

North Pacific Fishery Management Council

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Certified Don Collinsworth
Chairman
Date 5/23/90

MINUTES

**90th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
January 16-20, 1990
Anchorage Hilton Hotel
Anchorage, Alaska**

The North Pacific Fishery Management Council met January 16-20, 1990 at the Anchorage Hilton Hotel. The Advisory Panel began meeting on Sunday, January 14, and the Scientific and Statistical Committee began on Monday, January 15. The Fishery Planning Committee met on Monday, January 15. Members of the Council, Scientific and Statistical Committee, and Advisory Panel attending the meetings are listed below.

Council

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

Bob Alverson, Vice Chairman
Richard Lauber
Henry Mitchell
Dave Hanson
Steve Pennoyer
John Peterson
Jeff Miotke

NPFMC Staff

Clarence Pautzke, Executive Director
Steve Davis, Deputy Director
Judy Willoughby
Dick Tremaine
Bill Wilson

Hal Weeks
Marcus Hartley
Helen Allen
Peggy Kircher
Gail Peeler

MINUTES
NPFMC MEETING
JANUARY 1990

Support Staff

Jim Brooks, NMFS-AKR
Mark Pedersen, WDF
Earl Krygier, ADFG
Bob Trumble, IPHC
Loh-Lee Low, NMFS-AFSC
Jim Balsiger, NMFS-AFSC
Ron Berg

Jon Pollard, NOAA-GCAK
Dale Evans, NMFS-AKR
Craig Hammond, NMFS-AKR
Jay Ginter, NMFS-AKR
Sue Salveson, NMFS-AKR
Russ Nelson, NMFS-AFSC

Scientific and Statistical Committee

Richard Marasco, Chairman
Bill Aron
Don Bevan
Bill Clark
Larry Hreha

Doug Eggers, Vice Chairman
Gordon Kruse
Terry Quinn
Don Rosenberg
Jack Tagart

Advisory Panel

Nancy Munro, Chairman
John Woodruff, Vice Chair
George Anderson
Al Burch
Phil Chitwood
Paul Clampitt

Lamar Cotten
Dave Fraser
Ed Fuglvog
Pete Isleib
Kevin Kaldestad
David Little

Pete Maloney
Dan O'Hara
Jay Skordahl
Harold Sparck
Robert Wurm
Lyle Yeck

General Public

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

Howard T. Amos
Raymond J. Campbell
Jerry Nelson
Pat Cummings
Parzival Copes
John Iani
John F. Roos
Chris Blackburn
Charles Manger
Arni Thomson
Eric Olsen
Per Odegaard
Steve Hughes
Kate Graham
Jessie Nelson
John Moran
Mark Lundsten

Bill Atkinson
Mike Bayle
John Melchior
Paul MacGregor
Victor Kanridal, Sr.
Dennis Hicks
Clyde Smith
Jack Crowley
J. O. Crowley
Michael Lake
Bill Rotecki
Anton Bowers
Charles Christensen
Alfred Peeler
Don Widness
John Tellerbo
Roger Woods

Ted Smits
Wally Pereyra
Joe Plesha
Dem Cowles
James Phillips
Jim Hubbard
Roger Benedict
Mel Monsen
Robert F. Morgan
Bill Orr
Jack Lentfer
Brian Bigler
Bruce Jackson
John Bruce
Don Bentley
Dean Paddock
D. O. Bodal

MINUTES
NPFMC MEETING
JANUARY 1990

Alan Welsh
Wm. Nicholson
Mark Lyman
Richard Cavanaugh
Peter Block
Jim H. Branson
Chris Bublitz
Emmet Heidemann
Charlie Spud Sr.
Donna Parker
Amanda Andrade
R. Waldosson
David Harville
Jed Whittaker
Debby Swenson

Kris Norosz
Clem Tillion
Shari Gross
Greg Baker
Ole Mathisen
James T. Sipary
John Charlie
Paul John
Billy Lincoln
Theresa Moses
Jobe Nevak
David Lewis
Peter Dull
Joseph Paniyak
H. Jones

Walter T. Ames
Nora Ames
Tommy Hooper
Andy Charlie
George Coughlin
Mark D. Hofmann
Kurt Schelle
Bruce Twomley
Jude Henzler
T. Rueter
Carla A. Burke
Bruce Stanford
Dan Huppert
Lee Anderson

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

The meeting was called to order at 8:02 a.m. on January 16, 1990 by Chairman Don Collinsworth. Rear Admiral Ciancaglini was introduced and welcomed to the Council.

Minutes. Time did not permit consideration of the September meeting minutes.

Agenda. The agenda was approved as drafted.

On Wednesday, new Council member Rick Lauber was welcomed to the Council and was administered the Oath of Office by Steve Pennoyer.

B. REPORTS

B-1 Executive Director's Report

Clarence Pautzke announced that Chairman Collinsworth has appointed Pete Maloney from UniSea, Inc. to fill the vacancy on the Advisory Panel. The Council's Performance Review Committee's final report was to be presented to the Council, AP and SSC during the meeting week.

Dr. Pautzke reported that NMFS has approved all joint venture vessels permits for the yellowfin sole fisheries. Permits for transshipments of fish from outside the EEZ have been issued for six months only. NMFS will monitor that activity and analyze the economic impacts of prohibiting such activity to determine whether to restrict permits for the second half of 1990.

The Council was invited to comment on a State Department rule which specifies the amount of advance warning necessary before Chinese fishing vessels can visit U.S. ports. Notice requirements differ for fishing vessels under a GIFA (4- or 14-day advance notice, depending on the port) and commercial vessels under the U.S.-PRC maritime agreement (1- or 4-day notice). The Coast Guard has recommended going to the shorter notice requirements for all vessels.

