Robin Samuelsen chaired the committee meeting. NMFS, Council, IPHC, and ADF&G staff provided management, regulatory, and enforcement background to the committee as summarized in an interagency staff meeting report, provided under Agenda C-1(d)(1).

The Halibut Subsistence Committee's recommendations are summarized below:

- **The North Pacific Council should encourage the State Department to petition the United States and Canada to amend the Halibut Convention to recognize subsistence rights for aboriginal users.**

- **The National Marine Fisheries Service should not enforce regulations prohibiting halibut subsistence harvests while the Council is developing subsistence regulations.**

- **The need and intent for halibut subsistence regulations is to allow the continued practice of long-term traditions of fishing halibut for food for their families in a non-commercial manner for non-economic consumption. Subsistence should be defined as 'non-commercial fishing for food.'**

- **Eligibility for halibut subsistence should be defined as "members of Alaska Native Federally-recognized Tribes with customary and traditional use of halibut."**

- **Hook-and-line gear (including set and hand-held gear) with a maximum of 60 hooks, along with rod-and-reel gear should be allowed as legal halibut subsistence gear. An individual would be limited to one skate of gear up to 1,800 ft long (not including the buoy line), with hooks set 18-20 ft apart, with a legibly marked buoy.**
- **No minimum size should be imposed for subsistence harvests of halibut. The commercial halibut minimum size regulations should be revised to read, "except in Area 4E where halibut under 32 inches caught with authorized commercial halibut gear may be retained for subsistence use."**
- **Halibut subsistence users should be allowed existing levels of bycatch.**
- **The commercial sale of subsistence-caught halibut should not be allowed. The committee further indicated an interest in allowing low monetary, non-commercial sale of halibut to legalize current practice of compensating subsistence fishermen for fuel or other fishing expenses in exchange for fish. The Council may wish to consider allowing trade and barter only among Native Tribal members, limiting the monetary exchange, or other limitations.**
- **The committee considered a suggestion that monitoring of halibut subsistence removals for stock assessment purposes could be best achieved through cooperative agreements between federal agencies and the Tribes.**

The SSC did not discuss this agenda item.

Report of the Advisory Panel

Area 4 Catch Sharing Plan. The AP recommended the Council initiate a regulatory amendment to remove areas 4A and 4B from the Council's catch sharing plan.

Seabird Avoidance.

The AP requested that the Council advise NMFS that any proposed bird avoidance regulation published in the *Federal Register* must contain all of the avoidance elements approved by the Council in the regulatory text, not in the preamble. The AP also requested that the Council initiate regulations requiring seabird avoidance measures in the halibut fishery.

Halibut Subsistence. The AP recommended that the Council initiate a regulatory amendment to allow subsistence harvest of halibut consistent with the recommendations of the Halibut Subsistence Committee. The AP recommended that the analysis contain detailed definitions of the following terms: barter; non-commercial; low-monetary values; and customary and traditional. In addition, the AP requested the following options be included in the analysis:

1. Subsistence harvest will be required to use seabird avoidance measures when applicable gear is used.
2. Establishment of a range for a daily bag limit per person of:
(a) 5-20 fish; or (b) 21-50 fish.

DISCUSSION/ACTION

The Council received a brief report from Bob Trumble on the annual meeting of the International Pacific Halibut Commission and the 1997 limits for the halibut fishery.

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Area 4 Catch Sharing Plan

Bob Mace moved to approve the AP recommendation to initiate a regulatory amendment removing IPHC areas 4A and 4B from the NPFMC Catch Sharing Plan. The motion was seconded by Linda Behnken and carried without objection.

Upon discussion of the motion, it was clarified that the current 80,000 lb. direct allocation to Area 4E would remain intact.

Seabird Avoidance

Bob Mace moved that any proposed seabird avoidance regulations published in the *Federal Register* must contain all of the avoidance elements approved by the Council at their December 1996 meeting and that if any of the proposed regulations sent to NMFS in Washington, DC do not contain all the elements in the regulatory text they must be returned to the Region for re-drafting, and under no circumstances are such proposed regulations to be published in the *Federal Register*. The motion was seconded by Morris Barker and carried without objection. Mr. Pennoyer abstained from the vote.

Linda Behnken moved to initiate a regulatory amendment to implement seabird avoidance regulations for the halibut hook-and-line fishery. The motion was seconded by Steve Pennoyer and carried without objection.

Ms. Behnken stressed that the analysis should take into consideration possible impacts of such measures on the small boat fleet. The amendment will be scheduled for initial review in April.

Halibut Subsistence

Using recommendations from the Halibut Subsistence Committee report, Dave Benton moved that an analysis for subsistence use of halibut be prepared, with a view towards preparing an EA/RIR, or analysis as necessary to develop appropriate regulations. The following options and suboptions were suggested by Mr. Benton, Mr. Samuelsen, and Dr. Barker, and then prepared as a written motion:

OPTION 1. Define subsistence.

Halibut subsistence regulations are needed to allow the continued practice of long-term customary and traditional practices of fishing halibut for food for families in a non-commercial manner for non-economic consumption. Subsistence is defined as 'non-commercial fishing for food.'

