

# North Pacific Fishery Management Council

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

605 West 4th Avenue  
Anchorage, Alaska 99501



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

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

Certified Richard B. Lauber  
Richard B. Lauber, Chairman

Date 9-27-91

## MINUTES

**96th Plenary Session**  
**NORTH PACIFIC FISHERY MANAGEMENT Council**  
**April 23-26, 1991**  
**Westmark Hotel**  
**Kodiak, Alaska**

The North Pacific Fishery Management Council met April 23-26, 1991 at the Westmark Hotel in Kodiak, Alaska. The Advisory Panel and Scientific and Statistical Committee began meeting on April 21 at the Fishery Technology Center in Kodiak. The Fishery Planning Committee met on Tuesday morning, April 23, before the Council session began. Members of the Council, Scientific and Statistical Committee and Advisory Panel attending the meetings are listed below.

### Council

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

Bob Alverson, V. Chairman  
Henry Mitchell  
Dave Hanson  
Steve Pennoyer  
Wally Pereyra  
Clem Tillion for  
Carl Rosier

### NPFMC Staff

Clarence Pautzke, Executive Director  
Steve Davis, Deputy Director  
Judy Willoughby  
Jim Cornelius  
Marcus Hartley

Chris Oliver  
Brent Paine  
Helen Allen  
Gail Peeler  
Peggy Kircher

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Support Staff

Mark Pedersen, WDF  
Earl Krygier, ADFG  
Ron Berg, NMFS-AKR  
Dale Evans, NMFS-AKR  
Dave Flannagan, NMFS-AKR  
Jay Ginter, NMFS-AKR

Lisa Lindeman, NOAA-GC  
Sue Salveson, NMFS-AKR  
Peter Fricke, NMFS  
Denby Lloyd, ADFG  
Russ Nelson, AFSC

Advisory Panel

Dave Fraser, Vice Chairman  
George Anderson  
John Bruce  
Al Burch  
Phil Chitwood  
Ed Fuglvog  
Kevin Kaldestad

David Little  
Loretta Lure  
Pete Maloney  
Dan O'Hara  
Perfenia Pletnikoff  
John Roos  
Jay Skordahl

Harold Sparck  
Beth Stewart  
Dave Woodruff  
Robert Wurm  
Lyle Yeck

General Public

Approximately 125 people attended the Council meeting. The following members of the public signed the attendance register:

John Henderschedt  
Bruce C. Cotton  
Jim Salisbury  
Bruce Buls  
Larry Tideman  
F. Gregory Baker  
David Benton  
C.L. Lowenberg  
Tim Meintz  
Brad Gilmon  
John Iani  
Shari Gross  
Thor Olsen  
Doug Gordon  
Stephen Pint  
Jack Hill  
Mike Becker  
Dick Tremaine  
John Dolese  
Paul MacGregor  
Thorn Smith  
Brian Bigler  
Sinclair Wilt

Robert J. Gustafson  
R. Barry Fisher  
Joe Plesha  
Jeff Stephan  
Roger Woods  
Tom Pearson  
Bryce Morgan  
Suzanne Hancock  
Mark Hughes  
Andy Hullenbell  
Ross Noy  
Matt Miller  
Michael Lake  
Jonathon Spool  
Linda Freed  
Kevin O'Leary  
Mike May  
Garry Ervin  
Alexander Galanin  
Bill Arterburn  
Michael Cleary  
LeRoy Cossette  
Rick Petre

Brenda Huber  
Tom Sullup  
Chris Blackburn  
Delfin DeVera  
Janet McBride  
Loreto Tamondong  
Martin Sanches  
Rigorberto Lopez  
Jose Jemenez  
Bernardita Rasario  
Restituto Barcelom  
Ana Esperaza  
Sofromio Ancheta  
Wes Ferguson  
Gabriel Del Real  
Paterno Yambao  
Gary Cadd  
Brent Dodal  
Kenneth Allread  
Vince O'Shea  
Chris Tsabouris  
Steve Hughes  
Bill Jacobson

Lori Hamilton  
Tom Gemmell  
Mike Stone  
Randy Ackermann  
David Harville  
Janet Smoker  
Arni Thomson  
Daniel Miller  
Mark Snigaroff  
Gordon Dehart  
Donald Johnson  
Chuck Robinson

Steve Grabacki  
Andre Nault  
Dave Vaudain  
John McKerley  
Norman Belew  
Doug Dixon  
K. Hansen  
Earl Peterson  
Pete Hamel  
Charles Thompson  
John Gruver  
Jim Cogswell

Chip Threinen  
Suzanne King  
John Cleveland  
Spike Jones  
Kent Hueser  
Roger Whorton  
Tim Moffett  
Roger Lange  
Dave Cormany  
Linda Kozak

**NOTE:** A summary of public testimony on all agenda items is found in Appendix I to these minutes.

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

Chairman Rick Lauber called the meeting to order at 1:00 p.m. on Tuesday, April 23, 1991. The agenda was approved with minor schedule changes. The Finance Committee meeting was canceled. Minutes of the December and January meetings were not available for approval.

Linda Freed, Acting Mayor of the Kodiak Island Borough, welcomed the Council to Kodiak and spoke briefly about Kodiak and its economy.

The Council confirmed the election of Bill Clark and Terry Quinn as Chairman and Vice Chairman, respectively, of the SSC.

**B. REPORTS**

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

Clarence Pautzke announced that both Steve Davis and Peggy Kircher have accepted positions with LGL Research Associates. Peggy will leave at the end of April; Steve will remain on Council staff through June.

