

North Pacific Fishery Management Council

Don W. Collinsworth, Chairman
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September 20, 1990

DRAFT AGENDA

**93rd Plenary Session
North Pacific Fishery Management Council
September 25-29, 1990
Sheraton Hotel
Anchorage, Alaska**

The North Pacific Fishery Management Council will convene at 8:00 a.m. on Tuesday, September 25, at the Sheraton Hotel in Anchorage, Alaska, and continue through Friday, and possibly into Saturday. Other meetings to be held during the week are:

Committee/Panel

Advisory Panel
Scientific & Statistical Committee
Ad Hoc Bycatch Committee
Halibut Amendment Advisory Group
INPFC U.S. Section

Beginning

10:30 a.m., Sunday, Sept. 23
10:30 a.m., Sunday, Sept. 23
10:30 a.m., Monday, Sept. 24
7:00 p.m., Monday, Sept. 24
7:00 p.m., Thursday, Sept. 27

All meetings, except an executive session of the Council tentatively scheduled for noon on Thursday, are open to the public. Other committee and workgroup meetings may be scheduled on short notice during the week.

INFORMATION FOR PERSONS WISHING TO TESTIFY AT COUNCIL MEETINGS

Those wishing to testify at Council meetings on a specific agenda item must fill out and deposit a registration card in the box at the registration table **before** public comment begins on that agenda item. Additional cards are generally not accepted **after** public comment has begun. A general comment period is scheduled toward the end of each meeting for comment on matters not on the current agenda.

Submission of Written Testimony at Council Meeting. Some agenda items have a formal, published deadline for written comments. For those items, written comments submitted after the published deadline or at the Council meeting, other than simple transcripts of oral testimony, will be stamped "LATE COMMENT." They will not be summarized or analyzed in preparation for the Council meeting, nor will they be placed in the Council member notebooks. All "LATE COMMENTS" will be placed in a special notebook, marked as such, and made available to the Council members only upon their request.

DRAFT AGENDA

**93rd Plenary Session
North Pacific Fishery Management Council
September 25-29, 1990
Sheraton Hotel
Anchorage, Alaska**

A. CALL TO ORDER, APPROVAL OF AGENDA, AND MINUTES OF PREVIOUS MEETING

- A-1 Oath of Office for New Council Members
- A-2 Election of Officers

B. REPORTS

- B-1 Executive Director's Report
- B-2 Domestic Fisheries Report by ADFG
- B-3 NMFS Management Report
- B-4 Enforcement and Surveillance Report

C. NEW OR CONTINUING BUSINESS

- C-1 Domestic Observer Program
 - (a) Final review of program changes for 1991.
 - (b) Review potential for conflicts of interest.
- C-2 Inshore-Offshore
 - (a) Status report and receive recommendations of Fishery Planning Committee.
 - (b) Determine whether to limit analysis to pollock and eliminate Pacific cod.
- C-3 Moratorium
 - (a) Fishery Planning Committee report and results of scoping meetings.
 - (b) Further direction on content and analysis of proposed moratorium.
- C-4 Future Management Planning

Further consideration of limited access and community development quota schedules.
- C-5 Halibut Management
 - (a) Review 1990 halibut fishery and receive stock status report.
 - (b) Review allocative proposals from industry and recommendations from the Halibut team and Regulatory Amendment Advisory Group.
- C-6 Marine Mammals

Initial review of guidelines on incidental taking of marine mammals in commercial fishing operations, Section 7 consultations, and Steller sea lions.
- C-7 Legislative Update
- C-8 International Fisheries

C-9 Other Business

D. FISHERY MANAGEMENT PLANS

D-1 Salmon Plan

Final consideration of overfishing definition.

D-2 Crab Plan

- (a) Final consideration of overfishing definition.
- (b) 1990 Bering Sea/Aleutians Crab survey results.
- (c) Review of crab observer program and consideration of industry request for federal observer program.

D-3 Gulf of Alaska Groundfish Plan

- (a) Review initial Stock Assessment and Fishery Evaluation Report (SAFE) and release to public review.
- (b) Approve initial total allowable catches (TACs) and apportionments for 1991 for public review.
- (c) Approve initial halibut PSC allowances by gear, fisheries, areas and seasons for public review.
- (d) Review status of regulatory amendments to adjust sablefish seasons, apportion longline halibut PSC to sablefish, Pacific cod, and other species fisheries, and require pots to be fished on single lines.
- (e) Consider extension of emergency action which exempts pot gear and certain hook and line gear from the halibut bycatch closure and revises the definition of pelagic trawl.
- (f) Select groundfish proposals for analysis and consideration in the 1990-91 amendment cycle.

D-4 Bering Sea and Aleutians Groundfish Plan

- (a) Final approval of Amendment 16a.
- (b) Review initial Stock Assessment and Fishery Evaluation Report (SAFE) and release to public review.
- (c) Approve initial TACs and apportionments for 1991 for public review. (Pollock may be apportioned by season if Amendment 14 is approved by the Secretary of Commerce. Pollock may be apportioned to midwater trawl gear if that measure in Amendment 16a is approved by the Council and then by the Secretary of Commerce).
- (d) Set initial halibut and crab PSC apportionments for trawls by fishery and season. (PSCs may be set for herring if that measure is approved in Amendment 16a.)
- (e) Initial consideration of regulatory amendment to require that pots be fished on single lines.
- (f) Select groundfish proposals for analysis and consideration in the 1990-91 amendment cycle.
- (g) Consider policy on U.S. fisheries outside Exclusive Economic Zone in Donut Hole.