MINUTES
NPFMC MEETING
JANUARY 1990

John Peterson moved to send a letter supporting the Coast Guard's recommendation for a uniform notice requirement for entering U.S. ports for the People's Republic of China. The motion was seconded by Joe Blum and carried without objection.

The Council was asked to consider reprogramming up to \$25,000 in the Council's 1989 administrative budget from Travel to Special Consultants for possible use for supplemental analysis on issues facing the Council in 1990.

Bob Mace moved to authorize reprogramming \$25,000 from Travel to Special Consultants. The motion was seconded by Oscar Dyson and carried without objection.

Icelandic Request for Allocation. State Department Representative Jeff Miotke informed the Council that the Government of Iceland has asked the Secretary of Commerce and State Department to make available an additional 30,000 mt of Pacific cod for joint ventures in 1990. The State Department asked for Council views before acting on the request.

The **Advisory Panel** recommended against any change of quotas or allocations to support a Pacific cod joint venture in the Bering Sea.

Public Testimony

Ragnars Haldorssen, Icelandic Deep Sea Fisheries. In 1989 they received a permit but arrived late in the season. However, they were able to conduct a small test fishery to prove the viability of their venture. They have now have been tied up in Dutch Harbor since January 1 assuming they would again receive a permit. The support of their government should demonstrate the soundness of their venture. Asked the Council to reconsider their allocation of cod for 1990. He assured the Council the product will not be sold in U.S. markets.

Steve Hughes, Ted Smits, Chris Blackburn, Mel Morris, Jon Ioni, Doug Gordon, Linda Kozak, Konrad Uri, Vince Curry, Arni Thomson, industry representatives. Steve Hughes referenced the agreement made last meeting on bycatch allocations. The Council basically followed their recommendations, one of which was not to expand the participation of new countries in joint ventures. Mel Morris: It's taken them a long time and a lot of money to develop markets for U.S. cod; it makes very little sense to go back to where they were. Chris Blackburn: Business agreements have been made for cod, etc., based on decisions in December. Those arrangements shouldn't be jeopardized by decisions made by another agency. Jon Ioni: Processors are capable of taking care of all domestic product. Also, the integrity of the Council process is important. Arni Thomson: His concern is the integrity of the Council process. Doug Gordon: If the Council considered such an allocation, AHSFA would see it as a rollover of unused quota from last year and current joint ventures should have the opportunity to harvest it.

COUNCIL DISCUSSION AND ACTION

The Council had decided in December to apportion the total Pacific cod to DAP. To allow for cod JVP, the Council would need to (1) reapportion cod from DAP to JVP to maintain the same total allowable catch, or (2) increase the cod TAC and lower some other species TAC to remain within the 2 million mt BSAI optimum yield cap, or (3) raise the OY cap by emergency rule to accommodate an increased Pacific cod TAC without changing the TACs for other species.

After some discussion, the Council decided by consensus to recommend against any change in the TACs or ABCs. They pointed out that they considered all aspects when making their recommendations for ABCs and TACs in December to produce the OY and see no justification for a change at this time.

Performance Review Committee. Bob Alverson and Larry Cotter reviewed the final report and recommendations of the Committee. With regard to recommendations relating to the function of the SSC and establishing sub-groups to the SSC, the Chairman said that the Council has not yet decided whether such a reconfiguration is advisable or desirable. The Council will discuss the recommendations of the Performance Review Committee further during their workshop to be scheduled in March.

Staff Tasking. Clarence Pautzke provided the Council with a tasking document prepared in consultation with representatives of the other agencies involved in analysis and implementation of Council decisions. It showed that there is a lack of economists to complete all the studies that would be necessary for a wide array of management issues. The Council members were asked to keep that in mind as tasking needs were developed during the meeting. On Friday evening just before adjourning, the Council further considered the availability of staff and assigned priorities to the issues discussed during the week. This discussion is summarized in these minutes at the end of agenda item D-1, General Groundfish.

April Council Meeting. In light of the Council's heavy agenda in April, it was decided to begin the Council meeting on Monday, April 23. The meeting will probably continue at least through Friday, and possibly into Saturday. It was suggested that the AP and SSC may have to begin on the previous Saturday, April 21.

C. NEW OR CONTINUING BUSINESS

C-1 Northern Sea Lions

Steve Pennoyer reported that the Northern or Steller sea lion is being considered for listing under the Endangered Species Act. A 1989 survey of Steller sea lions in Alaska from the Gulf of Alaska to the western Aleutian Islands showed that the population has declined 63% since counts were made in 1985 (from 68,000 animals in 1985 to about 25,000 in 1989). Overall, the Alaska Steller sea lion population has declined by over 75% since the late 1960s. If the sea lion is listed as "threatened" or "endangered," all federal and Council actions would be examined in terms of their impact on the recovery of sea lions. Tom Loughlin, from the NMFS Marine Mammal Laboratory, reported that research in 1990 will emphasize population assessment to determine whether the 1989 survey was anomalous and the causes of mortality.

The Council approved a joint press release by the Council and NMFS to inform industry of the critical situation and ask for cooperation in finding solutions.

Chris Blackburn noted that members of the fishing industry have formed the Alaskan Fishing Industry Marine Environment Task Force to bring together the Alaska fishing industry, representatives of the environmental community, the Council, and State and Federal agencies and scientists to work for the health of the marine environment, paying immediate attention to the sea lion decline. A workshop will be held in the next month to formulate an industry action plan. The agenda will include a review of sea lion data, research priorities and funding needs and potential mitigating measures if the fishing

MINUTES
NPFMC MEETING
JANUARY 1990

industry is found to be a source of stress on sea lion populations. A full scale conference will be scheduled for later in the year.