Dr. Pautzke also advised that because of the high cost of holding the June meeting in Anchorage, the spring meeting for 1992 should be moved to another Alaska location. Staff will report in June on arrangements for the meeting.

Bob Alverson reported briefly on the industry delegation to Washington, D.C., to inform legislators of fishery research and management needs for the North Pacific.

**B-2 ADF&G Report**

Earl Krygier reported that since the last Council meeting the main fisheries occurring have been the crab fisheries. On March 25 the C. bairdi Tanner crab fishery in the Bering Sea was closed by

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emergency order because of concern over high levels of retention and processing of sub-legal bairdi crab as opilio crab. The opilio fishery opened on January 15, with the largest preseason guideline harvest estimate on record, 315 million pounds, which was allocated between an western subdistrict (69 million pounds) and eastern subdistrict (246 million pounds). The abundance of opilio crab is excellent and there was an all-time record for catching and processing during the last week, 22.8 million pounds. At present, approximately 38.6 million pounds remain in the eastern subdistrict.

B-3 NMFS Report

Dale Evans reported revisions to Amendments 21/16 are in the final stages of review at NMFS headquarters and may be filed in the Federal Register next week. They feel that the provisions in those amendments will alleviate the problems with the pelagic gear definition allowing them to close fishing for cod with trawls when bycatch has been reached in the Bering Sea. Mr. Evans also reported on current catches and status of PSCs to date.

B-4 Enforcement and Surveillance Report

The Coast Guard reported a total of 112 patrol days by high endurance cutters, 102 days for medium endurance cutters, and 90 days for patrol boats. A total of 124 long-range surveillance flights were conducted by C-130 aircraft, and HH-3F helicopters conducted 20 coastal surveillance flights. Ninety-eight foreign vessels were sighted; there were no boardings of foreign vessels or violations issued. The report also included a chart showing vessel sightings in the Bering Sea "donut hole".

The report of violations for the period November 16, 1990 to April 1, 1991 listed 52 U.S. vessels cited for infractions ranging from improper log maintenance to conducting fishing operations with a current federal permit. On February 17, the longliner ISLE ROYAL was seized near Kodiak Island for fishing without a federal permit. The vessel settled for \$29,700.

C. NEW OR CONTINUING BUSINESS

C-1 Inshore-Offshore

The Council was scheduled to approve Amendments 23/18 for public review. The Fishery Planning Committee, attended by all Council members, met on Tuesday morning to receive a staff overview of the analysis of alternatives for the amendment.

**Report of the Scientific and Statistical Committee**

The SSC agreed with the conclusions section of the SEIS/RIR which indicates that the five management alternatives "point to the inability of the proposals to remedy the underlying catch and processing capacity that drives the preemption-related problems." The SSC suggested several revisions and areas of concern, but was unable to make a recommendation on releasing the document for public review.

**Report of the Advisory Panel**

The Advisory Panel unanimously recommended sending the analysis out for public review, indicating that a final decision should be made in June to avoid preemption problems.

## COUNCIL DISCUSSION AND ACTION

Responding to a request for catch statistics, Dale Evans, NMFS, reported that in 1990, for all groundfish in the Gulf of Alaska, inshore activities accounted for 63% and the balance of 37% was taken by at-sea processors. This year, to date, about 70% has been taken shoreside, at-sea catcher-processors, 11%, and mothership processors, 11%. For pollock, which shows a notable difference between 1990 and 1991, the statistics for 1990 were: 78% of pollock taken by shoreside processors, and 22% at-sea. For 1991, to date, 79% has been taken shoreside, 18% by at-sea catcher-processors, and 3% by mothership-processors. In 1990, 82% of the cod harvest was taken shoreside in the Gulf, and 18% at-sea. To date, 78% has been taken shoreside, 11% by catcher-processors, and 11% by mothership-processors.

Responding to one of the SSC's concerns, Steve Pennoyer reported that a Section 7 (marine mammal) consultation has been initiated and will be available for Council review in June. Dr. Marasco agreed that this will address their concern relating to sea lions but still felt that more material on marine mammals may be helpful. With respect to bycatch, Dr. Marasco suggested that some of the assumptions should be examined in the context of the current bycatch management system.

There was some discussion about a cost/benefit analysis and whether it should be in the document for public review. Lisa Lindeman, NOAA-GCAK, noted that under NEPA requirements a cost/benefit analysis is not necessary. However, it is required under E.O. 12291 and the regulatory impact analysis requires that costs/benefits be addressed, therefore the Council will need the information before making a final decision in June. If the document is going out for public review without addressing the costs and benefits, then she suggested the "RIR" portion of the title be deleted. It was pointed out that benefits and costs are described in the document, though possibly not as quantitatively as desired. However, it was as far as the study could go based on the information available. It was decided that RIR could stay in the title. Wally Pereyra pointed out that the public review document should be as complete as possible to solicit comments.

