

North Pacific Fishery Management Council

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Certified Don Collinsworth
Date January 16, 1991 *hlo*

MINUTES

**93rd Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
September 25-29, 1990
Anchorage Sheraton Hotel
Anchorage, Alaska**

The North Pacific Fishery Management Council met September 25-29, 1990 at the Anchorage Sheraton Hotel in Anchorage, Alaska. The Advisory Panel and the Scientific and Statistical Committee began September 23. The Ad Hoc Bycatch Committee and the Halibut Amendment Advisory Group 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
Jon Nelson for Walter Steiglitz

Bob Alverson, Vice Chairman
Richard Lauber
Henry Mitchell
Dave Hanson
Steve Pennoyer
Wally Pereyra
George Herrfurth/Dave Colson

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
Bob Trumble, IPHC
Loh-Lee Low, NMFS-AFSC
Jim Balsiger, NMFS-AFSC
Ron Berg, NMFS-AKR
Fritz Funk, ADFG

Dale Evans, NMFS-AKR
Craig Hammond, NMFS-AKR
Jay Ginter, NMFS-AKR
Sue Salveson, NMFS-AKR
Russ Nelson, NMFS-AFSC
Grant Thompson, NWAFC
Lisa Lindeman, NOAA-GC

Scientific and Statistical Committee

Richard Marasco, Chairman
Bill Aron
Larry Hreha
Dan Huppert
Terry Quinn

Doug Eggers, Vice Chairman
Gordon Kruse
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
Kevin Kaldestad
David Little
Pete Maloney

Dan O'Hara
Jay Skordahl
Harold Sparck
Dave Woodruff
Robert Wurm
Lyle Yeck

General Public

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

David Colson
Mick Ring
Hiro Watanabe
Debby Swenson
Brian Bigler
Paul Evanger
John Dolese
Larry Tideman
John Iani
Jerry Ivanoff
Suzanne Schiffler
Lee O. Kueckelhan
Kris Norosz

Shari Gross
Lynn Whitworth
Joe Plesha
Beth Stewart
Norm Stadem
Pat Marcuson
Rick Malsed
Barry Ackerman
Roger Bull
Robert E. Smith, Jr.
Chuck Beach
Robert F. Morgan
Matthew Weber

Jeff Stephan
Paul MacGregor
Kenneth Allread
John Bruce
Jim Balamali
Fred Zharoff
R. Eliason
Jay Cherrier
Mark Lundsten
Bruce Baltar
Sam Cotten
Bruce Buls
Perfenia Pletnikoff

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Drew Scalzi
Bill Orr
Eric Olsen
Mike Atterberry
Joel Gay
Brad Resnick
Johne Binkley
Mel Morris
Phil Kneisley
Greg Groogan
Greg Lytle
Barbara Wish
Karl Ohls
Mike Zubko
Paul Neimeier
Linda Kozak
Joseph Chimalgarea
David Bill
Andy Charlie, Sr.
Peter John
Sophie R. John

John Devens
Frank Gray
John Ploeger
Roger Woods
Michael Lake
Mark Decker
Marideth Sandler
Greg Baker
Dan Hull
Mark Hughes
Steve Drage
Bud Samuelson
Shuji Matsuzawa
Tom Rueter
Vern Hall
Kate Wynne
Debbie Hicks
Alexander Galanin, Sr.
Bernt Bodal
Paul Drummond
David Benoit

Chris Gates
T.P. Smith
Dean Paddock
Garry Brown
Don Lane
John Roos
Bob Leggate
Kendra Zamzow
Rusty Sinnott
Nancy Keuhund
John Biard
Bill Hayes
Brenda Huber
Charles Edwardsen, Jr.
Don Castle
John Gruver
Stan Carlson
Mark Charlie
Bruce Boyd
Kathy Robinson
Thorn Smith

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

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 September 25, 1990 by Chairman Don Collinsworth. Steve Pennoyer administered the oath of office to Wally Pereyra and Henry Mitchell.

Election of Officers. The meeting was turned over to the Executive Director for election of officers. By unanimous consent, Don Collinsworth and Bob Alverson were asked to continue as chairman and vice-chairman for the next twelve months.

Minutes. Because of limited time, the minutes of the June/August 1990 meeting were not considered for approval.

Agenda. Steve Pennoyer asked that a discussion of portions of Amendment 16/21 be placed on the agenda. The agenda was approved with this addition.

B. REPORTS

B-1 Executive Director's Report

The Executive Director's report reviewed projects in progress and completed since the last Council meeting. Clarence Pautzke also noted that Craig Hammond, NMFS Enforcement, and Ken Parker, ADF&G, will retire before the next Council meeting. Japan Fisheries Agency notified the Council that they will close their Anchorage office at the end of September. Dr. Pautzke also told Council

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members that the staff is working on hotel and other arrangements for the April 1991 meeting in Kodiak.

B-2 Domestic Fisheries Report by ADF&G

Earl Krygier reported on fisheries managed under joint authority of the Council and the Alaska Board of Fisheries. The St. Matthew blue king crab fishery opened on September first and closed September 7. The preliminary harvest estimate is approximately 1.7 million pounds. The Pribilof District blue king crab season did not open because the population remains depressed. Although estimated legal male crab abundance did increase by approximately 200,000 it was decided that conducting a season may jeopardize the stock's reproductive success. The Bering Sea Tanner crab fishery will open seven days after the Bristol Bay red king crab fishery closure east of 166°W longitude; the Bering Sea west of 166°W opens to C. bairdi fishing on January 15.

The Southeast Demersal shelf rockfish fishery opened on August 14. There has been little effort to date. NMFS has requested additional information on halibut bycatch occurring in the fishery.

The Southeast Alaska salmon troll fishery closed on September 20. A total of 339,363 chinook were harvested during the 1990 season--83% were from the troll fishery.

B-3 NMFS Management Report

The total JVP flatfish fishery harvest, after the reopening in late June, was 133,500 mt out of a JVP of almost 260,000 mt; attainment of the total halibut bycatch quota closed the fishery for the year on July 1. The Bering Sea DAP pollock fishery is proceeding faster than in 1989 with 1,075,000 mt of pollock taken to date; 200,000 mt from the non-specific reserve was reapportioned to the fishery bringing the total DAP for the fishery to 1,288,000 mt, with approximately 300,000 mt of pollock remaining. NMFS estimates this will be harvested by mid-October to early November. The harvest of Pacific cod in the Bering Sea is around 140,000 mt, more than the 1989 total harvest of 126,500 mt. For DAP rocksole, by mid-March the halibut primary bycatch quota was taken and only 21,000 mt of the 51,000 mt quota have been taken to date. For pollock in the Gulf of Alaska, catch to date is approximately 45,550 mt; an additional 12,500 mt will be released for the fourth quarter. The total DAP for Gulf pollock this year is 73,400 mt. Information on bycatch was reviewed through graphs provided in the Council notebooks and on the overhead projector during the report.

B-4 Enforcement Report

The Coast Guard reported seizure of four U.S. vessels during the period of June 16 through August 31, 1990. The stern trawler SEAFISHER was seized after an inspection of their logs revealed an illegal harvest of about 30 metric tons (processed weight) of rockfish in a closed area during a three-day period in July. The vessel settled for \$110,000 and was released. The fishing vessel BERING 1 was seized in Dutch Harbor on September 1 for underlogging after an investigation revealed a 24 metric ton discrepancy between the actual weight of catch and weight recorded in the vessel's logs. On August 6 the ALASKAN HERO and NORTHERN HERO were seized after a boarding revealed foreign citizens were in control of the vessels. The Coast Guard invalidated both vessels' documentation. The ALASKAN HERO's documentation was previously invalidated for the same reason in March of this year. Bond amounts were set at \$700,000 and preferred ships' mortgages on both vessels.

On July 30 several Japanese driftnetters were sighted fishing north of the authorized July boundary. Sampling of one ton of squid from the hold of the No. 65 DAIAN MARU revealed 400 lbs of salmon. Based on the sample it was estimated that there were over 12 tons of salmon aboard the vessels. Japanese enforcement vessels were summoned for a joint boarding of the No. 65 DAIAN MARU and several other vessels. Subsequent investigation of the No. 65 DAIAN MARU by Japanese enforcement officials revealed 317 coho salmon, 6 chum salmon and 51 unidentifiable salmon with a total weight of 0.6 metric tons. The Japanese government is proceeding with criminal and possible civil penalties against the vessel and master.

During the reporting period two, and possibly three, foreign stern trawlers with gear uncovered were sighted in the U.S. EEZ near the southern Donut Hole boundary. Further investigation did not reveal any illegal activity. At least seven Japanese land-based salmon/squid driftnetters were sighted at least 30 to 40 nautical miles outside the INPFC authorized area. The information was passed through NMFS to a Japanese enforcement vessel. On July 2 a Canadian fishing vessel was observed trolling on or north of the A/B line in undisputed U.S. waters. The vessel was warned to fish south of the A/B line.

