

# North Pacific Fishery Management Council

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Certified Don W. Collinsworth  
Chairman  
Date 5/23/90

## MINUTES

**88th Plenary Session  
NORTH PACIFIC FISHERY MANAGEMENT Council  
September 26-29, 1989  
Sheraton Hotel  
Anchorage, Alaska**

The North Pacific Fishery Management Council met September 26-29, 1989 at the Sheraton Hotel in Anchorage, Alaska. The Advisory Panel began meeting on Sunday, September 24, and the Scientific and Statistical Committee began on Monday, September 25. Other Council workgroup and committee meetings held during the week included the Data Gathering Committee, Habitat Committee, Finance Committee, Halibut Regulatory Amendment Advisory Group, and the Fishery Planning Committee. Members of the Council, Scientific & Statistical Committee and Advisory Panel in attendance are listed below.

### Council

Don Collinsworth  
Judy Merchant for Joe Blum  
CDR Joe Kyle for RADM Ciancaglini  
Larry Cotter  
Oscar Dyson  
Bob Mace for Randy Fisher  
Dave Hanson  
Ron Hegge

Bob Alverson  
Tony Knowles  
Jeff Miotke  
Henry Mitchell  
Jon Nelson for W. Stieglitz  
Steve Pennoyer  
John Peterson

### NPFMC Staff

Clarence Pautzke, Executive Director  
Steve Davis, Deputy Director  
Judy Willoughby  
Terry Smith  
Dick Tremaine

Bill Wilson  
Marcus Hartley  
Hal Weeks  
Helen Allen  
Peggy Kircher  
Gail Peeler

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Support Staff

Jim Brooks, NMFS-AKR  
Bob Trumble, IPHC  
Ron Berg, NMFS-AKR  
Loh-Lee Low, NMFS-AFSC  
Jim Balsiger, NMFS-AFSC  
Ken Parker, ADF&G  
Earl Krygier, ADF&G

Mark Pedersen, WDF  
Dale Evans, NMFS-AKR  
Craig Hammond, NMFS-AKR  
Craig O'Connor, NOAA-GCAK  
Jay Ginter, NMFS-AKR  
Phil Rigby, ADF&G  
Aven Anderson, NMFS-AKR

Scientific and Statistical Committee

Richard Marasco, Chairman  
Bill Aron  
Bill Clark  
Jack Tagart  
Dana Schmidt

Doug Eggers, Vice Chairman  
Larry Hreha  
Terry Quinn  
Don Rosenberg  
Don Bevan

Advisory Panel

Nancy Munro, Chair  
Rick Lauber  
Paul Clampitt  
Ron Peterson  
Harold Sparck  
Dave Woodruff  
Lyle Yeck  
Fred Zharoff  
Ed Fuglvog

Arne Aadland  
Al Burch  
Phil Chitwood  
Lamar Cotten  
Dave Fraser  
John Gilbert  
Vic Horgan, Jr.  
Joe Donohue  
Dan O'Hara

General Public

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

Brian Bigler  
Spike Jones  
George Coughlin  
Susie DeGrace  
Rod Conti  
Don Praast  
Ken Allread  
Jerry Roe  
James H. Russell  
David Little  
Linda Kozak

Kris Norosz  
Gainhart Samuelson  
David Harville  
Leslie J. Watson  
John J. Kelly  
John Bruce  
Alexander Galanin  
Mark Snigaroff  
Tom Behan  
Li Shanxun  
Kate Graham

Jon Rowley  
John C. Cleveland  
Eric Silberstein  
Bill Orr  
B. O. Bodal  
Chuck Kekoni  
Steve Grabacki  
Jeff Stephan  
Jon Runestad  
Mikio Itoh  
Loretta Lure

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John Daly	Wally Pereyra	Louis J. Neuzoroff
Perfenia Pletninoff, Jr.	Jessie Nelson	Mark Barham
Jim Niemela	Anne Gore	John & Elizabeth Coyne
Keith Criddle	John Levy	George Herrfurth
Steve Hughes	Tyson Vogeler	Chuck Meacham
Steve Johnson	Joseph R. Emerson	John Prater
Michael Lake	Don Beeson	Moon K. Lee
Jerry Budd	Tiny Schasteen	Brad A. Resnick
George E. Anderson	Chip Threinen	Doug Dixon
George W. Haynes	Rudy Gay	Valerie Haney
Vince Curry	Jerry Johnson	Jacqueline Lindauer
Gary Painter	Frank Stuart	John W. Enge
Mike Atterberry	Mel Monsen	Suzanne Hancock
Brenda Huber	Joseph Pohl	Charles M. Hill
Joe Plesha	Jay Nelson	Dean Paddock
H.P. Gazaway	Iliodore Philemenof	Rob Wurm
Tim Metzger	Ted West	Sam O. Hjelle
Michael Sheperd	Mark Walatka	Mike Hyde
Karl Ohls	Peter Block	Teresa Hjelle
John Roos	David Rueger	Ted A. Smits
Del Allison	David Schallor	Mark Lundsten
Eric Maisonpierre	John Melchior	Gordon Jensen
L. DuPey	Lt. Gov. Stephen McAlpine	Phil Chitwood
Bruce Larsen	Tim Renschler	Ted Evans
Hank Lind	Harold Kalve	Diane McConnell
Roger Woods	Robert F. Morgan	Wendy L. Bristol
Stuart W. Loomy		

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

The meeting was called to order at 9:00 a.m., September 26, 1989, by Chairman John Peterson. Mr. Peterson introduced new Council member Ron Hegge, Commander Joe Kyle, alternate for RADM Ciancaglini, and Jeff Miotke, the new Council representative for the State Department. Mr. Peterson also welcomed Mr. Conti and Mr. Praast from the General Accounting Office, and Mr. Isasho Endo, the new representative for the Japanese Consulate in Anchorage.

Steve Pennoyer administered the Oath of Office to Ron Hegge and Larry Cotter.

**Approval of Agenda**

Mr. Pennoyer suggested that no formal Council action would be necessary on the permit application for the ORIENTAL CRANE, under Agenda Item C-3(a). He suggested that it be an information-only item with a report from NMFS. With this change, the agenda was approved as written.

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**Approval of Minutes of Previous Meeting**

The minutes of the June 1989 Council meeting were approved with no corrections or additions.

**Election of Officers**

The Executive Director was asked to conduct the election of Council officers.

**John Peterson nominated Don Collinsworth for Chairman of the Council.** There being no further nominations for Chairman, the nominations were closed. **Don Collinsworth was unanimously elected Chairman.**

**Henry Mitchell nominated Bob Alverson for Vice Chairman.** There being no further nominations for Vice Chairman, the nominations were closed. **Bob Alverson was unanimously elected Vice Chairman.** The gavel was handed over to Chairman Collinsworth.

**B. REPORTS**

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

Clarence Pautzke reported that the Council has received a response from GAO on the Council's request for a study of foreign and domestic ownership of the processing industry which indicates that GAO can only respond to requests from Congress for investigations.

Dr. Pautzke also reported that Council member Bob Alverson has requested a review of plan team membership and that such a review will be placed on the December agenda along with the annual review of AP and SSC members.

Council members were advised of an orientation for new members in Washington, DC in February and asked to advise the Executive Director if they plan to attend.

Council members were invited to visit the Council's booth at Fish Expo in October.

**COUNCIL DISCUSSION AND ACTION**

The Council discussed the issue of the request for a GAO investigation of foreign involvement in the fishing industry off Alaska and although there was concern on the part of some members that such an investigation could not obtain the necessary information to be of benefit to the Council, the consensus was that Council members will need as much information as possible when they begin making allocation-type decisions in the future.

**Bob Alverson moved that the Council send a letter to the Congressional delegations of Washington, Oregon and Alaska asking that GAO be requested to investigate the extent of foreign ownership of U.S. corporations in the fishing industry off Alaska. The motion was seconded by Oscar Dyson, and carried with Peterson voting no and Pennoyer abstaining.**

The Executive Director was asked to draft a letter for the Chairman's review.

B-2 Domestic Fisheries Report by ADF&G

Salmon. Earl Krygier reported that the 1989 salmon return is estimated to have produced a commercial harvest of 150.7 million fish, exceeding the previous record of 146.7 million salmon taken in Alaska during the 1985 season. The preliminary exvessel value, estimated at over \$491 million is the second highest in history.

King crab fisheries. The Norton Sound red king crab commercial season was closed after three days when it was anticipated that the 200,000 pound quota would be reached. The total harvest was approximately 246,487 pounds.

The St. Matthew blue king crab season, also lasting approximately three days, yielded a harvest of approximately 1.2 million pounds.

In Bristol Bay, Area T, the quota is set at 16.5 million pounds for the red king crab fishery scheduled to begin on September 25.

Oil Spill Impacts

Mr. Krygier reported on several closures, cancellations, and postponements of commercial and subsistence fisheries in Alaska as a result of the EXXON VALDEZ oil spill.

B-3 NOAA Fisheries Management Report

The total domestic processing (DAP) catch of groundfish off Alaska through September 16 as reported by NOAA Fisheries was 854,187 metric tons from the Bering Sea/Aleutian Islands (BSAI) and 172,315 metric tons from the Gulf of Alaska. Pollock and Pacific cod account for over 90% of the total catch in the BSAI and over 62% in the Gulf. Rock sole (31,417 mt) and Atka mackerel (16,818 mt) are other strong components of the BSAI fishery, while rockfish (20,649 mt) and sablefish (27,709 mt) contribute substantially to the Gulf total. Bottom trawling was closed in the Gulf of Alaska on September 2 due to the attainment of the 2,000 mt halibut bycatch cap. Zone 1 of the BSAI area was closed to bottom trawling for pollock, Pacific cod and flatfish on September 3, when Amendment 12A to the BSAI groundfish fishery management plan came into effect, because red king crab bycatch caps had been reached.

The total joint venture (JVP) catch off Alaska through September 23 as reported by NOAA Fisheries was 326,316 metric tons, all of which was taken from the Bering Sea/Aleutian Islands region. The catch includes 129,383 mt yellowfin sole, 125,058 mt pollock, 38,318 mt Pacific cod, 15,578 mt rock sole, and 17,979 mt of other species. Zone 1 of the Bering Sea/Aleutian Islands region was closed to JVP pollock, Pacific cod, and flatfish fisheries on September 3 when Amendment 12A to the BSAI groundfish fishery management plan came into effect. As with the DAP fishery, this was due to red king crab bycatch caps having been attained. Zone 2H (statistical area 517) was also closed to bottom trawling by the JVP pollock and cod fishery on September 29 upon attainment of its primary

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halibut bycatch cap. There has been no JVP fishing in the Gulf of Alaska in 1989.

Craig Hammond provided a report on transshipments for first quarter of 1989. During that quarter there were 345 foreign transshipments reported, 74% less than the same quarter in 1988, with approximately 147,000 mt product transferred (43% less than 1988).

John Peterson pointed out that there were reported transshipments of approximately 57,741 mt in May while joint venture activity ceased in March. The vessels represented Japan, Korea and Poland; the transshipping zones they used were the ones used under their permits for joint venture activities. Combined with reports of the amount of pollock imported into the United States, Mr. Peterson is concerned that the current regulations are making it too easy for foreign countries to fish in the donut, bring the fish into the U.S. zone and transfer it to a U.S. flag vessel and then transport it to Seattle for sale of the finished product in the United States. Although the Council requested some permit restrictions, they have not been implemented. One reason given for allowing this transshipment is that the vessels are required to provide reports on the transshipping activity which provides data would not otherwise be available.