E. FINANCIAL REPORT

F. PUBLIC COMMENTS

G. CHAIRMAN'S REMARKS AND ADJOURNMENT

**Proposed Schedule
Advisory Panel
September 1990
Anchorage Sheraton Hotel**

Sunday, September 23

10:30 AM AP Operations Policy
D-3 GOA Groundfish

12:00 Noon Lunch

1:00 PM Reconvene

D-3 GOA Groundfish,
continued

5:00 PM Recess

Monday, September 24

8:00 AM D-4 BSAI Groundfish

12:00 Noon Lunch

1:00 PM Reconvene

D-4 BSAI Groundfish,
continued

5:00 PM Recess

Tuesday, September 25

8:00 AM D-1 Salmon Overfishing
Definition
D-2(a) Crab Overfishing
Definition
C-1 Observer Program

12:00 Noon Lunch

1:00 PM C-2 Inshore-Offshore
C-3 Moratorium

5:00 PM Recess

Wednesday, September 26

8:00 AM C-4 Future Management
Planning
D-3/D-4(f) Groundfish
Proposals

12:00 Noon Lunch

1:00 PM Reconvene
D-3/D-4(f) continued
C-5 Halibut Management
D-4(g) Donut Policy

ATTENTION: 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. Therefore, new rules on testimony 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 agenda topic listed above. 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.

**Proposed Schedule
Scientific and Statistical Committee
September 1990
Anchorage Sheraton Hotel**

Sunday, September 23

10:30 AM D-4 BSAI Groundfish
12:00 Noon Lunch
1:00 PM Reconvene
 D-4 BSAI Groundfish, continued

5:00 PM Recess

Monday, September 24

8:00 AM D-3 GOA Groundfish
12:00 Noon Lunch
1:00 PM Reconvene
 D-3 GOA Groundfish, continued
 D-1 Salmon Overfishing Definition
 D-2(a) Crab Overfishing Definition

5:00 PM Executive Session to discuss personnel matters and SSC operations.

Tuesday, September 25

8:00 AM C-2 Inshore-Offshore
 C-5 Halibut Management
 C-6 Marine Mammals

12:00 Noon Lunch

1:00 PM D-2(b) Crab Survey Results
 D-2(c) Review of crab observer program
 C-1 Observer Program

NORTH PACIFIC FISH. MANAGEMENT COUNCIL
Anchorage Sheraton Hotel
Anchorage, Alaska
September 25-29, 1990

Sept 2, 1990

	TUESDAY 9/25	WEDNESDAY 9/26	THURSDAY 9/27	FRIDAY 9/28	SATURDAY 9/29
AM					
8:00	A Call to Order A-1 Oath of Office A-2 Election of Officers B-1 ED Report B-2 ADFG Report B-3 NMFS Report B-4 Enforcement Rpt	8:00 D-4(a-e) cont'd 10:00 C-1 Observer Prgm	8:00 C-2 Inshore/Offshore 10:00 C-3 Moratorium	8:00 D-3/4(f) Groundfish Proposals D-4(g) Donut Policy D-4(a) Amendment 16a Final Decision	8:00 Continue as necessary
9:00	D-3 GOA Groundfish (a) SAFE Report (b) TACs (c) PSCs (d) Regulatory Amendments (e) Emer. Rule Extension				
PM					
12:00	Lunch	12:00 Lunch	12:00 Executive Session	12:00 Lunch	12:00 Lunch
1:00	Reconvene D-3 cont'd D-4 BSAI Grfish (a) Amendment 16a Prelim Decision (b) SAFE Report (c) TACs (d) PSCs (e) Regulatory Amendment	1:00 Reconvene C-1 cont'd D-1 Salmon FMP D-2 Crab FMP 6:30 Women's Fisheries Network	1:30 Reconvene C-4 Future Mgmt Planning C-5 Halibut Mgmt 7:00 INPFC U.S. Section	1:00 Reconvene C-6 Marine Mammals C-7 Legislative Update C-8 Int'l Fisheries C-9 Other Business	1:00 Continue as necessary

NOTE: The above agenda items may not be taken in the order in which they appear and are subject to change as necessary; other items may be added. All meetings are open to the public, with the exception of Council Executive Sessions.

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Certified By: _____

Date: _____

ADVISORY PANEL MINUTES

June 25-27, 1990
Anchorage, Alaska

The Advisory Panel for the North Pacific Fishery Management Council met on June 25-27, 1990 at the Anchorage Hilton. Members in attendance were:

George Anderson	Dave Fraser	Harold Sparck
Al Burch	Ed Fuglvog	Dave Woodruff
Phil Chitwood	Vic Horgan, Jr.	John Woodruff, Vice Chairman
Paul Clampitt	Pete Maloney	Robert Wurm
Lamar Cotten	Jay Skordahl	

Members absent were: Pete Isleib, Kevin Kaldestad, David Little, Nancy Munro, Dan O'Hara, and Lyle Yeck.

Advisory Panel Operations

Members of the Council's Performance Review Committee met with the Advisory Panel to discuss changes that the Council is making to its operating procedures to improve overall efficiency and timeliness of Council meetings. Several guidelines were recommended for the AP and these were discussed and endorsed by the panel (see attachment). Council staff was asked to prepare a discussion paper which outlines these guidelines in detail and prepare an operations manual for AP review at its next meeting.

C-2 Observer Program

The AP heard a detailed NMFS report on the observer program. After some discussion, the AP voted 10 to 3 to recommend to the Council that vessels 56' and over be required to comply with the 30% observer coverage requirement.

Those voting in favor of this motion cited the sablefish fishery where a significant portion of the catch is taken by vessels in the 56' to 60' size class. They also thought these vessels should suffer the same economic pains the 60'+ vessels have to in terms of paying for the observers.