NMFS reported that four U.S. vessels were cited and numerous others received written warnings or notices of violation of the Pacific Halibut Act; eight vessels were cited for various violations of the MMPA Commercial Fisheries Exemption Program. In addition, NMFS initiated an investigation of alleged harassment of killer whales by a skiff operating out of Long Island logging camp and, in a separate incident, seized ten whale bones, deemed to be from an endangered species, from a privately funded French research vessel, and initiated investigations of 143 groundfish vessels for failure to submit logbooks subsequent to the first quarter of 1990.

C. NEW OR CONTINUING BUSINESS

C-1 Domestic Observer Program

Russ Nelson reviewed the first year of the observer program and Sue Salvesson reviewed proposed changes in recordkeeping and reporting requirements for 1991. In August NMFS recommended four changes for the observer plan for 1991; the Council endorsed those recommendations and requested that a requirement for a designated level of insurance coverage for each observer be added. At this meeting NMFS reviewed the status of the regulatory amendment for the changes. The recommended changes were as follows:

- 1) Delete the 1,000 to 10,000 mt and the 10,000 mt 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.
- 3) Require vessel operators in the groundfish fishery to allow their vessel's observed bycatch rates of prohibited species to be released publicly.
- 4) Revise the definition of an observer trip to mean days during which fishing activity occurs.

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- 5) Require a designated level of insurance coverage for each observer, paid by the observer contractor.

The Council also asked NMFS to explore allowing vessels required to have 30% coverage to pool their operations to allow sharing of an observer and its costs, and to consider expanding the vessel size category for 30% coverage from 60'-125' to 54' to 125'. In addition, the Council received reports from NMFS and ADFG staff on the subject of conflict of interest within their respective observer programs.

There were no **Advisory Panel** or **Scientific and Statistical Committee** reports on this agenda item.

COUNCIL DISCUSSION AND ACTION

Joe Blum moved to approve the first three regulatory changes listed above. The motion was seconded by Bob Mace and carried without objection. It was noted that the fourth recommendation will be dealt with through changes in the logbook. The fifth recommendation, for required minimum insurance coverage for observers, was held over for a more comprehensive report from NMFS at the December Council meeting.

Regarding the Council's request for expanding the 60' to 125' vessel category, the NMFS analysis indicated that including vessels in the 54' to 59' category would considerably increase the number of vessels requiring coverage and the cost of observers per metric ton of groundfish would be much higher than for vessels in the current categories. Council members felt that the high cost of coverage did not warrant an expansion in categories at this time, but felt that there should be some coverage of vessels in the 54' to 59' size range if possible.

Joe Blum moved to advise the Regional Director that they would like to see, for 1991, some observer coverage of the 54' to 59' vessel size category, at the discretion of the Regional Director. The motion was seconded by Bob Alverson and carried without objection. Council members noted that the coverage should be applied to give the Council reasonable estimates of bycatch rates by fishery, area, and season. It was also suggested that perhaps an observer could be placed aboard Coast Guard vessels to visit smaller fishing vessels for observation on a one-day basis. Commander Kyle said that Council members should keep in mind that there would be a cost to enforcement efforts if that suggestion were implemented.

Council members also discussed the possibility of vessels in the 30% coverage category pooling their operations in order to share observer costs. It was pointed out that some vessels, although they are within the 30% category, cannot practically accommodate an observer and therefore could be fined for not taking an observer. NMFS had been asked to explore this option and reported that, as previously discussed, it would create further difficulty in getting adequate coverage across the fleet in different areas and circumstances. Steve Pennoyer said that if this is the Council's desire, they will take it into account as they review the regulations and rules for the coming season. They had hoped that a more equitable fee system would be available through amendment to the MFCMA by now.

Bob Alverson offered a motion to alleviate the duplicative coverage for vessels in the 125' and larger category deploying midwater gear targeting on pollock and delivering shoreside, however the motion was withdrawn after further Council discussion. Steve Pennoyer indicated that he was not sure this would be possible and said they would look at the situation and report back to the Council.

C-2 Inshore-Offshore

The Council received a status report and recommendations from the Fishery Planning Committee on the inshore-offshore analysis.

Report of the Fishery Planning Committee

The Fishery Planning Committee (FPC) received a report that the analytical team was on schedule with regard to the development of the economic models, collection of the social impact data, and the distribution of the comprehensive economic survey questionnaires.

John Petterson of Impact Assessment, Inc. (IAI) presented a review of the social impact analysis (SIA) design and methodology. Dr. Petterson reviewed the principles involved in performing a SIA and the constraints being applied to this particular analysis due to limited time and funds. The FPC reviewed the draft community profiles prepared from a literature review and noted that the descriptions don't reflect the current status of many of the communities. It was noted that much of the data is several years old, illustrating the need to visit these communities to gather information to more accurately describe current conditions. While IAI plans on gathering the data, limited funds and time will prevent a comprehensive update of the literature.

FPC members also commented that the use of Bellingham as a substitute community for Seattle/Ballard was not desirable given that the offshore industry was based in Seattle. Attempts should be made to use Seattle as one of the baseline communities. Dr. Petterson described the problems with including Seattle in the baseline data base but suggested that the analysis attempt to describe potential social impacts on Ballard. The FPC agreed to this suggestion. Dr. Petterson also recommended that the FPC and Council endorse a 10-year horizon for purposes of describing the social/health concerns in the SIA. A longer time horizon is needed since social impacts caused by any inshore/offshore regulatory action may not appear immediately. The FPC agreed to make this recommendation to the Council.

The Committee also agreed to recommend that the Council consider sending a letter to the Secretary of Commerce requesting additional funds to perform social impact analyses. The Committee anticipates that SIAs will become more critical to Council decisionmaking and additional funds are necessary to obtain the required expertise for thorough and complete analysis of fishery management issues.

Steve Davis reviewed the current inshore/offshore work schedule of the analytical team. Mr. Davis noted that the scheduled due date of April 1991 for a draft public review package is only possible if the comprehensive survey results can be key punched and proofed in a one-month period, the analytical team remains at full strength, and that there are no new alternatives or issues to be analyzed during the winter months. Any of these factors could create delays in the analysis.

The FPC questioned whether Pacific cod should remain a part of the inshore-offshore amendment. Deletion of the Bering Sea Pacific cod fishery in particular may simplify the analysis and help assure that the scheduled deadlines are met. The Committee recommended that the Council consider making this adjustment to the analysis since there appears to be no current or near-term inshore-offshore allocation problem with this fishery.

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The Committee also recommended that the Council, Advisory Panel, and Scientific and Statistical Committee be included in review of draft analyses as early in the work schedule as practicable.

Report of the Advisory Panel

The Advisory Panel recommended that the Council retain Bering Sea/Aleutian Islands Pacific cod in the inshore-offshore analysis.

Report of the Scientific and Statistical Committee

The SSC appointed a subcommittee (Clark, Huppert, Marasco, and Kruse) to facilitate communication with individuals conducting the analysis and to ensure that SSC input is received at the earliest possible date. The SSC noted the severe difficulty in selecting specific communities outside of Alaska to "represent" the factory trawler/mothership fleet. It is not clear to the SSC how the study of Bellingham or Ballard (WA) or Newport (OR) will accurately cover the non-Alaskan communities impacted by various inshore/offshore allocations.

COUNCIL DISCUSSION AND ACTION

Bob Alverson moved to delete Bering Sea/Aleutian Islands Pacific cod from the inshore-offshore analysis. The motion was seconded by Rick Lauber and carried, 9 to 2, with Blum and Pereyra voting against.

During discussion of the schedule for the inshore-offshore analysis, Council members discussed the necessity of receiving the two preliminary working drafts. Although Council members felt it will be important for the Fishery Planning Committee, SSC, and plan teams to be kept apprised of progress, preparing the two preliminary drafts for Council review may take up valuable analytical time.

Larry Cotter moved to amend the inshore-offshore analysis schedule to delete the presentation of the two preliminary working drafts to the Council. The motion was seconded by Bob Mace and carried without objection.

The Council discussed Dr. Petterson's suggestion that Ballard, Washington be used in the analysis for the impact on Washington fleets. It was pointed out that using the large city of Seattle as a basis will require more time to gather data. Dr. Petterson felt that the community of Ballard has an extensive involvement with the fisheries, especially in the Bering Sea.

By consensus the Council endorsed FPC and staff recommendations regarding the inshore-offshore analysis, which included using Ballard as the Washington community for analysis and sending a letter to the Secretary requesting additional funds for social impact analyses.

