

North Pacific Fishery Management Council

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September 22, 1995

DRAFT AGENDA

**119th Plenary Session
North Pacific Fishery Management Council
September 27-October 2, 1995
Radisson Hotel/Quality Inn
Seattle, Washington**

The North Pacific Fishery Management Council will meet September 27-October 2, 1995 at the Radisson Hotel/Quality Inn, 17001 Pacific Highway South, Seattle, Washington. The meeting will begin at 8:00 a.m. on Wednesday, September 27. Other meetings to be held during the week are:

| <u>Committee/Panel</u> | <u>Beginning</u> | <u>Location</u> |
|---|-------------------------------|-------------------------|
| Advisory Panel | 8:00 a.m., Monday, Sept. 25 | Phoenix D&E-Quality Inn |
| Scientific and Statistical Committee | 8:00 a.m., Monday, Sept. 25 | Phenix C - Quality Inn |
| Pacific NW Crab Industry Advisory Cmtee | 9:00 a.m., Monday, Sept. 25 | Rainier Room-Radisson |
| Donut Hole Advisors/North Pacific | | |
| Anadromous Fish Commission Mtg | 7:00 p.m., Thursday, Sept. 28 | Satellite Room-Radisson |

All meetings except Council executive sessions are open to the public. Other committee and workgroup meetings may be scheduled on short notice during the week. All meetings will be held at the hotel unless otherwise noted.

INFORMATION FOR PERSONS WISHING TO TESTIFY BEFORE THE COUNCIL

Sign-up sheets are available at the registration table for those wishing to testify before the Council on a specific agenda item. Sign-up must be completed before public comment begins on that agenda item. Additional names are generally not accepted after public comment has begun. A general comment period is scheduled toward the end of the meeting, time permitting, for comment on matters not on the current agenda.

Submission of Written Comments/Testimony. Any written comments and materials to be included in Council meeting materials must be submitted to the Council office by 5:00 p.m. on Wednesday of the week before the Council is scheduled to begin (i.e., Sept. 20 for this meeting).* Material received after the deadline may not be included in meeting materials. Written materials provided during the meeting for distribution to Council members should be provided to the Council secretary. A minimum of 18 copies is needed to ensure that every Council member, the executive director, NOAA General Counsel and the official meeting record each receive a copy. If you wish copies to be available for staff and the public, they must also be provided (50 copies). Copying facilities at this meeting will be limited and Council staff will not be able to provide copying services to the public.

FOR THOSE WISHING TO TESTIFY BEFORE THE ADVISORY PANEL

The Advisory Panel has revised its operating guidelines to incorporate a strict time management approach to its meetings. Rules for testimony before the Advisory Panel have been developed which are similar to those used by the Council. Members of the public wishing to testify before the AP **must** sign up on the list for each topic listed on the agenda. Sign-up sheets are provided in a special notebook located at the back of the room. The deadline for registering to testify is when the agenda topic comes before the AP. The time available for individual and group testimony will be based on the number registered and determined by the AP Chairman. The AP may not take public testimony on items for which they will not be making recommendations to the Council.

FOR THOSE WISHING TO TESTIFY BEFORE THE SCIENTIFIC AND STATISTICAL COMMITTEE

The usual practice is for the SSC to call for public comment immediately following the staff presentation on each agenda item. In addition, the SSC will designate a time, normally at the beginning of the afternoon session on the first day of the SSC meeting, when members of the public will have the opportunity to present testimony on any agenda item. The Committee will discourage testimony that does not directly address the technical issues of concern to the SSC, and presentations lasting more than ten minutes will require prior approval from the Chair.

COMMONLY USED ACRONYMS

| | | | |
|------------------|---|--------------|--|
| ABC | Acceptable Biological Catch | MMPA | Marine Mammal Protection Act |
| AP | Advisory Panel | MSY | Maximum Sustainable Yield |
| ADF&G | Alaska Dept. of Fish and Game | mt | Metric tons |
| BSAI | Bering Sea and Aleutian Islands | NMFS | National Marine Fisheries Service |
| CDQ | Community Development Quota | NOAA | National Oceanic & Atmospheric Adm. |
| CRP | Comprehensive Rationalization Program | NPFMC | North Pacific Fishery Management Council |
| EA/RIR | Environmental Assessment/Regulatory Impact Review | OY | Optimum Yield |
| EEZ | Exclusive Economic Zone | POP | Pacific ocean perch |
| FMP | Fishery Management Plan | PSC | Prohibited Species Catch |
| GOA | Gulf of Alaska | SAFE | Stock Assessment and Fishery Evaluation Document |
| IPHC | International Pacific Halibut Commission | SSC | Scientific and Statistical Committee |
| ITAC | Initial Total Allowable Catch | TAC | Total Allowable Catch |
| MFCMA | Magnuson Fishery Conservation and Management Act | VIP | Vessel Incentive Program |

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| | <u>Estimated Hours</u> |
|---|----------------------------|
| A. CALL MEETING TO ORDER | |
| (a) Oath of Office to new Council appointees | • |
| (b) Approval of Agenda | • |
| (c) Election of Chairman and Vice Chairman | • |
| | • |
| B. REPORTS | |
| B-1 Executive Director's Report | • |
| B-2 Domestic Fisheries Report by ADF&G | • |
| B-3 NMFS Management Report | • |
| (includes status of amendments and regulatory actions) | |
| B-4 Enforcement and Surveillance Report | • |
| B-5 Steller Sea Lion Report | • |
| | (4 hours for A/B items) |
| C. NEW OR CONTINUING BUSINESS | |
| C-1 <u>Community Development Quotas</u> | (1.5 hours) |
| (a) Review pollock CDQ applications for 1996-1998. | |
| (b) Status report from State of Alaska on adding Akutan to eligibility list. | |
| (c) Consider establishing CDQ Implementation Committee. | |
| C-2 <u>Sablefish and Halibut IFQs</u> | (2 hours) |
| (a) Report from the IFQ Implementation Team | |
| (b) Final review of Aleutian Islands extended sablefish season. | |
| (c) Status report on IFQ fisheries and status report on IFQ review from the IFQ Research Planning Group. | |
| (d) Halibut suballocations in Area 4. | |
| (e) Omnibus changes for 1996 and 1997 and report from NMFS on procedures for frameworking of measures. | |
| (f) Review new IPHC procedure to account for halibut bycatch in setting annual quotas. | |

- C-3 Comprehensive Rationalization (2 hours)
(a) Status report on moratorium.
(b) License System: Review status of proposed regulations.
(c) Review workplan for BSAI pollock IFQ system and Individual Bycatch Quotas.