Those voting against the motion thought that the vessel minimum size requirement was fine.

There was some sentiment among AP members that a crab observer program should be brought to the Council's attention. However, there wasn't consensus on this and no motion was passed.

C-4 Sablefish Fixed-Gear Management

The AP heard a staff review of the sablefish amendment package and public testimony.

The AP examined both management alternatives: status quo (or continued open access) and the IFQ system as described in the documents. No consensus could be reached on either alternative. Motions to approve both alternatives failed. Some members support the IFQ system in concept but believe that certain caveats should be included, although there is not universal agreement on each of these caveats. Other members support continued open access management with the Council pursuing traditional management tools to address the fishery problems.

Those supporting the IFQ concept voiced several major issues which they felt should be resolved prior to an IFQ system being adopted. Some members may have adopted the IFQ system with one or more of the following issues addressed:

- Owners of IFQs should be required to be on the vessel.
- Owners receiving IFQs must have fished during 1985-1989.
- IFQs should not be leasable.
- Individuals cannot hold more than 1% of the area IFQs.
- These vessel size classes should be considered: 0-50', 51-75', 76'+ (in order to preserve the current structure of the fishery, especially with regard to the 51-75' size class).
- IFQs should only be allocated to those whose name is on the fish ticket.
- Those vessels that historically landed their sablefish to inshore processors, should be required to continue to deliver to inshore processors. Those fish processed offshore must continue to be processed offshore. This issue addresses the concern for coastal communities.
- IFQs should have no monetary value.
- Transferability of IFQs should be limited to family members who actually fish the vessels, or to crewmen who have participated in the fishery.

Those opposed to the IFQ system stated that there are too many deficiencies with the system as described in the analysis. Also, a sablefish IFQ system should not be implemented until a holistic, or comprehensive management plan is developed for all fisheries under the Council's jurisdiction. A moratorium is viewed by some members as a necessary first step toward implementing a comprehensive sablefish fishery management plan.

C-5 Future Management Planning

The AP heard a staff report on the Moratorium Notice. After discussion the AP voted unanimously to recommend to the Council that they proceed with the moratorium in its present form with two changes [to the Draft Notice, agenda item C-5(a)(2)]:

1. Page 4, paragraph 3, item (A), amend the minimum vessel length to 43'.
2. Page 4, paragraph 4, item (B), the second sentence should read, ". . . capacity or length or width by no more than 20% during the length of the moratorium."

The AP continues its support for a moratorium and would like to see the "pipeline" closed as soon as practically possible. There was considerable discussion about how this could be done with no results.

D-1 Salmon FMP

The AP after discussion, voted unanimously to recommend the Council approve the amendment cycle schedule outlined for the salmon plan [found in agenda item D-1(a)].

D-3 Groundfish FMPs

D-3(a) Amendment 16/21 to the GOA and BSAI Groundfish FMPs

The AP heard staff presentations and public testimony on the amendment proposals to the BSAI and GOA groundfish FMPs. The AP then discussed the current amendments and made the following recommendations:

Chapter 2: Revise Crab and Halibut Bycatch Management Measures for the BSAI

By a 8-5 vote, the AP recommends the Council adopt Alternative 3 with these specifics:

- (a) A penalty box procedure be established similar to that described by our AP-Industry workgroup (see attachment).
- (b) The caps in Amendment 12a will sunset after 1991 and shall be reviewed and adjusted based on changes in biomass populations of PSC and target groundfish species.

Those in favor of this motion think this continues to protect valuable PSC stocks and amends the system so it will work effectively. They also support the idea of an industry driven penalty box system. The majority of the AP consider the penalty box provision and the bycatch caps as being inseparable and one should not be approved without the other (i.e., the AP doesn't want 1991 to begin with a penalty box system in place without a PSC limit in effect).

Those opposed to the motion were concerned that the amendment only addresses a single gear group's bycatch, that the PSC caps should be adjusted in 1991, and that there are too many spiders in the woodwork (that is, they can't figure out exactly how this will work).

Chapter 3: Overfishing Definition for the GOA & BSAI

By a 9-3 vote, the AP recommends the Council adopt Alternative 4 as written.

Those in favor of this motion think that Alternative 4 is the most conservative definition of overfishing without a threshold. There was concern in adopting a definition with a threshold, since for many target species, well defined thresholds don't exist and even biomass estimates aren't confidence inducing. Further, because of other protections in place (Endangered Species Act, Council/NMFS oversight, etc.), the stock wouldn't need to be regulated by a threshold.

Those voting against this motion favor a more conservative approach with a threshold. The idea of a threshold gives them positive assurance that the stock will be protected.

Chapter 4: Establish Procedures for Interim TAC Specifications for the GOA & BSAI

By a 7-6 vote, the AP recommends the Council adopt Alternative 3.

The AP recognizes the need to have TAC's in effect at the beginning of the year. Alternatives 2 and 3 would allow fisheries to begin until final TAC specifications are in place. Alternative 3 differs from Alternative 2 by limiting the interim TAC at the beginning of the year to 25% of the total TAC. This measure offers protection against a situation where a significant portion of the TAC could be taken early in the year. The AP generally supports the concept of the TAC being spread out over the year. AP members opposed to Alternative 3 were in favor of Alternative 2. These members were concerned that with the pressure being taken off NMFS to have the final TAC specification notice in place, final specifications may not get published until later in the year and that some fisheries could be closed if only 25% of the TAC were available.

Chapter 5: Modify Authorization Language for Demersal Shelf Rockfish Management for the GOA

By a vote of 7-5, the AP recommends the Council adopt Alternative 2.

