

North Pacific Fishery Management Council

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Certified 
James O. Campbell, Chairman

Date June 26, 1986

MINUTES

71st Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
March 19-21, 1986
Anchorage Hilton Hotel
Anchorage, Alaska

The North Pacific Fishery Management Council met March 19-21, 1986 at the Anchorage Hilton Hotel, Anchorage, Alaska. The Scientific and Statistical Committee and Advisory Panel began Monday, March 17, and the Finance Committee met on Tuesday, March 18.

Members of the Council, Scientific and Statistical Committee, Advisory Panel and general public in attendance are listed below.

Council

James O. Campbell, Chairman
Rudy Petersen
Don Collinsworth
Russ Cahill for
Bill Wilkerson
CDR Richard Clark for
RADM Robert Lucas
Oscar Dyson
John Peterson

Robert U. Mace for
John Donaldson
Robert McVey
Henry Mitchell
John Harville
Sara Hemphill
John Winther
Jon Nelson
for Robert Gilmore

NPFMC Staff

Jim H. Branson, Executive Director
Clarence Pautzke
Judy Willoughby
Steve Davis
Jim Glock

Ron Miller
Ron Rogness
Terry Smith
Helen Allen
Peggy Kircher

Minutes
Council Meeting
March 1986

Support Staff

Joe Terry, NMFS-NWAFC
Ron Berg, NMFS
Craig Hammond, NMFS
Pat Travers, NMFS
Jim Brooks, NMFS

Jim Balsiger, NMFS-NWAFC
Loh-Lee Low, NMFS-NWAFC
Fred Gaffney, ADF&G
Bill Robinson, NMFS
Fritz Funk, ADF&G

Scientific and Statistical Committee

Don Rosenberg, Chairman
Bill Aron
Douglas Eggers
Larry Hreha
Tom Northup
Bud Burgner

Richard Marasco, Vice-Chairman
Phil Mundy
Don Bevan
John Burns
Terry Quinn

Advisory Panel

Larry Cotter, Chairman
Rupe Andrews
Thorn Smith
Al Burch
Ron Hegge
Pete Isleib
Rick Lauber
Don Rawlinson
Walter Smith
Richard White
Dave Woodruff

Terry Baker
Joseph Chimegalrea
Cameron Sharick
Barry Fisher
Daniel O'Hara
Nancy Munro
Al Osterback
Julie Settle
John Woodruff
Greg Favretto

General Public

It was estimated that approximately 90 people attended the Council meeting during its session, including the following:

Bart Eaton
Robt. J. Ayres
Alec Brindle
David Harville
Chris Jones
Chris Blackburn
R.D. Dearborn
Mary Truitt
John Bruce
Morris Hansen
William P. Woods, Jr.
Chris Mitchell
Kurt Wieber
P. Marinkovich
Mark Copeland
Yuiji Niimi
Ken Kobayashi
Arni Thomson

Ted Evans
Jon Zuck
John White
Jeff Stephan
H. Yamashita
Jeff Sanders
H.A. Larkins
Ron Peterson
S.T. Grabacki
Robt. F. Morgan
Ken Middleton
J.A. Russell
Brad Matsen
Phil McCriden
Arni Thomson
Brent Gazaway
Paul MacGregor
Jay Hastings

Minutes
Council Meeting
March 1986

Steve Dickinson
N. Takagi
K. Jodai
Rolland Schmitten

H. Hirai
Y. Suenaga
K. Ishida

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

Chairman Campbell called the meeting to order at 9:05 a.m. on Wednesday, March 19, 1986. Minutes of the December 1985 and January 1986 Council meetings were approved as submitted. Mr. Branson reviewed the agenda which was approved as drafted.

Mr. Campbell introduced Rolly Schmitten and Bob Ayres from the Northwest Region, NMFS, and announced that Mr. Hirai from the Anchorage office of Japan Fisheries Agency will be returning to Japan. The Council thanked Mr. Hirai for his work during the past two years and wished him luck in his new position in Japan.

B. SPECIAL REPORTS

B-1 Executive Director's Report

Mr. Branson outlined the results of negotiations with Japan on high seas salmon interceptions and said that the remainder of the January allocation (94,000 mt) was released to Japan on March 13.

He also outlined the results of the recent Inter-Council Finance Committee meeting held in San Francisco. A draft of the minutes was included in Council notebooks. The Council was reminded that Council photos would be taken on the first day of the Council meeting, and to contact Judy Willoughby if they had not yet made reservations for the June meeting in Kodiak.

The AP commented on the following issues in the ED report: The AP will draft a letter requesting the Council endorse the idea of American fisheries receiving priority for research. They also requested the Council consider requesting NMFS to examine the feasibility of a small poundage tax (approximately .7%) as a supplement to the reduction of foreign fees to be put toward research. The AP requested this issue be put on the agenda for the June meeting and that necessary research be done to examine the legality of this idea. This information should be sent to the Council, SSC and AP for review prior to the June meeting.

John Peterson and John Harville briefed the Council on their role on a new group appointed by NOAA Administrator Calio to examine federal fisheries management. The charge of the committee is to:

- (1) Define the role of the federal government in fisheries management;
- (2) Determine who should pay the cost of fisheries management; and
- (3) Analyze the common property aspects of these resources.

The Committee has decided they will address the following:

- (1) What is national policy?
- (2) What is wrong and right with the current system?

H. Hiron
Y. Suter
E. J. J. J.

H. Hiron
Y. Suter
E. J. J. J.

CALL TO ORDER, APPROVAL OF AGENDAS AND MINUTES OF PREVIOUS MEETING

Chairman Campbell called the meeting to order at 2:25 p.m. on Wednesday, March 19, 1980. Minutes of the December 1979 and January 1980 Council meetings were approved as submitted. Mr. Hiron reviewed the agenda which was approved as drafted.

Mr. Campbell introduced John Schindler and Bob Ayres from the Fisheries Section, DWS, and announced that Mr. Hiron had been appointed to the Fisheries Advisory Committee. The Council thanked Mr. Hiron for his work during the past two years and wished him luck in his new position in January.

REPORTS

The Fisheries Director's Report

Mr. Hiron outlined the results of negotiations with Japan on fish sale volume reductions and said that the remainder of the January allocation (24,000 mt) was released to Japan on March 17.

He also outlined the results of a recent inter-agency planning committee meeting held in San Francisco. A draft of the budget was submitted to Council members. The Council was advised that Council phone calls were taken on the first day of the Council meeting, and to contact John Schindler if they had not yet done so.

The AI committee on the following issues in the AI report: The AI will draft a letter requesting the Council to review the idea of American Fisheries revolving credits for research. They also requested the Council consider repurposing 100% to expand the feasibility of a small roundtable for (approximately 75) as a supplement to the reduction of foreign fees to support research. The AI requested the same be put on the agenda for the June meeting and that necessary research be done to examine the feasibility of this idea. This information should be sent to the Council, 1980 and AI review prior to the June meeting.

John Peterson and John Harkle tabled the Council on their rules on a new group established by NOAA Administrator Callahan to examine Federal Fisheries management. The charge of the committee is to:

- (1) Define the role of the Federal government in fisheries management;
- (2) Determine the share of the cost of fisheries management; and
- (3) Analyze the common property aspects of these resources.

The Committee has decided they will address the following:

- (1) What is national policy?
- (2) What is wrong and right with the current system?

Minutes
Council Meeting
March 1986

- (3) The common property aspect of the resource to see if that needs to be addressed and, if so, how.
- (4) Recommendations on changing the MFCMA, if necessary.
- (5) The issue of state-federal coordination.
- (6) The role of the private sector.
- (7) Costs of enforcement.
- (8) Whether the domestic processing industry can fill the void as foreign directed and joint venture fishing is phased out.

B-2 Domestic Fisheries Report by ADF&G

The winter troll chinook fishery opened October 1, 1985 and will continue through April 14, 1986. The harvest through February was about 20,000 salmon. The winter 1985-86 troll harvest is projected to reach 30,000 fish, some 7,000 fish above the 23,000 winter harvest last year.

Tanner crab harvests through March 9 total 44,840,000 pounds.

The total groundfish catch by U.S. fishermen delivering to U.S. processors was 12,914 mt by March 10. This includes 2,437 mt pollock, 1,542 mt sablefish, 7,961 mt Pacific cod, 661 mt flounders, 54 mt Pacific ocean perch, and 210 mt other rockfish. The pot and longline sablefish fishery in the Gulf of Alaska begins April 1 and considerable effort is expected.

B-3 Foreign Fisheries Report by NMFS

By March 20 foreign fleets off Alaska harvested 28,154 mt of groundfish. In the Bering Sea and Aleutian Islands harvests included 9,800 mt pollock and 5,800 mt Pacific cod. In the Gulf of Alaska a directed foreign fishery (by Japanese longliners) is allowed only on Pacific cod. The harvest was 11,453 mt.

Foreign allocations now total 200,540 mt of which 153,669 mt (77%) went to Japan; 39,462 mt (20%) to South Korea; 2,917 mt (1%) each to Poland and China; and 1,575 mt (0.8%) to Taiwan. Pollock, cod, yellowfin sole and flounders make up the bulk of these allocations. As of mid-March there were 88 foreign vessels in the waters off Alaska, 47 from Japan, 24 from Korea, 9 from the USSR, 7 from Poland, and 1 from China.

B-4 Enforcement and Surveillance Report by U.S. Coast Guard

The U.S. Coast Guard reported that enforcement efforts through March 10 totalled 57 cutter days and 232 aircraft patrol hours covering 2.3 million square miles of ocean. Enforcement efforts resulted in the issuance of ten reports of violation and five written warnings. Most of the infractions were for violation of new regulations, both for foreign and domestic fishing vessels.

Specific violations included written warnings to two Polish stern trawlers for failure to submit the required activity message 24 hours prior to beginning or ceasing to fish in the FCZ; a written warning to a Japanese longliner for failure to accurately maintain its daily catch log; and a written warning to two South Korean stern trawlers for failure to have on board an accurate set of vessel plans.

- (3) The common property aspect of the resource to see if it needs to be addressed and if so, how.
- (4) Recommendations on changing the MOWA, if necessary.
- (5) The issue of a special commission.
- (6) The role of the private sector.
- (7) Issues of enforcement.
- (8) Whether the domestic processor industry can fill the void as vessels directed and joint venture fishing is phased out.

4-3 Foreign Fisheries Report by ADPAC

The winter-winter closed fishery opened October 1, 1987 and will continue through April 1, 1988. The harvest through February was about 20,000 salmon. The winter 1987-88 fall harvest is projected to reach 30,000 fish, some 7,000 fish above the 23,000 winter harvest last year.

Winter and summer harvest through March 2 total 44,240,000 pounds.

The total catch reported by U.S. fishermen harvesting in U.S. waters was 12,914 mt in March 80. This included 2,411 mt of salmon, 1,542 mt of halibut, 7,981 mt of herring, 461 mt of lingcod, 24 mt of Pacific ocean perch, and 217 mt of other species. The total and landing catch for the Gulf of Alaska during April - and considerable effort is expected.

4-4 Foreign Fisheries Report by WWS

By March 31 foreign vessels off Alaska harvested 28,124 mt of groundfish. In the Bering Sea and Aleutian Islands harvest included 2,800 mt of halibut and 2,800 mt of herring. In the Gulf of Alaska a directed foreign fishery for Japanese (herring) is allowed only on Pacific coast. The harvest was 11,442 mt.

Foreign allocations now total 300,750 mt of which 152,668 mt (51%) went to Japan; 99,442 mt (33%) to South Korea; 7,917 mt (2.6%) each to Poland and Ghana; and 1,713 mt (0.6%) to Taiwan. Pollock, cod, yellowfin sole and haddock make up the bulk of these allocations. As of mid-March there were 22 foreign vessels in the waters off Alaska, 17 from Japan, 2 from Korea, 0 from the USSR, 3 from Poland, and 1 from Ghana.

4-5 Enforcement and Surveillance Report by U.S. Coast Guard

The U.S. Coast Guard reported that enforcement effort through March 10 resulted in 11 cutter days and 222 aircraft patrol hours covering 2.5 million square miles of ocean. Enforcement effort resulted in the seizure of ten reports of violations and five written warnings. Most of the infractions were for violation of new regulations, both for foreign and domestic fishing vessels.