- C-4 Observer Program (6 hours)
(a) Staff report on proposals to address Council concerns raised about the Research Plan and the associated RFP process.
(b) Observer Oversight Committee report.
(c) Council direction to staff on preferred approach to addressing Research Plan implementation issues.

- C-5 Full Utilization and Discard Reduction (3 hours)
(a) Review discussion papers on full utilization, improved retention, and harvest priority.
(b) Give staff direction on next steps.
(c) Rock sole seasonal apportionments.

- C-6 Council Operations (1 hour)
Review Council annual cycle and operations.

D. FISHERY MANAGEMENT PLANS

- D-1 Crab Management (2 hours)
(a) Review plan team report on status of stocks.
(b) Schedule joint Council and Board of Fisheries meeting.

- D-2 Scallop Management (2 hours)
(a) Status report on plan and Amendment 1.
(b) Possible emergency action to repeal FMP if Magnuson Act changes are approved.

- D-3 Initial Groundfish Specifications for 1996 (8 hours)
(a) Approve initial BSAI SAFE for public review.
(b) Approve initial 1996 BSAI groundfish and bycatch specifications for public review. Includes midwater trawl apportionments for BSAI pollock.
(c) Approve initial GOA SAFE for public review.
(d) Approve initial 1996 GOA groundfish and bycatch specifications for public review.
(e) Set initial VIP rate standards for 1996.
(f) Set discard mortality rates for halibut in the groundfish fisheries.

D-4 Groundfish Amendments (6 hours)

- (a) Initial review of grid sorting amendment.
- (b) Initial review of POP rebuilding revisions.
- (c) Inseason flexibility to adjust Tanner crab PSCs by area.
- (d) Final review of crab protection closed area. Review crab rebuilding issues and reports.
- (e) Initial review of forage fish amendment.
- (f) Continuation of BSAI cod gear allocations beyond 1996. Give staff direction on initiating analysis.

D-5 Other Groundfish Issues (4 hours)

- (a) Review groundfish proposals.
- (b) Receive trawl mesh experiment report; review draft proposed rule to implement trawl mesh regulations.
- (c) Review draft proposed rule to require scale weight measurements of catch in the pollock fishery.

D-6 Staff Tasking (1 hour)

E. FINANCIAL REPORT

F. PUBLIC COMMENTS

G. CHAIRMAN'S REMARKS AND ADJOURNMENT

42.5 Total Agenda Hours

TIME SUMMARY

| | |
|----------------------------|------------------|
| Total agenda hours | 42.5 hours |
| Lunches - 6 days (1.25 ea) | 7.5 hours |
| Breaks (4/day, 20 min ea) | <u>8.0 hours</u> |
| Total hours required: | 58.0 hours |

Meeting as follows:

8 am - 5:30 pm, 6 days x 9.5 hours = 57.0 hours

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Certified by _____

Date _____

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ADVISORY PANEL MINUTES JUNE 10-14, 1995 ANCHORAGE, ALASKA

Advisory Panel members in attendance:

Bruce, John (Chair)
Benson, Dave
Burch, Al
Cotton, Bruce
Falvey, Dan
Fraser, David
Fuglvog, Arne
Highleyman, Scott
Jones, Spike
Madsen, Stephanie
Maloney, Pete

Nelson, Hazel
Ogden, Doug
Roos, John
Sevier, John
Stevens, Mick
Stewart, Beth (Vice Chair)
Westman, Gary
Wurm, Robert
Yeck, Lyle

Absent were Ragnar Alstrom and Dean Paddock. Minutes for the April 1995 meeting were approved with one correction.

C-1 Inshore/Offshore

The AP addressed the Gulf of Alaska (Amendment 23) and the Bering Sea/Aleutian Islands (Amendment 18) separately.

Gulf of Alaska. The AP recommends the Council reauthorize Amendment 23 to the GOA FMP without changes. Motion carried 17/0.

Bering Sea/Aleutian Islands. The AP recommends the Council reauthorize Amendment 18 to the BSAI FMP with the following changes:

1. Include Akutan in the list of CDQ-eligible communities (unanimous approval); and
2. Include a provision to lift the CVOA restrictions for any "C" season.

Finally, the AP does not want to revisit inshore-offshore again in three years, but rather the AP wants to complete a CRP plan in that time. (Motion carried 13/2)

C-2 License Limitation

The AP unanimously voted to reaffirm its "preamble" contained in the draft April 17-25 minutes which reads as follows:

The objective of License Limitation is to serve as an interim measure to create the foundation upon which further rationalization of the fisheries might be built. As such it needs to take into account the diverse sectors of the fishery, such as:

1. The industrial scale fisheries including - the shore based pollock fleet, the factory longline and factory trawl fleets,
2. The midscale fisheries - the small family owned businesses operating pot, longline and trawl catcher vessels,
3. The small scale fisheries - artesiansal fisheries often associated with local community access and new entry, and
4. Communities qualifying for CDQ's.

At this point in the CRP path these concerns, together with the desire of participants to maintain a degree of flexibility with regard to changing markets and fish populations within current levels of capitalization, points to a License Limitation program that mirrors and builds upon the moratorium.

The AP voted unanimously to use agenda item C-2(a)(1) as the framework document to work from.

The AP recognized that the moratorium qualifying period was 1/1/88-2/9/92, but extended the General Qualifying Period to 6/27/92 to be consistent with the control date notice contained in the moratorium action. (This is actually 6/24/92 but 6/27/92 is the "week ending date" for reporting catches.

The AP also recognized that moratorium crossovers on or before December 11, 1994 were allowed for all legal gears and that crossovers using "pot gear only" may continue through the moratorium period. The 6/15/95 date prevents vessels from crossing into groundfish or crab and receiving a license after this date. The AP also extended the EQP to 6/15/95 to allow vessels which receive a general license to qualify for endorsements and to recognize current participation.