B-4 Enforcement and Surveillance Report

Commander Kyle reported on Coast Guard enforcement activities for the period June 1 to September 15, 1989. Three Soviet trawlers were confirmed to have illegally fished in the EEZ and two Korean vessels were seized for fishing in the EEZ within the "disputed zone" along the US/USSR convention line. During July and August CGC MORGENTHAU was involved in a joint USCG/NMFS undercover operation where the U.S. transport vessel REDFIN was used to conduct an at-sea purchase of salmon caught by Taiwanese squid driftnet vessels. The case resulted in numerous arrests and positive identification of two Taiwanese driftnet vessels as having salmon aboard. During this period eight Taiwanese squid driftnet vessels were observed fishing north of the fishing boundary established by Taiwan. On August 24, a high seas enforcement agreement was reached between the U.S. and Taiwan giving the Coast Guard extensive boarding authority of Taiwanese driftnet vessels on the high seas. Since the agreement has gone into effect, no Taiwanese vessels have been detected, but as a result of the agreement the Coast Guard's high seas enforcement effort will be greatly improved.

Also during this period, 19 Japanese squid driftnet vessels were observed operating north of the fishing boundaries established by Japan. Eight of the vessels were observed to be fishing. Boarding of the WAKASHIO MARU, observed fishing 1.5 miles north of 46 degrees north, revealed no evidence of salmon on the vessel. The Coast Guard boarded and collected information on 12 other Japanese driftnet vessels operating within the authorized area and found no evidence of salmon on board. All incidents of vessels operating north of the authorized boundaries have been forwarded to the State Department for enforcement action by the Japanese.

A written summary of shoreside enforcement was provided by the NMFS office of Enforcement. Enforcement actions taken and incidents being investigated include a case citing unlawful take (harassment) of marine mammals by a U.S. salmon gillnet vessel; two cases citing U.S. catcher/processor groundfish trawl vessels for failure to submit an accurately completed State of Alaska fish ticket, several cases of retention of prohibited species, both by shoreside processors and

longline fishing vessels. Other cases involved failure to register for various fisheries, failure to carry proper federal permits on board, logbook violations, and use of illegal gear. A number of violations also were reported during the halibut season.

**C. NEW OR CONTINUING BUSINESS**

C-1 Legislative Update

The Council was provided with an update of current legislation, including the Magnuson Act reauthorization. The Council was asked by Congressman Studds to comment on an amendment which would terminate the Capital Construction Fund Provisions and the Fisheries Obligation Guarantee Program.

Don Bevan reported on budget issues. He said that the budget is an improvement over last year and feels that this is the result of the industry coalition for Alaska, Washington, Oregon, Hawaii and the Pacific territories who lobbied in support of fisheries budgets.

**Report of the Advisory Panel**

The AP recommended that the Capital Construction Fund and Fisheries Obligation Guarantee issue be removed from the MFCMA amendment package and discussed separately. They recommended that a provision be added to the Merchant Marine Act to allow fishermen who had money in the fund and participate in fisheries that become conditional, an avenue for withdrawal from the program without penalty.

**COUNCIL DISCUSSION AND ACTION**

The Council delayed action on the Capital Construction Fund and Fisheries Obligation program until later in the meeting to give the public a chance to comment, however, no member of the public came forward.

**Bob Alverson moved to approve the AP recommendation with regard to the Federal Obligation Guarantees and the Capital Construction Fund. The motion was seconded by Oscar Dyson and carried unanimously.**

C-2 International Fisheries

The Council received reports on international fisheries issues from Steve Pennoyer, and Jeff Miotke. Dr. Bill Aron reported that Soviet scientists will attend meetings between Canadian and U.S. scientists, some INPFC meetings, and Fish Expo. During the Thanksgiving week bilateral meetings will be held to develop a full report on Bering Sea pollock. Soviets have presented data that suggest that the ABC for Bering Sea pollock is 2-1/2 to 3 million mt and that the resource is being overfished by approximately 400,000 to 900,000 mts annually.

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C-3 Foreign Vessel Permit Applications

The Council received a report on the status of the permit application for the ORIENTAL CRANE which was seized in March for selling fuel to three U.S. fishing vessels in the EEZ without a joint venture support permit, and for conducting fisheries support operations within territorial waters by selling fuel to four fishing vessels while anchored in English Bay. The vessel's original application, approved by the Council last December, had requested permission to support foreign vessels only. Their current request is to augment their permit to include support of U.S. vessels. Because of a mix-up in Washington, DC, the permit was issued without a violations check and is now on the grounds delivering fuel to U.S. vessels. This was an information-only item; no action was taken.

The Council was also asked to discuss priority considerations for foreign permit applications for 1990 and give direction to the Executive Director.

**COUNCIL DISCUSSION AND ACTION**

With regard to the standard letter the Council sends to foreign countries each year in preparation for permit review, the Council felt that the process should be abandoned because there are no foreign fisheries in the U.S. EEZ off Alaska at this time. There was some discussion of the benefit of transshipment data. The Permit Review Committee will review at-sea transfer issue between now and the December and whether or the Council should recommend a prohibition on at-sea transfer or permit restrictions.

**Larry Cotter moved that Council not send a letter out to foreign countries this year and that the Council suspend the practice of determining priority consideration. The motion was seconded by Bob Alverson and carried with Henry Mitchell objecting.**

Larry Cotter pointed out that the amount of fish available for joint ventures is going to be so small that the fishery will be conducted very rapidly under the Olympic system and there may be some merit to move away from the Olympic system on allocations for joint ventures in order to provide a way of gaining an optimal return for the fishermen for the limit harvest available.

C-4 Oil Spill and Other Habitat Issues

The Habitat Committee met on September 26 to review the State/Federal Trustee Council's draft "Natural Resources Damage Assessment Plan." Larry Cotter, reporting for Committee Chairman Henry Mitchell, said that there is some concern on the Committee that the oil reached Shelikof Strait during the pollock spawning period and that the document does not include a study that would specifically address the impact on larva pollock. The Committee has suggested that such a study be included. Also, funding is only provided through Phase 1; the resource damage assessment plan consists of several phases and funding will be needed to address them all. There is also a continuing concern that the potential of an oil spill in the Gulf of Alaska and other hazardous waste spills are not specifically dealt with in the report; most of the emphasis is on Prince William Sound.

**John Peterson moved to accept the committee report and recommendations. The motion was seconded by Oscar Dyson, and carried with no objection.**



Jim Campbell and Bill Lurch appeared before the Council to review a study done by Mr. Lurch on behalf Fishery Management Foundation on the oil spill and efforts to avoid another such disaster.

Mike Williams, Vice President of Alyeska, Inc. provided a report on recent changes in the company's offload/onloading and ship traffic procedures. He also summarized improvements that have been made to their oil spill assessment/containment response team, including the addition of several new oil-skimming vessels.

C-5 Domestic Observer Program

Bill Aron and Russ Nelson of the Alaska Fisheries Science Center reported to the Council on the progress in developing plans to implement the Council's domestic groundfish observer program. NMFS, the fishing industry, and independent observer contractors will share responsibility for the program. NMFS will administer the program, including observer training and debriefing, data management, and certification of contractors to provide observer services to industry. The fishing industry will provide their fishing schedules to NMFS and be responsible for observer placement. They will also pay the direct costs of placing NMFS-certified observers aboard their vessels through an independent observer contractor certified by NMFS. NMFS is working on the operational details so that the program can be implemented in January 1990, if approved by the Secretary of Commerce.

Oscar Dyson, chairman of the Data Gathering Committee, report that at their September 24 meeting they received briefings from the Alaska Fisheries Science Center and the development of the observer program. They also received a report from Ron Berg, NMFS-Alaska Region, on progress by the State and federal agencies to address the Council's concern that the new data program may produce unnecessary duplication in reporting forms. Mr. Berg reported that significant progress has been made but that several issues remain to be solved.

The Data Gathering Committee recommended that the Council accept the NMFS status report on the observer program and approve another meeting of the Data Gathering Committee soon after Secretarial approval in order provide further guidance to NMFS on the 1990 observer plan.

**Public Testimony**

Arni Thomson, Alaska Crab Coalition. Mr. Thomson has been attending the meetings of the Data Gathering Committee and feels that the background preparation for the observer program is satisfactory. He mentioned the fact that a new computer will be required by the Center to handle data from the new program; however, the University of Alaska has offered the assistance of their computer if a new one is not on line at the Center by January 1. Also, the projected date of November 15 for a decision by the Secretary is of concern. There may not be enough start-up time to recruit and train observers in time for the January 1 start-up date. He suggested announcements be made in Anchorage and Seattle newspapers by the Council so that a list of applicants could be developed and provided to contractors after the plan is approved. Mr. Thomson said he also felt that the Council and ADF&G should have more involvement in the development of the program.

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Gainhardt Samuelson, Petersburg Vessel Owners Assn. Their association feels an observer program needs to be in place as soon as possible. It will be a fiscal difficulty for smaller vessels, but they are willing to absorb those costs to get a program in place by January 1.

Michael Lake, Alaskan Observers. Mr. Lake's company has been providing observers for the State of Alaska programs and reviewed some of the arrangements they have made with regard to insurance. He is concerned about the Studds-Young amendment to H.R. 2061 which would preclude an observer or his family from bringing civil action against vessel owners for accident, illness, disability or death occurring on the vessel. This is an important issue which much be addressed. He believes that an observer is considered a seaman and as such should have the same rights. Does not think observers can "sign away their rights"

Carl Ellis and Ron Dearborn, University of Alaska, Sea Grant College Program. The Municipality of Anchorage, University of Alaska, and the Fairbanks UA Sea Grant Program are working with various government agencies to get involved in the training aspect of the program. They feel Anchorage is the obvious place for the program headquarters. The University of Alaska system is very well qualified to train observers.

**COUNCIL DISCUSSION AND ACTION**

**Bob Mace moved to accept the report and recommendations of the Data Gathering Committee. The motion was seconded by Larry Cotter and carried with no objection.**

In response to some concern that the Council has not been involved in the details of the developing observer program, **Tony Knowles moved that the Chairman appoint a committee to review and advise in the development of the program. The committee should consist of at least four Council members and a representative from the University of Washington, University of Alaska, and Washington Dept. of Fisheries, and a representative of the coastal community coalition. The motion was seconded by Larry Cotter.**

Mr. Knowles said the intent of the motion is to respond to the concerns with regard to the development of the program and an RFP for contractors. He feels the committee could assist in getting the program off on the right foot.

John Peterson said that he would not want the interjection of any group that might delay implementation of the program. If the group was designed to look at the program over a longer term instead of just the next couple of months until implementation, there may be some value.

Mr. Pennoyer said that NMFS is open to advice from any group but the timeframe they are working under doesn't leave much time to deal with committee meetings and waiting for particular milestones in order to proceed. He said that they have already been meeting with some of the people mentioned and are always open to suggestions.

Steve Pennoyer agreed to hold a meeting with the Data Gathering Committee to address the concerns discussed.

**Tony Knowles withdrew the motion with the agreement of his second.**

The Data Gathering Committee will send a letter of invitation to the groups mentioned in Mr. Knowles' motion to participate in the at Data Gathering Committee briefing. The Committee will report back to the Council on the results of the meeting.