NMFS will be establishing a workgroup to address the sea lion issue. Council members Joe Blum and Rick Lauber volunteered to be on that workgroup.

C-2 Domestic Observer Program

The Council received an update on the observer program from Russ Nelson of the Alaska Fisheries Science Center. The final rule, which should be published soon, included a change in the minimum vessel size for 30% coverage from 50' to 60', and poundage requirements for shoreside plants. The final rule also exempts Clarence Strait, Chatham Strait, and Prince William Sound fisheries that are regulated by the State of Alaska. By the end of the next training session on February 7 there will be 100 certified observers available.

Ron Hegge suggested that the Data Gathering Committee review reporting requirements under the new observer program in light of industry comments on difficulties and costs. Steve Pennoyer said that they are willing to report on progress at the next Council meeting, but that the program is still too new to attempt to determine problem areas and act on them. It was decided that the Region will report to the Council on the first day of the April meeting.

Comments of the Scientific and Statistical Committee

The SSC reiterated its concern that biased data may be obtained from vessels mandated to have 30% coverage. Proposed rules provide an opportunity within each quarter for vessels to control the trips during which observers are present. The preferred systematic sampling strategies would require observer coverage on every nth day or trip. The SSC's concerns have been transmitted to the AFSC with a request that they take appropriate steps to minimize sampling bias.

The SSC also noted that the final rule stipulates that observer data are "administratively confidential." Although aggregated and summarized data can be provided, much information is lost in this process. Statistical accuracy of observer data cannot be verified without access to data from individual fishing vessels. The SSC believes these restrictions undermine the effectiveness of the domestic observer program in providing the Council with the information required to manage the groundfish fishery and urged the Council to work to modify these restrictions so that fishery scientists and managers may gain timely and complete access to the data.

C-3 SOPP

Council review of NMFS comments on the Statement of Organization, Practices and Procedures was postponed until April.

C-4 NMFS Marine Recreational Fisheries Action Plan

Council members asked the Executive Director to draft a letter in support of the objectives of the action plan. Steve Pennoyer pointed out that funding is not available to implement any proposed programs. Council members agreed that funding should not come from Wallop-Breaux funds.

C-5 Sablefish Management

The Council was scheduled to approve a final preferred alternative for limited access management for the Gulf of Alaska and Bering Sea/Aleutian Islands fixed-gear sablefish fisheries.

Before proceeding with public testimony, staff reports, and Council discussion on this agenda item, Clarence Pautzke presented an overview of the options under consideration in the SEIS/RIR/IRFA. Three noted fisheries experts were invited to share their knowledge of limited access systems. The panel consisted of Dr. Parzival Copes, Simon Fraser University, Dr. Daniel Huppert, University of Washington, Marine Studies Institute, and Dr. Lee Anderson of the College of Marine Studies, University of Delaware and member of the Mid-Atlantic Fishery Management Council.

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

Report of the Scientific and Statistical Committee

The SSC reviewed the draft SEIS/RIR/IRFA for the sablefish management amendment. While the document identifies the Council's concern about problems that result from open access, the alternatives specified in the document only address excess harvesting capacity. There were numerous suboptions identified for the IFQ and license limitation alternatives. The SSC is unable to provide a detailed discussion of the pros and cons of any system until the Council further narrows the options and a focused impact analysis is completed.

Report of the Advisory Panel

The Advisory Panel recommended that the Council direct staff to flesh out an IFQ option for the April meeting. At the April meeting the AP would then vote between the IFQ option and status quo. The AP provided several areas of consideration for inclusion in the analysis.

COUNCIL DISCUSSION AND ACTION

The Council spent over 25 hours on this agenda item, including public testimony and reports. Rather than list every motion, many of which were amended several times or reconsidered and changed, these minutes will reflect the general areas of discussion and the final product. The Council secretary's notes, along with tape references, will be available in the Council office for clarification or reference should the need arise.

Before proceeding with discussion, NOAA General Counsel Jon Pollard was asked to provide comments relative to the Council's decisionmaking process on this agenda item. Mr. Pollard stressed the criteria contained in the National Standards and other law. When considering limited access, allocations must be fair and equitable, promote conservation, and no entity should receive an excessive share of fishing privileges. Any recommendation should reflect that a limited access system is necessary to achieve the OY and the decisionmakers must take into account present participation in the fishery, historical practices in and dependence on the fishery by the users, the economics of the fishery, capability of fishing vessels to engage in other fisheries, the cultural and social framework relevant to the fishery, and any other considerations relevant to the particular fishery under consideration.

MINUTES
NPFMC MEETING
JANUARY 1990

The Council considered three options to the status quo of open access: Annual Fishing Allotments, Individual Fishing Quotas, and License Limitation.

By motion, the Council stated their belief that the current open access system has led to undesirable problems in the management of the sablefish fishery and agreed to proceed with an examination of alternative management regimes. They reserved a final decision on status quo until after reviewing the analysis of a single, fully-developed alternative. Their intent was not to eliminate status quo as an ultimate solution, but to concentrate on development of a single preferred limited access alternative before making the final determination.

After some discussion, the Council agreed to examine both the license limitation and individual fishing quota alternatives and decided against further examination of the annual fishing allotment alternative.

The Council began by examining the decision points for a license limitation system, outlined in agenda item C-5(c) in the Council notebooks. However, after examining several of the options, it was determined that a license limitation system would not address the major problem of excess effort. The Council voted to abandon consideration of the license system and concentrate on refinement of an individual fishing quota system.

