

# North Pacific Fishery Management Council

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Certified Richard B. Lauber  
Richard B. Lauber, Chairman

Date 9-27-91

## MINUTES

**94th Plenary Session  
NORTH PACIFIC FISHERY MANAGEMENT Council  
December 3-7, 1990  
Anchorage Hilton Hotel  
Anchorage, Alaska**

The North Pacific Fishery Management Council met December 3-7, 1990 at the Anchorage Hilton Hotel in Anchorage, Alaska. The Advisory Panel and the Scientific and Statistical Committee began December 1. The Ad Hoc Bycatch Committee and Advisory Panel Nominating Committee also met during the week. Members of the Council, Scientific and Statistical Committee, and Advisory Panel attending the meetings are listed below.

### Council

Don Collinsworth, Chairman  
Joe Blum  
CDR Joe Kyle for RADM Ciancaglini  
Larry Cotter  
Oscar Dyson  
Bob Mace for Randy Fisher  
Ron Hegge

Bob Alverson, Vice Chairman  
Richard Lauber  
Henry Mitchell  
Guy Thornburgh  
Steve Pennoyer  
Wally Pereyra

### NPFMC Staff

Clarence Pautzke, Executive Director  
Steve Davis, Deputy Director  
Judy Willoughby  
Dick Tremaine  
Jim Cornelius  
Chris Oliver

Hal Weeks  
Marcus Hartley  
Helen Allen  
Peggy Kircher  
Gail Peeler

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**Support Staff**

Jim Brooks, NMFS-AKR  
Mark Pedersen, WDF  
Earl Krygier, ADFG  
Gregg Williams, IPHC  
Loh-Lee Low, NMFS-AFSC  
Jim Balsiger, NMFS-AFSC  
Ron Berg, NMFS-AKR  
Fritz Funk, ADFG

Dale Evans, NMFS-AKR  
Dave Flannagan, NMFS-AKR  
Jay Ginter, NMFS-AKR  
Sue Salveson, NMFS-AKR  
Grant Thompson, NWAFC  
Lisa Lindeman, NOAA-GC  
Jessie Gharrett, NMFS-AKR

**Scientific and Statistical Committee**

Richard Marasco, Chairman  
Bill Aron  
Larry Hreha  
Terry Quinn  
Gordon Kruse

Doug Eggers, Vice Chairman  
Don Rosenberg  
Jack Tagart  
Bill Clark

**Advisory Panel**

Nancy Munro, Chair  
John Woodruff, V. Chair  
George Anderson  
Al Burch  
Phil Chitwood  
Paul Clampitt

Lamar Cotten  
Dave Fraser  
Ed Fuglvog  
Vic Horgan, Jr.  
Pete Isleib  
David Little

Pete Maloney  
Dan O'Hara  
Harold Sparck  
Dave Woodruff  
Robert Wurm  
Lyle Yeck

**General Public**

Approximately 175 people attended the Council meeting. The following members of the public signed the attendance register:

Norman Belew  
M. Antonsen  
Debby Swenson  
Hiro Watanabe  
Vince Addington  
T. Takada  
Scott Sunde  
Steve Hughes  
John Roos  
Michael Jones  
Thomas Weinhandl  
Kris Norosz  
Bill Atkinson  
Shari Gross

Mick Stevens  
Edward Budzinski  
Robert Slade  
J. Moeller  
Paul MacGregor  
Steve Grabacki  
John Kelly  
Chris Blackburn  
Bob Leggate  
Vern Hall  
Jack Hill  
John Iani  
John Henderschedt  
Deborah Hunt

Linda Kozak  
Brad Tischer  
Joe Plesha  
Sinclair Wilt  
Karl Ohls  
John Bruce  
Jim Brady  
Bruce Cotton  
Pat Marcuson  
Lonnig Chesnut  
Jeff Stephan  
Art Hodgins  
Brian Parsons  
Brad Resnick

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Drew Scalzi  
Debra Eul  
Charles Bundrant  
John Kristol  
LeRoy Cossette  
Kirsten Almo  
John Crowley  
George Freeman  
Larry Tideman  
A. Aglie  
Robert Morgan  
David Benson  
Gary Westman  
Donna Parker  
Bruce Jackson  
Stoian Iankov  
David Stanchfield  
Matthew Weber  
Michael Lake  
M. Atterberry  
Brenda Huber  
Phil Neisley  
Kenneth Allread  
Dick Deyser  
Jan Standaert  
Stephanie Madsen  
Jon Sullivan  
Stan Hovik  
Daniel Hamblin  
Fred Kirkes  
Brian Bigler  
Steve Drage  
Frank Steuart  
James Haagen  
Vince Curry  
Keith Moores  
Arild Giske  
Jeff Polvony  
Lonna Hobson

Jack Swafford  
Mel Morris  
Greg Baker  
Peter Fox  
Perfenia Pletnikoff  
Phil McCrudden  
Paul Johns  
Donald Johnson  
John Dolese  
Dave Shoemaker  
Joseph Venuti  
Erik Breivik  
Bill Stokes  
Matt Doherty  
Dennis Robinson  
Deming Cowles  
Kurt Morgan  
Dean Paddock  
Doug Dixon  
Yereth Roseu  
Merle Knapp  
John Cleveland  
Einar Langesater  
Luis Arruela  
Ivan Reiten  
Dave Allison  
Rick Schunk  
Einar Pedersen  
Lynn Fitch  
James Daniels  
N. Nong  
Al Womac  
Tod Hendricks  
Brian Melvin  
Matt Lieske  
Robert Czeisler  
Margaret Lynn  
Brent Mahan  
Juanita Gwin

Marvin Stone  
Alexander Galanin, Sr.  
Don Castle  
Bruce Buls  
Ron Rogness  
Richard Post  
Leif Elliott  
Tom Rueter  
Brian Melvin  
Matt Liese  
D. R. Linn  
Chuck Beach  
Wendy Visconty  
Ralph Angason, Sr.  
Bryan Hodgson  
Roger Woods  
Thorn Smith  
Douglas Ancona  
Teresa Turk  
T. Honan  
Dave Allison  
Jim Seavers  
Jack Molan  
Lonnie Chesnut  
T. Pridempads  
Oscar Loewen  
William Nicholson  
Shane Carew  
Dale Alberda  
Matt Lieske  
Brian Melvin  
Marcy Jones  
Charles Shockey  
Gary Daily  
Bill Jacobson  
Bob King  
Jeffrey Davis

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

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

The meeting was called to order at approximately 8:00 a.m. on December 3, 1990 by Chairman Don Collinsworth.

Agenda. Bob Alverson asked that the Council discuss a possible out-of-state meeting for next year. The Council agreed to discuss this under Agenda C-9, Other business. The agenda was approved with this addition.

**B. REPORTS**

**B-1 Executive Director's Report**

The Executive Director reported that a meeting of Council Chairmen has been tentatively scheduled for February 7-9, 1991, and asked Council members to consider agenda topics. Dr. Pautzke also reported that Congress increased total funding for the Regional Councils to \$8.5 million in FY91. The North Pacific Council's budget will be increased by \$170,000. The Executive Director's report also included updates on the overfishing definition amendments and a request from the Administrative Officer for Council members to submit expense claims as soon as possible so the books can be closed at the end of the year. Dr. Pautzke told Council members that the GAO study on the effects of the Anti-Reflagging Act of 1987 has been completed and suggested the Council receive a report at the January meeting along with an update on the Council-requested study regarding foreign ownership patterns in North Pacific fisheries.

**B-2 Domestic Fisheries Report by ADF&G**

Earl Krygier reported on the two fisheries which have occurred since the last Council meeting—chinook salmon and red king crab. Through November 10, the chinook harvest in the Southeast winter troll fishery was 16,099 fish. The Bristol Bay red king crab fishery opened November 1 and closed on November 13 when it was estimated that the harvest level of 17.1 million pounds had been reached. Actual landings have been preliminarily estimated at 19.6 million pounds. The CPUE is estimated to have risen from 8-10 legal male crab per pot last season to an average of 14-15 this season.

Mr. Krygier also reported that the 1991 Bering Sea herring PSC cap will be set at 834 mt, 1% of the biomass of Bering Sea herring stocks from Port Moller to Norton Sound, as established under Amendment 16a.