OPTION 2. Define eligibility for halibut subsistence:

Suboption A. Members of Alaska Native Federally-recognized Tribes with customary and traditional use of halibut. (Subsistence Committee definition)

Suboption B. Alaska rural residents as defined in ANILCA and identified in the table entitled 'Alaska Rural Places and Native Groups with Subsistence Halibut Uses,' and will also include other communities

for which customary and traditional findings are developed in the future. (ANILCA definition)

Suboption C. Tribal members and non-Native permanent residents of Native villages who have legitimate subsistence needs. (Migratory Bird Treaty Act definition)

OPTION 3. Define legal gear.

Legal halibut subsistence gear is defined as (1) hook-and-line gear (including set and hand-held gear) with a range of 10 hooks, 30 hooks, and 60 hooks and (2) rod-and-reel gear. An individual would be limited to one skate of gear up to 1,800 ft long (not including the buoy line), with hooks set 18-20 ft apart, with a legibly marked buoy.

Suboption. Allow Tribal governments to contract with NMFS to register designated fishermen to fish for the community using:

- A. 1 - 3 skates of gear, up to 60 hooks each**
- B. any gear type**

OPTION 4. Define minimum size.

Suboption A. No minimum size be imposed for subsistence harvests of halibut.

Suboption B. Revise the commercial halibut minimum size regulations to allow the retention of halibut under 32 inches caught with authorized commercial halibut gear in Area 4E for subsistence use.

OPTION 5. Allow the customary and traditional trade of subsistence halibut.

Suboption A. Allow the customary and traditional trade of subsistence caught halibut.

Suboption B. Allow the barter of subsistence caught halibut, limited to an annual amount: (1) \$200; (2) \$400; or (3) \$600.

Allow low monetary, non-commercial sale of halibut to legalize current practice of compensating subsistence fishermen for fuel or other fishing expenses in exchange for fish. The analysis would define 'barter,' 'non-commercial,' 'low monetary value,' and 'customary trade' and analyze the enforcement and monitoring costs of allowing barter.

OPTION 6. Sale of subsistence halibut.

Suboption A. Allow the commercial sale of subsistence-caught halibut.

Suboption B. Prohibit the commercial sale of subsistence-caught halibut.

OPTION 7. Collect subsistence harvest estimates through cooperative agreements with Tribal, State, and Federal governments.

The motion carried without objection.

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C-2 Halibut Charterboat Management

ACTION REQUIRED

Review analyses and release document for public review period.

BACKGROUND

In June of 1996 funding became available for the Council to proceed with analyses of the charterboat management alternatives developed in January of 1995. These alternatives were developed after several discussions by the Council and after input from their Halibut Charter Working Group which met twice in 1994. At the June 1996 meeting the Council also refined the alternatives for study by (1) deleting the unguided sport fishery from consideration; (2) deleting the alternatives for an absolute poundage cap on the charter fleet (while retaining the alternative for caps as a percentage of the overall quota); and, (3) deleting the alternative for a stand-alone IFQ program for the charter fleet (while retaining the option to allow lease/purchase of IFQs in the event of a cap). Because of the nature of this type of analyses, and other Council tasking, it was necessary to contract a large portion of the study to the University of Alaska's Institute for Social and Economic Research (ISER). This was done through a bid and selection process late last summer, with work commencing in the fall.

A partial draft of the analysis (EA/RIR/IRFA) was mailed to you last week, with the remainder being distributed at this meeting. It is likely that additional work may be required prior to release for public review, though we believe this additional work would be primarily cosmetic in nature rather than substantive. The Council's current schedule calls for a final decision at their next meeting, in April. The Council's Problem Statement, and list of final alternatives, are included below for reference. Staff from ISER and the Council will summarize the information and major findings from the analyses.

PROBLEM STATEMENT

The recent expansion of the halibut charter industry, including outfitters and lodges, may make achievement of Magnuson Act National Standards more difficult. Of concern is the Council's ability to maintain the stability, economic viability, and diversity of the halibut industry, the quality of the recreational experience, the access of subsistence users, and the socioeconomic well-being of the coastal communities dependent on the halibut resource. Specifically, the Council notes the following areas of concern with respect to the recent growth of halibut charter operations, lodges and outfitters:

- 1. Pressure by charter operations, lodges and outfitters may be contributing to localized depletion in several areas.**
- 2. The recent growth of charter operations, lodges and outfitters may be contributing to overcrowding of productive grounds and declining catches for historic sport and subsistence fishermen in some areas.**
- 3. As there is currently no limit on the annual harvest of halibut by charter operations, lodges, and outfitters, an open-ended reallocation from the commercial fishery to the charter industry is occurring. This reallocation may increase if the projected growth of the charter industry occurs. The economic and social impact on the commercial fleet of this open-ended reallocation may be substantial and could be magnified by the IFQ program.**

4. In some areas, community stability may be affected as traditional sport, subsistence, and commercial fishermen are displaced by charter operators, lodges, and outfitters. The uncertainty associated with the present situation and the conflicts that are occurring between the various user groups may also be impacting community stability.
5. Information is lacking on the socioeconomic composition of the current charter industry. Information is needed that tracks: (1) the effort and catch of individual charter operations, lodges, and outfitters; and (2) changes in business patterns.
6. The need for reliable catch data will increase as the magnitude of harvest expands in the charter sector.

ALTERNATIVES FOR CONSIDERATION

Alternative 1: Status Quo.