The Council felt that the fishery would benefit from an IFQ system because it would allow a free market system to operate and fishermen to decide when they will fish. Council members were concerned, however, that the opportunity to participate could be restricted by the cost of the system because of investment speculation. Working from agenda item C-5(b), Decision Points for Sablefish Fixed Gear Management for IFQs, the Council chose the following system for further analysis and public review.

- I. **Scope of the Program** - sablefish longline and pot fisheries in the Gulf of Alaska and Bering Sea/Aleutian Islands.
- II. **Who, What, When, Where, and How**
 - A. **What.** Each IFQ would be a percentage of the total allowable catch for each management area. These percentages would be defined as "units" which could be subdivided into smaller units. The amount of weight assigned to each unit would vary yearly as the TAC varied from year to year. The Council suggested that the units be highly divisible and that the analysis should include examples.
 - B. **Where.** All six management areas of the Gulf of Alaska, Bering Sea, and Aleutian Islands: Southeast Outside/East Yakutat, West Yakutat, Central Gulf, Western Gulf, Bering Sea, Aleutian Islands.
 - C. **When.** IFQs would be issued yearly to those who owned them, with initial allocations issued in 1990 for the 1991 fishing year. [There was some discussion of whether this could be accomplished in the time frame adopted; it was decided that between now and April staff will have a better idea of administrative needs and can report back to the Council.]

D. **Who.** The person who owned or was a lease holder of a vessel that make sablefish longline or pot landings.

1. **Person** - as defined by the Magnuson Act, with the exclusion of non-U.S. citizens. Any individual who is a U.S. citizen, any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State but being owned and controlled by a majority of U.S. citizens), and any Federal, State, or local government or any entity of any such government.
2. **Initial Allocations** could go to: [These are options under consideration - no preferred alternative at this time.]
 - i. Vessel owner(s) only.
 - ii. Vessel owner(s) except when a qualified lease exists.
 - a. The person leasing a vessel (bareboat contract). The leaseholder would receive full credit for trips with a qualified lease.
 - b. The owner and lease holder would split credit for trips with a qualified lease. The split is not yet specified. [Council requested that staff obtain maritime interpretation of leasing and bareboat contracts for Council review in April. The Council wants the permit to go to the person who really runs the business, not an absentee owner.]

E. **How initial allocations will be made.**

1. 6-year weighted average for 1984-89.
2. Recent years will have more weight; use 3% increment as preferred option with 1% and 10% to be analyzed as possible options.
3. Vessel size categories: less than 50', 50'-100', greater than 100'. Also analyze an option of no vessel categories. [No preferred option at this time.]
4. Initial IFQ, if different vessel size category than current ownership, would go to the last category owned. Rule for Analysis - IFQ goes to latest and largest vessel.

III. **Transferability.**

- A. IFQs will be totally transferable within their respective categories; leasing would be prohibited for two years after program implementation. NMFS will develop lease language.
- B. IFQ transfers would have to be approved by NMFS based on eligibility criteria prior to fishing.
- C. Persons must control IFQs for amount to be caught before a trip begins.
- D. IFQs are management area-specific and may not be transferred between areas.
- E. A person may not own or control more than 3% of overall combined GOA/BSAI fixed gear TAC except for those vessels that had more when the program was implemented. Those grandfathered vessels may continue their original holdings but cannot buy additional IFQ until their total share is less than 3%.
- F. Only persons as defined in Section II.D.1 can control IFQs.

MINUTES
NPFMC MEETING
JANUARY 1990

IV. Duration of Harvest Rights

The Council asked that the analysis focus public attention on the following options:

- A. Duration of harvesting rights may be subject to periodic change, including revocation, in accordance with appropriate management procedures defined in MFCMA. -OR-
 - B. Granted in perpetuity; -OR-
 - C. Limited to a specific period of time such as 5 or 10 years.
- [No preferred option at this time.]

V. Coastal Communities

Henry Mitchell offered a plan giving economically disadvantaged Alaskan coastal communities the opportunity to enter the sablefish fishery after an IFQ system is implemented. The entire document is found in Appendix III to these minutes. The option as presented was approved as a concept, not as a preferred alternative at this time. It was suggested that the issue may have to be put on a separate analysis cycle in order to avoid holding up the implementation of a sablefish limited access system by 1991. For analysis purposes, community development quotas would not exceed 4% of the fixed gear TAC overall, with no more than 10% for Bering Sea, Aleutian Islands, and the Western Gulf of Alaska, 5% for the Central Gulf, and 1% for the W. Yakutat and E. Yakutat/Southeast Outside districts of the Gulf.

VI. Administration

- A. IFQs would be administered by the NMFS Alaska Regional Office, although the function could be contracted to the State of Alaska.
- B. Appeals. The Region will work out a suggested procedure for Council review at the April meeting. The following parameters were discussed:
 - i. Basis of judgement for use in appeals will be fact, i.e., certified records, agreements, etc.
 - ii. Appeals could be brought forward based on four criteria:
 - a. errors in fish ticket information
 - b. documented lease holder qualification
 - c. total vessel loss due to burning, sinking, or shipwreck. Adjustments may be made to the landings for the year the occurrence happened.
 - d. inability to commence sablefish fishing on April 1, 1989 because of the Exxon oil spill, with documentation.
 - iii. Initial appeals would be heard by an Appeals Board composed of government employees rather than industry members. Subsequent appeals would go to NMFS Alaska Regional Director followed by appeals to the Secretary of Commerce, then the court system.

The Council also discussed enforcement issues which will be addressed by NMFS.

The Council approved the above system to be analyzed for public review. The public review document will indicate this is the Council's preferred alternative but reference other alternatives analyzed in the SEIS/RIR/IRFA. The Council expects to make a final decision on a sablefish management limited access system at the April Council meeting.