**B-3 NMFS Management Report**

Dale Evans reported that halibut bycatch closed down the joint venture fisheries for yellowfin sole and other flatfish, domestic rock sole fishery in Zone 2H, and the bottom trawl fishery for cod and pollock in the Bering Sea. In the Gulf of Alaska, the hook-and-line fishery and the non-pelagic trawl fishery were also closed because of halibut bycatch. Fluctuating effort in the various fisheries and time delay in receiving catch reports have made it difficult to project when closures will occur. However, in 1991 changes in recordkeeping and reporting requirements and enhanced computer programs and communications systems should improve the process.

**B-4 Enforcement Report**

The Coast Guard reported that, as of November 26, Coast Guard effort during FY 1990 included 722 cutter patrol days and over 720 surveillance flights off Alaska. During the year, 14,189 vessels were sighted, 913 boarded, 11 seized, and 289 violations recorded.

The National Marine Fisheries Service reported that, for the period September 1-November 15, 1990, 96 agent days were expended in direct support of U.S. Coast Guard air and surface patrol efforts. During that period NMFS opened 112 investigations, conducted 29 dockside boardings, and contacted 663 individuals in furtherance of case investigations. Six vessels were cited under the Pacific Halibut Act and 34 were issued written warnings for exceeding fishing period limits by less than 10%. NMFS started case investigations of 26 salmon vessels under the Marine Mammal Protection and Endangered Species Act and took action in five other incidents. NMFS also initiated investigations of 143 groundfish vessels for failure to submit logbooks for the first quarter of 1990.

**C. NEW OR CONTINUING BUSINESS**

Agenda items C-1 (Legislative Update) and C-2 (International fisheries) were information items provided in written form. There was no discussion or action.

**C-3 Domestic Observer Program**

Council members continued earlier discussions of insurance coverage for observers on fishing vessels and the concept of pooling vessels for the purposes of sharing observer coverage and costs. They were also asked to consider emergency action to implement the 1991 changes to the NMFS Observer Plan previously approved. They also discussed the user-fee system now possible under the North Pacific Fisheries Research Plan.

**Report of the Advisory Panel**

The AP recommended the Council request the Secretary to implement the changes to the observer plan for 1991 by emergency rule.

**Report of the Data Committee**

The Data Committee met in November and received reports on the 1990 observer program and plans for 1991. The Committee submitted the following recommendations

1. For vessels under 125 feet, the option of when to carry an observer should be placed with NMFS, rather than with the vessel operator. this may help remove some of the perceived problems in the database.
2. The Council needs to review the bycatch mortality data from 1990 to determine if any changes should be made for the 1991 season. 1990 data is available from the first quarter and part of the second.
3. The Council should discuss the desirability of placing observers on boats down to 55 feet in any fishery where an incentive program is being utilized.

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With regard to the new user-fee system authorized under the amendments to the MFCMA, the Committee recommended that a first draft of the new system should be available for public review by April 1991 with potential adoption by the Council in June 1991. The Committee identified several questions for consideration by the Council to assist staff in preparing the proposed user-fee system.

**COUNCIL DISCUSSION AND ACTION**

Steve Pennoyer reported that pooling and sharing of costs among vessels in the 30% category is possible. However, vessels requiring observers must carry one and may not elect another vessel in the pool to carry the observer for them. Regarding insurance coverage for observers, Mr. Pennoyer said they are in the process now of investigating insurance options, minimum levels, and other aspects of the situation, but have no suggestions for action at this time. Lisa Lindeman, NOAA-GC, said in the opinion of NOAA General Counsel, observers are not considered employees, crewmen, or seamen, that they are not covered under the Jones Act, and do not have the same privileges or recourses of crewmen and seamen. They should be covered by workman's compensation and under a vessel's P&I policy. The Council may recommend a required minimum level of insurance coverage for observers to be provided by the contractors, but the added cost would fall under E.O. 12291 and cannot place an undue financial burden on the contractors.

**Bob Mace moved that the Council request the Secretary of Commerce implement the proposed changes for the 1991 observer plan, including extension of observer contract agreements for one year, by emergency rule. Those changes are:**

- (1) Delete the 1,000 to 10,000 mt and the 10,000 mt and over annual thresholds for requiring observers in shorebased processing plants, but retain the monthly thresholds of 500 mt for 30% coverage and 1,000 mt for 100% coverage;**
- (2) Extend observer requirements of shorebased processors to mothership processors and floating processors; and**
- (3) Require vessel operators in the groundfish fishery to allow their vessel's observed bycatch rates of prohibited species to be released publicly.**

**The motion was seconded by Joe Blum and carried with Joe Blum objecting.** NOTE: The Council agreed that to give the Regional Director an opportunity to vote on emergency rules, another member of the Council will vote "no" on each emergency action. Mr. Blum voted no on this action for that reason.

Included in the regulatory amendment to implement the changes is a provision to prohibit observers from carrying firearms. This item was not included in the Council's earlier recommendations. Council members in general did not favor this provision and took no action to recommend approval.

NMFS also requested the Council recommend to the Secretary that the regulatory amendment to implement data reporting requirement changes for 1991, previously approved by the Council, be implemented by emergency action.

**Bob Mace moved to request the Secretary implement data reporting requirement changes for 1991 by emergency rule. The motion was seconded by Steve Pennoyer and carried with Henry Mitchell objecting.** NOTE: The Council agreed that to give the Regional Director an opportunity to vote

on emergency rules, another member of the Council will vote "no" on each emergency action. Mr. Mitchell voted no on this action for that reason.

The Council briefly discussed the user-fee system. It is the intent of the Council to have a program in place for 1992. The Data Committee and NMFS will work together on the program.

#### C-4 Inshore-Offshore Allocation

The Council was provided with a progress report on the inshore-offshore analysis. The original schedule called for a 30-day review of industry sector profiles and economic assumptions in November. However, because of late survey returns, the 30-day review was not feasible. Instead, a series of meetings has been scheduled between the analytical team and major industry groups to check the economic assumptions. Schedules for the social impact and biological analyses are on schedule. At the request of the Fishery Planning Committee, staff has assembled a SIA review panel of three experts in the social-anthropological field to review drafts of the SIA to assure the analysis meets required standards.

This was an information item. There was no Council action taken. However, there was some public testimony which is summarized in Appendix I to these minutes.

#### C-5 Halibut Management

In September the Council recommended that the International Pacific Halibut Commission divide Area 4E into northern and southern subareas and assign a separate catch quota to each area. IPHC has responded that such action is mainly allocative and would more appropriately be done by the Council. During a teleconference on November 19, Council members requested staff to prepare an analysis of the proposal for Council review at the December meeting.

#### **Report of the Advisory Panel**

The AP recommended approval of the proposal to establish Northern and Southern subareas within IPHC Area 4E and to allocate the 4E quota 70/30%, respectively.

There was no SSC report on this agenda item.

#### **COUNCIL DISCUSSION AND ACTION**

During public testimony (Appendix I) representatives of Nelson Island and Bristol Bay fishermen asked the Council to approve an additional caveat which would allow unutilized quota in the northern portion after August 1 to be split 50/50 between the northern and southern areas.

**Henry Mitchell moved that the Council recommend to the Secretary that Alternative 2 in the EA/RIR be approved (divide Area 4E at Cape Newenham into north (Nelson/Nunivak Islands) and south (Bristol Bay) subareas with 70% of the quota assigned to the north and 30% assigned to the south. The current 6,000-pound trip limits and vessel clearance requirements would apply, and on August 1 any unharvested portion of the quota in the northern area would be split 50/50 between the northern and southern areas. The motion was seconded by Larry Cotter.**

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Some Council members felt that because the Council originally approved the fishery as experimental, and considering that CPUEs in the area have been very low, there is no reason to approve the fishery for another season. Logbooks were evidently not maintained so information on the catches is not available. Steve Pennoyer and other Council members stressed the importance of the data collection.

**Bob Alverson moved to amend the motion by striking the provision for splitting the unused quota after August 1. The motion was seconded by Ron Hegge and failed, 9 to 2, with Alverson and Hegge voting in favor.**

**The main motion carried 8 to 3, with Alverson, Hegge, and Mace voting no.**

The regulatory amendment will be prepared and submitted directly to the Secretary for review. There will be opportunity for additional Council comment during the public review period, sometime in early 1991.