C-6 Cost Recovery Programs

A mandatory federal cost recovery system designed for the purpose of funding data gathering programs will require changes to the Magnuson Act. The Council has prepared such an amendment and Congressman Young introduced the legislation which would allow for cost recovery programs as a discretionary measure in FMPs. In anticipation of changes to the Act, and the opportunity to develop and implement a cost recovery program as quickly as possible, Council staff prepared a discussion paper exploring three cost recovery approaches. A program could be included in the 1990 groundfish amendment package if work begins now.

Report of the Advisory Panel

The AP pointed out that various sectors of the industry have different operating costs and that this should be taken into account when designing a cost recovery program. They also suggested that a fee system schedule similar to that used for the foreign fisheries should be developed.

**COUNCIL DISCUSSION AND ACTION**

Bob Alverson pointed out that there should be an option that imposed a flat fee per round weight applied to the entire fleet. Staff responded that this suggestion could be explored in future analyses.

Larry Cotter suggested that staff move ahead with development of various options in anticipation of an amendment next year, but assign the overview to the Data Gathering Committee rather than developing a new group or committee.

**Bob Mace moved to put the analysis in the 1990 groundfish amendment cycle, with the time frame proposed by staff. The motion was seconded by Oscar Dyson and carried with no objection.**

During discussion of the motion, John Peterson suggested that this may be a premature action because it is subject to amendment of the Magnuson Act. Larry Cotter pointed out that the Council will make a final decision on whether to continue analysis of this proposal in January and by that time the Council will know whether or not the Act has been amended.

The Data Gathering committee was asked to work with staff on this amendment proposal and report back to the Council in January.

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C-7 Fishery Management Planning

The Council was scheduled to review the planning schedules for sablefish, halibut, groundfish and crab limited access analyses, consider approval of the draft sablefish management package for public review, and refine halibut IFQ, license, and individual choice options for final analysis.

**Report of the Advisory Panel**

The Advisory Panel reiterated their April 1989 recommendation that the Council maintain open access in all fisheries within the Council jurisdiction, except salmon.

**Report of the Scientific and Statistical Committee**

The SSC reviewed the draft sablefish EA/RIR. They noted that if Alternative 4 (individual choice) is approved by the Council for inclusion in the package it should be modified to eliminate reference to IFQ and substitute AFA (Annual Fishing Allotment) to avoid confusion with Alternative 2. Also, Appendix IV, Fleet Profit Estimation Model, needs modification and clarification. Appropriate SSC members and staff of the AFSC will assist in making the recommended changes. The SSC recommends the document go out for public review following these modifications.

**Public Testimony**

Tom Behan, F.I.S.H. With regard to the halibut, Mr. Behan urged Council to adopt a more streamlined timeline for the halibut limited access analysis.

Mark Springer, City of Hooper Bay. They support the status quo because none of the programs under analysis take the needs of their community into account. They are ready to participate in the policy development process.

Gary Painter, Oregon. He fishes crab and halibut in Bering Sea and Kodiak areas. To exclude any fisherman who is already in the system is not fair. Also, a fisherman needs flexibility to move between fisheries. Short seasons, gluts on market, etc., are a necessary part of capitalism.

**COUNCIL DISCUSSION AND ACTION**

**Sablefish Limited Access Plan**

**Bob Mace** moved to send the sablefish EA/RIR, including the new Alternative 4, out for public review with the modifications suggested by SSC. A summary, written in "laymen's terms," is to be prepared to accompany the document. The motion was seconded by Judy Merchant.

Council members noted areas of the document they would like expanded, or clarified.

There was concern that the normal 30-day comment period may not be sufficient. Tony Knowles suggested that workshops and public hearings should be held in the fishing communities before the Council makes a final decision. After some discussion, Council members agreed; however, Don

Collinsworth stressed that the workshops would be only to explain how the different alternatives would work, not to debate the merits of the systems. Mr. Peterson also stressed that equal weight should be given to all sides of the issues.

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

Mr. Knowles asked staff to prepare a proposal for public workshops, as well as scoping sessions and the approximate timing of such workshops. Mr. Mace also requested that staff prepare a brief history of the sablefish limited access issue since it was first presented to the Council in Sitka.

**Tony Knowles moved that the Council schedule public hearings on the subject outside of the regular December Council meeting. The motion was seconded by Henry Mitchell.**

Don Collinsworth said that each workshop/public hearing should be attended by at least one Council member who will report back to the whole Council in December.

**Larry Cotter moved to postpone consideration of the motion until the staff prepared the proposal for educational forums. The motion to postpone was seconded and carried with Henry Mitchell and Ron Hegge objecting.**

**Larry Cotter moved to include in the analysis an option that analyzes criteria for participation in 1984-89 with a filter year of 1989. The motion was seconded by Judy Merchant and carried, 6 to 5, with Alverson, Dyson, Hegge, Mitchell, and Peterson voting no.**

#### **Halibut Decision Points**

**Bob Alverson moved to continue with the current schedule for halibut alternative management regimes. The motion was seconded by Ron Hegge.**

**Larry Cotter moved to amend the halibut analysis to include the new alternative, individual choice. The motion to amend was seconded by Bob Mace and carried with no objection.**

**Larry Cotter moved to amend the motion to provide for the 12-month flexibility qualifying issue, the same as that adopted for sablefish. The motion was seconded by Bob Mace and carried with no objection.**

**The main motion, as amended, carried with no objection.**

**Oscar Dyson moved to postpone action on halibut management alternatives until the January 1990 Council meeting. The motion was seconded by Bob Alverson and carried with no objection.**

#### **Limited Access Planning Schedules**

**John Peterson moved to abandon further consideration of limited access for sablefish, halibut, groundfish and crab. The motion was seconded by Oscar Dyson.**

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Because the Council had considered sablefish and halibut agenda items earlier on the agenda, Larry Cotter asked whether this motion was in order. Tony Knowles responded that in his opinion it was relevant, especially after the Council decided to consider this item after the other two.

John Peterson provided the reasons for his motion: it's a major shift in management philosophy and will have a permanent impact on participants in the fishery; there will be enormous administrative costs, and the Council has had substantial comment from industry indicating no interest in limited access programs. The industry changes constantly and if limited access is considered, it should address all fisheries at once, not in separate increments. Also, the Council is currently involved in other complex issues such as inshore/offshore allocations, bycatch, full utilization, habitat, and the observer program. He also feels that limiting access at this time is too late to be effective.

Mr. Hegge pointed out that abandoning the process now would be an injustice to residents of Southeast Alaska who requested relief in the sablefish fishery in 1983 and '84. Steve Pennoyer said that a vote to continue the process would not be a vote for limited access, but a vote to continue searching for a better way of management. Several Council members expressed the thought that they have an obligation to consider better ways to serve the interests of the resource and industry.

**The motion failed, 9 to 2, with Dyson and Peterson voting in favor.**

Later in the meeting staff provided a proposed schedule for workshops and schedule of work for the analysis of limited access in groundfish, halibut and crab fisheries. Clarence Pautzke recommended delaying final action on the sablefish issue until January and delaying the decision to send the halibut analysis out for public review until January, also.

**Judy Merchant moved to accept the schedule for workshop and public hearings in the communities as proposed by staff with a public hearing at the January Council meeting. Final decision will be made at the January Council meeting. The motion was seconded by Larry Cotter.**

There was considerable discussion about the need for additional public hearings. Some Council members felt there has been ample opportunity to comment and there will be another opportunity in January. It was stressed that the workshops should be focused on the mechanics of the options and not a debate of their merits. Don Collinsworth said that if hearings will be held, it would be appropriate to have a least one Council member at each hearing.

**The motion carried with no objection.** Council members were asked to moderate the hearings as follows:

Anchorage - Tony Knowles;  
Kodiak - Oscar Dyson;  
Sitka and Petersburg - Ron Hegge  
Seattle - Bob Alverson

C-8 Inshore-Offshore Allocations

In June the Council reviewed proposals received on the issue of inshore-offshore allocations. The Fishery Planning Committee was asked to develop alternatives and NOAA General Counsel was

asked to provide a preliminary legal analysis. The Fishery Planning Committee met twice to work on a preliminary problem statement, and drafted five general alternatives. They recommended the following schedule of development:

September 1989 -	Alternatives approved for analysis
April 1990 -	Amendment package approved for public review
June 1990 -	Consider final approval of amendment
July 1990 -	Secretarial review begins
January 1991 -	Implementation

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

The AP recommended adding the following alternative to those listed in the problem statement: "At the discretion of the Council, provide for future management options for disadvantaged communities." With this addition, the AP recommended approval of the draft problem statement.

**Public Testimony** on this agenda item is found in APPENDIX I to these minutes.

### **COUNCIL DISCUSSION AND ACTION**

Craig O'Connor, NOAA General Counsel reviewed the legal considerations involved in the inshore/offshore allocation issue. National Standards 4 and 5 are particularly relevant to the issue. National Standard 4, with respect to allocations, provides that there be no discrimination between residents of states; National Standard 5, with respect to efficiency, states that the conservation and management measure must, where practicable, promote efficiency in the utilization of fishery resources, "except that no such measure shall have economic allocation as its sole purpose." The responsibility of the U.S. with regard to international obligations under GATT also must be considered (cannot implement a management measure which would direct landing of fish within jurisdiction of U.S.). Mr. O'Connor stressed that the processor preference amendment simply gives U.S. priority over joint venture and foreign fishery, there is no mandate that says they have to sell to U.S. products or land fish within the U.S. There is also some question whether the Council has the regulatory ability to regulate processing; the Magnuson Act speaks to the authority to implement conservation and management measures and the Act defines fishing as harvesting, taking of fish; none address management of processing. In his opinion there is only a limited, if any, authority for the Council to regulate processing. If such regulations are contemplated, they would have to be adjunct to regulation of fishing activities and clearly demonstrate that it is necessary to fulfill the regulatory functions mandated by the Act.

John Peterson asked whether the Council could designate the port of delivery if the vessel was planning to deliver in the U.S. Mr. O'Connor responded that he has not looked into that possibility in detail.

**Larry Cotter moved to adopt the AP problem statement and management alternatives as proposed groundfish plan amendments to the Gulf of Alaska and Bering Sea/Aleutian Islands groundfish FMPS. The amendment cycle and accompanying analytical process will commence immediately,**

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with a draft EA/RIR or EIS, as appropriate, due by the April 1990 Council meeting with final action scheduled for the June 1990 Council meeting. The motion was seconded by Tony Knowles. The intent of the motion is to provide opportunity for additional alternatives to be submitted by industry. Staff would report at each Council meeting, along with the Fishery Planning Committee (if they are to be involved), and the Council would have the opportunity to amend, delete, or add alternatives as a result of analyses and public comment.

The AP recommendation was as follows:

Inshore-Offshore Allocations

Problem Statement

The intense competition among user groups for a limited fish resource raises serious questions about the Council's capability to manage in accordance with the Comprehensive Fishery Management Goals.

Management Alternatives

1. Status quo with no change in regulations to address the problem.
2. Allocate the TAC between inshore and offshore components of the industry. This could be done with or without specific operational areas.
3.
  - A. Prohibit factory/trawlers in the Gulf of Alaska. In the BSAI, allocate a portion of the TAC between inshore and offshore components of the industry and define operational areas.
  - B. Prohibit catcher/processors in the Gulf of Alaska. In the BSAI, allocate a portion of the TAC between inshore and offshore components of the industry and define operational areas.
  - C. Prohibit factory trawlers in the Gulf of Alaska except as specifically provided for by the Council. (Begin the pollock season no earlier than April 1.)
  - D. In addition to the above, at the discretion of the Council, to provide for future management options for disadvantaged communities.
4. Use traditional management tools including but no limited to: trip limits, periodic allocations, super-exclusive areas, and gear sizes.