Those in favor see the State doing an effective job of managing this resource and believe they are capable of reacting more quickly to the needs of the fishery. They felt comfortable with the provisions for Federal/Council oversight in the State's decision making process.

Those opposed to the motion were concerned about potential impacts on the offshore fleet, created by the deferral of management authority to the State. Other concerns included the fear that access to the State regulation process isn't as balanced as the Federal process, that this action sets a bad precedent, and that there could be a limited entry scheme lurking down the road.

There was some discussion that the State-Industry workgroup currently in existence might include some of the offshore components and that ADF&G regulatory notices relative to the fishery would go to all parties concerned.

Chapter 6: Change Fishing Gear Restrictions for the GOA & BSAI

By a unanimous vote, the AP recommends the Council adopt Alternative 2 (including the three measures specified) with the following language to be added to the proposed pelagic trawl definition (measure C):

Pelagic trawl means a trawl which has stretch mesh size openings of at least 1 meter, or parallel lines with spaces of at least 1 meter, starting at the fishing line and extending aft for a distance of at least 10 meshes and going around the entire circumference of the trawl, and which is tied to the fishing line with no less than 0.3 meter (12 inches) between knots around the circumference of the net, and which does not have plastic disc, bobbins, rollers, or other chafe-protection gear attached to the foot rope or a trawl of any other configuration that has an observed bycatch rate no greater than the observed bycatch rate of a pelagic trawl as defined above.

Chapter 7: Expand Halibut Bycatch Management Measures for the GOA

By a unanimous vote, the AP recommends the Council adopt Alternative 2 with these explicit additions:

- (a) Pot gear should have a separate PSC cap.
- (b) A PSC penalty box system should be established in the short term with the ultimate goal to get a better (more positive) bycatch incentive system in place.
- (c) Seasonal apportionments of the PSC limit.

The AP clearly recognizes the problems associated with fixed caps and sees the expanded framework as the most desirable system for PSC management.

D-3(b) Regulatory Amendments to Delay the Yellowfin sole/Other flatfish Fishery

The AP considered a regulatory amendment for the 1991 yellowfin sole/other flatfish fishery. After a staff presentation, some discussion and a brief industry meeting, the AP voted 12 to 1 to recommend to the Council that there be an April 1 opening of the yellowfin sole/other flatfish fishery in 1991 and that it be accomplished by seasonal apportionment of PSC caps rather than with a regulatory amendment.

There was a lot of discussion about data capable of supporting a change to a specific time and what effects this change would have on how the fleet would act relative to other fishing opportunities. There was no strong support for any single date, but a consensus was reached by the AP for an April 1 opening. There were concerns expressed by some AP members that herring bycatch (particularly in Area 514) could be a problem with an April 1 opening and that in Area 514, the opening should be delayed until the third quarter. However, there was no consensus and no motion was passed.

D-3(c) Extension of Bycatch Measures in the BSAI (Amendment 16a)

The AP reviewed the draft Amendment 16a package which proposes expansion of bycatch management measures in the Bering Sea/Aleutian Islands area. The AP unanimously approved a recommendation to send this amendment out for public review. The AP also unanimously supports adding to both Alternatives 2 and 3 the option of individual bycatch accounts described below:

Proposal for Individual Bycatch Account (IBA) Alternative

- A. **Initial distribution:** to all vessels equally with a history of participation in the prior year above a threshold (between 500-100 tons) in the GOA. Distribution done annually on a one-year basis.
- B. **Reserve:** set aside a percentage of the cap (15%?) as an open access pool for vessels without a threshold level history of participation. This sub cap would be administered on a status quo "olympic" basis.
- C. **Transferability:** fully transferable (but note the one-year duration).

- D. Observer coverage/monitoring: based on current coverage requirements.
- Above 125' -- base on observed rates.
 - Less than 60' -- multiply catch by high end of an assumed rate range, or use observed rate if voluntary coverage is used.
 - 60' to 125'
 - Option A: extrapolate observed rate to 100% of catch.
 - Option B: use observed rate for observed catch and high end of assumed rate range for unobserved catch.

D-3(d) Emergency Action Requests

1. Bering Sea Herring

The AP heard an ADF&G report on the status of Bering Sea herring stocks as well as a Bering Sea subsistence fishery report. After considerable discussion, the AP voted 10 to 3 to recommend to the Council that it request the Regional Director of NMFS to limit bycatch of herring to no more than 1,000 mt from the winter savings area (see attached Figure 3-2, Chart B, referenced on page 3-26 of the Amendment 16a RIR) in 1990 where Nelson and Nunivak Island herring stocks are known to exist. Further, the AP expresses concern that the Nelson and Nunivak Island stocks are below threshold and we see the need for research, especially related the status and identification of stocks in the winter savings area.

As clarification, the AP anticipates the winter savings area would only be closed when the 1,000 mt bycatch cap is reached.

Those voting in favor of this motion are concerned about these important commercial and subsistence herring stocks. They also see the need for research to identify the origin of the herring bycatch as well as the origin of the herring in the winter savings area. It was felt that something needs to be done to prevent large herring bycatches especially given that some stock components are below threshold.

Those voting against the motion think 1,000 mt is too low, especially since the total Bering Sea herring stocks seems to have rebounded.

2. Exemption of Pot and Other Gear Types from GOA Halibut PSC Limit

The AP recommends that the Council take emergency action to exempt pot gear (equipped with halibut exclusion devices) and gear other than hook and longline from the 1990 halibut PSC limit. Preliminary domestic observer data indicate that pot gear used in the Pacific cod fishery experiences very low halibut bycatch if equipped with halibut exclusion devices. The AP heard considerable testimony that the halibut bycatch rate for the Pacific cod pot fishery was extremely low and that what bycatch there was had very low mortality rates. Public testimony also suggested that jigging machines and rod and reel effort on rockfish also experience low halibut bycatch. The AP isn't convinced that there is a good data set to prove these low rates but is satisfied that no appreciable damage to the halibut stocks will occur for the balance of 1990.