GROUND FISH LICENSE OPTIONS
Components and Alternative Elements Affecting Initial Assignment

The AP used the Council summary as the basis for taking action. We focused on those topics where more than one option remained and those where the AP sought modifications of the existing option.

License Classes

A single class of licenses (motion passes unanimously) 1000000

Nature of Licenses

Non-severable area endorsements for the following management areas: AI, BS, WG, CG+WY, EY+SO. The endorsements would be contained under a General License and General Qualifying period (1/1/88-6/27/92 a landing in any FMP fishery qualifies) is North Pacific-wide (motion passes unanimously) C00000

A motion to designate SE as fixed gear only failed 8/12. A motion to reconsider passed 11/9 and the motion failed in a 10/10 tie.

License Recipients

Current owners 10000

License Designations

Catcher vessels & Catcher/processors (includes 20% moratorium upgrade rule, see Vessel/License Linkages). This option would also issue licenses in trawl and non-trawl gear categories. Vessels will not be allowed to use a non-trawl license on a trawl vessel, however, trawl licenses may be used on a non-trawl gear vessel (motion passes 14/6) A000

Qualifying Periods

The General Qualifying period is Jan. 1, 1988 - June 27, 1992, with the additional provision that any vessel which "crossed over" to groundfish from crab under the provisions of the proposed moratorium by June 15, 1995 would also qualify for a General License. For vessels under 60', the general QP is extended through Dec. 31, 1994 for groundfish pot or jig gear — recipients must choose one FMP subarea if qualified for multiple areas. For Area Endorsements, the QP is Jan. 1, 1992 - June 15, 1995.

This option contains the following exemptions to the License Limitation program: (1) vessels that were exempted from the proposed moratorium would also be exempt from the license limitation program (26' in the GOA and 32' in the BSAI). (2) Vessels in the BSAI using jig gear that are < 60' using a maximum of 5 machines, one line per machine, and a maximum of 15 hooks per line. Motion passed unanimously (20/0). (*considered for GOA-failed; considered for SE-failed) B00

A motion to extend the qualifying period to 6/15/95 failed 10/10, but carried for landing requirements.

Landings Requirements For General License Qualification

One landing in the General QP, or qualified "moratorium crossover" vessels 60

Landings Requirements for Endorsement Qualification

For vessels ≥ 60', a vessel must have made a landing in two of the four calendar years from 1/1/92-6/15/95 and must have made at least 20,000 pounds of landings in the FMP subarea during the entire period. For vessels < 60', except in the EY+SEO and those using jig gear, a vessel must have made 3,000 pounds of landings in the entire endorsement qualifying period. F

A motion to include any vessel which made five landings between 1/1/95-6/15/95 as another way to qualify during the recent endorsement qualifying period. The motion was amended to delete "... between 1/1/95-6/15/95. ..." and replace with "... in any one year in the endorsement qualifying period ..." - the motion failed on a tie vote (8/8).

The options for Qualifying Periods, Landing Requirements for General License Qualification and Landing Requirements for Endorsement Qualification was voted on as a package and the motion passed 18/1/1.

Components and Alternative Elements Affecting the Ownership, Use, and Transfer of Licenses

Who May Purchase Licenses

- 1. Licenses could be transferred only to "persons" defined as those eligible to document a fishery vessel under chapter 121, Title 46 U.S.C.

Vessel/License Linkages

- 2. Licenses may be transferred without a vessel, i.e., licenses may be applied to vessels other than the one to which the license initially was issued, subject to license designations, and the "20% rule" in the moratorium.

Options Regarding the Separability of Species and/or Area Designations

1. Area designations are not separable, and shall remain as a single license with those initial designations.

Vessel Replacement and Upgrades

3. Vessel may be replaced or upgraded within the bounds of the 20% Rule defined in the moratorium proposed rule.
4. Catcher-vessels would be allowed to upgrade to enable a limited amount of processing at sea. The limit would be set at 5 mt (round weight) per day for vessels < 60' and 18 mt (round weight) per day for vessels ≥ 60'.

License Ownership Caps

2. No more than 5 general licenses per person with grandfather provisions. Vessel owners who receive more than this ownership cap initially, will be "grandfathered in," i.e., they will be allowed to keep all general licenses they receive, but will not be allowed to purchase additional licenses. If a person owns less than 10% of a vessel, it will not count towards the license cap. There was a great deal of concern about enforceability. Motion passed 11/8.

Vessel License Use Caps

1. No limit on the number of licenses (or endorsements) which may be used on a vessel.

Vessel Designation Limits

1. A vessel which qualifies for multiple designations (i.e., both as a CV and as a CP) under the use restriction component will be able to participate under any designation for which it qualifies - motion passes 15/0. Vessel designations will be based on activities during 1/1/94 - 6/15/95 or the most recent year of participation during the EQP. If a vessel qualifies as a CP only, it may select a one-time conversion to a CV - motion passes 7/6. Main motion passes 10/5.

Buy-back/Retirement Program

1. No buy-back/retirement program.

Two-Tiered Skipper License Program

1. Do not implement a Two-Tiered Skipper License Program. The Council recommends that this program should be deleted from the license limitation package at this time. Future analysis of a license limitation program for skippers, based on the amended program outlined by SEA, will be set on its own time line.

Community Development Quotas.

2. 3% of all groundfish TACs that are not currently covered under a CDQ program - motion passes 14/5. A 3% prorata allocation of PSC species that will be allocated before the fixed/rawl gear split - motion passes 15/0. This program will be patterned after the current program with the exception that Akutan will be included - motion passes 11/7. The program will include a 3-year sunset provision with a renewal option - motion passes 14/4. Main motion passes 10/9.

A motion to reconsider the groundfish CDQs passed 9/7. Main motion made to adopt option 3 (7.5%), to be patterned after current program with the exception that Akutan will be included, and a prorata allocation of PSC species that will be allocated before the fixed/rawl gear split. This motion failed in an 8/8 tie.

Amendments to the main motion are as follows:

Motion for 3-year sunset. Motion passes 12/5.

Motion requiring CDQs utilize catcher vessels to harvest 50% of their allocation. Motion passes 12/3.

Substitute motion to adopt option 2 (3%) failed 4/10.

Substitute motion to adopt 0% failed 4/10.

Motion to adopt 5% resulted in a 7/7 tie.

The end result is that the AP has no recommendation for groundfish CDQs.

