

North Pacific Fishery Management Council

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Certified Richard B. Lauber
Richard B. Lauber, Chairman *RL*
Dated July 13, 1992

MINUTES

**101st Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
April 22-26, 1992
Anchorage Hilton Hotel
Anchorage, Alaska**

The North Pacific Fishery Management Council met April 22-26, 1992 at the Hilton Hotel in Anchorage, Alaska. The Advisory Panel and Scientific and Statistical Committee began on April 20th. The Council held a public hearing on April 20 and 21 on the subject of sablefish and halibut individual fishing quotas and the Finance and Moratorium Committees also met during the week. The following members of the Council, staff, SSC and AP attended the meetings.

Council

Richard Lauber, Chairman
Joe Blum/Donna Darm
CDR Joe Kyle for RADM Ciancaglini
Larry Cotter
Oscar Dyson
Bob Mace for Randy Fisher
Ron Hegge

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

NPFMC Staff

Clarence Pautzke, Executive Director
Judy Willoughby
Jim Cornelius
Brent Paine
Marcus Hartley

Chris Oliver
Russ Harding
Helen Allen
Gail Peeler
Regina Stewart

MINUTES
NPFMC MEETING
APRIL 1992

Support Staff

Earl Krygier, ADFG
Sue Salvesson, AFSC
Loh-Lee Low, NMFS-AFSC
Ron Berg, NMFS-AKR
Dave Flannagan, NMFS-AKR
Lisa Lindeman, NOAA-GC
Dave Ackley, ADFG
Ken Griffin, ADFG
Barry Bracken, ADFG
Paul Hooker, NMFS/ADFG

Ray Baglin, NMFS-AKR
Jessie Gharrett, NMFS-AKR
David Benton, ADFG
Galen Tromble, NMFS-AKR
Jay Ginter, NMFS-AKR
Bill Nippes, ADFG
Russ Nelson, AFSC
Kurt Schelle, CFEC
Ben Muse, CFEC
Mort Miller, NMFS
Sam Herrick, NMFS

Scientific and Statistical Committee

Terry Quinn, Vice Chair
Bill Aron
Doug Eggers
Larry Hreha
Richard Marasco

Marc Miller
Don Rosenberg
Jack Tagart
Phil Rigby for Gordon Kruse

Advisory Panel

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

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

John Roos
John Sevier
Harold Sparck
Michael Stevens
Beth Stewart
Robert Wurm

General Public

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

Vic Horgan, Jr.
Mark Edward Springer
Jerone Selby
Mike Reif
Marv Kinsberg, Jr.
Roy Self
Jenny Verna
Susan Steerm
P. Schmaus
Arne Einmo

Jim Ramaglia
Donald F. Nielsen
Mark E. Augasan
Dennis Hicks
Jim Sanders
Stanly Kruczynski
Robert Gigler
Robert YoungerScott
Cassedy
Floyd J. Hutchens, Jr.

Patrick G. Mills
Richard Daltons
George W. Obert, Jr.
Teri Tess
David M. Sale
Tomisler Vasilenie
M. Sandler
William Sullivan
Matt Donohoe
Dennis M. Robinson

MINUTES
NPFMC MEETING
APRIL 1992

Bernard Bjork
Thorn SMith
Carrie Johnson
David Allison
Boyd Silanoff
Jack Hill
Ernest W. Poole
Patricia Komox
Skip Boton
Pete Farris
Larry Powers
Ron Kuczek, Jr.
Brian Gregg
K.M. Bailey
Martha Barber
Jeffrey Stephan
Karl Ohls
Linda Kozak
Barron Rutherford
Brian Dunagan
JoAnn & Neil Huff
Alexander Galanin, Sr.
James M. Smith
Walter Sargent
Patrick Langan
Sen. & Mrs. Fred Zharoff
Mel Monsen
Gunnar Knapp
Kate Troll
Edgar Blatchford
T. Barry
David Nonslook
Jack Klein
Don McCallum
Jack Keane
Norm Staden
Paul Hooker
Drew Scalzi
Arne Lee
Sigurd Rutter
Jesse Charbula
Steve Finley
Stanley Mack
Raymond Coley
Tom Lakosh
Matt Shadle
Mark Lundsten
Howard Pendell
Nancy Lande

Katsumi Kenostan
Donalt T. Leach
George Pearson
Dave Harville
John C. Bishop
Jerry Owens
Thane Miller
Robert Morgan
Carolyn Nichols
Kevin B. O'Leary
Dean Admas
Mark Grbunspir
Tom Anderson
Linda Vining
Daniel Vining
Don McCallum
Susan Richards
Jim Richards
Milt Stevens
Mark Kandianis
J.L. Fisk, Jr.
Ozzie Walters
Wayne Carpenter
Harry Lord
Byrr Henriksen
Ken Soundy
Teague Vanek
Gary Westman
Jerry Budd
Shari Gross
Deming Cowles
Laine Welch
Vince Curry
Donna Parker
Garett Gebhart
Vern Hall
John Iani
Bruce Cotton
Steve Hughes
Ronald Johnson
Roger Woods
Art Hodgins
Charlie Spud, Sr.
Tony Ulak
Tammy Shellikoff
Brian Bigler
Norman Cohen
Frank Danner
George Heaverley

Ole Mathisen
Tom Gilmartin
Sam Herrick
Morton Miller
Robert Miller
Jim Brennan
Doug Wells
Doug Vincent-Lang
B. Foote
M.D. Toms
Denise M. Fredette
Mike Szymanski
Moses Tyouleak, Sr.
Bill Jacobson
Pete Regoff
Brenda Huber
Kathe Graham
Dave Galloway
Dick Tremaine
Joe Plesha
Paul Seaton
Adelheid Herrmann
Jean Gamache
Charles Bronson
Daniel Leston
Harold Holmen
Helge Fiskerstrant
Russell Sell
Denby Lloyd
Paul Clampitt
Sinclair Wilt
Morry Edwards
Tim Tapping
Bryce Morgan
Dave Benson
Mark Hughes
Larson King
Barry Collier
Dave Stanchfield
Steve Fish
Kari Johnson
Chris Blackburn
Gary Haugen
Greg Baker
Jim Salisbury
Steve Grabacki
Phil McCrudden
Gordon Blue
Bob King

MINUTES
NPFMC MEETING
APRIL 1992

Doug Dixon
Robert Czeisler
Gordon Blue

Rod Moore
Ron Dearborn
D. Hughes

Michael Lake
Tyson Vogeler
Doug Schneider
Helen Woods

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

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

Chairman Lauber called the meeting to order at 8:19 a.m. on Wednesday, April 22, 1992.

