

North Pacific Fishery Management Council

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MINUTES

**104th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
September 22-27, 1992
Hilton Hotel
Anchorage, Alaska**

The North Pacific Fishery Management Council met September 22-27, 1992 at the Hilton Hotel in Anchorage, Alaska. The Advisory Panel and Scientific and Statistical Committee began on September 21. The Gulf of Alaska Industry Rockfish Committee and the Bycatch Cap Committee also met during the week. The following members of the Council, staff, SSC and AP attended the meetings.

Council

Richard Lauber, Chairman
Donna Darm/Alan Millikan for Robt. Turner
RADM Roger Rufe/CAPT Bill Anderson
Linda Behnken
Oscar Dyson
Bob Mace for Randy Fisher
Ron Hegge

Robert Alverson, Vice Chair
Henry Mitchell
Dave Hanson
Steve Pennoyer
Wally Pereyra
Clem Tillion for Carl Rosier

NPFMC Staff

Clarence Pautzke, Executive Director
Judy Willoughby
Brent Paine
Marcus Hartley

Chris Oliver
Helen Allen
Gail Peeler
Regina Stewart

paperwork. Staff is also working on the complicated set of regulations for the sablefish and halibut IFQ program; they hope to submit them for General Counsel review within two weeks.

Council member Pereyra asked for information on the overrun of the halibut bycatch cap in the longline cod fishery. Mr. Berg explained that in June they realized that the bycatch rate in that fishery had increased significantly and was almost at the 750 mt cap at that time, however the amendment to actually implement the cap would not be implemented until about the first of September. An emergency rule to implement the cap was not undertaken because NMFS felt that the bycatch rate would not approach 750 mt before the amendment was in place. At the August meeting NMFS advised the Council of the situation and was advised to proceed with the regulation with the attendant 30-day cooling off period. Based on previous data, NMFS did not feel that the 750 mt cap needed to be implemented by emergency rule as they did with the trawl cap. Subsequently the cod TAC was reached and the cap issue became moot.

B-4 Enforcement Report

Dave Flannagan reported on NMFS enforcement activities for the period of June 1 through September 1, 1992. He also advised the Council that the Alaska Enforcement Division has a hiring freeze in effect in anticipation of the FY 1993 budget shortfalls and that their ability to investigate violations and pursue prosecutions has been severely affected. He advised that they will only have the capability to pursue the most serious violations for the foreseeable future.

The Council, by consensus, agreed to send a letter to Under Secretary Knauss expressing concern in support of sufficient funding for enforcement.

Capt. Bill Anderson reported on Coast Guard enforcement activities for the period June 1 through August 31, 1992, including six vessel and three catch seizures. In addition, two incidences of vessels fishing within sea lion rookeries were investigated. The Coast Guard also investigated, along with Japanese enforcement officials, a report from two Japanese driftnet vessels of harrassment by two vessels of the Sea Shepherd Society and investigated a report of numerous South Korean driftnet vessels operating north of the authorized boundary for July.

Capt. Anderson also told the Council he is in favor of an Enforcement Committee to review proposed regulations for enforceability.

B-5 Halibut Fisheries Stock Status Report

Bob Trumble, IPHC, reported on the 1992 halibut fisheries to date. There is no new information on stock assessment at this time but an updated SAFE document will be available for the Council in December. In general, the stock is in good condition, but declining at a rate of about 7% a year. Council member Linda Behnken suggested that the IPHC authorize higher trip limits in the September opening to avoid later openings during bad weather.

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C. NEW OR CONTINUING BUSINESS

C-1 Observer Program

The Council received a status report on the Research Plan. Draft regulations are currently being prepared but not yet complete because of the press of other Council tasking. Staff is also awaiting the outcome of a change to the Magnuson Act which would set the fee limit at 2% of exvessel value. This legislation would be consistent with Council intent but would affect the way the Proposed Rule is structured. Action on the legislation is expected within the next few weeks; the Proposed Rule package would then be completed and forwarded for Secretarial review.

The Council received proposed changes to the current Observer Program for 1993. A draft EA/RIR/IRFA was prepared for Council review at this meeting. Staff consulted with the Observer Oversight Committee in preparing the regulatory amendment for the proposed changes.

Proposed changes were:

1. Reduce the lower length limit for 100% coverage from 125' to 115'.
2. Reduce the lower length limit for 30% coverage from 60' to 55' or 57'.
3. Change the 30% coverage requirement from a quarterly requirement, with no connection to a target fishery, to a monthly requirement, possibly also by target fishery.
4. Consider reducing the level of coverage for vessels fishing with pot gear.
5. Redefine 'fishing day.'
6. Revise conflict of interest standards for observers and observer contractors.

Report of the Observer Oversight Committee

The Committee had the following comments (summarized from the full report):

Reduce the lower length limit for 100% coverage from 125' to 115'. In discussing the potential gains derived from this increased coverage, it was noted that Pacific cod and pollock fisheries in the Gulf of Alaska are in need of additional coverage. The Committee felt that this proposal should be examined in the regulatory amendment for Council review.

Reduce the lower length limit for 30% coverage from 60' to 55' or 57'. The Committee noted that vessels from 55' and 58' probably are not as much in need of coverage as the larger vessels and that insurance coverage for observers on smaller vessels is an area of concern. Also, data collected from these vessels most likely would not be comparable to that collected from the larger vessels. However, the Committee felt that sablefish longline vessels, particularly from the 58'-60' length are very much in need of some type of observer coverage because of bycatch. The Committee recommended that these options be included in an analysis and that some type of pilot program for trawl fisheries be considered.

Change the 30% coverage requirement from quarterly to monthly requirement, possibly by target fishery. The Committee generally agreed that some change should be made to eliminate the potential for vessels to manipulate observer coverage to avoid having an observer when they are fishing in fisheries, or at times, when their bycatch rates are high. There were concerns, however, that such

a change would require observers to change vessels more frequently and that the quality of data collected may suffer; additional costs to vessels were also a concern of the Committee.

Consider reducing the level of coverage for vessels fishing with pot gear. In reviewing the 1990 bycatch data provided to the Committee, the members noted that there was also a substantial crab catch in the Pacific cod pot fishery and suggested the mortality on crab also be evaluated. The Committee asked NMFS to review whether the loss of data would significantly impact the overall accuracy of the bycatch estimates. The recommendation to staff from the Committee was to consider an option in the analysis for 30% coverage for all pot vessels above 60' or 57' (if the lower length limit is reduced).

Redefine 'fishing day.' Questions were raised by the Committee regarding the enforceability of the options provided. They suggested that an option be considered that would define an observer day (for credit purposes) as a day in which catch is made available to the observer for sampling.

Revise conflict of interest standards for observers and observer contractors. The Committee felt that some of the proposed changes were unduly restrictive on the observers. Overall, the Committee felt that the job of an observer should be made as attractive as possible and not restrictive to the point where the job was no longer attractive. With regard to conflict standards for observer contractors, the Committee felt that the financial interest provision should be applied to the individual owners of the contracting company, but that it was too restrictive to impose such a restriction on their employees.

The Scientific and Statistical Committee did not comment on this agenda item.

Report of the Advisory Panel

The AP recommended the Council send the proposed regulatory amendment out for public comment.

COUNCIL DISCUSSION AND ACTION

The Council received an overview of the proposed changes to the Observer Plan for 1993. In light of an earlier report from NMFS Enforcement indicating a critical shortage in enforcement funds, Council members asked whether the changes proposed would be enforceable under the current enforcement budget problems. Mr. Nelson responded that although Enforcement may not be able to actively pursue a great number of prosecutions there is still a need for the data to be collected.

Bob Mace moved to send the EA/RIR for the proposed changes to the Observer Program out for public review. The motion was seconded by Oscar Dyson.

Linda Behnken moved to amend to add, under Section 5, the flexibility to require coverage by area in the 30% coverage category. The motion was seconded by Clem Tillion.

Council member Bob Alverson expressed concern over the increased cost to small vessels and asked that the staff look into that aspect of the option.

The amendment carried, 9 to 2, with Alverson and Dyson voting against.

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Wally Pereyra moved to amend to include a section on enforceability and compliance for each of the proposed changes. The motion was seconded by Henry Mitchell and carried without objection.

Bob Alverson moved that those sections addressing reduction of length limits (Sections 2, 3, and 6) of the document be withheld until the Research Plan is adopted by the Secretary of Commerce. The motion was seconded by Oscar Dyson.

Mr. Alverson felt that these alternatives will impose additional costs on the research plan and that before adding costs the Council should have a good idea where the money will come from. Other members felt that the proposed amendments should be sent out to solicit public comment at this time.

The amendment failed, 10 to 1, with Alverson voting in favor.

Bob Alverson moved to re-insert an option calling for multiple observers on larger vessels. The motion was seconded by Oscar Dyson.

The option had been recommended earlier but dropped from the package after NMFS suggested, and the Observer Oversight Committee agreed, that this option could be postponed until the Research Plan is implemented. This option would require catcher/processor vessels, mothership vessels, and shoreside processors of a certain size to carry multiple observers.

