

North Pacific Fishery Management Council

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Certified Richard B. Lauber
Date 5/5/94

MINUTES

**111th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
January 11-15, 1994
Hilton Hotel
Anchorage, Alaska**

The North Pacific Fishery Management Council met January 11-15, 1994 at the Hilton Hotel in Anchorage, Alaska. The Advisory Panel began their meeting on Sunday, January 9, and the Scientific and Statistical Committee began on January 10. The following members of the Council, staff, SSC and AP attended the meetings.

Council

Richard Lauber, Chairman
Alan Millikan for Robt. Turner
RADM Rufe/CAPT Bill Anderson
Linda Behnken
Oscar Dyson
Bob Mace for Randy Fisher
Dave Hanson

Robert Alverson, Vice Chair
Ron Hegge
Steve Pennoyer
Wally Pereyra
Steve Rideout for W. Steiglitz
Robin Samuelsen
Carl Rosier/Clem Tillion

NPFMC Staff

Clarence Pautzke, Executive Director
Judy Willoughby
Darrell Brannan
Marcus Hartley

Chris Oliver, Deputy Director
David Witherell
Helen Allen
Gail Bendixen
Jon McCracken

Support Staff

Ron Berg, NMFS-AKR
Earl Krygier, ADFG
Dave Flannagan, NMFS-AKR
Lisa Lindeman, NOAA-GC

Seth Macinko, ADFG
Phil Smith, NMFS-AKR
Sally Bibb, NMFS-AKR
Doug Vincent-Lang, ADFG
Tom Kron, ADFG

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Scientific and Statistical Committee

Terrance Quinn, Chair
Jim Balsiger for Bill Aron
Doug Eggers
Susan Hills
Richard Marasco

Keith Criddle, Vice Chair
Phil Rigby
Jack Tagart
Albert Tyler
Harold Weeks

Advisory Panel

John Bruce, Chairman
Dave Benson
Al Burch
Bruce Cotton
Dan Falvey
Michael Jones
Dave Little

Stephanie Madsen
Pete Maloney
Hazel Nelson
Doug Ogden
Dean Paddock
Penny Pagels
Bryon Pfundt

John Roos
John Sevier
Harold Sparck
Michael Stevens
Beth Stewart
Robert Wurm

General Public

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

Tony Ford
Bob Morgan
Arni Thomson
Linda Kozak
Stephen Street
Paul Seaton
Donald F. Nielsen
Mark Edminster
Dan Strickland
Mike Atterberry
Shari Gross
Bob Mikol
Rob Gudmundson
Bryce Morgan
Jed Whittaker
Lon Fleming
Jeff Stephan
Thorn Smith
Mark Lundsten
Frank Kelty
Karl Ohls

Dick Tremaine
David Allison
Steve Hughes
Gary Haugen
Kevin O'Leary
John Lewis
Anton Meyer
Brian Bigler
Chris Blackburn
Steve Grabacki
Dem Cowles
Norman Glen
Joe Plesha
Nevette Bowen
Joe Sullivan
Ed Glotfelty
Tom Suryan
Shirley Marquardt
John Iani
Donna Parker
William Myhre

Mark Snigaroff
Laine Welch
Frank L. Charles
James Glaze
Bernt O. Bodal
Richard Diemer
Doug Coughenower
Tuck Donnelly
Denby Lloyd
Perfenia Pletnikoff
Joe Kyle
Tom Lakosh
Bill Walker
Robert Candopoulos
John Henderschedt
John Gnegy
Tyson Vogeler
Robert Golson

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

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

Chairman Lauber called the meeting to order at 8:09 a.m. on Tuesday, January 11, 1994.

Agenda. The agenda was approved with a minor change in scheduling.

Minutes of the September 1993 Council meeting. The minutes of the September 1993 were approved as submitted.

B. REPORTS

Because of the short time between the December and January meetings, reports were not requested from ADF&G and Enforcement/Coast Guard. ADF&G did provide a written summary of current activities which was provided to Council members.

B-1 Executive Director's Report

Clarence Pautzke advised Council members of the resignations of two staff members, Brent Paine and Regina Stewart. He also updated Council members on arrangements for the June 1994 meeting which will be held in Anchorage the week of June 6, and told Council members that Dutch Harbor would like the Council to consider meeting there in June of 1995.

Council members were provided with a request from the Western Pacific Council seeking concurrence from the North Pacific and Pacific Councils that the Western Pacific Council lead in developing data reporting amendments for the Pacific pelagic fisheries management plan. The Council did not have sufficient time to discuss this request.