Community Development Licenses.

- 1. No Community Development Licenses.

Other Provisions

- 1 Licenses represent a use privilege. The Council may convert the license program to an IFQ program or otherwise alter or rescind the program without compensation to license holders.
- 2 Severe penalties may be invoked for failure to comply with conditions of the license.
- 3 Licenses may be suspended or revoked for multiple violations. (The Council recommends NMFS Enforcement consult with the Coalition for Stability in Marine Financing to address their concerns over license revocation.)
- 4 Implement a Skipper Reporting System which requires groundfish license holders to report skipper names, address, and service records to NMFS.
- 5 An analysis of the impact of various rent collection levels and mechanisms, and enforcement and program implementation costs is required.
- 6 Vessels which qualified for the NPFMC license limitation program that have been lost or destroyed are still eligible to receive earned licenses and endorsements.
- 7 Vessels targeting non-groundfish species (salmon, crab, etc.) that are currently allowed to land incidentally taken groundfish without a groundfish permit, will be allowed to continue to land bycatch amounts. Additionally, vessels participating in the Sablefish and Halibut IFQ program would continue to be able to land bycatch amounts of groundfish as specified in regulations governing that program.
- 8 Vessels < 60' in the BSAI would be exempt but limited to the use of jig gear per the following provisions (this option was also discussed under qualifying periods) :
 - a maximum of 5 jigging machines per vessel,
 - a maximum of 1 line per jigging machine, and
 - a maximum of 15 hooks per line.

This option is probably not necessary to include here because of other AP recommendations.

Sunset Provisions

- 1 No sunset.

The AP recommends that the Council adopt the entire "framework" motion for groundfish license limitation. Motion passes 9/7.

CRAB LICENSES

Components and Alternative Elements Affecting Initial Assignment

License Classes

A single class of licenses 100000

Nature of Licenses

The AP made the following changes in species/area combinations:

- 1. Pribilof red king crab + Pribilof blue king crab + St. Matthew blue king crab;
- 2. *C. opilio* + *C. bairdi*;
- 3. Adak brown king crab;
- 4. Adak red king crab;
- 5. Bristol Bay red king crab;

- 6. Dutch harbor brown king crab; and
- 7. Norton Sound red king crab.

The AP recommends classifying Bering Sea brown king crab, Bering Sea/Aleutian Island *C. tanneri* and *Lithodes couesi* and Dutch Harbor red king crab as developing fisheries which will not be included in license limitation at this time. However, in order to participate in these developing fisheries, a vessel must have a valid federal crab license. This motion carried unanimously.

License Recipients

Current owners, except for Norton Sound Red King Crab summer fishery. For Norton Sound, license recipients are those who:

- a) individuals who held State of Alaska Permit for the Norton Sound Red and Blue King Crab summer fishery and who made at least one landing; or
- b) vessel owners in instances where a vessel was corporate owned, but operated by a skipper who was a temporary contract employee
- c) deleted Revised 3,000*

Motion carried 19/1.

License Designations

Catcher vessel & catcher/processor designations, and vessel length as defined by the 20% moratorium upgrade rule. Further, for Norton Sound, vessels less than 32' may upgrade beyond 20% but may not exceed 32' unless the 20% upgrade would result in a vessel that exceeds 32' Revised 400
 Motion passed unanimously.

Qualifying Period

A General License Qualifying Period (GQP) of 1/1/88 - 6/27/92, with the additional provision that any vessel which "crossed over" to crab from groundfish under the proposed moratorium would also qualify for a General License. Vessels meeting these requirements would receive endorsements based on landings in the primary Endorsement Qualifying Period (EQP) of 1/1/92 - 12/31/94, except Bristol Bay Red King Crab which will use 1/1/91 - 12/31/94 as the endorsement qualifying period. [For vessels in the Norton Sound Red and Blue King Crab fisheries, and Pribilof Red King Crab fisheries, the requirements of the GQP will be waived, but must have made landings between 1/1/93 - 12/31/94].
 Motion passes unanimously.

Minimum landings

The AP recommends a minimum of two landings for king crab (in the areas specified above) except for Norton Sound where the requirement would be one landing. Motion carried 12/3.

For Tanner crab the AP recommends three landings. Motion carried 14/2.

The AP dealt with five other motions on qualifying periods, two of which were less restrictive and one which would have required deliveries in two of the three qualifying years. Those motions failed.

Components and Alternative Elements Affecting the Ownership, Use, and Transfer of Licenses

Who May Purchase Licenses

- 1. Licenses may be transferred only to "persons" defined as those eligible to document a fishery vessel under chapter 121, Title 46 U.S.C.

The AP discussed restricting the issuance of licenses to vessels that are currently eligible for U.S. documentation.

Vessel/License Linkages

2. Licenses may be transferred without a vessel, i.e., a license may be applied to a vessel other than the one to which the license initially was issued. License transfers are subject to the 20% Rule defined in the moratorium and the vessel class designations selected.

Options Regarding the Separability of Species and/or Area Designations

The AP adopted Option 1 initially which created nonseverable licenses. The AP then went on to discuss whether groundfish and crab licenses would be severable with the following result:

The AP recommends that groundfish and crab licenses be treated as two components of a North Pacific Umbrella License (NPUL). An entire crab or groundfish license package may be severed from the NPUL, but may only be acquired by a holder of a NPUL within the constraint of the 20% rule.

Vessel Replacement and Upgrades

3. Vessels may be replaced or upgraded within the bounds of the CP and CV designation and the 20% Rule defined in the moratorium proposed rule.

License Ownership Caps

No more than 5 general licenses per person with grandfather provisions. Vessel owners who receive more than this ownership cap initially, will be "grandfathered in," i.e., they will be allowed to keep all general licenses they receive, but will not be allowed to purchase additional licenses. If a person owns less than 10% of a vessel, it will not count towards the license cap. There was a great deal of concern about enforceability. Motion passed 12/4.

Vessel Designation Limits

- 1* A vessel which qualifies for multiple designations (i.e., both as a CV and as a CP) under the use restriction component will be able to participate under any designation for which it qualifies. Vessel designation will be based on activities during most recent year of participation, through 1994. If a vessel qualifies as a CP only, it may select a one-time conversion to a CV. Motion passes 16/0.