The motion carried, 10 to 1, with Pereyra voting no.

The main motion, as amended, carried without objection.

Council members also discussed arranging for the public hearings which will be held on the Research Plan. Lisa Lindeman advised that the hearings are actually part of the Secretarial review process and that the Council need not be involved. Steve Pennoyer pointed out that the Secretary will most likely consult with the Chairman of the Council when setting the hearings. Council members stressed the need to coordinate with leading fishing industry groups in Washington, Oregon and Alaska before setting the dates and locations.

C-2 Community Development Quotas

The Council was informed that the proposed rule incorporating the criteria and procedures for the Western Alaska Community Development Quota Program has been drafted and sent to the Central Office, however it had not yet been published. Upon publication of a final rule the State of Alaska will be ready to evaluate CDQ proposals and make recommendations on which ones to forward to the Secretary.

The Scientific and Statistical Committee had no comment on this agenda topic.

Report of the Advisory Panel

The AP unanimously recommended the Council schedule teleconferences on CDQ proposals with the Governor as soon as it is appropriate.

COUNCIL DISCUSSION AND ACTION

The Council received an update from both NMFS and State of Alaska representatives. If the final rule is implemented in a timely manner, approximately 101,370 mt of pollock could be released for CDQs before the end of the year. CDQ fisheries would be required to comply with current regulations such as gear closures and bycatch restrictions. There was some doubt that all the regulatory actions could be completed in time for any CDQ fishery by the end of 1992. Dave Benton, State of Alaska representative, suggested that, as soon as the final rule is published and the State can solicit applications, the Council hold a teleconference with the Governor to discuss the applications and the Governor's recommendations.

It was noted by the Clarence Pautzke that the proposed rule does not include a provision requiring the Governor to consult with the Council before sending recommendations to the Secretary. The Council voted to include this when approving the CDQ program. NMFS staff indicated that although it is not in the proposed rule it could be added to the final rule. By consensus the Council agreed to request that the provision be included in the final rule. It was stressed, however, that if such a request would slow the process of Secretarial review and approval that it would be dropped at this time. It was also pointed out that the State regulations do call for consultation with the Council. Summaries of applications received by the State will be provided to the Council for the teleconference review. It was agreed that a full copy of each proposal will be available for review in the Council office in Anchorage, in Juneau at NMFS and State locations, and at the Alaska Fisheries Science Center in Seattle. This will be contingent on an Attorney General opinion regarding confidentiality of the applications.

The Council also agreed to recommend to the Secretary that the public comment period on the final rule be as short as possible in order to try to have CDQ reserves released for 1992.

The Council also discussed the issue of whether or not CDQ users should be required to follow the same restrictions as other pollock fisheries, i.e., the A-B season TAC split, current seasons, bycatch caps, etc. The consensus was that all the current regulations should apply.

Donna Darm moved to notify the public that the Council will consider various alternatives for the CDQ fisheries: Whether they are fished in the same seasons and proportions as the olympic pollock fishery, or not; if they are, then will the division between the A and B season be the same (40/60), or not; if not, would it be in addition to or subtracted from the 40% of the olympic system. The motion was seconded by Clem Tillion and carried, 9 to 2, with Hegge and Mitchell objecting.

C-3 International Fisheries

The Council received a written update on several items: a recap of the Moscow International Conference on Central Bering Sea Pollock Management, regulations affecting U.S. operations in the Russian EEZ and Donut Hole, and legislative disincentives to foreign Donut Hole and driftnet fisheries. Because of a lack of time, there was no Council discussion or action.

C-4 Marine Mammals

The Council received a status report from Dick Merrick of the NMFS Marine Mammal Lab in Seattle on the 1992 Steller sea lion research program and results from this summer's research and census counts. The Council also received a presentation from Andrew Trites who recently completed

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a study for the Pacific States Marine Fisheries Commission on Steller sea lions and potential fishery interactions in the commercial fisheries off Alaska.

The Council was asked by NMFS to consider additional fishery management measures to protect Steller sea lion foraging habitat on the southeastern Bering Sea shelf near Ugamak Island. Staff provided an EA/RIR for a regulatory amendment to implement the proposed measure which would add the Ugamak Island Steller sea lion rookery to the 20-mile no-trawl zones during the pollock A season.

Report of the Scientific and Statistical Committee

The SSC agreed with the proposal to add the Ugamak Island Steller sea lion rookery to the 20-mile no-trawl zone for the pollock fishery. However, they noted that there should be no biological reason the Pacific cod fishery in the area could not continue. The SSC was informed that allowing the cod trawl fishery would present an enforcement problem.

Report of the Advisory Panel

The Advisory Panel recommended status quo with regard to the proposed Ugamak Island closure. They noted that this isn't an area where pollock are caught and that this particular area has shown a double-digit increase in sea lion population this past year. The AP also expressed frustration that they are asked to provide recommendations on actions such as this with inadequate time for review.

COUNCIL DISCUSSION AND ACTION

Bob Mace moved to adopt the AP's recommendation to maintain the status quo with regard to the trawl closures around Ugamak Island. The motion was seconded by Wally Pereyra.

Mr. Mace felt that there is not enough evidence that trawling for cod would be detrimental to the sea lion population because the cod is taken at depths greater than those used by the sea lions. He also expressed concern that if this area is closed industry may not be able to harvest the cod TAC.

Steve Pennoyer indicated that the cod TAC could still be taken in other areas. He also pointed out that the summer sea lion surveys show a substantial change in the downward trend in areas where the no-trawl zones have been implemented, while other sea lion areas, without the restrictions, haven't shown the same improvement.

Although some Council members felt there aren't enough data on the relationship between bottom trawling for cod and sea lion pup survival, Steve Pennoyer pointed out that there is a need to be conservative with a species nearly on the endangered species list.

The motion failed, 8 to 3, with Dyson, Pereyra and Mace voting in favor.

Clem Tillion moved approval of Alternative 2: Expansion of 10 nm trawl closures around Ugamak Island to 20 m trawl closures during the BSAI pollock "A" season. The motion was seconded by Donna Darm.

Wally Pereyra moved to amend to add: "Except that directed fishing for cod would be allowed in this area as long as vessels have observers on board. The motion was seconded by Bob Alverson and carried, 6 to 5, with Behnken, Hegge, Darm, Pennoyer and Tillion voting against.

Bob Alverson moved that the amendment would only be effective for 1993. The motion was seconded and carried unanimously.

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

Later in the meeting, Linda Behnken moved to reconsider the vote on this motion. The motion to reconsider was seconded by Donna Darm and carried, 7 to 4, with Alverson, Dyson, Mace, and Pereyra voting no.

Henry Mitchell moved to reconsider the amendment to allow the cod trawl fishery with observers. The motion to reconsider carried, 6 to 5, with Alverson, Dyson, Mace, Pereyra and Lauber voting no.

This amendment failed on the second vote, 6 to 5, with Alverson, Dyson, Mace, Pereyra and Lauber voting in favor.

Wally Pereyra moved to amend to exclude all fishing vessels from the area. The motion was seconded by Bob Mace and failed, 6 to 5.

It was pointed out that the amendment could only address the fisheries covered by a fishery management plan and also that the current EA/RIR only addresses trawling.

The main motion, as amended (without the cod trawl exemption) carried, 7 to 3, with Dyson, Mace and Lauber voting no, and Pereyra abstaining.

C-5 Habitat

The Council received a request from the Commission of the Alaska Department of Environmental Conservation to:

- (1) Jointly establish a continuous location reporting system for offshore fishing and processing vessels and require their participation; and**
- (2) Require vessels participating in the fishery to sign standby contracts with response action contractors as a minimal contingency planning measure against oil spills.**

Svend Brandt-Eriksen of the ADEC gave the Council an overview of the request.

The Scientific and Statistical Committee had no comment on this agenda item.

Report of the Advisory Panel

The AP felt the Council should not be directly involved in this type of activity. They suggested that the Council suggest that the EPA, Coast Guard and other appropriate agencies work with ADEC to develop minimum oil spill preparedness requirements and consider requiring fishing vessels over a certain size to obtain standby contracts for oil spill response.

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COUNCIL DISCUSSION AND ACTION

The Council suggested that the Alaska Dept. of Environmental Conservation consult with NMFS on their progress with the COMSAT reporting system and explore the possibility that the system could be used to report oil spills.

C-6 Sablefish/Halibut IFQs

The Council received three discussion papers developed by the State of Alaska Commercial Fisheries Entry Commission on the two block proposals and the 1,000 lb. minimum proposal considered by the Council last December.

The Council also received a request from the Kodiak Island Borough to consider several conservation management techniques to address immediate concerns in the halibut and sablefish fisheries.

The Scientific and Statistical Committee had no comment on this agenda item.

Report of the Advisory Panel

The AP recommended the Council send the analyses of both block proposals and the 1,000 lb. minimum out for public comment. The AP also endorsed the request submitted by the Kodiak Island Borough to analyze interim management measures for sablefish and halibut.