Steve Pennoyer asked Council members to comment on the request by Atka fishermen in September regarding delay of 48-hour openings until July 1 in Area 4B. The Council did not take action on it in September; however, the Halibut Regulatory Advisory Committee, AP and SSC, did recommend that the IPHC Conference Board work with the village of Atka to identify season openings which meet their needs. Mr. Pennoyer pointed out that the IPHC may consider this an allocative issue and it's possible that the final outcome may not be exactly the same as the recommendations of the RAAG and Council advisory committees. The Council suggested that it may want to meet with IPHC in September 1991.

C-6 Sablefish Management

The Council was to consider the motion tabled at the September meeting. There was discussion of which motion was actually tabled, the original proposal/motion tabled in August, or whether a motion to amend in September (to defer the IFQ issue to the June 1991 meeting) is the motion to be considered at this meeting. After consulting transcripts and discussion, it was clarified that the motion tabled in September was Mr. Blum's motion to refer to the Fishery Planning Committee.

**Bob Alverson moved to take the motion from the table. The motion was seconded by Wally Pereyra and carried 9 to 2, with Dyson and Mace voting no.**

The motion under consideration, then, was to refer that sablefish IFQ management system to the Fishery Planning Committee to report back at the June 1991 meeting with recommendations for appropriate parallel actions for halibut.

There was some discussion about the timing and feasibility of including limited access measures for the halibut fishery on the same time schedule as sablefish. The Council suggested the Fishery Planning Committee look at the original schedule for implementation and determine whether changes need to be made.

**The motion carried, 8 to 3, with Dyson, Lauber and Mace voting no.**



C-7 Foreign Vessel Permits

The Council received a staff report reviewing Council action on permits in 1988 and 1989. Recommendations for those years included:

1. Permits should be issued only to those nations which are providing fishery information for operations in the Donut Hole. The Council continues to believe that extensive harvests of groundfish in the Donut are impacting U.S. stocks and that this information is critical for fisheries conservation and management.
2. Permits should be issued only for operations directly supporting joint ventures. The Council does not want foreign vessels to utilize the EEZ in support of fisheries operating in the Donut area. This is the same recommendation the Council made for 1989.
3. The Council recommended denial of a 1990 permit for the Korean processing vessel SHIN YANG HO (KS-90-0122). This vessel was seized in 1986 and its master charged for several violations against a NMFS observer, including assault and sexual harassment. The Council received a report indicating that this case has been settled for \$220,000 and that its master had been dismissed by the vessel's parent company. However, given the severe violation and the relatively small fine, the Council recommended that this vessel be prohibited from participating in any fishery in the EEZ.
4. The Council also recommended withholding permits from the vessels SHINWA MARU, ORIENTAL CRANE, WLOCZNIK, and NOVOYELNYA which have pending violations. Permits may be provided once their cases have been settled.

For 1991, the Council received applications from China, Poland, South Korea and Japan, all seeking to work in joint ventures.

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

**COUNCIL DISCUSSION AND ACTION**

Council members asked whether foreign nations are providing information on harvests in the Donut. Dr. Loh-lee Low responded that most nations have submitted information through 1989; China and South Korea have provided information on 1990 harvests. Council members discussed previous recommendations to restrict permits to vessels supporting DAP operations. Most applications for permits also request permission to use the EEZ in support of fisheries operating in the Donut area. Although Council members are interested in receiving information on fisheries in the Donut, they again expressed their desire that no U.S. vessels fish the area and felt it would be inconsistent to make it easier for foreign vessels to fish there.

**Ron Hegge moved to request the Secretary to require observers on any vessel fishing in the Donut and receiving a permit to use the U.S. EEZ for transshipment of the product. The motion was seconded by Larry Cotter. The motion carried unanimously with the abstention of Steve Pennoyer.**

**Joe Blum moved to recommend to the Secretary of Commerce that no permits be issued to those in violation of the MFCMA or other fishery regulations in the U.S. EEZ. The motion was seconded**

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by Bob Alverson.

Henry Mitchell moved to amend the motion to recommend that permits be denied to all vessels of a company when one vessel has been cited for a violation serious enough to be brought to the attention of General Counsel. The motion was seconded by Joe Blum and carried, 7 to 4, with Dyson, Mace, Pennoyer and Pereyra voting no.

The main motion, as amended, carried 8 to 2, with Mace and Pereyra voting no and Steve Pennoyer abstaining.

Bob Mace moved to recommend to the Secretary that permits only be issued for operations directly supporting DAP operations. The motion was seconded by Oscar Dyson and carried unanimously with Steve Pennoyer abstaining.

C-8 AP, SSC and Plan Team Memberships

The Advisory Panel Nominating Committee met during the week to consider nominations for the 1991 Advisory Panel. During executive session the Council discussed AP, SSC and plan team appointments for 1991.

The Council approved the following appointments to the Advisory Panel, bringing total membership to 21:

George Anderson	David Little	Jay Skordahl
John Bruce	Loretta Lure	Harold Sparck
Alvin Burch	Peter Maloney	Beth Stewart
Phil Chitwood	Jack Miller	Dave Woodruff
Dave Fraser	Daniel O'Hara	John Woodruff
Edwin Fuglvog	Perfenia Pletnikoff	Robert Wurm
Kevin Kaldestad	John Roos	Lyle Yeck

Dr. Marc Miller, a social-anthropologist, was added to the Scientific and Statistical Committee, bringing the committee membership to twelve. Other members, reappointed for another one-year term, were:

William Aron	Larry Hreha	Terrance Quinn
John Burns	Daniel Huppert	Donald Rosenberg
William Clark	Gordon Kruse	Jack Tagart
Douglas Eggers	Richard Marasco	

Plan team memberships were retained as they currently stand.

C-9 Other Business

Status Report on Moratorium

Clarence Pautzke reported that the Fishery Planning Committee will meet between now and the January 1991 Council meeting to design a moratorium for Council discussion in April.

Federal Space in Dutch Harbor for Observer Activities

Paul Fuhs, Mayor of Unalaska, asked Council members to urge GSA to expedite leasing space in Dutch Harbor for National Marine Fisheries Service and Coast Guard activities. Jim Brooks agreed that some urging on the part of the Council may be helpful. Council members asked the Executive Director to prepare a letter to the appropriate agency to support NMFS's attempts to lease space in Dutch Harbor.

Out of State Meetings

With amendment to the Magnuson Act, the Council will now be able to hold Council meetings in any of its constituent states. Joe Blum suggested that staff investigate moving the December 1991 meeting to Seattle and the January 1992 meeting to Portland. Administrative Officer Judy Willoughby pointed out that 1991 meetings have already been contracted and moving would cost the Council 80% of revenue lost by the hotel. Wally Pereyra suggested that three meetings a year could be held in Alaska, one in Washington, and one in Oregon.

**Joe Blum moved that the January and December 1992 meetings be held in Portland and Seattle. The motion was seconded by Wally Pereyra.**

**Larry Cotter moved to amend to delete the December 1992 out-of-state meeting. The motion was seconded by Henry Mitchell and failed, 8 to 3, with Cotter, Lauber and Brooks (for Pennoyer) voting in favor.**

**The main motion failed, 7 to 4, with Alverson, Blum, Mace and Pereyra voting in favor.**

**Henry Mitchell moved to hold the December 1992 meeting in Bethel, Alaska. The motion was seconded by Bob Alverson and failed, 6 to 4, with Alverson, Blum, Cotter and Mitchell voting in favor and Bob Mace abstaining.**

**Henry Mitchell moved that the January 1992 meeting be held in Portland or Seattle. The motion was seconded by Larry Cotter and carried, 8 to 3, with Dyson, Hegge, and Pereyra voting no.**

Rewards for those who do not fish the Donut.

**Rick Lauber moved to agenda a discussion in January of the possibility of setting aside an amount of fish, primarily pollock, for those U.S. vessels fishing the EEZ off Alaska that do not fish in the Donut. The motion was seconded by Henry Mitchell.**

Mr. Lauber pointed out that although the Council has a policy discouraging fishing in the area, some vessels have made the decision to fish the Donut and those that have abided by the Council's wishes should be rewarded in some way.