Buy-back/Retirement Program

1. No buy-back/retirement program. However, a buy-back program may be necessary at some future date.

Two-Tiered Skipper License Program

- 1* Do not implement a Two-Tiered Skipper License Program. The Council recommends that this program should be deleted from the license limitation package at this time. Future analysis of a license limitation program for skippers, based on the amended program outlined by SEA, will be set on its own time line. The Council would prefer that this time line parallel license limitation.

Community Development Quotas.

As with groundfish, the AP went through a series of motions beginning with a motion for 3% which was amended to include a 3-year sunset and a recommendation that Akutan be included. This was followed by a substitute motion for option 3 which was 7.5% with no sunset. That motion was amended to include a provision that would have resulted in a 5% CDQ and a provision that 50% of the CDQ must be taken by catcher vessels and included Akutan. That motion failed 5/12. A motion was made to amend option 3 to provide that 100% of the harvesting vessels must be catcher vessels and Akutan was included as a friendly amendment. Motion passes 10/5. A motion was then made to include a 3-year sunset which carried 9/5. The question was called for option 3 as amended and that motion failed 8/8. That took us back to the main motion which was 3% with a 3-year sunset, including Akutan. A substitute motion was made to change the CDQ percentage to 7% and that was amended to include a 3-year sunset and that carried 10/3. Another amendment was made to provide for a minimum of 50% onshore processing including floaters which carried 11/5. Akutan was again included as a friendly amendment. The main motion now reads as 7%, 3-year sunset, minimum 50% allocation to onshore processors including

floaters and Akutan as a CDQ eligible community. That motion failed 7/10. Back to the original amended motion which is 3%, 3-year sunset, minimum 50% harvested by catcher vessels and include Akutan as an eligible CDQ community. The motion failed 8/10.

Community Development Licenses.

The original motion was for 7.5% of the vessel capacity equivalence be set aside for CDLs in addition to the licenses given to the qualifying fleet. The main motion failed 4/8.

Other Provisions

1. Licenses represent a use privilege. The Council may convert the license program to an IFQ program or otherwise alter or rescind the program without compensation to license holders.
2. Severe penalties may be invoked for failure to comply with conditions of the license.
3. Licenses may be suspended or revoked for multiple violations. (The Council recommends NMFS Enforcement consult with the Coalition for Stability in Marine Financing to address their concerns over license revocation.)
4. Implement a Skipper Reporting System which requires groundfish license holders to report skipper names, address, and service records to NMFS.
5. An analysis of the impact of various rent collection levels and mechanisms, and enforcement and program implementation costs is required.
6. No future super-exclusive areas will be proposed.
7. Vessels which qualified for the NPFMC license limitation program that have been lost or destroyed are still eligible to receive earned licenses and endorsements.

Sunset Provisions

- 1 No sunset. Motion carried 11/6.

Individual Transferable Pot Quota (ITPQ) System

The AP recommends Option 1, not to implement a ITPQ System. However, an ITQP program may be necessary at some future date.

The AP recommends that the Council adopt the entire "framework" motion for crab license limitation. Motion carries 15/3.

MINORITY REPORT C-2 License Limitation

We, the undersigned members of the AP, support designating licenses issued in the Southeast Outside area as hook-and-line only. One of the stated goals in the Council's problem statement for CRP is to "support the stability, economic well-being, and diversity of the seafood industry, and provide for the economic and social needs of the communities dependent upon that industry."

We note that Southeast is unique in the size of its small boat hook-and-line fleet and in the almost total dependence of the region's communities on the viability of this fleet. Given the long history of preemption and other problems associated with the development of "industrial" fishing operations in Southeast, we believe that it is consistent with the Council's stated CRP goals to designate Southeast licenses as a hook-and-line only. We further note that the current license program may exacerbate the problems in Southeast by eliminating flexibility for the local hook-and-line fleet and by substantially increasing the number of industrial fishing operations licensed for the area.

Therefore, given likelihood and magnitude of potential impacts to Southeast from the expansion of industrial fishing operations under the current plan, we believe that the Council's stated goal of enhancing regional stability

and preventing further overcapitalization of a region mandate designating Southeast licenses as hook-and-line only at this time.

Signed: Dan Falvey
Scott Highleyman
Stephanie Madsen

Hazel Nelson
Doug Ogden
Arne Fuglvog

MINORITY REPORT
C-2 Crab License Limitation
Crab General License Comment

Historically, the BSAI crab fisheries are fluctuating in nature and require a great deal of flexibility on the part of crab fishermen. Due to the fluctuation of area specific stocks, crab fishermen traditionally rely on the ability to shift fishing effort in order to survive in the fishery. Concurrent openings, limited season length and gear restrictions continue to be utilized successfully by ADF&G to manage the crab fisheries while allowing participants the necessary flexibility. In light of these facts, we support a general license which will exploit current ADF&G management techniques to limit participation and control effort in individual fisheries.

Signed: Spike Jones
John Sevier
Bruce Cotton

Robert Wurm
Doug Ogden
Gary Westman

MINORITY REPORT
C-2 License Limitation

We oppose the license limitation plan because:

1. By itself, a license limitation plan clearly does not address the problem statement including the identified 14 problems associated with overcapitalization,
2. License limitation does not provide any of the benefits demonstrated through the pollock CDQ program as identified in the Inshore/Offshore document (page 229). A license program fails to provide these benefits to either CDQ communities or the existing fleet, and
3. The qualification criteria under this motion tends to be arbitrary in that it measures only a single dimension of dependance. An equitable qualification criteria should have measured and weighted a variety of factors to capture "length and depth" of involvement in the fisheries through a point system as the State of Alaska did with salmon.

Signed: John Bruce
Mick Stevens

Bruce Cotton
David Fraser

C-3 Observer Program

The AP recommends proceeding with initiation of the necessary regulatory action to continue the existing observer program through 1996 while the Research Plan is revised with the goal of being in place for 1997. Motion carries unanimously (18/0).

C-4 Sablefish/Halibut IFQs

The AP took staff reports, but did not make any recommendations.

Chinook Salmon Bycatch

At its April meeting, the Council approved a 1996 'A' season chinook bycatch cap in the Bering Sea which would trigger block closures. The Advisors to the Council did not recommend that such action should be taken since a conservation problem was not the issue, and that the Research Foundation was continuing its research program. The AP believes the agreement between the Council and the Salmon Research Foundation has been breached by the Council action. In addition, the Council's action could exacerbate the bycatch problem as chinook populations decline. The AP was deeply disappointed with the Council's decision. Motion carries 11/0/4.