Specific violations included written warnings to two Polish stern trawlers for failure to submit the required activity message 24 hours prior to departing or ceasing to fish in the BSE; a written warning to a Japanese longliner for failure to accurately maintain the daily catch log; and a written warning to two South Korean stern trawlers for failure to have a logbook on board at a vessel's vessel.

Reports of violation were issued to a South Korean processor for failure to log product recovery rates on a daily basis and failure to accurately maintain the daily joint venture log. A Japanese longliner was issued a report of violation for failure to have on board an accurate set of vessel plans; and three U.S. processors were issued reports of violation for failure to submit vessel activity and weekly catch reports as required. One of the U.S. processors was also written up for failure to provide a safe boarding ladder. A Japanese longliner was issued a report of violation for discharging oily water over the side, and two reports of violation were issued for failure to accurately maintain the daily joint venture log and report the amount of fishery product on board upon commencement of fishing operations within the U.S. FCZ; the country and vessels were not identified in the report.

The Coast Guard reported that the level of enforcement activity in Alaska thus far in 1986 is equal to about half of the effort provided during the first three months of last year. The Coast Guard enforcement efforts for the remainder of the year are expected to remain at a lower level because of budget constraints.

B-5 Joint Venture Report

The total joint venture catch off Alaska through March 1 was 111,000 mt. This included 52,000 mt pollock from the Gulf of Alaska, and 50,000 mt pollock and 7,300 mt Pacific cod from the Bering Sea and Aleutians. Of the eighteen joint venture operations that have commenced fishing this year, ten operated in Shelikof Strait from the opening on February 15 through early March. The Shelikof fishery generally was scattered and for the most part lackluster. However, fishing in the Unimak area was excellent. Because of this, several companies that had planned to fish Shelikof bypassed it in favor of the Bering Sea.

NMFS reported to the Council on their efforts to develop joint venture bycatch guidelines for fully U.S.-utilized species such as rockfish, Pacific ocean perch and sablefish, and prohibited species such as crab, halibut, and salmon. The Council had earlier requested that guidelines be established for each joint venture operation. NMFS has developed guideline procedures for the Bering Sea and shortly will be working on the Gulf of Alaska. In the meantime the Council will be appointing a workgroup to overhaul the Council's Policy on Joint Ventures to possibly include company-by-company allocations of target and bycatch species. A draft revised policy will be available for Council review in June and go to public review over the summer. The Council will take final action in September and regulations will be in effect for the 1987 fishing year.

C. NEW OR CONTINUING BUSINESS

C-1 Legislative Update

Ron Miller reported that there has been no movement on the MFCMA reauthorization bills held over from last year. The House may not consider passage of H.S. 1533 until the Senate reports its reauthorization bills out of Committee. The Senate Commerce Committee is still at an impasse regarding the matter of phase out of foreign directed fishing in the U.S. FCZ.

Reports of violation were issued to a South Korean processor for failure to
the product recovery rate on a daily basis and failure to accurately maintain
the daily joint venture log. A Japanese fisherman was issued a report of
violation for failure to have on board an accurate set of vessel plans; and
three U.S. processors were issued reports of violation for failure to submit
of activity and weekly catch reports as required. One of the U.S.
processors was also written up for failure to provide a safe handling ladder.
A Japanese fisherman was issued a report of violation for discharge of oil
water over the side, and two reports of violation were issued for failure to
accurately maintain the daily joint venture log and report the amount of
fishery product on board upon commencement of fishing operations within the
U.S. EEZ. The country and vessel were not identified in the reports.

The Coast Guard reported that the level of enforcement activity in Alaska during
the 1988 season is about half of the effort provided during the 1987
three months of last year. The Coast Guard enforcement efforts for the
remainder of the year are expected to remain at a lower level because of
budget constraints.

E-2 Joint Venture Report

The total joint venture catch off Alaska through March 1 was 141,000 mt. This
included 52,000 mt pulled from the Gulf of Alaska, and 89,000 mt pulled from
7,000 mt pulled from the Bering Sea and Aleutians. Of the Alaskan joint
venture operations that have commenced fishing this year, ten operations in
Shelton Sound from the opening on February 15 through early March. The
Shelton fishery generally was scattered and for the most part consisted of
however, fishing in the Bering area was excellent. Because of this, several
operations that had planned to fish Shelton bypassed it in favor of the Bering
Sea.

EWB reported to the Council on their efforts to develop joint venture fisheries
subdivisions for July U.S.-utilized species such as rockfish, Pacific herring,
cod and halibut, and prohibited species such as crab, halibut, and salmon.
The Council had earlier requested that guidelines be established for each
joint venture operation. EWB has developed guidelines procedures for the
Bering Sea and shortly will be working on the Gulf of Alaska. In the meantime
the Council will be appointing a workshop to conduct the Council's policy on
joint ventures to possibly include company-by-company allocations of target
and harvest quotas. A draft revised policy will be available for Council
review in June and so to enable review over the summer. The Council will take
final action in September and regulations will be in effect for the 1988
fishing year.

C. NEW OR CONTINUING BUSINESS

C-1 Legislative Update

Don Miller reported that there has been no movement on the WMA
reauthorization bill over the last year. The House may not consider
a version of H.R. 1533 until the Senate reports the reauthorization bill out of
committee. The Senate Committee is still in process regarding the
water of passage of foreign directed fishing to the U.S. EEZ.

Minutes
Council Meeting
March 1986

The Council received a request from Pacific Seafood Processors Association to consider a proposal that would phase out directed foreign fishing by 1988, establish a "cap" on JVP, and reaffirm the U.S. processor preference provision of the MFCMA. Council members were provided with a copy of the proposal and Robert Morgan, Director of the Pacific Seafood Processors Association, read the proposal into the record.

The Council's MFCMA Reauthorization Committee met on Wednesday evening to discuss the proposal and take public comment.

Report of the MFCMA Reauthorization Committee

The Committee discussed the PSPA proposal and took public testimony. After discussion, they recommended that the Council initiate a fishing industry workgroup to provide the Council with recommendations for accelerated Americanization of the North Pacific fisheries and, if necessary, proposed amendments to the MFCMA. The workgroup would be requested to give special consideration to the following:

- Retention at the Regional Council level of specific foreign fishing and foreign processing phase out dates, to be determined on a fishery-by-fishery, or species, basis.
- Provision for careful regional deliberation, involving the concerned fisheries and the NPFMC on specific implementation procedures.
- Mechanisms which fully consider and make use of marketplace forces for that implementation.

The Committee also recommended that the approach proposed by Council Chairman Campbell to the Congressional delegation in October 1985 be a point of departure for workgroup review and deliberation.

Report of the Advisory Panel

The AP recommended the Council adopt the PSPA proposal.

COUNCIL DISCUSSION AND ACTION

Bob Mace moved to approve the recommendations of the MFCMA Reauthorization Committee. The motion was seconded by Sara Hemphill and, there being no objection, it was so ordered.

It was suggested that Chairman Campbell and Don Collinsworth appoint the workgroup based on a list to be developed by Barry Fisher and Bob Morgan. The Council also directed staff to write a letter to the Alaska, Washington and Oregon Congressional delegations informing them of the Council's action. A report of the workgroup will be due for the June Council meeting.

The Council discussed funding for the workgroup. It was suggested that the Council could provide staff support for the meetings but would not be able to cover travel expenses for the participants.

After consultations with Don Collinsworth, Barry Fisher and Bob Morgan, Chairman Campbell announced the following workgroup participants:

Don Rosenberg, Chairman (NPFMC SSC)
Terry Baker, Arctic Alaska Seafoods
Chris Blackburn, Alaska Groundfish Resource Databank
Bob Brophy, Icicle Seafoods
Bart Eaton, Fisherman/Processor
Barry Fisher, Trawler Owner/Captain
Bert Larkins, Marine Resources Company International
Bob Morgan, Pacific Seafood Processors Association
Hugh Reilly, Westward Trawlers
Thorne Tasker, Alaska Joint Venture Fisheries
Bill Woods, Sea Alaska Products

C-2 Domestic Observer Program

At the January meeting the Council voted to support Bob McVey's request for \$250,000 to fund a pilot domestic observer program off Alaska. The Council received a letter from Bill Gordon indicating that funding a pilot program may be difficult. Final word on this program is expected in the near future. A bill has been introduced in the Alaska State Legislature which would authorize the Commissioner of Fish and Game to implement an observer program for fisheries in state waters. The bill is currently before the House Finance Committee.

Report of the Advisory Panel

The AP reaffirmed its support of a domestic observer program and endorsed the efforts of the State of Alaska to provide partial funding and be involved in a joint observer program with NMFS, with access to all vessels in the Gulf of Alaska and Bering Sea.

Public Testimony

John White, Western Alaska Salmon Coalition, said a domestic observer program should be of top priority and the Council should make its wishes known to NMFS. If the industry has to pay in the end, then they should do so.

Phil McCrudden, North Pacific Fisheries Association and United Fishermen of Alaska, said that an observer program in the Bering Sea should be of top priority. It is important to close the data gap occurring as the fisheries become Americanized. He feels that it is only reasonable for industry to bear the costs involved in harvesting and processing these fish.

COUNCIL DISCUSSION AND ACTION

Bob McVey told the Council he has taken every opportunity to impress upon NMFS the importance of this program in Alaska. Funding is a major obstacle and there is also a problem in obtaining OMB approval. He also feels the problem should be looked at nationally; not just regionally, and he is encouraging the Central Office to do so.

The issue of funding for a domestic observer program is also causing problems with the emergency rule dealing with crab bycatch in the Bering Sea. Because NMFS has not been able to commit to funding the program, the responsibility

- Jim Wooten, Alaska Seafood
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Domestic Observer Program

At the January meeting the Council voted to support Bob Meyer's request for \$250,000 to fund a pilot domestic observer program in Alaska. The Council received a letter from Bill Jordan indicating that funding a pilot program may be difficult. Final word on this program is expected in the near future. A bill has been introduced in the Alaska State Legislature which would authorize the Commissioner of Fish and Game to implement an observer program for fisheries in some waters. The bill is currently before the House Finance Committee.

Support of the Advisory Panel

The AF reaffirmed its support of a domestic observer program and endorsed the efforts of the State of Alaska to provide financial funding to be involved in a joint observer program with NMFS, with access to all vessels in the Gulf of Alaska and Bering Sea.

Public Testimony

John Wooten, Alaska Seafood Coalition, said a domestic observer program should be of top priority and the Council should make the wisest choice to NMFS. If the industry has to pay in the end, then they should do so.

Bill McCudden, North Pacific Fisheries Association and United Fishermen of Alaska, said that an observer program in the Bering Sea should be of top priority. It is important to close the door on domestic as the fisheries become international. He feels that it is only responsible for industry to bear the costs involved in harvesting and processing these fish.

COUNCIL DISCUSSION AND ACTION

Bob Meyer told the Council he has taken every opportunity to discuss with the importance of this program in Alaska. Funding is a major obstacle and there is also a problem in obtaining OMS approval. He also feels the program should be looked at nationally, not just regionally, and he is encouraging the Council Office to do so.

The issue of funding for a domestic observer program is also causing problems with the emergency rule dealing with crab fishing in the Bering Sea. Because NMFS has not been able to commit to funding the program, the responsibility

Minutes
Council Meeting
March 1986

may fall on the domestic industry and this precedent is causing some concern in DC.

John Harville pointed out that this "precedent" is one that probably should be established and he doesn't see why there is such a problem.

More Council discussion on this subject is found under Agenda D-4(d).

C-3 Sablefish Management

Report of the Sablefish Management Committee

The Sablefish Management Committee met during Council week to consider the direction of its work. The Committee decided it should focus on alternate management systems for the Gulf of Alaska and Bering Sea domestic groundfish fisheries rather than just the Gulf of Alaska sablefish fishery. As the first step, Council staff was asked to prepare a questionnaire that would solicit ideas from the industry on the direction of groundfish management. Information from the questionnaires will be the basis for the public meetings the Committee intends to conduct upon receipt of the \$75,000 requested from NMFS. The Committee cautioned those in the domestic groundfish fisheries that implementation of any management scheme other than the status quo could take several years.