C-3 Moratorium

The Council received a discussion paper on moratorium issues and options and results of scoping sessions held in Seattle and Kodiak. The Council's schedule for the moratorium analysis originally called for finalizing the moratorium options at this meeting; however, because the control date was not approved until August, the schedule may have to be modified. Staff also suggested that having the public review package compiled by the April Council meeting may be difficult with the delay in developing options. Changes in personnel and budgetary constraints may also affect the work

schedule.

There were no **Advisory Panel or Scientific and Statistical Committee** reports on this agenda item.

COUNCIL DISCUSSION AND ACTION

Council members discussed the uncertainty within industry regarding the moratorium and its possible impacts. Until many of the issues have been clarified it will be very difficult for industry to plan future expansions or continue with current plans. Steve Pennoyer said that they have been discussing the possibility of an initial rulemaking to gather information and documentation to determine how many people are in the pipeline, future plans for expansion, etc. However, it will be impossible to answer questions until an analysis is completed. Ron Hegge suggested that criteria need to be developed regarding replacement of lost vessels. He suggested that NMFS look at the State's criteria under their limited entry programs and bring back suggestions for Council discussion in December.

C-4 Future Management Planning

Design and development of limited access systems for halibut and other species have been delayed while the Council considered limited access for the sablefish fisheries. Now that the sablefish IFQ system has been tabled, the Council needed to examine its priorities and determine if and when to move ahead with limited access for other fisheries under its jurisdiction. Community development quotas were also discussed by the Council. There was no public testimony, AP or SSC reports on this agenda item.

COUNCIL DISCUSSION AND ACTION

The Council was reluctant to discuss further action on limited access systems until they had reviewed and prioritized all Council projects. This discussion was held later in the meeting and can be found under Gulf of Alaska agenda item D-3/4(f).

Community Development Quotas

Larry Cotter provided a proposed community development quota alternative and suggested that it be included in the inshore-offshore analysis. Some Council members felt that the program should be analyzed as a separate proposal instead of tied to one that may not be approved.

Larry Cotter moved to include his proposal in the community development quota alternative in the inshore-offshore analysis. The motion was seconded by Oscar Dyson and carried, 6 to 5, with Alverson, Blum, Mace, Mitchell and Pereyra voting against.

Rick Lauber moved to reconsider the motion. The motion to reconsider was seconded by Joe Blum and carried without objection.

The previous motion was again called to a vote and failed unanimously.

Henry Mitchell moved that the Community Development Quota alternative proceed on two tracks as amendments to each groundfish plan, and where appropriate, they be analyzed within the inshore-offshore analysis. The motion was seconded by Wally Pereyra.

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Mr. Mitchell said that it is his intent that the proposal go forward with a high priority when additional funds are secured to provide for additional staff analysis or a consultant to ensure the required analysis. Mr. Mitchell indicated that he will work toward securing those funds.

Wally Pereyra moved to amend the motion to include king crab, salmon and halibut plans. The motion was seconded by Joe Blum.

It was pointed out that the Council is already considering Western Alaska natives now under the halibut fishery. It was also pointed out that salmon is prosecuted mostly in state waters.

The motion to amend failed, 8 to 3, with Mace, Pereyra, and Blum voting in favor.

Larry Cotter moved to postpone action on the main motion until after discussion of 1991 amendment proposals. The motion was seconded by Henry Mitchell and carried with Joe Blum objecting.

During discussion of Council priorities, staff and funding constraints, it was determined that this issue may be dealt with as a stand-alone amendment to the groundfish plans, but will have to wait until staff and resources are available to pursue it.

C-5 Halibut Management

The Council was provided with a halibut status of stocks report prepared by IPHC staff. The Council was also scheduled to review halibut management proposals for the 1991 halibut fishery. Eighteen proposals were received and reviewed by the Halibut Management Team and the Halibut Regulatory Amendment Advisory Group.

Report of the Halibut Management Team

The Halibut Management Team divided the eighteen proposals into seven subject areas with the following recommendations:

Limited Access (6 proposals): The Team suggested that Council consideration of limited access in the halibut fishery be tied to its consideration of the same issue for sablefish and, further, that it may wish to consider limited access for all longline fisheries in a single comprehensive measure.

Trip Limits (1 proposal): The Team noted that trip limits are a traditional management tool which could slow the fishery but are typically advocated for conservation, not allocation. The Team considered the proposal a viable option to analyze, however, noted that the analysis of this proposal could not be accomplished in time for the 1991 fishery.

Rockfish (1 proposal): This proposal advocated closing the Sitka Sound Demersal Shelf Rockfish Sanctuary Area to halibut fishing if an IFQ system is adopted. The Team noted that halibut fishing in the Sitka Sound Demersal Shelf Rockfish Sanctuary Area may increase if halibut management changes to an IFQ system and recommended that this proposal should be considered with limited access proposals being considered by the Council.

Bycatch (3 proposals): The Team considered Proposal 9, to permit retention of halibut in the salmon

troll fishery, as an allocational issue but noted that it also relates to the broader issue of full utilization. They suggested that if the proposal is addressed the Council may wish to broaden the scope to consider all hook and line gear as a reasonable alternative; however, the analysis could not be done for the 1991 season. The Team suggested that the second proposal, dealing with individual bycatch allowances, be considered as a possible element of a comprehensive bycatch management regime for the groundfish fishery. The Team noted that the third proposal is a research proposal and should be referred to the IPHC.

Allocations (4 proposals): The Team noted that allocative proposals regarding Area 4C have been analyzed in each of the past three years and it has proven extremely difficult to predict the allocative outcome of indirect regulatory measures such as trip limits and vessel clearance requirements. The Team recommended that any consideration of Area 4C proposals should protect against exceeding the Area 4C quota, and also noted that some of the proposals may have allocative implications among local fishermen as well as between local and non-local fishermen. Regarding Area 4B, the Team suggested that the Council may wish to clarify previous recommendations to the IPHC for its support for short (24 hours or less) openings during the early part of the Area 4B season.

Enforcement (2 proposals): The Team agreed that penalties for fishing violations should be sufficiently severe to serve as a genuine deterrent; however analysis of the proposals received would be extremely difficult. The Team also noted that specific penalties are not typically the subject of regulatory amendments and that these proposals do not appear to be allocative in nature.

Other (1): This proposal dealt with reducing fishing on spawning stocks, establishing gear allocations, and enacting cod pot limits and did not address allocation of the halibut resource.

Report of the Regulatory Amendment Advisory Group

The Regulatory Amendment Advisory Group provided the following recommendations on halibut proposals for the 1991 season:

Limited Access: Maintain current Council approach to limited access for fisheries under Council jurisdiction.

Trip Limits: No recommendation.

Rockfish: No recommendation.

Bycatch: The PAAG rated Proposal 9, to permit retention of halibut in the salmon troll fishery, a low priority, and suggested that the proposal dealing with individual bycatch allowances is premature. They also recommended that the research proposal should be referred to the IPHC.

Allocations: Allocate 10% of Area 4 quota to Pribilofs - High priority.
Allocate Area 4C quota equally between jigging and longlining - Medium priority.
Allocate one-third of halibut quota to jigging - Medium priority.
No 48-hour openings prior to July - Refer to IPHC Conference Board.

Enforcement: Refer to NOAA Enforcement.

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Other: Reduce Fishing on spawning stocks, establish gear allocations, enact cod pot limits - Low priority.

Report of the Advisory Panel

The Advisory Panel recommended approval of the Halibut RAAG's recommendations, except in the case of Proposal 12, which the AP did not view as a high priority.

Report of the Scientific and Statistical Committee

The SSC supported the proposal for research but had no recommendations on the other proposals.

COUNCIL DISCUSSION AND ACTION

It was pointed out that there were no proposals regarding Area 4E submitted for the current amendment cycle. Last year the Council supported a proposal by the Bristol Bay Co-op for a small halibut fishery in Bristol Bay. The IPHC responded by extending the area and subdividing it into northern and southern areas with separate quotas. However, this action actually made a reallocation from one group to another.

Henry Mitchell moved to send a letter to IPHC explaining and clarifying the intent of the Council's September 1989 support of a small halibut fishery in Bristol Bay and to request the IPHC to establish a separate regulatory area in Bristol Bay independent of Area 4E around Nelson and Nunivak Islands and set an appropriate quota and season for 1991, if there is no conservation problem. The motion was seconded by Larry Cotter and carried unanimously.

Larry Cotter moved to recommend to IPHC that, for Area 4C, seasons be concurrent with other fixed gear seasons in the area to encourage wider distribution of fishing effort. The motion was seconded by Bob Alverson and carried unanimously.

It was pointed out that the 10,000-lb. trip limits for 1990 did not increase the local share of the catch as intended. The decline in local share from 1989 has been attributed in part to concentration of fishing effort into Area 4C for lack of other longline opportunities.

Agenda items C-6 (Marine Mammals), C-7 (Legislative Update), and C-8 (International Fisheries) were not discussed because of a lack of time.