North Pacific Fishery Management Council

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Date: *9/18/95*

MINUTES

Scientific and Statistical Committee
June 8-9, 1995

The Scientific and Statistical Committee of the North Pacific Fishery Management Council met June 8-9, 1995 at the Anchorage Holiday Inn. All members were present with the exception of Marc Miller, Doug Larson and Sue Hills:

Terrance Quinn II, Chair
Seth Macinko, (Alt. Eggers)
Rich Marasco
Jack Tagart
Phil Rigby

Keith Criddle, Vice-Chair
Al Tyler
Harold Weeks
Bill Aron

C-1 INSHORE/OFFSHORE

Council staff presented an overview of additions and changes made to the draft EA/RIR for the proposed reauthorization of Amendment 18/23. Public testimony was provided by Vince Curry, John Gauvin, Rebecca Baldwin, and Joe Blum.

The present document addresses some of the concerns identified in the SSC's April 1995 minutes. Conclusions, about the neutrality of the benefit/cost findings have been tempered somewhat.

In general, the SSC notes that the Council is facing a complex policy decision which cannot be guided by a single quantitative measure. This conclusion is compounded by data limitations and the many distributional equity issues inherent in allocation issues. It was largely for these reasons that the SSC recommended that the analysis be mostly qualitative. Such data limitations and the difficulty posed by the mixture of qualitative and quantitative analytical measures which are not directly comparable are anticipated in E.O. 12866:

In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating. Costs and benefits shall be understood to include both quantifiable measures (to the fullest extent that these can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider. Further, in choosing among alternative regulatory approaches, agencies should select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity), unless a statute requires another regulatory approach.

The SSC believes that the analysis is based on the best available data. Specific comments on the present document follow.

The general approach of the analysis is to address the issue of net benefits by, "...incorporating by reference the findings from the Supplemental Analysis dated September 3, 1992 and determine how changes in some of the parameters and assumptions which reflect today's fishery conditions would affect the findings. Data limitations constrained this analysis to an examination of changes in gross revenue per ton of processed product, gross revenue per ton of catch and utilization rates (total product production divided by total catch). The gross revenue calculations are contingent on assumptions regarding product prices, product mix and utilization rates. The draft EA/RIR reports estimates of the utilization rates for inshore and offshore sectors. These point estimates mask variability within season and among firms.

Given the weak conclusions reached about economic efficiency, the analysis suggests that more weight may be given to other forms of costs and benefits including stability and community impacts. The SSC notes that "stability" is a multi-dimensional concept. The analysis addresses stability from the perspectives of impacts on communities, impacts on the policy process, and impacts on the regulatory/management environment (and subsequent impacts on industry). These perspectives are reflected in the Council's problem statement. The SSC believes that no single measure is available to assist the Council in considering these perspectives.

Changes in fisheries regulations have distributional consequences. The EA/RIR describes some of the possible changes in the distribution of benefits among regions and between industry sectors. However, it is important to note that it is difficult to isolate the consequences of 18/23 from the background of changes in other regulations, changes in market conditions or the development of local and regional economies.

Public testimony suggested concern that external costs, for example, changes in water quality are not addressed in the EA/RIR. While these costs would need to be factored into a comprehensive cost-benefit analysis, they are likely to be second order effects. That is, the estimate of net national benefits is likely to be more influenced by problems in estimating costs of production, consumer surplus, processor net revenues, etc.

The SSC notes public concern regarding the potential effects of differential exploitation rates inside and outside of the CVOA. We suggest that this issue be addressed by the BSAI Plan Team. In addition we would appreciate some discussion from the Plan Team regarding possible marine mammal interactions within the CVOA. Without the CVOA restrictions, it is likely that pollock exploitation rates would have been even higher in this area.

Finally, the SSC notes an opportunity to improve future analyses of this kind. When a previous analysis has anticipated specific impacts on the fisheries and communities supporting those fisheries, obvious questions arise in subsequent analyses as to whether those impacts have been realized. For example, information on actual employment effects which might be attributable to the inshore/offshore amendment is not provided in the current analysis; although Amendment 18/23 anticipated distributional impacts on employment. Employment data are difficult to obtain, and no data collection was undertaken to monitor the changes in employment. This type of data gap is symptomatic of the lack of attention to post-implementation analyses afflicting fisheries management in general. **Management should implement routine monitoring of social and economic indicators to improve future analyses.**

C-2 LICENSE LIMITATION

The SSC received and reviewed the June 2, 1995 Supplemental Analysis. A brief overview of the contents of the document was provided by Council Staff. Public testimony was provided by David Hillstrand, Mike Szymanski, John Gauvin, and Arnie Thomson. The SSC provided extensive comments on license limitation in its April 1995 minutes. These comments focus on contents of the June 2, 1995 document.

License Limitation Configurations

A critical feature of any access control program is its ability to control effort. Updated tables provided by Council staff indicate that of the groundfish license limitation program configurations in the supplemental analysis only three (1315964, 131596B, and 131596E) reduce the number of vessels below 1993 participation levels (1662). Table 2.5 (p 26) indicates that all of the configurations listed in Table 2.7 (p 30) license fewer vessels than the number qualifying under the moratorium (3889, Feb. 13, Supplemental Analysis, Table 1, p 5). None of the crab fishery configurations reduce the number of vessels from 1993 levels (368, Table 3.5, p 66). All of the crab fishery configurations reduce the total fleet size relative to the moratorium (486) and cap the number of vessels in many of the specific crab fisheries at levels well below the number of potential entrants under the general moratorium fleet.

The June document also indicates that vessel exemptions or exclusions are also being considered. Several potential problems are associated with this feature. First, the excluded portion of the fleet is free to increase effort. Second, there is a potential for an increase in the number of allocation issues that would be brought before the Council. And third, separate monitoring systems would be needed if TACs are divided between licensed and unlicensed vessels.