COUNCIL DISCUSSION AND ACTION

Council members discussed the work of the committee and how it related to other work being done by the Gulf of Alaska Goals Committee and the Fully Utilized Species Committee. Although there is some overlap, it was determined that this Committee has a much broader area to cover and should not be combined with any other committee. The Council agreed to direct staff to develop the questionnaire as the Committee recommended. It was pointed out, however, that any questionnaire will have to be worded very carefully to avoid misconceptions and misinterpretation of terms. Pending receipt of further funds, staff was directed to develop a draft questionnaire for Council review.

D. FISHERY MANAGEMENT PLANS

D-1 Salmon FMP

At the February meeting the Council asked that the alternatives for rewriting the Salmon FMP be redrafted and an analysis provided for Council review at this meeting.

Report of the Scientific and Statistical Committee

The SSC briefly reviewed the revised alternatives for amending the Salmon FMP and recommended the document be reviewed by the NMFS Regional Office, ADF&G and the Plan Team before it is considered for release for public comment.

may fall on the domestic industry and this procedure is causing some concern.

John Harrell pointed out that this "preference" is not that probably should be established and he doesn't see why there is such a problem.

More Council discussion on this subject is found under Agenda Item 4(5).

4.5 Fisheries Management

Report of the Scientific Management Committee

The Scientific Management Committee met during Council week to consider the direction of its work. The Committee decided to should focus on alternative management systems for the Gulf of Alaska and Bering Sea groundfish fisheries under the Gulf of Alaska Fisheries Management Act. As the first step Council staff was asked to prepare a questionnaire that would solicit ideas from the industry on the direction of groundfish management. Information from the questionnaire will be the basis for the public meeting. The Committee intends to conduct a survey of the \$2,000 requested from NMFS. The Committee cautioned those in the industry groundfish fisheries that implementation of any management scheme other than the one in use could take several years.

COUNCIL DISCUSSION AND ACTION

Council members discussed the work of the committee and how it related to other work being done by the Gulf of Alaska Council and the Bering Sea Fisheries Management Committee. Although there is some overlap, it was determined that this Committee has a much broader area to cover and should not be confused with any other committee. The Council agreed to direct staff to develop the questionnaire as the Committee recommended. It was pointed out, however, that any questionnaire will have to be worded carefully to avoid misinterpretation and misinterpretation of terms. Further receipt of further funds, staff was directed to develop a draft questionnaire for Council review.

B. OTHER MANAGEMENT ITEMS

2-1 Salmon FMP

At the February meeting the Council asked that the information for reviewing the Salmon FMP be retained and an analysis provided for Council review at this meeting.

Report of the Scientific and Statistical Commission

The SSC initially reviewed the revised alternatives for updating the Salmon FMP and recommended the document be reviewed by the NMFS Council Office, NMFS, and the plan team before it is considered for release to the public comment.

Report of the Advisory Panel

The AP recommended the Council approve the Salmon FMP rewrite alternatives for public review.

COUNCIL DISCUSSION AND ACTION

John Peterson moved to approve the SSC's recommendation to have the alternatives reviewed by NMFS-Alaska Region, ADF&G and the Salmon Plan Team before the Council considers sending the document out for public comment. The motion was seconded by Bob Mace and, there being no objection, it was so ordered.

D-2 King and Tanner Crab FMPs

(a) Consider Future of Tanner Crab FMP

In February 1986 NMFS General Counsel Pat Travers sent a memo recommending the Council consider suspending or possibly withdrawing the Tanner Crab FMP because of continuing problems in managing the fisheries.

Report of the Advisory Panel

The AP recommended that management of Tanner crab be turned over to the State of Alaska based on a joint statement of principles.

Report of the Scientific and Statistical Committee

The SSC still supports its position that if the Council wishes to maintain an active role in the management of these fisheries the plan be rewritten. They suggested that the most critical areas of the FMP be reworked immediately and the less critical parts rewritten over a longer period, possibly for the 1987 amendment cycle.

Board of Fisheries/Teleconference

The Bering Sea/Aleutian Islands King Crab FMP requires the Alaska Board of Fisheries and the Council to meet at least once annually for purposes of discussing management of shellfish fisheries of mutual concern. Because a scheduling conflict did not permit a face-to-face meeting, a teleconference between the Board and Council was used to fulfill this commitment.

Tanner Crab FMP. The State is primarily concerned that the federal response time is not fast enough to deal with inseason management of the Tanner crab fishery. They are also concerned that fishermen are confused as a result of inconsistency between state and federal regulations.

The Board feels that the Tanner Crab FMP should be suspended immediately and an operating agreement developed with the state so they set the rules for management of the Tanner crab fisheries beginning in 1987. If an operating agreement is not acceptable to the Council, then the Board feels that any federal framework plan should give state and federal government the maximum flexibility in management of the fishery. If this cannot be achieved, then

Report of the Advisory Panel

The Panel recommended the Council approve the Tanager Club FMP with the alternatives for public review.

GENERAL DISCUSSION AND ACTION

The Board moved to approve the FMP's recommendation to have the alternative reviewed by the Alaska Department of Fish and Game and the Salmon Fishery Board before the Council considers the document for public comment. The motion was seconded by Bob Moore and, there being no objection, it was so ordered.

Dr. King and Tanager Club FMP

(a) Council's Review of Tanager Club FMP

In February 1982 NMFS General Counsel Pat Travers sent a memo recommending the Council consider amending or possibly withdrawing the Tanager Club FMP because of continuing problems in managing the fisheries.

Report of the Advisory Panel

The AP recommended that management of Tanager Club be turned over to the State of Alaska based on a joint statement of principles.

Report of the Scientific and Statistical Committee

The SSC still supports its position that the Council, which is retained an active role in the management of these fisheries should be retained. They suggested that the most critical issue of the FMP be reviewed immediately and the less critical parts reviewed over a longer period, possibly for the 1987 management cycle.

Board of Fisheries/Advisory Panel

The Acting Seafood Administrator, Linda King, FMP requires the Alaska Board of Fisheries and the Council to meet at least once annually for purposes of discussing management of selected fisheries of mutual concern. Because a scheduling conflict did not permit a face-to-face meeting, a teleconference between the Board and Council was held to fulfill this commitment.

Tanager Club FMP. The State is primarily concerned that the Federal response time is not fast enough to deal with improper management of the Tanager Club fishery. They are also concerned that fisheries are managed as a result of inconsistency between state and federal regulations.

The Board feels that the Tanager Club FMP should be suspended immediately and an operating agreement developed with the state so they can take the management of the Tanager Club fishery beginning in 1987. If an operating agreement is not acceptable to the Council, then the Board feels that any federal program that should give state and federal government the maximum flexibility in management of the fishery. If this cannot be achieved, then

Minutes
Council Meeting
March 1986

the Board questioned whether the state should be involved in Tanner crab management at all.

Public Testimony on crab issues is found in Appendix I to these minutes.

COUNCIL DISCUSSION AND ACTION

The Council agreed that there are problems with the current Tanner Crab FMP but were concerned about the resources required for a complete rewrite. Bob McVey said that they would prefer that the plan be suspended, not withdrawn at this time. In the interim the State could be asked to manage the fishery under a joint operating agreement. He suggested that only the regulations be withdrawn at this time.

Don Collinsworth said that he thinks there is unnecessary duplication in management of the fishery and that if the State can manage the fishery effectively during a plan rewrite, then they could manage it effectively on a permanent basis.

Don Collinsworth moved to suspend the Tanner Crab FMP and develop a joint statement of principles with the State for managing the fishery as an interim measure. The Plan Team would then develop Tanner crab management alternatives for public review and an amendment to the plan developed for implementation in 1987 or 1988. The motion was seconded by John Peterson.

Bob McVey moved to amend the motion to suspend the Tanner crab implementing regulations only. The motion was seconded by Russ Cahill and carried 8-3 with Collinsworth, Mitchell and Winther voting no.

The main motion, as amended, was approved 10-1 with Collinsworth voting no.

(b) Review status of King Crab FMP.

The Bering Sea/Aleutian Islands King Crab FMP was approved with final implementing regulations on December 2, 1984. However, no fishery regulations have been approved and the Governor has not yet accepted the delegation of management authority. The Board of Fisheries has been reviewing the issues surrounding acceptance of the federal delegation of authority over the past few months, including budgetary constraints and the need for revision of state regulations to make them consistent with the FMP and National Standards.

Don Collinsworth told the Council that he has met with the Governor to outline the delegation of authority for the State to manage king crab under the new FMP. The cost of assuming this management authority is of concern to the State and no decision will be made until after the budget projections are completed. They also have some concern with some of the provisions in the new plan. Some of the principles have been changed since the original concept was developed and the Commissioner feels that some of the authority of the Regional Director and the guidelines under which the Board would manage go beyond what he thinks is necessary. It is essential for managers to be able to respond to the fishery in a timely manner and under the proposed regulations he's not sure which state regulations will be acceptable and which ones will not. He thinks that perhaps the King Crab FMP should be suspended

the Board questioned whether the state should be involved in a major crisis management at all.

Public Testimony on Crisis Management is found in Appendix I to these minutes.

COMMITTEE REPORTS AND ACTIONS

The Council agreed that there are problems with the current "Senior Crisis Staff" but were concerned about the resources required for a complete rewrite. They noted that they would prefer that the plan be amended, not withdrawn at this time. In the interim the Board could be asked to request the library under a joint operating agreement. He suggested that only the regulations be withdrawn at this time.

Dr. Colthorpe said that he thinks there is unnecessary duplication in management of the library and that if the state can manage the library effectively during a plan crisis, then they could manage it effectively on a permanent basis.

The Colthorpe report to suggest the Senior Crisis Staff and develop a joint statement of intent with the state for management of the library as an interim measure. The plan would then be developed for management of the library for public review and an amendment to the plan developed for implementation in 1987 or 1988. The motion was seconded by John Peterson.

John Peterson moved to amend the motion to suggest the formation of an implementing committee only. The motion was seconded by Russ Callin and carried 8-3 with Colthorpe, Mitchell and Wilson voting no.

The main motion as amended, was approved 10-1 with Colthorpe voting no.

(4) Review status of the Crisis Staff

The "Senior Crisis Staff" was approved with the implementation regulations on December 2, 1985. However, no library regulations have been approved and the Governor has not accepted the delegation of management authority. The Board of Education has been reviewing the issues surrounding acceptance of the federal delegation of authority over the past few months, including budgetary constraints and the need for revision of state regulations to make them consistent with the EOP and National Standards.

Dr. Colthorpe told the Council that he has met with the Governor to outline the delegation of authority for the Board to manage the crisis under the new EOP. The cost of assuming this management authority is of concern to the Board and no decision will be made until after the budget projections are completed. They also have some concern with some of the provisions in the new plan. Some of the principles have been changed since the original concept was developed and the Commissioner feels that some of the authority of the National Director and the guidelines under which the Board would manage go beyond what is necessary. It is essential for managers to be able to operate in the library in a timely manner and under the proposed regulations will be acceptable and which regulations will be suggested. He stated that neither the King Crisis Staff nor the suggested

and the fishery managed under a joint statement of principles. He's not sure that the State can accept the authority under the King Crab FMP.

(c) Review Shellfish Proposals

Steve Davis reviewed the shellfish proposals which, if approved by the Board, would require FMP amendment.

Board of Fisheries/Teleconference

Beth Stewart reviewed Board actions on shellfish proposals. The Board changed the Tanner crab season to open on January 15 rather than November 1. The Board also amended proposal #60 to require two escape rings of 4-3/4" within 8" of the bottom of the pot, rather than 12"; this would be effective as of 6/1/87. Proposal #77, adopted by the Board, split the Yakutat and Southeast portions of Area A registration areas into two areas. The Board also voted to require that pots may not be stored in the Northern subdistrict of the Bering Sea.

COUNCIL DISCUSSION AND ACTION

No Council action was required at this time. Board actions requiring FMP amendment would be incorporated into the Tanner Crab FMP revision.