COUNCIL DISCUSSION AND ACTION

Oscar Dyson moved to send Kodiak Island Borough proposals for staff analysis and then out for public review. The motion was seconded by Clem Tillion.

It was pointed out that the IPHC has the tools to deal with the halibut fishery and that the other management measures enumerated in the proposal were status quo or methods which have been used and found to be ineffective. CAPT. Anderson, USCG, commented that several of the proposals were either unenforceable or would be very impractical to enforce. Most Council members felt that the issue had been thoroughly covered during their consideration of the IFQ plan.

The motion failed, 8 to 3, with Dyson, Tillion and Lauber voting in favor.

Steve Pennoyer moved to send the two block proposals and 1,000 lb. minimum discussion papers out for public comment and schedule Council discussion in January. At that time the Council would review public comments and instruct staff on further analysis. The motion was seconded by Linda Behnken and carried with Dyson objecting.

The Council asked that the two block proposals be combined in one document. [Note: Council member Hegge requested that for further analysis and discussion, the block proposal he submitted no longer be referred to as the "Hegge Proposal".]

Wally Pereyra asked for a comparison of the two block proposals along with the analysis. Staff agreed this could be done.

C-7 Comprehensive Rationalization Program

Moratorium. The Council received a status report on the Moratorium and control date publication. Staff reported that the EA/RIR/IRFA for the moratorium is ready to be submitted for Secretarial review. Work on the proposed rule has been delayed because of pressing work on other Council actions. A draft of the *Federal Register* notice of the control date is undergoing review by NOAA-GC before publication.

Comprehensive Rationalization Program. The Council was provided with a discussion paper developed by Council staff. The paper was prepared as a starting point for the Council to begin development of their comprehensive rationalization program for all fisheries under their jurisdiction.

Report of the Scientific and Statistical Committee

The SSC supports the development of a comprehensive rationalization program for all groundfish and crab fisheries. However, they strongly recommended that the Council set out specific objectives to be achieved by a new management system, or problems to be solved by it, and select well-defined alternatives before forming focus groups to design the analysis and begin the data gathering process.

Report of the Advisory Panel

The AP did not take up this issue because of a lack of time; however Dave Fraser, AP Vice Chairman, reiterated the AP's request that the Council review their amendment cycle and decide whether they wish to deal with the fishery problems in a piece-meal way or move forward with a comprehensive plan.

COUNCIL DISCUSSION AND ACTION

Marcus Hartley reviewed the discussion paper prepared by Russell Harding. It was noted that crab was not specifically addressed in the document although it has been the Council's intent to include the crab fisheries in the comprehensive rationalization program. The Council discussed how to proceed with narrowing the alternatives for an in-depth analysis. Although the Council has stated that traditional management measures are not sufficient, it was suggested by NOAA General Counsel that they should be referenced and some explanation given as to why they are not being considered. If measures have been analyzed previously, those analyses should be incorporated by reference.

Henry Mitchell moved that the Council form a "committee of the whole" [Council] to begin narrowing alternatives for an in-depth analysis. The motion was seconded by Linda Behnken and carried without objection.

The Council directed staff to send out the discussion paper, after it is revised to include crab, for public comment and to encourage industry to submit their comments or ideas before the committee meets. The Committee will meet sometime in November and report their recommendations to the Council at the January 1993 meeting.

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D. FISHERY MANAGEMENT ISSUES

D-1 Salmon Management

Because of the lengthy agenda and lack of time, this agenda item was postponed until the January 1993 Council meeting.

D-2 Crab Management

The Council was scheduled to receive a report on the 1992 Bering Sea/Aleutian Islands crab survey, a report from ADF&G on potential observer coverage for crab catcher vessels, an optimum yield analysis for the Bering Sea *C. opilio* fishery, and a report from the Crab Interim Action Committee on crab pot limits.

Because of a lack of time, the Council received only a written summary of the results of the BSAI crab survey; the full report will be available at the December meeting. The Council received a brief overview from ADF&G on the ADF&G observer program and the feasibility of placing observers on crab catcher vessels. The Council was informed that the crab OY analysis is not yet available for review; the issue was delayed until the January 1993 Council meeting.

Steve Pennoyer reported on the meeting of the Crab Interim Action Committee (CIAC) to hear an appeal regarding the Alaska Board of Fisheries' decision to limit the number of crab pots in the Bering Sea Crab fisheries. The CIAC consists of NMFS Regional Director Steve Pennoyer, Judy Merchant, representative for the Washington Department of Fisheries, and Carl Rosier, Commissioner of the Alaska Department of Fish and Game. The committee has no authority to grant an appeal; their function is to comment in writing to the Secretary of Commerce on pre-season appeals to assist her with review of new State crab regulations to determine if they are consistent with the Crab FMP. The committee did not reach a consensus on a recommendation to the Secretary, but agreed that resolution of the appeal is necessary. Each of the committee members will provide individual comments to the Secretary.

There were no AP or SSC comments on this agenda item. These were all information-only items and no Council action was taken.

D-3 Initial Groundfish Specifications for 1993

The Council received the draft SAFE documents and economic assessment for 1993 for both the Gulf of Alaska and Bering Sea/Aleutian Island groundfish fisheries. As in the past, it was noted that the documents contained limited new information as the data from summer surveys are not complete and analyzed until after the Council meets. The revised SAFE documents will be prepared for the Council's December meeting.

The groundfish Plan Team chairs reviewed the status of stocks for each of the fisheries along with plan team recommendations for groundfish ABCs for 1993. These recommendations, along with those of the SSC and AP, are found in Appendix II to these minutes.

Report of the Scientific and Statistical Committee

The SSC's ABC recommendations are found in Appendix II; specific comments relating to each species are found in Appendix III to these minutes.

For the majority of stocks the SSC endorsed the Teams' recommendations. For the Gulf of Alaska stocks, the SSC recommended that ABC be distributed regionally in proportion to abundance but that the overfishing limit be set Gulf-wide except where there is evidence of stock separation for any species. Some stocks, particularly rockfish, appear to have low mixing rates and would be subject to local depletion if ABCs are not distributed regionally. With regard to Gulf of Alaska pollock, the SSC requested analysts provide a more extensive discussion in the December SAFE of the stock synthesis model used. The SSC also advised the Council that Gulf pollock exploitation rates are being examined by stock assessment analysts who are presenting a paper for peer review at an upcoming symposium. The paper will be available to the Plan Team for their consideration in preparation of ABC recommendations for the December SAFE.

With respect to BSAI Atka mackerel, the SSC noted that almost all of the 1992 catch was taken in the eastern Aleutian Islands area. They feel the 1993 ABC is at a level that cannot be safely taken entirely from that area, and in addition there may be an impact on marine mammals. Therefore, the SSC recommended that the Council develop a plan amendment to subdivide the Aleutian Islands management areas so that all TACs for Atka mackerel may be allocated geographically. Without the ability to apportion ABCs by area, the SSC recommended the ABC for BSAI Atka mackerel should be constrained to 32,100 mt, which can be safely taken in the eastern Aleutians area.

The SSC also reviewed a proposal from the Alaska Groundfish Data Bank to consider a review of the current boundaries between the Aleutian subarea and the Gulf of Alaska management area. The SSC also discussed the need to make regional distributions of ABC for such species as rockfish and Atka mackerel and recommended the groundfish plan teams examine this issue and develop a plan amendment for consideration during 1993, which would examine all area boundaries in the Bering Sea/Aleutian Islands.

Report of the Advisory Panel

The AP's recommended TACs are found in Appendix II to these minutes. Complete AP minutes are found in Appendix IV.

For the Gulf of Alaska, the AP agreed with the plan teams' recommendations for all species except the following:

Pollock. The AP received new information the Plan Team did not have, and therefore supported the SSC's recommendation.

Arrowtooth. The AP felt that halibut bycatch will significantly restrain this fishery and since "other species" amounts are 5% of the total TACs, a lower TAC will notice industry more correctly on the amount of "other species" which might be available.

POP/Shortraker/Rougheye. The AP felt the rockfish quotas should have a buffer between ABC and TAC and that exploitation of these rockfish species should be conservative. Some members question the accuracy of the survey numbers since these species don't survey well, and therefore felt that management should be conservative.

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Demersal Shelf Rockfish. The AP was concerned about the differences between plan team and SSC definitions of overfishing; if the overfishing level for this species is 800 mt, then the TAC should be set well under that number.

In addition, the AP recommended that the 1992 halibut PSC releases should be used as preliminary quotas for 1993 for public comment purposes.

For the Bering Sea/Aleutian Island groundfish fisheries, the AP had several caveats for the TACs recommended in Appendix II to these minutes. For the SAFE document, the AP recommended that it be amended to include 1992 salmon bycatch rates broken down by species as much as the data will allow.

Other recommendations were:

- Rockfish and Atka mackerel harvests should be split in terms of geographical subarea, within the overall Aleutians area.
- The split line for Atka mackerel should be 178°W.
- If there is no geographical division of catches, the TAC for Atka mackerel should be 32,000 mt.