Agenda. The agenda was approved with the following additions: An update and discussion on the pelagic trawl definition; a update and discussion of discards for 1992 and recap for 1991; a presentation on the Canadian IVQ program, and consideration of gear conflicts in the Bering Sea between trawlers and crabbers. Agenda item D-2(b), Review Japan longline survey, was removed from the agenda as Council members agreed there was no need for further discussion on the subject. Council members also decided to delay the normal status reports until later in the meeting so that sufficient time would be available for action items.

Minutes of Previous Meetings. Council members were mailed draft minutes of the December 1991 and January 1992 meetings for review. Because of the press of other business, members were asked to contact staff with comments within the next two weeks so the minutes can be finalized.

Steve Pennoyer pointed out that the trawl test area proposal would be available for review and comment by the industry and public during the week in order for the proposal to be finalized after Council action without delaying to June for further public comment.

Clem Tillion suggested the Council send a letter to John Lindauer expressing sympathy on the death of his wife, Jackie Lindauer, who has for many years covered Council meetings for her newspaper chain. Council members agreed and asked the Executive Director to draft the letter.

B. REPORTS

B-1 Executive Director's Report

Staff members from the Council, NMFS-Alaska Region, the Alaska Fisheries Science Center, Alaska Department of Fish and Game, and the Alaska Commercial Fisheries Entry Commission, as well as LGL Research Associates were recognized for their work on amendments and analyses since the January Council meeting.

Advisory Panel Officers. The Council confirmed the election of John Woodruff and Dave Fraser as Chairman and Vice Chairman of the Advisory Panel for 1992.

1994-95 Council Meetings. The Council approved the following meeting dates and locations for 1994:

1994

Week of January 10 (Anchorage)
 April 19 (Anchorage)
 June 20 (Sitka)
 September 19 (Seattle)
 December 5 (Anchorage)

A decision on the 1995 meetings was deferred until the June Council meeting.

B-2 ADF&G Report

A written report was submitted by ADF&G recapping activities in the fisheries under joint management by the Alaska Board of Fisheries and the Council. The Adak red king crab fishery closed on February 15 with a catch of 0.9 million pounds taken by ten vessels; this catch is only slightly higher than the 1990/91 season. The Adak brown king crab season was still in progress as of April 12 with a harvest of 2.3 million pounds by four to six vessels. More vessels were expected to enter the fishery after the close the Tanner crab fishery in the Bering Sea. The Bering Sea *C. opilio* harvest was reported at 296.7 million pounds as of April 22 with closure announced for April 22. A total harvest of approximately 333 million pounds is forecast. Approximately 250 vessels participated in the fishery.

The winter troll salmon fishery was the largest on record with preliminary catch estimates of about 66,000 chinooks.

B-3 NMFS Management Report

Ron Berg reported on inseason management for the fisheries through the end of March and reviewed the status of regulatory amendments and other management actions.

B-4 Enforcement Report

During the reporting period November 1, 1991 through April 1, 1992, NMFS Enforcement and the U.S. Coast Guard opened a total of 202 investigations. Seventy-three of those cases were referred to NOAA General Counsel. NMFS Enforcement and the State of Alaska Department of Public Safety jointly investigated the possible illegal use of bottom trawl gear by 34 U.S. vessels operating in state waters between Mitrofanina Island and Unalaska Island south of the Alaska Peninsula. Through boardings of a total of 45 fishing vessels evidence was gathered that indicates massive quantities of Pacific cod were harvested in state waters with illegal bottom trawl gear in addition to a multitude of other federal fisheries violations. A joint NMFS/State of Alaska task force is continuing investigation into alleged state and federal violations with the intent to pursue prosecutions of all violations.

MINUTES
NPFMC MEETING
APRIL 1992

C. NEW AND CONTINUING BUSINESS

C-1 Sablefish and Halibut Management

At its December 1991 meeting the Council approved an individual fishing quota management regime for the sablefish and halibut fixed gear fisheries. In January the Council requested that further analysis be done and that the subject be put on the agenda for the April meeting. The additional analysis was made available to the Council, AP, SSC, and the public on March 27, 1992. Staff provided a review of the supplemental analysis. The Council also received an overview of Canada's individual vessel quota programs for halibut and sablefish. A public hearing on the Council's IFQ management program was held on Monday and Tuesday, April 20 and 21. A list of those testifying at the hearing is provided under Appendix I to these minutes. The Council had been given advance notice that a motion would be made to rescind previous Council action on this issue.

The AP and SSC had no report on this agenda item.

COUNCIL DISCUSSION AND ACTION

Larry Cotter moved to rescind the Council's previous action on halibut and sablefish individual fishing quotas taken at the December 1991 Council meeting. The motion was seconded by Oscar Dyson.

Mr. Cotter said that he supported the plan in December because the status quo is unacceptable and changes are needed; he felt the Council program was the best available solution at the time. He had hoped that the additional analysis completed since the December meeting would alleviate some concerns he has with the plan, but they have not. His major concern is the massive consolidation he believes will occur. He also felt that if shares can be used as collateral the system will not be equitable, and he pointed out that he doesn't think there is a majority of industry support for the program in its present form. Mr. Dyson expressed his major concern over the effects of the system on small communities dependent on these fisheries. Other Council members expressed varying degrees of concern over some aspects of the program but expressed the desire to continue with implementation while working toward solving some of the concerns expressed.

The motion to rescind failed, 7 to 4, with Cotter, Dyson, Mace, and Lauber voting in favor.

Later in the meeting Clem Tillion moved to initiate analysis of the "Sitka Block Proposal" (see Appendix II) and a proposal to allocate all initial recipients a 1,000-pound minimum quota. The motion was seconded by Ron Hegge.

The analysis is to include (1) comparison of strict version to liberal version (i.e., 2 blks/person and 3/boat vs 3/person and 5/boat, and (2) a comparison of block systems with and without vessel size categories. The intent was to have the analysis available for initial review in December.

The motion carried with no objection.

C-2 Inshore-Offshore

Under this agenda item the Council had four items to consider: (a) a discussion of the Secretary's decision on Amendment 18/23; (b) discussion of alternatives and schedule for analysis of a revised amendment for the Bering Sea/Aleutian Islands for 1993-95; (c) discussion of an analysis of the inshore-offshore bycatch amendment; and (d) a review of the Community Development Quota program criteria developed by the State of Alaska.