The Council affirmed the election of Terry Quinn and Keith Criddle as Chair and Vice Chair of the Scientific and Statistical Committee for 1994.

Council member Pereyra asked the Council to consider commenting to NMFS on the current Federal Register notice proposing to list the Steller sea lion as endangered. Mr. Pereyra mentioned comments made by the SSC that indicate some concern with the construction of the model used to predict a time to extinction of the species based on the current rate of decline.

Wally Pereyra moved that the Council submit comments to NMFS before January 31 in response to their Federal Register notice of status review of the Steller sea lion dated November 1, 1993; and that these comments address the concerns of the SSC that the lack of consideration in the model of feedback mechanisms, changing environmental conditions, or density dependent relationships significantly reduce the usefulness of the population viability analysis model to predict future population levels of Steller sea lions. The motion was seconded and carried without objection.

Steve Pennoyer pointed out that the notice indicates only that NMFS is going to undertake a status review, not decide the status at this time. There will be future opportunities to comment after NMFS prepares the review, which will include the summer surveys and other data. At that time, the actual review will be put out for public comment.

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B-2 NMFS Management Report

There was little to report on fishery statistics because of the short time between the December and January meetings. Ron Berg reviewed progress on current regulatory and plan amendments for the Council.

C. NEW AND CONTINUING BUSINESS

C-1 Comprehensive Rationalization Plan

The Council spent 2-1/2 days receiving staff reports, hearing public testimony, and discussing the options and elements for a comprehensive rationalization plan for the groundfish and crab fisheries. Transcripts of public testimony and Council discussion at the December 1993 Council meeting were provided to Council members before the meeting. The Council reviewed those options and made further refinements. They also approved an Advisory Panel recommendation to identify license limitation as the priority management system for both groundfish and crab, while proceeding with analysis of individual fishing quota systems on a lower priority schedule. The elements and options approved for analysis of both license limitation and IFQ systems are outlined in Appendix II, along with a chronology of motions and amendments. The Council voted unanimously to request NMFS to expedite work on the vessel moratorium and make it available for Secretarial review as soon as possible.

Consideration of agenda item C-1(b) on total weight measurement was delayed until April.

C-2 Halibut Management

In December the Council reviewed a draft analysis for a regulatory amendment for IPHC Area 4B. The original proposal, submitted by the Atka Fishermen's Assn., requested implementation of a 5,000 lb trip limit for the 12-hour early season halibut openings in Area 4B for the 1994 halibut season, with a set-aside of 20% of the annual Area 4B quota for the early season openings. An additional alternative was suggested by the Council's Regulatory Amendment Advisory Group. The analysis, reviewed by the Council in December and released for public comment, contained the following alternatives:

Alternative 1: No Action. This would allow for two options:

- 1) A set-aside of 10% of the annual catch limit with no trip limits for a series of 12-hour periods prior to the general opening in August. The IPHC has implemented this management strategy for the past two seasons.
- 2) Termination of the 10% set-aside and early season 12-hour openings. The annual Area 4B catch limit would be taken in the general opening in August.

Alternative 2: Establish a 5,000 lb trip limit combined with a 20% set-aside for the 12- hour halibut periods prior to the general opening. This would reserve 20% of the Area 4B quota for harvest by vessels fishing under the 5,000 lb trip limit rule. In addition, the remainder of the 20% set-aside not harvested prior to the general opening would be made available during that opening.

Alternative 3: Establish a 5,000 lb trip limit combined with a 10% set-aside for the 12- hour halibut periods prior to the general opening in August.

Report of the Scientific and Statistical Committee

The SSC reviewed the analysis and noted that the alternatives under consideration were analyzed appropriately within limits of available data. The SSC had no preferred alternative.

Report of the Advisory Panel

The AP recommended the Council adopt Alternative 2 with a trip limit of 10,000 lbs instead of 5,000 lbs.

COUNCIL DISCUSSION AND ACTION

Linda Behnken moved to approve the recommendation of the Advisory Panel. The motion was seconded by Bob Mace.

Ms. Behnken said the 10,000 lb trip limit would allow non-local fisherman who have traditionally fished the area to continue to participate in the fishery.

Bob Alverson moved a substitute motion to adopt Alternative 1(1), Status Quo, with the addition of a 10,000 lb trip limit. The motion was seconded and failed, 6 to 5, with Alverson, Mace, Millikan, Pennoyer and Pereyra voting in favor.

Bob Alverson moved to amend the motion to adopt a set-aside of 15%. The motion was seconded and carried, 7 to 4, with Behnken, Dyson, Samuelsen and Lauber voting against. The Chair ruled this vote carried the main motion.

