

North Pacific Fishery Management Council

Richard B. Lauber, Chairman
Clarence G. Pautzke, Executive Director

Telephone: (907) 271-2809



605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Fax: (907) 271-2817

Approved Richard B. Lauber
Richard B. Lauber, Chairman

Date Jan. 4, 1996

MINUTES

**Joint Session
North Pacific Fishery Management Council and
Alaska Board of Fisheries
January 10, 1995
and
116th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
January 11-14, 1995
Hilton Hotel
Anchorage, Alaska**

The North Pacific Fishery Management Council met together with the Alaska Board of Fisheries on January 10, 1995 and began their regular plenary session on January 11, 1995, at the Hilton Hotel in Anchorage, Alaska. The Advisory Panel and Scientific and Statistical Committee began their meetings on Monday, January 9, 1995. The following members of the Board of Fisheries, Council, staff, SSC and AP attended the meetings.

Council

Richard Lauber, Chairman
Morris Barker for Robt. Turner
CAPT Bill Anderson for RADM Rufe
Linda Behnken
David Fluharty
Dave Hanson
Ron Hegge

Walter Pereyra, Vice Chair
Bob Mace for R. Rosen
Steve Pennoyer
Dave Benton for State of Alaska
Robin Samuelson
Clem Tillion

Alaska Board of Fisheries

Larry J. Engel, Chair
Dick Bower
John Hanson

Larry Edfelt, Vice Chair
Dick Jacobsen
Virgil L. Umphenour

**MINUTES
NPFMC
JANUARY 1995**

NPFMC Staff

Clarence Pautzke, Executive Director
Darrell Brannan
Marcus Hartley
Jane DiCosimo
Jon McCracken

Chris Oliver, Deputy Director
David Witherell
Helen Allen
Gail Bendixen
Linda Roberts

Support Staff

Lisa Lindeman, NOAA-GCAK
Ron Berg, NMFS-AKR
Earl Krygier, ADFG
Steve Meyer, NMFS Enforcement
Jay Ginter, NMFS-AKR
Seth Macinko, ADFG

Sue Salveson, NMFS-AKR
Jessie Gharrett, NMFS-AKR
Sally Bibb, NMFS-AKR
Kim Rivera, NMFS-AKR
Loh-lee Low, AFSC
John Lepore, NMFS-AKR

Scientific and Statistical Committee

Terry Quinn, Chair
Bill Aron
Doug Eggers
Sue Hills
Doug Larson

Keith Criddle, Co-Chair
Rich Marasco
Phil Rigby
Jack Tagart
Hal Weeks

Advisory Panel

John Bruce, Chair
Dave Benson
Al Burch
Bruce Cotton
Dan Falvey
Dave Fraser
Arne Fuglvog

Scott Highleyman
Spike Jones
Stephanie Madsen
Pete Maloney
Hazel Nelson
Doug Ogden
Dean Paddock

Beth Stewart, Vice Chair
John Roos
John Sevier
Mick Stevens
Gary Westman
Robert Wurm
Lyle Yeck

Other Attendees

The following people signed the attendance register:

Arni Thomson	Sean Martin	Chris Blackburn
Scott Morgan	Dan McQueen	David Wilson
Steve Hughes	Shari Gross	John Iani
Phil Mundy	Betsy Knutsen	Bob Alverson
Fredunson	Andy McCracken	Tren Wickstrom
Jake Nerger	M. Tellman	Joe Bereskin
Alexander Galanin, Sr.	Mark Lundsten	David Harrison
Bill Jacobson	Charlie Haley	Greg Morgan
Kris Norosz	Lennie Gorsuch	Craig Jolly
Tim Renschler	Steve Fish	Karl Ohls
Jeff Stephan	Ray Nielsen, Sr.	Frank Kelty
Joey Daniels	Linda Kozak	Stacy Arbelovsky
John Lewis	Dexter Zernin	Teressa Kandianis
Jack Hill	Debby Swenson	William Bisbee
Joe Kyle	Greg Johns, Jr.	Don Braun
Gordon Blue	Tim Evers	Ted Painter
G. Gerhardstein	Joe Plesha	Ellen Lockyear
Paul Seaton	Lonnie Chesnut	Joe Sullivan
Norman Cohen	Erik Williamson	Bobbi Person
Nick Delaney	Bryce Morgan	Paul Sandhofer
Mandy Merklein	Glen Melvin	Edwin Glotfelty
Thorn Smith	Don Lane	June Anderson
Tim Aves	Bob Trumble	Anthony Philemenoff
Thomas Morton	Jacob Stepetin	Pat McBride
Mark Kandianis	Robert Newman	Vince Curry
Joe Macinko	Mike Atterberry	

NOTE: A list of those who gave public testimony during the meeting is found in Appendix I to these minutes.

JOINT MEETING - NPFMC/ALASKA BOARD OF FISHERIES

Rick Lauber, NPFMC Chairman, called the meeting to order at approximately 10:30 a.m. on Tuesday, January 10, 1995.

The focus for the annual joint meeting between the North Pacific Fishery Management Council and Alaska Board of Fisheries is to review recent actions and exchange information and ideas on fisheries issues of mutual interest.

**MINUTES
NPFMC
JANUARY 1995**

Reports were provided on the current status of crab stocks in the Bering Sea/Aleutian Islands as well as crab bycatch in trawl, scallop, and directed crab fisheries. The Council and Board received a review of recent research and management actions taken to address the situation of low crab abundance. Other reports provided a review of the Council's Research (Observer) Plan, the draft Scallop FMP, bycatch and discard reduction proposals, the groundfish and crab moratorium, salmon bycatch, and a summary of the halibut charter issue. The Council and Board also took public comments on these subjects.

This was an informational meeting and no action was taken. Members of the Board and Council expressed the necessity for each body to be aware of management problems and anticipated changes being encountered by the other in fisheries of mutual interest.

NPFMC PLENARY SESSION

A. CALL TO ORDER/APPROVAL OF AGENDA/MINUTE(S) OF PREVIOUS MEETING(S)

The meeting was called to order at approximately 8:15 a.m. on Wednesday, January 11, 1995, by Chairman Lauber.

Agenda. Linda Behnken asked to add a discussion of Pacific ocean perch TAC to the agenda. The agenda was approved with this addition and some minor schedule changes.

Minutes of the previous meeting were not yet available for review.

B. REPORTS

B-1 Executive Director's Report

The Council confirmed the appointment of Brenda Norcross, University of Alaska Fairbanks, to the Bering Sea/Aleutian Islands groundfish plan team. The election of Terry Quinn and Keith Criddle as Chair and Vice Chair of the SSC were confirmed. Council members were requested to submit any recommended changes to committee memberships.

B-2 NMFS Management Report

Ron Berg reported on the status of regulatory actions in progress. The Council also received a request from United Catcher Boats to discuss the 20-mile sea lion rookery closures and the Bering Sea chum salmon cap. Regarding the rookeries, UCB asked the Council to ensure that the 20-mile buffer zones revert back to 10-mile buffer zones after the conclusion of the pollock "A" season fishery, exclusive of the CDQ fishery duration. UCB feels that keeping the 20-mile zones intact beyond then would seriously constrain the shoreside cod fishery, both in terms of reduced cod CPUE and higher halibut bycatch rates. United Catcher Boats also asked to have the chum salmon cap and the 5-block trawl closure clarified. They believe that the Council did not intend that chum salmon catches by factory trawlers and factory trawl/CDQ operations would count toward the closure of the 5-block area within the CVOA during the pollock "B" season.