C-6 Halibut Management

(a) Joint Meeting with IPHC

On Wednesday, January 17, the Council met with the International Pacific Halibut Commission to discuss management issues of mutual concern. In addition to Commission Chairman Steve Pennoyer, Commissioners Dennis Brock, Vice Chairman, Dick Eliason, Gary Williamson, and Linda Alexander attended the meeting with the Council.

The Council and Commissioners received status of stock information from Don McCaughran, Executive Director of the IPHC, and a brief review of IPHC staff proposals for the 1990 fishery. The main topic of discussion was bycatch management and the possible retention of halibut caught by longliners in other fisheries. Dennis Brock said that the IPHC is basically opposed to this philosophy. Before considering such an option it would be critical to reduce bycatch to the maximum extent possible. Commissioner Brock told Council members that members of the Canadian halibut fishing industry have petitioned for institution of an IFQ program.

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

It was suggested that the next annual meeting between the Council and IPHC should have a more specific agenda with a portion of the meeting devoted to reports and testimony and a workshop-type session for open exchange and discussion of the issues among Council and Commission members. The executive directors for both agencies will work together to develop such an agenda for the 1991 meeting.

(b) Future Halibut Management Planning

It was suggested that, because of other staff obligations with the amendment packages, bycatch issues, inshore-offshore allocation, etc., the Council delay further consideration of halibut limited analysis until the April Council meeting.

Henry Mitchell moved to delay until April considerations of the halibut limited access systems. The motion was seconded by Joe Blum and carried with no objection. It was pointed out that after the Council makes a final decision on the preferred alternative for sablefish in April, the scope of the halibut analysis can be more focused and save staff time.

Joe Blum mentioned that Council members should be kept up to date on a lawsuit, Makah Indian Tribe vs Secretary of Commerce, which could have major implications on the halibut resource in the North Pacific.

C-7 Future Management Planning for Groundfish and Crab

The Council was scheduled to review the planning schedule for limited access for groundfish and crab fisheries.

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

MINUTES
NPFMC MEETING
JANUARY 1990

Report of the Advisory Panel

In considering the issue of limited access in the sablefish fishery, the AP believes it is important to address the question of future management schemes in the other fisheries. In that light, the AP recommended that the Council begin the process of establishing a moratorium or non-transferable license system for all fisheries under Council jurisdiction. This system could sunset either (1) on implementation of a final program for each of the fisheries; or (2) after four years if planning cycles are abandoned or delayed. The AP recommended that this be a high priority for staff analysis.

COUNCIL DISCUSSION AND ACTION

The Council discussed the analysis required for a moratorium in light of other staff work in progress. There was some support for a restraint on new entrants until some of the other issues are resolved, but there was question whether such an analysis could be pursued with available manpower. Rich Marasco suggested that it might be September at the earliest before such an analysis could be prepared. It was suggested that the Council notice the public that they intend to pursue a moratorium for all fisheries at the April meeting and proceed from that point.

Joe Blum moved to put the fishing community on notice that the Council will consider taking action at the April meeting to establish a moratorium for all fisheries under Council jurisdiction. The system would sunset either on implementation of a final program under a cycle for each of the fisheries as outlined by the Fishery Planning Committee, or after four years if cycles are abandoned or delayed. The Council may consider a cut-off date as early as January 19, 1990, and a vessel must have a keel laid or have participated in a fishery under the jurisdiction of this Council by that date to meet the intent of the moratorium. The motion was seconded by Bob Mace.

Jon Pollard suggested that the Council should state a cut-off date for April in order to ensure public notice requirements are met. Mr. Blum said he preferred to leave the motion as is in light of the Advisory Panel's recommendation and industry members who testified in favor of a moratorium.

The motion carried, 9 to 2, with Dyson and Mitchell objecting.

C-8 Inshore-Offshore Allocation

The Council was scheduled to receive the Fishery Planning Committee report and review revised alternatives, tasking and analytical needs, and provide direction on development of an amendment.

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

Report of the Scientific and Statistical Committee

The SSC felt the problem statement contains a list of concerns that is too broad. If the Council agrees that preemption of one segment of the industry by another is the main issue, the problem statement should be modified. Further, they recommended alternatives should be tailored to address the issue of preemption. The SSC had several specific recommendations on the alternatives which are found in the SSC Minutes, **Appendix II** to these minutes.

Report of the Advisory Panel

The AP recommended the Council direct staff to move on the inshore-offshore issue as quickly as possible. They provided an amended list of alternatives for staff analysis and requested that staff develop a discussion paper for the April meeting.

Report of the Fishery Planning Committee

The FPC made several editorial changes to shorten the problem statement to make it more specific. Each of the draft alternatives was examined and some revised or combined. The FPC's recommendations were:

Problem Statement

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, and possible pre-emption of one industry component by another with the attendant social and economic disruption.

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, including but not limited to the inshore and offshore components of the industry.

The Council defines the problem as: 1) domestic harvest and processing capacity exceeds available resources; and 2) a resource allocation problem where one industry sector is threatened by another.

The Council will address these problems through the adoption of appropriate management measures to advance the conservation needs of the fishery resources in the North Pacific and to further the economic and social goals of the Act.

Management Alternatives

1. Status quo with no change in regulations to address the problem (Required by law).
2. Use traditional management tools including but not limited to: trip limits, periodic allocations, super-exclusive registration areas, and gear sizes Council may ask to analyze one or more of these depending on need).