(a) Report on Secretarial Decision on Amendment 18/23

Steve Pennoyer reported on the Secretary's partial approval of the amendment and outlined concerns with the BSAI allocation beyond 1992. The Secretary approved Amendment 23 to the Gulf of Alaska groundfish plan, allocating 100% of the pollock resource and 90% of the Pacific cod to inshore operations. For the Bering Sea and Aleutians, the Secretary approved the 35% - 65% split of pollock between inshore and offshore sectors for 1992 only, indicating that the cost-benefit analysis shows a potential large net loss in the years 1993-95 without sufficient social or other benefits to counter that loss. The approval included the Bering Sea Harvesting Vessel Operational Area for 1992 and the Community Development Quota program through 1995. The Council received a report on the NMFS cost-benefit analysis for the inshore-offshore amendments and were provided the opportunity to question the authors, Mort Miller, NMFS-Central Office, and Sam Herrick of the Southwest Fisheries Center.

(b) Alternatives and Schedule for Analysis of Revised BSAI Amendment for 1993-95

In order to resubmit a revised Amendment 18 for the Bering Sea/Aleutian Islands under an accelerated 60-day Secretarial review period, the Council would, at this meeting, need to choose alternatives for analysis with approval for public review scheduled for June and final approval at a special meeting in early August. This would allow implementation in January 1993 if approved by the Secretary.

(c) Inshore-Offshore Bycatch Amendment

The Bycatch Team was asked to consider alternative ways of addressing the issue of bycatch as it pertains to inshore-offshore allocation. Some division of PSCs needs to be made between the sectors to avoid preemption.

(d) Community Development Quota Program

The State of Alaska circulated draft criteria for judging proposed users of the community development quotas of pollock in the Bering Sea. The criteria will have to be analyzed and published as a regulatory amendment before any CDQ plans can be approved. If the Council chose to approve the draft criteria at this meeting so they could be published as a regulatory amendment as soon as possible, there may be an opportunity for a CDQ later this year.

Report of the Scientific and Statistical Committee

The SSC reviewed the cost-benefit analysis which they had identified as missing from the earlier inshore-offshore analyses. The SSC commented that future applications of this methodology would

MINUTES
NPFMC MEETING
APRIL 1992

benefit from refinements of estimates of several key model inputs, i.e., harvesting and processing costs, discard rates, product recovery rates, and markets.

Report of the Advisory Panel

(b) **Revised Amendment 18:** The AP recommended that a range of percentages for the shoreside pollock allocation of 35% to 45%, including a catcher vessel operating area, be analyzed. They recommended that the definition for the catcher vessel operating area needs to be clarified and that a proposal submitted by the American High Seas Fisheries Association should be included as an alternative. The AP felt the cost-benefit analysis performed by NMFS was seriously flawed and that an economic efficiency analysis is too limited in scope to decide net national benefits. A workgroup of AP members was appointed to detail the flaws and technical concerns in the economic study. (See AP Minutes, Appendix III).

(c) **Inshore-Offshore Bycatch:** The AP recommended that a regulatory amendment for the Bering Sea/Aleutian Islands be developed apportioning PSC limits for herring and Chinook salmon (if a Chinook cap is imposed) relative to any future inshore/offshore allocations of pollock.

(d) **CDQs:** The AP recommended that the State of Alaska CDQ package be submitted to the Secretary of Commerce as a regulatory amendment as soon as possible, with further Council comment on the amendment after it is published in the *Federal Register*. They recommended that the package be altered to change the distance from the baseline from 30 to 50 miles to include the communities of Naknek, King Salmon, South Naknek, and Aleknagik.

COUNCIL DISCUSSION AND ACTION

(a) **Secretarial Decision on Amendment 18/23 - Cost-Benefit Analysis**

Some Council members expressed concern over the cost-benefit analysis, including the lack of any determination of consumer surplus, and the fact that there was no analysis of other alternatives, including a "no-action" alternative.

For the existing amendment, Bob Alverson wished to clarify the Council's intent with regard to the catcher vessel operating area in the Bering Sea.

Bob Alverson moved that with regard to the implementing regulations for the catcher vessel operating area for the 1992 B Season, that the Council's intent was that catcher vessels would be allowed to deliver to floaters within the closed area. The motion was seconded by Joe Blum.

Steve Pennoyer outlined NMFS' interpretation of the Council's catcher vessel operating area which is that it is an area set up to allow and protect inshore harvests and catcher vessels; that any processing unit would have to declare whether it is inshore or offshore for the year, and then would have to operate either within the territorial seas, or outside if they're going to be considered offshore. The regulations as now proposed say that catcher vessels can operate in the catcher vessel operational zone. Catcher vessels as defined can deliver to either the inshore or offshore components but the offshore component, including both catcher processors and motherships, has to operate outside that zone. **The motion was tabled until the record from the original motion was researched.**

(b) Alternatives and Schedule for Analysis of Revised BSAI Amendment for 1993-95

With regard to the revised amendment 18 to the Bering Sea/Aleutian Islands groundfish plan, Bob Mace moved to analyze the AP's recommended percentages (35-45%) and the catcher vessel operational area (with and without the zone). The motion was seconded by Ron Hegge.

Mr. Blum pointed out that these percentages have already been declared unacceptable by the Secretary.

Joe Blum moved to amend the motion to include an analysis of the status quo. The motion was seconded by Henry Mitchell. It was clarified that this motion did not include the catcher vessel operation area, but would incorporate the changes caused by the Bogoslof reduction. The motion failed, 6 to 5, with Alverson, Blum, Mitchell, Pennoyer and Pereyra voting in favor.

Wally Pereyra moved to amend the motion to examine a 30% inshore/70% offshore split, analyzed with and without the operational area. The motion was seconded by Joe Blum and carried without objection.

Larry Cotter moved to include the establishment of a Pacific cod community development quota but it was determined that this was not within the scope of the original analysis and the motion was withdrawn.

The main motion, as amendment, carried without objection.

Bob Alverson moved that the American High Seas Fisheries Assn. alternative be included in the analysis: 40% to vessels that catch and process and 60% to vessels that catch but do not process, of which 65% would be reserved for vessels delivering shoreside. The motion was seconded by Henry Mitchell.

The Council was cautioned by the Regional Director that the Council should only consider analysis of serious alternatives because of the time frame needed to complete the analysis. This alternative would require new assumptions and add considerable time to the analysis.

The motion failed, 7 to 3, with Alverson, Hegge and Mitchell voting yes.

(c) Initiate Analysis of inshore-offshore bycatch amendment.

Joe Blum moved to initiate an analysis of apportioning all species' PSC between inshore and offshore components proportionate to the allocation, i.e., 35-40-45% in 1993-1995, for the Bering Sea. The motion was seconded by Larry Cotter. It was further clarified that this would include the CDQ program.

Larry Cotter wanted to include analysis of prohibiting bottom trawling for pollock, however withdrew the motion after discussion of staff workload. It was also pointed out that this would be up for discussion in September or December.

There was no objection to the main motion.