**Bob Alverson suggested that the Council should also discuss the possibility of restricting U.S. vessels from fishing in the Donut. Mr. Lauber considered this a friendly amendment to his motion.**

Mr. Collinworth said that he felt this should be dealt with by regulatory amendment; the Secretary of Commerce has the authority to prohibit activities within the Donut and the U.S. EEZ. Jim Brooks

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pointed out that any prohibition of fishing in the Donut must be based on conservation concerns. Jim Blum suggested that a State Department representative be available at the January meeting for this discussion.

**The motion carried unanimously.**

Mr. Pereyra also suggested that the January meeting would be a good opportunity for the State Department to give the Council a better profile of foreign vessels fishing the donut; however, it was pointed out that NMFS and the Coast Guard would be more able to report on this subject. It was agreed that both NMFS and the Coast Guard would report in January.

Use of Private Funds for Analyses

At the September meeting the Council received inquiries about using private funds for analyses. It was suggested that the Council should discuss this in January and consider adoption of a policy. The Fishery Planning Committee was asked to draft a policy for Council review in January.

Bycatch Committee Report

Larry Cotter reported that the Committee has begun prioritizing bycatch issues but since no staff will be available to work on these issues until April, the Committee will re-examine the priorities at that time. In the meantime the Committee and industry will be trying to develop a comprehensive incentive program. The Committee also agreed to recommend to the Council that they consider entering some type of joint statement of principles with the Alaska State Board of Fisheries to articulate a mutual desire to protect salmon stocks and minimize salmon bycatch. The Committee will draft a statement for Council consideration at the January meeting.

**D. FISHERY MANAGEMENT PLANS**

D-1 General Groundfish

(a) Proposed incentive program for 1991 to reduce PSC bycatch rates.

In anticipation of the Secretary's disapproval of the vessel incentive program to reduce prohibited species bycatch rates as submitted in Amendment 21/16, the Council asked staff at its September meeting to prepare a revised incentive program based upon civil penalties to be imposed on those vessels whose bycatch rates of prohibited species exceed published standards. The Council approved the revised program during a conference call on November 15. The amendment was submitted to the Secretary for review and approval on November 28. At this meeting the Council received a review of the program and had the opportunity to make further comments to the Secretary. In order to have the program implemented early in 1991, emergency action was also requested.

**Report of the Advisory Panel**

An Advisory Panel workgroup was organized to develop recommended bycatch rates for the first and second quarters for the Gulf of Alaska during 1991 (See AP Minutes, Appendix II). They recommended that rates for the third and fourth quarters be set at the April 1991 meeting. The AP suggested that if the 1990 averages are utilized as standards in 1991, the new resulting averages will be significantly lower. The AP believed that the rates suggested by NMFS, based on the average of

the cleanest 80% of fishermen, would eliminate a large portion of the relatively clean fishermen unless they were able to improve their performance by a large increment, which would be unnecessarily demanding for the first year of the program.

The SSC had no comment on this agenda item.

#### **COUNCIL DISCUSSION AND ACTION**

**Joe Blum moved to adopt the first and second quarter bycatch rates for the Gulf of Alaska as recommended by the Advisory Panel, including their recommendation that third and fourth quarter rates be set in April. The motion was seconded by Bob Alverson and carried without objection.**

**Joe Blum moved to recommend the Secretary implement the 1991 bycatch incentive program by emergency action. The motion was seconded by Wally Pereyra and carried with Steve Pennoyer objecting.**

#### **(b) Clarify Council intent on BSAI flatfish season.**

In June the Council asked NMFS to develop a regulatory amendment to postpone the yellowfin sole, Greenland turbot, and other flatfish seasons in the BSAI until May 1. Because arrowtooth flounder was not specifically listed, NMFS did not include it in the regulatory amendment and asked for Council clarification. It was pointed out that arrowtooth flounder is becoming more important as a target species and because the intent of the flatfish season delay is to reduce bycatch rates of prohibited species, the Council may wish to include arrowtooth flounder.

#### **Report of the Advisory Panel**

The AP unanimously recommended that the Council include arrowtooth flounder in the season delay.

The SSC had no comment on this agenda item.

#### **COUNCIL DISCUSSION AND ACTION**

**Wally Pereyra moved to include arrowtooth flounder as one of the species under the delayed flatfish opening date of May 1. The motion was seconded by Bob Mace and carried without objection.**

Mr. Pereyra pointed out that if arrowtooth is not included in the season delay there could be the opportunity for fishermen to fish arrowtooth in order to process and sell the bycatch species which would circumvent the Council's original intent to reduce bycatch.

#### **(c) Pelagic Trawl Definition.**

Dale Evans, NMFS, reported that the emergency rule implementing the Council's original pelagic trawl definition has been extended to the end of 1990. The revised definition, which does not have discs, bobbins, etc., will go into effect January 1, 1991. He indicated that NMFS would rather approach the goal of reducing bycatch by using a performance-based definition for the future. However, timing and lack of capability to use observer data to sanction a vessel out of the fishery make it impractical to do for the near future.

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**Report of the Advisory Panel**

The AP believes that an incentive program is the key to solving bycatch issues and an expanded program should be a high priority in 1991. In the interim, the AP recommended that the current definition for pelagic trawl would be appropriate to effectively limit fishing to pelagic pollock nets once the bycatch cap is reached.

The Council made no changes to the definition which will take effect January 1, but asked that NMFS work with industry and gear groups to develop further refinements.

(d) Regulatory Amendment for groundfish pots to be fished on single lines.

At the September meeting the Council requested NMFS to proceed with a regulatory amendment which would require that groundfish pots be fished on single lines in response to growing concerns over potential gear conflicts involving longline groundfish pot gear. NMFS provided an analysis of the amendment with three alternatives: (1) status quo; (2) groundfish pots could be fished only on single lines in the Gulf of Alaska, or (3) groundfish pots could be fished only on single lines in the Gulf of Alaska and the Bering Sea/Aleutian Islands. Any change to the status quo would require emergency action for implementation early in 1991.

**Report of the Advisory Panel**

The AP recommended the Council approve the regulatory amendment to prohibit longlining of groundfish pots in the Gulf of Alaska and the Bering Sea management areas. The AP recommended that the prohibition not apply to the Aleutian Islands. They pointed out that longlining of pots is a popular method of fishing octopus though the pots used are distinctively different from those pots commonly used in other groundfish fisheries. They suggested that the Council could exempt this gear from the prohibition if the octopus fishery develops in the EEZ. The AP did not feel an emergency regulation is necessary in this situation and that the normal public review process should be utilized.

The SSC had no comment on this agenda item.

**COUNCIL DISCUSSION AND ACTION**

**Rick Lauber moved to adopt the AP recommendation to prohibit longlining of groundfish pots in the Gulf of Alaska and Bering Sea, excluding the Aleutian Islands, with no emergency order implementation. The motion was seconded by Oscar Dyson.**

**Ron Hegge moved to amend to include the emergency request. The motion was seconded by Joe Blum.**

Mr. Hegge pointed out that there is a possibility of extensive gear conflicts and the regulation should be in place at the beginning of the fishing year. Mr. Pereyra said that with the increasing interest in longlining pots in the cod fishery it is important to have the regulation in effect. There has not been a large conflict to this point because it is a developing fishery and effort has been spread in area and time.

Steve Pennoyer said that he was not sure this could be considered an emergency. Rick Lauber reminded the Council of earlier discussions in which they have been advised to avoid unnecessary

emergency actions.

**The motion to amend carried, 6 to 5, with Cotter, Lauber, Mace, Mitchell and Pennoyer voting against.**

The Council discussed the octopus fishery and asked that NMFS develop the regulation with the Council's intent to accommodate the fishery if possible. Don Collinsworth clarified that the regulation, as adopted by the Council, would prohibit longlining of octopus pots in the Bering Sea.

**The main motion carried, as amended, 10 to 2, with Pennoyer and Mitchell voting no.**

(e) Regulatory Amendment to Change the GOA Sablefish Opening Date

At the September meeting the Council asked NMFS to proceed with an analysis of possible changes to the longline sablefish season opening dates in the Gulf of Alaska. A later opening date than the current April 1 opening would have the potential of reducing halibut bycatch rates in the fishery. The analysis included four options:

Status Quo

Alternative 1: Gulfwide opening on April 1; Gulfwide closure when Eastern Gulf closes; a reopening of the Western and Central Gulf areas on July 1.

Alternative 2: Open longline fishing on May 1.