C-9 Other Business

Appointment of New Plan Team Member

The Council approved the SSC's recommendation that Dr. Richard Merrick of the NWAFC Marine Mammal Laboratory be appointed to the Bering Sea/Aleutian Islands groundfish plan team.

Tabled Sablefish Motion

Joe Blum moved to take from the table the sablefish IFQ motion. The motion was seconded by Wally Pereyra.

Rick Lauber pointed out that this motion may be out of order because the original motion was made to delay the subject indefinitely. Now that the make-up of the Council has changed with a new member, he felt that the motion was not proper. The Chairman ruled the motion in order after consulting "Roberts Rules of Order."

The motion to remove the motion from the table passed, 6 to 5, with Cotter, Dyson, Lauber, Mace, and Pennoyer voting against.

A revised version of the sablefish IFQ system had been distributed earlier. Joe Blum moved to refer that sablefish IFQ management system to the Fishery Planning Committee to report back at the June 1991 meeting. The motion was seconded, however, Mr. Collinsworth pointed out that the motion on the floor was the motion (and the system as designed) tabled at the August portion of the June-August meeting.

The motion on the floor, then, was the original IFQ motion tabled in August.

Larry Cotter moved to table the motion until the December 1990 Council meeting. The motion was seconded and carried, 6 to 5, with Alverson, Blum, Dyson, Hegge, and Pereyra voting against.

Overfishing Definition

Steve Pennoyer asked that the Council give some consideration to their overfishing definition for groundfish which he feels is overly-conservative. He suggested the Council notify the Secretary they will wish to comment on the current amendment. To make any change, the Secretary would have to reject the amendment pending the Council's reconsideration.

Joe Blum moved to send notice to the Secretary of Commerce that the Council would like to comment and possibly make adjustments to the overfishing definition. The motion was seconded by Wally Pereyra and carried with Henry Mitchell objecting.

Mr. Blum suggested that the Council will need a thorough, but easily understood, clarification with examples when the subject is again discussed.

D. FISHERY MANAGEMENT PLANS

D-1 Salmon FMP

The Council was scheduled to review for approval Amendment 4 to the Salmon Fishery Management Plan. Amendment 4 presented alternatives for the overfishing definition as required by the Secretary of Commerce.

Report of the Scientific and Statistical Committee

The SSC felt that the current salmon conservation policies used by the State of Alaska and the Pacific Salmon Commission to manage the salmon fisheries of Alaska are adequate to ensure sustained yield and provide for rebuilding of depressed stocks. Since all of Alaska's salmon fisheries, except for bycatch in the EEZ groundfish fisheries, are managed by the State of Alaska and the Commission, the SSC felt the most consistent and efficient course of action would be to seek

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Secretarial exemption from the requirement of defining overfishing for salmon.

Report of the Advisory Panel

The Advisory Panel recommended approval of Alternative 3, to adopt the policies and definitions of overfishing promulgated by the State of Alaska and the Pacific Salmon Commission.

COUNCIL DISCUSSION AND ACTION

The Council agreed that they should seek a Secretarial exemption from preparing an overfishing definition for the Salmon FMP since the management of the fishery is handled by the State and the Pacific Salmon Commission with Council oversight.

Henry Mitchell moved to approve the Advisory Panel's recommendation to approve Alternative 3. The motion was seconded by Joe Blum and failed, 8 to 3, with Alverson, Blum and Mitchell voting in favor.

Larry Cotter moved that the Council adopt Alternative 4, to seek a Secretarial exemption with regard to an overfishing definition for the Salmon FMP. The motion was seconded by Wally Pereyra and carried without objection.

D-2 Crab FMP

The Council was scheduled to review and approve Amendment 1 to the Crab FMP which presented overfishing definition alternatives as requested by the Secretary of Commerce. Staff provided the Council with an overview of the proposed alternatives. The Crab Plan team recommended adoption of Alternative 2, a constant fishing mortality rate with a threshold. The Council also received a written report on the 1990 Bering Sea/Aleutian Islands Crab Survey and a review of the State of Alaska crab observer program.

Report of the Advisory Panel

The AP accepted the SSC recommendation to adopt Alternative 3 because it appears to give the Council greater flexibility in managing a resource with fluctuating stock conditions.

Report of the Scientific and Statistical Committee

The SSC recommended adoption of Alternative 3, a constant fishing mortality rate in the overfishing determination. This alternative does not adversely affect the Alaska Board of Fisheries crab management policy that provides for thresholds to be used to close directed fishing. The SSC also recommended that acceptable levels of crab bycatch should continue to be managed under the groundfish plans.

COUNCIL DISCUSSION AND ACTION

Larry Cotter moved to adopt Alternative 2. The motion was seconded by Oscar Dyson but withdrawn after Council discussion. Mr. Cotter felt that this alternative would provide flexibility and time to determine whether there is a better or easier approach to the complexities of this issue, particularly bycatch. Other Council members felt that Alternative 3, a constant fishing mortality rate, would offer

more flexibility and that there is not much chance of overfishing with the State's conservative management approach. Alternative 3 defines overfishing for crab stocks off Alaska as harvesting at a rate which exceeds the rate that produces maximum sustainable yield. Application of the definition will depend on the level of catch and biological data available for the stocks.

Bob Mace moved to adopt Alternative 3, as recommended by the AP and SSC. The motion was seconded by Bob Alverson and carried, 7 to 4, with Collinsworth, Cotter, Mitchell and Pereyra voting against.

State Crab Observer Program/Need for Federal Program

Earlier this year the Council was asked to consider expanding the federal domestic observer program to include the BSAI king and Tanner crab fisheries. Currently, the State of Alaska operates an observer program which requires observers on all catcher/processor and floating processor crab vessels. Crab catcher vessels are covered when observers are available. Because of administrative problems with the State program, some industry members felt that the Council's groundfish observer plan should be expanded to include crab. It was also requested that crab catcher vessels should be included in the program because they ultimately benefit from the data collected, yet do not have the expense of an observer.

Earl Krygier reported that problems experienced in the State's observer program have been addressed by both the Board of Fisheries and the Alaska Dept. of Fish and Game.

Report of the Advisory Panel

The Advisory Panel recommended that the Council continue to focus the federal observer program on groundfish. However, they noted that implicit in this recommendation is Council endorsement of plan team and ADF&G recommendations for improvements to the State's crab observer program.

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

COUNCIL DISCUSSION AND ACTION

Although most Council members agreed that the federal program should cover the crab fisheries, they felt that the improved State program is satisfactory, at least until the federal groundfish program has been in force long enough to solve the operational problems associated with a new program. No action was taken.

D-3 Gulf of Alaska Groundfish

D-3(a-c) SAFE Report, ABCs, TACs, PSCs

The Gulf of Alaska groundfish plan team prepared a preliminary SAFE document for Gulf of Alaska groundfish for 1991. However, the team pointed out that the comprehensive trawl survey of the Gulf ended shortly before the Council meeting and scientists and plan teams have not had the opportunity to analyze new stock survey data needed to develop biomass estimates. Therefore the 1989 SAFE document (for the 1990 fishing year) represents the best information currently available. The 1989 SAFE document was updated with a chapter addressing bycatch considerations under the GOA

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halibut PSC framework.

Report of the Advisory Panel

The AP recommended sending out for public review the 1990 TACs, with the exception of Pacific cod, which they recommend be set at 60,500 mt as recommended last year by the plan team. The AP noted that these figures may be revised when the SAFE is updated prior to the December meeting. They also noted that implementation of the Council's overfishing definition may cause problems in 1991 and should be considered in setting the final TACs, and requested that the updated SAFE document include discussion of the ramifications of the overfishing definition.

The AP recommended that the preliminary halibut bycatch limit be set at 2,810 mt, apportioned as follows:

Bottom Trawl - 2,000 mt, apportioned:
30% for each of the 1st and 2nd quarters;
40% mt for the third quarter, with any excess to be rolled over into the fourth quarter.

Fixed Gear - 810 mt, apportioned:
Hook & Line Gear - 750 mt
(1st Qtr - 20%; 2nd Qtr - 60%; 3rd & 4th Qtrs - remaining 20%)
Pot Gear - 60 mt
(1st Qtr - 50%, with excess rolled over into 2nd Qtr;
3rd Qtr - 50%, with excess rolled over into 4th Qtr)

Report of the Scientific and Statistical Committee

The SSC recommended sending out the 1990 ABCs for public review as preliminary apportionments for 1991 because the updated SAFE is not yet available. They cautioned the Council that in determining the TACs all sources of fishing mortality must be accounted for since the allowable catch under the definition of overfishing equals the maximum possible TAC. The SSC is concerned that the overfishing definition may force the closure of both directed and bycatch fisheries on any stock for which the TAC is set at the level of the overfishing definition. To prevent this from happening, good estimates of bycatch and discards will be needed so that directed fishing can be stopped early enough to keep total removals under the TAC level. The SSC also recommended using the plan teams' bycatch and bycatch mortality rates for forecasting bycatch by season and fishery. The SSC believes that quarterly estimates of bycatch rates should be used instead of annual averages where sufficient data are available.