Regarding the 20-mile buffer zones, Mr. Berg explained that there are two different fisheries being prosecuted at the same time -- the open access fishery and the CDQ fishery. The buffer zones were implemented before the CDQ program began, and NMFS recognizes that current regulations are not clear with regard to the CDQ fishery. The 20-mile buffer zones are to be in effect while the directed fishery is in progress; however, the CDQ fishery can continue after the closure of the open access fishery. NMFS has asked General Counsel to review the regulations and is also consulting the Alaska Fisheries Science Center with regard to sea lion concerns. Clem Tillion also brought up the problem of vessels looking for anchorage in the areas of the buffer zones; there are historical anchorages in those areas and vessels should not be in violation of the regulations if they are anchoring in bad weather. The Coast Guard said they take the weather into consideration in any such situation. Mr. Berg said this situation is also under review.

**MINUTES
NPFMC
JANUARY 1995**

Ron Hegge asked Mr. Berg to explain how NMFS plans to establish reserves for bycatch in the IFQ fisheries, i.e., for cod or rockfish. If the IFQ fishery doesn't open until April, then the other fisheries may be over and those species will be in a discard mode unless changes are made. Mr. Berg said that NMFS will calculate the expected amount of bycatch of each species needed and reserve that for the IFQ fisheries.

Wally Pereyra expressed concern that the 1994 Greenland turbot TAC was exceeded in the Bering Sea by about 50%, pointing out that the stock has been declining and is not showing signs of recovery. Mr. Berg responded that the vessels taking part in the fishery during the first week (longline and trawl) operated in a "dirty" fashion and the damage was done before catch reports were completed. NMFS is looking at ways of avoiding the same situation this year, possibly by opening the fishery for only one day so that catch can be more closely monitored. Ron Hegge pointed out that a major portion of that overage can be attributed to the 4% retention standard when the catch rate was 40%. Mr. Berg responded that this will be somewhat alleviated when the new directed fishing standards take effect.

Dave Fluharty asked about a letter received from the International Pacific Halibut Commission to NMFS Regional Director Steve Pennoyer expressing concern over the halibut discard mortality rates adopted by the Council at the December meeting. Mr. Berg said that the specifications have not yet been submitted to Secretarial review and that NMFS is aware of IPHC's concerns.

[NOTE: Because of the short length of time between the December and January meetings, reports were not requested from ADF&G or from NMFS & USCG Enforcement.]

C. NEW OR CONTINUING BUSINESS

C-1 Halibut Charterboats

After a proposal was received in May 1993 to limit the catch of the guided sport halibut fishery, the Council appointed a working group to examine traditional management tools and identify potential alternatives for managing the halibut charter fishery. At the same time, the Council announced a September 23, 1993 control date on new entries to the fishery in the event that the Council approved a moratorium. The working group met twice in 1994 and provided the Council with written reports in January and April 1994, however, Council discussion of the issue was delayed until this meeting.

The Scientific and Statistical Committee did not address this agenda item.

Report of the Advisory Panel

The Advisory Panel submitted the following areas of concern to be included in a Problem Statement for the analysis of alternatives:

1. Pressure by charter operations, lodges and outfitters may be contributing to localized depletion in several areas.
2. The recent growth of charter operations, lodges and outfitters may be contributing to overcrowding of productive grounds and declining catches for historic sport and subsistence fishermen in some areas.

MINUTES
NPFMC
JANUARY 1995

3. As there is currently no limit on the amount of annual harvest of halibut by charter operations, lodges, and outfitters, an open-ended reallocation from the commercial fishery to the charter industry is occurring. This reallocation may increase if the projected growth of the charter industry occurs. The economic and social impact on the commercial fleet of this open-ended reallocation may be substantial and could be magnified by the IFQ program.
4. In some areas, community stability may be affected as traditional sport, subsistence, and commercial fishermen are displaced by charter operators, lodges, and outfitters. The uncertainty associated with the present situation and the conflicts that are occurring between the various user groups may also be impacting community stability.
5. Information is lacking on the socioeconomic composition of the current charter industry. Information is needed that tracks: 1) the effort and catch of individual charter operations, lodges, and outfitters; and, 2) changes in business patterns.
6. The need for reliable catch data will increase as the magnitude of harvest expands in the charter sector.

The Advisory Panel recommended the Council initiate a regulatory amendment to establish a management plan for the halibut charter fleet with the goal of addressing the concerns identified above. The analysis should review the following management alternatives, both separately and in combination:

Option 1: Make an explicit long-term sport/commercial allocation expressed as a percentage, and delegate sports management to the state.

Option 2: Focus on the charter segment of the sport fishery including the following measures:

- a. A moratorium, using the September 23, 1993 control date:
 - i. Statewide
 - ii. Areas 2C and 3A only
 - iii. By zones:

Zone 1 Southeast: ADF&G areas A, B, C, D, E, F, G & H	120% of '94 guided sport
Zone 2 Prince William Sound: ADF&G area J	120% of '94 guided sport
Zone 3 Cook Inlet/Kenai: ADF&G areas K,L,N, and P	120% of '94 guided sport
Zone 4 Kodiak: ADF&G area Q	120% of '94 guided sport
Zone 5 Alaska Peninsula: ADF&G area R	No limit
Zone 6 Bering Sea: ADF&G areas T,U,V,W,X,Y and Z	No limit
- b. Cap charter at 120% of 1994 retained catch using area options in i-iii.
- c. Allow charters to acquire ITQs for use after cap is reached.

Option 3: Charterboat operators will be required to fill out a federally mandated catch report for all retained and discarded catch for each species for each trip.

MINUTES
NPFMC
JANUARY 1995

The AP further recommended that the Council explore specific management measures such as subsistence and unguided sport fishing zones to mitigate local depletion of halibut resources near communities.

COUNCIL DISCUSSION/ACTION

Linda Behnken moved the problem statement as recommended by the AP, with the following preface to the concerns listed:

The recent expansion of the halibut charter industry, including outfitters and lodges, has made may make achievement of Magnuson Act Standards more difficult. Of concern is the Council's ability to maintain the stability, economic viability, and diversity of the halibut industry, the quality of the recreational experience, the access of subsistence users, and the socioeconomic well-being of the coastal communities dependent on the halibut resource.

Specifically, the Council notes the following areas of concern with respect to the recent growth of halibut charter operations, lodges, and outfitters: [Continue with AP concerns 1-6 of AP report]. The motion was seconded by Robin Samuelsen.

Steve Pennoyer suggested that the first sentence of the problem statement be modified to read "may make achievement of Magnuson Act Standards . . ." instead of has made. This was accepted as a friendly amendment.

The motion carried, with Bob Mace objecting. Mr. Mace felt that current demands on staff preclude taking on another major analysis.

Linda Behnken moved the following options for analysis:

Option 1: Make an explicit long-term sport/commercial allocation expressed as a percentage, and delegate sports management to the state.