For the purpose of public comment, the AP recommended that 30% of the pollock ITAC be apportioned to the A season. The AP also unanimously recommended that the Council adopt their recommended PSC apportionments (see Appendix II) for public comment, and that the VIP rates for 1993 be developed at the December Council meeting.

The AP had several other general recommendations regarding research, peer review of the NMFS field science modeling program, and a workshop on salmon bycatch data for the BSAI. (See the AP Minutes, Appendix IV)

COUNCIL DISCUSSION AND ACTION

Gulf of Alaska

ABCs

Steve Pennoyer moved to adopt the Gulf of Alaska groundfish ABCs as recommended by the SSC (Appendix II). The motion was seconded by Bob Alverson.

Clem Tillion moved to amend to use the Plan Team's recommendation for the Pacific ocean perch ABC. The motion was seconded by Henry Mitchell.

Steve Pennoyer suggested that more information and discussion is needed on this species and its exploitation rate.

Henry Mitchell moved to amend to use a range of the SSC and Plan Team's recommendations for Pacific ocean perch ABC. The motion to amend was seconded by Bob Alverson and carried without objection. This amendment carried the previous amendment.

Bob Mace moved to amend to use a range of the SSC and Plan Team's ABC recommendations for thornyhead rockfish. The motion was seconded by Henry Mitchell and carried without objection.

TACs

Steve Pennoyer moved to send out the Advisory Panel recommendations for TACs (Appendix II). The motion was seconded by Bob Mace.

Oscar Dyson moved that Pacific ocean perch be designated bycatch only. The motion was seconded by Ron Hegge and carried without objection. It was clarified that this includes the AP recommendation for a directed fishery later in the year if it is determined that there are sufficient stocks.

Wally Pereyra requested that the Plan Team provide analysis of what reasonable bycatch rates would be for the fishery.

Bob Alverson noted that in the past the Council has set the rockfish TAC at 25% of the ABC for rebuilding purposes and that they hadn't been following that regime recently.

Bob Alverson moved that, in the cover letter accompanying the groundfish specifications for public review, it be noted that with regard to Pacific ocean perch, shortraker, other slope, pelagic, demersal, and thornyhead rockfish that (in addition to the AP recommendation), the Council will be looking at a TAC of 70% of the ABCs. The motion was seconded by Wally Pereyra.

Bob Mace suggested that a specific percentage not be set at this time, but to outline the Council's concerns in the cover letter and indicate that they may consider a percentage below ABC. It was the consensus of the Council to follow this suggestion and Mr. Alverson withdrew his motion.

Linda Behnken moved to establish a 10% buffer between the ABC and TAC if ABC equals the overfishing definition, as recommended by the Advisory Panel. The motion was seconded by Donna Darm and carried without objection.

Oscar Dyson moved to separate black rockfish into its own TAC species. The motion was seconded by Linda Behnken.

Wally Pereyra moved to amend the motion to look at redefining rockfish statistical areas to more accurately reflect distribution of the resource, and to break out Atka mackerel as a separate category. The motion was seconded by Bob Mace and carried after deletion of the portion on rockfish.

Steve Pennoyer pointed out that both of these motions would require separate FMP amendments and changes would not be available for management in 1993. Mr. Pereyra withdrew the portion of the motion regarding rockfish as that would apply to the Bering Sea/Aleutian Islands.

Mr. Dyson's motion, as amended, carried without objection.

Wally Pereyra moved to direct the plan team to begin work on an amendment to break out Atka mackerel from the "other species": category. The motion was seconded and carried without objection.

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Earl Krygier moved that, along with the FMP amendment recommended by Mr. Pereyra, that staff also examine the "Other Species" category to resolve inconsistencies in state and federal management, including breaking out Atka mackerel. The motion was seconded by Steve Pennoyer and carried without objection.

The main motion to approve preliminary ABCs and TACs (as amended) for public review carried without objection.

PSCs

Bob Alverson moved to approve the AP recommendations for initial PSC limits for 1993 (that the halibut PSC releases for 1993 be the same as the actual releases in 1992, both in amount and over time). The motion was seconded by Oscar Dyson and carried without objection.

Steve Pennoyer pointed out that this recommendation would mirror the Council's decision last year to allocate 10 mt halibut PSC specifically to the demersal shelf rockfish fishery out of the second trimester hook and line gear allowance; so the hook and line PSC, excluding the DSR fishery, would be 740 mt.

Bering Sea/Aleutian Islands

ABCs

Steve Pennoyer moved to adopt the SSC's recommendations for preliminary 1993 ABCs for Bering Sea/Aleutian Islands groundfish. The motion was seconded by Oscar Dyson.

Wally Pereyra moved to use the 117,100 mt ABC for Atka mackerel. The motion was seconded by Henry Mitchell and carried without objection.

Mr. Pereyra noted the SSC's concerns over the distribution of the resource and suggested that concern be dealt with under the TAC-setting process.

The motion, as amended, carried without objection.

For species where the plan team and SSC recommendations differ, a range of the two figures will be used for public comment purposes.

TACs

Steve Pennoyer moved to adopt the AP recommendations for initial 1993 TACs for the Bering Sea/Aleutian Islands. The motion was seconded by Bob Alverson.

Henry Mitchell moved to reduce the rocksole TAC to 25,000 mt. The motion was seconded by Clem Tillion.

Mr. Mitchell said the rocksole fishery in the BSAI has a high rate of bycatch and should be curtailed; Mr. Pereyra felt the Council should set a more reasonable TAC for the fishery.

Wally Pereyra moved to amend to reduce the rocksole TAC to 40,000 mt. The motion was seconded by Bob Mace and carried unanimously. This motion carried the previous amendment.

The main motion, as amended, carried without objection.

Wally Pereyra moved to retain the 1992 percentages for the pollock A-B season split (40%/60%). The motion was seconded by Bob Mace and carried without objection.

Ron Hegge moved to notice the public that in December the Council will be considering bycatch-only status for shortraker rougheye in the Bering Sea/Aleutian Islands for 1993. The motion was seconded and carried without objection.

The main motion, as amended, carried without objection.

Wally Pereyra moved to task the plan team with preparing an analysis of dividing the Atka mackerel ABC in the Aleutians into two areas, east and west. The motion was seconded by Donna Darm and carried without objection. Mr. Pereyra and the Council agreed to use the AP's recommendation of 178°W as the dividing line for the two areas. The analysis would also include sablefish.

Bob Alverson moved to request the plan team to report back to the Council in January on the ability to expand current foreign or domestic longline surveys in Sarachef to 170°W between 300 and 600 fathoms to better assess the Greenland turbot stocks in the area, and to consider the same for the trawl survey. The motion was seconded by Wally Pereyra and carried without objection.

Bob Alverson moved to send out for public review the preliminary PSC allowances recommended by the AP for the Bering Sea/Aleutian Islands. The motion was seconded by Oscar Dyson and carried without objection.

D-4 Groundfish Plan Amendments - Final Review

Amendment 26a - Eastern Gulf of Alaska Trawl Closure

Last June the Council reviewed information contained in the proposed Eastern Gulf trawl closure analysis and deferred action until September, requesting staff to gather additional information relative to gear interactions with benthic habitat. The Council also asked staff to provide information to the Council on previous amendments to the Gulf FMP dealing with gear conflicts. The report was compiled and mailed to the Council before the meeting.

Also at the June meeting, the Council appointed an industry rockfish committee to discuss the proposed amendment and also to begin work on a long-range comprehensive rockfish management strategy for the Gulf of Alaska.

The Council received a supplementary rockfish report and received staff presentations on the information contained in the report.

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Report of the Industry Rockfish Committee

The Committee met several times before and during the Council meeting. They received reports from NMFS, AFSC and ADF&G staff regarding the status of stocks for the rockfish fisheries, habitat, allocation, and gear conflicts. The Committee discussed Amendment 26a but had no recommendation. They did express concern over the current situation, however, and agreed that studies of rockfish biology and habitat by submersibles off Southeast Alaska should continue. The Committee will continue work on recommendations for a long-term rockfish management strategy.

Report of the Scientific and Statistical Committee

The SSC received staff presentations on the supplemental rockfish report prepared for the Council and the Rockfish Committee Report and offered several specific comments (see SSC Minutes, Appendix III). The SSC concluded that the assembled information does not contain convincing scientific evidence that trawling should be banned in the Eastern Gulf of Alaska.

Report of the Advisory Panel

The Advisory Panel also received staff presentations on the supplemental rockfish report and provided an array of recommendations: conservative management of Southeast rockfish stocks and fishing quotas, specific recommendations for the current Eastern Gulf of Alaska rockfish quota management, improved survey techniques, industry development of an effort limitation program for rockfish, habitat research and impact studies, and establishment of a Rockfish Gear Committee. The details of these recommendations are found in a Council motion later in these minutes; the recommendation does not include a ban on trawling in the Eastern Gulf of Alaska.

COUNCIL DISCUSSION AND ACTION

Linda Behnken moved to adopt the alternative submitted by the Alaska Longline Fishermen's Association:

- 1. Close deepwater rockfish fisheries (i.e., POP, rougheye/shortraker, idiot) to directed fishing by all gear types.**
- 2. Designate the area east of 140°W longitude a hook and line only zone.**
- 3. Allow an experimental trawl fishery east of 140°W longitude for research purposes. The studies would examine: the status of rockfish stocks; central rockfish habitat, and gear impact.**

The motion was seconded by Clem Tillion.