(d) Seattle King Crab Hearing

Because of poor participation and rising costs, it has been suggested that the annual crab hearing in Seattle be made discretionary rather than mandatory under the plan.

Board of Fisheries/Teleconference

The Board's position is that the Seattle hearings should be held on an as-needed basis, i.e., discretionary rather than mandatory. The timing of the hearings has been a problem as many fishermen are unable to attend during March; also, many of those who attend and testify at the hearings also attend BOF and Council meetings and testify again on the same issues. The Board recommended that an alternative would be to hold the hearings through teleconferencing to reduce costs.

COUNCIL DISCUSSION AND ACTION

After hearing public testimony and the Board's recommendations, the Council decided that the annual public hearing should be retained. However, in order to reduce costs, the hearings may be held by teleconference in the future.

D-3 Gulf of Alaska FMP

(a) Review status of regulatory amendments and emergency rule closures.

At the January meeting the Council approved development and implementation of two regulatory amendments to address the management of fully U.S.-utilized groundfish species. The first amendment would authorize NMFS to declare a species as "prohibited" once its OY has been reached. This measure would

and the Fishery Board under a future statement of principles. He also said that the State can accept the authority under the Fishery Board.

(c) Review of the Fishery Board

Steve Lewis reviewed the Fishery Board proposals which he approved by the Board. He would mention the Board's proposals.

Board of Fisheries/Alaska

Paul Brown reviewed Board actions on Fishery proposals. The Board changed the Board's position to support the Board's proposal on January 15 rather than November 1. The Board also amended proposal 180 to require two separate types of A-2A's within 24 hours of the date of the proposal rather than 12; this would be effective on 6/1/88. Proposal 181, adopted by the Board, calls for the Board to conduct a study of Area A regulatory areas into two areas. The Board also voted to require that data may not be stored in the Northern subdistrict of the Board. See.

COUNCIL DISCUSSION AND ACTION

The Council action was reviewed at this time. Board actions regarding the Board's proposal would be incorporated into the Board's proposal.

(d) Review of the Fishery Board

Because of poor participation and voting record, it has been suggested that the Board's proposal be reviewed by the Board rather than the Council under the Board.

Board of Fisheries/Alaska

The Board's position is that the Board's proposal should be held on an as-needed basis, i.e., discretionary rather than mandatory. The timing of the Board's proposal has been a problem as many fishermen are unable to attend during March; also, many of those who attend and testify at the hearings also attend BOF and Council meetings and testify again on the same issues. The Board recommended that an alternative would be to hold the hearings through teleconferencing to reduce costs.

COUNCIL DISCUSSION AND ACTION

After hearing public testimony and the Board's recommendations, the Council decided that the annual public hearing should be retained. However, in order to reduce costs, the hearings may be held by teleconferencing in the future.

1-3 Bill of Alaska FWP

(a) Review status of regulatory amendments and emergency rule changes.

At the January meeting the Council approved development and implementation of two regulatory amendments to address the management of July 1st-31st regulated species. The final amendment would authorize BOF to develop a "prohibited" zone that it has been reached. This measure would

Minutes
Council Meeting
March 1986

allow fisheries targeting on other groundfish species to continue if their bycatch of prohibited species was expected to be low. It would also authorize NMFS to close down or limit fisheries targeting on other species to prevent overfishing of the prohibited species.

A second regulatory amendment was approved to allow the Regional Director to declare sablefish a "non-target species" for a particular gear type before its total share was reached. This approach would provide fishermen sufficient sablefish bycatch to support directed fishing on other species. The amendment packages are currently undergoing final review by the Regional Office prior to submission to the Secretary.

Pat Travers, NOAA General Counsel, told the Council that since this amendment is the subject of a lawsuit that any discussion should be held in executive session.

Groundfish Trawl Closures Around Kodiak

Based on a joint ADF&G and NMFS study which identified sensitive king crab areas around Kodiak Island, the Council in January approved an emergency rule closing the Chirikof Island, Alitak Flats, Towers, Barnabus and Marmot Flats areas to hard-on bottom trawling during the period February 15 through June 15, 1986. This closure encompasses 80-90% of the known female king crab stocks and is intended to protect crab during their soft shell, reproduction period. The emergency rule is now in effect and will expire on June 15, 1986.

The Board of Fisheries voted to close the Barnabas and Alitak areas on a year-round basis thus creating conflicting federal and state regulations. The Board asked the Council to consider closing the areas year round to protect the red king crab stocks.

The Council discussed this request. Don Collinsworth pointed out that during the teleconference ADF&G staff mentioned there will be additional data that might help determine whether the additional closure is necessary. It was pointed out that, under the emergency rule, the Council could not extend the closure to the end of the year even if they wanted to. The Council decided not to change their decision for closure from February 15-June 15, 1986.

The Council once again discussed the need for an industry workgroup to work on both short-term and long-term solutions to the bycatch problems around Kodiak. It was decided that the Council will facilitate the formation of a workgroup and provide staff support, but expenses of the members would have to be borne by the participants. Ron Dearborn, Director of the Alaska Sea Grant College Program, agreed to chair the Committee.

(b) Review of GOA FMP Draft Goals & Objectives and Progress on Plan Rewrite.

Sara Hemphill presented the workgroup's draft goals and objectives for managing the Gulf of Alaska groundfish fisheries. There was Council discussion on wording of some of the objectives. It was pointed out that the Plan Team needs general goals and objectives to proceed with the plan rewrite and that these will not necessarily be the final goals and objectives. The plan, along with the goals and objectives, will be subject to Council review at the June meeting and then will be sent out for public review.

allow fisheries targeting on other groundfish species to continue if their hydraulic or prohibited species are expected to be low. It would also authorize the Council to allow fisheries targeting on other species to proceed to prevent over-exploitation of the prohibited species.

A second regulatory amendment was approved to allow the Federal Director to determine whether a "prohibited species" for a particular gear type before the local area was needed. This approach would provide fisheries sufficient flexibility to target prohibited fisheries on other species. The amendment authorized the Council to request additional information on other species. The amendment was submitted to the Secretary.

Pat Travers, NOAA General Counsel, told the Council that since this amendment is the subject of a lawsuit that any discussion should be held in executive session.

Groundfish Final Closure Areas Study

Based on a final ADFG and NOAA study which identified essential fishing areas from a study held in January, the Council in January approved an emergency rule to close the Chukchi Sea, Bering Sea, and Eastern Bering Sea to part-time fishing during the period February 15 through June 15, 1976. This closure encompasses 80-90% of the known fishing area and is intended to protect groundfish stocks until they can be rebuilt. The emergency rule is now in effect and will expire on June 15, 1976.

The Board of Fisheries voted to close the Bering and Chukchi Seas on a year-round basis this morning. The Board also voted to extend the emergency rule to protect the red king crab stocks.

The Council discussed the emergency rule. Don Collier pointed out that during the teleconference ADFG staff mentioned there will be additional areas that might be determined whether the additional closure is necessary. It was pointed out that, under the emergency rule, the Council could not extend the closure to the end of the year even if they wanted to. The Council decided not to change this resolution for closure from February 15-June 15, 1976.

The Council once again discussed the need for an industry workshop to work on both short-term and long-term solutions to the groundfish problem around Kodiak. It was decided that the Council will facilitate the formation of a workshop and provide staff support, but members of the workshop would have to be invited by the participants. Don Westcott, Director of the Alaska Sea Grant College Program, agreed to chair the workshop.

(b) Review of 50A and 50B Plans & Objectives and Progress on Plan Revision

Don Westcott presented the workshop's draft goals and objectives for revising the 50A and 50B plans. There was Council discussion on working on some of the objectives. It was pointed out that the Plan Team needs general goals and objectives to proceed with the plan revision. The plan team will not necessarily be the final goals and objectives. The plan team with the goals and objectives will be subject to Council review at the time meeting and then will be sent out for public review.

Steve Davis reviewed the working draft of the operational sections of the Gulf of Alaska FMP for the Council.

Report of the Scientific and Statistical Committee

The SSC urged the Gulf and Bering Sea Plan Teams to adopt similar terminology and management approaches for both plans. Specific comments on the various parts of the draft plan, including the objectives, were passed on to the Plan Team.

Report of the Advisory Panel

The AP requested that a thorough annotation of the goals and objectives be provided before the draft FMP is sent out for public review and that the AP and Council be provided with written legal comments on the draft FMP from NOAA prior to the June meeting.

COUNCIL DISCUSSION AND ACTION

John Harville complimented staff for their work and interaction with the Gulf of Alaska FMP workgroup.

Sara Hemphill moved to accept the draft goals and objectives as presented for the purpose of further plan development. The motion was seconded by John Winther and carried with no objection. Henry Mitchell and Bob Mace were not present for this vote.

D-4 Bering Sea/Aleutian Islands Groundfish FMP

At the January meeting the Council asked for a report on fishing activity in the "donut hole." Dr. Low of the Northwest and Alaska Fisheries Center reported the following: Most of the available data comes from the observer program. As recently as 1979 little was known about the distribution of pollock in the Bering Sea during the winter months. Beginning in 1982 there were some observers on foreign vessels fishing the area even though they were not required. Between 1984 and 1986 we knew there were up to 100 to 120 ships fishing the area, but did not know the number of days spent fishing the area or much information on the catch composition. This year the People's Republic of China is reporting on their catches on a weekly basis. Catches which observers were able to document were: 1982 - 500 mt of fish taken in eight days, or about 61 mt per day; 1983 - 2,000 mt, or about 60 mt per day; 1984: 42,500 mt, about 71 mt per day; 1985: 22,666, or about 60 mt per day. In 1986, from indirect reports, the catch rate has been varying between 60 and 70 mt per day. They have reports that it would be easy to catch 100+ tons per day but they are limited by the amount of fish that can be processed.

It is feasible for many vessels to make an entire trip in the Eastern Bering Sea donut area and not have to come into the U.S. zone. When the U.S. releases only a small amount of fish to foreign governments at the beginning of the year they have no where to go so they stay in the international zone as long as they can. As a result they have no need to come into the U.S. zone and pick up observers. This pattern will reduce data gathered by observers.

Steve Davis reviewed the working draft of the operational sections of the Gulf of Alaska MMP for the Council.

Report of the Scientific and Statistical Committee

The SSC urged the Gulf and Bering Sea Plan Teams to adopt similar terminology and management approaches for both plans. Scientific committees on the various parts of the draft plan, including the objectives, were passed on to the Plan Team.

Report of the Advisory Panel

The AP requested that a thorough annotation of the goals and objectives be provided before the draft MMP is sent out for public review and that the AP and Council be provided with written local comments on the draft MMP from FOAA prior to the June meeting.

COUNCIL DISCUSSION AND ACTION

John Hawville complimented staff for their work and interaction with the Gulf of Alaska MMP workshop.

Paul Hemphill moved to accept the draft goals and objectives as presented for the purpose of further plan development. The motion was seconded by John Hawville and carried with no objection. Jerry Mitchell and Bob Mac were not present for this vote.

Re-Bering Sea/Alutian Islands Groundfish MMP

At the January meeting the Council asked for a report on habitat activity in the "honey hole" area of the Bering Sea and Alaska Tidal Flats. The report reported the following: Most of the available data comes from the observer program. As recently as 1979 little was known about the distribution of gullfish in the Bering Sea during the winter months. Observing in 1979 there were some observations on foreign vessels fishing the area even though they were not required. Between 1974 and 1978 we know there were up to 100 to 200 ships fishing the area, but did not know the number of days spent fishing the area or much information on the catch composition. This year the Pacific Fisheries of China is reporting on their catches on a weekly basis. Catches which observers were able to document were: 1982 - 700 mt of fish taken in eight days, or that is at per day; 1983 - 2,000 mt, or about 60 mt per day; 1984 - 23,500 mt, about 71 mt per day; 1985 - 92,000 mt, or about 60 mt per day. In 1986, from indirect reports, the catch rate had been varying between 60 and 70 mt per day. They have reported that it would be easy to catch 100+ tons per day but they are limited by the amount of fish that can be processed.