**Larry Cotter moved to amend the delete the problem statement in its entirety, and replace it with the following:**

**Domestic harvesting and processing capacity currently exceeds available fish for all species in the Gulf of Alaska and most species in the Bering Sea. The seafood industry is composed of different geographic, social and economic components which have differing needs and capabilities, particularly within the inshore and offshore components of the industry. These components may be defined as follows:**



1. **Inshore:** Includes fishing vessels that deliver product for processing to inshore and offshore (stationary or minimally mobile) processing facilities, and small catcher/processors which are dependent upon frequent shoreside logistical support.
2. **Offshore:** Includes highly mobile fishing vessels which ave onboard facilities to process their own catch, mothership processors which are sufficiently mobile to pursue species throughout its range, and those catcher/processors which do not depend upon frequent shoreside logistical support.

**The finite availability of fishery resources, combined with current and projected levels of harvesting and processing capacity and the differing capabilities of the inshore and offshore components of the industry, has generated concern for the future ecological, social and economic health of the resource and the industry. These concerns include, but are not limited to, localized depletion of stocks or other behavioral impacts to stocks, shortened seasons, increased waste, harvests which exceed the TAC, possible pre-emption of one industry component by another, with the attendant social and economic disruption.**

**The Council must determine whether or not to address these concerns through the adoption of management measures designed to optimally allocate harvest opportunities between inshore and offshore components of the industry, while protecting the conservation needs of the fishery resources in the North Pacific.**

**The motion to amend was seconded by Tony Knowles.**

Through discussion and friendly amendment, the last paragraph was changed to read:

**The Council must determine whether or not to address these concerns through the adoption of management measures while protecting the conservation needs of the fishery resources in the North Pacific.**

There was considerable discussion of the problem statement and editorial changes through friendly amendments.

Some concern was raised whether the Council should be dealing with this issue or whether it should be dealt with by Congress since they originally developed the processor preference mandated by the Act. There was also concern whether the analysis should be undertaken at this time in light of other projects in progress and anticipated.

**The amendment to the motion carried with no objection.**

**John Peterson moved to amend the motion to include the intent that additional alternatives received no later than November 1 will be reviewed by the FPC and presented to the Council at the December meeting. The motion was seconded by Bob Alverson and carried with no objection.**

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The Council discussed the anticipated schedule for analysis and action on this issue. Larry Cotter said his intent is to have an EA/RIR by the April Council meeting with a final Council decision in June 1990. In the interim, each Council meeting would be an opportunity to review progress and change that schedule if needed.

**Larry Cotter moved to amend item 3C of the statement by deleting the last sentence. The motion to amend was seconded by Tony Knowles and carried with no objection.** The reason for this action is that this item would fall under traditional management measures already covered in the document.

**Steve Pennoyer moved to include limited access measures, including possibilities of a moratorium, an ITQ system, or some other form of entry limitation. The motion to amend was seconded by Henry Mitchell.**

Tony Knowles asked for a Point of Order to determine whether the motion was relevant since the Council has already adopted schedules for analysis of these options and this might be contradictory to action already taken.

Don Collinsworth said that while it is conceivable that some forms of license limitation implemented regionally might address the issue, such management probably would not address specifically the nearshore and offshore conflicts being addressed with this package of management alternatives. The motion was ruled in order.

**The motion to amend failed, 7 to 4, with Merchant, Hegge, Mitchell, and Pennoyer voting in favor.**

Mr. Collinsworth reviewed Council action and stressed that staff will not be able to begin immediately to analyze the proposed alternatives because of other projects in process. Analysis will not begin until the Council has received the full array of alternatives in December and can then direct staff to analyze specific ones.

Mr. Cotter asked NOAA General Council whether this issue will require an Supplemental Environmental Impact Statement. Mr. O'Connor replied that he believes it will. There was some discussion of what will be necessary to satisfy the requirements of scoping. Mr. O'Connor suggested that there is not yet a clear statement of the problem on which the public can be asked to comment.

**Henry Mitchell moved to amend the main motion to create a new alternative whereby the Council would convene a worksession to develop a fact document which would be sent along with the problem statement to the Senate and House requesting them to develop an economic rationale for use by the Council. The motion was seconded by Bob Mace.**

The Chairman ruled the motion a substitute motion and out of order at this time.

It was decided that the Council will begin the scoping process immediately by seeking public comment on the problem statement and alternatives, plus any addition proposals received.

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

**Henry Mitchell resubmitted his motion for an alternative to ask for Congressional assistance.**

Mr. Mitchell said that he thinks the Council could be doing the public a disservice because he doesn't think there is adequate staff time to fully analyze all the proposals. Even if they do, he believes that the uncertainty of the Council's jurisdiction in this issue may result in a lawsuit. Tony Knowles suggested that perhaps this could be a parallel motion to go forward with the main motion. Most Council members supported the original motion although they felt that the issue may have to go to Congress to be resolved.

**The motion failed, 8 to 3, with Mace, Mitchell and Peterson voting in favor.**

#### C-9 Full Utilization of Fishery Resources

At the June Council meeting, after reviewing a staff discussion paper on the general problem of non-utilization, waste and discard in the groundfish fisheries, staff was asked to further examine the issue with particular attention to the definition of full utilization, the practice and policy of other management agencies in dealing with non-utilization and waste, and the availability of data. A discussion paper, "Full Utilization in the Groundfish Fisheries off Alaska: Definitions and Policy," was prepared for Council review at the September meeting.

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

The AP provided the following comments on the issue of full utilization in the groundfish fisheries off Alaska:

Data is needed on all of the "losses" that are occurring during the seafood production process.

The Council should continue to move ahead in addressing the issue, but a better understanding of the magnitude of discards is needed first.

Philosophical issues, such as "What is Waste?" must be addressed before attempting to develop and analyze alternatives.

The AP recommended that the Council add an objective to the Bering Sea FMP, which addresses discard and waste, using similar wording as in the Gulf of Alaska FMP.

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

**Bob Alverson moved that the Council postpone taking further action on the issue of full utilization until the domestic observer program can provide information on the kinds and quantities of discard and processing losses occurring in the Bering Sea and Gulf of Alaska. The motion was seconded by John Peterson.**

**Larry Cotter moved to amend the motion to instruct staff to submit on behalf of the Council an amendment to the Bering Sea/Aleutian Islands groundfish FMP to add similar language as in the**

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**Gulf of Alaska Groundfish FMP with regard to this issue. The motion to amend was seconded by Bob Mace and carried with no objection.**

**John Peterson moved to amend the motion to add a third objective in the groundfish amendment, applicable to both the Gulf of Alaska and Bering Sea/Aleutian Islands groundfish plans, which would read "encouraging development of market forms from unused species such as grenadiers, arrowtooth flounder, etc." The motion to amend was seconded by Larry Cotter and carried with no objection.**

**The main motion, as amended, carried without objection.**

C-10 Halibut Management

The Council received a status of stocks report for halibut from Don McCaughran, Executive Director of the International Halibut Commission.

They also were scheduled to review halibut allocation proposals and recommendations from the Halibut Management Team and Halibut Regulatory Amendment Advisory Group, and consider placing halibut management on a two-year cycle.

Halibut Proposals

**Report of the Halibut Management Team**

The Halibut Management Team recommended those proposals (#2 and 7-17) advocating some form of entry limitation in the halibut fisheries be referred to the Fishery Planning Committee to be incorporated into the current analysis of halibut management alternatives. For Proposal 1, dealing with the retention of halibut bycatch, the team endorsed the general concept but did not recommend analysis at this time. Regarding Proposal 3, a suggestion to change the Council's halibut management cycle, the team agreed with the concept, but noted that the Council is already dealing with this topic. For Proposal 4, requesting the continuation of early openings in Area 4B, the team suggested the Council convey to IPHC its desire to continue the early opening scheme for 1990. Regarding Proposal 5, extension of the 10,000 lb. trip limits in Area 4C to 100% of the area quota, the team recommended the Council indicate its preference for allocation in this regulatory area. For Proposal 6, a request to implement a local fishery in the vicinity of Dillingham/Togiak in the closed area, the team believes that significant amount of work will be required before an analysis package can be brought to Council review and that a complete analysis could not be completed under current cycle deadlines.

The team also noted that if the Council wishes to indicate their preference for establishing a fishery in Bristol Bay, then they should informally request IPHC to implement appropriate measures to accomplish the objective. The Team also noted their concern that IPHC objectives of full utilization of the halibut quota are not being met under the current management regime in Area 4E. Regarding the halibut management cycle, the team believes the current cycle is too constraining; insufficient time is available for analysis and public review, and they recommend adopting a two-year cycle.

### **Report of the Halibut Regulatory Amendment Advisory Group**

The RAAG agreed with the team that 11 of the proposals advocated some type of entry limitation in the halibut fishery and that these proposals should be provided to the Council's Fishery Planning Committee for incorporation into the current effort to develop a halibut access limitation scheme.

The RAAG viewed Proposal 7 as a recommendation that the Council adopt a specific goal for halibut management that calls for a scheme to provide fresh halibut to the market year 'round. The Group suggested that the Council may wish to modify their halibut management goals with this idea in mind. If such a goal is adopted, the RAAG recommended that it should also be cross-referenced to the Fishery Planning Committee's stated goals for access limitation in the halibut fishery.

The RAAG suggested that the concepts outlined in Proposal 1 be deferred to the Council's long-term work on bycatch management. They also noted the IPHC's long-standing concerns over any type of halibut bycatch retention, and that an observer program must be in place before retention could effectively be considered. No further analysis of this proposal was recommended.

The RAAG recommended that Proposal 3, changing the Council's halibut management to a two-year cycle, be deferred to the full Council for discussion.

The RAAG recommended the Council approve Proposal 4 requesting the continuance of the early season openings in Area 4B for 1990. The RAAG reviewed management options for the Area 4C fishery, including Proposal 5 which asks for extending the 10,000 lb. halibut trip limits to 100% of the quota for the area, and made no recommendation to the Council on this issue.

The RAAG recommended the Council ask IPHC to attempt to implement a small scale fishery in the Closed Area, as requested in Proposal 6, if there are no conservation issues that would constrain it.

The RAAG reviewed the team's report on the Area 4E fishery noting that only a small percentage of the quota has been taken in recent years under the Council's trip limit and vessel clearance scheme. However, the RAAG recommended retaining this management for the near future, possibly reviewing the issue if the 4E quota continues to be largely unharvested.

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

The AP recommended the Council support Proposal 5, extending the 10,000 lb. trip limit in Area 4C to 100% of the quota, and Proposal 6, to implement a local test fishery in the vicinity of Dillingham/Togiak in the closed area), for further development and analysis.

The AP also recommended that the Council adopt a two-year cycle for halibut proposals to provide additional time for analysis and public review.