The AP unanimously voted to exempt these gear types for the remainder of 1990 as long as there was some observer coverage of the pot and jigging operations so a bycatch data base can be established.

3. Exemption of Southeast Demersal Shelf Rockfish Fishery

The AP reviewed the request from ADF&G Commissioner Collinsworth requesting emergency action to exempt the Southeast Demersal Shelf rockfish fishery from the 1990 GOA halibut PSC limit. It was noted that bycatch requirements for this fishery were not included in the development of the 750 mt fixed-gear cap. ADF&G staff and public testimony reported that halibut bycatch in this fishery is extremely low. The AP discussed the economic and social importance of this winter time fishery to coastal communities.

The AP unanimously recommends approval of this request so that the rule can be implemented by the October 1 opening of the fishery.

The Council has just concluded a review of its operating procedures, and those of the Advisory Panel, the SSC, and staff, and are in the process of developing new guidelines for an improved, and more time efficient management process.

With reference to the AP, we reviewed the recommendations of the Performance Review Committee and have developed the following guidelines:

- . The AP needs to adopt a strict time-management approach to its work. The Council will determine the AP's agenda, which will focus on those issues which are scheduled for final Council action. Deadlines for AP recommendations will be set.
- . The Council is more interested in major points of view on the AP than a vote. Strict time-management of the AP's agenda may not provide sufficient time for the AP to come to a vote on a issue. That's acceptable to the Council. If a vote can be taken, fine. If not, a report to the Council that presents the major points of the AP's discussion will be extremely valuable. When votes are taken, a roll call vote would give the Council insight as to how various industry representatives view an issue.
- . If votes are taken, the Council wants a balanced presentation on both the majority and minority views. The number of members voting for or against a motion isn't as important as a presentation of the reasoning behind the vote.
- . The AP should consider using sub-groups to study and develop recommendations prior to the AP meeting. These sub-groups could save time and help lead the discussion of the full AP.
- . If possible, the Council would like to receive the AP's written report on a particular agenda item before that topic comes before the Council.

Advisory Panel-Industry
Workgroup Report on Agenda D-3(a)
Chapter 2.0 of Amendment 16/21
June 26, 1990

1. The penalty box program would not sunset until replaced by an improved program.
2. A vessel's one-month moving average would be compared to the fleet's one-month moving average for the same period in a target fishery (as defined on page 2-11 of the EA/RIR). Check points would occur weekly. (During the first month, the initial average of the fleet and the individual vessel would be calculated based on its first week's bycatch performance. Each subsequent weeks bycatch performance would be added and averaged until a four-week rolling average is achieved).
3. "Excessive" bycatch rate is defined as a multiple of the fleet average, frameworked between two to four times the average or expressed in terms of standard deviations from the mean. (The group wished to see actual impacts of particular multiples on actual fishery data.)
4. Duration of penalty would begin as three days for the first offense and increase to one week for the second offense and two weeks for successive offenses within a moving 12-month period. Additionally it was suggested that if an "excessive" rate were two times the fleet average (to be defined under item #3 above) and a vessel's rate exceeded that average, the vessel's penalty would be increased proportionally. For example, if the fleet average was "x" and a vessel's average was "2x" then it would receive a 3-day penalty for the first offense. If the vessel's average was "4x" the penalty would be doubled to 6-days for the first offense.

Determination of multiple offenses would be monitored by PSC species category (e.g. if the first bycatch offense were for halibut, the next halibut offense would be treated as a second offense but a subsequent bairdi offense would be treated as a first offense in a separate category).
5. Penalty would be a total prohibition on all fishing under Council jurisdiction for duration of penalty period.
6. The program would apply to all vessels with observed catch in a covered fishery on the basis of their sampled (observed) catch only. A minimum amount of sampled catch or number of days fished before a vessel would be subject to testing was discussed but there was no consensus on specific numbers.
7. No vessel should be penalized if their rate was below a rate based on 1986-89 joint venture observer data as long as that rate is a relatively conservative rate (as these joint venture rates are generally acknowledged to be relative to DAP 1990 experience). This offers a vessel entering a fishery with a small number of participants a "safety net" target.

8. The group also supported application of the program to the Gulf of Alaska for halibut for the following list of target fisheries:

- Shallow water flatfish
- Deep water flatfish
- Arrowtooth flounder
- Pacific cod
- Pollock (bottom trawl)
- Other rockfish (thornyheads et al.)
- Other Species (including shelf rockfish, Atka mackerel, etc.)

A set of target fishery identification rules, as on page 2-11 of the EA/RIR, need to be developed with NMFS staff.