It is feasible for our vessels to make an entire trip to the Bering Bering Sea about once and not have to come into the U.S. zone. Under the U.S. fisheries only a small amount of fish is foreign government at the beginning of the year they have no choice to do so they stay in the international zone as long as they can. As a result they have no need to come into the U.S. zone and pick up observers. This pattern will reduce data gathered by observers.

Minutes
Council Meeting
March 1986

They believe the fish tend to move from east to west. More than 92% of the catch is in the 40-52 cm size range, very large pollock, about age 6-10, generally not characteristic of the pollock found throughout the Eastern Bering Sea. Most of the older pollock in the Eastern Bering Sea tend to move out into the Aleutian Basin area, perhaps concentrating during the spawning season toward the donut area and Unimak Pass area.

Dr. Low presented graphs showing the concentration of pollock is large toward the southeastern and southern part of the zone.

(a) Status of single species closure amendment (Information Only).

At the December meeting the Council received a proposal from the NMFS Regional Office to implement a Secretarial regulatory amendment which would allow single species closures in both the Bering Sea and Gulf of Alaska. This will allow the Regional Director to close directed fishing for any species when TAC is reached, but fisheries which take that species as bycatch will be allowed to continue. No retention will be allowed after the directed fisheries are closed. No schedule has been established for completion of the amendment; it will be started as soon as staff time is available.

(b) Amendment 10 Package.

The Council was provided with the draft EA/RIR/IRFA for the proposed Amendment 10 to the Bering Sea/Aleutian Islands FMP.

Report of the Scientific and Statistical Committee

(Complete SSC minutes are attached as Appendix II)

Rule 1 - Authorize Reallocation within the DAH. The SSC provided the Team with editorial comments and discussed the areas where the analysis could be clarified. They recommended that it be released for public review after those clarifications.

Rule 2 - Authorize the Secretary of Commerce to Adjust Harvest Levels and Seasons for Conservation Reasons through Time and Area Closures by Rule-related notice. The SSC recognized the need for this amendment to allow the Regional Director the ability to carry out timely management, however they did have concerns about how the public might perceive this proposal as now drafted. They felt there is a need for a more thorough development of the conditions under which the Regional Director could exercise this authority. The SSC recommended major changes to the Plan Team and proposed that the rule, when modified, be released for public review.

Rule 3 - Establish Measures to Limit Bycatch of Prohibited Species by U.S. Fishermen. The SSC had extensive discussion with the Team on this proposed rule and alternatives and some major concerns were voiced. The SSC was unable to recommend release for public review without extensive modification and further review by the SSC.

Rule 4 - Establish measures to limit bycatches of fully-U.S. utilized species by DAP, JVP, and TALFF. The SSC was concerned with the direction this proposed rule is moving, that of single species management for groundfish in

They believe the fish tend to come from east to west. More than 92% of the catch is in the 40-50 mile range, very large pellock, about age 6-10, generally not observed in the pellock bands throughout the season being sea. Most of the older pellock in the Eastern Bering Sea tend to move out into the Aleutian Basin area, perhaps concentrating during the spawning season toward the demersal area and Indian Pass area.

For low pressure periods along the concentration of pellock is large toward the southward and eastern part of the zone.

(c) Study of Alaska species closure amendment (Information only)

At the December meeting the Council received a proposal from the Alaska Department of Fish and Game to amend the regulatory framework which would allow a study of the Federal Director to close directed fishing for any species other than the closed, but fisheries which take their species as bycatch will be allowed to continue. No retention will be allowed other than the directed fisheries are closed. No schedule has been established for completion of the amendment. It will be studied as soon as data is available.

(d) Amendment 11 Task Force

The Council was provided with the draft FAVORABLE Amendment 11 to the Bering Sea Fisheries Regulations.

Report of the Scientific and Statistical Committee

Appendix 220 minutes are attached as Appendix 11.

Item 1 - Authorize Legislation within the BSA. The SSC provide the Team with editorial comments and discussed the areas where the analysis could be clarified. They recommended that it be released for public review after those clarifications.

Item 2 - Authorize the Secretary of Commerce to adjust harvest levels and measures for Conservation Measures through TAC and Area closures by Public Release Notice. The SSC requested the Team for this amendment to allow the Federal Director the ability to carry out timely management, however they did have concerns about how the public might perceive this proposal as not directed. They felt there is a need for a more thorough development of the conditions under which the Federal Director could exercise this authority. The SSC recommended action change to the Team and proposed that the rule, when needed, be released for public review.

Item 3 - Revised measures to limit harvest of Excluded Species by U.S. Fisherman. The SSC had extensive discussion with the Team on this proposal and alternatives and some minor concerns were noted. The SSC was unable to recommend release for public review without extensive clarification and further review by the SSC.

Item 4 - Revised measures to limit harvest of July-18, 1988 limited species by BSA, LVI, and TALLE. The SSC was concerned with the direction this proposal will be given, that of single species assessment for groundfish in

the Bering Sea and Aleutians. In light of those concerns they were unable to recommend release for public review at this time.

Rule 5 - Establish priority access to important stocks for U.S. fish processors through the use of time and area closures.

The SSC noted that the document does not lay out the nature of the problem that the rule is proposed to address. The SSC feels that the Council already has the ability to provide priority access within the plan. Because of this concern, the SSC could not recommend this rule be sent out for public review.

Report of the Advisory Panel

The Advisory Panel recommended Amendment 10 be sent out for public review.

COUNCIL DISCUSSION AND ACTION

The Council discussed the SSC's recommendations and asked whether the Plan Team could accomplish the recommended changes and still send the document out for review prior to the June meeting. Jim Glock said that it might be difficult to revise the document as requested by the SSC. John Harville said that he agreed with the SSC that Rules 3 and 4 could be combined; he also felt that it would be better to delay sending the document out rather than send out something that would not be fully understood by reviewers. He also suggested that the document could be sent out with a cover letter fully explaining the areas which might cause confusion.

Henry Mitchell moved to send Amendment 10 out for public review after staff has edited the document and clarified the problem areas and prepared a cover letter outlining Council concerns. The cover letter should point out that the alternatives are not mutually exclusive and that the Council has the option to adopt one of the alternatives in the document or others which may be proposed during the public review period. The motion was seconded by Russ Cahill.

Bob Mace moved to amend the motion to exclude Alternatives 3 & 4 from Rule 3. The motion was seconded by John Winther and carried with Don Collinsworth objecting.

The main motion carried, as amended, 8-3, with Hemphill, R. Petersen, and J. Peterson objecting.

After further discussion, Oscar Dyson moved to reconsider the motion to approve Amendment 10 for public review. The motion to reconsider was seconded by Henry Mitchell and carried with no objection. Bob Mace was absent for this vote.

Don Collinsworth moved to amend the original motion to include Alternatives 3 and 4 under Rule 3. The motion to amend was seconded by Russ Cahill and carried with no objection. Bob Mace was absent for this vote.

the Board and Alexander. In light of those concerns they were unable to recommend release for public review at this time.

July 2 - Reaffirmed priority access to important records for U.S. 750
proceedings through the use of time and area releases.

The Board noted that the document does not lay out the nature of the studies that the title is proposed to undergo. The Board feels that the Council already has the ability to provide priority access within the plan. Because of this concern, the Board could not recommend this title for public review.

Report of the Advisory Panel

The Advisory Panel recommended Amendment 10 be sent out for public review.

GOVERNOR HUTCHINSON AND ACTION

The Council discussed the Board's recommendations and asked whether the plan team could accomplish the recommended changes and still send the document out for review prior to the June meeting. The Board said that in light of the difficulty to review the document as recommended by the Board, John Parvillie said that he agreed with the Board that it could be completed. He also said that it would be better to delay sending the document out rather than send out something that would not be fully understood by reviewers. He also suggested that the document could be sent out with a cover letter fully explaining the areas which might cause confusion.

Henry Mitchell moved to send Amendment 10 out for public review after staff had edited the document and checked the public areas and prepared a cover letter outlining Council concerns. The cover letter should point out that the alternatives are not mutually exclusive and that the Council had the option to adopt one of the alternatives in the document or others which may be proposed during the public review period. The motion was seconded by Russ Cahill.

Rob Maco moved to amend the motion to exclude Alternatives 3 & 4 from Rule 2. The motion was seconded by John Wainbow and carried with Don Collingworth's objection.

The main motion carried as amended, 6-3, with Wainbow, R. Peterson, and Peterson objecting.

After further discussion, Carol Byron moved to reconsider the motion to approve Amendment 10 for public review. The motion to reconsider was seconded by Henry Mitchell and carried with no objection. Rob Maco was absent for this vote.

Don Collingworth moved to amend the original motion to include Alternatives 3 and 4 under Rule 2. The motion to amend was seconded by Russ Cahill and carried with no objection. Rob Maco was absent for this vote.

(c) Reconsideration of Tanner Crab Bycatch Limits on Yellowfin Sole/Flounder Trawl Fisheries.

In evaluating the Council's January action on crab bycatch limits in the Bering Sea, NMFS encountered several problems in developing the emergency rule. NMFS' emergency rule differs from the Council's action in the following ways:

- (1) All reference to and requirements for halibut bycatches are omitted;
- (2) only trawl fisheries and Tanner crab fisheries are excluded from the closed area;
- (3) No king crab PSC limit is set for the area north of 58°N and west of 165°W;
- (4) observers on DAP vessels are not required east of 160°W; and
- (5) the Tanner crab PSC limit is held in abeyance until confirmed at this meeting.

It was learned later in the meeting that the observer requirement for Pacific cod trawlers between 160°W and 162°W in waters less than 25 fathoms was a problem. This is covered under the "Council Discussion and Action" section of this agenda item.

During NMFS' evaluation it was discovered that the Council developed the Tanner crab cap at the January meeting based on an incorrect percentage. The average proportion of the trawl bycatch composed of C. bairdi and that composed of C. opilio were transposed. Using the incorrect percentage, the Council imposed a cap of 320,000 bairdi for 1986. If the correct percentage had been used, the cap would have been 542,430. There was some concern that this figure would not be consistent with the Council's intent to significantly reduce the bycatch of this species in 1986.

Report of the Scientific and Statistical Committee

The SSC attempted to determine if any information was available that would indicate how a bycatch of up to 542,000 C. bairdi would affect the stock. Dr. Robert Otto, NWAFC, indicated that it would be difficult to discern the effect of a bycatch of this magnitude on the stock. The SSC feels that the current status of the C. bairdi stock warrants a conservative approach to management.

Report of the Advisory Panel

After some discussion, the Advisory Panel deferred action pending the results of an industry workgroup composed of: Larry Cotter, Barry Fisher, Cameron Sharick, Rich White, Ted Evans, Pete Isleib, Arni Thompson and Bill Woods.

Public Testimony

John Bruce, Deep Sea Fishermen's Union, said that if the yellowfin sole fisheries are allowed to continue in this area of the Bering Sea it will be devastating to halibut stocks eight or ten years from now. The longliners have recognized the value of these stocks and have not fished in these critical areas for 20 years. The crab industry is also not allowed to fish

(c) Recalculation of January 1987 Budget Limits on Yellowfin Trawl Fisheries

In evaluating the Council's January 1987 budget limits on the trawl fisheries, the Council's January 1987 budget limits on the trawl fisheries were evaluated. The Council's January 1987 budget limits on the trawl fisheries were evaluated. The Council's January 1987 budget limits on the trawl fisheries were evaluated.

(1) All reference to and requirements for habitat fisheries are omitted;

(2) Only trawl fisheries and January 1987 fisheries are excluded from the closed areas;

(3) No fishery exists north of the area north of 58° and west of 155°W;

(4) Fisheries on IAT vessels are not required east of 150°W.

(5) The January 1987 budget limits are held in place until confirmed at this meeting.

It was learned later in the meeting that the observation equipment for Pacific halibut was not working. The Council's January 1987 budget limits on the trawl fisheries were evaluated. The Council's January 1987 budget limits on the trawl fisheries were evaluated.

During 1987, evaluation of the Council's January 1987 budget limits on the trawl fisheries was based on an industry assessment. The Council's January 1987 budget limits on the trawl fisheries were evaluated. The Council's January 1987 budget limits on the trawl fisheries were evaluated.