MINUTES
NPFMC MEETING
APRIL 1992

(d) Community Development Quotas

The Council agreed that they should give a strong indication to the Secretary that the CDQ program should be expedited with implementation in 1992 if possible. It was stressed that the Council should have an oversight role but day-to-day administration of the program would be the responsibility of the State of Alaska.

Bob Alverson moved to adopt the CDQ criteria as drafted by the State of Alaska. The motion was seconded by Ron Hegge.

Clem Tillion moved to amend the criteria to eliminate the word "commercial" preceding fishermen throughout the document. The motion was seconded by Joe Blum and carried without objection. Mr. Tillion pointed out that in smaller communities it may be difficult to establish a board with the suggested 75% commercial fishermen as many of these communities have a history of subsistence, not commercial, fishing.

Clem Tillion moved to amend the criteria to change the baseline from 30 miles to 50 miles. The motion was seconded by Joe Blum and carried without objection.

Larry Cotter moved to delete the word "groundfish" from Section IIB.8 (Community Development Plan): "A plan and schedule for transition from reliance on the CDQ to self-sufficiency in the groundfish fishery." The motion was seconded by Joe Blum and carried without objection. The intent of the Council is to allow the CDQ program to encourage eligible communities to develop a self-sufficient economy on commercial fisheries without regard to species.

Henry Mitchell moved to add King Salmon to the list of ANCSA communities. The motion was seconded by Wally Pereyra and carried with no objection.

The main motion, as amended, carried without objection.

C-3 Moratorium

The Council refined the proposed moratorium elements in January and tasked staff with preparation of the appropriate analyses for Council review at this meeting. The document was mailed to the Council on April 8. The Council received a report of the Moratorium Committee which reviewed the document prior to the Council meeting.

The Council also received a report from NOAA General Council on the applicability of the Capital Construction Fund to the proposed moratorium, and the extent to which the moratorium would apply to State waters. With regard to the CCF, Lisa Lindeman reported that it appears that the Secretary has no authority to alleviate any penalty for non-qualified withdrawals. It is also the opinion of General Counsel that the moratorium would not prevent a CCF holder from carrying out their CCF objective and cause a breach of contract because the moratorium does allow the possibility for entry of new vessels. NOAA General Counsel does recommend that the Council include an alternative which would allow vessels to qualify through the time of final Council action.

Regarding the issue of whether the moratorium could extend into State waters, General Counsel stated that for the Council's FMP fisheries, "the Council and the Secretary may extend its moratorium

into the territorial sea of the State only if State regulatory authority is formally preempted under the Magnuson Act," which General Counsel indicated could be a major undertaking.

Report of the Moratorium Committee

The Committee met in Seattle on April 15 to review the moratorium analysis. Following is a brief recap of their suggestions.

Standards for Allowable Changes in Vessel Capacity. The consensus of the committee was that simplicity and equity in implementation of capacity-related restrictions in the moratorium proposal favored a limitation on increases in vessel length, combined with a cap on the overall fleet size. Allowable changes to existing vessels, and the determination of "similar capacity" in allowable reconstruction and replacement should be based on vessel length.

Measures of Vessel Length. It was suggested that pending further investigation and discussion, that length overall (LOA) be applied to smaller or undocumented vessels, and registered length be applied to larger vessels 80 ft. and over, consistent with existing regulatory standards.

Replacing Several Small Vessels with a Single Larger Boat. As a possible guideline for such replacements, it was suggested that a cap of, for example, 125 percent in length of the original smallest vessel, be applied as an upper limit to the size of any subsequent replacement vessel, regardless of the number of small vessels taken out of service.

Allowable Tolerances in Replacement Length. The majority viewed the replacement criteria as a zero tolerance standard. A replacement could not exceed the length of the original vessel.

Implementation of Control Date Eligibility Criteria. Concerns over enforceability and equitability of the qualifying criteria led the committee to suggest that the Council also consider as an option a more concise cut-off date standard, or a "grandfathering" provision in implementing the moratorium. Two possibilities were discussed: 1) eligibility would be extended up to the date of adoption by the Council (presumably during the June 1992 Council meeting); or 2) eligibility would be extended up to the last extension of the control date (February 9, 1992), regardless of prior contractual arrangements. In either case, the necessary eligibility criteria would consist of a qualifying landing prior to the cut-off date.

Applicable Sectors of the Industry. The committee discussed the merits of extending the vessel moratorium to processing vessels, in the context of appropriate capacity measures, but concluded such a moratorium on at-sea processors would be ineffective, and possibly counter productive. Moreover, so long as shorebased processing is not restrained, a moratorium on at-sea processors appears inequitable.

Report of the Scientific and Statistical Committee

The SSC reviewed the draft moratorium analysis and provided specific comments to staff. The SSC recommended the document be released for public review.

MINUTES
NPFMC MEETING
APRIL 1992

Report of the Advisory Panel

The AP recommended the document be released for public review after adding a list of specific fisheries that are included in the fishery management plans and including a discussion of how future vessel buyers could be assured that a vessel they are purchasing was qualified after implementation of the moratorium. The AP also recommended that the option of including motherships and processing vessels be deleted from the document.

COUNCIL DISCUSSION AND ACTION

Discussion of the applicability of the moratorium in State waters centered around the possibility that the State would need to develop its own moratorium on groundfish and crab fisheries that occur within State waters. There was concern expressed over the effectiveness of the Council's program if it could not be applied in State waters. The consensus was to continue with the Council's program and work with the State on imposing a similar program in State waters.

Bob Mace moved to send out the moratorium analysis for public review with the inclusion of the Advisory Panel recommendations: (1) to include the specific fisheries that are included in the FMPs, and (2) to verify that vessels are qualified under the moratorium through some means, and (3) to delete the option of including motherships and processing vessels. The motion was seconded by Wally Pereyra.

Bob Alverson moved to amend to include the option that would extend the eligibility up to the date of adoption by the Council (presumably during the June 1992 Council meeting), or up to the last extension of the control date of February 9, 1992 regardless of prior contractual arrangements. The motion was seconded by Steve Pennoyer and carried without objection.

Wally Pereyra moved to amend to include two options: one to exempt motherships, the other to include them. The motion was seconded by Steve Pennoyer and failed, 8 to 3, with Pennoyer, Pereyra and Mitchell voting in favor. (Darm voting for Blum)

Larry Cotter moved to amend to include the option that the moratorium would not apply to vessels fishing CDQs or vessels purchased or constructed pursuant to an approved CDQ. The motion was seconded by Henry Mitchell.

Bob Alverson moved to amend the amendment to state that if a vessel built, or purchased for the purpose of participating in CDQs, is to participate in a non-CDQ fishery, it must replace a vessel of similar capacity in that fishery. The motion was seconded by Wally Pereyra.