**Larry Cotter moved to send the draft SEIS out for public review with modifications: To address the first six items in the SSC report:**

- (1) The Executive Summary should be expanded and rewritten. We recommend that it match the organization of Section 5.0. Care must be taken to assure that the summary accurately reflects information presented in the document. A summary chart displaying general results and consequences of options should be included.**
- (2) The SSC recommends the inclusion of a table presenting annual Inshore and Offshore domestic processing of BSAI cod and pollock and GOA cod and pollock. The table should display inshore/offshore harvest shares for these categories. The historical tonnages and shares through 1990 should be followed by what the 1991 tonnages and shares would be with each alternative and what the tonnages would be for a reasonable historic range of TACs.**
- (3) The text (Sec. 4.2.6 fourth paragraph) should indicate the social impact assessment is preliminary and suggestive rather than conclusive. The profiles are useful descriptions, and should stimulate research; but they are insufficient to provide**

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**conclusions about impacts. The SIA section should reference figures and calculations in the economic impact section wherever appropriate.**

- (4) Because results of the I-O analysis depend on numerous parameter estimates, the results of the sensitivity assessment should be reflected in the Conclusions. Results of the sensitivity analysis should be presented along with the discussions of model results. A graphical presentation would be helpful.**
- (5) The concluding section of the economic impact analysis notes that stability of inshore and offshore sectors is not assured by a once-for-all allocation of cod and pollock. The underlying problem is open access competition for limited harvest quantities in both sectors. As long as overcapacity exists both sectors are left vulnerable to economic strife when prices and stock decline. In contrast, the social impact analysis assumes that the inshore/offshore allocation creates stability in the inshore sector. The SSC recommends that the two sections of the report be made consistent with the conclusions of the economic impact chapter.**
- (6) The draft should explain the differences between benefit/cost and input/output analyses;**

**and, to include a qualitative discussion on the impact to consumers; and (3) to include a qualitative discussion on the impact of bycatch. The motion was seconded by Clem Tillion.**

The Council discussed an option presented by the Midwater Trawlers Cooperative during public discussion. Bob Alverson asked whether it was related closely enough to current alternatives that the Council could consider it in June when making the final decision. Lisa Lindeman said she could not make that determination without studying the proposal and the analysis more closely.

Several Council members expressed concern that they had not had enough time to study the document prior to the meeting and the motion was tabled until the next morning.

At that time, staff responded to Council questions regarding time schedules for revising the document for public review and whether the MTC proposal could be incorporated without compromising the public review time schedule. Staff responded that portions of the proposal could be addressed for cod and pollock, but the moratorium issue could not be addressed in the time allowed.

**Joe Blum moved to table adoption of the inshore/offshore effort until the moratorium issue is resolved, an ITQ system based on historical participation in the fisheries is in effect, and an exclusive registration area for pollock is established for the Central Gulf of Alaska. The motion was seconded by Wally Pereyra.**

During Council discussion, concerns were expressed that implementation of an ITQ program probably cannot be accomplished before 1994 and that the preemption problem needs to be dealt with now. Henry Mitchell suggested asking the Secretary of Commerce to implement a Secretarial Amendment for ITQs in order to speed the process. Wally Pereyra reiterated his concern that the document does not address all viable options, as required under NEPA.

**The motion failed, 9 to 2, with Blum and Pereyra voting in favor.**

**Bob Mace moved to amend the main motion to incorporate an Alternative 6 which would address the Midwater Trawler's concept:**

**The allocation of all groundfish species be at the vessel level as follows:**

- 1. vessels that catch and process aboard and**
- 2. vessels that catch and deliver either at sea or to shoreside processors, with a reserve set aside with first priority for catchers that deliver shoreside.**

**Bering Sea Allocation Amounts:**

- 1. 30% to vessels that catch and process**
- 2. 70% to vessels that catch and do not process of which 60% shall be reserved with first priority to vessels delivering shoreside.**

**Gulf Allocation Amounts:**

- 1. 0 to vessels that catch and process.**
- 2. 100% to vessels that do not process all of which shall be reserved with first priority to vessels delivering shoreside.**

**The motion was seconded by Bob Alverson, and carried unanimously.**

**Henry Mitchell moved to amend the main motion to add an Alternative 7: 10% of the shoreside allocation in the Bering Sea would be available to be delivered to shorebased plants north of 56°N and west of 164°W. The motion was seconded by Wally Pereyra.**

It was pointed out that St. Paul Island does not process pollock. Henry Mitchell said the intent is to allow them to take advantage in the future. If they do not, the allocation could be transferred to another area.

**The amendment carried, 10 to 1, with Alverson voting no.**

**Joe Blum moved to include an ITQ alternative. The motion was seconded by Henry Mitchell.**

Larry Cotter reiterated concern that an ITQ program couldn't be implemented until 1994 and that ITQs will not solve the whole preemption problem.

**The amendment failed, 8 to 3, with Blum, Mitchell and Pereyra voting in favor.**

Before voting on the main motion, Wally Pereyra noted that the record should reflect that the MTC proposal and Henry Mitchell's motion (Alternative 7) refer to vessels delivering onshore. With reference to ITQs, a statement should be made to indicate that ITQs are not considered an alternative in addressing this problem.

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

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C-2 North Pacific Fisheries Research Plan

The Council met by teleconference on March 19 to approve for public review the draft analysis for establishing a system of fees to pay for the cost of implementing a North Pacific Fisheries Research Plan, including the Council's observer program. The public comment period ended April 19.

**Report of the Scientific and Statistical Committee**

The SSC recommended adoption of Alternative 2, to establish a system of user fees to pay for the costs of implementing the plan. They provided several comments for consideration by the Council (See complete SSC minutes, Appendix II to these minutes).

**Report of the Advisory Panel**

The Advisory Panel indicated support of Alternative 2 if final action is taken at the April meeting; however during further discussion several AP members agreed that a June decision would be acceptable if more time is needed for industry input. The AP provided the Council with several options for consideration. The AP also requested that an industry/Council task force be formed to further address industry concerns with the program and report back to the Council before final action is taken, whether at the April or June meeting. They also asked that the Council send a letter to the Secretary of Commerce, with copies to the Congressional delegations, requesting start-up funding for the program.