Alternative 3: Open longline fishing on June 1.

Council members were advised that the IPHC may consider a Gulf of Alaska halibut opening of May 5-6 or May 20-21.

**Report of the Advisory Panel**

The AP recommended the Council adopt a May 15 opening date for the longline fishery in the Gulf of Alaska. They felt that this opening will reduce halibut bycatch because the two species would be expected to be segregated at different depths by that date, and the first halibut opening should have been completed by that date, thus reducing the halibut on the grounds. The AP noted that they received testimony from industry indicating they would need at least a week between the halibut and sablefish openings.

The SSC had no comment on this agenda item.

**COUNCIL DISCUSSION AND ACTION**

**Bob Alverson moved that the longline sablefish season in the Gulf of Alaska open 5 days after the closure of the early halibut opening in the Gulf, but in no case earlier than May 15. The motion was seconded by Joe Blum.**

Mr. Alverson pointed out that the longline industry was closed early this year because of the high bycatch of halibut and felt that this action should allow for a more complete harvest of the groundfish TAC with a minimum bycatch of halibut.

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Mr. Cotter asked whether this delayed opening would adversely affect the data time series for sablefish and the ability to gather and analyze data from the trawl surveys which are begun two months after the opening of the sablefish fishery. Ron Berg, NMFS, responded that scientists from the Alaska Fisheries Science Center have indicated that a May 1 opening would not cause problems with respect to the time series or getting data to the plan teams for the preliminary SAFE reports. A May 15 opening would put a time crunch on the Center to get information to the plan team, however the time series would not be jeopardized. An opening as late as June 1, however, would destroy the 4-year-old time series.

**Steve Pennoyer moved a substitute motion to open the Gulf of Alaska sablefish longline season on May 15. The substitute motion was seconded by Ron Hegge and carried, 6 to 5, with Alverson, Blum, Mace, Mitchell, and Pereyra voting no.**

The Council asked the Executive Director to prepare a letter to the IPHC informing them of the Council's action and their concern over halibut bycatch and the fact that an early May halibut season would be helpful as a companion to this action. Mr. Alverson also suggested that the Council recommend that the IPHC extend the 72-hour prohibition on "prospecting" prior to the halibut opening.

**Bob Mace moved to recommend the Secretary implement the sablefish opening date by emergency rule. The motion was seconded by Bob Alverson and carried with Steve Pennoyer objecting.**

D-2 Gulf of Alaska Groundfish

(a-b) Review SAFE, Set ABCs and Apportionments

The Council was provided with a summary of the stock assessment document and plan team recommendations for 1991 ABCs for the Gulf of Alaska.

**Plan Team Summary**

For pollock in the Gulf of Alaska, there is a considerable difference between the ABC recommended by the Plan Team this year and that recommended last year. The current assessment incorporates two changes to the stock synthesis model used to estimate pollock biomass: (1) the 1990 Gulf-wide bottom trawl survey estimates biomass to be 1,004,377 mt, and (2) the estimate of the natural mortality rate was revised from 0.4 to 0.3. When the model incorporates survey selectivity, the current biomass estimate for ages 3+ is 1,372,000 mt. Similarly, the current assessment now estimates the 1989 biomass to have been 1,564,000 mt for ages 3+ (as opposed to earlier estimates of 891,000 mt). According to the current assessment with a revised hindcast of historical biomasses, the population is at a higher level than previously believed, but has been declining since 1988. The Team's recommended ABC for pollock was derived by applying a 10% exploitation rate to the estimated 1991 exploitable biomass. The report noted that the exploitable biomass estimates from the hydroacoustic surveys differed significantly from the estimates by the bottom trawl survey. The Plan Team, consistent with last year's recommendation, placed greater confidence on the estimates derived from the bottom trawl survey. With regard to the Council's inquiry as to the setting of a Gulfwide ABC for pollock with the ability to shift TACs in-season between areas, the Plan Team does not support this concept. The consensus was that this could lead to inequitable exploitation rates between the regulatory areas in the event a large amount were to be reapportioned from one area to another.



A continued decline is observed in Pacific cod stocks, reflected in the Team's ABC recommendation of 77,900 mt, about a 12,000 mt decrease from last year's recommended ABC.

Team-recommended 1991 ABCs for deep and shallow water flatfish decreased from 1990 while the recommended ABC for arrowtooth flounder increased considerably. Increases in total flatfish biomass are almost entirely due to an increase in arrowtooth flounder. Part of the decrease in ABC for deep water flatfish is because the Plan Team established a separate ABC for flathead sole, with the concern that this species was inappropriately included in the deep water category. The Team was unwilling to include flathead sole in the shallow water category because the resultant increase in ABC for that category could produce unacceptably high exploitation rates for rock sole. The Team also recommends that Greenland turbot landings be reported in the deep water category. Team-recommended flatfish ABCs for 1991 are as follows: Deep - 50,500 mt; Shallow - 74,000 mt; Arrowtooth - 340,100 mt; Flathead sole - 50,400 mt.

In response to declining biomass estimates for sablefish, the Team recommends an ABC of 22,500 mt for 1991, a decrease from the previous year's ABC of 26,200 mt.

Given the lack of biomass estimates for demersal shelf rockfish, the Plan Team has no recommendation for an ABC for this species. However, it notes that a TAC of approximately 500 mt would be consistent with previous exploitation rates and would be adequate to provide for the increase in reported bycatch without impacting the directed fishery harvest objectives for 1991.

The other rockfish assemblages all show decreasing biomass estimates, especially so for thornyhead rockfish. The Team's recommended ABCs for these species groups are as follows: Slope rockfish - 15,400 mt; Pelagic shelf rockfish - 4,800 mt; Thornyhead rockfish - 980 mt. For pelagic shelf and thornyhead rockfish, these ABCs represent considerable decreases compared to the 1990 ABCs.

[A table showing Plan Team and SSC recommendations for 1991 ABCs is Appendix III to these minutes.]

#### **Report of the Scientific and Statistical Committee**

This year, for the first time, it was necessary to consider the proper criteria in the definition of overfishing to use for each stock and to determine if the ABC recommendation resulted in overfishing. The SSC also considered the status of the Northern sea lion based on recent NMFS surveys in addition to comments by the Aquatic Conservation Group. The SSC found that information provided during the past two years does not prove cause and effect between fishing operations in the North Pacific and changes in the sea lion populations. Appendix III shows the SSC's recommendations for the 1991 Gulf of Alaska ABCs. For specific comments on each species, please see the SSC minutes, Appendix IV.

#### **Report of the Advisory Panel**

The Advisory Panel's recommendations for apportionments to DAP and JVP are found in Appendix III and specific comments can be found in the AP Minutes, Appendix II. The AP noted that their TAC recommendations take into account DAP needs and bycatch impacts. The AP also recommended that for 1991, DAP be set equal to TAC for all groundfish species.

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**COUNCIL DISCUSSION AND ACTION**

ABCs

**Bob Mace moved to adopt the ABCs as recommended by the SSC. The motion was seconded by Oscar Dyson and carried unanimously.**

After the Council had discussed and set the TACs, **Bob Alverson moved to reconsider Council action on the Gulf of Alaska ABCs. The motion to reconsider was seconded by Steve Pennoyer and carried with no objection.**

In order to be consistent with TAC decisions, the Council reconsidered previous ABC actions.

**Bob Alverson moved to set the Gulf of Alaska Pacific cod ABC consistent with the TAC adopted: Western Gulf—30,000mt; Central—45,000mt; Eastern—2,900mt. The motion was seconded by Joe Blum and carried without objection.**

TACs

**Bob Mace moved to adopt the 1991 Gulf of Alaska TACs as recommended by the Advisory Panel. The motion was seconded by Oscar Dyson.**

This motion was used as a framework for amendments to each species.

**Wally Pereyra moved to amend the motion to increase the TAC for arrowtooth flounder from 10,000 mt to 32,000 mt. The motion was seconded by Henry Mitchell**

Mr. Pereyra said that there is an increasing interest in arrowtooth flounder, which represents 38% of the biomass. It is necessary to provide enough for bycatch and to allow for a developing fishery. Those against the motion were concerned about the halibut bycatch in the fishery and the AP felt that the Council shouldn't encourage development of the fishery until an effective incentive program is developed for the flounder fisheries.