Both of these motions were withdrawn in favor of a motion by Steve Pennoyer to include three alternatives: (1) the moratorium would not apply to vessels used by disadvantaged communities only with respect to fisheries designated by CDQs; (2) there would be no exemption for disadvantaged communities; and (3) all vessels approved for CDQs would be exempt from the moratorium. The motion was seconded by Bob Alverson and carried with no objection.

Wally Pereyra moved to amend item 6 of the Moratorium Elements and Options (Agenda item C-3(a)), "Replacement of Vessels Lost or Destroyed Before the Moratorium," to establish a control date of January 1, 1989 for vessels lost before the moratorium. The motion was seconded by Bob

Alverson and carried, 8 to 3, with Alverson, Mitchell and Tillion voting against. (Darm voting for Blum)

Larry Cotter moved to add an option to require any vessel qualifying under item 6 (Vessels Lost or Destroyed Before the Moratorium) to have made a delivery of groundfish or crab within two years of the date the moratorium is implemented. The motion was seconded by Steve Pennoyer and carried, 9 to 2, with Mace and Mitchell voting against. (Darm voting for Blum)

It was clarified that only vessels already qualifying under the moratorium fisheries are included; the intent is not to allow any vessel anywhere to be replaced or converted and deliver fish and thus qualify.

The main motion, as amended, carried without objection.

C-4 North Pacific Fisheries Research Plan

In January the Council reviewed a framework document for the research plan which identified the major provisions of the plan and requested staff to more fully analyze the provisions and other options identified at that meeting. The revised analysis was mailed to the Council on April 15, 1992.

The Council was also asked to review and approve proposed changes to the existing Observer Program for 1993.

Report of the Scientific and Statistical Committee

The SSC is particularly concerned about the difficulty in estimating bycatch in some components of the groundfish fishery regardless of the level of observer coverage (e.g. salmon); bycatch rates for some prohibited species are highly variable due to infrequent occurrence or clustered distribution. Another key problem is that under a fee collection system, estimated revenues are not adequate to fund complete coverage for all fisheries addressed by the plan. Two SSC recommendations still not addressed in the plan are: (1) the determination of which fisheries are most in need of full observer coverage; and (2) completion of a qualitative assessment of the possible effect of observers on bycatch. The SSC suggested the design of the observer program include further work on the comparison of whole-haul versus basket sampling in future evaluations. The SSC recommended that the plan be released for public review.

Report of the Advisory Panel

The AP recommended the plan be sent out for public review. They had the following recommendations: (1) that NMFS should go to public bid on a proposal to provide the requisite number of observers and requisite data management efforts under the plan, the total of which cannot exceed the funds generated by the one percent exvessel assessment; and (2) that start-up funds be covered by Congress.

MINUTES
NPFMC MEETING
APRIL 1992

COUNCIL DISCUSSION AND ACTION

Proposed Changes to the Existing Observer Program for 1993.

Steve Pennoyer explained that the changes for 1993 under the current observer program will be accomplished by regulatory amendment. The proposed changes outlined for the Council will need more detail before final approval. The Council could give direction on the changes and review the environmental assessment in June or September, although he could not promise to have it ready for the June meeting. Ron Hegge expressed concern that some of the proposals will have a major effect on industry such as requiring more observers with additional costs. When the program was originally approved the Council indicated they would review required levels of coverage for various fisheries and he feels that review is overdue. Bob Alverson was concerned over whether the regulatory amendment would address the manipulation of observer coverage to correspond with periods of lower bycatch. He suggested that a requirement for the coverage could be by fishery as opposed to by month.

Wally Pereyra moved to initiate a draft regulatory amendment to implement the recommended changes for the 1993 observer program as suggested in Mr. Pennoyer's April 17 letter on the subject, including the suggestions put forth by the Council, to be brought back to the Council as soon as administratively feasible in order to have implementation for 1993, with due consideration for the needs of the industry to have adequate advance notification of this regulatory action. The motion was seconded by Oscar Dyson and carried without objection.

North Pacific Fisheries Research Plan.

Henry Mitchell moved to release the research plan for public review. The motion was seconded by Larry Cotter.

Earl Krygier moved to amend the plan, under Section 2.3.7, to add a new #2 as follows and renumber the existing #2 to #3:

The University of Alaska, as an observer training entity, shall be included as a ex-officio member of the agency workgroup for the purposes of Part 1.a.

The motion was seconded by Larry Cotter and carried without objection.

Earl Krygier moved to amend the same section of the plan to include the following statement:

Recognizing industry concerns regarding administrative costs of the plan and possible shortfalls under the 1% formula, direct the agency workgroup identified under Section 2.3.7 to review costs and identify possible costs savings measures, including the use of public or private contractors to perform some or all of the duties under the plan; as well as the costs and benefits of training groundfish observers in Alaska or elsewhere.

The motion was seconded by Larry Cotter and carried without objection.

Henry Mitchell moved to amend to increase the value up to the level of first wholesale. The motion was seconded by Larry Cotter and carried, 6 to 5, with Alverson, Dyson, Hegge, Pereyra, and Lauber voting no. (Darm voting for Blum; Krygier for Tillion)

The main motion as amended carried, 7 to 4, with Alverson, Dyson, Hegge, Pereyra voting no. (Darm for Blum; Krygier for Tillion)

Larry Cotter asked about the Council's request that the RFP process for the research program be expedited in order to have contractors in place by the time the program goes into effect. Russ Nelson, NMFS-AFSC, responded that they have tried to structure the RFP in a way that is broad enough to cover any requirements the Council may approve. Right now the process would conclude early in 1993 unless it has to be stopped for changes, then they would have to start the process all over again. Mr. Cotter also suggested that the RFP review committee include some members of industry as well as NMFS representatives.

The following day Donna Darm moved to reconsider the motion to approve the NP Research Plan for public review. The motion to reconsider was seconded by Bob Alverson and carried, 7 to 4, with Cotter, Mitchell, Pennoyer and Tillion voting no. Ms. Darm said that when the vote was taken on Mr. Mitchell's amendment to increase the value up to the level of first wholesale she was not acquainted with the ramifications of the motion and would like to reconsider her vote.

Donna Darm moved to amend the main motion to eliminate the option to consider tax at first level wholesale. The motion was seconded by Bob Alverson and carried, 6 to 5, with Cotter, Mace, Mitchell, Pennoyer, and Tillion voting no. The main motion to send the plan out for public review was approved without objection.

Observer Oversight Committee. The Chairman called for further nominations and suggestions for committee members. The committee will be appointed by the Chairman following the Council meeting. Earl Krygier suggested the first task for the committee should be to review the plan just approved and report back any recommendations to the Council.

C-5 International Fisheries

This agenda item was deferred to the June Council meeting.