Alternative 2: Implement Reporting Requirements.

Charter boat operators will be required to fill out a federally mandated catch report for all retained and discarded catch for all species on each trip.

Alternative 3: Annually allocate the TAC between guided sport and commercial fisheries. (Would include reporting requirements in Alternative 2.)

Along with a requirement for reporting catch by charter operations, allocate the annual overall allowable halibut catch between guided sport and commercial fisheries after reducing the allowable catch by the projected catch of the unguided sport fishery. The initial allocation to the guided sport fleet will be based on a range between 105% and 140% by area of the 1994 guided sport catch. This initial allocation, defined as a percent of the allowable harvest of the directed commercial fishery and the guided sport catch combined from 1994, will thereafter be used as the basis for the allocation between guided and commercial fisheries. Optionally 1995 will be used as the base catch year. The allocation will apply to one of three options defining affected areas, and may optionally include commercial IFQ purchase/lease provisions.

Area Sub-Options

1. Statewide
2. IPHC areas 2C and 3A only
3. Allocations By ADF&G Management Zone:
 - Zone 1 Southeast: ADF&G areas A, B, C, D, E, F, G & H
 - Zone 2 Prince William Sound: ADF&G area J
 - Zone 3 Cook Inlet/Kenai: ADF&G areas K, L, N, and P
 - Zone 4 Kodiak: ADF&G area Q
 - Zone 5 Alaska Peninsula: ADF&G area R
 - Zone 6 Bering Sea: ADF&G areas T, U, V, W, X, Y and Z

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IFQ Purchase/Lease Sub-Option

Charters vessels could lease or purchase IFQs from the existing commercial IFQ program. This will enable continuous operation by charter vessels after the overall guided sport halibut cap is reached.

Alternative 4: A moratorium on new entries into the charter boat fleet. (Would include the reporting requirements in Alternative 2.)

Implement reporting requirements and limit the number of participants in the charter boat fleet to those vessels which have operated in the past. The moratorium would be applicable to one of the three optional area definitions shown in Alternative 3. Three alternative moratorium qualification dates are included as sub-options:

Moratorium Qualification Date Sub-options:

- 1. Participation as a licensed halibut guide on or before December 31, 1994.**
- 2. Participation as a licensed halibut guide on or before December 31, 1995.**
- 3. Participation as a licensed halibut guide on or before December 31, 1996.**

Alternative 5: Combine Alternatives 2, 3 and 4.

Implement reporting requirements, allocate a specific percentage of the halibut TAC to the guided sport fishery, and limit the number of participants in the charter boat fleet to those vessels which have operated in the past.

Report of the Scientific and Statistical Committee

The SSC provided extensive comments on the analysis (see SSC Minutes, Appendix IV to these minutes) and advised against sending it out for public review at this time. The SSC particularly suggested that the Council address the data collection issues which need to be resolved in order to credibly analyze the allocation issues the Council must inevitably confront.

Report of the Advisory Panel

The Advisory Panel also recommended the analysis not be sent out for public review at this time. They recommended several additional elements to be addressed in the analysis, as well as an additional alternative:

Elements:

- 1. Evaluation of the changes in non-guided catches of halibut and the potential impacts of guided and commercial catches on non-guided anglers as identified in the problem statement.**
- 2. An additional model run using a 10-year average (adjusted using the current methodology) of the TACs in lieu of the IPHC's future projections.**

3. A review of recreational fisheries managed under a cap and the experience of those fisheries with measures designed to extend seasons.
4. Inclusion of economic multipliers to evaluate the economic impact of commercial fishing beyond exvessel price to the end-user level.
5. Expand the discussion (as much as possible) of how the alternatives relate to Executive Order 12962, "Recreational Fisheries Considerations."

Alternative:

1. Include in Alternative 2 a detailed logbook or other data gathering plan, such as fish tickets, for the guided halibut fishery, managed by IPHC or NMFS.

The AP further recommended that the Council initiate a process to facilitate development and implementation of local area halibut management plans.

DISCUSSION/ACTION

Steve Pennoyer reviewed a letter dated February 5, 1997 from the International Pacific Halibut Commission regarding recommendations and proposals submitted to the Commission relating to halibut sport issues, such as bag limits. The Commission advised proposers that these issues should be brought before the Council.

Bob Trumble, IPHC staff, also gave a brief report on the Commission's annual meeting and reviewed past IPHC experience with recreational fishing issues in Washington and Oregon.

Dave Benton moved to approve the recommendations of the Advisory Panel with regard to Agenda item C-2, Halibut Charterboat Management: That the analysis be revised to incorporate the following elements and alternatives [wording slightly edited by Mr. Benton]:

Elements:

1. **Qualitative analysis of the changes in non-guided catches of halibut and the potential impacts of guided and commercial catches on non-guided anglers as identified in the problem statement.**
2. **An additional model run using a long-term historic average (adjusted using the current methodology) of the TACs in lieu of the IPHC's future projections.**
3. **A qualitative analysis of recreational fisheries managed under a cap and the experience of those fisheries with measures designed to extend seasons.**
4. **Inclusion of economic multipliers to evaluate the economic impact of commercial fishing beyond exvessel price to the end-user level.**
5. **Expand the discussion (as much as possible) of how the alternatives relate to Executive Order 12962, "Recreational Fisheries Considerations."**

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Alternatives:

1. **Include in Alternative 2 a detailed logbook or other data gathering plan, such as fish tickets, for the guided halibut fishery, managed by IPHC, NMFS, or ADF&G, including a discussion among the agencies on how to implement and operate such a program.**

Information to be gathered under such a data gathering program should be frameworked to include (a) number and identity of participating operators; (b) number and identity of participating vessels; (c) identify where participants are fishing, out of which ports and locations of fishing, by species; (d) level of participation of those in the fishery, number of trips taken, target species, number of clients, residency, number of rods fished; (e) attempt to identify the operating characteristics of the fishery.