Option 1a: Make an explicit long-term guided sport (including lodges and outfitters)/commercial allocation, expressed as a percentage, and delegate both sports and guided sport management to the State. Allocate 120% of the 1994 retained catch to the charter sector using the following area options:

- a. A moratorium, using the September 23, 1993 control date:
 - i. Statewide
 - ii. Areas 2C and 3A only
 - iii. By zones:

Zone 1 Southeast: ADF&G areas A, B, C, D, E, F, G & H	120% of '94 guided sport
Zone 2 Prince William Sound: ADF&G area J	120% of '94 guided sport
Zone 3 Cook Inlet/Kenai: ADF&G areas K,L,N, and P	120% of '94 guided sport
Zone 4 Kodiak: ADF&G area Q	120% of '94 guided sport
Zone 5 Alaska Peninsula: ADF&G area R	No limit
Zone 6 Bering Sea: ADF&G areas T,U,V,W,X,Y and Z	No limit

Option 2: Focus on the guided sport fishery, including the following measures:

- a. **A moratorium, using the September 23, 1993 control date:**
 - i. **Statewide**
 - ii. **Areas 2C and 3A only**
 - iii. **By zones:**

Zone 1 Southeast: ADF&G areas A, B, C, D, E, F, G & H	120% of '94 guided sport
Zone 2 Prince William Sound: ADF&G area J	120% of '94 guided sport
Zone 3 Cook Inlet/Kenai: ADF&G areas K,L,N, and P	120% of '94 guided sport
Zone 4 Kodiak: ADF&G area Q	120% of '94 guided sport
Zone 5 Alaska Peninsula: ADF&G area R	No limit
Zone 6 Bering Sea: ADF&G areas T,U,V,W,X,Y and Z	No limit
- b. **Cap charter at 120% of 1994 retained catch using area options in i-iii.**
- c. **Allow charters to acquire ITQs for use after cap is reached.**

The motion was seconded and, by friendly amendment, the following additions/changes were made:

- Add a "Status Quo" alternative.
- Add **Option 3** of AP recommendation: **Charterboat operators will be required to fill out a federally mandated catch report for all retained and discarded catch for each species for each trip.**
- Amend percentages to be analyzed to include a range from 105% to 140% (in 5% increments).

The motion carried, 10-1, with Mace voting no.

The Council requested NOAA GC to provide a legal opinion on delegation to the State. Dave Benton said the Alaska Department of Fish and Game would provide staff support to work on the analysis. A discussion paper will be developed on resources needed to develop an ITQ program for charterboats and how such a program could be implemented. Because of higher priority staff tasking, this analysis would not be available for Council review until late in 1995, possibly early 1996, although there will be a progress report in April. The Council pointed out that they would not want the item on the agenda until after the charterboat season to allow for maximum industry participation, probably not before the December 1995 Council meeting.

C-2 Comprehensive Rationalization Plan

In December, the Council identified specific elements and options of primary interest in the analysis of alternatives for the Comprehensive Rationalization Plan. At this meeting the Council reviewed projected implementation, administration, and enforcement costs for the proposed program. This information is to be included in the package being prepared for release to public review in late February or early March.

At the beginning of the meeting, the Council placed a request to discuss the moratorium under this agenda item. The Council received a letter from Trident Seafoods, and received some public testimony regarding the Council's approval of a revised moratorium at their December 1994 meeting. The Trident letter (December 291, 1994) and public comment during this meeting indicated that revision of the "crossover" provision in the moratorium will

**MINUTES
NPFMC
JANUARY 1995**

have adverse effects on vessels that have proceeded with business decisions based on the ability to crossover between the groundfish and crab fisheries under the original qualifying dates and guidelines.

Neither the Scientific and Statistical Committee nor the Advisory Panel addressed this agenda item.

COUNCIL DISCUSSION/ACTION

Wally Pereyra moved to amend a previous action (with regard to the moratorium motion in December 1994), as follows:

Any vessel which qualified for a groundfish moratorium permit would be eligible to crossover to fish crab if that vessel had made a crab landing between January 1, 1980 and the moratorium qualifying date of January 1, 1988. The motion was seconded by David Fluharty.

Staff advised the Council that an estimated 101 additional vessels would qualify to "crossover" if the Council chose to amend their previous action.

Dr. Pereyra noted that there is some concern that the Council's action in December was procedurally incorrect, i.e., advance notice. He also said that public testimony indicates to him that the Council did not have all the facts that would have shown the number of vessels that would be disqualified by the Council's December action. In his opinion many of them should be qualified to participate in the fisheries because they made decisions to enter based on earlier Council discussions and actions.

Steve Pennoyer expressed concern both over increasing the number of possible crossovers over those already included and the fact that the Secretary likely would not approve a moratorium with possibilities for increased participation.

Dr. Fluharty advised that although he seconded the motion, he would not be able to support it now that he was aware of the large number of vessels involved.

The motion failed, 10-1, with Pereyra voting in favor.

C-3 Inshore/Offshore Allocations and CDQs

In December the Council discussed the potential scope and nature of an analysis of a continuation of the inshore/offshore processing allocations scheduled to expire at the end of 1995. The proposed amendment currently being examined includes continuation of the pollock CDQ program. At that meeting the Council provided staff with a draft problem statement and two alternatives: (1) No action--inshore/offshore allocations and pollock CDQ program would expire at the end of 1995; and (2) Continue the current program as is for a period of three years. At the January meeting staff reported that analysis since the December meeting was limited to identifying necessary data and tasking assignments to Council and other agency staff.

Report of the Scientific and Statistical Committee

The SSC commended staff for their attempt to construct a realistic analytical approach that takes into account prior SSC recommendations. However, the SSC did express concern that the proposed analysis may be too ambitious given available data and staff resources. More specific comments on the various aspects of the analysis can be found in the SSC Minutes (Appendix II to these minutes). The SSC also reviewed an alternative for a harvester based inshore-offshore allocation submitted by United Catcher Boats, but felt the proposal did not

**MINUTES
NPFMC
JANUARY 1995**

provide a clear explanation of how the proposed split would be administered and enforced, and pointed out that it would represent a substantial departure from the current status quo, requiring additional analysis which could not be completed by April.

With regard to CDQs and the CVOA, the SSC had the following specific recommendations:

1. The review of CDQs should restate the original program goals and include an assessment of how participants have benefitted. To facilitate social analyses, it would be helpful to define when a community is considered to be developed.
2. Graphical data summaries showing the spatial and temporal distribution of biomass, fleet activities, and catches by size of fish should be developed to facilitate discussion of the CVOA. A better set of boundaries for the CVOA may be indicated by such an analysis.

Report of the Advisory Panel

The AP recommended that the Council proceed with the analysis as outlined by staff for the rollover of the inshore-offshore/CDQ amendment. The AP feels that other options are not appropriate at this time because reasonable alternatives in the original analysis were previously considered and rejected. The AP noted that they recognize the inseparability of the CVOA from the inshore-offshore amendment but clarified that they may recommend modification of boundaries or seasonal structure in the future and wished to ensure that the analysis takes those matters into consideration.

COUNCIL DISCUSSION/ACTION

Bob Mace moved approval of the AP recommendation to proceed with analysis of a 3-year rollover of the inshore-offshore and CDQ amendment, considering in the process the suggestions of the SSC. The motion was seconded by Clem Tillion and carried without objection.

During discussion the issue of additional alternatives was thoroughly explored. Council members reiterated earlier thoughts that the reason for extension of the current status quo is to retain a measure of stability in the fishery while comprehensive rationalization options are being explored. The original inshore-offshore analysis explored several other alternatives which were rejected. Introducing new alternatives could disturb the relative stability of the current status quo which the Council and industry feel should be maintained at this time. The Council will also consider necessary refinements to the problem statement at their April meeting.