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

**Steve Pennoyer moved to amend to increase arrowtooth flounder to 20,000 mt. The motion was seconded by Oscar Dyson and carried unanimously.**

**Oscar Dyson moved to increase the Pacific cod TAC in the Western Gulf to 30,000 mt (from 25,700 mt), leaving the Central Gulf at 48,300 mt, and reducing the Eastern Gulf to zero. The motion was seconded by Bob Alverson.**

Mr. Dyson wished to have at least the same Pacific cod TAC available in the Western Gulf as there was in 1990.

**Bob Alverson moved to amend the amendment to set the Pacific cod TAC in the Central Gulf at 45,000 mt and 2,900 mt in the Eastern Gulf. The motion was seconded by Ron Hegge. The amendment carried, 9 to 2, with Mace and Pennoyer voting no.**

**Rick Lauber moved to amend to set the Eastern Gulf Pacific cod TAC at 1,000 mt, 46,900 mt for the Central, and Western at 30,000 mt. The motion was seconded by Oscar Dyson and failed, 7 to 4, with Collinsworth, Dyson, Hegge and Lauber voting in favor.**

**Joe Blum moved to amend to set Pacific cod TACs in the Gulf as follows: Western—32,000mt; Central—43,000mt; and Eastern—2,900mt. The motion was seconded by Henry Mitchell and failed, 6 to 5, with Alverson, Blum, Collinsworth, Mitchell and Pereyra in favor.**

**The main amendment for Pacific cod TAC carried unanimously: Western—30,000mt; Central—45,000mt; and Eastern—2,900mt.**

**Bob Alverson moved to reduce the 1991 TAC for Gulf of Alaska demersal shelf rockfish from 445 mt to 425 mt. The motion was seconded by Joe Blum and carried, 9 to 2, with Pennoyer and Pereyra voting against.**

Mr. Alverson felt that the original quota of 445 mt was too close to the overfishing definition and did not want the Council to set a precedent of setting TACs equal to that level. Jim Balsiger, Gulf Plan Team Chairman advised the Team did not have a concern for overfishing at the 445 mt level.

**The main motion to adopt the 1991 Gulf of Alaska TACs, as amended, carried unanimously.**

The Council asked that staff and plan team report by the end of the meeting regarding the creation of a Chirikof district, in terms of a cod ABC, and the time required to institute it for the 1992 season. Mr. Cotter also asked that NMFS investigate and report to the Council the possibilities of an annual trawl survey in the Gulf in terms of vessels, funding, etc.

#### DAP

**Bob Mace moved to set the 1991 Gulf of Alaska DAP apportionments equal to the TACs as set by the Council. The motion was seconded by Bob Alverson and carried without objection.**

#### (c) Halibut PSC

**Joe Blum moved to set the overall halibut PSC limit in the Gulf of Alaska at 2,750 mt. The motion was seconded by Ron Hegge and carried, 10 to 1, with Mitchell voting against.**

**Larry Cotter moved to set the trawl halibut PSC apportionment in the Gulf at 1,926 mt, the longline at 723 mt, and the pot at 100 mt. The motion was seconded by Ron Hegge.**

Some Council members felt the 100 mt apportionment for pot gear may be excessive because new gear with excluder devices will be used.

Wally Pereyra moved a substitute motion to set the halibut PSC apportionments as follows: 50 mt for pot gear; 736 mt for longline; and 1,964 mt for trawl. The motion was seconded by Steve Pennoyer but subsequently withdrawn after it was determined that the apportionments could be changed inseason.

**Mr. Cotter's motion carried unanimously.**

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Council members agreed to review the pot gear PSC at the June 1991 Council meeting.

**Larry Cotter moved to apportion the pot gear PSC as follows: 85% to the first half of the year; 5% to the 3rd quarter; and 10% to the 4th quarter. The motion was seconded by Ron Hegge and carried without objection.**

**Bob Mace moved to apportion the trawl PSC as follows: 30% to the 1st quarter; 30% to the 2nd quarter; 20% each to the 3rd and 4th quarters. The motion was seconded by Oscar Dyson and carried without objection.**

**Bob Alverson moved to apportion the longline PSC on a trimester basis as follows: Jan. 1-May 14 (30%); May 15-Aug. 31 (55%); and Sept. 1-Dec. 31 (15%). The motion was seconded by Wally Pereyra.**

Mr. Alverson felt the first part of the year is when the need is greatest for bycatch; also the Pacific cod longline fishery could be finished before the third trimester.

Mr. Cotter and Mr. Hegge pointed out that it's possible that the sablefish fishery may need more bycatch in the second trimester which would split the fishery if the PSC was insufficient.

**Ron Hegge moved a substitute motion to apportion the longline PSC as follows: 1st trimester—200 mt; 2nd trimester—500 mt; 3rd trimester—23 mt. The motion was seconded by Bob Mace and carried, 10 to 1, with Mitchell voting against.**

Mr. Mitchell expressed concern that the availability of fresh and fresh frozen product is not being taken into account by allowing the majority of the product to be taken earlier in the year.

The Council did not apportion PSCs by area but expressed the desire for the Data Committee to review with NMFS the data being collected and how it can be organized so that it will be useful to the Council in making area apportionments.

(d) 2nd Quarter Pollock Fishery in the Gulf of Alaska

**Bob Mace moved to recommend an emergency rule to delay the 2nd quarter pollock fishery in the Gulf of Alaska to June 1. The motion was seconded by Oscar Dyson.**

Both the Advisory Panel and public testimony indicated this would be acceptable. Last year, 30% of the pollock taken during the second quarter was in spawning condition and because of a probable increase in effort it's very possible that this season 100% of the fish taken could be in spawning condition. Also, it is important to the local fleet and ancillary services that the pollock fishery be prosecuted over as long a period as possible to avoid dislocation and disruption in employment opportunities.

Mr. Pereyra said he thinks this is an allocation issue and the long-term solution to continual growth and overcapitalization should be addressed through analysis of a moratorium, IFQs, and inshore-offshore allocation.

**The motion carried, 10 to 1, with Pennoyer voting against.**

Final Approval of ABC, TAC, DAP, PSC

Bob Alverson asked that the Council agenda discussion of hook and longline apportionments in April after there has been an opportunity to see how industry performs. The discussion centered around the possibility that there would be a surplus of longline PSC at the end of the first trimester and, rather than rolling it automatically over to the second trimester, the Council may wish to consider moving some of the surplus to the third trimester. Ron Berg told Council members that any changes could be accomplished by regulatory amendment or emergency action.

Earlier in the meeting the Council asked for clarification of the regulations for allocation of PSC to trawl, hook and longline, and pot gear with regard to whether pot gear could be exempted. Mr. Pennoyer reported that the regulations are written so as to require an allocation to pot gear; however, the regulations have not been filed yet and the Council could clarify their intent at this time. The Advisory Panel recommendation adopted by the Council seems to imply that the allocation should be made to all the categories; however, Council discussion indicated they would like the option to decide whether or not to allocate to each gear group.

**Bob Mace moved to adopt the ABCs, TACs, and apportionments as provided in the final table (Appendix V) and reapportion the halibut PSC apportionments as follows: 2,000 mt to trawl gear, and 750 mt to hook and longline gear. The motion was seconded by Wally Pereyra. It was clarified that the percentages listed on the chart would be included in the motion.**

**Bob Alverson moved to amend to include the 27 mt tons halibut PSC for the total fixed gear group be added to the 3rd trimester, making that total 50 mt and retaining the 1st and 2nd trimesters at 200 mt and 500 mt, respectively. The motion was seconded by Larry Cotter.**

The Council indicated they prefer to exempt pot gear from the halibut bycatch apportionments this year. There was some discussion about the possible bycatch in the pot gear fishery. There will be some, even though it is expected to be slight. However, it was also pointed out that with the new excluder devices and allocating bycatch by quarter will reduce the bycatch in this fishery even further.

**The amendment carried, 9 to 2, with Blum and Mitchell voting no. The main motion carried as amended, 7 to 4, with Blum, Collinsworth, Hegge, and Mitchell voting no.**

Mr. Blum pointed out that the TAC is set at the overfishing definition triggering level for shorttraker, rougheye, other slope rockfish, and pelagic shelf rockfish and asked whether any action should be taken to avoid this. Earlier in the meeting the Gulf of Alaska Plan Team Chairman, Jim Balsiger, indicated that he did not think the Team would be concerned with these levels. Steve Pennoyer said that he feels the overfishing definition is to prevent the setting of fishing strategies that would result in overfishing, and the inseason ability to manage to a particular number is not that predictable. He also pointed out that the ABCs the Council has set do not result in overfishing.

