

North Pacific Fishery Management Council

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Certified Richard B. Lauber
Richard B. Lauber, Chairman

Date June 21, 1996

MINUTES

**120th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
December 6-10, 1995
Hilton Hotel
Anchorage, Alaska**

The North Pacific Fishery Management Council met December 6-10, 1995 at the Hilton Hotel in Anchorage, Alaska. The Advisory Panel met December 4-7, and the Scientific and Statistical Committee met December 4-6 at the Hilton. The following members of the Council, staff, SSC and AP attended the meetings.

Council

Richard Lauber, Chairman
Morris Barker for Robt. Turner
CAPT Bill Anderson for RADM Riutta
Linda Behnken
David Fluharty
Dave Hanson
Bob Mace for R. Rosen

Walter Pereyra, Vice Chair
Kevin O'Leary
Steve Pennoyer
Dave Benton for Frank Rue
Robin Samuelsen
Clem Tillion

NPFMC Staff

Clarence Pautzke, Executive Director
Darrell Brannan
Marcus Hartley
Jane DiCosimo
David Witherell

Chris Oliver, Deputy Director
Diane Provost
Helen Allen
Gail Bendixen
Linda Roberts

Support Staff

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Lisa Lindeman, NOAA-GCAK
Ron Berg, NMFS-AKR
Earl Krygier, ADFG
Dan Stewart, NMFS Enforcement
Seth Macinko, ADFG
Sue Salvesson, NMFS-AKR
Ken Griffin, ADFG
Loh-lee Low, NMFS-AFSC
Jeff Fujioka, NMFS-Auke Bay
Jon Heifetz, NMFS-Auke Bay

Sandra Lowe, NMFS-AFSC
Sally Bibb, NMFS-AKR
Kent Lind, NMFS-AKR
Bill Karp, NMFS-AFSC
Joe Terry, NMFS-AFSC
Kaja Brix, NMFS-AKR
Jay Ginter, NMFS-AKR
Galen Tromble, NMFS-AKR
Mike Sigler, NMFS-Auke Bay

Scientific and Statistical Committee

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

Keith Criddle, Co-Chair
Phil Rigby
Jack Tagart
Al Tyler
Hal Weeks

Advisory Panel

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

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

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

Other Attendees

The following people signed the attendance register:

Ray Plummer
Melvin Smith
Helen Jung
Brian Bigler
Joe Plesha
Paul Seaton
Thorn Smith
Bob Mikol
Justine Gundersen
David Wilson
Bill Stokes
Rick Rees
Ed Glotfelty
Jonathan Spool

Tim Henkel
Stanley Weikal
Phillip Lestenkof
Simeon Swetzof, Jr.
Alexander Galanin, Sr.
Shari Gross
Norman Cohen
Debby Swenson
Steve Hughes
Michael Sloan
Walt Tellman
Fred Pike
David Morse
Robert Newman

Charles Morgan
Stephen Street
Steve Toomey
Richard Tremaine
Denise Fredette
John Henderschedt
Thomas Pearson
Michael Lake
Dan Hull
Robert Alan Gigler
Gretar Gudmundsson
Walt Christensen
Bryan Woodward
Vince Curry

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Jack Hill
Cili Lowenberg
Rich Morgan
Karl Potts
Glenn Haight
Tom Suryan
Dana Carros
Joe Kyle
Jerry Nelson
Steve Grabacki
Steve Davis
Mike Atterberry
Craig Cross
Allison Barns

Robert Newman
Vincent M. Tutiakoff, Sr.
Bill Jacobson
John Iani
Chris Blackburn
Sinclair Wilt
Lou Fleming
John C. Juliussew
Jeff Stephan
Eric Cox
Marin Elving
Shawn P. O'Brien
Paul Finzer
Arni Thomson

Art Woinawsky
Dan Jansen
Doug Shelford
Rick Shelford
Kale Garcia
Gary Stewart
Andy McCracken
Janet Smoker
Dan Jansen
Jonathan Marsh
Frank Kelty
Don Braun
Lisa Polito
Jay Bowlden
Joe Sullivan

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

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

Chairman Rick Lauber called the meeting to order at 8:15 a.m. on Wednesday, December 6, 1995. The agenda was approved after a report on State groundfish management was moved to the January agenda. Council members and meeting attendees observed a moment of silence in memory of former Council member Oscar Dyson who died in an automobile accident in November.

Draft minutes from the January, April and June 1995 meetings were available for approval. Council members were advised that the Chairman will approve the minutes if no changes or corrections are received by the end of December.

B. REPORTS

B-1 Executive Director's Report

The Executive Director provided draft agendas for the January Council and Council/Board of Fisheries meetings. He also advised that at the January meeting the Council will review plan team and SSC recommendations for research needs before making further recommendations to NMFS.

B-2 ADF&G Report

BSAI King and Tanner Crab Fisheries

As of September 1, new State regulations require observers on all vessels participating in the Dutch Harbor brown king crab and Adak king crab fisheries. There are no surveys on either of these king crab stocks and the use of observers is needed to manage the fisheries and collect much needed stock information. The Dutch Harbor brown king crab season was closed on October 9 with a preliminary harvest of 1.9 million pounds, valued at over \$5 million. Catches for the past five years have averaged 1.4 million pounds, with an average value of \$4 million.

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The Adak red, brown and Tanner crab season opened on November 1 with a total of 11 vessels registered for the fisheries. Observer reports indicate that very little fishing effort has occurred on the red king crab stocks, and by early December only 14,000 pounds had been landed. The Adak brown king crab fishery currently has a harvest of 245,000 pounds and is expected to continue to the August 15 regulatory closure.