C-3 Sablefish and Halibut IFQs

The Council was scheduled to receive a report from NMFS on implementation of the Sablefish/Halibut IFQ program, and on any Council clarifications necessary to implement the actions taken in December to clarify Council intent on several aspects of the Final Rule. The Council received a written report from the Industry Implementation Workgroup but did not discuss this agenda item for lack of time. Neither the AP nor the SSC discussed this agenda item.

C-4 Halibut Charter Issue

Responding to a proposal from the Alaska Longline Fishermen's Association in May of 1993 to cap the halibut charter catch at 1992 levels, the Council in September appointed an industry workgroup to examine possible management tools and identify potential alternatives for limited access in the

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halibut charter industry. At this meeting the workgroup provided a written report to the Council with several recommendations:

1. Reduce bycatch in all fisheries. The charter industry has resolved to work with the Council in finding ways to reduce bycatch.
2. Evaluate an individual annual catch limit and reporting system for all recreational halibut fishermen. The charter industry has resolved to promote the wise use ethic in the sport halibut fishery, and suggested analyzing catch limits of 8, 10, and 12 halibut per year.
3. Encourage ADF&G and the IPHC to improve their collection of catch, effort, and age composition data for halibut taken by sport fishermen.
4. Develop a logbook program for charter vessels.
5. Recognize that regional differences and varying stages of development in Alaska mandate a flexible regulatory scheme and not one that is uniformly applied throughout the state.
6. Request an opinion from NOAA General Counsel about the legality of imposing limits on the number of halibut that can be exported out of state.

The Scientific and Statistical Committee did not address this issue.

Report of the Advisory Panel

The AP recommended the Council request the Halibut Working Group to address the following issues and provide recommendations to the Council in April: (1) Appropriate regional halibut charter management areas in the GOA/BSAI; (2) Elements and options of a moratorium, where appropriate; (3) Additional detail on the six Working Group recommendations. The AP also recommended the Council retain the September 23, 1993 cut-off date.

COUNCIL DISCUSSION AND ACTION

Bob Alverson moved to adopt the recommendations of the Advisory Panel. The motion was seconded and carried without objection.

Through friendly amendment and discussion, the Council agreed that the Workgroup should consider both a statewide moratorium and options for regional moratoriums. For evaluation of catch limits, the Council approved 4, 6, 8, 10, and 12 (fish). A definition for "bonafide charter" also will need to be developed. The Council also requested a legal opinion on their ability to limit exports from Alaska of recreationally-caught fish.

C-5 Research Priorities

The Council did not have sufficient time to address this agenda item; it has been rescheduled for April. However, the SSC provided extensive comments on research priorities (see SSC Minutes, Appendix III to these minutes).

D. FISHERY MANAGEMENT PLANS

D-1 Crab Management

In September the Council asked staff to begin analysis of a proposal to establish the Norton Sound red king crab area as a superexclusive registration area. The Council reviewed and approved a draft analysis for public review. The alternatives being considered were:

Alternative 1: Status Quo, or no action. This results in no superexclusive registration for the Norton Sound king crab fishery. Vessels can fish in this area and any other king crab registration area. The fishery would continue to be managed by the State of Alaska.

Alternative 2: This alternative would add superexclusive registration for the Norton Sound king crab fishery as a management option to Category 1 of the crab FMP, either for 1994 only or until amended. The Norton Sound king crab fishery would be designated a superexclusive registration area in addition to those management measures already existing. Therefore, any vessel participating in this fishery would not be able to participate in other statewide or BSAI king crab fisheries.

Alternative 3: This alternative would recommend designating Norton Sound as an exclusive king crab registration area, either for 1994 only or until amended. Therefore, by choosing this alternative the Council would be recommending that the Board change the registration status of this area. Any vessel fishing in the Norton Sound king crab fishery would not be able to fish in any other exclusive king crab fishery, but would be able to fish in any nonexclusive area for king crab. At this time all king crab areas in the BSAI are nonexclusive except Bristol Bay and Dutch Harbor, which are exclusive.

Report of the Scientific and Statistical Committee

The SSC reviewed the analysis and noted that their comments in December have been addressed in the current draft. The SSC had no preferred alternative but did note concern over the representativeness of the data in Table 17 of the analysis (CPUE and price data) and advised caution in using the results.

Report of the Advisory Panel

The AP recommended the Council adopt Alternative 2, with the addition of a sunset of one year after final Council action on any major CRP alternative.