Foreign Fishery

(... - 4/17)

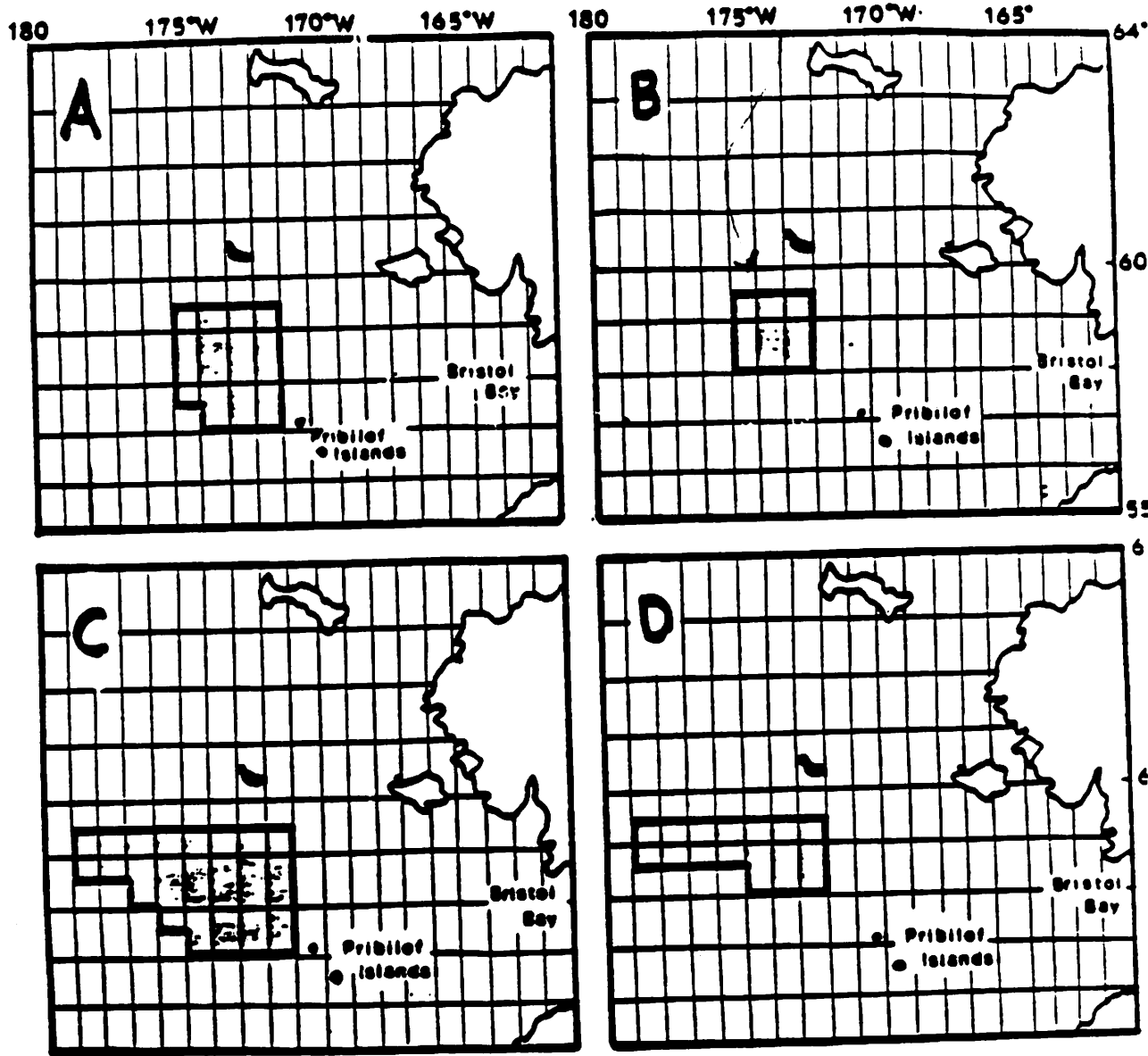


Figure 3-2 Options considered for the Herring Savings Area. Area C provides the maximum protection to the wintering herring populations. (From 1983 Draft Herring FMP)

North Pacific Fishery Management Council

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Certified: Paul P. [Signature]
Date: 7/20/90

MINUTES Scientific and Statistical Committee June 25-27, 1990 Anchorage, AK

The Scientific and Statistical Committee of the North Pacific Fishery Management Council met June 25-27, 1990 at the Hilton Hotel in Anchorage, Alaska. Members present were:

Richard Marasco, Chairman	Dan Huppert
Doug Eggers, Vice Chairman	Bill Aron
Jack Tagart	Don Rosenberg
Larry Hreha	John Burns
Gordon Kruse	

C-3 Pollock Roe-Stripping/Season Apportionment Amendment

The SSC heard a report from Council Staff summarizing the alternatives under consideration. The SSC was provided with a summary statement for the RIR and comments prepared in response questions raised by the Council and the public. The SSC received this material during the meeting and did not have time for its review. Therefore, no additional comments are offered on this issue.

C-4 Limited Entry for the Sablefish Fixed-gear Fishery

The SSC reviewed the completed draft of the fishery plan amendment for the sablefish limited entry system. We have addressed this issue in the past, and have only supplementary comments to make on substance of the Quota Share/IFQ system. The 1990 longline fishery closure due to halibut bycatch, reveals a possible problem with bycatch in IFQ fisheries. In 1990 approximately 90 percent of the longline halibut bycatch was taken in the sablefish fisheries. Under the IFQ system the longline fishery may reduce its halibut bycatch, and the potential for fishery closure caused by attaining the bycatch limit. A continuation of the race to take the halibut bycatch cap, however, could prevent some fishermen from taking their IFQs. It should be clearly explained that IFQs permit landing of the stated annual amounts only so long as the sablefish fishery remains open under the full set of groundfish regulations. Moreover, this discussion of halibut bycatch in a sablefish IFQ fishery highlights the problems associated with single species limited access in a multi-species fishery. We recommend that the Council move forward on its long-term development of limited access for halibut and other groundfish species.

D-1 Salmon Plan: Definition of Overfishing

The SSC reviewed draft EA/RIR for the definition of overfishing for the salmon fisheries off Alaska. The SSC wishes to point out that this document has not been reviewed and adopted by the team.

The SSC recommends that Alternatives 2-4 be dropped since they are unworkable. The specific rationale for eliminating these alternatives should be discussed briefly in the revised document. It is recommended that Alternative 5 remain.