**Public Testimony** on this agenda item is found in APPENDIX I to these minutes.

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**COUNCIL DISCUSSION AND ACTION**

**Larry Cotter moved to adopt the recommendations of the Advisory Panel: to approve Proposal 5, extending the 10,000 lb. trip limit in Area 4C to 100% of the quota, and Proposal 6, to implement a local test fishery in the vicinity of Dillingham/Togiak in the closed area, for analysis and public review. The motion was seconded by Henry Mitchell.**

**Bob Alverson moved to amend the motion by deleting Proposal 5. The motion was seconded by Bob Mace. It was pointed out that the Council had considered this same proposal last year and that analysis showed that residents had expanded their harvest from 30% to 70%, therefore he felt that no further restrictions should be necessary.**

**The amendment carried, 6 to 5, with Collinsworth, Cotter, Dyson, Knowles, and Mitchell voting against.**

**Steve Pennoyer moved to amend the main motion to accept the RAAG recommendation to refer Proposal 6 to the International Pacific Halibut Commission. The motion was seconded by Judy Merchant. Larry Cotter suggested that the motion state that the Council will notify IPHC that they support a small test fishery in the closed area if IPHC finds there is no conservation problem. Mr. Pennoyer agreed with this substitute wording. The amendment carried with no objection.**

**The main motion carried, as amended, with no objection.**

Larry Cotter suggested that the Council suggest to the IPHC that some type of test fishery be conducted using "Tara" hooks to determine mortality rates associated with that type of gear.

Later in the meeting, Tony Knowles moved for reconsideration of the halibut agenda item. The motion was seconded by Ron Hegge. The motion to reconsider carried, 7 to 4, with Alverson, Merchant, Mace, and Peterson voting against.

**Tony Knowles moved to approve Proposal 5 for analysis and public review. The motion was seconded by Ron Hegge and carried, 7 to 4, with Alverson, Merchant, Mace and Peterson voting against.**

Halibut Management Cycle

The Council discussed whether to change the halibut cycle from one to two years. There was some confusion whether proposals would be called for every year but only acted on every two years, or whether the call for proposals would only be issued on a biennial basis.

**Bob Alverson moved to call for amendments biennially with ongoing analysis of proposals every year. The motion was seconded by Ron Hegge and failed, 10 to 1, with Bob Alverson voting in favor.**

Some Council members felt that the industry is changing so fast that two years is not often enough to provide the public with access to management. It was the consensus of the Council to continue with the current system.

The Council discussed the annual meeting with IPHC and agreed to delegate the authority to arrange the meeting with the IPHC to the Executive Director.

#### C-11 Comment Deadline Policy

Last June the Council received public testimony on the apparent inequities in Council procedures with reference to comment deadlines. At the request of the Council, staff prepared a draft policy statement on deadlines for comments:

The North Pacific Fishery Management Council frequently solicits public comments on a wide array of fishery issues, management or regulatory changes, Council policy, and administrative procedures. These public comments are essential to the decision-making process. Comment periods are scheduled to accommodate Council and committee meeting schedules, intended implementation dates, dates of Council decision, and fishing schedules. Comment deadlines are necessary to allow time for staff compilation and analysis and Council review.

Published deadlines for written comments will be strictly adhered to. Comments received by the deadline will be included in staff summaries and other meeting materials. Written comments received after the published deadline or at the Council meeting, other than simple transcripts of oral testimony, will be stamped "Late Comment." They will not be summarized or analyzed in preparation for the Council meeting, nor will they be placed in the Council member notebooks. All "Late Comments" will be placed in a special notebook, marked as such, and made available to the Council members only upon their request.

#### **Public Testimony**

Arni Thomson, Alaska Crab Coalition. Mr. Thomson testified that by approving the proposed policy the Council will reduce or eliminate the unfair advantage some comments have had in the past.

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

**John Peterson moved to adopt the policy as proposed. The motion was seconded by Bob Alverson and carried unanimously without further discussion.**

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**D. FISHERY MANAGEMENT PLANS**

D-1 Salmon FMP

The Council was scheduled to approve a draft revised salmon fishery management plan to be forwarded to the Secretary of Commerce for review.

**Report of the Scientific and Statistical Committee**

The SSC felt that the draft does not clearly describe the differences between the management measures under Alternative 1 and Alternative 2 and suggested the text be modified to clearly show the differences and also suggested several minor editorial changes in the document.

**Report of the Advisory Panel**

The Advisory Panel recommended the Council approve the revised plan, with Alternative 1, deferring regulations to the State of Alaska, as their preferred alternative. They also recommended adoption of Option 3 to provide for the automatic extension of jurisdiction west of 175°E longitude if the INPFC is dissolved. Within this option, the AP also suggested that the following statement be added: "The North Pacific Fishery Management Council reaffirms the authority of the United States over anadromous fish of U.S. origin that occur within the area of the Council's jurisdiction as defined by the Magnuson Act."

**Public Testimony**

Joe Emerson, Alaska Trollers Assn. ATA favors the revised plan but has some concern that it might affect current gear regulations. Regulations in State waters differ from those in the EEZ and if deferring to the State means reducing the number of lines, a large portion of the fleet would be negatively impacted. They have no objection to extending jurisdiction west of 175°E latitude. They also favor an IFQ system for halibut and blackcod.

Harold Sparck, Yukon-Kuskokwim Task Force. He feels the document is not an accurate description of the fishery and asked that it be withdrawn and redrafted.

**COUNCIL DISCUSSION AND ACTION**

With regard to Mr. Sparck's concerns, staff responded that the document can be revised and augmented. There was some discussion of the measure to extend Council authority west of 175°E latitude. Craig O'Connor said that no action is necessary at this time; if the INPFC is dissolved, the Magnuson Act would still preclude fishing in that area. Henry Mitchell also raised the concern whether deferring to the State would affect the gear regulations now in effect in the EEZ. Staff responded that if management is deferred to the State, then the regulations would be set by the Alaska Board of Fish and could be changed after a review process.

Larry Cotter asked Aven Anderson, Salmon Plan Team Chairman, to clarify comments received from



the Commercial Fisheries Entry Commission. Mr. Anderson responded that he discussed the comments with CFEC and have clarified one editorial issue. The other issue dealt with the severability of a limited entry permit - whether a permit for fishing in State waters could be severed from the permit for fishing in federal waters and thereby deriving two permits from one. A 1978 NOAA legal opinion indicated that would not be a problem; however, Mr. Anderson had not had time to discuss the issue with the attorneys recently. He will resolve the issue before sending the document to the Federal Register.

**Henry Mitchell moved to forward the plan for Secretarial review, using Alternative 1 which defers management to the State of Alaska. The motion was seconded by Oscar Dyson and carried with no objection.**

**John Peterson moved to adopt Option 3 to extend Council jurisdiction west of 175°E if INPFC is dissolved. The motion was seconded by Bob Alverson and carried with no objection.**

**Henry Mitchell moved that the Council go on record to reaffirm the authority of the United States over anadromous fish of U.S. origin that occur within the area of the Council's jurisdiction as defined by the Magnuson Act. The motion was seconded by Tony Knowles and carried unanimously.**

Staff recommended the Council provide them with their thoughts on the extent to which they want to be involved in regulation of the fishery and to consider developing an amendment cycle for salmon management proposals. The Council deferred discussion and suggested that they may deal with amendment suggestions on an as-needed basis.

#### D-2 Crab FMP

The Council received a summary of the 1989 Bering Sea/Aleutian Islands Crab Survey and discussed the Pacific Northwest Crab Industry Advisory Committee draft operational framework, a crab management cycle, and a federal observer program in crab fisheries.

The SSC and AP received status reports on this agenda item but had no recommendations for the Council.

#### **Public Testimony**

Vince Curry, Alaska Factory Trawlers Assn. They are pleased that the Council included an industry advisory committee in the FMP to assure input to the system by northwest fishermen. Stressed that the trawlers should be represented on the industry committee because they can be impacted by the regulations relating to bycatch.

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COUNCIL DISCUSSION AND ACTION

Pacific Northwest Crab Industry Advisory Committee

**Larry Cotter moved to adopt the committee framework, as presented, with one modification: In the section, "How Many Members Can be on a Committee?", the first sentence would read "The Pacific Northwest Crab Industry Advisory Committee will have 9 members from Washington and Oregon. The motion was seconded by John Peterson.**

**Larry Cotter moved to amend the framework to modify the 3rd paragraph in the same section to read: "The Committee will consist of three user groups: "(crab) harvesters; (crab) catcher/processors, (crab) processor/marketing sections." The motion was seconded by John Peterson and failed, 6 to 5, with Alverson, Collinsworth, Cotter, Knowles, and Pennoyer voting in favor.**

The Council discussed methods of electing members to the committee and determined that using the State's guidelines for representation on the committee would be difficult to use for this committee. They felt that the Council should have oversight of the committee and make appointments.

**Larry Cotter moved to modify the framework document and his previous motion to read:**

**The Pacific Northwest Crab Industry Advisory Committee will be composed of nine members from the states of Washington and Oregon, which will be appointed by the Council.**

**The motion was seconded by Oscar Dyson, and carried 6 to 5, with Merchant, Collinsworth, Hegge, Mace and Peterson voting against.**

The Chairman directed staff to revise the wording throughout the document to be consistent with the action taken. The Council discussed methods for appointing members to the committee and agreed that nominations will be sought through the newsletter. The AP Nominating Committee will review nominations and make recommendations to the Council in December.

Crab Management Cycle

Staff prepared a draft amendment cycle for crab proposals for Council review and approval (see APPENDIX II).

**Bob Mace moved to approve the crab management cycle as presented by staff. The motion was seconded by Larry Cotter and carried with no objection.**

Observer Program in the Crab Fisheries

Bob Mace suggested that since the State already has an observer program and the Council is just getting underway with their groundfish observer program, that the Council should wait to get some experience with the program before proceeding with one for crab at this time.

**John Peterson moved that the Council take the necessary action to implement an observer program in the crab fishery. The motion was seconded by Henry Mitchell.**

**Steve Pennoyer to moved amend the motion to delay action on this subject until January and ask staff to report on the State observer program. The motion to amend was seconded by Tony Knowles and carried with Mitchell and Hegge objecting.**

**The main motion, as amended, carried with no objection.**

#### D-3 General Groundfish

The Council was to consider final approval of the pollock roe-stripping amendment (Amendment 19/14) for the groundfish plans, consider emergency action on pollock roe-stripping, review a staff discussion paper exploring options for improving the administrative process of setting initial and final groundfish specifications; and receive a status report on regulatory and plan amendments.

#### Amendment 19/14

In June the Council approved the draft Environmental Assessment/Regulatory Impact Review document for Amendment 19/14 for public review. The document analyzed five management alternatives: (1) Status quo; (2) Prohibit roe-stripping in the pollock fisheries in the Gulf of Alaska and Bering Sea/Aleutian Islands, or portions thereof; (3) Require full utilization in the pollock fisheries in the Gulf of Alaska and Bering Sea/Aleutian Islands, or portions thereof; (4) Establish a semi-annual apportionment schedule for pollock in the Gulf of Alaska and Bering Sea/Aleutian Islands, or portions thereof; and (5) Prohibit pollock roe-stripping and establish a semi-annual apportionment schedule in the Gulf of Alaska and Bering Sea/Aleutian Islands, or portions thereof (a combination of Alternatives 2 and 4).

**Public Testimony** on this agenda item is found in APPENDIX I to these minutes.

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

The SSC found that the document was inconclusive with regard to biological concerns, one of the management problems identified in the document. They also found that information on the ability of the fishery to target by sex is lacking. The SSC believes that the seasonal distribution of fishing mortality has little effect on the productivity of the stock and that the document provides no analysis that indicates any adverse effect of fishing during the spawning season as opposed to fishing later in the year. With respect to non-utilization, the SSC felt the document does not provide sufficient information on the costs and benefits of requiring use of males and female carcasses. They also noted that any reallocation that might occur as a result of a change from the status quo would very likely be only short-term. Expansion in the number of at-sea processors would alter the distribution of catch that would initially result from adoption of either of the alternatives (2 or 3). The SSC believes the document does not supply sufficient information to assist in selecting among the alternatives. They believe that the problem to be solved by the amendment is not clearly defined and without that, the staff and plan team had a difficult time in providing an appropriate analysis.