COUNCIL DISCUSSION AND ACTION

Bob Alverson moved to send the preliminary SAFE document out for public review as recommended by the SSC. The motion was seconded by Oscar Dyson and carried without objection.

Bob Mace moved to send out for public review the 1991 preliminary ABCs as recommended by the SSC and TACs and apportionments as recommended by the AP (Table 1, Appendix II to these minutes). The motion was seconded by Bob Alverson.

Bob Alverson suggested that the cover letter accompanying the SAFE document should give notice that there will be an update in November. Council members discussed the timing of the updated SAFEs and decided that they should be sent out prior to the December meeting without Council review. Larry Cotter asked that the plan teams advise the Council in December on the subject of setting a Gulfwide ABC for pollock which would give the Council more flexibility to reapportion when one fishery is not fully harvested because of bycatch. The Council requested plan team and NMFS advice on area apportionments of halibut PSC, and that the SSC consider the overfishing definition when commenting on ABCs in December.

Joe Blum moved that the total limit for Gulf of Alaska halibut bycatch be set at 2,750 mt, apportioned: 2,000 mt to trawl and 750 mt to fixed gear. The fixed gear hook and longline fishery would be apportioned as follows: 700 mt for hook and longline and 50 mt for pot gear. Quarterly allocations would be made as follows: 20%-30%-30%-20% for trawl and hook and longline and 50%-50% for pot. The motion was seconded by Wally Pereyra and carried, 7 to 4, with Collinsworth, Dyson, Lauber, and Mitchell voting against.

Oscar Dyson moved that the Council approve quarterly apportionments of pollock in the Gulf of Alaska for 1991 for public review. The motion was seconded by Ron Hegge and carried without objection.

D-3(d) Regulatory Amendments

At the June 1990 meeting the Council requested NMFS to develop regulatory amendments to evaluate three issues and alternatives: sablefish seasons; apportionment of longline halibut PSC; and require groundfish pots to be fished on a single line.

Report of the Advisory Panel

The AP recommended that the analysis for a change in sablefish season openings consider the following alternatives: Gulfwide opening dates of April 1, May 1, and June 1; and Western/Central Gulf reopening dates of June 1, July 1, August 1, September 1, and October 1.

Regarding the amendment to prohibit longlining of groundfish pots, the AP recommended that the Bering Sea/Aleutian Islands be included in the analysis and that it be brought back for review at the December Council meeting.

The AP recommended extension of the emergency rule exempting pot gear and certain hook and line gear in the Southeast Alaska demersal shelf rockfish fishery from the halibut PSC closure.

The AP discussed the controversy over various definitions of pelagic trawl and recommended that the Council extend and clarify the emergency rule as published. The AP also recommended some changes in the definition of pelagic trawl in Amendment 21/16 for clarification purposes.

Report of the Scientific and Statistical Committee

The SSC did not comment on these regulatory amendments.

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COUNCIL DISCUSSION/ACTION

Sablefish Seasons.

NMFS staff reported on progress on the draft sablefish seasons regulatory amendment. Three alternatives to the status quo for the sablefish seasons in the Gulf are proposed for analysis:

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

Alternative 2: Open longline fishing on May 1.

Alternative 3: Open longline fishing on June 1.

The amendment analysis will be finalized prior to the December meeting when the Council will choose their preferred alternative.

Apportionment of longline halibut PSC.

NMFS is preparing a regulatory amendment which would revise the regulations to more fully implement the halibut PSC framework to allow apportionment of the halibut longline PSC limit to individual fisheries. The regulatory amendment will be completed and submitted to Secretarial review prior to the December Council meeting. Council members will have the opportunity to comment further on the regulation during the Secretarial review period.

Larry Cotter moved to adopt Alternative 1, revise the regulations to more fully implement the halibut PSC framework to allow apportionment of the halibut longline PSC limit to individual fisheries, as the preferred alternative. The motion was seconded and carried with Ron Hegge objecting.

Mr. Hegge felt there is still not enough information to assign specific amounts of halibut PSC for the blackcod, Pacific cod, and other species fisheries. It was pointed out that this amendment would give the authority to apportion PSC to individual fisheries when necessary, but would not require it.

Require groundfish pots to be fished on a single line.

NMFS is preparing a regulatory amendment which would prohibit longlining of groundfish pots in the Gulf of Alaska. The regulatory amendment will be completed and submitted to Secretarial review prior to the December Council meeting. Council members will have the opportunity to comment further on the regulation during the Secretarial review period. Staff requested Council clarification of whether the Bering Sea and Aleutian Islands should be considered in the analysis.

Larry Cotter moved to expand Alternative 1 (prohibit longlining of groundfish pots in the GOA) to include the Bering Sea/Aleutian Islands and to ask NMFS to return the analysis to the Council in December for final action. The motion was seconded by Oscar Dyson and carried without objection.

Other Regulatory Amendments in Progress

Sue Salvesson reported on the proposed changes in logbooks and reporting requirements. She explained that it is necessary to proceed with the amendment as quickly as possible in order to have rules in place for the beginning of 1991, including the printing and distribution of revised logbooks. Some Council members were uncomfortable with commenting on changes when they will not see the regulatory language. It was suggested that NMFS staff meet in a workgroup session with interested Council members to address their concerns.

Joe Blum suggested that the Council should indicate that they are disappointed that the marine mammal and groundfish logbook programs are not integrated and that they feel it should be a high priority. Steve Pennoyer said that the marine mammal program is not a regional program and trying to integrate the two may be difficult; however, he will relay to the Secretary of Commerce the Council's desire to see the reporting requirements combined.

After the workgroup session was held, Ron Hegge reported that he had a better understanding of the proposed changes and suggested the Council approve the regulatory amendment for public/Secretarial review.

Bob Alverson moved that the proposed logbook changes and reporting requirements be sent to the Secretary of Commerce with the understanding that the Council will have the opportunity to comment during the Secretarial review period. The motion was seconded by Ron Hegge and carried without objection.

D-3(e) Emergency Rules

Extension of the emergency rule to exempt pot, jigging, rod and reel, trolling gear, and Southeast Alaska demersal shelf rockfish fishery from the halibut PSC closure.

At the June 1990 meeting the Council recommended emergency action to exempt pot gear, certain hook and line gear, and the Southeast Alaska demersal shelf rockfish fishery from the halibut bycatch closure. The emergency rule became effective August 14, 1990 and will expire on November 10. Industry requests have been received to extend the rule until the end of the year.

Bob Mace moved to recommend extension of the emergency rule for 90 days. The motion was seconded by Henry Mitchell and carried without objection.

Revised definition of pelagic trawl.

Included in the above emergency rule is a revised definition of pelagic trawl which was developed to respond to a loophole in the previous definition of bottom trawls which allowed fishermen to reconfigure their gear and continue to fish for pollock and Pacific cod even though the bottom trawl fishery was closed because the halibut PSC allowance had been reached. The revised definition included in Amendment 21/16 will not become effective until January 1, 1991, thus the Secretary approved an emergency rule to implement the Council's recommended definition with one change, which omitted reference to the prohibition of plastic discs, rollers, bobbins, and other chafe-protection gear attached to the foot rope, because the Secretary determined the requirement was not necessary to reduce bycatch. Because the old definition of a bottom trawl will remain on the books until

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Amendment 21/16 goes into effect, there is a conflict between the current definition and the emergency rule.

COUNCIL DISCUSSION AND ACTION

There was considerable Council discussion regarding the revised definition and the effectiveness of bobbins to help reduce bycatch.

Larry Cotter moved that the Council notify the Secretary of Commerce that they recommend the Council's earlier definition of pelagic trawl be modified to read as follows:

A trawl which has stretched mesh size openings of at least 64 inches or parallel lines with spaces of at least 64 inches, starting at the fishing line, and extending aft for a distance of at least 10 meshes and going around the entire circumference of the trawl, and which is tied to the fishing line with no less than 20 inches between knots around the circumference of the net, and which does not have plastic discs, bobbins, rollers, or other chafe-protection gear attached to the foot rope. Notwithstanding the above, any trawl which has a bycatch rate greater than .3% of halibut shall be deemed to have fished on the bottom.

The motion was seconded by Bob Alverson.

Steve Pennoyer pointed out that the current emergency rule could not be modified to this extent; it would require a separate rulemaking to go forward with a percentage definition of bycatch. Defining and enforcing such a percentage will also be very difficult.

Action on the motion was postponed until after the Amendment 21/16 discussion. Further action on this agenda item is found under agenda item D-4(a).