**Later in the meeting, Henry Mitchell moved to reconsider the Gulf of Alaska TACs, with particular reference to thornyheads. The motion to reconsider was seconded by Wally Pereyra and failed, 6 to 5, with Dyson, Lauber, Mace, Mitchell, and Pereyra voting in favor.**

Mr. Mitchell's concern was that the quota for the thornyhead fishery should have been increased to allow expanded opportunity for those participating in the fishery.

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D-3 Bering Sea/Aleutian Islands Groundfish

(a-b) Review SAFE, Set ABCs and Apportionments

The Council was provided with a summary of the stock assessment document and plan team recommendations for 1991 ABCs for the Bering Sea and Aleutian Islands.

**Plan Team Summary**

Increases in ABCs have been determined for pollock (+157,500 mt), arrowtooth flounder (+9,900 mt), rock sole (+30,200 mt), and other flatfish (+32,700 mt). A major decrease was detected for Pacific cod (-188,000 mt). Other declines were detected for yellowfin sole (-28,300 mt), sablefish -900 mt), Pacific ocean perch (-9,200 mt), Other rockfish (-100 mt), squid (-6,200 mt), and other species (-26,800 mt). In general, condition of stocks have remained relatively good and high, except for Greenland turbot which remained low because of prolonged low recruitment. The Pacific cod resource is still relatively high despite a large decline in abundance from 1989 to 1990. The Plan Team's recommended ABCs are found in Appendix III to these minutes.

**Report of the Scientific and Statistical Committee**

The SSC's recommendations for 1991 ABCs are found in Appendix III to these minutes. For specific comments, please see the SSC minutes, Appendix IV. With the exception of a separate Bogoslof ABC, and the Pacific ocean perch complex, the SSC agreed with the plan team's recommendations on all issues. For Pacific ocean perch, the SSC recommended splitting the species into three groups in the Aleutian Islands: POP, roughey and shortraker rockfish, and all remaining species in the previous POP complex (northern rockfish, and sharpchin rockfish). For the eastern Bering Sea, the SSC recommending splitting the complex into two groups: POP, and all remaining species (roughey, shortraker, northern, and sharpchin rockfish).

**Report of the Advisory Panel**

The Advisory Panel's recommendations for TAC and apportionments to DAP and JVP are found in Appendix III and specific comments can be found in the AP Minutes, Appendix II. With the exception of pollock, yellowfin sole, arrowtooth flounder, rocksole, Other flatfish and Other species, the AP recommended the TAC be set equal to the ABC. In all cases, the AP recommended that DAP be set equal to the TAC. The AP made no recommendation regarding the allocation of pollock between bottom and midwater gear because of the lack of information on the consequences on bycatch or shifting effort. The AP discussed seasonal apportionments of Pacific cod but made no recommendation.

**COUNCIL DISCUSSION AND ACTION**

ABCs

**Bob Mace moved to adopt the ABCs as recommended by the SSC for 1991 for the Bering Sea/Aleutian Islands. The motion was seconded by Wally Pereyra and carried without objection. The final ABCs are reflected in Appendix V to these minutes.**

Mr. Cotter expressed concern with some of the ABCs, particularly pollock, and noted that in future years some reductions may be necessary.

TAC/DAP

**Bob Mace moved to adopt the AP recommendations for TACs in the Bering Sea/Aleutian Islands for 1991. The motion was seconded by Henry Mitchell.**

**Wally Pereyra moved to amend the motion to increase the pollock TAC to 1.5 million mt for the eastern Bering Sea. The motion was seconded by Joe Blum.**

Mr. Pereyra pointed out that last year the eastern Bering Sea pollock quota was about 90% of the TAC and that industry has the capacity to take the entire quota. Uncertainty regarding data on discards and catches in the Donut was expressed by several members in opposing the motion.

**The motion failed, 6 to 5, with Alverson, Blum, Mitchell, Pennoyer and Pereyra voting in favor.**

**Steve Pennoyer moved to set a separate TAC of 200,000 mt for the Bogoslof Area (515), as suggested by the SSC. The motion was seconded by Larry Cotter and carried without objection. Staff was asked to prepare a chart and description of the proposed area for final approval later in the meeting.**

**Wally Pereyra moved to reduce the Pacific cod TAC to 178,000 mt. The motion was seconded by Henry Mitchell and failed, 10 to 1, with Pereyra voting in favor.**

Mr. Pereyra pointed out this would be consistent with the Council's action on pollock--78% of the ABC.

**Larry Cotter moved to reduce the Pacific cod TAC to 183,000 mt. The motion was seconded by Henry Mitchell and failed, 8 to 3, with Cotter, Hegge and Mitchell voting in favor.**

Mr. Mitchell said that the decline of cod may be more serious than the scientists believe; there are indications that the resource has declined considerably.

**Wally Pereyra moved to reduce the yellowfin sole TAC to 53,000 mt. The motion was seconded by Henry Mitchell.**

Mr. Pereyra pointed out that the 1990 catch is 84,158 mt; of that total almost 70,000 mt was in the joint venture fishery, leaving the DAP portion at 14,474 mt. The yellowfin sole season will not begin until May 1st and he felt 135,000 mt was not realistic; 53,000 mt would allow a significant increase in the fishery. He also expressed concern about the ramifications of having an excessive amount DAH that cannot be taken by the domestic processing industry.

**The motion failed, 10 to 1, with Pereyra voting in favor.**

Larry Cotter moved to increase the arrowtooth flounder TAC to 30,000 mt. However, the motion was withdrawn after discussion of the high bycatch associated with this fishery.

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**Wally Pereyra moved to reduce the rocksole TAC to 50,000 mt. The motion was seconded by Henry Mitchell.**

Bycatch concerns were cited for the reduction. Mr. Pereyra felt 50,000 mt would allow for a significant increase in the fishery and that any more would be excessive.

**The motion carried, 6 to 5, with Collinsworth, Hegge, Lauber, Mace and Pennoyer voting no.**

**Wally Pereyra moved to reduce the Other flatfish TAC to 40,000 mt. The motion was seconded by Henry Mitchell and failed, 10 to 1, with Pereyra voting in favor.**

There were no amendments offered for the other species in the Bering Sea/Aleutian Islands.

**Larry Cotter moved to reconsider the action on rock sole. The motion was seconded by Bob Mace and carried with one abstention (Collinsworth was out of the room).**

**Larry Cotter moved a substitute to set the rocksole TAC at 90,000 mt. The motion was seconded by Joe Blum.**

Although high discards and bycatch of prohibited species have been associated with the fishery, Mr. Cotter felt that new accounting efforts and the incentive program will help to alleviate these concerns.

**The motion carried, 10 to 1, with Pereyra voting no.**

**Henry Mitchell moved to amend the pollock TAC to 1.4 million mt. The motion was seconded by Wally Pereyra.**

Taking into account earlier concerns over lack of data, Mr. Mitchell felt that this level would be safe.

**The motion failed, 6 to 5, with Alverson, Blum, Mitchell, Pennoyer and Pereyra voting in favor.**

**The main motion to adopt the 1991 TACs, as amended, carried, 9 to 2, with Blum and Pereyra voting against.**

**Joe Blum moved to adopt the AP recommendation to set DAP equal to TAC for all species. The motion was seconded and carried without objection.**

Seasonal Split for Pollock TAC

Amendment 14 to the BSAI groundfish FMP authorizes the Council to establish seasonal apportionments of the pollock TAC between roe (1/1-4/15) and non-roe (6/1-12/31) seasons. At the September meeting, the Council made preliminary specifications of 25% of the pollock TAC apportioned to the roe season and 75% to the non-roe season.

**Rick Lauber moved that the eastern Bering Sea pollock TAC be apportioned between seasons as follows: 25% (276,000 mt) in the "A" season (Jan. 1-Apr. 15) and 75% (829,000 mt) in the "B" season (June 1-Dec. 31). The motion was seconded by Larry Cotter.**



There was discussion about whether the split should be made before or after the 15% reserve is removed. Hal Weeks said Amendment 14 indicates it should be calculated after the reserve is deducted.