The motion failed, 7 to 4, with Behnken, Hegge, Tillion and Lauber voting in favor.

Clem Tillion moved the following:

- 1. East of 140°W the following species would be bycatch only for the entire year: POP, shortraker/rougheye, shortspine thornyhead, and other slope rockfish; and**

2. **Reinstate the original GOA trawl closures: Cross Sound Gully, Fairweather, and Salisbury Sound/Edgecombe.**

The motion was seconded by Henry Mitchell.

There was some discussion whether this motion was within the parameters of the analysis done. Regional Director Steve Pennoyer said that it would be within the Council's judgement because the closures had been previously analyzed for an earlier management action, although those closures were lifted later. Some Council members felt that an earlier analysis would not be relevant to the current situation. Council members discussed the need for conservative management for rockfish species and the need for some type of rebuilding schedule or strategy; however they felt that Amendment 26a was not the appropriate action to be taken at this time.

The motion failed, 8 to 3, with Behnken, Hegge and Tillion voting in favor.

Bob Mace moved to adopt the recommendations of the Advisory Panel with the provision that the issues and recommendation be addressed by the Industry Rockfish Committee. The entire AP recommendation is:

1. **ABCs AND TAC. Continued conservative management of Southeast rockfish stocks and fishing quotas. For the next 5 years annual TACs should be set at 10% below the ABC for all Southeast rockfish species.**
2. **Recommendations for current Eastern Gulf of Alaska rockfish quota management:**
 - a) **Shortraker/rougheye will be designated bycatch only in the Eastern Gulf of Alaska for 1993.**
 - b) **POP and other slope rockfish will be managed as a target fishery in the Eastern Gulf. Other slope rockfish in the Eastern Gulf will close when/if bycatch of Demersal shelf rockfish reaches 25 metric tons.**
 - c) **1% bycatch retention limit for Demersal Shelf Rockfish will continue to apply for trawl gear.**
3. **Improved Survey Techniques. Design and implementation of improved rockfish survey techniques to limit the apparent overestimation and underestimation which present surveys produce. Rockfish fishing is a specialized activity and industry input into rockfish survey systems should be considered.**
4. **Effort Limitation Program/Initial Industry Development. Implementation of an industry committee incorporating staff support to design and recommend within one year, an effort limitation program for all rockfish gear groups currently harvesting rockfish in Southeast Alaska. The Council is encouraged to designate and announce a December 1992 cut-off date for new entrants into Southeast Alaska rockfish fisheries for all gear groups.**
5. **Habitat Definition. Request NMFS to implement a program which will accomplish the following by 19__:**
 - a) **Conduct a comprehensive survey to record all coral habitat in the Gulf of Alaska.**

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- b) **Task a scientific team to identify and designate coral and other benthic habitat critical for continuing recruitment of rockfish stocks and maintenance of a generally healthy ecosystem within Southeast Alaska. This team should define isolated areas suitable for future fishing gear impact studies for all gear types harvesting rockfish.**
6. **Improve Rockfish Fishery and Coral Impact Data. Expand the current rockfish fishery data collection system to provide accurate and timely data of all rockfish harvest, bycatch, and discard activity. The expanded data system should cover all gear groups harvesting rockfish in the Southeast. Vessel participation in expanded at-sea observer coverage data collection, check-in/check-out procedures, and logbooks requirements specifically designed to record coral removals should be required as a precondition to rockfish fishing within Southeast Alaska.**
7. **Establish a Rockfish Gear Conflict Committee. A gear conflict committee should be constituted by two representatives from all gear groups harvesting rockfish in Southeast Alaska. The purpose of a Rockfish Industry Gear Conflict Committee is implementation of an efficient communication and cooperation system on the fishing grounds between gear groups. The system should be capable of receiving and arbitrating complaints of gear conflicts. The Committee objective is to minimize actual gear conflicts between gear groups and keep gear dispute resolution within the industry.**

The motion was seconded by Henry Mitchell.

Steve Pennoyer pointed out that there are several provisions within the motion which will require plan amendments. The maker of the motion suggested that the process should begin now to achieve what can be done and necessary amendments could follow. He recommended the Rockfish Committee be continued to work on the suggestions contained in the motion. Steve Pennoyer said he felt that current rockfish concerns could be handled in the TAC-setting processing in December.

Wally Pereyra moved to amend the motion to eliminate the "10%" provision in item #1, so the recommendation would be that "TACs should be set below the ABC for all Southeast rockfish species;" and to eliminate item 2(b) and item 4. The motion was seconded by Oscar Dyson and carried unanimously.

The main motion, as amended, failed 7 to 4, with Dyson, Mace, Millikan, and Pereyra voting in favor.

The Council expressed the intent to examine rockfish concerns during the specification process in December and consider explicit stock rebuilding schedules when setting quotas for some species.

D-5 Groundfish Plan Amendments - Initial Review

(a) Pribilof Island Trawl Closure

This amendment proposal was originally part of Amendment 21 to the BSAI FMP. In April, after a preliminary review, the Council requested additional analysis before sending the proposal out for public review. The Council received the revised analysis and a staff review of the information.

Report of the Scientific and Statistical Committee

The revised draft analysis responds to SSC concerns expressed in April and they recommended it be released for public comment. The SSC did provide staff with some additional comments on the current draft.

Report of the Advisory Panel

The Advisory Panel recommended the analysis be sent out for public review after additional information is added. See AP Minutes, Appendix IV for specific information.

COUNCIL DISCUSSION AND REVIEW

Clem Tillion moved to send the analysis out for public comment. The motion was seconded by Ron Hegge and carried, 8 to 2, with Pereyra voting no and Millikan abstaining.

Wally Pereyra said he feels the analysis does not show the necessity for a trawl closure and that the effects of a CDQ program has not been addressed in the document.

(b) Pollock 'B' Season Delay/Exclusive Registration Areas

The Council received draft analyses for the above two amendment proposals and a review of the document from Drs. Terry Smith, Gunnar Knapp, and Matt Berman of the the University of Alaska Institute for Economic Research, who prepared the analysis under a Council contract.

Report of the Scientific and Statistical Committee

The SSC believed the economic analyses were comprehensive and the methods used appropriate; however, they had several suggestions for clarification before the document is sent out for public review. See SSC Minutes for specific suggestions.

Report of the Advisory Panel

The AP recommended the Council send the analyses out for public comment after clarification of several items (specific suggestions in AP Minutes).

COUNCIL DISCUSSION AND ACTION

Council members requested the two issues, delay of the pollock 'B' season and the exclusive registration areas, be addressed in separate analyses. Wally Pereyra requested that the analysis for the exclusive registration areas consider whether an IFQ program would address the problem. He indicated that a qualitative approach to this issue would be sufficient at this time.

Bob Mace moved to send the analysis for the 'B' season delay out for public review, as a separate analysis, with the incorporation of SSC recommendations to the extent possible. The motion was seconded by Oscar Dyson and carried without objection.

Oscar Dyson moved to send out the exclusive registration area analysis for public review after incorporating AP recommendations to the extent possible. The motion was seconded by Bob Mace.

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Ron Hegge moved to amend to add two additional alternatives: (5) would apply to trawl vessels only; and (6) would apply to all vessels. The motion was seconded by Bob Mace.

Analysts indicated that this additional work would not be within the scope of the original contract and that considerable time would be required to include and analyze these alternatives. After conferring with Dr. Smith, the Executive Director indicated the original contract could be extended to allow analysis of these two alternatives.

The amendment carried, 10 to 1, with Pereyra voting against. The main motion carried, as amended, 10 to 1, with Pereyra voting against.

(c) Preferential Allocation of Pacific Cod

The Council was provided with a draft EA/RIR/IRFA for preferential allocation of Pacific cod to gear types which exhibit low bycatch rates. A document, "Revisions to Council Review Draft," was provided to Council members at the meeting. Dr. Joe Terry, who drafted the analysis, indicated to the SSC that additional work is planned for the analysis pending receipt of data on discard mortality rates and yield loss to the halibut fishery caused by each bycatch fishery based on 1991 bycatch data.

Report of the Scientific and Statistical Committee

The SSC indicated they would prefer to see the revised draft of the analysis in December before sending it out for public review.

Report of the Advisory Panel

The AP recommended the Council wait to send the document out for public comments until the document is revised and reviewed.

COUNCIL DISCUSSION AND ACTION

Henry Mitchell moved to delay release of the analysis until revised. The motion was seconded by Donna Darm and carried without objection.

The Council agreed to postpone consideration of the analysis until the April 1993 meeting to allow for revision, including the incorporation of AP and SSC concerns to the extent possible. A status report from the author of the analysis will be presented at the January 1993 meeting.