Report of the Fisheries and Biological Committee

The Committee is pleased to determine that the information was available that would indicate how a budget of up to \$21,000,000 could be allocated to the effort of a budget of this magnitude on the stock. The Committee is pleased that the current status of the O. tshawytscha stock warrants a conservative approach to management.

Report of the Advisory Panel

After some discussion, the Advisory Panel delivered a report regarding the results of an industry workshop composed of Larry Gortner, Barry Fisher, Cameron Shattuck, Rich Miller, Ted Evans, Pete Tellez, Ann Thompson and Bill Woods.

Public Testimony

John Bruce, Head of the Alaska Fishermen's Union, said that in the yellowfin sole fisheries are allowed to continue in this area of the Bering Sea it will be devastating to habitat stocks and have not fished in these areas for 20 years. The crab industry is also not allowed to fish

the area, yet the trawlers are allowed to take enormous amounts of bycatch. He supports current bycatch caps.

Bert Larkins, Marine Resources Co., Int'l, said he is not sure how the new regulations will affect their fleet. In January he thought that they could live with the cap of 320,000 crab but on further examination, they may have problems. They are going to have to be in areas where there may be more bairdi in order to avoid the king crab areas. A cap of 540,000 crab will probably prevent them from harvesting as much yellowfin sole and flounders as they did last year.

Bill Woods, Sea Alaska Products, read a letter into the record which encouraged the Council to favor conservation measures for both bairdi Tanner and red king crab pending the results of the NMFS research on the extent of damage done to crab stocks by trawl gear.

Ron Peterson, Coalition of Concerned Crab Fishermen, said he doesn't understand why, when the directed crab fishermen are shut down, the Council is considering raising bycatch caps on foreign joint venture fisheries. The MFCMA requires priority for domestic fishermen.

Arni Thomson, Coalition of Concerned Crab Fishermen, agreed with Mr. Peterson's testimony and suggested the original Pot Sanctuary should be reestablished pending development of an EIS to determine whether or not there should be fishing there.

Report of the Industry Workgroup

The AP/industry workgroup met during Council week to develop recommendations for Council action. Complete text of the workgroup's recommendation is found in Appendix III.

Briefly, they recommended establishing three areas to control the bycatch of C. bairdi (see Appendix III) with the following caps set for JVP operations:

Zone 1 - area bounded by 165°W longitude and 58°N latitude extending east to the shore: 80,000 animals (based on an average of two animals per metric ton groundfish harvest and a harvest of 40,000 mt).

Zone 2 - area bounded by 165°W longitude, north to 58°N, then west to the intersection of 58°N and 171°W longitude, then north to 60°N, then west to 179°E longitude diagonally extending on a straight line southeast to the intersection of 167°W longitude and 54°30"N latitude, and then extending eastward along 54°30"N latitude to land: 326,000 animals (based on an average of 2.25 animals per metric ton and a harvest of 145,000 mt).

Zone 3 - remainder of the Bering Sea: no cap on the number of animals which can be taken.

A bycatch ceiling of 64,000 C. bairdi Tanner crab for the foreign fishery in the eastern Bering Sea was also recommended. The Committee also expressed the intent that a 1986 directed crab pot fishery be allowed assuming the results

The area, yet the trawlers are allowed to take enormous amounts of fish. To support current beach fishery.

For fishing, Marine Resources Co., Ltd., said he is not sure how the new regulations will affect their fleet. In January he thought that they could fish with the cap of 250,000 tons but on further consultation, they may have problems. They are going to have to be in areas where there may be more fish in order to avoid the 250,000 ton cap. A cap of 250,000 tons will probably prevent them from harvesting as much yellowtail and flounder as they did last year.

Bill Woods, Sea Alaska Products, read a letter from the Council which announced the Council's favor consultation measures for both fishery towers and the crab fishing. The results of the 1988 research on the extent of damage done to crab stocks by trawl gear.

For research, Division of Commercial and Fisheries, said he doesn't know why, when the directed crab fishery was shut down, the Council is considering other beach caps on forster fishery fisheries. The MFWA requires priority for domestic fisheries.

And Thomas, Division of Commercial and Fisheries, said with Mr. Peterson's testimony and suggested the Council for research should be established regarding development of an FIS to determine whether or not there should be fishing there.

Report of the Industry Workshop

The AT/industry workshop was during Council's last developer consultation for Council's research. Complete text of the workshop's recommendations is found in Appendix III.

Initially, they recommended establishing three areas to control the harvest of C. taylori (see Appendix III) with the following caps set for 1988 operations:

Zone 1 - area bounded by 147°W longitude and 58°N latitude extending east to the shore; 20,000 animals (based on an average of 40 animals per meter) the potential harvest and a harvest of 40,000 mt.

Zone 2 - area bounded by 147°W longitude, north to 58°N, then west to the intersection of 58°N and 171°W longitude. The north to 58°N, then west to 171°W longitude (ignoring extension on a straight line) adjacent to the intersection of 147°W longitude and 58°N latitude, and then extending eastward along 58°N latitude to 147°W longitude and a harvest of (based on an average of 2.25 animals per meter) and a harvest of 147,000 mt.

Zone 3 - remainder of the fishing gear; no cap on the number of animals which can be taken.

A beach cap of 60,000 C. taylori towers and for the forster fishery. The eastern fishing gear was also recommended. The Council also expressed the intent that a 1988 directed crab fishery be allowed assuming the results

Minutes
Council Meeting
March 1986

of the NMFS summer trawl survey establish a bairdi population greater than or equal to the population assumed by the Committee (approximately 72 million).

COUNCIL DISCUSSION AND ACTION

Bob McVey said he had some concern about major changes in the emergency rule at this point. There may be a problem with having it in place before the season begins. During discussion it was suggested that NMFS could go ahead with incorporating the AP's suggestions into the emergency order and ask joint venture operations to abide by the guidelines before they are actually in place. Don Collinsworth suggested that perhaps they could proceed with the emergency rule focusing on king crab and then follow up with the bairdi regulations as soon as possible. Mr. McVey said he thought this would be a good way to proceed.

Bob Mace moved to approve the recommendations of the AP/industry workgroup. The motion was seconded by Rudy Petersen and, there being no objection, it was so ordered.

Later discussion clarified that the Council agreed to Mr. Collinsworth's suggestion to proceed on the king crab regulations and follow up with the bairdi portion as soon as possible.

Mr. McVey said there is still a problem with monitoring on a tow-by-tow basis. Bob Mace pointed out that the Council will take special notice of the performance of joint ventures during their review in December. Bert Larkins of Marine Resources said they would abide by the anticipated closures and caps prior to their becoming regulations.

John Harville complimented and thanked the AP/industry workgroup participants for their work in developing the recommendations for the Council.

The Council was advised by Bob McVey that the provision for observers on domestic cod trawlers fishing in waters less than 25 fathoms in the Bering Sea emergency rule is a problem. If the observer program is mandated in federal regulations, regardless of the funding situation, the potential would still be there for a trawler to want to fish in that area, be willing to take an observer, but have no funding available to pay the observers and, because it would be mandated, the federal government would have an obligation to pay the observers and they (NMFS) are not in a position to accept that kind of liability at this time. If the federal government were willing to fund this particular program, then it would set a precedent for other Councils and NMFS cannot commit to this. Also, he is not sure they have the budget authority to expend funds on an observer program of this kind because funds haven't been appropriated for that purpose. In addition, there is another aspect - there was an exchange of correspondence between the NMFS and the House Merchant Marine & Fisheries Committee raising a number of issues, including observer liability, and the result is that before NMFS could proceed with a domestic observer program there would have to be consultations in Washington.

In the meantime, Mr. McVey asked for Council advice on whether to close that area shallower than 25 fathoms if observers cannot be required. The Council's original intent was, in the absence of an observer program, that area would be closed to cod trawling.

There was some concern among Council members about closing out domestic fishermen, however they felt that they should stand by their original intent to close the area to fishing without observers.

John Winther said that if domestic fishermen agreed to take an observer aboard and pay the costs, then they should be able to fish. Rudy Petersen said that industry should have the option, not just be closed down, but that they should be provided with some information on observer costs so that they can make a decision whether or not they could take an observer aboard. Bob McVey said that the estimate they have developed is approximately \$5,000 per man month plus liability insurance costs.

Henry Mitchell moved that the Council reaffirm their original intent that the area be closed if observers cannot be required. John Winther seconded the motion and, there being no objection, it was so ordered. Bob Mace was not present for this vote.

Council members agreed that an domestic observer program should have a very high priority and that the Council should assist the Regional Director in any way possible to convince the Central Office of their intent and the rationale behind it.

Henry Mitchell said that the MFCMA should include a provision for a domestic observer program stating that the cost would be borne by industry.

It was also pointed out the Council's action to require observers in the area east of 160° is not included in the emergency order. Bob McVey said that in this area the main reason for observers would have been to check on halibut incidental catches and since they were unable to include the halibut PSC, there would be no need for observers in that area. Council members were concerned because their intent was to have observers, not just for halibut, but for crab too. They reaffirmed their intent in the original motion for the emergency order, there should be no fishing in that area unless an NMFS-approved observer is aboard.

(d) Develop recommendations to NMFS on when to close directed sablefish fishing in the Bering Sea in order to leave enough for bycatches.

The DAP sablefish catch as of March 13 was at least 962 mt, over half of the annual DAP of 1,826 mt. If this catch rate continues DAP will be reached by June 1. If the single-species closure amendment has been implemented by that time the Regional Director will be authorized to close the directed fishery. The Council discussed at what point the fishery should be closed to ensure that adequate amounts of bycatch remain.

Report of the Scientific and Statistical Committee

Given the current condition of this stock and the fact that the stock in this management area is at the northern end of its distribution, the SSC felt that setting the exploitation rate in the vicinity of 23%, the rate indicated in the RAD for a healthy stock, may not be prudent. In the Gulf the exploitation rate has been set at about 10% over the last several years. Based on experience in the Gulf, the SSC felt an exploitation rate approaching 8% for the Bering Sea would not be a source of concern. This means that the Council

There was some concern among Council members about closing our domestic fisheries, however they felt that they should stand by their original intent to close the area to fishing without observation.

John Winkler said that if domestic fishermen agreed to take an observer aboard and pay the costs, then they should be able to fish. Rudy Peterson said that industry should have the option, not just be closed down, but that they should be provided with some information on observer costs so that they can make a decision whether or not they could take an observer aboard. Bob May said that the estimate they have developed is approximately \$5,000 per month plus light for insurance costs.

Henry Mitchell moved that the Council revisit their original intent that the area be closed to observers cannot be required. John Winkler seconded the motion and there being no objection, it was so ordered. Bob May was absent for this vote.

Council members agreed that an observer program should have a very high priority and that the Council should assist the Regional Director in any way possible in conducting the Central Office of their intent and the rationale behind it.

Henry Mitchell said that the NW A should include a provision for a domestic observer program stating that the cost would be borne by industry.

It was also pointed out that the Council's action to require observers in the area east of 160° is not included in the emergency order. Bob May said that in this area the main reason for observers would have been to check on halibut incidental catches and also they were unable to include the halibut PSC. There would be no need for observers in that area. Council members were concerned because their intent was to have observers, not just for halibut but for crab too. They reaffirmed their intent in the original motion for the emergency order, there should be no fishing in that area unless an NMFS approved observer is aboard.

(b) Revising recommendations to NMFS on what to close attached captioned fishing in the Bering Sea in order to have enough for halibut.

The NW A attached catch as of March 13 was at least 800 mt, over half of the annual CAP of 1,500 mt. If this catch rate continues CAP will be reached by June 1. If the alpha-numeric closure amendment has been implemented by that time the Regional Director will be authorized to close the directed fishery. The Council discussed at what point the fishery should be closed to ensure that adequate amounts of bycatch remain.

Report of the Scientific and Statistical Commission

Given the current condition of fish stock and the fact that the stock in this management area is at the northern end of the distribution, the SSC felt that during the exploitation rate in the vicinity of 33%, the rate indicated in the CAP for a healthy stock, may not be prudent. In the fall the exploitation rate had been set at about 10% over the last several years. Based on experience in the fall, the SSC felt an exploitation rate approaching 33% for the Bering Sea would not be a source of concern. This means that the Council

Minutes
Council Meeting
March 1986

could advise the Regional Director to allow the total catch (both direct and bycatch) to approach 4,500 mt. The SSC suggested that the Council may want to advise the Regional Director on allocation to fisheries and gear types.