Mr. Pereyra said this reduction in the early season could cost the industry in excess of \$100 million and is significant enough to require further analysis. There would also be an impact on the cod fishery because when the pollock fishery closed they would move to cod. Council members indicated that they could not support the reduction; the Council's concerns with this fishery have been addressed in other ways and limiting the harvest to 25% in the first season is not in the best interest of the industry or country. Henry Mitchell asked about the impact of the fishery on herring bycatch; it was pointed out that herring bycatch would be greater later in the year, i.e., June.

**The motion failed, 8 to 3, with Cotter, Hegge and Lauber voting in favor.**

Wally Pereyra moved to allocate 520,000 mt to the early season; however the motion died for lack of a second.

**Larry Cotter moved that the allocation be 30% for the A period and 70% for the B period, calculated after the 15% reserve is deducted. The motion was seconded by Ron Hegge and failed, 6 to 5 with Collinsworth, Cotter, Dyson, Hegge, and Lauber voting in favor.**

**Bob Mace moved to allocate 442,000 mt in the A season with the remainder to the B season. the motion was seconded and failed, 6 to 5, with Alverson, Blum, Mace, Mitchell and Pennoyer voting in favor.**

**Rick Lauber moved to allocate 390,000 mt to the A season and the remainder to the B season. the motion was seconded and carried, 9 to 2, with Blum and Pereyra voting no.**

It was clarified that the Council agrees with the AP's recommendation that the Aleutians not be subject to a seasonal split.

Later in the meeting, **Bob Mace moved to reconsider the apportionment of pollock TAC during the roe season. The motion was seconded by Wally Pereyra and carried, 6 to 5, with Collinsworth, Cotter, Dyson, Hegge and Lauber voting against.**

**Wally Pereyra offered a substitute motion to set the A season pollock apportionment in the Bering Sea at 441,500 mt. The motion was seconded by Bob Mace and carried, 7 to 4, with Collinsworth, Cotter, Hegge and Lauber voting against.**

After staff had prepared tables showing the Council's decisions on the ABCs, TACs and apportionments and a chart of the proposed Bogoslof area, the Council considered final approval.

**Bob Mace moved to approve the final 1991 Bering Sea/Aleutian Islands groundfish ABCs, TACs and apportionments as presented in the table provided by staff, including the definition for the Bogoslof area. The motion was seconded by Wally Pereyra. It was clarified that the Bogoslof area would be defined for the A season only.**

**Henry Mitchell moved to reduce Greenland turbot TAC by 5,000 mt. The motion was seconded by**

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**Larry Cotter.** Mr. Mitchell said he thinks that the Greenland turbot stock is in danger of a serious decline. **The amendment failed, 7 to 4, with Cotter, Dyson, Hegge and Mitchell voting in favor.**

**The main motion carried without objection.** The final ABCs and apportionments are found in Appendix V to these minutes.

Emergency Action Request to Seasonally Apportion Pacific Cod TAC

The Council received a petition in November requesting emergency action to seasonally apportion Pacific cod TAC, among other actions. At their November 15 teleconference the Council agreed to consider the request at the December Council meeting.

**Report of the Advisory Panel**

The AP discussed the request but did not recommend approval. Because of the allocational impacts of such a measure, the AP felt it should be addressed through a regulatory amendment with accompanying analyses and public review rather than an emergency rule.

**Report of the Scientific and Statistical Committee**

The SSC noted that those requesting the emergency action noted a concern for the "reproductive capacity" of cod stocks. The analyses for Amendment 19/14 could not demonstrate any significant biological benefits to seasonal allocation of the pollock TAC and while a similar analysis has not been done for cod, they believe the results would be similar. Therefore, the SSC did not anticipate a biological concern for the reproductive capacity of Pacific cod as a result of concentrated harvest during the spawning season.

**COUNCIL DISCUSSION AND ACTION**

**Ron Hegge moved to take emergency action to allocate Pacific cod TAC, 35% in the 1st quarter, 25% in the 2nd quarter, and 40% for the remainder of the year. The motion was seconded by Henry Mitchell.**

He indicated the need for a steady supply of product to the market and that the measure would not have allocative impacts since it impacts all gear groups.

The Council discussed the request for emergency action. Some members felt that there will be an influx to the cod fishery from other fisheries which will close early. Cod are most aggregated in February and March, and because of the late opening of the other fisheries and a new A Season pollock quota, there could be a very significant effect on those congregated stocks. Also, public testimony indicated a need for a consistent supply of cod throughout the year. Steve Pennoyer indicated that it was doubtful they could prepare an emergency order in time for the first of the year and that perhaps they could do some preliminary analysis of the proposal for discussion at the January Council meeting. If action is necessary, it could be in place before the critical fishing period.

Steve Pennoyer said that an FMP amendment would be required if the Council wished this to be a permanent regulation. If they wish it to be in place for the 1992 fishing season, an off-cycle amendment would have to be initiated.

**The motion carried, 6 to 5, with Blum, Dyson, Mace, Pennoyer and Pereyra voting against.**

**(c) Halibut, Crab, and Herring PSC Apportionments**

**Report of the Advisory Panel**

The AP appointed a small workgroup of AP members and industry to develop recommendations for PSC apportionments. The recommendations were developed to reflect fishing strategies provided by the industry and reflect PSC apportionments based on the anticipated needs of fisheries constrained in time or area of operations. The recommendations were as follows:

Fishery	Halibut (mt)	Herring (mt)	Red King crab Zone 1	C. bairdi Zone 1	C. bairdi Zone 2
DAP Flatfish	800	83	40,000	100,000	825,000
Rock Sole	1,100	0	150,000	700,000	300,000
DAP Deep	200	8	0	0	50,000
DAP Other	3,233	158	10,000	200,000	1,825,000
MW Pollock	n/a	584	n/a	n/a	n/a
<b>TOTAL</b>	<b>5,333</b>	<b>833</b>	<b>200,000</b>	<b>1,000,000</b>	<b>3,000,000</b>

The Advisory Panel recommended that 15% of all the bycatch apportionments be put in reserve and the Regional Director given authority to reallocate the reserves as the season progresses.

The AP also recommended that the halibut PSC for DAP deepwater flatfish fisheries be apportioned as follows: 1st Quarter - 25 tons; 2nd Quarter - 50 tons; 3rd Quarter - 125 tons; with any unused apportionment rolled into the 4th quarter.

**COUNCIL DISCUSSION AND ACTION**

Before discussing this agenda item the Council asked that the AP workgroup's recommendations be distributed to interested parties for further comment.

**Joe Blum moved to adopt the AP's recommendations for PSC apportionments. The motion was seconded by Rick Lauber.**

Mr. Blum pointed out the apportionments had been worked out by those most directly affected and they should be relied upon.

**The motion carried without objection.**

**Bob Mace moved to apportion halibut PSC by quarter in the "DAP Other" category as follows: 45% in the 1st Qtr; 40% in the 2nd Qtr; with the remaining 15% released by the Regional Director in proportion to the TACs which are then available. The motion was seconded by Wally Pereyra. It was clarified that unused PSC in one quarter would roll over into the next period. The motion carried, 9 to 2, with Hegge and Lauber voting against.**

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Amendment 16a

Steve Pennoyer said that during the Council's discussion of Amendment 16a, which will include the provision that the Regional Director, in consultation with the Council, will have the authority to set the proportion of bottom trawl and pelagic trawl pollock, the Council was advised they could set the percentages during the Secretary's comment period. However, Mr. Pennoyer felt that there should be some percentage in the proposal for public comment, and proposed using the current year's proportion -- 88% midwater; 12% bottom trawl.

**Steve Pennoyer moved to use 88% for midwater and 12% for bottom trawl for public review purposes, as described above. The motion was seconded by Henry Mitchell and carried without objection.**

**E. FINANCIAL REPORT**

There was no financial report at this meeting.

**F. PUBLIC COMMENTS**

The Chairman opened the floor to general public comments at the end of the meeting. Several people commented on a variety of subjects. A summary is included in Appendix I to these minutes.

**G. CHAIRMAN'S REMARKS AND ADJOURNMENT**

The meeting was adjourned at approximately 11:15 a.m. on Friday, December 7, 1990.