MINUTES
NPFMC MEETING
JANUARY 1990

3. Allocate the Total Allowable Catch (TAC) between inshore and offshore components of the industry. Specifically, this alternative would examine the Gulf of Alaska pollock, rockfish, flatfish and Pacific cod fisheries, and the Bering Sea pollock, flatfish and Pacific cod fisheries, under various allocation percentages/
4. Allocate TAC on basis of species (for example, just pollock) and vessel length (for example, partition the BSAI TAC 50-50 between vessels over 150' and those less than 150'. A threshold for the GOA might be 125').
5. Use a combination of the following measures: ban pollock roe-stripping everywhere, delay opening of GOA pollock season until after roe season, split pollock into roe, non-roe seasonal quotas, and divide GOA pollock area into separate districts.*
6. -Establish an immediate moratorium on new harvesting and processing capacity;
-Exempt vessels under 40' or in the pipeline; and
-Establish a cut-off date.

*Each of these is presently being looked at in one form or another by the Council, presently the FPC recommends this alternative remain in this forum until the individual items are dealt with by the Council.

COUNCIL DISCUSSION AND ACTION

Joe Blum moved to adopt the FPC's recommended problem statement (as shown above). The motion was seconded by Bob Alverson and carried without objection.

In two separate motions, Joe Blum moved to adopt Management Alternatives 1 and 2 as recommended by the FPC (as shown above). The motions both carried without objection.

Joe Blum moved to adopt Management Alternative 4 as recommended by the Advisory Panel:

Allocate TAC on basis of species and vessel length (for example, partition the BSAI TAC 50-50 between vessels over 150' and those less than 150'. A threshold for the GOA might be 125'). It is understood that this alternative would be used in conjunction with or preceded by a moratorium.

The motion was seconded by Henry Mitchell.

By friendly amendment, the last sentence was changed to read, "this alternative will be analyzed with or without a moratorium." The alternative would be analyzed under two scenarios - one with a moratorium and one without a moratorium.

During discussion it was clarified that the species to be analyzed under this alternative would be: pollock, flatfish and Pacific cod. However, if staff determines during analysis that other species may

be a problem, they should be included in the analysis.

The motion carried with no objection.

Joe Blum moved to adopt Management Alternative 5 as recommended by the Advisory Panel with the same notation as Alternative 4 with regard to a moratorium:

Use a combination of the following measures: ban pollock roe-stripping everywhere, delay opening of GOA pollock season until after roe season, split pollock into roe, non-roe seasonal quotas, and divide GOA pollock area into separate districts. This alternative will be analyzed as to its effect with a moratorium and without a moratorium.

The motion was seconded by Henry Mitchell.

There was some discussion of the fact that the Council has already taken action on banning roe-stripping and whether or not it would be necessary in this issue. Staff felt that the analysis would not require much additional work for this analysis. It was also pointed out that season adjustments can be made by regulatory amendment. Henry Mitchell suggested analyzing the use of closures during the middle of a quarter for a period of time, however it was decided that this issue could be dealt with in the analysis of the roe-stripping amendment.

The motion carried with no objection.

Joe Blum moved to adopt Management Alternative 6 as recommended by the Advisory Panel:

- Establish an immediate four-year moratorium on new harvesting vessels. The intent is not to include carrier or support vessels in this definition;**
- Exempt vessels under 40' in the Bering Sea.**

The motion was seconded by Henry Mitchell.

Council members discussed the need for a separate alternative to deal with a moratorium in light of the final wording in alternatives 4 and 5.

Henry Mitchell moved to amend to include processing capacity in the motion. The motion was seconded by Joe Blum and carried 6 to 5, with Alverson, Dyson, Hegge, Lauber and Pennoyer voting against.

Larry Cotter moved to amend the motion to insert "at-sea" in front of the word "processing" in the amended motion. The motion was seconded by Oscar Dyson and failed, 9 to 2, with Cotter and Collinsworth voting in favor.

After further discussion, the Council agreed to delete alternative 6 and include analysis of a moratorium under alternatives 3, 4 and 5 using those items in alternative 6 as definitions for the scope of the analysis.

MINUTES
NPFMC MEETING
JANUARY 1990

Rick Lauber moved to adopt Management Alternative 3 as recommended by the Advisory Panel:

Allocate the Total Allowable Catch (TAC) between inshore and offshore components of the industry. Specifically this alternative would examine the Gulf of Alaska pollock, rockfish, flatfish and Pacific cod fisheries, and the Bering Sea pollock, flatfish and Pacific cod fisheries, under various allocation percentages.

The motion was seconded by Oscar Dyson.

By friendly amendment, the phrase, "and define inshore-offshore operational areas for pollock in the Bering Sea," was added to the end of the motion.

The Council also agreed that the percentages recommended by the Fishery Planning Committee would be used for analysis purposes:

<u>Onshore</u>	<u>Offshore</u>	
100%	0%	(GOA pollock only)
80%	20%	(GOA only)
50%	50%	(both GOA and BS)
20%	80%	(BS only)

Larry Cotter said that there were some suggested rules discussed during the Fishery Planning Committee to accompany this alternative which might bear on the analysis. Those rules included the following:

- Each year prior to the commencement of groundfish processing operations, each mothership and floating processing vessel would declare whether it would operate in the inshore-offshore component of the industry and that they may not participate in both, and once they start, must continue in that component.
- On an annual basis NMFS would conduct a survey of the inshore and offshore components to determine the extent to which they had fully utilized their respective allocations and if it is determined as a result of the survey that one component or the other does not have the intent or capacity to handle their allocation, reapportionment is appropriate and can be made.
- If there is a reapportionment made to the offshore component, time and/or area restrictions might be implemented to insure the offshore component doesn't take the additional allocation in close proximity to areas relied upon by the inshore component.

During Council discussion on this subject, it was determined that the Fishery Planning Committee would meet to develop definitions and rules to be used in the analysis.