C-4 Seamount Fisheries

In June 1994 NMFS provided a report to the Council that identified enforcement problems that arise when groundfish allegedly taken in international waters (e.g., sablefish harvested on Gulf of Alaska seamounts) are actually taken in the EEZ. The seamount fisheries analysis examines measures that would allow NMFS to more effectively monitor the origin of groundfish harvests. The Council received an analysis of a regulatory amendment which explored the following alternatives:

**MINUTES
NPFMC
JANUARY 1995**

Alternative 1: Status quo. With the exception of the Donut Hole, Federally permitted vessels would continue to be unrestricted from fishing in, or possessing groundfish harvested from, waters seaward of the EEZ off Alaska.

Alternative 2: Federally permitted vessels would be prohibited from fishing for groundfish in waters seaward of the EEZ off Alaska or possessing groundfish in waters in the EEZ that were caught in waters seaward of the EEZ off Alaska.

Alternative 3: Federally permitted vessels must carry onboard a fully functional and operational transponder when enroute to and fishing in the waters seaward of the EEZ off Alaska.

- Option 1: Placement of an observer onboard vessels fishing in waters seaward of the EEZ off Alaska.
- Option 2: Vessels would be responsible for their own transponder unit that conforms to the National VMS specifications outlined by NMFS (September 22, 1994; 59 FR 15180).
- Option 3: NMFS would purchase a limited number of VMS units for use by vessels that intend to fish seaward of the EEZ. Vessels would come to designated ports to pick up a transponder (and an observer, if necessary) prior to conducting fishing activities seaward of the EEZ. The transponder would be fully functional from the time that it is picked up in port until it is returned to port. This option would be less costly to the industry but could potentially be restrictive if more vessels wished to fish seaward of the EEZ than there were transponders available.

Alternative 4: Federally permitted vessels intending to fish in waters seaward of the EEZ off Alaska must complete and submit a Vessel Activity Report (VAR) and must, immediately upon reentry to the EEZ, offload any fish harvested in waters seaward of the EEZ off Alaska.

Alternative 5: Federally permitted vessels retaining quota share will have any sablefish harvested deducted from the quota share, regardless of the origin of the fish.

Report of the Enforcement Committee

The Committee's preferred alternative was a combination of a modified Alternative 3 and Alternative 5. Alternative 3 requires a federally permitted vessel fishing in waters seaward of the EEZ off Alaska to obtain and carry a transponder. Transponders are an important tool of law enforcement, and may be able to be provided by NMFS to the few fishermen fishing on the seamounts. However, transponders provide information on where the vessel was for a given period of time, not on the activity performed there. Some legal concern was expressed in giving sufficient notice to the public in requiring the use of new gear for this fishery. Observers would be able to verify fishing activity and location, along with collecting biological data on the seamount fish stocks. The Research Plan, however, may be restricted from providing observers for the seamounts because the Magnuson Act does not authorize the program outside of federal waters. This legal issue is being investigated.

**MINUTES
NPFMC
JANUARY 1995**

Report of the Scientific and Statistical Committee

The SSC suggested that a combination of Alternatives 3 and 4 (observers with appropriate positioning devices, and a requirement to off-load fish harvested outside the EEZ before resuming fishing within the EEZ) would serve to preserve opportunities to fish outside the EEZ while providing a means to avoid misrepresentation of harvest location. More specific comments are found in the SSC Minutes, Appendix II to these minutes.

Report of the Advisory Panel

The AP recommended the Council approve Alternative 3, Option 3 (on page 1 of the EA/RIR), and Alternative 4 (p. 2 of EA/RIR).

Report of the IFQ Industry Implementation Team

The Team addressed this issue because of the possible effects on the IFQ fisheries if sablefish taken in IFQ fisheries is mistakenly reported taken in the seamounts outside the EEZ. The Team recommended the Council adopt Alternative 3, Option 3 (vessels required to carry a transponder when fishing outside the EEZ), and Alternative 4 (vessels must complete and submit a vessel activity report and offload all fish immediately upon entry to the EEZ).

COUNCIL DISCUSSION/ACTION

Ron Berg moved to approve Alternative 3, Option 3, and Alternative 4 found in the EA/RIR. The motion was seconded by Ron Hegge and carried without objection.

Mr. Berg said that the issue is not only one of conservation but it is also important to the management and enforcement of the IFQ program. Dr. Fluharty said that he would like to see scientific data derived from the seamount fisheries in the future.

C-5 Sablefish and Halibut IFQ Program

The Council was scheduled to receive a report from the IFQ Industry Implementation Team and take final action on two modifications to the IFQ plan: (1) a CDQ compensation QS block exemption and (2) a one-time trade, exempt from vessel categories. Alternatives for the two actions were:

CDQ Compensation QS Block/Vessel Category Exemption

Alternative 1: Status Quo - No exemption but would be allowed to utilized current 'sweep-up' provisions.

Alternative 2: Allow CDQ compensation pieces to be exempt from Block provisions.

Option A: Allow initial consolidation, then subject newly formed CDQ compensation piece to the 'Block Test'.

Option B: Exempt CDQ compensation pieces from Block provisions in perpetuity.

Suboption A: Exempt from vessel size (length) categories (does not include freezer/longliner category).

CDQ/IFQ One-time Trade

- Alternative 1: Status Quo - Trade or transfer across vessel categories not allowed.
- Alternative 2: Allow one-time trade across all vessel categories (must be single, paired transaction).
- Alternative 3: Allow one-time trade only across length categories (not freezer/longliner category).

The SSC did not address this agenda item.

Report of the Advisory Panel

The AP requested that NMFS expedite development of a waiver exempting tenders from the electronic reporting and 6am-6pm landing requirements because technical problems with electronic reporting equipment may prevent many, if not all, tenders from operating. The AP fully supports development of an alternative reporting system.

CDQ Compensation QS Block/Vessel Category Exemption. The AP recommended the Council approve Alternative 2, Option B, Suboption A.

CDQ/IFQ One-Time Trade. The AP recommended the Council approve Alternative 3.

Sablefish Survey. The AP discussed the annual sablefish stock survey in the Gulf of Alaska during 1995 and recommended that the annual survey proceed, and that the timing and other details of the survey be developed by the SSC, Alaska Fisheries Science Center, and industry. Consideration should be given to conducting a winter survey if there is doubt that the 1991 data will not be comparable to previous years' surveys.

Report of the IFQ Industry Implementation Team

The Team discussed the potential closures of IFQ fisheries due to other fishery bycatch, specifically of thornyhead and shortraker/rougeye rockfishes. The Team reviewed a number of management options available to NMFS for inseason management and reviewed the 1995 TACs. The Team requested that NMFS closely monitor the catch of thornyhead and shortraker/rougeye rockfish during the 1995 season to ensure that the overfishing levels of those species are not reached. The Team reviewed several management options and decided that the best available alternative would be to reduce the directed fishing standards for those species.

Sablefish Longline Survey. The Team discussed the possible ramifications on the determination of ABC and TAC for sablefish if continued commercial fishing is permitted during the summer sablefish survey. The Team recommended that the sablefish grounds not be closed to commercial fishing since most sablefish under the IFQ fishery will be caught in April and May. The Team also recommended that the Council recommend to NMFS that the sablefish survey be conducted in the winter, when the sablefish fishery is closed, and during the summer to correlate the data from the two surveys. The Team also suggested that the sablefish fleet be requested to voluntarily stay out of the immediate survey area 10 days prior to its start and while it is being conducted.

**MINUTES
NPFMC
JANUARY 1995**

CDQ Compensation Block Exemption and One-Time Trade. The Team recommended Alternative 2, Option B: to exempt CDQ compensation pieces from the block provision - in perpetuity. For the one-time trade issue, the Team recommended status quo - not to allow transfer of quota shares across vessel categories.