2. **Under reporting requirements, add analysis of a trip report system. The intent would be to develop a form that an operator would fill out in triplicate showing the vessel name, operator's name, number of clients, days fished, ADF&G area fished, number of fish, and length of each fish taken. One copy would stay with the client, one with the charter operator, and one would go ADF&G. [This option was submitted as a motion by Linda Behnken but accepted as a friendly amendment to Mr. Benton's motion.]**

Definition of Charter boat fishing:

The definition of 'charter fishing' shall be the same as that currently in the Magnuson-Stevens Act, Section 3 (Definitions), item 3: "The term 'charter fishing' means fishing from a vessel carrying a passenger for hire, as defined in Section 2101(21a) of Title 46, United States Code, who is engaged in recreational fishing."

Additional Recommendations

1. **That the Council initiate a process to facilitate development and implementation of local area halibut management plans for those areas where local conflicts have been identified. For analysis, develop a framework to facilitate the development of such plans with the intent to form workgroups for those areas to develop initiatives for Council review to address localized depletion and decreased opportunity for non-guided sport and subsistence halibut fishing.**

The motion was seconded by Robin Samuelsen and carried without objection.

With regard to recordkeeping options, Ron Berg stressed NMFS's desire to use electronic reporting from the start of any new recordkeeping program.

Linda Behnken moved to initiate analysis of items 6, 7, and 8 in a proposal submitted by the Sitka Task Force (see Appendix V):

6. **Halibut longliners larger than "D" class would be prohibited from harvesting halibut in the Sitka Sound area, defined as a line across Kakul Narrows at the Green Buoy and from a point on Chichagof Island to Kruzof Island adjacent to Sinitsin Island, on the North to the Sitka Salmon Derby Boundaries on the South.**

7. Halibut longliners in the "D" category would be prohibited from harvesting halibut in the Sitka Sound area, same boundaries for larger vessels in the North, and inside of a line from Sitka Pt. to Hanus Pt. (14450 Loran Line) and from Hanus Pt. to the Green Marker in Dorothy Narrows and Across to Baranof Islands in the South in June, July, and August. 1,000-pound trip limit in this area during the time it is open. Halibut catch in Sitka Sound will be monitored for growth rate.
8. Inside the same areas defined for the category "D" longliners during the months of June, July, and August, fishing for halibut would only be allowed by: (a) personal use fishery; (b) subsistence fisheries; and/or (c) non-guided sport fishery.

The motion was seconded and carried 10 to 1, with Mace voting against. Mr. Berg was voting for Mr. Pennoyer.

Morris Barker moved to initiate an analysis for possession limits for halibut from the perspective of current and Canadian regulations, with sidebar issues to be considered, such as transferring to other individuals and the documentation needed to make that a legal transaction.

The motion was seconded by Dave Benton and carried without objection.

Earlier in the meeting, during public testimony, representatives of charterboat associations indicated that they were working on a proposal for consideration by the Council but had not yet finalized it. Council members indicated that if the group could come up with a proposal by the next day, they would take it into consideration. On February 8, the group provided a proposal for consideration (see Appendix VI). As a result of that proposal, the original motion made by Dave Benton was reconsidered and amended as follows:

Dave Benton moved to amend the motion to:

- (a) drop the angler's ADF&G licence number on form proposed for data gathering;
- (b) include a review of other methods of tracking and identifying the fish as it leaves the boat with the client in a manner that maintains the anonymity of the client and the protection of the client list;
- (c) evaluate the validity of the existing control date of 9/23/93 and make recommendations in that regard.

The motion to amend was seconded and carried without objection.

In addition, Dave Benton moved to request staff to prepare a discussion paper, to be available by September 1997, to evaluate the impacts of the near-shore halibut IFQ fishery on guided, non-guided recreational, and subsistence users. The motion was seconded by Linda Behnken and carried without objection.

SUMMARY

With regard to the draft analysis of management alternatives for the guided halibut sport fishery, the Council directed the drafters to make adjustments and conduct further analysis of the points listed in the motions above. The Council also initiated analysis of a proposal from the Sitka Sound Task force to address local halibut fishery management issues in Sitka Sound. In addition, an examination of halibut possession limits for the sport fisheries off Alaska will be conducted, and a discussion paper developed relating to impacts of the near-shore halibut IFQ fishery on guided, non-guided recreational, and subsistence users.

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C-3 Magnuson-Stevens Act Mandates

ACTION REQUIRED

- (a) Review development of central title registry.
- (b) Receive status report, and provide input as necessary, on IFQ/CDQ fee system and North Pacific Loan Program.
- (c) Receive report on National Academy of Science (NAS) studies of IFQ and CDQ programs.