COUNCIL DISCUSSION AND ACTION

Earl Krygier moved to adopt Alternative 2. The motion was seconded by Robin Samuelsen and carried, 7 to 4, with Alverson, Mace, Millikan and Pereyra voting against.

Mr. Krygier said this alternative will address the concerns for the conservation and management of the fishery; i.e., the low CPUEs experienced with the influx of more and larger vessels. It was clarified that this motion does not include a sunset date as recommended by the Advisory Panel. Council members voting against the motion indicated the desire to include this within the

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comprehensive plan being developed, rather than "carving" the Bering Sea and Aleutians into small exclusive-type areas. Some Council members indicated they would like a commitment from the Board of Fish to not submit further requests for superexclusive areas unless the Council fails to implement a comprehensive plan in a reasonable length of time. State of Alaska representatives gave those assurances.

D-2 Groundfish Issues and Amendments

D-2(a) Salmon Bycatch

Terra Marine Activities. The Council received written and oral reports from Tuck Donnelly of Terra Marine Research and Education on the results of their efforts to reduce waste caused by discard of non-retainable bycatch by distributing it to food banks. It was also believed that the high cost of processing the fish by participating vessels would provide an incentive to avoid areas of high bycatch.

Status Report on Salmon Bycatch Initiative. The Council received a report from Joe Sullivan on the progress of the Salmon Research Foundation which indicated that a Board of Directors has been named, consisting of four representatives of the trawl industry and four representatives from the major Western Alaska salmon drainages. In addition, an at-large representative will be added to the Board. Start-up funding has been promised by AFTA, PSPA, and United Catcher Boats to enable the Foundation to proceed with organizational activities and developing the bycatch pattern feedback program for the "A" season.

Chum Salmon Interceptions. The Council received a report from ADF&G on the status of Arctic-Yukon-Kuskokwim chum salmon and a report from NMFS on the bycatch of chum salmon in BSAI groundfish fisheries. The Council requested the reports because of the unusually high bycatch of chum salmon in 1993 (245,000) and its possible effect on chum salmon escapement.

Report of the Scientific and Statistical Committee

Based on the reports from ADF&G and NMFS, the SSC concluded that the high bycatch of chum salmon in 1993 has not contributed to the coincident declines in Western Alaska escapement; any effects on escapement would not show up until at least 1994. The SSC indicated that there are insufficient data to determine what percentage of the bycatch was comprised of Western Alaska chum.

The Advisory Panel did not have a report on this agenda item.

COUNCIL DISCUSSION/ACTION

Terra Marine Experimental Permit

Bob Alverson moved that the Council direct staff to inform IPHC before its annual meeting at the end of January that the Council's previous recommendation regarding the experimental permit for halibut retention will be under reconsideration at the April Council meeting. Also, because that part of the experiment assessing the effect of bycatch reduction has been dropped, the Council, NMFS and the applicant will need to discuss possible restructuring of the permit. The motion was seconded by Linda Behnken and carried without objection.

Salmon Bycatch

Robin Samuelsen moved to initiate a regulatory amendment under the observer plan that would (1) require 100% observer coverage on all pollock trawl vessels less than 125 ft fishing within the BSAI Catcher Vessel Operating Area during the "B" season, beginning in 1994; (2) require two observers on all vessels greater than 125 ft fishing in BSAI Area 517 during the B season, beginning in 1994; (3) extend 100% observer coverage to all pollock trawl vessels within Area 517; and (4) give the Regional Director hotspot authority in the areas mentioned. The motion included a request to fast-track the regulatory amendment for conservation reasons. The motion was seconded by Linda Behnken and carried without objection.

Mr. Samuelsen said it is necessary to take these steps to address conservation concerns for chum salmon which are critical to subsistence fisheries.

Mr. Samuelsen also asked the Regional Director for an analysis of how the new federal subsistence ruling would affect fisheries management in Alaska.

D-2(b) Full Utilization

The Council deferred this agenda item until the April Council meeting. The Advisory Panel, however, recommended that the Council request staff to prepare an analysis paper on full utilization which would incorporate five alternatives (see AP Minutes, Appendix IV to these minutes). An initial scoping document on a Harvest Priority Proposal was requested for the April Council meeting.

D-2(c) Opilio Bycatch

The Council deferred this agenda item until the April Council meeting.

E. FINANCIAL REPORT

There was no financial report at this meeting.

F. PUBLIC COMMENTS

There were no further public comments.

G. CHAIRMAN'S REMARKS AND ADJOURNMENT

Chairman Lauber adjourned the meeting at 4:30 p.m. on Saturday, January 15, 1994.