Unharvested Blocks of IFQ. The Team discussed the potential for unused blocks of halibut and sablefish and requested that NMFS/RAM prepare an annual year-end report on the amount of unharvested IFQs, number and size of blocks, and associated areas.

COUNCIL DISCUSSION/ACTION

Bob Mace moved to adopt Alternative 2, Option B, Suboption A for the CDQ Compensation Block Exemption proposal, and Alternative 3, for the CDQ/IFQ One-Time Trade proposal. The motion was seconded by Linda Behnken and carried without objection.

Regarding the sablefish longline survey, NMFS will report back to the Council in April on any alternatives. At this time there is no regulatory action necessary. Council members expressed the intent that the fishery not be closed down during the survey.

Another item of Council discussion included concern over contractual arrangements between skippers and owners and others regarding disposition of shares once they are issued. Many of those arrangements could become moot under the block proposal unless some appeal mechanism is implemented to allow splitting blocks under these arrangements. It was pointed out that there is no staff time to review possible alternatives at this time, and that it may be better to allow the program to function for at least a year to see what specific problems might arise and how they might be addressed.

Adequate bycatch of rockfish for the sablefish/halibut IFQ fisheries was also of concern to Council members. Linda Behnken asked that NMFS closely monitor the situation to assure that the fisheries are not closed down because of inadequate bycatch.

Steve Meyer, NMFS-Enforcement, advised the Council of an interpretation of IFQ regulations regarding extension of vessels under 35ft (on a temporary basis) in order to fish quota shares in a larger vessel size category. The regulations do not address this particular issue. The Council confirmed its intent that vessels should be allowed to fish quota share only in the size category in which they originally qualified.

Bob Trumble, IPHC, advised the Council that IPHC staff is reassessing the apportionment of halibut TAC among the subareas in Area 4. The Council pointed out that such a reapportionment could change the poundage equivalents of the IFQs and CDQs in the respective areas and suggested that the IPHC should consider phasing the changes in over several years if there is no immediate and significant risk to the resource.

C-6 State Oil and Gas Lease Sale 79

At the December meeting the Council discussed the proposed oil and gas lease sale and concluded that an extension of the comment period would allow them to more fully consider the issue at the January 1995 meeting.

Report of the Scientific and Statistical Committee

The SSC received a brief overview of the revised "Preliminary Finding Regarding Proposed Oil and Gas Lease Sale 79, Cape Yakataga (October 17, 1994)" and determined that fisheries impacts were addressed. However, the SSC noted that some additional information is available, particularly on groundfish fisheries, and recommended that Council staff provide that information in comments to the Alaska Dept. of Natural Resources.

The Advisory Panel did not address this agenda item.

COUNCIL DISCUSSION/ACTION

The Council directed staff to provide the SSC's comments and additional information on the groundfish fisheries to the Division of Oil and Gas with regard to the proposed sale.

C-7 Observer Plan

The Council was scheduled to receive a report from the Observer Oversight Committee and discuss the issue of observer qualifications and the possibility of a pilot program for Western Alaskans. The Council received a written report from the Committee, noting that there was no need for Council action at this time. The AP and SSC did not take up this agenda item.

C-8 International Fisheries

The Council received a report from State Department representative David Balton on international fisheries, particularly the UN Convention on the Law of the Sea (UNCLOS). The AP and SSC did not address this agenda item.

COUNCIL DISCUSSION/ACTION

The Council has expressed concern that some provisions of the UNCLOS agreement could infringe upon or degrade current regional agreements, such as the convention to protect Central Bering Sea pollock. Mr. Balton stressed that it is the State Department's opinion that if the U.S. joins the Convention there would not be any significant change in the current management of marine resources.

The Council requested that staff prepare comments to the Secretary of State expressing the concerns of the Council at this meeting and in previous discussions of the subject. David Benton agreed to assist Clarence Pautzke in preparing the comments.

C-9 Other Business

Research Priorities

The Council did not have time to address Research Priorities, which they normally do at the January meeting. However, the SSC provided a comprehensive list of suggested research needs (See SSC Minutes, Appendix II

**MINUTES
NPFMC
JANUARY 1995**

to these minutes). Council members voted to forward those research priorities to the Regional Director and the Alaska Fisheries Science Center.

D. FISHERY MANAGEMENT PLANS

Pacific Ocean Perch TAC

During the agenda review at the beginning of the meeting, Council member Linda Behnken requested that a discussion of Pacific ocean perch TAC be placed on the agenda. In December the Council learned that they could not set a TAC for POP below that specified by the rebuilding plan formula. At that time, the Council did not set a TAC for POP but expressed a desire to amend the Gulf of Alaska FMP so that the TAC generated by the rebuilding plan would serve as an upper limit, allowing the Council to set a lower TAC if necessary.

At this meeting, the Council was advised that they could recommend an emergency rule that would allow the Council to set a lower TAC.

Linda Behnken moved to recommend an emergency rule to set the Gulf of Alaska POP TAC at the 1994 level of 2,550 mt adjusted for estimated 1995 bycatch needs, and apportion that quota between the areas using the best available scientific information. The motion was seconded by Earl Krygier.

Ms. Behnken said that under the 602 Guidelines the Council can take into consideration stock peculiarities and uncertainty over stock size in setting OY. Ms. Behnken cited the recently-released 1993 survey information which showed a major increase in female spawning biomass. The new estimate of biomass was so much greater than previous estimates that it did not even fit into the model being used and was responsible for the larger TAC generated by the formula in the rebuilding plan. It was also pointed out that the increase in the survey consisted mainly of fish in the 6- to 9-year old classes, which are not as marketable and are often discarded.

The Council discussed how to proceed to amend the FMP for the future; the emergency rule, when extended, would be in effect for 180 days during which time the FMP amendment would be prepared and put into place for next year's specification process.

Council members Fluharty and Pereyra felt that there was not enough justification to support an emergency action.

Dr. Pautzke suggested that there would be time to get a rule in place if the Council waited until the April meeting to take action. The public could be noticed that the Council is contemplating an emergency rule in April and allow time for further comment. Ms. Behnken agreed to withdraw the motion as long as the Council has time to act on an emergency rule and have it in place by the beginning of the season.

The motion was withdrawn.

D-1 Scallop Management

The Council was scheduled to review a proposed rule to implement the scallop FMP and vessel moratorium. The proposed rule was not yet available for review. At the December 1994 meeting, NMFS asked the Council to

**MINUTES
NPFMC
JANUARY 1995**

review and clarify several issues connected with the FMP, however the Council did not have sufficient time and deferred the discussion to this meeting. The SSC did not address this agenda item.

Following is a list of issues raised by NMFS and their recommendations:

Issue 1: Bycatch limits in the Bering Sea (category 1)

Recommendation: set bycatch limit of 17,000 king crab (all species) and 260,000 Tanner crab (all species), which are set out under 1994 ADF&G regulations.

Issue 2: Closed Waters (shared authority)

Recommendation: Establish EEZ closed waters based on existing closures under state regulations.

Issue 3: Vessel Permit requirements

Recommendation: Require all participating vessels to obtain an annual federal fisheries permit.

Issue 4: Federal observer coverage requirements

Recommendation: Amend Research Plan to include the scallop fishery.

Issue 5: Moratorium qualification criteria

Recommendation: issue permits to current owner of vessel.

Issue 6: Effective date of moratorium

Recommendation: January 1, 1996.

Issue 7: Agency responsibility for research costs

Recommendation: Council needs to find out if State has expectation of financial support for scallop research and resource surveys.