**COUNCIL DISCUSSION AND ACTION**

Henry Mitchell moved that a government/industry task force be assigned to review the outline of the research plan as suggested by the Advisory Panel and that their recommendations be provided to the Council for final approval at the June Council meeting. The motion was subsequently withdrawn.

It was noted that the Advisory Panel had indicated a preference for final action at this meeting. With regard to appointing a task force, Larry Cotter suggested that the Data Gathering Committee should continue oversight, with industry input.

**Joe Blum moved to adopt Alternative 2, as amended by the Advisory Panel (see Appendix III), consisting of 15 items. The motion was seconded by Bob Mace.**

The Council used the AP's revised Alternative 2 [see Appendix III, Attachment 1] as the basis for amendments. After a several amendments were suggested, a motion was made to refer the document back to the Data Gathering Committee.

**Henry Mitchell moved a substitute motion: To send this agenda item to the Data Committee for further refinement, with a subsequent teleconference of the full Council to decide when to schedule it for final consideration. The motion was seconded by Wally Pereyra and carried without objection.**

C-3 Sablefish Management

The Council was scheduled to approve the analysis of sablefish limited access alternatives for public review.



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

The SSC recommended the analysis be sent out for public review. They emphasized the potential for conflict between each of the IFQ alternatives and the present halibut PSC in the Gulf of Alaska and noted that continuation of an open-access PSC could continue the race for fish and reduce the benefits of an IFQ system.

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

The Advisory Panel expressed frustration and concern over the short period of time they had for review of the document. It also was the general consensus of the AP that the analysis does not include enough specifics of how an IFQ system would work, and therefore it was difficult to develop meaningful comments. They recommended the document be sent out for public review and that after the Council approves a preferred system in June that the analysis be revised to include the specific details of the program and that it be sent out for another public review period before a final decision is made.

### **COUNCIL DISCUSSION AND ACTION**

**Clem Tillion moved to send the analysis out for public review. The motion was seconded by Wally Pereyra.**

Larry Cotter moved to amend the motion to include a provision that would limit the amount of holdings an individual can have to 1%, 2%, or 3% of an area's TAC, however, the motion was subsequently withdrawn. The main concern was to have an option in the analysis to consider limiting excessive share by area when necessary. Staff indicated that the current analysis would allow that option.

Henry Mitchell moved to amend the motion to amend Alternative 2.3, Coastal Community Considerations, to change the 3% cap to 8%. However, it was decided that the current range of alternatives would allow flexibility in choosing the options which range from 3% to 8%, plus an option of going up to 20% for community development.

Council members stressed that the public should be advised that the Council will have the flexibility to choose from among the options and alternatives when approving a final program.

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

#### **C-4 Halibut Management**

The Council received a brief report from Steve Pennoyer on the bycatch working group formed by the International Pacific Halibut Commission. The group will meet again in July.

The Council was scheduled to discuss and approve halibut limited access options for analysis.

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**Report of the Fishery Planning Committee**

The Fishery Planning Committee met in February and March to consider options for the halibut limited access analysis. Their recommendations included (1) adding an option for a vessel class designation of 0-60' length overall and >60' length overall (this was adopted as an option for sablefish as well), (2) adding an option for a vessel class designation of 0-35', 35-60', and >60' length overall, and (3) redefining the 20% open access option as described below (also adopted for sablefish).

There was no report from the Scientific and Statistical Committee on this agenda item.

**Report of the Advisory Panel**

The Advisory Panel expressed the same concerns as for sablefish regarding the need for specifics of the program to be analyzed in the document. They recommended that staff proceed with an analysis of the status quo and alternative 5 (the Tillion/Hegge proposal). The AP had several recommendations with regard to the options which can be found in the AP Minutes, Appendix III to these minutes.

**COUNCIL DISCUSSION AND ACTION**

**Joe Blum moved to ask staff to analyze Alternatives 1, 4, 5, and the Advisory Panel's suggested alternative (6). The motion was seconded by Ron Hegge.**

**Henry Mitchell moved to amend as follows: In terms of Community Development Quotas, analyze the following options for CDQs in the Bering Sea and Western North Pacific Ocean: 20% of TAC, or quota set by Halibut Commission, for Area 4A; 20% for Area 4B; 50% for Area 4C; 20% for Area 4D; 50% for Area 4E. The motion was seconded by Larry Cotter and failed, 6 to 5, with Dyson, Lauber, Mitchell, Pereyra and Tillion voting in favor.**

**Larry Cotter moved to insert the word "legal" under item 11, "General Provisions," of the AP recommendation, which would then read "up to 5% of the fixed gear QS . . . by other legal gear groups." The motion was seconded by Bob Alverson.**

Some Council members felt this provision was not necessary because IPHC has the authority to specify gear types.

**Bob Alverson moved a substitute amendment to delete the entire item 11, "General Provisions," of the AP recommendation. The motion was seconded by Ron Hegge, and carried, 6 to 5, with Dyson, Lauber, Mace, Mitchell and Pereyra voting no.**

**Steve Pennoyer moved to amend the first provision of the plan, under "Gear and Areas", "Directed Halibut Fisheries - Longline," to read "Directed Halibut Fisheries - Hook and Line". The motion was seconded by Clem Tillion.**

Ron Hegge suggested that the word "Directed" should be deleted because it's possible that the halibut may not be used as a directed fishery, but as bycatch in another directed fishery. This was considered a friendly amendment to the motion and included in it.