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**Report of the Advisory Panel**

While there was almost total agreement within the AP that roe-stripping practices are wasteful and should cease, there was some concern over the EA/RIR analysis which did not indicate that any of the alternatives were superior to the status quo. The AP recommended that the Council approve for Secretarial review an amended Alternative #5 which prohibits pollock roe-stripping in the Gulf of Alaska and Bering Sea/Aleutian Islands and establishes no more than a quarterly apportionment schedule for pollock TAC in the Gulf of Alaska or portions thereof. The AP understood that unused TAC in one quarter would automatically roll over to the next quarter until the end of the year.

**COUNCIL DISCUSSION AND ACTION**

**Judy Merchant moved that the Council request the industry to demonstrate its maturity and concern for the management limitations of the Council and its concern for the biological, economic and social issues that have been raised, although not proven, in today's discussion and have a voluntary industrial ban on roe-stripping and that is for both offshore and onshore processing, and that, for the Gulf only, there be a season from January 15 to April 15 which allows the taking of roe, that there be a hiatus from April 15 to June 15 with no directed fishery, and that from June 15 to December 31 there again be a directed fishery. Further, 60% of the pollock TAC would be apportioned to the January 15-April 15 period, and 40% to the June 15 to 31 December period, and that for the Bering Sea there be no seasonal allocation. The motion was seconded by Bob Mace.**

**Tony Knowles moved a substitute motion: To adopt Management Alternative 5, which would prohibit pollock roe-stripping, and establish a semi-annual apportionment schedule in the Gulf of Alaska and Bering Sea, or portions thereof. The motion was seconded by Oscar Dyson.**

Mr. Knowles clarified that if the substitute motion carried he would move to amend it to specify quarterly apportionments.

Before voting on the motions, Mr. Pennoyer was asked to review the Region's concerns and suggestions on the pollock roe-stripping amendment. He said that, on the basis of the EA/RIR and plan team and SSC analyses, they could not identify an alternative that is obviously superior to the status quo. For that reason, they suggest that roe-stripping should be addressed along with the issue of full utilization. Another concern they have is for the status of the pollock stock and that the 1990 TAC may cover little more than the bycatch needs of other fisheries. They also pointed out that there may be some concern in terms of the level of pollock stocks in the Gulf and their interaction with marine mammals, such as sea lions. The Region's recommendation to the Council was to delay the start of the season in the Gulf of Alaska until mid-year. Although the SSC does not feel this action would be required, splitting the season in some manner may be prudent in terms of better data and more management precision.

Craig O'Connor was asked whether the Council has the flexibility to allocate on a quarterly basis. He said that under Amendment 18/13, the Council will have the authority to set seasons, but not the authority to allocate the resource on a quarterly basis as is being suggested. An emergency rule would be required under existing regulations and then the amendment would have to be processed.

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After more discussion on the status of the pollock stock, **Larry Cotter moved that the main and substitute motions be postponed until after Council review of the Gulf of Alaska status of stocks information and setting of the preliminary TACs for 1990. The motion was seconded by John Peterson and carried with no objection.**

The subject was taken up again the next day. The motions were restated for Council members before discussion began. It was noted that the motion to substitute called for semi-annual apportionments with the intent to amend for quarterly if the motion carried. During the setting of TACs in the Gulf of Alaska the Council voted to recommend quarterly allocations for pollock in the Gulf of Alaska. **The maker and second of the substitute motion agreed that it be changed to reflect quarterly allocations rather than semi-annual.** The substitute motion on the floor for discussion was:

**To adopt Management Alternative 5, which would prohibit pollock roe-stripping, and establish a quarterly apportionment schedule in the Gulf of Alaska and Bering Sea, or portions thereof.**

**The motion to substitute carried, 6 to 5, with Mace, Pennoyer, Peterson, Alverson and Merchant voting against.**

During discussion of the motion itself, Council members discussed the impact the action would have in the Gulf and Bering Sea on additional halibut mortality because of the on-bottom trawl component. Staff member Hal Weeks indicated that to the extent that the measure would take away from midwater trawling and divert effort to bottom trawling, bycatch could be expected to increase.

**John Peterson moved to amend the motion to restrict it only to the Gulf of Alaska. The motion was seconded by Bob Alverson.** Mr. Peterson pointed out that the two areas are separate and have differing needs. The issue of the Bering Sea could be dealt with in a separate motion. It was also pointed out that the Council should hear the status of stocks report for the Bering Sea and set TACs before deciding how to handle pollock roe-stripping and allocations.

Some concern was expressed about whether quarterly apportionments are appropriate, the fact that this particular alternative was not included in the public review package, and the potential for an increased halibut bycatch. It was pointed out that the quarterly allocations had already been set in a previous motion. However, Mr. O'Connor pointed out that the previous motion was direction to the Regional Director for the 1990 fishing year and the current issue involves an amendment to the fishery management plan. Some Council members were concerned that the quarterly allocation would be fixed in the plan requiring an amendment to change it, and asked staff and General Counsel if there is a mechanism which could be used for inseason management without having the quarterly apportionment fixed in the plan. General Counsel advised that this could be accomplished through regulations. He also advised that if the Council wished to approve the quarterly allocation as an amendment it would have to be analyzed and sent out for public review.

**Tony Knowles moved to amend the motion to remove the requirement of quarterly allocations of pollock. The motion would read: "Prohibit pollock roe-stripping in the Gulf of Alaska, or portions thereof." The motion was seconded by John Peterson, and carried with no objection.**

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Mr. O'Connor was asked for his opinion of the Council's wish to prohibit roe-stripping. He responded that he doesn't believe that the Magnuson Act contemplates vesting the Secretary with the authority to directly regulate the fish processing industry. The Magnuson Act speaks in terms of regulating fishing and defines fishing as catching, taking or harvesting fish. His suggestion was that the Council should focus on the fishing activity itself, rather than processing.

There was considerable discussion of how to accomplish this. Council members felt that the practice of roe-stripping is wasteful and is both a conservation and socioeconomic issue which they are obligated to deal with under the Act.

**Larry Cotter moved to amend the motion:**

**To prohibit the discard of male or female pollock, with the exception of pollock less than 10" in length, unless the flesh of the pollock has been processed.**

The motion was seconded by Oscar Dyson. Mr. Cotter stated that the intent of the motion was to address the issue of roe-stripping through the concept of discard. After some discussion, Mr. Cotter asked for a recess to revise the motion.

The restated motion was:

**To prohibit discard of any part of male or female pollock other than heads, frames, guts and unmarketable flesh based on industry-wide marketability.**

**Ron Hegge seconded the restated motion and suggested that the motion include the words, "in a directed pollock fishery," to which Mr. Cotter agreed.**

After some discussion, Mr. O'Connor was asked to comment on the motion. He felt that this approach may be a problem and suggested that the Council could prohibit a person from fishing for pollock unless the fish will be utilized as stated in the motion. This would put the burden on the fisherman and make it a fishing regulation. With the logbook system and observers it should be possible to track the disposition of the fish.

Mr. Collinsworth pointed out that one of the purposes of the Magnuson Act is to maintain on a continuing basis the optimum yield for a fishery and the definition of optimum means the amount of fish which will provide the greatest overall benefit to the nation, with particular reference to food production, and therefore the Council does have the authority and obligation to take this kind of action.

After more discussion, Henry Mitchell moved a friendly amendment to have the motion read:

**No person may participate in a directed fishery for pollock unless the male and female pollock will be utilized to the extent that no part of the pollock will be discarded other than heads, frames, guts, and unmarketable flesh, based on industry-wide marketability.**

The language was accepted by the maker of the motion and the second.

Bob Mace and Don Collinsworth suggested that the motion should begin with the sentence, "**For the purposes of prohibiting roe-stripping and promoting full utilization of pollock, . . .**" It was agreed to incorporate this into the motion.

Mr. O'Connor suggested that the Council defer action on the subject and ask NMFS, NOAA General Council and staff to work on the issue, complete a new analysis, develop implementation components within the scope of Council authority, and bring it back to the Council for review before sending it out again for public review. At this point he felt that the Council does not have an adequate analysis to approve an amendment addressing roe-stripping.

After considerable discussion, Larry Cotter moved to withdraw his motion to amend with the second's concurrence.

The main motion was restated by the Chairman:

**To prohibit pollock roe-stripping in the Gulf of Alaska, or portions thereof.**

**Steve Pennoyer moved to amend the motion to reflect that it would be the intent of the Council to prohibit pollock roe-stripping in the Gulf of Alaska and provide for full utilization of the pollock resource, and providing that guidance to staff, NMFS, and NOAA General Counsel, to ask them to follow that intent and prepare the necessary documents and analyses and bring that back to the Council in December for further action. The motion was seconded and, after further debate, carried, 7 to 4, with Knowles, Mitchell, Dyson and Hegge voting against.**

General Counsel was asked whether it would be possible to take emergency action in December under this schedule. Mr. O'Connor responded that there would be that option if the Council had an analysis before it which clearly indicated that an emergency exists and requires immediate response.

There was discussion of a subcommittee of Council members to interact with staff in the development of the analysis. Tony Knowles, Henry Mitchell, Oscar Dyson and Judy Merchant agreed to serve on the committee; however, later in the meeting it was decided that rather than a formal subcommittee, that NMFS, NOAA General Counsel and staff would keep Council members informed and seek guidance when necessary.

#### **Discussion Paper on Setting of Groundfish Specifications**

NOAA Fisheries has expressed concern that the groundfish specification process used by the Council presents administrative and legal problems in the management of the fisheries. Staff was asked to prepare a discussion paper exploring options to improve the process for review at this meeting.

Dale Evans told the Council that the Alaska Region has prepared a plan amendment proposal to rectify the concerns they have. Although this won't relieve the pressure for this cycle, he suggested

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that the situation would be somewhat relieved if the Council sets the preliminary groundfish specifications as close to the final as possible. Because a plan amendment proposal will be placed in the 1990 amendment cycle, the Council took no action at this time.

**Status Report on Regulatory and Plan Amendments**

The Council received a written review of regulatory and plan amendments in process. There was no discussion or action; however Chairman Don Collinsworth expressed concern about the workload being created by numerous issues of an increasingly difficult nature and asked Council members to think about the subject for future discussion.

D-4 Gulf of Alaska Groundfish FMP

**SAFE Report/Setting ABC and Apportionments**

Jim Balsiger reported on the draft SAFE document for the 1990 fishery. Pollock stock assessments indicate a continued decline in the Gulf population for 1990, primarily due to the lack of any strong year class recruiting to the fishery. The plan team believes the Council should use a conservative approach when setting the pollock quota for 1990. They also recommended that a TAC of 10,000 mt be provided in the Central Gulf from 151°30' to 147°W longitude to encourage an exploratory fishery south of the Kenai Peninsula where industry indicates significant aggregations of pollock occur.

Pacific cod stocks appear healthy. As a result of using a modified stock reduction analysis technique, estimates for cod biomass are a little lower than last year. Flatfish stocks are in good shape and, because of the difference in halibut bycatch between deep water and shallow water flatfish assemblages, the team recommended for 1990 dividing the flatfish target category into deepwater and shallow water flatfish, and arrowtooth flounders, each with its own quota. This could allow a larger harvest of the deep water assemblage while minimizing the incidental catch of halibut which is greater in the shallow water flatfish fishery.