Appendix I illustrates that because many vessels harvest substantially less than the average within their vessel class, there exists a potential for substantial expansions of fishing effort under many license limitation options. It is important to note that the catch heterogeneity observed within vessel classes can be attributable to a number of different factors including differences in operating costs and objectives and that vessels with the highest catches are not necessarily the most profitable. This type of analysis does not lend itself to making projections about changes in interregional distribution of license owners.

The appropriate basis of comparison for measuring relative fleet size effects is not clear. The document uses a 1993 snapshot as a measure of current participation. A single year may be an inappropriate measure of current participation patterns if annual participation patterns vary. If the moratorium is approved by the Secretary, the de facto current fleet size is established and should be used when considering relative fleet size (as opposed to the 1993 snapshot).

The document indicates the Council's preference for nonseparable area designations. If this feature is built into a license limitation program, it will likely have a negative impact on the market value of licenses.

Throughout the license limitation development process, it has been indicated that licenses represent the first step leading to implementation of an ITQ system. If entities, who have acquired licenses after initial implementation of the program believe that they will be adversely affected by a proposed ITQ program, implementation of any such program might be difficult. Alternatively, if these entities perceive additional benefits from a transition to an ITQ system, the transition may be facilitated. At this point the number of participants falling into these two groupings is unknown.

Realignment of West Yakutat

Another issue discussed in the supplemental analysis is the realignment of the West Yakutat district (between 140 degrees W and 159 degrees W) of the Eastern Gulf management area. If this is done, the SSC recommends that separate ABCs and TACs be set for the Western Gulf, Central Gulf, West Yakutat and SEO (east of 140 degrees W) areas. Information is available to distribute ABCs to these areas for pollock, Pacific cod and flatfish. Survey design for 1996 would have to be modified to allow specification of Pacific ocean perch, shortraker, roughey rockfish, other slope rockfish and thornyheads ABCs for the above defined areas.

Non-trawl Endorsement for S.E. Outside

The problem statement associated with inclusion of the non-trawl provision in a license limitation program is lacking in the June 2, 1995 document. Assessment of analysis adequacy is hampered by this deficiency. The SSC believes that once the problem is defined, potential impacts of alternative actions can be examined.

C-3 OBSERVER PROGRAM

The Council has recently expressed concerns about several aspects of the observer program procedures for collecting data at sea. Issues include placement of observers on-board vessels, hiring of observers, prioritization of observer deployments, duration of contracts and other procedures relating to the supervision, organization, and accounting and financial procedures involved with the operation of the Program. Some of the concerns involved technical use of the data. The Council would like a general review of the several problem areas that it has identified, and in particular has requested an independent review of statistical data collection methodologies.

Although not specifically addressed by the Council, the SSC believes the Council may also be interested in a review of the operational procedures of the observer program. Such a review might examine the need for and utility of data elements being collected, the data transmission, keypunching, error checking, data screening protocols, compilation, storage and retrieval procedures, and the timeliness of data availability. The Observer Oversight Committee may be the appropriate body to consider many of these problems.

The SSC is concerned with the smooth and effective functioning of the critically important observer program. We regard any circumstance which impairs that smooth functioning as a potentially serious problem. The SSC notes with concern that some observers have not been paid for their work. It seems that the general supervision of the program should be strengthened.

The SSC believes that it can help with the organization of the independent review of the statistical procedures. The data from the observer program is essential for the assessments and management of the fish and shellfish stocks under Council jurisdiction. There is no indication that procedures regarding all sampling problems, for all species, and for the entire fleet need to be part of an independent review. There are issues with selected species and situations in the fleet that need to be reviewed for possible improvement. The SSC suggests that contracts be developed to look at these statistical problems, and that these contracts be administered in the usual manner by council staff.

1. Scoping phase of the review.

At this time it is not clear what the full scope of the review might be. For example, it was suggested in public testimony to the SSC that the estimates of salmon caught as PSC at certain times and in selected areas might be one of the problems for the review. It was suggested there are many other problems as well. Therefore, it would appear that an independent review would start with a phase that determines the minimum set of problems that go forward to full review. A key part of the review will be a scoping phase for the work. A contractor might work with the Council and its staff to place these problems in a technical, statistical context.

2. Analytical phase of the review.

The main part of the work will be a case by case examination of the details of the sampling procedures and their adequacy for statistical hypothesis testing. The concerns would include: the number of vessels that should be sampled to achieve particular kinds of information, the percentage of vessels covered, the percentage of fishing-days, the time and location of sampling, the deck sampling protocol, the conditions on vessels at sea that must

be factored into the sampling constraints, the statistical estimation procedures, and possible improvements in computer data-storage.

C-4(e) Halibut Area 4 Sub-allocation

The SSC heard a report from Jane Di Cosimo on the IPHC recommendations to combine halibut statistical reporting areas 4C-E and its attendant impact on the allocation of fishing privileges under the Sablefish/Halibut IFQ fishery. **The SSC is supportive of the IPHC proposal to distribute TACs in proportion to biomass. We do not view this as an allocation decision, but a biological decision to avoid excessive localized exploitation.** However, in the implementation of these changes, the IPHC needs to be sensitive to the impacts on the administration of the Halibut IFQ program. Prior to implementation, the IPHC needs to give the Council sufficient time to amend the IFQ plan to accommodate adjustments to the allocation of harvest privileges among the IFQ holders in the currently configured statistical reporting areas.

D-1 SCALLOP MANAGEMENT

The SSC received a staff report by Dave Witherell on the proposed Amendment 1 to the Scallop Fishery Management Plan. Doug Pengilly and Bill Nippes made a presentation on ADF&G scallop management. Public testimony was presented by James Fletcher, Mark Kandianis, and Theresa Kandianis.

The complete closure of the EEZ off Alaska to scallop fishing has created severe hardship for scallop fisheries. Alternative 2 sets forth a management regime which could allow a regulated scallop fishery to take place in 1996. However, the SSC does not know whether either Option One or Two for harvest levels, observer coverage, closed areas and bycatch limits have the potential for successful management given the uncertainties posed by legal interpretations.

For a management system to succeed, the SSC recommends a single system for scallop management be devised, either by joint Federal-State activity, or by either the State and Federal government deferring authority to the other. We consider 100% observer coverage, a single data collection and management scheme, and a single approach to establishing harvest and bycatch quotas to be essential.

The approach must assure equity for participants; the Council should immediately begin work toward a longer term solution by moving forward with a limited access system for the North Pacific scallop fishery.