**The amendment carried without objection.**

**Larry Cotter moved to reconsider Henry Mitchell's previous motion regarding CDQs:**

**Henry Mitchell moved to amend as follows: in terms of Community Development Quotas, analyze the following options for CDQs in the Bering Sea and Western North Pacific Ocean: 20% of TAC, or quota set by Halibut Commission, for Area 4A; 20% for Area 4B; 50% for Area 4C; 20% for Area 4D; 50% for Area 4E. The motion was seconded by Larry Cotter and failed, 6 to 5, with Dyson, Lauber, Mitchell, Pereyra and Tillion voting in favor.**

**The motion to reconsider was seconded by Henry Mitchell and carried, 7 to 4, with Alverson, Blum, Mace, Pennoyer and Pereyra voting no.**

**The reconsidered motion carried, 7 to 4, with Alverson, Blum, Mace and Pennoyer voting no.**

**Bob Alverson moved to include, under Alternative 4, an analysis of the option of the best 6 out of 7 years. The motion was seconded by Oscar Dyson. (All seven years was originally considered, but withdrawn from the motion.)**

Staff explained that analysis of the two additional options will require comparing them to all other alternatives which would require extensive additional analysis.

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

**Ron Hegge moved to amend Option 2, under Item 16, "Unloading Provisions," in the AP alternative, to delete the words "industry and" in the second sentence, which would then read:**

**Vessels may unload halibut (processed or unprocessed) only in areas agreed to by ~~industry and~~ NMFS."**

**The motion was seconded by Steve Pennoyer and failed, 6 to 5, with Alverson, Cotter, Hegge, Lauber, Pennoyer voting in favor.**

**The main motion, as amended, carried, 10 to 1, with Dyson voting no.**

The Council discussed the necessity of a Social Impact Assessment for the halibut analysis. It was determined that the analysis will provide much the same information as that in the sablefish document, which will include background information on the socio-cultural aspects of the fishery, but not in the same depth as the study done for the inshore-offshore analysis. Steve Pennoyer advised that at this time there are no specific requirements for an SIA but that the Council needs to have the best information available within time and resource constraints.

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C-5 Future Management Planning

The Council was scheduled to hear a report from the Fishery Planning Committee on the proposed moratorium and to consider schedules for examining limited access for groundfish and crab fisheries.

Moratorium

**Report of the Fishery Planning Committee**

The Fishery Planning Committee met in March to design specific alternatives and options for the proposed moratorium and provided the Council with a revised document, "Objective and Elements of a Proposed Moratorium."

There was no Scientific and Statistical Committee report on this agenda item.

**Report of the Advisory Panel**

The majority of the Advisory Panel agreed that a moratorium is not the solution to overcapitalization, but a step toward a solution and recommended that the Council instruct staff to proceed with analysis of the revised objectives and elements of a proposed moratorium on all fisheries under its jurisdiction. They recommended several changes in the revised document (see AP minutes, Appendix III). The AP also recommended that the Council communicate to the Secretary their desire to develop and have evaluated a comprehensive management program for the groundfish and crab fisheries in conjunction with a moratorium. The AP felt this would signal the Council's desire to accept NMFS funds for IFQ analyses and their intent to move ahead with a limited access program.

**COUNCIL DISCUSSION AND ACTION**

**Larry Cotter moved to expand the moratorium analysis to include a comprehensive program for all species in the Gulf of Alaska and the Bering Sea/Aleutian Islands to: (1) allocate the TAC between gear types in components of industry where appropriate; (2) develop IFQ alternatives for each allocation; (3) develop traditional management measures for each allocation as appropriate. The motion was seconded by Clem Tillion.**

**Wally Pereyra moved a substitute motion: Concurrent with the analysis and implementation of a general moratorium on all fisheries, including crab, as modified by the Advisory Panel on 4/23/91, proceed with developing framework options and alternatives for an IFQ program for all fisheries under Council jurisdiction, except salmon. The motion was seconded Ron Hegge.**

Mr. Pereyra felt that Mr. Cotter's motion would require an enormous amount of analysis and could not be accomplished before 1993. He feels it is important to get a moratorium in place to stop the uncertainty within industry and allow the time to analyze all options properly. Steve Pennoyer pointed out that the moratorium analysis will require SIAs, vessel histories, as well as many other details before going to the Secretary. A moratorium will not be approved without a strong indication from the Council that it will be followed up with a limited access program. He suggested that the Council give NMFS direction and let them provide more detail and direction at the June meeting. Mr. Pennoyer suggested that it may be necessary to work on the moratorium and an ITQ program concurrently. Henry Mitchell suggested requesting a joint amendment with the Secretary of Commerce in order to get something implemented without delay.

Mr. Pereyra restated the motion to read:

**that the Council request NMFS to analyze the procedure and requirements necessary to accomplish the following tasks and report back in June: Concurrent with the ongoing analysis and implementation of a general moratorium on all fisheries shown in Agenda C-5(a) as modified by the Advisory Panel on April 23, 1991 [see Appendix III], proceed with developing framework options and alternatives for an IFQ program for all fisheries under the Council's jurisdiction, except salmon.**

The motion was seconded by Ron Hegge, and carried unanimously.