Other groundfish stock projections show little change from 1989. Sablefish stock status cannot be fully evaluated until the Gulf longline surveys are completed this fall; however the team noted that catch per unit effort in inside waters of southeast Alaska has declined since last year. Exploitation rates for slope rockfish were reduced because of concern over high fishing mortality on the shortraker and roughey rockfish components of the assemblage.

**Public Testimony** on this agenda item is found in APPENDIX I to these minutes.



**Report of the Scientific and Statistical Committee**

The SSC had several comments and suggestions with regard to the SAFE document. These comments and a more detailed discussion of their suggestions for ABCs are found in the SSC minutes, APPENDIX III to these minutes. The following is a summary of SSC recommendations for Gulf of Alaska ABCs for 1990:

Pollock

Given current information, the SSC recommends the preliminary ABC for Gulf of Alaska pollock be set at 58,000 mt. A new analysis will be provided in the final SAFE document which may change the final ABC recommendation. The SSC noted that under a low recruitment rate scenario and a 58,000 mt harvest rate, the spawning biomass is predicted to fall below 394,000 mt in 1991. If this prediction proves accurate and the current threshold level is adopted, then a zero ABC could be recommended for the 1991 season. Given this possibility the Council may wish to set TAC below the ABC level to provide for some rebuilding and to reduce the likelihood of a zero ABC in 1991. The SSC supported the plan team's recommendation for a TAC of 6,250 mt in the Shelikof Strait with appropriate data collection mechanisms in place (observers or port samplers) to provide continued data collection on this stock. The SSC also supported the plan team's recommendation for a 10,000 mt quota for an experimental fishery in the eastern portion of the Central district, limited to the spawning period of the spring of 1990, beginning January 15 and ending on April 15. The fishery should be limited to midwater trawling.

Pacific Cod

The SSC felt that the plan team's recommended exploitation rate of 0.1015 was too low and recommended instead an exploitation rate that would result in an ABC of 120,000 mt. The SSC concurred with the plan team that the apportionment to management areas should be based on biomass distribution of 19% to the Western region (22,800 mt), 73% to the Central region (87,600 mt), and 8% to the Eastern region (9,600 mt).

Flatfish

The SSC endorses the split of flatfish ABC into the shallow flatfish, deep flatfish, and arrowtooth flounder categories, but did not agree with the team's method of determining the exploitation rate for arrowtooth, flounder, rock sole, and yellowfin sole. The SSC suggested the following ABCs and their apportionments:

	<u>Western</u>	<u>Central</u>	<u>Eastern</u>	<u>Total</u>
Deepwater	21,500	89,900	17,800	129,000
Shallow-water	30,200	52,200	2,100	84,500
Arrowtooth	27,000	141,000	26,600	194,600
TOTAL	78,700	283,100	46,500	408,300

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Sablefish

New analyses will be completed for the December meeting, incorporating the 1989 longline survey, which may alter the values of the biomass and ABC. With current information, the SSC concurs with the plan team's ABC range of 24,900 to 36,300 mt.

Slope Rockfish

The SSC recommends the same ABC as it recommended last year, 23,600 mt, the mid-point of the range of ABCs, with distribution among management regions as suggested by the Team.

Pelagic Rockfish

The SSC recommended the same ABC as last year, 6,600 mt, distributed among management regions as suggested by the team.

Demersal Rockfish

The SSC noted this complex is managed under the FMP by the State of Alaska and no information is currently available to determine exploitable biomass or ABC.

Thornyhead Rockfish

The SSC concurs with the plan team's recommendation that the ABC remain the same as for 1989, 3,800 mt.

PSC Limits

With regard to the SAFE document, the SSC recommended that a more complete analysis be incorporated to facilitate scientific review of bycatch rates. Given the limitations in the rates presented, the lack of information about the rates, and documentation justifying the choice of rates, the SSC recommended that the plan team reconsider the rates used in the document, especially those for the longline fisheries. The SSC feels it may be possible that taking into account depth, time, and areas, may provide more accurate estimates; other sources of information such as the IPHC, may also be useful. The use of inseason observer data may be preferable to the proposed rate and the SSC recommended that the data from the 1990 observer program be used as much as possible for estimating bycatch in the 1990 fishery.

**Report of the Advisory Panel**

The AP recognized the significant difference in the ABCs recommended by the plan team and SSC and recommended the full range of those numbers be sent out for public comment. For the purposes of setting TAC, the AP assumed the number recommended by the SSC for ABC and recommends that TAC for 1990 be set at ABC.

PSC Limits

The AP recommended that the Council use the 1989 rates for halibut bycatch and that the Council direct staff to clarify in the SAFE document the changes in bycatch rates between 1989 and 1990. The AP believes the assumptions behind the rates, the sample size, standard deviation and confidence intervals, should be clearly displayed for each rate.

**COUNCIL DISCUSSION AND ACTION**

**John Peterson moved to approve the ABC, TAC and DAP figures recommended by the SSC and AP. The motion was seconded by Bob Mace.** It was clarified that the 6,250 mt quota for the Shelikof Strait would be included in the 58,000 mt recommended for the Western/Central Gulf. The time frame of January 15-April 15 for the experimental fishery in the eastern portion of the Central district was also included in the motion.

**Oscar Dyson moved to amend the motion that pollock be taken in equal quarterly proportions. The motion was seconded by Ron Hegge.** It was clarified that unused quota in one quarter would roll over into the next quarter.

Mr. Dyson said this is the most conservative way to approach the pollock fishery in the Gulf; it will allow time to evaluate the fishery as it is prosecuted and observers will be able to identify problems as they rise. This approach will also lessen effort on roe-bearing fish.

Bill Wilson pointed out that the FMP does not provide for quarterly releases. An emergency action followed by a plan amendment would be needed. The Council discussed various ways of apportioning the TAC to allow for better inseason management. Craig O'Connor said the Council could develop a rationale that would support the necessity of quarterly allocations of the TAC and demonstrate that they are needed to assure that overfishing doesn't occur. An analysis would be needed to assess the impact on the industry and on that basis, the Regional Director may be able to use his inseason management authority to open and close seasons to prevent overfishing. It was pointed out that in the case of the 6,250 mt quota for the Shelikof Strait and the 10,000 experimental fishery in the eastern portion of the Central District, that quarterly allocations would not be useful.

**Oscar Dyson, the maker of the motion, agreed to exclude the experimental fishery from quarterly allocations and specify that it would be conducted between January 15 and April 15.**

**Ron Hegge moved to amend the amendment to specify that the pollock fishery be prosecuted by midwater trawl only. The motion was seconded by Henry Mitchell.**

Craig O'Connor pointed out that this would be a recommendation to the Regional Director to exercise his inseason management authority and would be subject to change in December when an analysis of the impacts of quarterly allocations will be available.

**The amendment to the amendment failed, 10 to 1, with Hegge voting in favor.**

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**Bob Alverson moved to amend to have the recommendations of the plan team and SSC go out for public review as a range of the upper and lower figures for pollock, Pacific cod and slope rockfish. The motion was seconded by Ron Hegge.**

Chairman Collinsworth found the motion out of order with regard to pollock and suggested that a motion for reconsideration would be required for that species.

**Bob Alverson restated the motion to amend to set a range for ABCs for Pacific cod and slope rockfish using the estimates recommended by the plan team and SSC and the higher and lower figures for the ranges. The motion was seconded by Ron Hegge and carried with Oscar Dyson objecting.**

**Bob Mace moved to reconsider the pollock ABC, TAC and DAP. The motion was seconded by Larry Cotter and carried with no objection.**

**Bob Mace moved that the pollock ABC be set as a range using the SSC and plan team estimates as the upper and lower estimates of the range. The motion was seconded by Larry Cotter and carried with no objection.**

**Steve Pennoyer moved to amend to set the TAC for Pacific cod at 60,500 mt. The motion was seconded by John Peterson. Bob Mace said he would rather leave it as it is on the basis of the status of stocks report; however John Peterson said he viewed the difference in ABC estimates as a change in the exploitation rate, not a change in the status of the stocks.**

**Ron Hegge moved to amend the Pacific cod TAC to 71,200. The motion was seconded by Judy Merchant and carried with Mace and John Peterson objecting.**

**The motion to amend carried, as amended, with Henry Mitchell objecting.**

**Ron Hegge moved to amend the main motion to set the TAC for slope rockfish at 15,000 mt. The motion was seconded by Bob Alverson and carried with no objection.**

Larry Cotter suggested that for the purpose of public review it should be pointed out that there is a halibut bycatch issue in the flatfish fisheries and that it's unlikely that the estimated TACs will be reached. It was the consensus of the Council that this should be done. It was further determined that all TACs could be affected by either halibut bycatch or PSCs and this should be pointed out in the public review document.

**John Peterson moved to amend the main motion to set the sablefish TAC and DAP at 26,000 mt. The motion was seconded by Ron Hegge and carried with no objection. It was clarified that the intent would be to distribute the TAC proportionately as recommended by the plan team.**

**Larry Cotter moved to set the DAP for Pacific cod equal to the ABC. The motion was seconded by Bob Alverson and carried without objection.**

**The main motion, as amended, carried unanimously.** The final table for ABCs, TACs, and DAP for the Gulf of Alaska is APPENDIX IV to these minutes.

#### **Incentives to Minimize Halibut Bycatch**

The Council received a request to consider taking action to implement a clean fishing incentive for the Gulf of Alaska and possibly the Bering Sea for 1990. In a letter to Reed Wasson of Eagle Fisheries, Regional Director Steve Pennoyer suggested further dialogue with the Council on regulating the groundfish fishery in accordance with the current halibut cap and Mr. Wasson has requested clarification of Council intent for 1990. The Council also received a request from Chris Blackburn, Alaska Groundfish Data Bank, for quarterly allocations of halibut PSC for 1990. Last June the Council approved for 1990, annual halibut mortality limits of 2,000 mt for trawl gear and 750 mt for fixed gear and a prohibition on pot gear that does not minimize halibut bycatch.

**Public Testimony** on this item is found in APPENDIX I.

The SSC did not comment specifically on this agenda item.

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

The AP discussed this issue extensively and agreed with the concept of an incentive program to minimize halibut bycatch. However, they are concerned about changing the tonnages outlined in Amendment 18 and whether a new regulatory amendment could really be in place by January 1, 1990. The AP recommended that the Region, in cooperation with the Council, try to implement an incentive program for 1990 if it can be done without disturbing the 2,000 mt trawl and 750 mt longline halibut bycatch split in Amendment 18. If that is not possible, the AP recommends that Amendment 18 provisions be used to control halibut bycatch in the Gulf for 1990.

Dale Evans reviewed an approach provided by the Region which suggested that the Council may wish to rescind that portion of Amendment 18 dealing with the fixed 2,000 mt trawl and 750 mt fixed gear halibut PSC caps. In their place NOAA Fisheries could prepare for Secretarial approval a regulatory amendment to the existing PSC framework which would authorize the Council to specify PSC limits by gear type and, if the caps are attained in 1990, would provide the Regional with the ability to allow vessels that demonstrate lower bycatch rates to continue fishing.

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

Larry Cotter suggested that the caps be left as is but that 20% of each cap be set aside as a reserve to be utilized to provide incentive opportunities for fishermen within each gear group to continue to fish after the operational portion has been taken. He also suggested some provision for groups of vessels less than 125 ft to join together to develop a data gathering program in cooperation with NMFS.

