

North Pacific Fishery Management Council

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Date: 4/4/86

MINUTES

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

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

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

Doug Eggers
Larry Hreha
Phil Mundy
Tom Northup
Terry Quinn

D-1 Salmon FMP

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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220 - Action Plan/Action Items/Action Items/Action Items

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

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

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

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

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

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

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

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

Table 3 - Proposed Changes to List of Prohibited Species in U.S. Fisheries

The 220 had extensive discussion with the panel over the proposed rule and alternatives. The 220's final comments are as follows:

1. The description of prohibited species in the introduction is inadequate. The 220's Fisheries Committee, established in 1984, has been conducting a study of the "prohibited species" for 220 Fisheries and the Fisheries Committee of the Federal Government which provides information about a "prohibited species".

The 220 feels the introduction needs to clearly indicate which species are covered by the "prohibited" by BAP and BI and references which BAP or Federal regulations make them prohibited.

2. The 220 has considerable concerns with the descriptions and analysis of the various alternatives. For example, Alternative B (Species One) indicates that the current policy is to have prohibited species caught in the fishery. This is not exactly true since the Council already through voluntary action or emergency regulation has established such limits for the domestic fisheries. The current situation may better be described as to continue voluntary action and to not emergency regulations when voluntary measures fail. When the limits of the current and proposed for the various options which is compared to be status quo, may not be completely accurate.

The 220 feels the Council may wish to add additional alternatives or expand the existing description. For example, Alternative C needs that the Council will establish 220 limits for halibut, king crab, Tanner crab and salmon. This may be better if it were to establish 220 limits in a general way (not just the species) and include the statement "where needed". This would allow voluntary measures to be used and limits to be established when there are a conservation or allocation system that could not be reached by voluntary measures.

3. The 220 also has concerns with the description of "prohibited" in the introduction. The Council should consider an alternative that would be used in the domestic fishery and could be used in other fisheries. The 220 believes that the public to be able to better understand the proposed changes to the other BAP or Fisheries Committee should be included. If these modifications are included in this time and if the Council were to change this or A, then a complete other review would be necessary before the rule would be implemented.

The 220 also feels that the Council should consider an alternative that would set 220 limits and harvest rates at the start of the fishing year and determine the total TAC for the next period based on stock limits and other. This alternative would allow the termination of the harvest limits on the total TAC level when the harvest rate or prohibited species would be exceeded.

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

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

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

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

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

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

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

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

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

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

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

The 250 also discussed the possibility of this rule with Rule 4...

The 250 had sufficient concern over this rule and was unable to recommend...

Rule 4 - Proposed amendments to Rule 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

As with Rule 3, the 250 was concerned that the statute was not being described as the "statute" but as the "statute" in the language of the Regulatory Commission. The 250 felt that it was more appropriate to use the word "statute" in the statute and that the statute was intended to be a more comprehensive statute than the statute which was currently in effect. It also felt that the statute was intended to be a more comprehensive statute than the statute which was currently in effect.

The 250 is very concerned as to the likelihood that it is expected to be a more comprehensive statute than the statute which was currently in effect. It also felt that the statute was intended to be a more comprehensive statute than the statute which was currently in effect.

The 250 believes that in the short term the Regulatory Commission should not be required to make any changes to the statute which was currently in effect. It also felt that the statute was intended to be a more comprehensive statute than the statute which was currently in effect.

Rule 7 - Proposed amendments to Rule 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

The 250 noted that the language does not set out the nature of the problem that the rule is proposed to address. The 250 feels that the Commission has the ability to provide the appropriate response within the plan.

In light of the lack of information on the matter and why it was not recommended using the tools in the current plan, the 250 cannot recommend the rule for public review.

Exhibit C - Proposed amendments to Rule 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

The 250 heard a report from the Regulatory Commission that described the procedure used by the Commission in the January meeting to estimate the 250's revenue for Q. The 250 felt that the Commission's estimate was not based on the information presented. The 250 felt that the Commission's estimate was not based on the information presented. The 250 felt that the Commission's estimate was not based on the information presented.

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

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

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

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

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

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

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

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

believe that it may not be (original text). Then the process could be
designed to reflect the use of the correct resources to break up the total
number of units for each by species.

After receiving the Federal Office's report, the SSC attempted to determine
if any information was available that would indicate how a budget of up to
\$2,000,000 could be spent. Dr. Robert Ott, WAFSC, indicated
that it would be difficult to discuss the effect of a budget of this
magnitude on the stock. The SSC considered, Warrick's, the SSC feels that
the amount of the C. pallidus stock warrants a conservative approach to
management, with consideration being given to all sources of mortality, both
natural and laboratory related.

D-4(5). Recommendation to 1982 or when to start the directed fishery
harvest in order to have sufficient stock for other fishery uses.

The SSC examined the 1977 initial WAFSC for application was developed. The
1977 WAFSC provided a biomass estimate of 60,700 for the Eastern Pacific Sea.
TY was developed by applying a recruitment rate of 2% to this estimate. TY
was then divided by 2% to provide for resulting recruitment as an initial
WAFSC of 3,035,000. WAFSC was removed to provide for the reserve but the
management plan had to be the result.

The WAFSC indicated that the exploitation rate that maintains yield-per-recruit
for a healthy stock was as high as 22%. The yield that corresponds with
this rate for 1980 is approximately 14,000 mt. It was felt that this figure
could be used as the upper bound of the yield range that could be considered
for the allocation of resources.

Given the current condition of this stock and the fact that the stock in this
management area is at the northern end of the distribution, it is felt that
attaining the exploitation rate in the vicinity of 22% would not be prudent. In
the past several years, the exploitation rate has been set at
about 10%. The evidence is available that indicates that a rate of this
magnitude has been harmful to the stock.

Based on experience obtained in the OYA, the SSC feels that an exploitation
rate approaching 22% would not be a source of concern. This means that the
Council could harvest the Federal Director to allow the total catch (both
direct and indirect) to approach 1,000 mt.

In the Council's presentation to the Federal Director the Council was asked to
consider giving either an allocation to fisheries and other uses.