#### C-6 International Fisheries

The Council received a brief report from Dave Benton on recent international fisheries activities. The Council was provided with summaries of recent meetings held by the U.S.-U.S.S.R. Bering Sea Fisheries Advisory Body, a U.S.-U.S.S.R. Bilateral meeting, and the Central Bering Sea Fisheries Conference.

The Council was also advised that the State Department has solicited comments on a request on reciprocal port access for the Soviets for Seattle and Kodiak. After some discussion, it was suggested that a letter be sent to the State Department indicating strong support for the cities identified and urging an open exchange of privileges with the Soviets. Larry Cotter moved to approve. Bob Alverson seconded the motion. Action was postponed until it could be determined whether the City of Kodiak approved. Later in the meeting the Council discussed sending a letter expressing strong support for opening ports in the Soviet Union. With regard to expressing an opinion on opening the Seattle and Kodiak ports, the Council felt they did not have enough information from those communities to comment at this time. Several Council members felt that this issue should be left entirely up to the State Department.

The Council also discussed regulatory proposals for the Central Bering Sea "donut" fisheries. The Council took this issue up in Executive Session. However, they did reconfirm their earlier action urging the Secretary of Commerce to restrict fishing in the Central Bering Sea and to require comprehensive observer coverage and reporting of catches as are required within the U.S. EEZ.

#### C-7 Marine Mammals

The Council received a presentation on the NMFS-proposed amendments to the Marine Mammal Protection Act from Charles Karnella, NMFS.

The Council received a copy of the draft recovery plan for Steller sea lions, and Steve Pennoyer reported that Section 7 consultations on the Bering Sea/Aleutian Islands have been completed and forwarded to Washington, DC. A separate Section 7 opinion is being prepared for Gulf of Alaska pollock because of the heightened interest in this species and its relationship to the sea lion.

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**D. FISHERY MANAGEMENT PLANS**

D-1 Groundfish

(a) Bycatch Management

The Council was scheduled to take up seven issues relating to bycatch management:

- (1) Review performance of new "pelagic" trawls.
- (2) Status report on revised incentive program.
- (3) Set bycatch standards for third and fourth quarters.
- (4) Report on activities of Ad Hoc Bycatch Committee.
- (5) Joint statement on salmon bycatch.
- (6) Work schedule for 1992 bycatch amendment.
- (7) Report on 1991 salmon bycatch and possible Council action.

There was no Scientific and Statistical Committee report on this agenda item.

**Report of the Advisory Panel (on all bycatch issues)**

- (1) **Performance of Pelagic Trawls.** The AP reiterated its opinion that they do not want to see fisheries managed by gear type. The AP expressed support of the NMFS effort to close fisheries when a bycatch is reached rather than managing with a gear definition. They further recommended that the directed fishing definition for that closed fishery be reduced to some level below the current 20% level to eliminate possible continued fishing.
- (2) **Status Report on Revised Incentive Program.**
- (3) **Set Bycatch Standards for 3rd and 4th quarters.** The AP recommended the following bycatch rate standards for the 3rd and 4th quarters of 1991:  
  
BSAI Pacific cod - 2.2%  
BSAI flatfish - .3%  
GOA rockfish - 4.0%  
GOA Pacific cod - 3.29% for 3rd quarter and 5.15% for 4th quarter  
BSAI flatfish (for King crab) - 1.5 animals/mt
- (4) **Report on Activities of the Bycatch Committee.** No action required.
- (5) **Joint Statement on Salmon Bycatch.** The AP reviewed the draft statement; no action was taken.
- (6) **Work Schedule for 1991 Bycatch Management.** The AP unanimously recommended that the Council begin immediately to develop a comprehensive bycatch management system which will provide for individual bycatch accounting in both the Gulf of Alaska and Bering Sea/Aleutian Islands areas.

(7) **Report on 1991 Salmon Bycatch.** The AP recommended five bycatch initiatives be adopted by the Council (see AP minutes, Appendix III).

#### COUNCIL DISCUSSION AND ACTION

(1) **Performance of Pelagic Trawls.** The Council adopted regulations last September to define "pelagic trawls" that could be used when PSCs closed down bottom trawling in the BSAI or GOA. The Council reaffirmed the changes in net design in December, and the Secretary of Commerce implemented the new design effective January 18, 1991. NMFS reported to the Ad Hoc Bycatch Committee in March that the newly designed trawls had arrived in Dutch Harbor in early March, however, they are being used with large weights and have not been effective in reducing bycatch. NMFS asked the Council to consider emergency action followed for a regulatory amendment to alleviate the situation.

**Bob Alverson moved to request an emergency rule followed by a regulatory amendment which will reduce the directed fishing standard for Pacific cod in the BSAI midwater trawl pollock fishery to 7%, and in the GOA, to prohibit all trawling for groundfish other than pollock with pelagic trawls when the halibut PSC allowance for trawl gear is reached, and to reduce the directed fishing standard for all groundfish in the midwater pollock fishery in the GOA to 7%. The motion was seconded by Oscar Dyson.**

**Henry Mitchell moved to amend the motion to reduce the directed fishing standard to 5% in the BSAI. The motion was seconded by Steve Pennoyer and failed, 6 to 5, with Blum, Cotter, Mitchell, Pennoyer, and Tillion voting yes.**

**The main motion carried, 9 to 1, with Hegge and Mitchell voting no.**

(2) **Status Report on Revised Incentive Program.** Combined with Item (3).