Report of the Advisory Panel

The AP addressed these scallop issues in December. The following is excerpted from the December AP minutes.

The AP recommends to the Council that the scallop FMP include the following crab bycatch limits:

Bering Sea king crab (all species)	500 crab
Bering Sea Tanner crab (all species)	260,000 crab

**MINUTES
NPFMC
JANUARY 1995**

The AP did not have current data available at the time to set rates above. The low recommendation on king crab is a reflection of public testimony on what was taken in 1994. The AP recommends that the Council include the scallop fishery in the research plan. The AP concurs with recommendation 3 (Vessel Permit requirements) on page 2 of the (NMFS) letter dated November 30, 1994. The AP reaffirmed their support of the Council's previous action on qualifying years.

COUNCIL DISCUSSION/ACTION

Lisa Lindeman, NOAA-GC, recommended that the Council request public comment on any action taken at this meeting to amend the Scallop FMP, and take final action at the April meeting. The Council agreed.

Bycatch Limits in the Bering Sea (Category 1)

Ron Berg moved that the Council adopt the NMFS recommendation to set a specified percentage in the FMP to determine bycatch under a framework procedure and that bycatch limits would be a Category 1 item in the FMP. The recommended percentages (of crab abundance) would be as follows:

Eastern Bering Sea Tanner crab:	0.13542%
Bristol Bay red king crab:	0.0352%
Bering Sea opilio crab:	0.003176%

Robin Samuelsen moved to amend the percentage for red king crab to 0.00176, but withdrew the motion in favor of submitting a range of 500 to 5,000 crab for red king crab bycatch to solicit public comment.

By friendly amendment, the Council agreed to release a range of 0.00176% to 0.0176% (500 to 5,000 crabs) for red king crabs for public comment before the Council's final decision in April.

Staff will also provide more information on accounting procedures and how the rates would be applied before the Council's final deliberation in April.

The main motion, as revised, carried without objection.

Closed Waters

Ron Berg moved to approve the NMFS recommendation: Clarify the FMP to clearly establish closed areas in Federal waters as they currently exist under Alaska State regulations. The motion was seconded by Wally Pereyra and carried without objection.

Observer Coverage

Ron Berg moved to adopt the NMFS recommendation: That the Research Plan be amended to include the scallop fishery. The Council's recommendation to categorize observer coverage requirements as both a Category 1 and 2 measure means that the State could impose additional observer coverage requirements for scallop vessels in Federal waters if observer coverage under the Research Plan did not meet the management needs of the State. The motion was tabled until April when staff will provide more

information on observer costs, estimates of numbers of observers needed and other information to assist the Council in deciding whether or not to include the scallop fishery in the Research Plan.

Interim Action Committee

Ron Berg moved to adopt the NMFS recommendation: That the Scallop FMP authorize the establishment of a Scallop Interim Action Committee (SIAC) and that the SIAC be comprised of the Regional Director, NMFS, and the Commissioner, ADF&G, or their designees. The oversight and review authority of the SIAC should be similar to that specified for the Crab Interim Action Committee in Chapter 2 of the Crab FMP. Further, that the Scallop FMP establish a procedure for Council and NMFS participation in State of Alaska preseason management actions and NMFS review to determine consistency of State regulations with the FMP, the Magnuson Act and other applicable law (Chapter 9 of the Crab FMP). Similarly, a procedure should be established for appeal to the Secretary of Commerce to set aside an inseason action of the State that is argued to be inconsistent with the FMP, the Magnuson Act, or other applicable law (Chapter 10 of the Crab FMP). The motion was seconded by Earl Krygier and carried without objection.

With regard to the appeals procedure in the Scallop FMP, Mr. Berg advised the Council that it will be a one-step appeals process, similar to the IFQ appeals process. The Council approved the original Scallop FMP with a two-step appeals process as in the Sablefish/Halibut IFQ Plan. However, that appeals procedure will now be a one-step process and the Scallop FMP will mirror that change.

Linda Behnken asked for clarification with regard to the moratorium qualifying criteria. Mr. Berg confirmed that the moratorium qualifying criteria will remain as approved by the Council (owner at time of qualification; if more than one owner, then to most recent owner).

D-2(a) Grid-Sorting Amendment

In June 1994, the IPHC staff presented a report of the results and implications of a 1993 experiment to evaluate methods of increasing survival of halibut taken as bycatch in bottom trawls. The experiment, conducted aboard the *F/T Northern Glacier*, sorted halibut from the groundfish catch more rapidly than currently practiced and evaluated subsequent changes in discard mortality rates. Based on the Council's recommendation to prepare a regulatory amendment, the analysis of grid-sorting of Pacific halibut in the non-pelagic trawl groundfish fisheries includes the following alternatives:

Alternative 1. Status quo.

Alternative 2. Amend the federal regulations to require that factory trawlers and shore-based trawlers that fish with non-pelagic trawls and dump directly to a stern hold before sorting use a grid over the entrance to the hold to sort out as much halibut bycatch as practicable for immediate return to the sea. No sorting of other species would be allowed. The regulations would give the Council and the Alaska-Regional Director authority, through the regulatory amendment process, to determine which fisheries would participate in grid sorting, and the size of grid required. The regulations will require that the vessel crew assist the observer if on-deck samples are required, and that groundfish from a haul being sampled by an observer may not be sorted in the factory until the observer finishes on deck and is ready to sample in the factory.

**MINUTES
NPFMC
JANUARY 1995**

Option 1: Require vessels to grid-sort all halibut, but observers would not collect data for grid-sorted halibut.

Option 2: Require vessels to grid-sort only the hauls that the observer does not intend to sample.

Option 3: Require vessels to grid-sort all hauls, and observers count, measure, and determine viability on a sub-sample of grid sorted halibut.

Sub-option 1: Vessel deck crews would be allowed (mandatory) to sort halibut only for the first 20 minutes of dumping.

Sub-option 2: Vessel deck crews would be required to grid-sort halibut on deck only for the first 20 minutes of dumping; additional sorting would be voluntary.

Report of the Scientific and Statistical Committee

The SSC received the analysis upon arrival at the meeting and was unable to provide a careful review, but did identify several issues which should be addressed before the document is released for public review (see SSC Minutes, Appendix II for specific issues to be addressed).

Report of the Advisory Panel

The AP was evenly divided on a motion to withhold the analysis at this time. The AP believes deck sorting has potential for reductions in trawl halibut mortality and recommends proceeding with public review of the concept. They further recommended that the Council establish an ad hoc workgroup comprised of fixed gear, trawl, environmental and agency members. The AP further asks that before the document is released, IPHC expand and clarify the potential improvement for halibut mortality rates.

Report of the Enforcement Committee

The Enforcement Committee reviewed this issue at its November 28-29, 1994 meeting. The committee's comments follow:

1. The committee concluded that a requirement for grid-sorting of halibut by all trawlers could be enforced more effectively than requirements for specific fisheries.
2. A safety issue concerning a possible requirement to weld the grid in place was raised. The inability to offload by smaller boats with the grid in place was discussed. The committee indicated that compliance concerns would be minimized if the grid were welded in place. However, vessel safety might be compromised because some small vessels could become unstable if large catches cannot be dumped below the deck quickly; offloading would be made very difficult if sorting grids were welded in place.