C-6 Comprehensive Rationalization Plan

Staff provided the Council with a background paper and tentative work plan for the comprehensive rationalization program which focused on the problem, objectives, scope and components of the proposed analysis. Staff suggested the Council will need to establish a focused problem statement and policy objectives to ensure timely progress on the project.

Report of the Scientific and Statistical Committee

The SSC stressed the need for an integrated socioeconomic analysis for any plan the Council may consider. In order to reach an agreement about appropriate management alternatives and priorities, research topics, and methods, the SSC suggested the Council hold a retreat or special meeting, inviting outside experts as necessary. The SSC recommended that the Council narrow the

MINUTES
NPFMC MEETING
APRIL 1992

comprehensive analysis by eliminating some of the seven major alternatives listed in the staff's discussion paper.

The Advisory Panel did not address this agenda item.

COUNCIL DISCUSSION AND ACTION

Council members discussed the idea of a retreat to provide sufficient time to address this subject. Many felt that the Council should proceed with other major projects in process before making any definite decisions on a comprehensive rationalization program. The possibility of contracting out the work was also discussed. Staff will begin a qualitative analysis for June or August, time permitting. The Council will consider a retreat or special meeting at a later date.

D. FISHERY MANAGEMENT PLANS

D-1 Crab Management

The Council received a Stock Assessment and Fishery Evaluation (SAFE) report for the king and Tanner crab fisheries under federal management. They also received an overview of recent actions by the Alaska Board of Fisheries relating to the crab fisheries, including a recommended 250-pot limit for the Bristol Bay red king crab fishery and the Bering Sea Tanner crab fisheries, and 100-pot limit for the Norton Sound, St. Matthew and Pribilof crab fisheries. Council members had also asked for a discussion of the possible need for adjustments to the Bering Sea King and Tanner Crab Fishery Management Plan.

Report of the Scientific and Statistical Committee

The SSC noted that the OY for *C. opilio* is currently limiting harvests. The guideline harvest level for the 1991-92 fishery was 70 million pounds above the OY. Noting the limited and dated biological basis on which the *C. opilio* OY was originally calculated and more current issues which are pertinent to the OY, the SSC suggested that it would be appropriate for the crab plan team to address the need to redetermine crab optimum yield levels. The SSC also reviewed the SAFE document and found no deficiencies.

Report of the Advisory Panel

The Advisory Panel recommended that the Council ask the crab plan team to initiate review of the *opilio* OY and begin analysis to amend the FMP.

COUNCIL DISCUSSION AND ACTION

The Council received the 1991 SAFE document for crab fisheries and found no deficiencies. Council members expressed concern over lost pots, particularly if they don't have biodegradable panels. Larry Cotter suggested that penalties be made stringent enough to encourage widespread use of the biodegradable panels. Also of concern to some members was the issue of lost pots causing gear conflicts with other gears and lack of information on bycatch rates of crab vessels, other than catcher processors. The chairman of the Alaska Board of Fisheries told the Council that the Board shares these concerns with the Council and is working on solving them.

There was some discussion of how the Council interacts with the Board of Fisheries, particularly with regard to commenting on proposed actions. Steve Pennoyer pointed out that the plan says the Secretary will consider comments from the Council within 20 days after the end of the Board meeting, which in this case had already passed. Earl Krygier said that members of the Council's crab plan team and Council staff have been present at the Board meetings dealing with crab and information packets have been made available. Also, ADF&G staff usually meet with NOAA General Counsel before the meetings to discuss any proposals before the Board. So, any problem areas would be brought to the Council for comment if needed although the 20-day period may be restrictive.

Earl Krygier reviewed the OY issue on the agenda. Essentially, the *opilio* OY of 333 million pounds constrained harvest of the State's guideline harvest level of over 400 million pounds. Since the OY is fixed in the FMP any change would have to be achieved through an FMP amendment.

Larry Cotter said that perhaps the SSC's recommendation would be the best way to address the OY issue--let the crab plan team discuss it and return to the Council with recommendations; at the same time the State and Board of Fisheries could give their recommendations to the Council before any further action is taken. Bob Mace suggested that the Council review their entire OY cap policy.

Larry Cotter moved to ask the crab plan team, Board of Fisheries, and the State of Alaska to report to the Council at the June Council meeting with their suggestions on whether or not the Council should initiate an analysis to modify the crab OY. The motion was seconded by Donna Darm and carried without objection.

Wally Pereyra said he would like the Council to recommend to the Board of Fisheries and ADF&G that they investigate the possibility of increasing the crab observer program to cover vessels not in the catcher processor fleet in order to obtain better information for management decisions. Mr. Pereyra moved this as a motion but withdrew it after Mr. Krygier brought the Council up to date on information available and the State's efforts to analyze bycatch rates in the crab fishery. It was also pointed out that under the Council's research plan there will be the option to bring the crab fishery under that program. Steve Pennoyer suggested that the Council pursue Mr. Pereyra's suggestion to indicate concern to the State and ask for comments from them at the September meeting.

D-2 Groundfish Management

The Council had an extensive list of agenda items under groundfish management:

- (a) Summary of National Bycatch Conference.
- ~~(b) Review Japan longline survey. Removed from agenda.~~
- (c) Review results of advanced notice of proposed rulemaking on total estimation and reporting of catch.
- (d) Review trawl testing proposal and analysis.
- (e) Initiate analyses of proposals for exclusive registration and pollock B season delay for 1993. Consider emergency action to delay pollock B season for 1992.
- (f) Review groundfish amendment package with bycatch measures and trawl closure of Eastern Gulf of Alaska.
- (g) Team report on individual bycatch quotas. Council direction on further activity on this issue.
- (h) Progress report on analysis of preferential allocations of Pacific cod to fixed gear fisheries that have low halibut bycatch.

MINUTES
NPFMC MEETING
APRIL 1992

- (i) Set Vessel Incentive Program bycatch standards for 3rd and 4th quarters.

Report of the Scientific and Statistical Committee

Only items with specific recommendations are included. For general comments, see the SSC Minutes, Appendix IV, to these minutes.

(d) Trawl Test Fishing Zones. The SSC recommended the analysis go out for public review after consideration is given to several of their concerns (see SSC Minutes).

(f) Groundfish Amendments

Amendment 21 - BSAI Bycatch

The SSC recommended several changes to the author of the document and appointed a subcommittee to review two additional chapters in preparation by the team. After the recommended changes are complete and the subcommittee has reviewed and approved the new chapters, the SSC recommends the analysis be sent out for public review.

Amendment 26 - GOA

The SSC provided the analysts with several suggested clarifying comments (See SSC Minutes) and recommended the analysis be sent out for public review after those comments have been addressed.