(3) **Set Bycatch Standards for 3rd and 4th quarters.** NMFS reported that they have no new information that would guide the Council in setting new 3rd and 4th quarter rates and recommended the Council use the 1st quarter rates for the Bering Sea Pacific cod fishery as the 3rd and 4th quarter bycatch standards. At any time during the year the Regional Director would have the authority, by notice, to change the standard if information becomes available that would make such changes appropriate. NMFS also recommended that the Council continue the 1st quarter rates for Bering Sea flatfish and Gulf of Alaska Pacific cod and rockfish fisheries 3rd and 4th quarter rates because of a lack of new information.

**Joe Blum moved to adopt the bycatch standards for the 3rd and 4th quarters, as recommended by the Advisory Panel:**

**BSAI Pacific cod - 2.2%  
BSAI flatfish - .3%  
GOA rockfish - 4.0%  
GOA Pacific cod - 3.29% for 3rd quarter and 5.15% for 4th quarter  
BSAI flatfish (for King crab) - 1.5 animals/mt**

**The motion was seconded by Wally Pereyra and carried with Tillion objecting.**

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(4) Report on Activities of the Bycatch Committee. Larry Cotter stressed that it's imperative to have an incentive program that works. One of the primary focuses of the Bycatch Committee is to develop that type of a program. In order to do that, they will have to work closely with NOAA General Counsel and NMFS to develop a system that will stand judicial/Secretarial review.

(5) Joint Statement on Salmon Bycatch. The Bycatch Committee worked with the Alaska Board of Fisheries, Washington Dept. of Fisheries, and the Oregon Dept. of Fish and Wildlife to develop a joint statement on salmon bycatch.

**Joe Blum moved to approve the joint statement on salmon bycatch (Appendix IV) as drafted by the Bycatch Committee. The motion was seconded by Larry Cotter and carried without objection.**

(6) Work Schedule for 1992 Bycatch Amendment. The Council received minutes from recent Bycatch Committee meetings outlining progress on developing a comprehensive bycatch amendment.

(7) Report on 1991 Salmon Bycatch. NMFS reported that early in the year approximately 26,000 chinook salmon had been taken as bycatch in the BSAI groundfish fishery and over 25,000 in the GOA. Dale Evans, NMFS, provide overhead graphs illustrating bycatch to date in the GOA and BSAI groundfish fisheries.

(b) Groundfish Amendments 22/17

Amendments 22/17 to the Gulf of Alaska and Bering Sea/Aleutian Islands groundfish fishery management plans, respectively, include the following amendments:

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

The amendment analysis was prepared by the groundfish plan teams and sent to Council members for review. The Council was scheduled to approve the amendment package for public review.

**Report of the Scientific and Statistical Committee**

For more detailed comments, please see the SSC Minutes, Appendix II.

(1) Authorize experimental fishing permits. The SSC recommended several changes to this proposal before sending it out for public review.

(2) Establish Walrus Islands groundfish fishing closures. The SSC recommended sending out for public review with minor modifications.

(3) Rescind Gulf of Alaska statistical area 68. The SSC recommended that this section be modified to reflect the impact of the alternatives on management of shelf demersal rockfish before sending it out for public review.



(4) Establish the Bogoslof District in the Bering Sea. The SSC recommended two major modifications to this section before sending out for public review. First, the potential impacts of the alternatives on marine mammal populations should be discussed. Second, the SSC felt that the implications of the alternatives on ABCs and TACs are not adequately discussed. They formed a subgroup to meet on May 9 to discuss further their concerns with the ABCs. This group will forward any recommendations directly to the plan teams.

(5) Definition of a groundfish pot. No comments.

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

The AP recommended the groundfish amendment package be sent out for public review with minor modifications (see AP Minutes, Appendix III).

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

The Council received a report from Earl Krygier and Bill Nippes (ADF&G) regarding the groundfish pot definition proposal. The amendment was proposed to bring into conformity state and federal regulations on groundfish pots.

**Larry Cotter moved to send the groundfish amendment package out for public review after incorporating AP and SSC suggestions. The motion was seconded by Oscar Dyson and carried without objection.**

#### **(c) Consider Schedule for Analyzing Quarterly Cod Allocations in the BSAI**

The Council discussed this issue and agreed that it should be addressed. However, because of staff availability and the number of projects still to be completed, they deferred this issue to the June Council meeting for further discussion.

#### **(d) Consider Apportionment of Pollock to Midwater Trawls in the BSAI**

NMFS reported that no action is necessary at this time because the pollock fishery has been closed.

#### **(e) Consider Request for Emergency Action to Prohibit Trawling in the Eastern Gulf of Alaska**

The Council received a request for emergency action followed by a plan amendment to ban trawling in the Eastern Gulf of Alaska to conserve demersal shelf rockfish stocks and because of concerns for bottom habitat destruction.

There was no report from the Scientific and Statistical Committee on this issue.

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

The AP recommended the Council initiate an off-cycle plan amendment to prohibit all trawling east of 140°W longitude as a priority bycatch issue. They also recommended an emergency rule to put the prohibition into effect as soon as possible.

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**COUNCIL DISCUSSION AND ACTION**

**Larry Cotter moved to request the Secretary to take emergency action to prohibit trawling in the Eastern Gulf of Alaska east of 140°W. The motion was seconded by Henry Mitchell.**

Mr. Cotter cited the substantial impact on local residents of continued trawling and the potential for overfishing the demersal shelf rockfish stocks.

There was discussion of changing the area designation to 137°W because the demersal shelf rockfish TAC originates at that locale. Fishermen from Pelican, Yakutat and Sitka fish that area and take demersal shelf rockfish and others could fish there as well.