Report of the Advisory Panel

The Advisory Panel supported the SSC's recommendation.

Public Testimony

Bob Brophy, Icicle Seafoods, said that there is no doubt that the sablefish market in Japan has dropped because of the large amount of small fish on the market, provided primarily by the trawl fishery. He feels that the trawl fleet will target on sablefish after June 1.

Ted Evans, Alaska Factory Trawlers, supports the SSC's recommendation for an increase in the TAC. He suggested that the Council could set a bycatch amount and not allocate to any specific gear type.

COUNCIL DISCUSSION AND ACTION

John Winther was concerned about providing more sablefish in a market that is already depressed. Henry Mitchell felt the Council should stick to their original intent to rebuild the stocks. Bob McVey said they could allocate this amount to be caught and close the directed fishery when the TAC is taken. Then, an appropriate amount could be taken out of reserves for bycatch only.

Don Collinsworth moved to advise the Regional Director to increase the TAC from the reserve so that the fishery would continue until the June Council meeting. The Council could then reevaluate the situation (markets, prices, etc.) and provide the Regional Director with guidance at that time. Bob Mace seconded the motion which carried with Rudy Petersen and Henry Mitchell objecting. Bob McVey abstained from the vote.

Sara Hemphill expressed concern over delaying action until the June meeting because of the need for industry to plan ahead. Henry Mitchell stressed that the Council should address the question of rebuilding. He said that it will be important for the Council to have information by the June meeting on what it will take to rebuild the sablefish stocks to their former level.

E. CONTRACTS, PROPOSALS AND FINANCIAL REPORT

There were no contracts or proposals for review.

Report of the Finance Committee

The Finance Committee reviewed the results of the audit of Grants 82-ABH-22,84, 84-ABH-00007, 83-ABH-00027, 84-ABH-00035, and 85-ABH-00003 by Price Waterhouse. The audit reported that the Council is in compliance with NMFS requirements and there were no weakness noted. They had three recommendations to improve internal control and administrative efficiency, one of which was additional receipts to be included in travel claims. The Committee suggested the staff compile a list of these and present them at the June meeting for consideration. The Committee accepted the audit report.

The 1987 meeting schedule was reviewed with consideration of the funding situation for FY87. The Committee recommended that all Council meetings in 1987 be held in Anchorage and instructed the staff to submit an RFP to the major hotels in Anchorage.

COUNCIL DISCUSSION AND ACTION

Russ Cahill moved to accept the recommendations of the Finance Committee. The motion was seconded by Sara Hemphill and, there being no objection, it was so ordered. Bob Mace was not present for this vote.

Don Collinsworth moved to approve the 1987 Council meeting dates, as amended, presented in the Executive Director's report. The motion was seconded by John Winther and, there being no objection it was so ordered. Bob Mace was not present for this vote.

F. PUBLIC COMMENTS

There were no further public comments.

G. ADJOURNMENT

Chairman Campbell adjourned the meeting at 10:12 a.m. on Friday, March 21.

D-2 Public Testimony on Crab Issues

Oliver Holm, Kodiak Longliners Association, recommend state management of the Tanner crab fisheries under a joint statement of principles with the Council. They are not satisfied to operate under the current bureaucratic system which causes delays and uncertainty. There is also much confusion to fishermen having to operate under two sets of regulations.

Morris Hansen, F/V Monarch, member of the Coalition of Concerned Crab Fishermen, supports closures to protect crab stocks around Kodiak and conservation of the Bering Sea king crab stocks. He does not think current measures are strong enough to protect crab stocks. He favors restoring the original Bering Sea Pot Sanctuary. Recommends suspending hard-on bottom trawling between 165° & 160°W and South from 58°N because this area has the highest concentration of king crab.

Thorn Smith, NPFVOA, favors a mandatory Seattle king crab hearing. They support the measures the Council has taken to protect crab. In the Bering Sea, they are concerned that there is not adequate data to support some of the FCZ closures. They strongly opposes the suspension of the Tanner Crab FMP. Mr. Smith submitted a letter to the Council saying that the State discriminates against non-Alaskan fishermen.

Commissioner Collinsworth took strong exception to Mr. Smith's allegations and said such allegations should be backed up with facts.

Al Burch, Alaska Dragger Assn, thinks Council's action for closures around Kodiak in January were responsible although they included more area than his Association would have liked. If the Council decides to close the areas year-round as the Board is recommending, then he suggests that the options be studied very carefully with more data gathered to determine if there really is a need.

Dave Harville, Alaska Dragger Association, said he wanted to reinforce Mr. Burch's testimony. He also pointed out that the Board has voted to close Portlock Banks which is outside their jurisdiction. The closures that came out of the Sitka meeting were because Campbell said to come up with something until a committee could be formed to study the problem for a long-term solution. He urged the Council to form such a committee as soon as possible.

Two Public Hearings on Fish Issues

Oliver John, Fishery Resources Association, recommended that the Department of the Interior should establish a "fishery resources council" which would be responsible for the management of the fishery resources. He also recommended that the Department should establish a "fishery resources council" which would be responsible for the management of the fishery resources. He also recommended that the Department should establish a "fishery resources council" which would be responsible for the management of the fishery resources.

Monte Hansen, NW Research, member of the Council of Governmental Organizations, supports changes to protect fish stocks around Kodiak and other areas. He does not think current measures are strong enough to protect fish stocks. He favors restoring the original Bering Sea fishery. Recommendations regarding Bering Sea fishery resources are contained in the report of the Bering Sea Fishery Resources Commission.

John Smith, NWFOA, favors a mandatory 20% limit on fish catch. He also favors a mandatory 20% limit on fish catch. He also favors a mandatory 20% limit on fish catch. He also favors a mandatory 20% limit on fish catch. He also favors a mandatory 20% limit on fish catch. He also favors a mandatory 20% limit on fish catch.

Commissioner Coltrane also strongly supports the 20% limit on fish catch. He also strongly supports the 20% limit on fish catch. He also strongly supports the 20% limit on fish catch. He also strongly supports the 20% limit on fish catch. He also strongly supports the 20% limit on fish catch.

Al Smith, Alaska Fisheries Council, also favors a mandatory 20% limit on fish catch. He also favors a mandatory 20% limit on fish catch. He also favors a mandatory 20% limit on fish catch. He also favors a mandatory 20% limit on fish catch. He also favors a mandatory 20% limit on fish catch.

Dave Kessler, Alaska Fisheries Association, said he wanted to see a mandatory 20% limit on fish catch. He also wanted to see a mandatory 20% limit on fish catch. He also wanted to see a mandatory 20% limit on fish catch. He also wanted to see a mandatory 20% limit on fish catch. He also wanted to see a mandatory 20% limit on fish catch.

North Pacific Fishery Management Council

James O. Campbell, Chairman
Jim H. Branson, Executive Director

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Certified: *Donald H. Rosenberg*
Donald H. Rosenberg
Chairman

Date: 4/4/86

MINUTES

Scientific and Statistical Committee
March 17-18, 1986
Anchorage, Alaska

The Scientific and Statistical Committee met in Anchorage, Alaska on March 17-18, 1986. Members present were:

Donald Rosenberg, Chairman
Richard Marasco, Vice Chairman
Bill Aron
Don Bevan
John Burns
Bud Burgner

Doug Eggers
Larry Hreha
Phil Mundy
Tom Northup
Terry Quinn

D-1 Salmon FMP

The SSC briefly reviewed the document entitled "Proposal for Amending the Salmon FMP." The SSC recommended that this document be reviewed by the NMFS Regional Office, ADF&G, and the Plan Team before it is considered for release for public comment.

D-2(a) Future of the Tanner Crab FMP

The SSC received a report from Council staff that summarized Pat Travers' (NOAA General Counsel) reasons for recommending that the Council consider suspending, or possibly withdrawing, the Tanner Crab FMP. A March 17, 1986 letter from the Regional Director to the Council's Chairman was also brought to the attention of the SSC.

The Council is well aware of the SSC's concern over the current status of Tanner crab stocks. The Committee still supports its position that if the Council wishes to maintain an active role in the management of these fisheries that the plan be rewritten. In the opinion of the SSC, Alternative 2 in the Regional Director's March 17 letter represents the most viable approach to accomplishing this task.

D-3(b) Review of draft goals/objectives and FMP, Gulf of Alaska

The SSC received a presentation by the Plan Team summarizing work that has been completed on the redrafting of the FMP. After reviewing the March 1986

draft and hearing the Team's presentation, the SSC urged the Team to get together with their Bering Sea counterparts to determine the feasibility of adopting similar terminology and management approaches. The SSC passed on specific comments for various parts of the draft plan including the objectives to the Team.

D-4(b) Bering Sea/Aleutian Islands Groundfish FMP Amendment 10

The SSC reviewed the Draft Environmental Assessment and Regulatory Impact Review/Initial Regulatory Flexibility Analysis for Amendment 10 to the Bering Sea/Aleutian Islands Groundfish FMP.

The SSC compliments both the Council staff and the Team for the extensive effort and analysis that has been undertaken in developing this draft amendment in the short time available. The SSC has the following recommendations regard the specific proposals.

Rule 1 - Authorize Reallocation with the Domestic Annual Harvest (DAH)

The SSC provided the Team with editorial comment and discussed with the Team areas where the analysis could be clarified. The SSC recommended that Rule 1 be released for public review after those clarifications.

Rule 2 - Authorize the Secretary of Commerce to Adjust Harvest Levels and Seasons for Conservation Reasons through Time and Area Closures by Rule-related Notice.

The SSC recognizes the need for this amendment to allow the Regional Director the ability to carry out timely management. The SSC's major concerns were how the public might perceive this proposal as now drafted and the need for a more thorough development of the conditions under which the Regional Director would exercise this authority. The SSC was concerned that the public might perceive the amendment to be directed at daily management rather than for emergency action. In this regard we recommend the following major changes:

A. The title of the rule be changed to read: "Authorize the Secretary of Commerce to manage conservation emergencies by adjusting harvest levels and Seasons through time and area closures by rule-related notice."

B. That text be added into the proposed regulation (Alternative 2) similar to that in the Gulf of Alaska field order authority for time and area closures. Specifically, text should be added that indicates when the Regional Director will use the rule to make adjustment. Those conditions could be 1) when the condition of any component of the groundfish complex or any prohibited species is substantially different from the condition anticipated at the beginning of the fishing year; and 2) that such differences reasonably support the need for inseason conservation measures to protect groundfish or prohibited species.

The SSC provided the Team with editorial comments and discussed areas where the analysis could be clarified. The SSC feels that the modifications that we propose can be made by the Team and therefore recommend that the proposed rule, when modified, be released for public review.

Rule 3 - Establish Measures to Limit Bycatch of Prohibited Species by U.S. Fishermen.

The SSC had extensive discussion with the Team over the proposed rule and alternatives. The SSC's major concerns are as follows:

1. The description of prohibited species in the Introduction is misleading. For DAP fishermen only, halibut, salmonids, king crab and Tanner crab are "prohibited species," while the definition of "prohibited species" for JVP fishermen would be different because of additional federal regulations which prevent retention aboard a foreign vessel.

The SSC feels the introduction needs to clearly indicate which species are currently defined as "prohibited" by DAP and JVP and reference which FMP or federal regulation make them prohibited.

2. The SSC had considerable concerns with the descriptions and analysis of the various alternatives. For example, Alternative 1 (Status Quo) indicates that the current policy is to have no prohibited species catch limits for domestic fishermen. That is not exactly true since the Council already through voluntary action or emergency regulation has established such limits for the domestic fishermen. The status quo thus may better be described as to continue voluntary measures and to use emergency regulations when voluntary agreements fail. Thus the analysis of the cost and benefits for the various options which is compared to the "status quo" may not be completely accurate.