D-6 Groundfish Regulatory Amendments - Final Review

(a) Fixed Gear Halibut PSC Limit in the BSAI

In approving Amendment 21 at its June 1992 meeting, the Council deferred action on consideration of fixed gear halibut PSC until this meeting. Amendment 19 established a non-trawl fishery halibut bycatch mortality limit of 750 mt for 1992 only. Therefore, a plan amendment to address bycatch mortality limits for non-trawl gear for 1993 and beyond was prepared. The amendment included three alternatives:

- (1) Status quo - no limit for the non-trawl fishery.

- (2) Three options:
50% (375 mt), 100% (750 mt), and 150% (1,125 mt) of the 1992 limits for the non-trawl fisheries.
- (3) In addition to Alternative 2, allow PSC limits to be changed by regulatory, rather than plan amendment.

The Council received staff reports from NMFS on the proposed regulation and was scheduled to take final action.

There was no report from the Scientific and Statistical Committee on this agenda item.

Report of the Advisory Panel

The AP recommended the Council adopt 900 mt as the fixed gear halibut PSC cap for BSAI fisheries, that pot gear be exempted from the cap, and that the Council encourage IPHC and NMFS to pursue implementation of any careful release techniques that could reduce bycatch mortality. The AP realized that a three-month summer closure of Pacific cod longline fishing could significantly reduce the total halibut bycatch mortality and recommended a seasonal split of longline halibut PSC as follows: Jan. 1-May 14 - 65%; May 15-Aug. 31 - 10%; and Sept. 1 - End - 25%.

COUNCIL DISCUSSION AND ACTION

Bob Alverson moved that there be a halibut bycatch cap of 825 mt for 1993 for Pacific cod longline operations in the Bering Sea/Aleutian Islands, that there be a halibut bycatch cap of 75 mt for the 1993 hook and longline black cod fisheries in the Bering Sea/Aleutian Islands, and that pot gear be exempted for 1993. For 1994, the Council would reassess the hook and longline cap based on the effectiveness of gangion-cutting and reassess the cap at between 500 and 750 metric tons. The motion was seconded by Wally Pereyra.

It was clarified that Mr. Alverson wished to initiate the regulation for mandatory gangion-cutting as part of the motion. It was pointed out that this would have to be a separate regulatory amendment and an analysis completed and that the subject would be brought up under Agenda item D-6(d).

The motion carried, 9 to 2, with Pereyra and Tillion voting against.

Bob Mace moved to provide for seasonal apportionment of the halibut longline PSC, as recommended by the Advisory Panel:

Jan. 1-May 14 - 65%; May 15-Aug. 31 - 10%; and Sept. 1 - Dec 31 - 25%.

The motion was seconded by Henry Mitchell and carried, 6 to 5, with Alverson, Behnken, Hegge, Millikan and Lauber voting against.

(b) Performance-based Pelagic Trawl Regulatory Amendment

In June NMFS provided a discussion paper outlining alternatives for a performance-based definition of pelagic trawls. At this meeting the Council was provided with a more fully developed analysis for review. A previously-approved redefinition of pelagic trawl based on gear configuration is currently going forward for Secretarial review. If the current proposal for a performance-based definition is

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approved, it will accompany the one already submitted and will be activated when on-bottom trawling is prohibited for PSC closure reasons. The regulation essentially is to minimize crab bycatch.

The Scientific and Statistical Committee did not comment on this agenda item.

Report of the Advisory Panel

The Advisory Panel recommended adoption of Alternative 3, option 2, with a performance standard of one crab per haul.

COUNCIL DISCUSSION AND ACTION

Wally Pereyra moved to adopt Alternative 2 (the Council's previously approved definition of pelagic trawl), deleting the reference to "lifting devices and floats" under item 2(a). The motion was seconded by Bob Mace. The motion was later amended, by unanimous consent, to incorporate a specific statement with regard to lifting devices and floats: Lifting devices, e.g. kites or floats, will be prohibited.

Mr. Pereyra felt the Council should allow their previously approved definition to be implemented and assess its effectiveness before taking any further action. The Council could consider changes later if necessary. Steve Pennoyer said he feels a performance standard is needed and that NMFS is willing to work on a more acceptable one if that is what the Council wants.

The motion failed, 6 to 5, with Dyson, Mace, Millikan, Mitchell and Pereyra voting in favor.

Steve Pennoyer moved to adopt Alternative 3, Option 2, for the performance standard and revised pelagic trawl definition, incorporating the previous motion on lifting devices and floats. The motion was seconded by Earl Krygier, and carried, 7 to 4, with Dyson, Mace, Millikan and Pereyra voting no.

Mr. Pennoyer said that NMFS will work with industry on the enforcement standards included in the Proposed Rule which will be available for review during the Secretarial public comment period. The Council will also have an opportunity to review the entire package during that comment period.

(c) Longline Fishery "Fair-Start" Regulatory Amendment

In July the Council received a request from the Petersburg Vessel Owners Association that the Council consider regulations which would prohibit deployment of gear within a certain time period before the start of the sablefish longline fishery. PVOA stated that prior to this year's sablefish opening vessels were observed on the grounds with gear set prior to the opening, ostensibly targeting on miscellaneous finfish although it was very probable that at least some were targeting on sablefish. To remedy the situation NMFS proposed a regulatory amendment with provisions similar to those in the halibut fishery.

The Scientific and Statistical Committee had no comment on this agenda item.

Report of the Advisory Panel

The AP unanimously recommended the Council adopt the 72-hour fair start provision provided by NMFS.

COUNCIL DISCUSSION AND ACTION

Bob Alverson moved to endorse the hook and line fair start regulation and request NMFS to submit it directly to the Secretary. The motion was seconded by Ron Hegge and carried unanimously.

(d) Gangion-cutting Provisions

The Council received a request from the International Pacific Halibut Commission to consider a mandatory requirement to release halibut by cutting gangions at the hook. The IPHC believes this could reduce discard mortality from 16% to between 5% and 11%. For trawl vessels the IPHC recommended the Council approve changes to current regulations which would allow sorting halibut on deck of factory trawlers, under supervision of observer, for quick return to the sea.

Ron Hegge moved that NMFS develop a regulation for the Bering Sea Pacific cod fishery requiring mandatory gangion cutting or, in the case of observed vessels, a combination of gangion cutting and an approved fish removal technique and, for 1993 only, that an appropriate mortality rate be established. The motion was seconded by Henry Mitchell.

Mr. Hegge said he specified the Bering Sea Pacific cod fishery because it has significant observer coverage which will provide better information on the effectiveness of these measures. **The "for 1993 only," portion was removed later by consensus.** The regulation is to be frameworked so that mortality rates can be set through regulatory, rather than plan, amendments in the future. Staff noted that mortality rates are set annually, through the specifications process and would not require a regulatory amendment.

Mr. Alverson suggested that NMFS work closely with industry regarding enforcement of these regulations. The Coast Guard stressed that it should be made clear that the regulation applies only to halibut.

The motion carried with Henry Mitchell objecting.

The regulatory amendment will be available for final Council action at the December meeting.

D-7 Groundfish Regulatory Amendments - Initial Review

(a) PSC Allowances for the Inshore-Offshore and CDQ Pollock Fisheries

Last June the Council asked staff to prepare an analysis of alternatives to allocate prohibited species catch limits among the separate pollock fisheries established under the inshore/offshore/CDQ program approved for the Bering Sea/Aleutians Islands. The concern is that the ability to take each of the three pollock allocations in a cost effective manner may be diminished by PSC-induced closures. The Council received a draft analysis for review. Joe Terry told the Council that he has additional work to do on the analysis, but that it could be available for public review before the December Council meeting.

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Report of the Scientific and Statistical Committee

The SSC recommended the analysis go out for public review after the inclusion of the additional alternatives and other changes mentioned by staff in their report.

Report of the Advisory Panel

The AP recommended the analysis be sent out for public review after it is complete. They also asked that the king salmon and other salmon bycatch data be updated for 1992 within the document, with a breakout of other salmon by species.

COUNCIL DISCUSSION AND ACTION

Steve Pennoyer moved to send the analysis out for public review upon its completion, and with an additional alternative which would exempt the CDQ pollock fishery from PSC requirements under certain circumstances. The motion was seconded by Henry Mitchell and carried without objection.

(b) Regulatory Amendment Defining Legal Gear Types

The Council received a discussion paper from NMFS staff on this issue. Currently, the groundfish regulations only specify illegal gear types and therefore if a gear type is not specifically mentioned, it can be used. NMFS stated that the action would clarify the application of prohibited species catch closures and protect the environment from the hazards of new gear types. If approved by the Council, NMFS would prepare the regulatory amendment for public review before the December meeting when the Council could take final action.

There was no Scientific and Statistical Committee Report on this agenda item.

Report of the Advisory Panel

The AP recommended the amendment be prepared for public review.

COUNCIL DISCUSSION AND ACTION

Linda Behnken moved to recommend NMFS proceed with the amendment defining legal gear types. The motion was seconded by Alan Millikan and carried without objection.

One example of the need for this action is that current regulations allow the use of sunken gillnets or longline configurations which can be fished after a PSC closure. Council members were assured that new gear types can be tested under experimental permits.