BACKGROUND

(a) Central Lien Registry

Among the provisions of the recently reauthorized Magnuson-Stevens Act was a requirement for the establishment, by April 1997, of a central title registry for limited access/IFQ permits, a program requested previously by the North Pacific Council. It may be administered regionally, would apply to both IFQ and license limitation systems, and would collect up to a one-half percent fee upon registration and transfer of such permits/IFQs. Fees would be deposited in the Limited Access System Administration Fund and could be used only for administering the central registry system for the fishery from which the fees are collected. Phil Smith from the NMFS RAM Division will report to the Council on development of the central registry system.

(b) IFQ/CDQ fee programs and North Pacific Loan Program

Another provision of the Act is the establishment of fee programs (up to 3% of exvessel value of fish harvested under the program) for both the IFQ and CDQ programs in the North Pacific. These fees would also be deposited in the Limited Access System Administration Fund (LASAF), except for the amount (up to 25%) which is set aside for the North Pacific Loan Program. Up to 33% of the CDQ fees deposited in the LASAF may be used by the State to recover costs directly incurred in the administration of the CDQ program.

Though the Act does not specify a 'time certain' for the IFQ/CDQ fee program, it does call for establishment of the North Pacific Loan Program (though not codified) by October 1, 1997. The purpose of the North Pacific Loan Program is to issue obligations that aid in financing the purchase of IFQs by small vessel fishermen and entry level fishermen. Assuming that the Loan Program is dependent upon the overall fee program, and assuming development of such Loan Program by October of 1997, a very short time frame is available for the agency and the Council to comply with these provisions. While the fee program development is occurring on a national level, the Loan Program is specific to the North Pacific. Coordination between the agency, the Council, and the State of Alaska will be necessary to accomplish this task. Jay Ginter, from the NMFS Alaska Regional Office is available to report on development of these initiatives, as well as the National Academy of Science studies described below.

(c) National Academy of Science IFQ/CDQ studies

The Act also calls for the National Academy of Science (NAS) to prepare comprehensive reports on both the IFQ and CDQ programs. Specifically, the Act states:

- (1) *"Not later than October 1, 1998 the NAS, in consultation with the SOC and the Regional Councils, shall submit to Congress a comprehensive final report on IFQs, which shall include recommendations to implement a national policy with respect to IFQs"...*the language goes on

to describe the specifics of the report, and dictates the establishment of an IFQ review group to represent Alaska, Hawaii, and other Pacific coastal states. It also calls for public hearings in each Council region to obtain comments on IFQ programs.

(2) *"Not later than October 1, 1998, the NAS, in consultation with the SOC, the North Pacific and Western Pacific Councils, communities and organization participating in the program, participants in affected fisheries, and the affected States, shall submit to the SOC and Congress a comprehensive report on the performance and effectiveness of the CDQ programs under authority of the North Pacific and Western Pacific Councils" ... the language goes on to describe the specific focus of the NAS study.*

The nature and timing of Council involvement in these studies need to be determined.

The SSC did not address this agenda item.

Report of the Advisory Panel

The AP recommended that the Council request a legal determination from NOAA General Counsel regarding the applicability of Limited Access System Administration Fund fees under a vessel bycatch accounting program.

DISCUSSION/ACTION

The Council received reports from NMFS staff regarding progress and plans for complying with the mandates of the Act with regard to the Central Title Registry for IFQs and the IFQ/CDQ program fees. The fee program, being developed on a national level, will likely not be implemented with fees being collected, until 1999, so funding to underwrite the loan program likely will not be available until at least late 1999. NMFS staff also reported on the IFQ/CDQ studies to be conducted by the National Academy of Sciences. Although the Academy does not plan to set up the industry panels mentioned in the Act, NMFS will establish the panels. A *Federal Register* notice announcing the panels and requesting nominations will be published soon.

This was an information item; no Council action was taken.

C-4 Vessel Bycatch Allowances

ACTION REQUIRED

Council discussion and direction for further development.

BACKGROUND

The concept of Individual Bycatch Quotas (IBQs), or Vessel Bycatch Accounts (VBAs), has been the subject of Council discussion and development, on and off, for several years. Development of a workable VBA program has been hindered by monitoring and enforcement difficulties, as well as a lack of consensus on the appropriate structure of a VBA program. The Council has identified the benefits of some form of individual accountability for bycatch, and as recently as the September 1995 meeting identified further development of the VBA concept as a high priority for staff tasking. Formally tasked as an alternative within the BSAI pollock IFQ proposal, the VBA concept was separated from the pollock IFQ program for purposes of formal analysis, recognizing the complicated, and perhaps contentious, nature of both programs. The Council also recognized that, while there may be merit to concurrent implementation of IFQ and VBA programs, such programs could be considered independently.

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The Council last addressed VBAs as a specific agenda item in January 1996, when you had before you a discussion paper, and list of potential alternatives, elements, and options, by Dr. Joe Terry (the SSC and AP spent considerable time in December 1995 on this agenda item, refining the elements and options for formal analysis). The program structure at that time was based primarily on a proposal submitted by United Catcher Boats (UCB).