The motion carried without objection.

Joe Blum moved to direct staff to consider a provision for community development under any allocation scheme. The motion was seconded by Larry Cotter and carried without objection.

It was agreed that the Fishery Planning Committee could provide guidance to staff for the development of this provision.

C-9 Fishery Research Priorities

Bob Mace moved to adopt the SSC's recommendations for research priorities for 1991:

- A. Alaska Fishery Monitoring Data Entry, Storage and Analysis System**
- B. Expanded Ecosystem Studies**
- C. Critical Biological Problems**
 - 1. Pollock stock structure, assessment and management.**
 - 2. Rockfish and sablefish assessment and management.**
 - 3. Crab assessment and management.**

(A more detailed description of these recommendations is found in the SSC Minutes, Appendix I to these minutes.)

The motion was seconded by John Peterson and carried without objection.

C-10 SSC Appointments and Approval of AP Officers

The Council reappointed the following SSC members to serve for 1990: Bill Aron, Bill Clark, Doug Eggers, Larry Hreha, Rich Marasco, Terry Quinn, Don Rosenberg, and Jack Tagart. Gordon Kruse was named to replace Dana Schmidt, and Dan Huppert was appointed to replace Don Bevan. An effort will be made to appoint a marine mammal scientist to the one remaining seat on the SSC.

The Council also approved the AP's reelection of Nancy Munro and John Woodruff as Chairman and Vice Chairman, respectively, for 1990.

D. FISHERY MANAGEMENT PLANS

D-1 General groundfish

(a) Select proposals for further analysis in amendment cycle.

Forty-five groundfish proposals were received for consideration for the 1990 amendment cycle. The groundfish plan teams and the Council's Plan Amendment Advisory Group (PAAG) reviewed the proposals and provided recommendations to the Council. The plan teams rated 23 of the proposals as high priority, including four administrative-type actions for both the Gulf and Bering Sea plans, a change in the sablefish opening in the Bering Sea, two mesh size restriction measures for trawl fisheries in the Gulf of Alaska, a prohibition of bottom trawling in IPHC Area 4C in the Bering Sea, a measure to define the gear types of trawl, i.e., midwater and bottom gear and specify dimensional criteria for different types of trawl gear, and a requirement for biodegradable panels on groundfish pots for the Bering Sea and Gulf of Alaska, ten bycatch management measures in the Gulf and Bering Sea/Aleutians, and development of a Council policy with regard to experimental and exploratory fisheries outside the ABC/TAC.

MINUTES
NPFMC MEETING
JANUARY 1990

The PAAG rated ten proposals as high priority but recommended the following five as highest priority in the event analysis is limited by availability of staff: Define overfishing in the GOA and BSAI, continue and revise crab and halibut bycatch management measures for the BSAI, develop revised bycatch management measures in the GOA, apportion TAC by season in the GOA and BSAI, and open the sablefish season in April or June in the BSAI.

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

Report of the Scientific and Statistical Committee

The SSC concurred with the PAAG's recommendations for high priority proposals. Specific comments on other proposals are found in the SSC Minutes, Appendix II. The SSC also reviewed the proposal to combine the Gulf of Alaska and Bering Sea/Aleutian Islands groundfish plans and recommended combining the two plans. They suggested the new plan should consider a framework approach for bycatch, gear changes, closed areas, seasons, etc.

Report of the Advisory Panel

The Advisory Panel agreed with the PAAG's recommendations for high priority proposals with the addition of two proposals: establishing a PSC cap for herring, and prohibiting longline fishing three days before the sablefish opening. The AP recommended the Council consider emergency action at the April meeting with regard to establishing a PSC cap for herring. Although the AP discussed combining the two groundfish plans, they offered no recommendation.

COUNCIL DISCUSSION AND ACTION

(Council discussion of groundfish amendments began just before lunch on Friday, January 19. It continued after lunch at about 1:30 p.m. with the main motion by John Peterson and amendment by Larry Cotter.)

Chairman Collinsworth expressed concern over the requirement to define overfishing with specific numbers for each fishery. Staff clarified that specific numbers may not be necessary - overfishing could be defined in terms of a fishing exploitation rate. The plan team has discussed this issue and will analyze this possibility if the proposal is approved for analysis. Chairman Collinsworth pointed out that exploitation rates are changed for a variety of reasons and this could still cause problems. Steve Pennoyer pointed out that there are no specific requirements on how to define overfishing, but a definition is required by Secretary of Commerce regulations with submission of the next plan amendment.

John Peterson moved that, subject to staff tasking requirements, the Council accept the high priority recommendations of the PAAG with two additions: that the PSC cap for herring be brought to the April meeting on an emergency basis; and proposal 15, prohibiting longline fishing three days before the sablefish longline opening, be placed on a high priority. The motion was seconded by Joe Blum. (Mr. Peterson clarified that he would rate the two additional proposals with two asterisks under the PAAG's priority listing.)

Larry Cotter pointed out that herring bycatch is already included as a high priority and that the emergency action is a different issue from the amendment package. With the current staff tasking situation, the Council will need to prioritize further. He suggested that bycatch regulations which will sunset under Amendment 12a will have to be addressed and that halibut incentives for the Gulf of Alaska should be addressed. The Council discussed the possibility of extending Amendment 12a as it applies to king and Tanner crab and halibut and then consider measures for herring and salmon bycatch in the Bering Sea/Aleutians.

The Council also discussed the proposal to combine the groundfish plans. Some Council members favored this measure but felt that all available staff should be directed to more urgent management issues at this time.