Joe Blum moved to adopt the AP recommendation to extend the current emergency rule for the remainder of this year with a news release clarifying that collars on nets are not permissible under the definition. [The intent is that under no circumstance should this or any other gear modification be used to bypass the caps.] The motion was seconded by Bob Mace and carried, 8 to 3, with Alverson, Mitchell, and Pennoyer voting against.

D-3/4(f) Groundfish Amendment Proposals

(NOTE: Consideration of groundfish proposals and workloads came after Council actions on other agenda items on groundfish in the Gulf of Alaska and Bering Sea/Aleutian Islands.)

Forty-two groundfish proposals were received for consideration for the 1991 amendment cycle. The Council received reports from the plan teams, Plan Amendment Advisory Group, AP and SSC and discussed Council priorities before completing this agenda item.

Public testimony on this agenda item is found in Appendix I to these minutes.

Report of the Plan Teams

A table comparing the plan teams' and PAAG priority ratings for the amendments is included as Appendix III to these minutes. In addition to the priority rating, the teams also rated each proposal in terms of difficulty in preparing the analysis and documentation for each proposal. The plan team noted that the analytic requirements of proposals rated high and medium priority vastly exceed the ability of the team, NMFS Region, AFSC, and NPFMC staffs to perform in this amendment cycle.

Report of the PAAG

The PAAG's recommendations (also listed in Appendix III to these minutes) included twelve amendment topics for analysis, two of which they felt could be readily addressed by NMFS staff.

Report of the Advisory Panel

The Advisory Panel endorsed the PAAG's recommendation for high priority proposals with the exception of Nos. 12 and 13 which would allocate a portion of the groundfish TAC to the Pribilof Islands and the Village of Atka, which they deleted from the list.

Report of the Scientific and Statistical Committee

The SSC concluded that limited staff may be available to prepare new amendments and believes that the tasks already assigned are excessively high and should be continued to completion. The SSC did not comment on allocative proposals, but recommended seven proposals for further development (see SSC Minutes, Appendix IV, for detailed list). Several would require minimal staff and team effort and the major tasking would be carried by other agencies. The SSC felt that efforts to limit pollock harvests by U.S. vessels in the donut hole should be accomplished through international negotiation and implementation of a Council policy on the issue. The SSC recommended that proposed bycatch amendments be deferred until recently proposed changes have been implemented and experience has been gained through one or more fishing seasons; however, they did concur that NMFS should be given inseason authority to close bycatch hot spots.

COUNCIL DISCUSSION AND ACTION

After staff reports, the Council discussed amendment proposals in the context of the overall workload and the availability of Council, NMFS, AFSC and ADF&G staff to complete ongoing projects. Agency staff members had met to review ongoing projects and new tasks generated by the Council in decisions made earlier in the meeting week. The staff presented the list in Appendix V these minutes. It summarized ongoing and newly requested projects, highlighting those that are required by the Act or regulations implementing FMPs, and those that could be accomplished with minimum staff time. The Council discussed the list and priorities for fishery management and how best to allocate staff time.

Joe Blum moved to adopt the priorities highlighted by staff as required (shaded on the staff list, Appendix V), and all items identified on the list with an asterisk (items identified by staff as highest priority between now and January based on prior Council guidance and critical inseason management needs). In addition, the moratorium (#22) and inshore-offshore (#21) should be considered high priority for the remainder of 1990 and as far into 1991 as it takes to complete them

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for Council action. The motion was seconded by Bob Mace. By friendly amendment, the following items were added from the list in Appendix III, proposed groundfish amendments: a proposal (#5) to establish a biennial SAFE document and plan amendment cycle; a proposal (#32) to modify the definition of groundfish pots, and a proposal (#42) to extend seasonal time/area trawl closures near Round Island, the Twins and Cape Peirce to protect walrus.

Steve Pennoyer moved to amend to add the following items: extend emergency rule to extend gear exemptions and a pelagic trawl definition (#10 in Appendix V); a regulatory amendment to establish Gulf of Alaska sablefish seasons (#14 in Appendix V); a proposal to delete federal reporting areas 621, 631, and 68 in the Gulf of Alaska (#2, Appendix III); a proposal to require species-specific reports of all fish retained (#4, Appendix III); and a proposal to authorize experimental fisheries (#41, Appendix III); and to delete the moratorium from the priority list. The motion to amend was seconded by Larry Cotter. Mr. Pennoyer said that these items are already in progress, are necessary for management of the fishing seasons, or will require minimum staff time to complete.

The amendment carried, 7 to 4, with Alverson, Blum, Hegge and Pereyra voting against.

Several motions were made to add and delete various projects from the motion but subsequently failed.

The main motion, as amended, carried 10 to 1, with Pereyra voting against.

In summary, the motion, as amended, included the following priorities (referring to the table of current projects prepared by staff, and the proposed groundfish amendments):

Appendix III: Nos. 1, 2, 3, 4, 7, 8, 10, 12, 13, 14, 16, 17, 18, 19, 20, 21, 24, 25, 26, and 27.
Appendix V: Nos. 2, 4, 5, 32, 41, 42 and prohibit longlining of groundfish pots.

The motion, as passed, did not include #9, Appendix III which was an emergency request to reapportion yellowfin sole TAC to pollock TAC. The Council had passed this emergency request earlier in the meeting. Council discussed the status of emergency rules, once passed. In this case, the Council had voted earlier to request emergency action by the Secretary of Commerce. By not including it in the list of priorities, the emergency request was, in effect, rescinded. Some Council members argued that emergency requests had special status and, once passed, had to be considered by the Secretary.

Henry Mitchell moved to reconsider the motion assigning staff priorities. The motion was seconded by Joe Blum and failed, 9 to 2, with Blum and Pereyra voting in favor. Mr. Mitchell's intent was to include yellowfin sole/pollock emergency rule in the priority list. However, during further discussion, the Regional Director said he would consider the emergency rule whether or not it was on the priority list.

Larry Cotter moved to instruct the Fishery Planning Committee (FPC) to develop alternatives associated with the moratorium issue and that the moratorium be tentatively scheduled for final action at the December 1991 Council meeting, provided that the inshore-offshore draft analysis is available for public review by April 1991 and a final decision made in June, 1991. The motion was seconded by Rick Lauber.

Mr. Cotter stated that his intent is to keep staff working on the inshore-offshore analysis until the public review draft is available. Then the staff could be reassigned to analyze the moratorium.

Bob Alverson moved a substitute motion: that the FPC be instructed to develop the options for a moratorium and report back to the Council in April 1991; at that point the Council should define the moratorium schedule. The motion was seconded by Rick Lauber and carried without objection.

[NOTE: Earlier in the meeting during discussion of further development of a community development quota, Henry Mitchell had suggested that private funds might be obtained to begin analysis. Also, during public testimony, George Anderson offered industry funding to begin analysis of limited access for the rockfish fisheries.]

At this point, the Council resumed its consideration of whether or not outside funding should be accepted or encouraged to enable analysis of various proposals such as for community development quotas or a limited access quota system for rockfish. It was noted that outside funding may be necessary considering budget and staff limitations, but there could be potential problems with accepting revenue from outside sources, unless there were appropriate restraints. Larry Cotter suggested that the Council ask NOAA General Counsel to research regulations and situations that may apply and report back in December. The Council could then discuss community development quotas and other alternatives at that time.

D-4 Bering Sea/Aleutian Islands Groundfish

Amendment 21/16

Before taking up other Bering Sea agenda items, the Council discussed some problems with the penalty box program proposed in Amendment 21/16. Steve Pennoyer told Council members that NMFS cannot promulgate regulations at this time to implement the incentive program as proposed under Amendment 21/16. Although NMFS is committed to the concept of the vessel incentive program to limit prohibited species bycatch rates and maximize groundfish harvests, implementing the Council's proposed system for 1991 will not be possible for several reasons: (1) The proposed program would be based solely on observer data to generate fleet and vessel bycatch rates. The time required to debrief observers and verify data is too great to allow immediate inseason action against individual vessels; (2) basing acceptable performance standards on a moving fleet average would not be statistically valid; (3) penalties based on vessel suspensions would be ineffective because of the time lag required for verified observer data; and (4) monitoring vessels within numerous target fishery categories is not feasible for 1991.

NMFS suggested that the penalty box program under Amendment 21/16 will be disapproved by the Secretary for the above reasons. For 1991, Mr. Pennoyer suggested that the Council approve a less complicated system which can be refined further as the observer program progresses and data are more readily available. NMFS suggested using fixed, average bycatch rates observed during the 1990 DAP fisheries and the historical JVP flatfish fisheries, that violation of the acceptable bycatch rates by a vessel be considered a violation of regulations thus allowing action against the vessel even several months after the violation, and monitoring only the highest priority fisheries that require bycatch control (DAP flatfish, JVP flatfish, and the DAP trawl fishery for Pacific cod). If the Council approved this approach, analyses and documentation could be prepared for Council review and approval at the December or January Council meeting. The revised amendment and implementing

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regulations, after approval by the Secretary, would then become effective in early to mid-April.