**Joe Blum moved a substitute motion: That the Council instruct the Regional Director to take the information available from his staff, ADF&G, and public testimony received during the Council meeting, and use the regulatory tools available to him to accomplish the objectives that best serve the nation and provide local residents with protection that is reasonable within the context of national objectives. The motion was seconded by Bob Mace.**

Steve Pennoyer said he needs clear Council direction before taking any action. He feels this will require an emergency rule and therefore will need the reasons for such action. Although the action is to protect the resource, when it is being done for one gear and not another, rationale will need to be clear.

**The substitute motion failed, 6 to 5, with Alverson, Blum, Lauber, Mace, and Pereyra voting in favor.**

**The main motion carried, 8 to 3, with Blum, Mace and Pereyra voting no.**

Larry Cotter pointed out that an out-of-cycle amendment to prohibit trawling in this area is one of the issues the Bycatch Committee is dealing with.

**Bob Alverson moved to add a proposal to change the rockfish season to June 2 or July 15 to the Bycatch Committee's bycatch amendment package. The motion was seconded by Wally Pereyra and carried with no objection.**

**Henry Mitchell moved to request the Secretary to take emergency action to close the Gulf of Alaska rockfish trawl fishery. The motion was seconded by Larry Cotter.**

This action was suggested partly because of the high bycatch of salmon. Steve Pennoyer pointed out that most of the bycatch was in the Pacific ocean perch fishery in the Central Gulf of Alaska which is now closed; a trawl closure will also take effect in the near future, therefore he did not feel this action was warranted at this time.

After receiving bycatch statistics for chinook in other salmon fisheries, Wally Pereyra suggested including the salmon troll fishery in the closure.

**Wally Pereyra moved to amend to include the salmon troll fishery. The motion was seconded by Joe Blum, and failed, 7 to 4, with Alverson, Blum, Mace and Pereyra voting in favor.**

**The main motion carried, 6 to 5, with Alverson, Blum, Mace, Pennoyer and Pereyra voting no.**

Henry Mitchell pointed out that the salmon bycatch issue is going to take a lot of work and that extra funding and staff may be necessary; he suggested a meeting with DOC/NOAA to discuss requirements for sufficient money for research, and new employees and/or contractors to work on salmon and other bycatch issues.

**Larry Cotter moved that the Council monitor very closely salmon bycatch in all fisheries in the Gulf of Alaska and Bering Sea/Aleutian Islands and in the event that any fishery or area experiences a high rate of salmon bycatch that the Council convene a teleconference for the purpose of deciding whether to take action to close fishing in that fishery or area. The motion was seconded by Joe Blum and carried without objection.**

Steve Pennoyer said observers will be instructed to immediately report any unusually high bycatches of salmon.

**Request to Transfer 100 mt Halibut Bycatch from 4th Quarter to 2nd Quarter**

NMFS received a request to transfer 100 mt of halibut bycatch allowance in the Gulf of Alaska from the 4th quarter allocation to the 2nd quarter so trawling can continue in the Gulf. They don't feel the bycatch will be needed in the 4th quarter.

**Henry Mitchell moved to recommend the Regional Director move 100 mt of trawl halibut bycatch from the 3rd or 4th quarter into the 2nd quarter to minimize disruption in the developing flatfish and arrowtooth flounder fisheries. This action would be contingent upon the approval of emergency rules to prohibit trawling in the Eastern Gulf of Alaska and the closure of the rockfish fishery. The motion was seconded by Larry Cotter and carried, 9 to 2, with Blum and Pennoyer voting no.**

Steve Pennoyer pointed out that the emergency rule to close trawling may not go into effect until well after the 100 mt of halibut bycatch is required.

**Wally Pereyra moved to reconsider the previous motion because of the confusion over possible effects. The motion to reconsider was seconded by Clem Tillion and carried without objection.**

**Bob Mace moved to amend the motion to remove the caveat regarding the emergency rules. The motion was seconded by Joe Blum and carried, 7 to 4, with Cotter, Hegge, Mitchell and Tillion voting no.**

There was concern among some Council members that if the emergency rules didn't go into effect that the rockfish problem could be exacerbated; concern was also expressed about the possibility of increasing the bycatch of chinook salmon.

**The main motion failed, 8 to 3, with Blum, Mace and Pennoyer voting yes.**

**Henry Mitchell moved to advise the Regional Director to move appropriate amounts of halibut bycatch from the 3rd and 4th quarters as necessary to allow for trawl fisheries to be conducted as long as, in his opinion, the action will not create an excessive bycatch of salmon. The motion was seconded by Oscar Dyson.**

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Bob Alverson moved to amend the motion that the halibut not be transferred if it creates a situation in the rockfish fishery which would cause them to be fished in excess of the overfishing limit. However, the amendment was withdrawn after Steve Pennoyer pointed out that he is required to do this anyway.

**The motion carried, 7 to 4, with Pereyra, Cotter, Hegge, Mitchell voting no.**

Ron Hegge suggested a motion to advise the Regional Director that, for the remainder of 1991, if any groundfish fishery in the EEZ off Alaska exceeds a chinook salmon bycatch rate of .05, the fishery is to be closed. During discussion Steve Pennoyer said he did not know if this could be accomplished with the information available at this time.

**E. FINANCIAL REPORT**

There was no financial report at this meeting.

**F. PUBLIC COMMENTS**

There were no further public comments.

**G. ADJOURNMENT**

The meeting was adjourned at 9:04 p.m. on Friday, April 26, 1991.