Larry Cotter moved to amend the motion to state that the Council declares the following items as a priority for analysis: (1) define overfishing in the GOA/BSAI; (2) extend Amendment 12a for one year; (3) implement herring and salmon bycatch control measures in the BSAI; and (4) implement halibut bycatch incentive programs in the GOA. The motion was seconded by Henry Mitchell.

Steve Pennoyer said that simply extending Amendment 12a may not be adequate; it may be necessary to expand the alternatives and the analysis.

The amendment to the motion carried w/no objection. The main motion also carried, as amended.

(The Council then proceeded to agenda items D-1(b) and (c), and several other agenda items, including sablefish limited access. Late Friday evening, they again considered staff tasking priorities.)

Subsequent Council discussion on staff tasking (beginning at about 11:30 p.m., Friday night)

With current analysis of sablefish and inshore/offshore analyses, and bycatch issues facing the Council, priorities for the groundfish amendments previously adopted under Agenda item D-1(a) were discussed. Steve Davis, Dale Evans, Rich Marasco, and Earl Krygier had analyzed staff workloads in their respective agencies and the availability of analysts, especially economists, to work on Council issues.

Steve Davis said that the projects that could be analyzed for the April meeting included the sablefish IFQ analysis and the following groundfish amendments: overfishing definition, a limited BSAI bycatch amendment, herring bycatch (ADF&G will lead; apparently data were insufficient to also do salmon bycatch), interim groundfish specifications (Region will lead), biodegradable panels in groundfish pots (Region will lead), and the demersal shelf rockfish package (ADF&G will lead), and a GOA bycatch amendment, if limited to a reserve system and a PSC apportionment measure. Because the inshore-offshore allocation issue will require mainly an economic analysis, it is doubtful if it could move forward, while these other amendments are being analyzed.

Council members were very concerned about delaying the inshore-offshore issue and discussed the possibility of obtaining economists from other regions or the Central Office. Steve Pennoyer noted that costs are high for moving people. It was also suggested that perhaps funding could be sought from industry to contract for some of the required analyses. There was subsequent Council discussion of staff tasking using as a reference the table handed out at the beginning of the meeting during the Executive Director's Report.

MINUTES
NPFMC MEETING
JANUARY 1990

Steve Pennoyer reiterated his concern that a simple extension of Amendment 12a may be insufficient. Observer data in 1990 may show that additional measures should be examined, not just the PSC caps and closed areas. Though there was some discussion of placing work on a moratorium ahead of the inshore-offshore issue, Larry Cotter stated his opinion that the inshore-offshore issue was a very high priority and could not be delayed until after a moratorium was implemented. Joe Blum stated that sablefish limited access, inshore/offshore, and Bering Sea bycatch were the highest priorities. Various Council members suggested delays in some of the issues, such as postponing the sablefish IFQ decision, the analysis of the inshore/offshore issue, or Bering Sea bycatch.

The Council restated their priorities for analysis as follows:

Joe Blum moved to ask staff to look at the analyses for inshore/offshore, limited access (sablefish), and continuation of Amendment 12a on the schedules as previously adopted and then come back to the Council with a list of what they need to accomplish those tasks, (i.e., funding and personnel). Then the Council will have to find ways to provide what is needed. Henry Mitchell said herring bycatch needed to be added. The motion was seconded by Larry Cotter. Mr. Cotter clarified that extension of Amendment 12a would be only for one year. The motion carried unanimously.

In summary, the Council assigned the staff the following priority tasks:

1. Final analysis and decision on sablefish IFQs in April.
2. Initial analysis of inshore-offshore by June.
3. Postpone halibut limited access consideration until sablefish decision is complete.
4. Initial consideration of moratorium in April.
5. Initial analysis and review of proposed groundfish amendments in April:
 - a. Extension of BSAI bycatch amendment 12a with additional measures deemed necessary by Region.
 - b. Overfishing definition for both plans.
 - c. Herring bycatch for BSAI with possible emergency action in April for 1990.
 - d. Interim groundfish specifications.
 - e. Biodegradable panels in groundfish pots.
 - f. Demersal shelf rockfish package.
 - g. Gulf of Alaska bycatch amendment (time permitting).

(b) Status report on bycatch planning for 1990.

The Council was provided with written material for review. There was no discussion or action taken.

(c) Status report on emergency actions and regulatory amendments.

The Council received a written report on the status of emergency actions and regulatory amendments in process for quarterly apportionment of GOA halibut PSC limits, quarterly apportionment of Gulf pollock TAC, and pot gear to minimize halibut bycatch.

The Council briefly discussed the emergency rule to prohibit pollock roe-stripping in the GOA and BSAI and concerns voiced by industry regarding product recovery rates. It was pointed out that in development of the rule, the only supportable data available were joint venture data. The rule will not fit every operation but was developed to fit an emergency situation and can be modified when a final amendment is developed and more data become available from the observer program.

D-2 Salmon FMP

This agenda item was deferred to the April Council meeting, however the Advisory Panel and SSC had the following comments:

Report of the Advisory Panel

The AP recommended that the Council direct staff to review the two proposals submitted by the Yukon-Kuskokwim Fisheries Task Force regarding establishing a TAC for salmon and a ban on gillnets greater than 1.5 miles in length.

Report of the Scientific and Statistical Committee

The SSC reviewed the proposed definition of overfishing to be added to Amendment 3 of the salmon FMP. The SSC recommends that the definition not be included in Amendment 3 at this time. The definition of overfishing for salmon should be coordinated with both the Pacific Salmon Commission and the Pacific Fishery Management Council. The SSC recommended that the team meet with representatives of the PSC and PFMC to develop a definition of overfishing.

D-3 Crab FMP

This agenda item was deferred to the April Council meeting.

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

The meeting was adjourned at 12:31 a.m. on Saturday, January 20, 1990.