Miscellaneous SSC Issues. The SSC's subcommittee on overfishing met in March to consider alternatives to the current overfishing definition. The Committee is leaning toward using analysis of spawning stock biomass to specify default values of overfishing and ABC, with the possibility of adjustments for current biomass level. The subcommittee will meet again to prepare a proposal to submit to the SSC at its June meeting.

Report of the Advisory Panel

(d) Trawl Test Zone. The AP recommended that the Council adopt Alternative 2 and that staff be directed to complete the EA/RIR/IRFA responding to the concerns of the SSC and AP before the amendment is published in the *Federal Register*. The AP's concerns were: (1) that the areas not be open when directly conflicting with a crab fishery; (2) that use of the areas not conflict with halibut openings; (3) areas not be larger than necessary.; and (4) that observer coverage be at the discretion of the Regional Director.

(e) Delay the BSAI Pollock B Season. A motion to recommend delaying the B season failed on a tie vote. The AP's discussion included (a) improved product quality and recovery; (b) various bycatch tradeoffs between herring and salmon; (3) the ripple effect of impacts on other fisheries such as yellowfin sole and Gulf of Alaska pollock.

(f) Groundfish Amendments

Amendment 26 - GOA. The AP recommended the Council approve the amendment for public review with the following changes: (1) regarding the proposed trawl closure east of 140°W, that the analysis include a statement noting the limitations of the analysis in evaluating social costs and benefits, and

availability of alternatives; (2) regarding the Kodiak trawl closures, the AP was evenly split on the question of whether to delete Alternative 3.

Amendment 21 - BSAI. The AP recommended sending the salmon chapter of the amendment out for public review after the addition of an option for time/area closures of 1/2 by 1 degree blocks on a month-by-month basis, selectively applied to those fisheries that account for the vast majority of salmon bycatch. With regard to the Pribilof Island proposed area closure, the AP recommended that the Council add an alternative consisting of a 25-mile closure (measured from the beach) for (a) bottom trawling, and (b) all trawling, and then send the document out for public review.

(i) Vessel Incentive Program Rates. The AP recommended that the VIP rates for the 3rd and 4th quarters be the same as they recommended at the December Council meeting:

<u>Halibut</u>		<u>Red King Crab</u>	
BSAI: P. Cod	3.0%	BSAI: Flatfish	2.5/mt
Flatfish	0.5		
GOA: Rockfish	5.0%		
Cod	5.0%		

The AP also noted that they are deeply distressed about the lack of apparent effectiveness of the vessel incentive program. They requested once again that the Council ask the Regional Director to publish vessel bycatch rates by vessel name.

Pelagic Trawl Definition

The AP expressed concern over the ongoing problems with the use of modified bottom trawls in the pollock fishery after the closure to bottom trawling and the inadequacy of the VIP program to prevent excessive halibut bycatch in the upcoming B season. The AP recommended the Council advise NMFS to undertake a regulatory amendment redefining a pelagic trawl and submitted a draft proposal for their consideration (see AP Minutes, Appendix III).

COUNCIL DISCUSSION AND ACTION

(a) Summary of Bycatch Conference. Bob Alverson reported on the recent National Industry Bycatch Workshop held in Newport, Oregon. Council members asked the Executive Director and staff to track developments on this subject.

(b) Japan Longline Survey. This subject was removed from the agenda. Council members indicated they had already received the information they needed and no further action was necessary.

(c) Total Estimation and Reporting of Catch. Ron Berg reported that an Advanced Notice of Proposed Rulemaking is in Washington, DC awaiting publication after the current federal moratorium on regulations is over. The intent is to give industry notice that NMFS is looking at new systems for total catch measures for the at-sea fleet and to improve NMFS' ability to receive data on a real-time basis. NMFS plans to work with industry to find the best ways to accomplish this. The goal is to have an analysis for a proposed rule ready for Council consideration in June.

MINUTES
NPFMC MEETING
APRIL 1992

(d) Trawl Test Proposal.

Henry Mitchell moved that the Council approve the proposed rule, incorporating the concerns pointed out by the AP and SSC. The motion was seconded by Wally Pereyra. (motion was subsequently replaced)

There was discussion of including a trawl test zone in the Bering Sea. Action on the motion was delayed until later in the meeting so industry would have the opportunity to recommend possible areas in the Bering Sea.

After consultation, an industry coalition submitted a proposal for a test site in the Bering Sea which would have the following coordinates: 54°40'N to 55°N (20 miles) by 166°W to 167°W (30 miles).

Bob Mace moved to adopt the AP's recommendation with the new coordinates (above) substituted for the Dutch Harbor area, including the concerns of the AP and SSC in finalizing the analysis, and a provision that would prohibit fish on board during testing. The motion was seconded by Oscar Dyson. It was clarified that the Western Gulf area would not be needed if the Bering Sea area was added.

Henry Mitchell moved to amend the motion to prohibit use of the Bering Sea area during August 1 to November 1 to protect herring. The motion was seconded but later withdrawn for clarification of dates required to protect herring stocks and solicit more public comment between now and June. Steve Pennoyer suggested an alternative which would close the area during the Herring Savings Area closure time, July 1 to August 15.

The main motion carried without objection.

(e) Delay of the Pollock B Season; Exclusive Registration. Three issues were before the Council: a regulatory amendment to delay the start of the BSAI pollock B season for 1993 and beyond; an emergency action to delay it for 1992; and a plan amendment for exclusive registration in the Gulf of Alaska.

Wally Pereyra moved to delay the start of the 1992 BSAI pollock B season to July 15 by emergency action. The motion was seconded by Bob Alverson.

Mr. Pereyra cited improved product quality, improved product recovery rates, and better protection for herring as reasons for the action.

Bob Mace pointed out that in January the Council decided not to take this action for 1992. Concern was also expressed over using emergency rules unless there are compelling reasons to do so.

Ron Hegge moved to amend to include exclusive registration for the Gulf of Alaska pollock fishery. The amendment was seconded by Henry Mitchell and failed, 9 to 2, with Mitchell and Tillion voting in favor.

The main motion failed, 8 to 3, with Alverson, Mitchell and Tillion voting in favor.

Work is already in progress on the regulatory and plan amendments. The exclusive registration amendment would be available for Council review at the June meeting for release to public review,

with a final decision scheduled for September. The regulatory amendment for the season delay would be submitted to Council review in September with a final decision in December. It was clarified that the two exclusive registration areas would be the Gulf of Alaska and Bering Sea/Aleutians plan areas.

Clem Tillion moved to include factory longline fleet in the exclusive registration area analysis. The motion was seconded by Wally Pereyra.

Ron Hegge asked that the analysis measure the effects of the inshore-offshore implementation which greatly restricts the longline fleet.