(c) Total Catch Measurement Initiative

The NMFS-Alaska Region has been working to develop a means to accomplish total catch measurement which would not rely on product recovery rates. They reported that they have been working with industry representatives and are continuing to develop options. A further progress report will be made in December. This was an information-only item; no Council action was taken. The Advisory Panel reported that they are disappointed with the progress on this measure.

(d) Interactive Communications

This was also an information-only item. NMFS reported their progress on developing interactive communications systems with the fishing fleet to facilitate inseason management of the fisheries. There are about 135 vessels now in the Alaska groundfish fisheries using some type of COMSAT communications at a substantial savings in operational costs. The Observer Office is continuing to test the systems and if testing is successful and software installation can be coordinated with the vessels, a system using complete COMSAT communications could be implemented by the start of the trawl fishery on January 20. By the first of the year the Region is prepared to offer industry the opportunity to submit weekly and check-in and check-out notices by way of Standard C communications. There were no comments from the AP or SSC on this agenda item.

(e) Proposed Changes to Groundfish Seasons

The Council received two proposals from the Alaska Groundfish Data Bank requesting changes to the fishing seasons in the Gulf of Alaska. The first is to open the Pacific cod trawl fisheries on January 1 instead of January 20, to allow a "fair start" for all gear types fishing for Pacific cod. The second is to delay the second quarter pollock fishery in the Gulf until June 1 (or the Monday nearest June 1). They cited increased recovery rates, decreased salmon bycatch and decreased discards of undersized pollock as reasons for the change. They also stressed that the proposal assumes that both inshore/offshore and exclusive registration would be in place for 1993; otherwise, they prefer the Gulf pollock openings to coincide with the Bering Sea openings.

There was no Scientific and Statistical Committee report on this agenda item.

Report of the Advisory Panel

The AP expressed concern over receiving amendment proposals when the Council had decided not to call for them. The AP felt that the plan team and PAAG should review such proposals before they come before the Council. They asked the Council to review their policy on the groundfish amendment cycle. The AP took no action on the first proposal submitted by AGDB. On the second proposal, they recommended staff move forward with an analysis for review by the Council in December.

COUNCIL DISCUSSION AND ACTION

Oscar Dyson moved to begin analysis of changing the opening date of the Gulf of Alaska Pacific cod trawl fishery to January 1. The motion was seconded by Bob Mace but was withdrawn by Mr. Dyson after discussion indicated that a regulatory amendment could not be prepared and implemented in time for the first of the year without coming back for Council review. Mr. Pereyra indicated that he wants the issue to be on the January agenda for inclusion in the amendment process.

Oscar Dyson moved to ask staff to begin analysis to change the opening date of the second quarter Gulf of Alaska pollock fishery to the Monday nearest June 1. The motion was seconded by Ron Hegge.

Wally Pereyra moved to amend the motion to include a provision that all bottom fisheries would start on January 20, however the motion died for lack of a second.

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Mr. Dyson's motion carried unanimously. Staff suggested, and the Council concurred, that this amendment could be sent directly to the Secretary with no further Council action.

D-8 Other Groundfish Issues

(a) Comprehensive Gulf of Alaska Rockfish Management Plan

The Gulf of Alaska Rockfish Industry Committee provided their report to the Council under Agenda item D-4. They will continue to work on a comprehensive management strategy for rockfish in the Gulf of Alaska. This was an information item. There were no SSC or AP reports and the Council took no action.

(b) Bycatch Management Planning

The Bycatch Cap Committee met to begin their review of halibut bycatch caps, halibut mortality, validity of data used in setting caps and mortality rates, and the equity of caps. The Committee reported that their first meeting was an information-gathering session with reports provided by staff from NMFS, ADF&G, and the Council. They have requested additional data before their next meeting to continue discussion of bycatch caps and begin developing recommendations for Council consideration.

The Council received several bycatch proposals from IPHC and industry. The proposals from IPHC were considered under agenda item D-6(d). The other proposals were not discussed at this meeting.

The Council was also advised that the salmon bycatch amendment (originally part of the BSAI Amendment 21) being prepared by the Alaska Department of Fish and Game is in progress and should be available for initial Council review by the December meeting.

There was no Scientific and Statistical Committee report on this agenda item.

Report of the Advisory Panel

The Advisory Panel requested that future presentations of salmon bycatch data include a breakdown of the 'other salmon' category by individual species. The AP also reviewed a request by the Alaska Groundfish Data Bank regarding the overage policy on retainable bycatch trip limits. The AP was not prepared to endorse AGDB's proposed solution but felt that the problem should be addressed, perhaps by a policy of mandatory forfeiture of such overages. The AP asked the Council to encourage NMFS to review this problem.

COUNCIL DISCUSSION AND ACTION

Responding to a request from the Advisory Panel, the Council agreed to request staff to schedule a salmon bycatch workshop in Anchorage in November to discuss BSAI salmon bycatch and salmon bycatch data requirements and whether there are plans to initiate a salmon bycatch limit in 1993.

(c) Discard Committee Report

Because of a lack of time, the Council only received a written report on this agenda item. The Committee met in June to receive staff reports on the current magnitude of discarded catch in the North Pacific fisheries and to define the Committee's objectives.

(d) Necessity for Outdated Groundfish Regulations

The groundfish fishery management plans contain several regulations which are no longer relevant. The Executive Director suggested that the Council consider amending the plans to delete those regulations which are not longer relevant, for example, those pertaining to the foreign fisheries. Because of a lack of time, this agenda item was delayed until the January 1993 meeting.

(e) Petition from St. Paul Island for Pollock Research

The Council received a request from the City of St. Paul to ask NMFS to authorize and support independent research on the origin and migration of pollock stocks in the Eastern Bering Sea.

Report of the Scientific and Statistical Committee

The SSC was advised that research on this subject is well under way, including research with Japan, Russia, Poland, Korea and China.

Report of the Advisory Panel

AP unanimously supported the request.

COUNCIL DISCUSSION AND ACTION

The Council felt that sufficient research is in progress on the issue of stock distribution and migration for Bering Sea pollock and took no action on this request.

(f) Request for Experimental Fishing Permit

The Council received a request from Terra Marine Research to express support for their plans to request an experimental fishery permit to retain halibut and salmon bycatch for processing and distribution to needy people. Mr. Tuck Donnelly of Terra Marine gave a presentation to the Council on their plans.

Report of the Scientific and Statistical Committee

The SSC recommended Terra Marine submit the appropriate formal application to the National Marine Fisheries Service which will provide more detailed answers to questions they have.

Report of the Advisory Panel

The AP recommended the Council endorse the proposal, with the inclusion of requirements to accumulate scientific data on salmon bycatch, allow halibut to be kept only if classified as dead by the observer, and that a comparable amount of normally discarded fish should be retained and processed.

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COUNCIL DISCUSSION AND ACTION

While the formal application has not yet been filed with NMFS, the Council in principle supported the concept. They did, however, express concern over distribution controls to keep the fish out of the commercial markets in competition with commercial operations. They also had the same concern as the AP over the definition of "dead" for fish to be retained and processed. Enforceability was a concern, as well as international implications and other details not provided. The Council encouraged Mr. Donnelly of Terra Marine to prepare and submit a formal application to NMFS for consideration, stressing the need for specific details in the areas they have outlined. If the paperwork is completed in time, the Council could review the application and comment in December.

(g) Request for PRR Research

Natural Resource Consultants has expressed interest in conducting pollock yield studies and has suggested an industry steering committee be formed to provide oversight and secure industry participation.

Report of the Scientific and Statistical Committee

The SSC received a presentation from Steve Hughes on the proposal and recommended that NMFS and industry design a program to estimate product recovery rates during normal factory operations according to season, fish size, filleting machine type, product, and type of operation.

There was no Advisory Panel report on this agenda item.

COUNCIL DISCUSSION AND ACTION

The Council had no comment on this suggestion at this time. Steve Pennoyer said that NMFS would like to move toward volumetric measurement, but can always use better data.

(h) Foreign Commerce Transfer

In setting the agenda at the beginning of the meeting, Council member Linda Behnken asked that this issue be discussed. Industry representatives provided Council members with information on a problem that has arisen with the application of the Act on the use of foreign trampers accepting processed seafood for export. In many remote areas of Alaska, where natural bays and harbors exist, the waters inside the baseline are too shallow for deep draft trampler vessels to anchor and receive fish products for export so in the past they have anchored or drifted in deeper state waters beyond the baseline to receive the American products for export. Until recently the domestic industry was generally unaware that this is not permitted under the Magnuson Act.

There were no AP or SSC Reports on this item.

COUNCIL DISCUSSION AND ACTION

Clem Tillion moved that the Council send a letter to the Secretary of Commerce expressing the Council's concern with the application of the Act on the use of foreign trampers accepting processed seafood for export from United States processors in State waters seaward of the baseline in areas which are not currently designated ports or roadsteads. The Council hopes that

NMFS/NOAA will work with the industry to develop both short- and long-term solutions to this problem. The motion was seconded and carried unanimously with Pennoyer abstaining.