The SSC urges that an expanded State-Federal program of data collection for stock assessment be pursued. There is substantial uncertainty in nearly all knowledge areas needed to manage this fishery. Estimation of population abundance, and size/age structure, scallop biology, life history and stock production parameters; analyses of reproductive potential, population thresholds, recruitment and limiting factors; and investigations of exploitation rates are of paramount importance. All of these issues are important to the determination of harvest limits. At least some of this information must be contributed by an active fishery, as neither ADF&G nor NMFS have the budgetary and human resources to initiate and maintain a comprehensive scallop research program. We recommend that ADF&G, NMFS and industry members begin discussions of strategies to begin collection of this important information.

D-2 GROUND FISH AMENDMENTS

D-2(a) HALIBUT DISCARD RATES

The SSC received a report from Greg Williams and Lauri L. Sadorus of the IPHC which reviewed the 1995 January-May halibut bycatch data from the BSAI Pacific cod hook and line fishery. The authors obtained data from 42 freezer-longliners and after verifying the data reliability, they were able to analyze the observations from 26 vessels. During the course of the fishery, by-catch rates (tons of halibut per ton of groundfish) were fairly stable (0.03 to 0.06) while the cumulative mortality rate showed a steady decline. The overall estimated mortality rate for the sampled catch was 11.5% while the average weekly rate was 11.2%.

The SSC questioned Greg Williams regarding the IPHC screening and selection of the useable subset of observer data. Bycatch rates were similar for sampled vessels during the first 10 weeks of the fishery. In the final seven weeks, the bycatch rate for the useable subset of sampled vessels was higher than that of the total sampled fleet. At the same time, estimated halibut mortality was lowest during these weeks. The SSC wanted to be assured that the screening was not creating a biased subsample, and are satisfied that this is not the case. Nevertheless, we think the IPHC report should include a description of the selection criteria for the useable subset of observer data.

The SSC recommends that the Council adopt the recommended halibut mortality rate of 11.5%. Bycatch rates clearly change seasonally, and it is unclear how the January through May observations predict bycatch rates in the latter part of the year. Therefore, we also recommend that the IPHC continue to collect and examine halibut mortality data for the remainder of the year. Subsequent recommendations for mortality rates should encompass analysis of a full years worth of data.

D-2(c) ELECTRONIC REPORTING

The SSC reviewed the EA/RIR to implement hardware requirements for electronic reporting of observer data. There was no public testimony.

We understand that NMFS is preparing a second amendment to require electronic reporting of catch and production information. The SSC supports electronic reporting of observer data specifically and the general concept of electronic reporting of all catch and production reports. We recognize, however, that catch and processing reporting requirements are complex, costly, and possibly redundant. NMFS and ADF&G staff have agreed to establish a process to evaluate data needs, collection, and uses in order to eliminate redundancies; we expect initial meetings to take place this summer. The SSC recommends that industry participate in efforts to improve reporting. **After a complete review of the data collection process, we encourage the subsequent development of electronic catch and reporting requirements to be merged with the new system for observer reporting.**

Draft Minute
of the
SSC Teleconference
August 17, 1995

In April, the SSC reviewed a draft EA/RIR describing alternatives for a Bering Sea trawl closure designed to protect red king crab. At that time the SSC noted that the document was incomplete (lacking a discussion of the economic impacts) and recommended that, before being released to the public, the EA/RIR should at least include a qualitative discussion of the economic impacts of the contemplated measures, including a discussion of the potential effects of bycatch constraints in other fisheries. The SSC also recommended that, if at all possible, the Bering Sea Bycatch model be used to predict such effects. At its June meeting the Council tasked the SSC with a review of a new draft EA/RIR and the determination of whether it was ready for public distribution.

On August 17, the SSC meet via conference call to make that determination. All members were present except, Keith Criddle, Sue Hills and Hal Weeks. The SSC received a presentation by the report's primary author, Dave Ackley, and from the following members of the public: Vince Curry, John Gauvin, David Hillstrand, Brent Paine, Arni Thomson, and Jeff Stephan. In addition, John Gauvin reviewed his draft analysis of 1994 and 1995 comparative impacts on the trawl industry which included estimated changes in revenue based on an industry survey; Joe Terry presented his draft comparison of the 1994 and 1995 rock sole fisheries; and a letter from Dave Fraser was made available which presented additional management alternatives and his view of a series of impacts related to the red king crab trawl closure implemented by emergency rule in 1995. Without adequate time for review, the SSC simply provided comments to these contributors and suggested that some of the descriptive narrative in Dr. Terry's paper was appropriate for inclusion in the EA/RIR. Although public testimony differed in its support of the alternatives to be analyzed, the general public consensus was that the analysis should be released so that the Council can have the opportunity to make a decision on the proposed amendment in September.

With respect to the revised draft of the EA/RIR, a review by the SSC revealed several shortcomings which needed to be addressed prior to release. The revised analysis did use the Bering Sea Bycatch model to analyze potential outcomes of the alternatives, and particularly for Alternative 3 (southern boundary at 56° N. Latitude) the model's projections could be compared with the actual 1995 fishery. However, only 1993 best blend and observer data had been available for analysis. After substantial discussion, the SSC agreed that the EA/RIR should be released for public review, but only after the following modifications were made.

1. Add an expanded discussion of the model's limitations and describe some of the variable factors within the fishery and the environment which add variability and increase the difficulty in projecting actual outcomes.
2. Include a flow chart depicting the data flow and processing steps within the model.
3. Include a figure of geographic and management areas described within the EA/RIR.
4. Include the 1994 data, if possible given the short time available. Inclusion of two years of data could provide insight into data variability between years and its effect on the model results.
5. Correct the revenue data and rerun model.
6. Add additional tables providing detailed model output including catch and bycatch by species by week.

The SSC also requested a comparison with the conservation benefits of other fishery management actions, including those within the crab fishery. The analysts said that they would attempt such a comparison depending on time available.

Note: After 1993, reporting of gear type and management area on weekly production reports were no longer required of onshore processors. With existing data the analysts were required to combine product values for all processors, gears, and areas. Alternative data sources might be available with which to reassign gear and area to product data. This and other data quality issues will be visited by the SSC at its September meeting. Also see SSC minutes of April 1995, Section d-2(c).