After reviewing the discussion paper the Council put on hold any further action until the June 1996 meeting, while also specifically requesting further analyses on the issues of monitoring and enforcement. However, development of both the VBA program and the pollock IFQ program were put on hold in 1996 by restrictive language in the 1996 budget appropriation bill for the NMFS and Council. Reauthorization of the Magnuson-Stevens Act in October 1996 included a further moratorium on IFQ development, and established some specific guidelines for further VBA development, including prohibitions on transferability.

Item C-4(a) in your notebook is the actual language from the Act regarding VBAs. Item C-4(b) is a copy of the briefing materials from January 1996 when the Council last addressed this issue - included in this package are: (1) the analytical outline prepared by Dr. Terry for VBAs; (2) potential alternatives, elements, and options for structuring the VBA analysis; (3) the original proposal submitted by United Catcher Boats; (4) the December 1995 minutes from both the SSC and AP regarding the VBA issue; (5) correspondence regarding the use of experimental fishing permits to illustrate the viability of VBA 'pools'; (6) a revised list of 'Select' alternatives for a VBA program, including options for the pooling concept; (7) a summary of Canada's IBQ program; and, (8) an industry letter in support of further development of the VBA concept.

Item C-4(c) is a copy of the 1996 groundfish proposal from Dave Fraser which outlines a modified VBA program, the Vessel-Group Bycatch Account Monitoring Plan (VGBAMP) which is based on a pooled bycatch concept.

Item C-4(d) is a paper provided by Joe Terry, "A VBA Program Proposal with Monitoring by Vessel Groups (Bycatch Reduction Partnerships)."

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

DISCUSSION/ACTION

Council members received staff reports reviewing previous work on the concept of vessel bycatch accounting and a recently-prepared paper by Dr. Joe Terry (NMFS-AFSC), "A VBA Program Proposal with Monitoring by Vessel Groups (Bycatch Reduction Partnerships)."

A motion to begin identifying the alternatives and elements to be addressed in an analysis was withdrawn in favor of waiting for an industry committee to scope out the possible alternatives.

Linda Behnken moved to establish a committee to bring to the April meeting a scoped-out proposal using the two documents in the notebook, "A VBA Program Proposal with Monitoring by Vessel Groups (Bycatch Reduction Partnerships)," and the January 1996 document, "Analytical outline for the Evaluation of a Vessel Bycatch Account Program," as guides in developing a proposal for Council review. The Council intent is to move forward on the issue of vessel bycatch accounting as soon as practical.

The motion was seconded by Bob Mace and carried without objection.

Ms. Behnken suggested that the committee should be as open as possible and that State and NMFS staff should be involved, as well as a wide representation of the industry.

Although the Council in general expressed intent and interest to move forward on the issue of vessel bycatch accounting, members are also concerned that staff time should not be obligated until enforcement and other legal issues can be worked out so that an effective program can be devised and implemented.

Robin Samuelsen moved to initiate a comprehensive analysis of bottom trawls versus pelagic trawls in the pollock fisheries in the Gulf of Alaska and Bering Sea/Aleutian Islands in order to achieve immediate reductions in the bycatch of halibut, salmon, herring and crab. The motion was seconded by Linda Behnken and carried without objection.

Mr. Samuelsen expressed his wish that the analysis be completed in time for the next amendment cycle.

SUMMARY

The Council asked the Chairman to form an industry committee to come up with an initial suite of alternatives for vessel bycatch accounts for formal analysis. The Council also asked staff to provide information to determine whether a prohibition on bottom trawling for pollock is warranted.

C-5 Research Priorities

ACTION REQUIRED

Review research priorities and forward to NMFS.

BACKGROUND

The Council annually submits recommendations to NOAA on research priorities for the upcoming year. These recommendations are used by the agency in their research and budget planning. Using the previous year's SSC list of recommendations as a basis, the groundfish Plan Teams have submitted the recommendations contained under Item C-5(a). A revised list of recommendations from the SSC should also be available for Council review at this meeting.

Report of the Scientific and Statistical Committee

The SSC reviewed Plan Team recommendations for additional research and updated their January 1996 SSC research recommendations (see SSC Minutes, Appendix IV to these minutes). The SSC suggested that the Council circulate these research priorities among the various agencies (e.g., NMFS, ADF&G, IPHC) and institutions of higher learning, and that the Executive Director solicit information on ongoing research projects, which may be related to groundfish and crab, from those institutions.

The AP did not address this agenda item.

DISCUSSION/ACTION

Wally Pereyra had several points he wished to make regarding the research priorities. Regarding walleye pollock, he thinks that it is important to understand the total picture, including the relative stock composition beyond the

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transboundary area, including the Russian zone. Also, he suggested that submersible operations need to be expanded to include not only observations on differences between trawlable and non-trawlable habitat, but should also investigate the non-trawling and non-fishing impacts to the bottom. Dr. Pereyra also pointed out that a statement indicating seamounts have not been sampled is incorrect, that he was aware of at least two research activities on this subject. In addition, Dr. Pereyra emphasized the need to emphasize bioenergetic studies with regard to research on marine mammal and seabird considerations, and with regard to forage species, herring needs to be identified as a forage species. Dr. Fluharty pointed out that pollock stocks that seem to come out of the east Kamchatka area and into the Donut area should also be considered an important piece of information when trying to get a clear understanding of the total pollock picture.