Lisa Lindeman, NOAA-CGAK, told the Council they will work with industry for a solution to this problem, but ultimately there may have to be a change in the Magnuson Act.

D-9 STAFF TASKING

The Council received an update of Council projects and tasks. They also received a request from the North Pacific Longline Association to proceed with the proposal for seasonal allocation of Pacific cod in the Bering Sea/Aleutian Islands, approved for analysis by the Council last year. Because of the press of other tasking, the amendment has not yet been prepared. NPLA contracted with LGL Research Associates to prepare a preliminary analysis for the Council to consider. The plan teams reviewed the analysis and felt that it could provide a solid basis for development of an EA/RIR/IRFA.

The Council briefly discussed the Pacific cod analysis and, because of the current staff load, felt that the proposal should be placed in the regular amendment cycle.

Steve Pennoyer moved to request that staff provide the Council with the appropriate analysis of the Pacific cod TAC allocation by gear type and by season for preliminary review in January, for public review in April, and a final decision in June of 1993. The motion was seconded by Bob Alverson and carried with Henry Mitchell objecting.

E. FINANCIAL REPORT

There was no financial report at this meeting.

F. PUBLIC COMMENTS

There were no further public comments.

G. CHAIRMAN'S REMARKS AND ADJOURNMENT

The meeting was adjourned at 1:27 p.m. on Sunday, September 27, 1992.

MINUTES
NPFMC MEETING
SEPTEMBER 1992

Support Staff

Earl Krygier, ADFG
Ray Baglin, NMFS-AKR
Sue Salvesson, AFSC
Jessie Gharrett, NMFS-AKR
Loh-Lee Low, NMFS-AFSC
David Benton, ADFG
Ron Berg, NMFS-AKR
Galen Tromble, NMFS-AKR

Dave Flannagan, NMFS-AKR
Lisa Lindeman, NOAA-GC
Russ Nelson, AFSC
Dick Merrick, NMFS-MML
Sue Mello, NMFS-AKR
Sandra Lowe, AFSC
Joe Terry, AFSC

Scientific and Statistical Committee

Terry Quinn, Vice Chair
Bill Clark, Chair
Bill Aron
Doug Eggers
Larry Hreha

Richard Marasco
Marc Miller
Don Rosenberg
Jack Tagart
Phil Rigby for Gordon Kruse
Al Tyler (alternate-Quinn)

Advisory Panel

John Woodruff, Chairman
Dave Fraser, V. Chairman
John Bruce
Al Burch
Gary Cadd
Phil Chitwood
Dan Falvey

Spike Jones
Kevin Kaldestad
David Little
Pete Maloney
Dean Paddock
Penny Pagels

Perfenia Pletnikoff
John Roos
John Sevier
Harold Sparck
Beth Stewart
Robert Wurm

General Public

Approximately 150 people attended the meeting. The following members of the public signed the attendance register:

Katsuni Kenaston
Tom W. Rueter
Laurie Williams
CDR Gary W. Palmer
Dick Tremaine
David Allison
John Henderschedt
CAPT Robert Gavino
Helen Woods
Bruce Cotton
Brian Bigler
Cecelia Angason
Steve Hughes
Arni Thomson

Kenneth Allread
Steve Drage
Andy Hollenbeck
Byrce Morgan
Steve Heimel
Karen Samuelson
Pat Marcuson
Steve Finley
George Pletnikoff
Robert Morgan
Jeff Povolny
Bill Sullivan
Eugene Asicksik
Brenda Huber

Tyson Vogeler
Gail Oba
Mark Snigaroff
Michele Hope
Jessie Nelson
Michael Swetzo
Bill Orr
Michael Chuorcke
Shari Gross
Alvin Mercurief
Roger Woods
Agafm Krukof
Joe Kyle
Alendander Galanin, Sr.

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Denby Lloyd
Thor Olsen
Steve Grabacki
Chuck Soxie
Hazel Nikol
Kati Wyman
Jed Whittaker
Norman Aloben
Michael Lake
Kate Graham
Rick Shelford
Joe Plesha
Frank Kavairlook, Sr.
Karl Ohls
Richard Ferrero
Larry Cotter
Paul Peyton
Kris Norosz
Mel Monsen
Sara Higgins
David & Wanda Jentry
David Harville
Lance Newman
Richard Wood
Tuck Donnelly
Kirk Connally
Sinclair Wilt
Chris Blackburn

Joe Sullivan
John Grames
H. Gazaway
Vic Horgan, Jr.
Ed Glotfelty
Mike Atterberry
Greg Baker
Rick Kniazowski
Svend Brandt-Ericksen
John Hartly
Mary Bruckmeier
Karl Woodruff
Marilyn Helman
Chris Bryner
Deming Cowles
Heather Melarty
Gary Westman
Donna Parker
Nick Delaney
Lynn Fitch
Jack Crowley
John Iani
Bill Jacobson
Robert S. Otto
Scott Tiernan
Cheryl Hess
Liz Talbot
Andree McLeod

Tom Marshall
Ed Wyman
Vern Hall
Paul Seaton
Laura Cooper
Mark Springer
R.A. Self
Bob Younger
Steve Fish
G. Wong
Suzanne Rebert
Lynn Shawback
Kevin Rowdebush
Kurt Schelle
Patricia Self
Lonnie Chesnut
Carolyn Nichols
Ed Boyce
Dennis Robinson
Kris Poulsen
Raquel Goni
Dennis Van Sky
Debby Swenson
Robert Scofield
Thorn Smith
Buck Fowler, Jr.
Nancy Lane
Sandy Murray
Jere Murray

NOTE: A list of those testifying on Council agenda items is found in Appendix I to these minutes.

A. CALL TO ORDER AND APPROVAL OF AGENDA AND MINUTES OF PREVIOUS MEETING(S)

Chairman Lauber called the meeting to order at approximately 10:34 a.m. on Tuesday, September 22, 1992. The Oath of Office was administered to Ron Hegge and Linda Behnken. Chairman Lauber also introduced and welcomed Alan Millikan who will be the designated alternate for the Washington Department of Fisheries, and CAPT Bill Anderson, the alternate for RADM Rufe, the new commander for the 17th Coast Guard District. Admiral Rufe was introduced when he arrived later in the week.

Agenda. Linda Behnken suggested the addition of a discussion of recent foreign commerce transfer problems. Council members agreed to take it up under Agenda item D-8(h). The agenda was approved with this addition. Wally Pereyra suggested that Council members discuss priorities on the agenda because of its length. Steve Pennoyer and Clarence Pautzke agreed to prepare recommendations for the Council to consider later in the meeting.

MINUTES
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Election of Officers. Rick Lauber and Bob Alverson were nominated and elected to continue as Chairman and Vice Chairman, respectively, for another year.

Minutes of Previous Meetings. The minutes of the June and August 1992 meetings were approved as submitted.

B. REPORTS

B-1 Executive Director's Report

Clarence Pautzke announced the appointment of Chris Oliver as the Deputy Director. The Council was provided with copies of testimony from the September 9 hearing on the reauthorization of the Magnuson Act, and advised of a nationwide Council review by the Inspector General. Council members were also provided with current Council committee lists and asked to review membership and contact Chairman Lauber if they wish to serve on a particular committee. The Council also agreed that the Chairman should appoint an Enforcement Committee to review regulations in light of their enforceability. Ron Hegge agreed to chair the committee. Council members were also advised that a call for AP and SSC nominations will go out in the next newsletter and that travel claims should be submitted immediately after the meeting, before the end of the fiscal year (September 30). Council members were also asked to update their financial disclosure forms during the meeting.

Don Bevan provided an update for the Council on current appropriations proceedings. He indicated that the outlook is not optimistic, with a 7% across the board cut recommended by the House and a 3% cut recommended by the Senate. Dr. Bevan advised that the industry coalition is trying to convince those in Washington that cutting "across the board" is not the best way to reduce the budget, and are making suggestions for specific areas where cuts might be accomplished.

B-2 ADF&G Report

The Council received a report from Earl Krygier, ADF&G, on the catch statistics for the Bering Sea king and Tanner crab, troll salmon, and demersal shelf rockfish fisheries.

Council member Ron Hegge asked whether a scallop management plan or moratorium being considered by the State would apply in federal waters. Mr. Krygier said that vessels harvesting scallop in federal waters would be required to comply. However, there is some question whether the Council needs to take some action so regulations in state and federal waters will be the same. Mr. Krygier said that ADF&G is working with NMFS and NOAA-GCAK to determine if Council action is necessary. Mr. Pereyra asked that the Council put the issue on the January agenda. Mr. Krygier said that they could provide informational reports then, but that the Alaska Board of Fisheries will not have met on the issue by that time. A motion was made and approved to put scallop management on the January Council agenda.

B-3 NMFS Management Report

Ron Berg, NMFS Region, reported on the current status of regulatory amendments in progress and the status of groundfish fisheries. Council members inquired why the moratorium notice of a cut-off date has not been finalized. Mr. Berg responded that in the press of other regulations which need to be in place or submitted to the Secretary, their staff has not been able to complete the necessary