The SSC recommends that the Plan Team add an alternative that describes the current salmon conservation policies that the State of Alaska and the Pacific Salmon Commission use to manage the salmon fisheries of Alaska. The SSC believes these policies are adequate to ensure the management of Alaska's salmon fisheries for sustained yield and to provide for the rebuilding of depressed stocks. Since these policies are more conservative than those required by the 602 guidelines, they should serve as the basis of the overfishing definition. Since all of Alaska's salmon fisheries, except for the salmon bycatch in the EEZ trawl fisheries, are managed by the State of Alaska or the Pacific Salmon Commission, the most consistent and efficient course of action for Council would be reflected in the suggested alternative.

The SSC has appointed a review subcommittee (Doug Eggers, Jack Tagart and Don Rosenberg) to examine revisions to the draft definition. The revised draft is expected to be delivered to the review subcommittee by the end of July. Provided the revisions are satisfactory, the SSC recommends the draft amendment EA/RIR be submitted for public review.

D-2 Crab Plan: Definition of overfishing

The SSC reviewed the definition of overfishing in the draft EA/RIR for amendment 1 to the FMP for commercial king and Tanner crab fisheries in the BS/AI. While the SSC applauds the efforts of the plan team, we recommend additional analyses and some editing for clarification prior to submission for public review. Specifically, the definition of overfishing must address fishing mortality imposed by non-directed fisheries. This mortality is not currently considered in the draft amendment. Second, the plan team acknowledged comments received from NOAA representatives in Washington D.C. and the SSC recommends that these comments be addressed, including deletion of the concept of overfishing defined as "illegal fishing." The plan team needs to clarify its definition of overfishing using a constant fishing mortality rate. Abundance estimates are unavailable for some stocks, yet the plan team suggested using $F_{\text{overfishing}}=M$, instantaneous rate of natural mortality, for these stocks. Without some estimate of abundance the plan team cannot measure annual fishing mortality, and it is not possible to determine when overfishing has occurred. Finally, the plan team grouped stocks into categories according to the amount of biological information available for these stocks, then applied differing criteria to define overfishing for each group. The SSC recommends that the Crab plan team review the mechanism for default definitions of overfishing used in the Groundfish FMP which accommodates variable amounts of available biological information for groundfish stocks. This device may represent a suitable alternative to the strategy of designating groups.

The SSC has appointed a review subcommittee (Gordon Kruse, Bill Clark, Jack Tagart and Terry Quinn) to examine revisions to the draft definition of overfishing. The revised draft is expected to be delivered to the review subcommittee by the end of July. Provided the revisions are satisfactory, the SSC recommends the draft amendment EA/RIR be submitted for public review.

D-3 Groundfish FMPs

D-3(a) Amendments 21/16

Chapter 2 Crab and Halibut Bycatch

The SSC reviewed chapter two of the groundfish amendment package that deals with crab and halibut for the Bering Sea and Aleutian Islands. It was brought to our attention that the halibut regulations were not properly specified in the model. We were told that the model was being corrected.

The SSC supports the concept of providing incentives to reduce bycatch for individual vessels advanced in Alternative 3, because it is consistent with the goal of reducing bycatch while achieving OYs for groundfish. However, the incentives implicit in the "Penalty Box" concept, in situations of low observer coverage, may result in the extension of the directed fishery that should be constrained by PSC limits. The bycatch rates for the observed portion of the fleet is used to estimate the bycatch rates for the unobserved fleet. Under the "penalty box" strong incentives are provided for the observed fleet that do not apply to the unobserved fleet, to reduce its bycatch. If these incentives result in a large reduction of bycatch rates, and these rates are applied to the unobserved fleet, then the actual bycatch of the unobserved fleet may be greatly underestimated. If the observed catch is a high fraction of the total catch, as it is in the Bering Sea, then the error in the total bycatch estimate may be negligible. However, if the observed fraction is low as in the Gulf of Alaska, then the error in estimated total bycatch could be large with the possibility that actual bycatch could exceed the PSC limit.

Chapter 3 Overfishing Definition

With respect to the EA/RIR for amendments 21 and 16, the SSC recommends the third alternative definition of overfishing for the Gulf of Alaska and Bering Sea groundfish management plans, based on a constant fishing mortality rate (F_{msy} or a suitable surrogate) with no threshold. The SSC's recommendation differs from the majority of plan team members who supported Alternatives 6 and seven each of which include a specified threshold. The SSC notes that a constant fishing mortality rate minimizes variability in annual yield and notes further that when this definition has been consistently applied "it is difficult to find evidence of a stock that has collapsed." A constant fishing mortality rate represents "an objective measurable definition of overfishing." Estimates of the preferred constant mortality rate are obtainable even when overall information on a stock is minimal. The fishing mortality rate imposed on a stock is controllable by the Council, i.e., the Council constrains the annual fishing mortality rate through imposition of TACs and assures that harvest does not exceed TAC. Further, bycatch is accountable through the observer program, and a total fishing mortality rate from all sources can be estimated. By contrast, pristine biomass, an essential component of the definition of threshold, can not be estimated for all groundfish stocks, i.e., a definition using threshold may not be measurable. Second, stock biomass may decline independent of the effects of fishing, which implies that the decline may not be preventable by the Council. Finally, if overfishing is defined using a threshold, all fishing, directed and by-catch must stop, whenever stock biomass is less than the threshold. Unless the Council can show that the net benefit to the nation is impaired by this constraint, a single depressed stock may result in closure of all fisheries including those with any bycatch of that stock. Therefore, overfishing defined by a constant fishing mortality rate conserves the stock, minimizes yield variability, is objective and measurable, and provides greater management flexibility.