3. The committee was greatly concerned that grid-sorting conflicts with the Vessel Incentive Program, which requires standardized observer sampling of the entire catch. Pre-sorting of halibut precludes sampling protocols required for the VIP.
4. The program may foster additional noncompliance with VIP and increase handling mortality, such that a captain, believing that the grid will sort out unwanted halibut bycatch, may continue to land halibut bycatch rather than use other methods to reduce unwanted halibut (e.g., moving to different fishing grounds). The committee acknowledged that the grid facilitates pre-sorting of the catch by slowing its transfer below deck, but does not sort the catch directly.
5. Fishery-specific grid-sorting requirements may be difficult to enforce because a target fishery can not be identified by catch composition until the end of the fishing week.
6. A grid sorting requirement will increase sampling and compliance monitoring responsibilities for observers. To accommodate this, some current sampling activities would have to be reduced, or additional observers would be required. The requirement could also increase observer exposure to safety hazards and sampling interference. Delays in initiation of factory processing would occur because observers would have to complete on-deck sampling before beginning data collection in the factory. The committee agreed that the Council should address these concerns in evaluating appropriate action on grid sorting.
7. Since NMFS still supports VIP, the Council may need to balance the benefits of that program with the potential benefits of decreased halibut bycatch mortality and increased groundfish catches associated with the grid sorting requirement. The Council may wish to encourage continued research into alternative methods of reducing halibut discard mortality.

COUNCIL DISCUSSION/ACTION

Linda Behnken moved to not release the analysis for public comment at this time and to establish an ad hoc workgroup composed of representatives from IPHC, industry, the observer program, and enforcement to address concerns raised by the AP, SSC, and during public testimony. The intent would be for a revised analysis to be available for Council review in April. The motion was seconded by Wally Pereyra.

Because of concerns over staff tasking and higher-priority issues, Ms. Behnken withdrew the April deadline for the document. The ad hoc workgroup will be formed and begin work on the document and provide a progress report in April.

The motion carried without objection.

D-2(b) Crab Bycatch Issues

The Council received a review of recent actions to protect crab stocks and an overview of crab bycatch in the groundfish, crab and scallop fisheries.

**MINUTES
NPFMC
JANUARY 1995**

Report of the Scientific and Statistical Committee

Because the impacts of multiple closures are not well evaluated at this time, and because Council harvest objectives may be precluded, the SSC believes that the cumulative effects of bycatch measures must be analyzed in a comprehensive manner, looking at costs and benefits of present and proposed fishery restrictions. As a means of initiating the development of a more comprehensive bycatch amendment, the SSC recommends that the Bering Sea Groundfish and Crab Plan Teams meet jointly to review available data and alternatives to define amendment objectives. The SSC believes that an industry working group, representing both crab and groundfish interests, would also be helpful in developing acceptable alternatives.

Report of the Advisory Panel

The following is a summary of extensive comments and recommendations from the Advisory Panel. The entire set of recommendations can be found in the AP Minutes, Appendix III to these minutes.

1. The AP recommends that the Council address the current problems resulting from low king and bairdi crab abundance in a comprehensive way; the AP endorses the SSC recommendations, particularly the recommendation that the crab and groundfish plan teams meet jointly. The AP requests that the joint plan teams, under the direction of a Council member, begin to develop a problem statement, objectives and a rebuilding plan for king and bairdi crab.
2. The AP recommends that the Council initiate analysis for a trawl closure with three options: 56°N 56°10"N; 55°45"N. (More parameters for the analysis are found in the full AP Minutes.)
3. The AP recommends additional amendment alternatives for the analysis package developed by the State of Alaska (see AP Minutes).
4. The AP recommends that the Council draft a proposal to the Alaska Board of Fisheries repealing the 3-mile trawl closure in Bristol Bay. The AP believes that the loss of this area, which had few bycatch problems, may have exacerbated king crab bycatch in other areas of Bristol Bay.

COUNCIL DISCUSSION/ACTION

Wally Pereyra moved to adopt the following AP recommendations:

- I. That the Council address the current problems resulting from low king and bairdi crab abundance in a comprehensive way.

Endorse the SSC recommendations, particularly the recommendation that the crab and groundfish plan teams begin meeting jointly, under the direction of a Council member, to develop a problem statement, objectives and finally a rebuilding plan for king and bairdi crab, with a status report at the April meeting.

Realizing that the Alaska Board of Fisheries and the State of Alaska are an integral part of crab management, the AP recommended that the State begin examining:

[Robin Samuelsen suggested that this should read “. . . State continue examining:” because in his opinion the State is already doing those things identified by the AP]:

- a. multi-species retention,
- b. season changes,
- c. crab gear modifications and enforcement of current gear restrictions,
- d. changing harvest strategies, including harvest of females, size limits, etc., and
- e. improved data on all sources of mortality.

Recognizing that ecological changes (i.e., oceanic conditions, habitat, predator/prey relationships) as well as fisheries have impacted crab stocks and that such ecological impacts are not well understood, it is imperative to the development of an effective rebuilding program that these changes be examined.

An evaluation of the effectiveness of past and present trawl closures in contributing to crab stock rebuilding should be undertaken.

Individual vessel accountability for bycatch is, as always, a key to the success of bycatch management.

~~The AP recommends that the Council ask the Alaska Board of Fisheries to waive the April 10, 1995 proposal deadline, so that any proposals arising from Council activities between this meeting and the April meeting can be submitted.~~

The motion was seconded by Bob Mace and used as a framework motion for revision and amendment before the final vote.

Regarding the joint meeting of the Crab and Groundfish Plan Teams, it was clarified that they should meet as soon as practicable, and that the joint meeting is for the purpose of this task, not an ongoing requirement that they meet jointly.

The last paragraph under Item I, regarding the Alaska Board of Fisheries proposal deadline, was deleted from the motion by friendly amendment.

II. Initiate analysis of the following options for a trawl closure:

- 56° 58°N
- 56° 10"-58°N
- 55° 45"-58°N

[Ron Berg offered a friendly amendment to include the longitudes of 162°W and 164°W as they are in the current emergency rule. The amendment was accepted. Additionally, Mr. Berg pointed out that for the northern boundary, the emergency rule is currently 57°N and he wished to amend the motion to include up to 58°N. This was also accepted as a friendly amendment.]

Using the methodology of the BSAI bycatch simulation model originally developed by Terry Smith after it has been appropriately updated, the analysis should examine:

MINUTES
NPFMC
JANUARY 1995

1. **Bycatch consequences:**
 - a. **impact on halibut**
 - b. **impact on opilio**
 - c. **impact on bairdi**
2. **Target species impacts:**
 - a. **CPUE**
 - b. **Catch composition of groundfish (retention)**
3. **Effort redistribution impacts on other fisheries**
4. **Seasonality of the closure**
5. **Application of the closure on a target fishery specific basis**
6. **Size and sex of red king crab**
7. **The analysis should also examine the effects of bycatch rates being calculated on overall catch versus retained, how the current method of calculating bycatch affects fishing techniques, strategies, restricts gear modification and achieving caps.**

~~The AP believes a 2-year sunset should be analyzed.~~

[Dave Benton recommended that the sunset clause should be deleted in light of earlier discussions on "sunset clauses" and timeframes for analysis and implementation. Mr. Pereyra accepted this as a friendly amendment.]

III. Crab bycatch amendment alternatives developed by the State of Alaska as a package for analysis should also include:

1. **analysis of a floating cap with no upward limit,**
2. **deleting all references to scallop caps,** and**
3. **change variable caps as follows:**

	<u>Variable caps indexed between:</u>
red king crab	0.25 - 1.0%
bairdi	0.25 - 2.0%
opilio	.005 - .25%

The AP believes a rigorous analysis of these options is critical.