The Council asked the Executive Director to forward the research priorities identified by the SSC to NMFS, as well as research activities for crab identified during an annual meeting between NMFS and ADF&G, and those identified by the IPHC. Dr. Fluharty said that the Ecosystems Committee may be able to help prioritize research needs that are particularly necessary for the Council to make prudent management decisions.

C-6 Essential Fish Habitat

ACTION REQUIRED

Review and comment on proposed Secretarial guidelines for identification of essential fish habitat (EFH).

BACKGROUND

As discussed at the December Council meeting, the Magnuson-Stevens Act requires the Secretary to establish guidelines (by April 11, 1997), and the Council to amend their FMPs (by October 11, 1998) to identify and describe EFH in the areas under its jurisdiction. The guidelines are important in that they will define the scope and parameters of amendments to address the EFH provisions of the Act. Proposed guidelines are now available (Item C-6(a)) and will be presented for Council consideration by staff of the Protected Resources Management Division (PRMD), NMFS. The Council's Ecosystem Committee also will provide comments for Council review following a Committee meeting now set for Thursday evening, February 6.

Report of the Scientific and Statistical Committee

The SSC encouraged the Council to take a broad-brush approach in identifying essential fish habitat, required under the revised Magnuson-Stevens Act, using gaps identified in understanding fish-habitat relationships as the basis for further research, and to incorporate the Council's past conservation actions to limit fishing activity based on habitat concerns in identification of essential fish habitat.

Report of the Ecosystems Committee

The Ecosystems Committee met during the Council meeting week to discuss and invite public discussion and input on essential fish habitat guidelines provided by NMFS. The Committee prepared a summary of their meeting and a public forum held by the National Marine Fisheries Service and provided the Council with their comments and recommendations (see Appendix III to these minutes).

DISCUSSION/ACTION

The Council received a presentation from NMFS Central Office staff on how they plan to fulfill the mandates of the Magnuson-Stevens Act with regard to identification of essential fish habitat. The Council adopted the

comments and recommendations of the Ecosystems Committee and asked the Executive Director to forward the comments to NMFS.

C-7 Council SOPP

ACTION REQUIRED

Approve revisions to Council operating procedures in response to Magnuson-Stevens Act amendments.

BACKGROUND

NMFS has prompted the Council to review and update its SOPPs to conform with several new Magnuson-Stevens Act requirements, mainly dealing with procedural matters. The suggested areas for revision are listed in item C-7(a), a letter from NMFS. Item C-7(b) is a copy of our SOPPs with proposed additions (*italics*) and deletions (~~overstrikes~~). I also have revised several sections to reflect the new Council Operations and Administration Handbook, approved on July 1, 1996, by the Secretary of Commerce. I will walk you through the changes and then, with your approval, will forward the revised SOPPs to NMFS for approval and publication in the Federal Register.

Neither the AP nor the SSC addressed this agenda item.

DISCUSSION/ACTION

The Council approved the revisions to the Council SOPP and directed the Executive Director to remit them to National Marine Fisheries Service for publication in the Federal Register.

D. FISHERY MANAGEMENT PLANS

D-1 Crab Management Issues

ACTION REQUIRED

- (a) Summary of Board/Council consultation relating to crab.
- (b) Discussion of issues raised by PNCIAC.

BACKGROUND

Council and Board of Fisheries Meeting

In October 1993, NMFS and ADF&G approved a "State/Federal Action Plan for Management of Commercial King and Tanner Crab Fisheries" to foster improved coordination and cooperation with respect to crab management. As a result of the plan, a consultation group consisting of Council and board members was formed to meet publicly on an annual basis to discuss crab issues. The last meeting in January 1996 focused on the status of Bering Sea crab resources, and subsequent rebuilding actions taken by the Council and Board. A summary of 1996 Council actions to protect crab is provided as Item D-1(a). Actions taken by the Board in 1996 relative to crab management are summarized in Item D-1(b).

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PNCIAC Issues

The Pacific Northwest Crab Industry Advisory Committee provides a special means of access to the regulatory process for persons residing outside Alaska. The PNCIAC operates under the authority of the Council, and, under the Crab FMP, occupies the same consultative role on preseason and inseason management measures as all other existing State of Alaska Fish and Game advisory committees. Minutes of the January 6, 1997 meeting are included as Item D-1(c). Chairman Garry Loncon or Secretary Arni Thomson will be on hand to discuss PNCIAC concerns and recommendations.

DISCUSSION/ACTION

On February 4, the Council met jointly with the Alaska Board of Fisheries to receive reports on crab stock status and crab management proposals coming before the Board for 1997; no discussion or action took place. During the Council's plenary session, a brief staff recap of the joint meeting was provided. There was no other discussion on this agenda item. Dave Fluharty stressed that the interaction between the PNCIAC, ADF&G, NMFS and the Council is very important to the management process.

D-2 Gulf of Alaska Groundfish Issues

ACTION REQUIRED

- (a) Summary of BOF/Council consultation related to groundfish**
- (b) Review discussion paper for rolling closures during sablefish longline survey**

BACKGROUND

(a) BOF/Council consultation related to groundfish

On February 4, 1997, the Alaska Board of Fisheries and Council will meet in joint session to discuss management of groundfish in State and Federal waters. The Council has been concerned with the development of new State-initiated fisheries in the Gulf, particularly for Pacific cod. At a joint committee meeting of the Board and Council on January 19, 1997, a draft joint protocol was prepared for the Board and Council to review at their February 4, 1997 joint session (item D-2(a)). Additional materials are in the separate briefing book prepared for the joint meeting.