Our preference for a constant fishing mortality rate definition of overfishing should not be interpreted as discontinuing use of thresholds. The SSC believes that thresholds should continue to be integrated into the fishery management process in the determination of ABCs. BS/AI and Gulf of Alaska groundfish fishery management plans currently include a threshold definition and further define ABC as a seasonally determined range of catches that may be set between zero and the current biomass less the threshold value. The SSC wants to preserve this relationship between threshold and ABC, and requests the plan teams to estimate thresholds for stocks with estimates of pristine biomass (Table 3.3 on page 3-32) using methods outlined in Alternative 2 (page 3-17) of the EA/RIR for groundfish. The potential benefits of retaining thresholds in the ABC determinations are that they: (1) attempt to ensure that a population does not decline below a level that jeopardizes its ability to produce maximum sustainable yield over a reasonable time frame, (2) promote rebuilding of a stock driven to low levels of abundance, (3) attempt to maintain biomass levels that provide stability of species in food webs, including a forage base for higher trophic levels such as marine mammals, and (4) can be useful in achieving alternative management objectives such as assuring a high rate of CPUE.

Chapter 4 Establish Procedure for Interim TAC Specifications In GOA and BS/AI.

Without annual specifications filed with the Office of the Federal Register, authority does not exist to allow enforcement of regulation. This amendment provides for the adoption of interim TAC's which are proposed at the September Council meeting so that management authority is in place on January 1, which is the beginning of the fishing year. The final TAC's, determined at the December Council meeting would then replace the interim TAC's as soon as possible after the December meeting. In past years the regulations have not taken effect on January 1, and have been delayed to as late as March 21.

There are two alternatives to the status quo (Alternative 1). Alternative 2 implements 100% of the interim TAC and Alternative 3 implements 25% of the interim TAC and is more conservative in that it would avoid establishing an interim specification for a particular species that might be much larger than that which the Secretary might eventually implement as the final TAC. This would be particularly important to a fishery that is very intense in the January time period.

The SSC recommends adoption of Alternative 3.

Chapter 5 Modify the Authorization Language for Demersal Shelf Rockfish Management in the Gulf of Alaska.

The current authorization is limited to allowing the State to establish small areas and quotas as long as they are consistent with specific provisions of the FMP. This amendment would allow the State broader management authority under the plan.

The SSC reviewed the proposed Alternatives. Alternative 1, the status quo, would continue to limit the authority of State management to establishment of smaller areas and quotas. The Council would retain the setting of the TAC for the resource and any change in the management measures would require a plan amendment. Under Alternative 2, the Council would continue to set the TAC. Other management regulations would be set by the Board of Fisheries with NOAA and Council review prior to adoption. This would make the regulation between State and Federal waters consistent. The State would have authority to set measures deemed appropriate to conserve and manage the demersal shelf rockfish complex. Definition of management areas, specification of area quotas and trip limits provide examples of measures that could be used.

The SSC does not have a preferred Alternative.

Chapter 6 Change Fishing Gear Restrictions in the Gulf of Alaska and Bering Sea/Aleutian Islands.

There is only one alternative other than status quo. Alternative 2 adopts gear restrictions and allows future changes to be made by regulation rather than plan amendment. There are three options under Alternative 2; Option A, requires biodegradable panels in groundfish pots; Option B, requires halibut exclusion devices in groundfish pots; and Option C is a new definition of Pelagic Trawls.

The SSC recommends adoption of Alternative 2 in it's entirety.

Chapter 7 Expand Halibut Bycatch Management Measures For The Gulf Of Alaska.

The SSC reviewed the halibut bycatch management measures proposed for the Gulf of Alaska. While there are some problems of clarity in the description of the proposed measures, particularly for Alternative 3 which lacks analytical details, the status quo (Alternative 1) does not represent a satisfactory method for controlling bycatch. The SSC suggests that the Council move forward to implement Alternative 2 and further develop Alternative 3 for consideration at a future meeting. If the "penalty box" described in Chapter 2 for the Bering Sea is implemented in the Gulf of Alaska, the problem of bias in bycatch estimation could be serious because of larger proportion of unobserved vessels operating in the GOA.

D-3 (c) and (d) Crab/Halibut and Herring Bycatch Management

The SSC is concerned about bycatch rates and spatial distribution of DAP fisheries used to analyze alternative halibut/crab and herring bycatch management measures. In addition, bycatches of halibut and crab may be affected by measures to reduce bycatches of herring and vice versa.

The SSC recommends that the analysis of the halibut/crab bycatch management alternatives be folded into the analysis of the herring bycatch management alternatives. In doing this the team should develop the following: (1) an expanded model framework incorporating herring, halibut, red king crab, and *C. bairdi* bycatches and with sufficient spatial and temporal detail to address the alternatives, (2) a consistent set of bycatch rates by fishery and area, and (3) a consistent set of assumptions on the spatial distribution of the fishery. This activity insures that a common baseline is available to evaluate costs and benefits of alternative bycatch management measures. The SSC also recommends that an analysis be conducted to determine the sensitivity of model results to alternative assumptions concerning bycatch rate and spatial/temporal distribution of the fishery.

To clarify the analysis, the SSC suggests that the team: (1) add a table that lists specific model parameters used in the alternatives, (2) use more non-technical terms in tables summarizing results of alternatives, and (3) label tables so they can be readily interpreted independent of the text.

The SSC has appointed a review subcommittee (Gordon Kruse, Bill Clark, Richard Marasco, and Dan Huppert) which will examine revisions to the draft EA/RIR. The revised draft is expected to be delivered to the review subcommittee by the end of July. Provided the revisions are satisfactory, the SSC recommends the draft amendment EA/RIR be submitted for public review.