**Larry Cotter moved that the Council request NOAA Fisheries to leave intact the 2,000 mt halibut mortality trawl cap and the 750 mt halibut mortality longline cap in the Gulf during 1990, and**

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**within each of those caps set aside 40% as a reserve, and apportioning the reserve for each gear group by area and fishery to the most practical extent possible and institute a method through which vessels which fish cleaner are able to fish into that reserve by gear group, by area. The motion was seconded by Henry Mitchell.**

**Bob Mace moved to amend the reserve amount to 20%. The motion to amend was seconded by Oscar Dyson.**

Craig O'Connor advised that such a measure is too complex to be a regulatory amendment and would have to be implemented by plan amendment which could not be done by 1990.

**Larry Cotter withdrew the main motion, saying that there is already a similar amendment in the cycle and the need is for more immediate action.**

Bob Alverson asked whether the Council could comment to the Secretary during the public comment period for Amendment 18/13 asking that this buffer zone be provided with a regulatory amendment. Craig O'Connor responded that he was not sure the Secretary would have the ability to make the changes without a plan amendment process because they could have an impact on the industry. Under Amendment 18 the Regional Director has no option to withhold a portion of the cap or redistribute between gear groups. He suggested the Council's only option at this time would be to prepare a regulatory amendment with hopes of getting it in sometime in the next fishing year.

**Bob Mace moved to work toward a regulatory amendment that would provide the Regional Director with some flexibility. Progress on the amendment should be reported to the Council in December. The motion was seconded by Mark Pedersen and carried, 8 to 3, with Dyson, Knowles and Mitchell voting against.**

Later in the meeting the Council discussed Eagle Fisheries' request to be allowed to continue fishing for flatfish in the Gulf. Earlier in the year Eagle Fisheries had presented to the Council a proposal to work with NMFS and ADF&G to provide observers on their vessels in order to document their bycatch rates and provide better data to management agencies. Their request to continue fishing after the cap had been reached, however, was denied because the Regional Director has no authority to do so without opening the fishery to anyone who wishes to fish. Mr. Pennoyer said that if the Council and NMFS wanted to allow Eagle Fisheries to fish they should have set up a program, published criteria, and advertised it to the public so that anyone who wanted to participate with observer coverage could have done so and perhaps qualified to fish after the cap was taken.

Council members were very appreciative of the measures taken by Eagle Fisheries and discussed possible actions which might allow them additional halibut bycatch.

**Larry Cotter moved that the Council authorize the Regional Director to allow the halibut 2,000 mt cap in the Gulf of Alaska to be exceeded by approximately 40,000 lbs and make it available to any group that can verify through records compiled this year that they have successfully engaged in flatfish harvesting activities with halibut bycatch rates lower than expected for this year. The motion was seconded by Oscar Dyson.**

Craig O'Connor said that the Council cannot grant a special dispensation to only one group; if they are making available additional halibut and setting up fair and objective standards under which fishermen can come in and participate in a fishery, then that is O.K. However, if they are setting up a system that only authorizes one person or group to do it, then they are violating the tenets of the whole process.

Larry Cotter pointed out that his motion is structured so that it is not just open to Eagle Fisheries or vessels that fished for Eagle, but to any vessel engaged in flatfishing and qualifies. The flatfish fishery is composed of a very substantial population; it offers great economic potential for the entire industry and the more data the Council can gather on the halibut bycatch in the fishery, the better information the Council will have on which to base future decisions.

There was further discussion on just how much halibut might actually be needed for the rest of the year; it was estimated that probably no more than 150 tons would be required.

**Larry Cotter restated his motion and added that it is his assumption that any data generated by vessels participating would be made available; also the level of observer coverage would be the same as they have engaged in throughout the year.**

**The motion carried, 9 to 2, with Mace and Pennoyer voting against.**

**D-5 Bering Sea/Aleutian Islands Groundfish FMP**

**SAFE Report/Setting ABC and Apportionments**

Loh-Lee Low summarized the draft SAFE report for the Bering Sea/Aleutian Islands groundfish for 1990. Pollock abundance in the Eastern Bering Seas is higher than the average level observed since the implementation of the MFCMA, but projections indicate that the biomass is declining and will continue to decline in the near future. Because of concern over the possible impacts of catches in the donut hole, the plan team recommended that the ABC for the Eastern Bering Sea be set at the lower end of the range (1,142,000 mt). In the Aleutian Islands, best available information suggests that the abundance is declining at a moderate rate and the plan team recommended an ABC of 149,400 mt. Last year the plan team recommended a separate ABC for the Bogoslof area where there is a developing fishery; however, because of the large catches taken in the donut hole and the possibility of a significant interchange between pollock in the Bogoslof and donut hole areas, the plan team recommended against creation of the separate Bogoslof ABC for 1990.

For Pacific cod, the abundance is estimated to be very high, but declining. The plan team recommended an ABC of 209,200 mt. The abundance of yellowfin sole is estimated to be very high and stable; the plan team recommended an ABC of 278,900 mt. Greenland turbot abundance is low and declining; plan team recommended ABC is 7,000 mt. Arrowtooth flounder and rock sole were both estimated to be very high and increasing; ABC recommendations were for 134,500 mt and 222,500 mt, respectively. Other flatfishes are very high and stable and the recommended ABC is 184,000 mt. Sablefish in the Eastern Bering Sea is low and declining and the ABC recommendation is 2,400 mt; for the Aleutian Islands the sablefish resource is estimated to be average and stable; the

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plan team recommended an ABC of 6,600 mt. Pacific ocean perch in the Eastern Bering Sea and Aleutian Islands is estimated to be below average but slowly increasing; the ABC recommendations were 6,300 mt and 16,600 mt, respectively. Other rockfish in the Eastern Bering Sea and Aleutian Islands was estimated to be below average but slowly increasing also; ABC recommendations were 500 mt and 1,100 mt, respectively. The Atka mackerel resource is estimated to be relatively low but increasing; the plan team recommended an ABC of 24,000 mt. The status of the squid resource is unknown; the plan team recommended the ABC remain at 10,000 mt. For the Other Species category, the resource is estimated to be high and stable and the recommended ABC is 59,000 mt.

**Public Testimony** on this agenda item is in APPENDIX I to these minutes.

**Report of the Scientific and Statistical Committee**

For detailed comments, please see the SSC minutes, APPENDIX III to these minutes. The following is a summary of SSC preliminary recommendations for Bering Sea/Aleutians Islands groundfish ABCs for 1990.

Pollock

For the Eastern Bering Sea, the SSC recommends a range of 1.14-1.47 million mt as a preliminary ABC with the intent of choosing one biomass estimator in December when additional information from the 1988 NMFS survey is integrated into the analysis. For the Aleutian Islands, the SSC agrees with the team's recommended ABC of 149,000 mt.

The SSC remains concerned about the stock identity and status of pollock fishing in the Aleutian Basin, which are exploited in the Soviet zone, in the donut hole, and in the area around Bogoslof Island. The Basin fish are tentatively regarded as distinct from both Eastern Bering Sea and Aleutian Islands fish and there is insufficient information to estimate biomass or rate of exploitation.

Pacific Cod

The plan team used a new fishing mortality estimator for Pacific cod which the SSC did not have time to examine thoroughly. For a preliminary ABC, the SSC recommended 345,399 mt. In December, after they have had the opportunity to examine the new method, their recommendation may be revised.

Yellowfin Sole

The SSC agreed with the plan team's recommendation of 279,000 mt.

Greenland Turbot

The SSC found it difficult to identify a credible estimate of the current stock biomass and asked the plan team for further clarification for December. In the interim, the SSC recommended an ABC range of 7,000 to 20,000 mt.



Arrowtooth Flounder

The SSC did not agree with the plan team's use of the FMAX rate of fishing mortality because yields derived under this method are not sustainable. The SSC recommended an ABC of 65,100 mt.

Rock Sole

The SSC did not agree with the plan team's method of determining the biomass for rock sole. The SSC recommended an ABC range of 245,115 to 320,000 mt and asked the plan team to identify a preferred fishing mortality estimator other than the biomass-based model in the final version of the SAFE document.

Other Flatfish

Other flatfish ABCs are computed as a fraction of the rock sole ABC, producing a recommended ABC range for rock sole of 200,900 to 262,300 mt.

Sablefish

The SSC recommended a preliminary range of 1,700-2,400 mt in the Eastern Bering Sea and 2,500-6,600 mt for the Aleutian Islands.

For Pacific ocean perch, Other rockfish, Atka mackerel, squid, and Other species, the SSC agreed with the plan team's recommendations.

**Report of the Advisory Panel**

The AP recommended that the initial TACS equal the 1990 ABCs or 1989 TACS, whichever is less. For initial 1990 apportionments to DAP and JVP, the AP recommended setting the initial pollock DAP equal to the TAC, less reserves, and that all other initial apportionments be made based on current 1989 distribution. The AP also recommended that NOAA Fisheries manage the halibut and crab PSC caps to provide bycatch amounts to fisheries that receive reserve releases late in the year.

**COUNCIL DISCUSSION AND ACTION**

**John Peterson moved to adopt the ABCs as developed by the plan team and the TACs and DAPs as recommended by the AP, with appropriate adjustment for reserves in DAP. Larry Cotter seconded the motion.**

Bob Mace suggested the Council use the same process as they used for Gulf of Alaska groundfish - specify a range using the higher and lower estimates of the SSC and plan team recommendations.

**Bob Mace moved to amend the motion to use the ABC ranges presented in Table 2 of the SSC report. The motion was seconded by Mark Pedersen and carried with no objection.**

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Henry Mitchell moved to amend the main motion to set the Pacific cod TAC at 34,500 mt. The motion was seconded by Larry Cotter and failed, 7 to 4, with Cotter, Dyson, Knowles and Mitchell voting yes.

Larry Cotter moved to set the Pacific cod TAC at 309,200. The motion was seconded by Henry Mitchell and carried, 6 to 5, with Alverson, M. Pedersen, Hegge, Mace and J. Peterson voting against.

Larry Cotter moved to increase the yellowfin sole TAC to 243,952 mt, rock sole TAC to 102,148 mt, and the Other flatfish TAC to 113,906 mt. The motion was seconded by Bob Mace and carried with no objection.

Mr. Cotter noted that the total was not quite 2 million mt and suggested that the difference be reflected in the pollock TAC. There was no objection to this suggestion. It was also stipulated that the 15% reserve would be allocated proportionately.

The main motion, as amended, carried with no objection. The final table of ABCs and apportionments is found in APPENDIX IV to these minutes.

**Pollock Roe-Stripping in the Bering Sea/Aleutian Islands**

Tony Knowles moved to ban pollock roe-stripping in the Bering Sea/Aleutian Islands. The motion was seconded by Ron Hegge.

Judy Merchant moved to postpone this action as was done for the same subject in the Gulf of Alaska. The motion was seconded by Tony Knowles and carried with Mace, Mitchell, and Hegge objecting. That action was to state the Council's intent to prohibit pollock roe-stripping in the Gulf of Alaska and provide for full utilization of the pollock resource, and providing that guidance to staff, NMFS, and NOAA General Counsel to prepare the necessary documents and analyses for Council review in December.

**E. FINANCIAL REPORT**

There was no financial report at this meeting.

**F. PUBLIC COMMENTS**

There were no further public comments.

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

Chairman Collinsworth announced that a special Council committee will be formed to study the Council process, looking into technical and human resources, staff workloads, Council meeting scheduling, the fishery management plan cycle and other Council procedures to determine if there are more efficient or effective ways of operation. The committee, consisting of Bob Alverson, Larry Cotter and Commander Joe Kyle, will work closely with Chairman Collinsworth.

The meeting was adjourned at 4:31 p.m. on Friday, September 29, 1989.