The **Ad Hoc Bycatch Committee** recommended approval of the recommendations made by the Regional Director. However, the Committee expressed concern over the impact uncontrolled "dirty" fishing may have on otherwise clean fisheries in the absence of a comprehensive penalty box program or clean fishing incentives.

Report of the Advisory Panel

The AP recommended that the Council move immediately to establish an ad hoc committee to prepare a substitute amendment for a penalty box program for 1991. The committee should include General Counsel, NMFS management, enforcement, observer program representatives, industry representatives, and Council staff. The AP provided specific suggestions for review by the committee (see AP minutes, Appendix VI to these minutes). The AP believes this is a critical issue and warrants immediate attention by the Council to ensure having a program in place as early in 1991 as possible.

There was no **Scientific and Statistical Committee** report on this subject.

COUNCIL DISCUSSION AND ACTION

Joe Blum expressed disappointment that funding and staff are not sufficient to provide the Region with the resources they need to accomplish the tasks necessary for effective management of the fisheries off Alaska. He suggested that the Council should express strong disappointment to the Secretary and insist on the necessary resources. Bycatch is the major problem at this time and it's imperative that in 1991 the problem be addressed as effectively as possible.

It was pointed out that as a result of Amendment 21/16, there will be some changes in 1991 which may help, such as later season openings, hot spot authority for the Regional Director, and seasonal apportionment of PSCs.

Henry Mitchell suggested that if the Region and/or Council do not have the resources to manage the fisheries effectively because of funding and staff limitations, then perhaps the only step would be to curtail the fisheries with the most critical problems.

Larry Cotter moved that the Council ask the Regional Director to move as expeditiously as possible to develop a fishery incentive program and to present the analysis to the Council at the earliest opportunity for final action. The motion was seconded by Rick Lauber.

Council members did not feel that a separate committee, as suggested by the AP, would be needed to accomplish this task; however, it was stressed that intensive interaction will be required between industry and NMFS. It was also suggested that the Secretary could provisionally approve the penalty box program for future implementation, similar to the Council's action on the observer program. General Counsel advised that the Secretary will not provisionally approve a plan if regulations cannot be implemented.

The motion carried 9 to 2, with Blum and Mitchell voting against.

Henry Mitchell moved that a letter be sent to the Secretary recommending that he require, as a condition for permits, that all fishing vessels have facilities on board available to observers to send and receive "real time" data so that the appropriate reporting can take place on a daily basis, or other time period specified by the Secretary. The motion was seconded by Joe Blum but withdrawn after discussion.

During discussion concern was raised that this would be a difficult regulation to implement and may not effectively solve the problems associated with observer debriefing and data analysis. Steve Pennoyer also pointed out that current regulations do require that vessels have an effective communications system.

Pelagic Trawl Definition-Amendment 21/16

After recommending that the current emergency rule regarding the pelagic trawl definition be extended, the Council discussed the definition being reviewed by the Secretary in Amendments 21 and 16. Mr. Cotter withdrew his earlier motion (under agenda item D-3(e)) and offered a new motion:

That the Council comment to the Secretary of Commerce that the definition as proposed by the Advisory Panel would be an appropriate replacement for the earlier definitions provided by the Council. The motion was seconded by Rick Lauber.

After discussion and amendment, the Council passed the following definition by a vote of 8 to 3, with Blum, Mace and Mitchell voting against:

"a trawl which has stretched mesh size openings of at least 64 inches or parallel lines with spaces of at least 64 inches, starting at any point on the fishing line, head rope, and breast line and extending aft for a distance of at least 10 meshes from the fishing line and going around the entire circumference of the trawl, and which is tied to the fishing line with no less than 20 inches between knots around the circumference of the net, and which does not have plastic discs, bobbins, rollers, or other chafe-protection gear attached to the foot rope, and which contains no inserts or collars or other methods intended to reduce the mesh size of the forward section, and which may have weights on the wing tips."

Larry Cotter suggested that staff develop a performance-based definition of pelagic trawl, such as a limit on the bycatch rate of a PSC species, as part of the amendment package addressing the bycatch incentive program which will be available for Council review in December. Council and staff agreed with this recommendation. The Council also discussed establishing a gear committee with industry and gear experts to help with refining the definition of a pelagic trawl.

Amendment 16a

The Council was scheduled for final review of Amendment 16a which addresses herring bycatch and additional crab and halibut bycatch management measures for the Bering Sea/Aleutian Islands management area.

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Report of the Advisory Panel

The Advisory Panel recommended approval of Amendment 16a as follows:

1. Provide the Regional Director the authority to temporarily close limited areas inseason due to high bycatch rates.
2. Permit the Regional Director to set a limit on the amount of pollock TAC that can be taken in other than mid-water pollock fisheries.
3. The maintenance of the current bycatch caps (100% of Amendment 12 limits for all bycatch species in the BSAI). This recommendation was made based on the assumption that a penalty box system will be in place as early as possible in 1991.

With reference to herring bycatch measures, the AP recommended that the Council adopt a PSC cap of 1% of the herring biomass. Attainment of the cap would trigger temporary closures of two areas north of the Alaska Peninsula and a small winter savings area northwest of the Pribilof Islands as identified in Figure 4.11 of the Amendment 16a EA/RIR).

Report of the Scientific and Statistical Committee

The SSC's comments related mainly to the bycatch model itself and evaluation of benefits and costs of alternatives using the model. Please see SSC Minutes, Appendix IV to these minutes.

COUNCIL DISCUSSION AND ACTION

Bob Mace moved to approve #1 of the Advisory Panel's recommendations: Provide the Regional director the authority to temporarily close limited areas inseason due to high bycatch rates. The motion was seconded and carried without objection.

Wally Pereyra moved to approve #2 of the Advisory Panel's recommendations: Permit the Regional Director to set a limit on the amount of pollock TAC that can be taken in other than mid-water pollock fisheries. This decision would be made annually in December. The motion was seconded by Larry Cotter and carried without objection.

After receiving staff reports on the bycatch model and receiving results of model runs requested earlier in the meeting, the Council discussed PSC rates for halibut, crab, and herring under Amendment 16a.

Wally Pereyra moved that the PSC caps be set as follows:

Halibut: 100% of Amendment 12a levels;

Red king crab & C. bairdi: 150% of Amendment 12a levels; and

Herring: 1% of the population; with closures along the Alaska Peninsula going into effect when that cap is reached, and designating Area B (on Figure 4.11 in the Amendment 16a EA/RIR).

The motion was seconded by Bob Mace.

Larry Cotter moved to amend the halibut PSC cap to 4,500 mt of catch. The motion was seconded by Henry Mitchell and failed, 8 to 3, with Cotter, Hegge, and Mitchell voting in favor.

Larry Cotter moved to amend the C. bairdi PSC cap to 100% of Amendment 12a levels. The motion was seconded by Ron Hegge and carried, 8 to 3, with Blum, Mace, and Pereyra voting against.

With regard to the herring PSC, Henry Mitchell moved the following:

- A. A frameworked PSC limit based on 1% of the eastern Bering Sea herring biomass;
- B. A winter savings area northwest of the Pribilof Islands (the larger area) as identified in Alternative 3 of the Amendment 16a EA/RIR, Section 4, and also known as Option C in the 1983 draft FMP; and expanded to include that area north to 60°N;
- C. A summer savings area north of the Alaska Peninsula identified in both Alternatives 2 and 3 of the Amendment 16a EA/RIR expanded to include that area west of 167°W; and
- D. A savings area located within the herring migratory route to include those fishing grounds in regulatory reporting Area 513 west of 167°W and Area 517 west of 167°W and north of 55°46'N.

The motion was seconded by Larry Cotter.

Hal Weeks pointed out that he thought this action would fall outside the bounds of the original analysis and would need to be remanded back to staff for analysis. Commander Kyle said that the Coast Guard enforcement of current closed areas is already becoming increasingly difficult because of budget and other problems and that to enforce additional closures would be extremely difficult.

Bob Alverson moved to amend the amendment to modify the winter savings area to encompass new area B extended to 60°N (i.e., Area B extended north). The motion was seconded by Wally Pereyra and carried, 7 to 4, with Collinsworth, Cotter, Hegge, and Mitchell voting against.

Several other motions were made to change the savings area and areas to be closed upon attainment of the cap; however, they either failed or were withdrawn before the vote.

Bob Alverson moved to reconsider the previous motion concerning a migratory route closure. The motion to reconsider was seconded by Bob Mace and carried, 8 to 3, with Collinsworth, Dyson, Mitchell voting against. The vote on the reconsidered motion carried, 6 to 5, with Collinsworth, Cotter, Dyson, Hegge and Mitchell voting against.

Mr. Mitchell's amendment, as amended, carried 10 to 1, with Mace voting against.