Larry Cotter moved to amend to analyze pollock, Pacific cod, and all groundfish. The motion was seconded by Oscar Dyson and carried without objection.

The main motion carried, as amended, without objection.

(f) Groundfish Amendments

Amendment 26 - Gulf of Alaska. Amendment 26 included two proposals:

- (1) Prohibit trawl gear from fishing for groundfish in waters east of 140°W longitude in the eastern Gulf of Alaska.
- (2) Reestablish the no-trawl crab protection time/area closures around Kodiak Island.

Wally Pereyra moved that the Council send the amendment package back to the plan team for further structuring. The motion was seconded by Bob Mace. Mr. Pereyra was concerned that the proposal has not been refined enough to send out for public review; he felt that some of the elements needed to be further fleshed out and reviewed by the plan team.

It was suggested that the elements of each amendment be taken up separately rather than as a whole package.

Earl Krygier offered a substitute motion to approve the AP recommendation for Amendment 26, including AP and SSC recommendations with the exception of item one of the SSC's comments which is not achievable at this time. The motion was seconded by Larry Cotter.

The motion carried, 8 to 3, with Alverson, Mace and Pereyra voting no. (Darm for Blum)

Amendment 21 - Bering Sea/Aleutian Islands. This amendment package had three proposals to consider:

- (1) Establish trawl and non-trawl fishery halibut PSC limits.
- (2) Improve chinook salmon bycatch management in the BSAI.
- (3) Prohibit bottom trawling in IPHC Area 4C adjacent to the Pribilof Islands.

Earl Krygier moved that the Pribilof proposal be sent back for further analysis to be due at the June meeting, that the salmon issue be sent back for further analysis to look at time/area closures, including the information suggested by the SSC, to come back to the Council in August; and to send out the halibut PSC proposal for public review. The motion was seconded by Larry Cotter.

MINUTES
NPFMC MEETING
APRIL 1992

Mr. Krygier indicated it was their intent to include analysis of the AP's recommended alternative of a 25-mile closure (measured from the beach) for (1) bottom trawling and (2) all trawling.

It was pointed out that the August meeting will be very limited in time and participation; therefore it was agreed that the salmon amendment would be brought back at the next available meeting after June if it can't be done in August.

Mr. Alverson moved to amend to add an option that would include an area of consideration that would be IPHC Area 4C for alternatives 2 and 3, but not to extend farther than 169°E. The motion was seconded by Oscar Dyson and carried without objection.

The motion, as amended, carried without objection.

(g) Team Report on Individual Bycatch Quotas. Because of the press of other Council analyses in progress, no further work has been done on this issue. The team will provide a more detailed status report at the June meeting.

(h) Preferential allocations of Pacific cod to fixed gear fisheries w/low halibut bycatch. Work is in progress with a preliminary draft possibly available at the June meeting.

(i) Vessel Incentive Program Rates for 3rd and 4th Quarters

Larry Cotter moved to adopt the AP recommendations for 3rd and 4th quarter vessel incentive program rates:

<u>Halibut</u>		<u>Red King Crab</u>	
BSAI: P. Cod	3.0%	BSAI: Flatfish	2.5/mt
Flatfish	0.5		
GOA: Rockfish	5.0%		
Cod	5.0%		

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

Pelagic Trawl Definition

At the beginning of the meeting the Council added to the agenda a discussion of the pelagic trawl definition and concerns over the use of modified bottom trawls.

Henry Mitchell moved to adopt the AP recommendation to prepare a regulatory amendment to redefine a pelagic trawl using the AP's draft language (see AP minutes, Appendix III). The motion was seconded by Larry Cotter.

It was suggested that a performance-based alternative be included for analysis for June to see if it is a realistic option; if it is determined in June that it is not, then it can be pulled from the amendment.

Ron Hegge moved to add a section "(e)" to item 1 of the definition which would address layering, i.e., "none of the described meshes may be of more than one layer." The motion was seconded by Wally Pereyra and carried without objection.

The main motion carried, as amended, 10 to 1 with Krygier voting no. (Darm for Blum)

Larry Cotter moved to request NMFS to come back to the Council in June with their thoughts on a performance-based approach. The motion was seconded by Earl Krygier and carried 8 to 3, with Dyson, Mitchell and Pereyra voting no. (Darm for Blum)

Gear Conflicts in the Bering Sea

Industry had brought forward a concern over pots caught in trawl gear. There was no formal report. Commander Kyle, U.S. Coast Guard, told the Council they had received a number of complaints involving trawlers interfering with strings of crab pots in the Bering Sea. They did dispatch a cutter to the area and took reports; however, no actual cases have been filed. Dave Flannagan, NMFS Enforcement, said they also had similar reports, but there was no information to identify the trawlers. In order to take action under the Magnuson Act they would have to prove that someone knowingly interefered with the pot gear.

During public testimony a representative of American Factory Trawlers Assn. told the Council they have initiated a gear conflict committee to interact with other gear groups to try to avoid gear conflicts to everyone's satisfaction.

Wally Pereyra suggested that the Council needs to keep this problem in mind when it is defining a closed area for the inshore-offshore amendment. Closing such an area in the first half of the year when ice is forcing crab vessels and longliners south, there is potential for more conflict in the future. The Council encouraged the industry gear conflict committee to work on resolving the problems.

Discards

Council member Larry Cotter requested this item be added to the agenda for discussion. Steve Pennoyer said the information Mr. Cotter has requested is available in Seattle and they will have it prepared for the Council at the June meeting. They can provide discards by species, but not by fishery as a whole with all species considered. Mr. Cotter said the Council needs to deal with the issue in a more thorough fashion and suggested the Chairman appoint a small committee of Council members to work through the issue and come back at June meeting with suggested alternatives on how to deal with problem and perhaps a time schedule for getting there.

D-3 Staff Tasking

Ron Berg reviewed a list of staff tasking (Appendix V) which was prepared after two meetings of Council, NMFS, ADFG and other staffs involved in Council projects. Mr. Berg pointed out some problem areas with timing and availability of time to complete some of the analyses.

Ron Hegge moved that the Council request a draft analysis of the Sitka block proposal be available for review at the September Council meeting. The motion was seconded by Larry Cotter. The motion carried without objection.

**MINUTES
NPFMC MEETING
APRIL 1992**

E. FINANCIAL REPORT

The Finance Committee met during the week and was briefed on the 1992 budget and discussed availability of funding for contracting for some of the analyses requested by the Council.

F. PUBLIC COMMENTS

There were no further public comments.

G. CHAIRMAN'S REMARKS AND ADJOURNMENT

The Chairman adjourned the meeting at approximately 1:43 p.m. on Sunday, April 26, 1992.