Mr. Benton wished to clarify that the AP's recommendation includes analysis of the alternatives proposed by the State of Alaska, in addition to those listed above. Those items recommended by the State are attached to these Minutes as Appendix IV. With reference to item III.2. above, deletion of reference to scallop caps, the Council substituted the following:

****2. The analysis will consider two alternatives: (1) including scallop caps, or (2) excluding scallop caps.**

Robin Samuelsen moved to amend to the motion to close all waters east of 162°W and north to 58°N to bottom trawling in the Bering Sea, with the analysis to be prepared for Council review in December. The motion was seconded.

During discussion, Council members expressed concern that staff time is limited for new analyses. It was suggested that the joint plan teams, working with Council member Fluharty, could address this in the overall review of crab rebuilding alternatives. Mr. Samuelsen said that the committee could address it, but he still wished the Council to take up the closure in December.

The amendment carried, 10 to 1, with Pereyra voting against.

The main motion carried, as revised and amended, without objection.

Mr. Benton pointed out that the State will begin analysis of the alternatives suggested in items II and III of the AP motion because some of these issues cannot be delayed. Other, longer-term aspects of the motion, i.e., those in item I, will be more appropriately addressed by Dr. Fluharty's committee.

D-2(c) Salmon Bycatch

The Council was scheduled to receive a report from the Salmon Foundation and to take final action on an amendment to reduce chum salmon bycatch.

Report of the Scientific and Statistical Committee

The SSC noted that the chum salmon bycatch analysis demonstrated that seasonal time-area closures would be an effective tool to cap chum salmon bycatch without impacting the aggregate fleet's ability to harvest the pollock quota. The 9-, 7- and 5-block closures resulted in substantial bycatch savings, but because there were minor differences in bycatches and catches among those areas, it would be difficult to distinguish between those suboptions based solely on catches and bycatches. The SSC suggested that rather than closing an area after a cap is reached, an area could be closed during the expected peak time of chum salmon bycatch and reopened after the peak. The SSC recommended against total closures as proposed in Alternative 2.

Report of the Advisory Panel

The AP expressed support for the work of the Salmon Foundation and recommended the Council continue to support those efforts.

Regarding the chum salmon bycatch analysis, the AP recommended the reinstatement of the restrictions as they were in 1994: adoption of Alternative 3, Option 7 (Alt. 3: 42,000 cap and Opt. 7: 5 block closure) to sunset in three years with the provision that we reconsider the trigger level annually. Additional recommendations were:

**MINUTES
NPFMC
JANUARY 1995**

- August 15 start date for counting salmon bycatch in the CVOA.
- Closure will be in place from August 1 to September 1.
- If less than 50% of the cap is taken by September 1, the closed area will re-open.
- If 75% of the cap is taken by September 1, the closed area will re-open September 7.
- If 100% of the cap is taken by September 1, the closed area will re-open September 15.
- Regulations in place by August 1, 1995.

The AP continues to be concerned about NMFS's methodology regarding blended data when mandatory retention and counting are in place.

COUNCIL DISCUSSION/ACTION

Dave Benton moved to adopt Alternative 3, Option 7, 5-block area and 42,000 cap, for other salmon, with an August 15 start date to begin counting bycatch in the CVOA for the cap, and the 5-block area to be closed August 1 to September 1. The motion was seconded by Linda Behnken.

Mr. Benton clarified that counting would begin August 15 in the CVOA, then if the cap is reached before September 1, the closed area would not reopen. It was pointed out that the accounting for bycatch in this proposal would differ from that in the emergency rule. Mr. Benton responded that the information the Council has received shows this takes into consideration the areas and time periods of highest salmon bycatch. Some Council members had thought the emergency rule would be constructed in this way.

Ms. Behnken asked whether the closure (upon reaching the cap) would be only for pollock fishing or all trawling. It was clarified that the current motion would apply to all trawling.

Ms. Behnken moved to amend to reopen the 5-block area on October 15. The motion was seconded by Robin Samuelsen. Ms. Behnken pointed out that the information shows that the bycatch of chum salmon is almost non-existent after October 15 and reopening the area would be important for the prosecution of other fisheries.

Mr. Benton accepted this as a friendly amendment to the main motion.

The Council discussed the sunset date proposed by the Advisory Panel but felt that three years may not be enough time to ensure industry has resolved the problems with salmon bycatch. The Council concurred that a thorough review of the issue will be accomplished in three years before a decision is made whether or not to rescind this provision. Council members expressed a desire to have the amendment structured in such a way that it could be deleted without the full plan amendment process if it is found the closure is no longer necessary.

During the discussion concern was expressed over the significant variation between the observer data and data being collected through the Salmon Research Foundation's efforts. It was suggested that NMFS and industry work together to determine where the differences lie in gathering the data.

The motion carried, 8 to 3, with Barker, Mace and Pereyra voting no.

D-3 Staff Tasking

In December the Council delayed until this meeting a review of amendment proposals received during the summer and fall months. The Council received copies of the proposals and reports from the Plan Teams and the Plan Amendment Advisory Group, as well as a transcript of public comments from the December meeting.

Report of the Scientific and Statistical Committee

The SSC recommended the following proposals be analyzed in 1995: rockfish rebuilding, the SSC overfishing definition, forage fish protection proposal, and the FMP update. With regard to other proposals, most pertain to allocation issues and management problems exacerbated by overcapitalization and gear conflicts. The SSC suggests that staff resources be reserved for analysis of CRP alternatives and a comprehensive examination of bycatch management. The SSC also noted that Council schedules, procedures and rules of operation are frequently not followed due to the press and urgency of fishery management issues and suggests that a subcommittee of Council, AP and SSC members be formed to examine operating procedures with staff.

The Advisory Panel did not have sufficient time to address the Staff Tasking agenda item.

COUNCIL DISCUSSION/ACTION

Council members expressed concern over the number of proposals and the lack of staff resources to address many of them, but indicated that many of the proposals will be addressed during the comprehensive rationalization process.

Dave Benton said that ADF&G would undertake work on the proposal for rockfish limited entry in southeast Alaska because there is a potential for a conservation problem if nothing is done.

The request for a January opening of the sablefish fishery in the Aleutian Islands was again discussed. Ron Berg indicated that this would be a regulatory change requiring additional staff time. The proposal also needs to be addressed by the IPHC with regard to any biological concerns. NMFS staff at the Region or Center will be asked if they can assign staff to prepare an amendment analysis for June.

With regard to proposals 5 and 6 ("forage fish" proposals) to prohibit commercial fishing on capelin and other forage fish, Ron Berg said that the Region will work on an analysis, however it will not be a high priority. The Alaska Fisheries Science Center will be asked to work on the SSC's proposal to amend the overfishing definitions.

E. FINANCIAL REPORT

There was no financial report at this meeting.

F. PUBLIC COMMENTS

There were no further public comments.

**MINUTES
NPFMC
JANUARY 1995**

G. CHAIRMAN'S COMMENTS AND ADJOURNMENT

The Council met in Executive Session to discuss a request from several industry representatives (Arni Thomson, ACC; John Bruce, DSFU; Thom Smith, NPLA; and Bob Alverson, FVOA) expressing concern over the makeup of the Washington delegation to the Advisory Panel, mainly the lack of fixed gear representatives. At the conclusion of the Plenary Session, Chairman Lauber announced that Council members had discussed the request and determined that there would not be any changes to composition of the Advisory Panel for 1995.

The meeting was adjourned at approximately 5:55 p.m. on Saturday, January 14, 1995.