The SSC feels the Council may wish to add additional alternatives or expand the existing description. For example, Alternative 2 reads that the Council will establish PSC limits for halibut, king crab, Tanner crab and salmon. This might be better if it were to establish PSC limits in a generic way (not list the species) and include the statement "when needed." This would allow voluntary measures to be used and limits to be established when there was a conservation or allocation problem that could not be resolved by voluntary measures.

With regard to Alternative 3 and 4, which would allow retention of "prohibited species" it is noted in the document that these would require amendment to other FMP or federal regulations. The SSC believes they are not viable options as currently developed. We believe that for the public to be able to fully review those alternatives, the proposed changes to the other FMP or regulations should be included. If those modifications are not included at this time and if the Council were to adopt either 3 or 4, then a complete other review would be necessary before this rule would be implemented.

The SSC also felt that the Council should consider an alternative that would set PSC limits and bycatch rates at the start of the fishing year and determine the initial TAC for the target species based on those limits and rates. This alternative would allow the termination of the directed fishery at the initial TAC level when no inseason data on prohibited species catch is available.

The SSC also discussed the combination of this rule with Rule 4 to simplify review.

The SSC had sufficient concerns over this rule and were unable to recommend release for for public review without extensive modification and review by the SSC.

Rule 4 - Establish measures to limit bycatches of fully U.S.-utilized species by DAP, JVP, and TALFF.

As with Rule 3, the SSC was concerned that the status quo may not truly describe the "status quo." If the single species closure is implemented by Secretarial Regulatory Amendment within the next month or so, then the "status quo" is Alternative 2. The SSC felt that it might be more appropriate to undertake the cost benefit analysis using Alternative 2 as the Status Quo to which costs and benefits are compared. We also found that the analysis need addition work and review.

The SSC is very concerned as to the direction that this proposed rule is moving, that of single species management for groundfish in the Bering Sea and Aleutian Islands. In light of our concerns we are unable to recommend release for public review at this time.

The SSC believes that in the short term the Secretarial regulatory amendment could take care of the immediate concerns giving the council time to consider better approaches to these problems. We feel that in some way Rule 3 and 4 could be combined making it easier for the public to understand. We believe consideration should be given in the combined rewrite to calling these "fully utilized-retained" and "fully utilized non-retained".

Rule 5 - Establish priority access to important stocks for U.S. fish processors through the use of time and area closures.

The SSC noted that the document does not lay out the nature of the problem that the rule is proposed to address. The SSC feels that the Council already has the ability to provide priority access within the plan.

In light of the lack of information on the problem and why it can not be accomplished using the tools in the current plan, the SSC cannot recommend the rule for public review.

D-4(c) Bycatch Quota for C. Bairdi in the Bering Sea

The SSC heard a report from NMFS Regional Office staff that described the procedure used by the Council at its January meeting to calculate the 1986 bycatch cap for C. bairdi in the yellowfin sole/flounder fishery. It was apparent from the information presented, that the Council inadvertently used an incorrect percentage to disaggregate the estimated interception of Tanner crab in this fishery. Given the target bycatch rate adopted by the Council, 3 crabs/mt, it was determined that 861,000 animals would be intercepted. Applying the correct percentage, 63%, to this total would have produced a bycatch cap of about 542,000 C. bairdi. If the Council feels that the procedure used in January is still appropriate, and there is some reasons to

believe that it may not be (regional data), then the bycatch cap should be changed to reflect the use of the correct percentage to break out the total number of animals intercepted by species.

After receiving the Regional Office's report, the SSC attempted to determine if any information was available that would indicate how a bycatch of up to 542,000 C. bairdi would affect the stock. Dr. Robert Otto, NWAFC, indicated that it would be difficult to discern the effect of a bycatch of this magnitude on the stock. The SSC concurred. Nevertheless, the SSC feels that the current status of the C. bairdi stock warrants a conservative approach to management, with consideration being given to all sources of mortality, both biotic and fishery related.

D-4(d) Recommendation to NMFS on when to stop the directed sablefish harvest in order to leave sufficient bycatch for other target fisheries.

The SSC examined how the 1986 initial TAC for sablefish was developed. The 1985 RAD provided a biomass estimate of 60,700 mt for the Eastern Bering Sea. EY was developed by applying an exploitation rate of 5% to this estimate. EY was then reduced by 25%, to provide for rebuilding, resulting in an initial TAC of 2,250 mt (15% was removed to provide for the reserve but it was immediately added back in by the Council).

The RAD indicated that the exploitation rate that maximizes yield-per-recruit for a healthy stock may be as high as 23%. The yield that corresponds with this rate for 1986 is approximately 14,000 mt. It was felt that this figure could be used as the upper bound of the yield range that could be considered for the allocation of resources.

Given the current condition of this stock and the fact that the stock in this management area is at the northern end of its distribution, it is felt that setting the exploitation rate in the vicinity of 23% would not be prudent. In the GOA, over the last several years, the exploitation rate has been set at about 10%. No evidence is available that indicates that a rate of this magnitude has been harmful to the stock.

Based on experience obtained in the GOA, the SSC feels that an exploitation rate approaching 8% would not be a source of concern. This means that the Council could instruct the Regional Director to allow the total catch (both direct and bycatch) to approach 4,500 mt.

In the Council instruction to the Regional Director the Council may wish to consider giving advice on allocation to fisheries and gear types.

Recommendations of the Advisory Panel
Tanner Crab Bycatch Committee
March 19, 1986

The Committee adopted the following objective:

Objective. To manage fishery activity in the Bering Sea, specifically bottom flatfish¹/ trawling and crab pot fishing, in a manner which emphasizes conservation and rebuilding of the crab resources while, to the extent possible, allowing both bottom flatfish trawling and crab pot fishery activity.

The Committee acknowledges the female bairdi population is extremely low and seeks to protect that population in accordance with our objective. The Committee also recognizes that information of critical importance (e.g. stock recruitment, gear impact, and predator-prey relationships) is insufficient for estimation of impacts of current management decisions on future bairdi populations.

The Committee discussed the possibility of conducting a spring crab fishery but advises against this option for conservation reasons, specifically the danger of mortalities to female red king crab. Additionally, the Committee is concerned with the possibility of poor product quality resulting from the harvest of molting bairdi.

The Committee agrees that a 1986 directed bairdi crab pot fishery should occur, but not prior to November 1, and should only occur in the event the 1986 NMFS summer trawl survey establishes that a crab fishery can be prosecuted. The Committee discussed the possibility of conducting a concurrent king crab and bairdi fishery. While this option provides several benefits, most notably the decreased bycatch mortality, there are also disadvantages such as population, difference between king crab and bairdi by various areas, and the difficulty of arranging a concurrent fishery given two separate harvest quotas.

The Committee recognizes that a substantial modification to the January Council decision would require preparation of a new RIR; therefore, the Committee recommends that the bycatch limits and rates enumerated further on in this report be implemented immediately and that upon extension of the emergency rule the Committee's entire recommendations be implemented. This, of course, would still require a modification of the existing RIR; however, this should present no difficulty due to the length of time preceding an emergency rule extension.

The Committee recommends the establishment of three zones in the Eastern Bering Sea (see chartlet, page 5) in addition to the area closed to trawl fishing bounded by 160°W, 58°N and 162°W.

Zone 1 would be defined as the area bounded by 165°W long. by 58°N lat. extending east to the shore.

¹/ Yellowfin sole and other flounders.

Zone 2 would consist of the area bounded by 165°W long., north to 58°N, then west to the intersection of 58°N and 171°W long., then north to 60°N, then west to 179°E long. diagonally extending on a straight line southeast to the intersection of 167°W long. and 54°30"N lat., and then extending eastward along 54°30"N lat. to land.

Zone 3 shall encompass the remainder of the Eastern Bering Sea.

The Committee established Zone 2 based upon the fact that Zones 1 and 2 encompass 98% of the bairdi females and sublegals.

The Committee recommends that the bairdi bycatch amounts for JVP operations be as follows (see Table 1, page 4):

Zone 1 - 80,000 animals (based upon an average of two animals per metric ton and a harvest of 40,000 mt).

Zone 2 - 326,000 animals (based upon an average of 2.25 animals per metric ton and a harvest of 145,000 mt).

Zone 3 - no cap on the number of animals which can be taken.

The Committee also recommends the number of bairdi allowed to be taken by foreign directed fishing operations not exceed 64,000.

In determining the bycatch levels the Committee extrapolated an anticipated number of bairdi animals in the Bering Sea by reducing the 1986 population to 60% of the 1985 population. This extrapolation resulted in an anticipated number of animals in 1986 of approximately 72 million.

Having determined the total number of assumed animals in 1986, the Committee then applied the same bycatch rate in effect in 1985 to the 1986 flatfish allocation in order to determine the total number of animals which could be removed from the fishery without theoretically harming the status of the stock. That number is 1,253,000 animals. The Committee then extrapolated the percentage of the number of animals taken in 1985 by directed foreign fishing operations, joint venture operations, and directed crab fishing operations (see Table 2, page 4), as adjusted for the relative decreases of TALFF and the increases of JVP allocations.

It is the expressed intent of the Committee that a 1986 directed crab pot fishery be allowed assuming that the results of the NMFS summer trawl survey establish a bairdi population greater than or equal to the population assumed by the Committee. The Committee recognizes that the number of legal males may need to be viewed as independent of the total population as determined by the summer trawl survey. A fishery may or may not be warranted based upon the number of legal male bairdi in the population.

The following caveats apply to the bycatch amounts recommended for both JVP and TALFF flatfish operations:

- (1) When the total number of animals is reached in Zone 1, all trawling activity for flatfish in that zone will immediately cease. The Committee recognizes that the king crab cap and the bairdi cap stand independently and trawling in Zone 1 ceases immediately if either cap is reached.

This sequence of events also applies to all flatfish trawling activity in Zone 2.

- (2) For JVP operations, the number of animals allowed to be taken by tow will be determined on the basis of the average number of bairdi per metric ton as determined by consecutive tows on a fishing vessel by fishing vessel basis. It is the intention of the Committee that any operation which exceeds the number of animals per ton provided for shall voluntarily move or modify their operations as expeditiously as possible in order to reduce their bycatch level to or below the defined amount. In the event an operation's bycatch rate exceeds the number of allowed animals per metric ton for three consecutive weeks, the operation shall immediately be required to cease its trawling activity in Zones 1 and 2 for the remainder of the year. The bycatch rates will apply to each individual fishing vessel and compositely to each joint venture operation.
- (3) In the event the summer trawl survey establishes a lower number of total bairdi animals than has been assumed by this Committee (72 million), the amount of bycatch provided for both JVP and TALFF operations shall be reduced proportionately to the difference between the Committee's assumption and the survey results.

As regards DAP flatfish trawl operations, the Committee anticipates the harvest levels in Zones 1 and 2 to be diminimous (7,000 mt). The Committee likewise anticipates bycatch amounts to be negligible. However, the Committee expects DAP operations to voluntarily move and/or modify their operations in the event their activity results in bycatch rates greater than those applicable for JVP operations in that particular zone. The Committee recommends DAP flatfish trawl operations be monitored closely to ensure compliance and that necessary action be taken in the event they fail to adhere to this agreement. The Committee recognizes that DAP operations are new to this fishery and may encounter start-up difficulties.

In conclusion, the Committee recommends that it be reconvened at the September Council meeting and that it be provided the necessary scientific support to allow it to review the results of the NMFS summer trawl survey and the performance of the fisheries to date.

The Committee has reached this recommendation unanimously.

TABLE 1. 1986 RECOMMENDED BAIRDI CATCH AMOUNTS (IN ANIMALS)

Directed Pot Fishery	783,000 ^{1/}
DAP - Trawl	
JVP - Trawl	406,000 ^{2/}
TALFF - Trawl	<u>64,000</u>
TOTAL	1,253,000

1/ Assumes 1986 NMFS Summer Trawl Survey is 72 million animals.
2/ The JVP bycatch breakdown is 80,000 animals in Zone 1 and 326,000 animals in Zone 2..

TABLE 2. 1985 BAIRDI CATCH AMOUNTS (IN ANIMALS)

Directed Pot Fishery	1,283,000
DAP - Trawl	?
JVP - Trawl	522,000
TALFF - Trawl	<u>287,000</u>
TOTAL	2,092,000