(b) Rolling closures for sablefish longline survey

At the December 1996 meeting, the Council initiated an analysis to examine a rolling closure to trawl and longline vessels during the spring sablefish longline survey. The IFQ Industry Implementation Team has recommended the Council consider rolling closures for the last several years. The Team has been concerned since the IFQ program was initiated that fishing effort during the sablefish longline survey under an extended IFQ season may significantly impact survey results. Efforts to minimize fishery interactions by a two-year program of voluntary compliance to avoid survey stations has not been entirely successful. Since the effects on the survey cannot be scientifically quantified and recent stock assessments indicate a continuing downward trend in stock abundance, the Team recommended that the Council initiate an analysis of rolling closures to longline and trawl vessels during the sablefish survey. The Team suggested that the trawl fleet be consulted in the preparation of the analysis.

NMFS staff has prepared a discussion paper of alternative closure scenarios under Agenda D-2(b).

Report of the Scientific and Statistical Committee

With regard to the proposed "rolling closures" for the sablefish fishery, the SSC pointed out that the discussion paper provided does not discuss potential impacts of closures on other longline fisheries, nor does it demonstrate that the closures will result in statically superior estimates of sablefish abundance. Because recent fishing patterns differ substantially from pre-IFQ fishing patterns, past longline surveys may not be directly comparable with current surveys.

Report of the Advisory Panel

The AP recommended that any decision on this issue be delayed until the April meeting.

DISCUSSION/ACTION

NPFMC/BOF Joint Protocol. During the joint meeting between the Council and the Alaska Board of Fisheries earlier in the week, a draft protocol was presented for Council consideration. The protocol was drafted to provide methods and procedures to ensure that the Council and Board are aware of management measures being considered in fisheries of mutual concern. The protocol covers all fisheries where there are cross-jurisdictional concerns.

The Board of Fisheries approved the protocol at a meeting in late January.

David Benton moved to adopt the Protocol and authorize the Chairman's signature on the joint Protocol between the NPFMC and the Alaska Board of Fisheries off Alaska, as drafted by the joint Council/Board of Fisheries working group (see Appendix VII). The motion was seconded by Linda Behnken.

Morris Barker expressed several concerns with the Council entering into the protocol, including legal concerns and whether the Council would be exceeding its authority under the Magnuson-Stevens Act by entering into such an agreement.

Mr. Benton suggested that the Protocol is more of a procedural rather than substantive protocol and does not bind the Council in any way.

Morris Barker moved to table the issue indefinitely. The motion was seconded by Wally Pereyra and failed, 7 to 4, with Barker, Fluharty, Mace and Pereyra voting in favor.

Mr. Benton's original motion carried, 7 to 4, with Barker, Fluharty, Mace and Pereyra voting against.

Following passage of the motion Mr. Benton moved that the following issues be addressed by the joint Board/Council workgroup:

- 1. Review the concerns raised by the Advisory Panel, Council, and those that have been raised through public testimony regarding the allocation of Pacific cod in the Gulf of Alaska made by the Board of Fisheries.**
- 2. Review the schedules in the Protocol to ensure that they are compatible with each other, between the Council and Board process.**

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- 3. Work on definitions identified in the Protocol for the words "impacts" and "mutual concern" and any other definition they may feel need to be addressed.**

Added by friendly amendment:

- 4. Cross-jurisdictional relationships between State and Federal waters in defining what is essential fish habitat.**

The motion was seconded by Linda Behnken and carried without objection. (Pereyra was absent for the vote.)

Rolling Closures at Sablefish Survey Sites. The Council received public testimony indicating that there is some industry concern with the closures. The trawl industry has undertaken a voluntary program to work with the NMFS survey staff during critical times. Representatives of the trawl industry pointed out that since they don't have IFQs they need to fish as opportunity allows and as efficiently as possible.

Ron Berg moved to table the issue until the April Council meeting in order for industry representatives to meet with NMFS survey staff. The motion was seconded by Linda Behnken and carried without objection.

Council member Fluharty suggested any future discussion paper or analysis include the possibilities of beginning the survey in August, a winter survey, or having several vessels do a survey prior to the beginning of the season.

In response to a question from Capt. O'Shea, Mr. Berg clarified that any regulations would apply to all longliners and not be restricted to those in the sablefish fishery.

D-3 Staff Tasking

ACTION REQUIRED

Review status of current tasking and provide direction as necessary.

BACKGROUND

At the December 1996 meeting this was a major agenda item and the Council engaged in a lengthy discussion of current tasking, 1996 groundfish proposals, Magnuson-Stevens Act provisions, and major issues/analyses on the horizon. The attached Item D-3(a) is a revised summary of Council tasking which incorporates Council direction from that meeting.

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

DISCUSSION/ACTION

The Council was provided with written material updating Council tasking. There was no action required and, because of a lack of time, the Council did not discuss this agenda item.

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 approximately 4:15 p.m. on Saturday, February 8, 1997.