Larry Cotter moved to amend the main motion to set the red king crab PSC cap at 100% of Amendment 12a levels. The motion was seconded and carried, 8 to 3, with Blum, Mace, and Pereyra voting against.

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Bob Alverson moved to amend the main motion by eliminating the corridor area designated for closure between July 15-Sept. 15 and analyzing it as a groundfish amendment as expeditiously as possible. The motion was seconded and carried, 7 to 4, with Blum, Dyson, Mace, and Pereyra voting against.

Some Council members felt the transmittal letter to the Secretary should point out that the Council finds some uncertainties associated with the bycatch model results and that should be taken into consideration in reviewing the analysis. There was some discussion of the letter which was to be drafted by Council members during the meeting; however, it was later decided that such a letter was not necessary.

Later in the meeting the Council received the draft regulatory language for Amendment 16a, as directed by the Council.

Henry Mitchell moved to approve the proposed FMP changes and regulatory language for Amendment 16a. The motion was seconded and carried without objection.

Council members noted the lack of time for a thorough review of the language and tasked the staff with reviewing for consistency with Council intent. Editorial changes will be made by staff if necessary, and if they find any substantive error, Council members should be polled to ascertain the correct intent.

(b-d) ABCs, TACs, PSC Apportionments

The BSAI plan team prepared a draft preliminary SAFE which consists of the executive summary of the 1989 final SAFE document, plus documents. A major trawl survey of the eastern Bering Sea was not completed until mid-August and scientists and plan team members have not had the opportunity to analyze the new stock survey data needed to develop biomass estimates. The 1989 SAFE document represents the best information currently available. The 1990 survey data will be analyzed and incorporated into the final SAFE document in November.

Report of the Advisory Panel

The AP recommended the Council send out for public review the 1990 TAC/DAP/JVP apportionments as the preliminary apportionments for 1991. The AP noted a particular concern for the pollock TAC and requested public comment prior to the December Council meeting. They also recommended the following seasonal allocations: roe season - 25%; non-roe season - 75%.

Report of the Scientific and Statistical Committee

The SSC recommended sending out the 1990 ABCs for public review as the preliminary 1991 ABCs. They noted that after new information is analyzed from the 1990 surveys and data collections may result in new estimates of biomass for each species and updated exploitation rates for determining ABC.

COUNCIL DISCUSSION AND ACTION

As with the Gulf of Alaska, the Council expressed its desire to have the cover letter explain that the preliminary harvest figures are based on the most current information, which is from 1989. After analysis of the 1990 surveys and data gathered, adjustments could be made at the December meeting.

Bob Mace moved to send out for public review the 1990 ABCs and apportionments as the 1991 preliminary ABCs and apportionments to TAC, DAP and JVP (Table 2, Appendix II). The motion was seconded by Larry Cotter.

Henry Mitchell moved to amend the motion as follows: to set the Eastern Bering Sea pollock ABC to reflect a range of 1,000,000 - 1,450,000 mt. The motion was seconded by Larry Cotter and failed 10-1, with Mitchell voting in favor.

Larry Cotter moved to amend the motion by reducing the pollock ABC by 15% in the BS/AI. The motion was seconded by Henry Mitchell.

Both Mr. Mitchell and Mr. Cotter were concerned that the public be made aware that there is the possibility that there could be a significant change in the pollock ABC next year. Council members felt that the cover letter accompanying the SAFE and the table should suffice.

The motion to amend failed 9-2, with Cotter and Mitchell voting in favor.

Joe Blum moved to footnote the TAC and DAP for pollock in the table to be sent out for public review to indicate that these figures represent a 25/75 split between the roe and non-roe season and that other splits, including 60/40 and 40/60, are being considered. The motion was seconded by Henry Mitchell and carried without objection.

Larry Cotter moved to approve the AP recommendations regarding PSC apportionments for halibut, C. bairdi and red king crab, and herring in the Bering Sea/Aleutian Islands, as follows:

	DAP Midwater Pollock	DAP Other	DAP Deepwater Turbot/ Sablefish	DAP Rocksole	DAP Flatfish	JVP Flatfish
Halibut (mt)	--	3,054	440	681	69	1,090
<u>C. bairdi</u> , Zone 1 (#)	--	295,910	0	557,078	55,543	91,470
<u>C. bairdi</u> , Zone 2 (3)	--	1,886,865	224,520	288,275	364,920	235,421
Red king crab, Zone 1 (#)	--	5,982	3	150,585	21,007	22,424
Herring (mt)	542	75	0	0	32	129

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

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The table and cover letter should indicate to the public that the Council is considering seasonal apportionments.

It was noted that apportioning herring PSC has not yet been approved by the Secretary. The Council will have to approve them again in December before they can be considered final. Steve Pennoyer also noted that he would assume herring bycatch will be counted retroactive from the first of the year.

Larry Cotter moved that the Council comment on the final rule for Amendment 21/16 to indicate that the Regional Director be given authority to roll over unused PSC from one apportionment period to the next, except from the fourth quarter to the next year. The motion was seconded by Wally Pereyra and carried without objection.

Wally Pereyra brought up the issue of the closure of the pollock fishery in the Bering Sea, anticipated by mid-October. He indicated that there had been public testimony indicating this will create a hardship for the industry and that it is an emergency situation.

Wally Pereyra moved to recommend that NMFS immediately implement emergency regulations to respecify the 1990 TACs for the Bering Sea/Aleutian Islands through reallocation of unutilized JVP to DAP pollock, not to exceed the level of the 1990 ABC for pollock. The motion was seconded by Joe Blum.

During Council discussion it was pointed out that the original allocation was made after considering effects on Steller sea lions as well as uncertainty for the status of stocks and pollock harvests in the donut. Dr. Aron indicated that there is no new information at this point to indicate an increase in the Steller sea lion population, nor is there new information on the importance of pollock to the sea lion's diet.

Mr. Pereyra pointed out that the fishery would take place well north of the sea lion's habitat for the remainder of the year. In response to questions from the Council, Dr. Aron said that any additional pollock harvested would be taken into consideration when determining what the mortality is and in determining the ABC for 1991. Mr. Collinworth pointed out that the additional allocation would not exceed the ABC for pollock.

The motion carried, 7 to 4, with Cotter, Hegge, Lauber and Pennoyer voting against.

(e) Regulatory Amendment - Require pots to be fished on a single line

This agenda item was discussed under the Gulf of Alaska groundfish agenda, item D-3(d).

(f) Groundfish Amendment Proposals

This agenda item was discussed under the Gulf of Alaska groundfish agenda, item D-3(f).

(g) Policy on U.S. Fisheries outside EEZ in Central Bering Sea

In August the Council briefly discussed the need for regulations governing domestic fishing activities outside 200 miles in the Central Bering Sea. A groundfish proposal to restrict such activities has been submitted but the Council thought a policy on those fisheries should be developed sooner. The Council asked the Fishery Planning Committee to consider the issue and that the U.S.-Soviet

Intergovernmental Consultative Committee give their suggestions. The ICC has not met; however, the FPC indicated a preference that all domestic fishing be prohibited outside 200 miles in the Bering Sea. Staff prepared three policy alternatives for Council review.

Report of the Advisory Panel

The Advisory Panel recommended the Council adopt a policy prohibiting U.S. commercial fishing activity in the Central Bering Sea outside the U.S. EEZ except for scientific and exploration research and that U.S. and Soviet governments extend jurisdiction and management authority over this body of water.

Report of the Scientific and Statistical Committee

The SSC believes it would be desirable to obtain stock structure and age composition information on fish in the Donut hole. They support allowing a limited fishery to collect information by requiring a scientific sampling plan and having observers on all vessels operating in the Donut. They also noted that it is not clear how to adjust pollock ABC and TAC if a U.S. fishery for pollock in the Donut occurs.

COUNCIL DISCUSSION AND ACTION

Bob Alverson moved to adopt the policy statement submitted by staff with the last paragraph to read as follows:

The North Pacific Fishery Management Council's policy is to strictly prohibit all fishing activity in the Central Bering Sea outside the U.S. EEZ, including by U.S. vessels. Such a prohibition supports the efforts of the Council and the United States in seeking a ban on unregulated foreign fisheries that may be adversely affecting pollock stocks within the U.S. EEZ. The Council requests that the Secretary take all actions necessary to support this policy. All vessels operating in the international waters of the Central Bering Sea should be required to carry observers and adhere to appropriate reporting requirements.

The motion was seconded by Joe Blum and carried unanimously. The policy statement is attached in full in Appendix VII.

E. FINANCIAL REPORT

There was no financial report.

F. PUBLIC COMMENTS

There were no further public comments.

G. CHAIRMAN'S REMARKS AND ADJOURNMENT

The meeting was adjourned at approximately 7:00 p.m. on Saturday, September 29, 1990.