The Bering Sea *C. bairdi* Tanner crab fishery opened on November 1st and was closed on November 16th with a preliminary catch of 4.5 million pounds, the lowest recorded since the fishery reopened in 1988. The State reported that the Bering Sea *C. bairdi* stocks as well as the commercial fishery have declined during the last 5 years. Preliminary indications from the 1995 summer survey and the performance of the 1995/96 commercial fishery show that this entire stock is at historic low levels and it may be necessary to curtail the commercial fishery for several years, beginning with the 1996/97 season.

Salmon Troll Fishery

The winter chinook fishery opened on October 11; the reported chinook harvest through November was 5,100 fish. Catch, effort and catch per landing are down from the same period last year, possibly because of continuing bad weather.

Southeast Alaska Demersal Shelf Rockfish Fishery

The central and northern outside waters reopened to lingcod on October 1. To date, approximately 800,000 pounds (150,000 lbs as bycatch) have been landed by 60 vessels. The Chatham Strait blackcod fishery opened on September 13, with a guideline harvest level of 3 million pounds, dressed weight. There were 122 permit holders; each was eligible for 24,500 pounds dressed weight. The 3 million pounds was harvested during the 30-day period. The demersal shelf rockfish fishery opened in November due to the IFQ fishery, but effort has been low.

B-4 Enforcement Reports

U.S. Coast Guard

International. The Coast Guard reported increased fishing interest in the donut hole. Two Polish trawlers checked into the area in October to conduct trial fishing, but reported that fishing was very poor and left the area. In early September the Coast Guard received reports from U.S. fishing vessels of foreign trawlers fishing close to or over the US/Russian Convention line. Cutter and aircraft patrols were immediately increased. The continued air and cutter patrols has required some shifting of effort from domestic patrols in the BSAI. Fishing activity in the area seems to be continuing later into the year than in the past.

Domestic. Coast Guard patrols in the fall groundfish fisheries concentrated primarily on time and area closures in the GOA pollock, P. cod, and flatfish fisheries and the BSAI pollock, P. cod, yellowfin sole, and end-of-year clean-up fisheries. They have also scheduled multiple cutters to cover the expected heavy effort associated with the January/February groundfish fisheries. The Coast Guard will continue to work with Immigration and the FDA in 1996.

The Coast Guard increased patrol effort in the GOA this year, and worked closely with NMFS Enforcement and the RAM Division to provide a visible presence on the grounds over the expanded season created by the IFQ program. A CG cutter/helicopter team was maintained in the Bering Sea during the recent *bairdi* crab opening to provide search and rescue response; there were no major incidents during the opener. A team will also be underway off the Pribilofs for the upcoming January *opilio* fishery.

NMFS Enforcement

During the reporting period September 20 through November 11, 1995, NMFS initiated 274 investigations and further actions were taken on 179 pending cases. Thirty-four were closed as unfounded, two were closed due to a lack of evidence and two were dismissed for other reasons. One case was suspended and six were referred to other Regions or agencies. Forty-three cases were handled with written warnings and twelve cases were settled with summary settlement penalties totaling \$16,172. Fifty-three cases were settled through voluntary abandonment with forfeited proceeds and property valued at \$11,618. Sixteen cases were referred to NOAA General Counsel, who issued eight Notices of Violation, assessing a total of \$23,600 in penalties. Two District Court cases were settled for a total of \$225,000.

With regard to the IFQ program, NMFS reported that an initial review reveals that 5,103 permits had one or more landings as of November 21, 1995, and that of that total, 1,686 permittees exceeded their quota. The vast majority of these overages was within the "10%" rule identified under the program. Only 9% of the total permittees (436) exceeded their remaining balance by more than 10%.

Fishing vessels BLUE ICE and SILVER ICE, seized in August 1995 for multiple fisheries violations and missing required observer coverage, settled their cases with the United States Attorney's Office for a combined penalty of \$225,000.

C. NEW OR CONTINUING BUSINESS

C-1 Committee Memberships

The Council met in Executive Session on Thursday, December 7, to review nominations to the Advisory Panel, Scientific and Statistical Committee, and the Pacific Northwest Crab Industry Advisory Committee. Chairman Rick Lauber announced the following appointments:

SSC (1-year appointments):

Jim Balsiger (replacing Dr. Bill Aron)
Keith Criddle
Douglas Eggers
Susan Hills
Douglas Larson
Richard Marasco

Marc Miller
Terrance Quinn
Phil Rigby
Jack Tagart
Albert Tyler
Harold Weeks

AP (1-year appointments):

Ragnar Alstrom
Dave Benson
Al Burch
John Bruce
Bruce Cotton
Craig Cross
Dan Falvey
Kris Fanning

David Fraser
Arne Fuglvog
Justine Gundersen
Scott Highleyman
Spike Jones
John Lewis
Stephanie Madsen

Pete Maloney
Hazel Nelson
Dean Paddock
John Roos
John Sevier
Robert Wurm
Lyle Yeck

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PNCIAC (2-year appointments):

Dave Benson
Phil Hanson
Kevin Kaldestad
Garry Loncon
Robert Miller
Gary Painter

Rob Rogers
Arni Thomson
Clyde Sterling
Gary Stewart
Joseph Wabey

The Council also approved the addition of Dr. Joshua Greenberg, of the University of Alaska-Fairbanks, to the BSAI Crab Plan Team.

NOTE ON NEW FORMAT FOR COUNCIL MEETING MINUTES:

Each agenda item requiring Council action will begin with a copy of the original "Action Memo" from the Council meeting notebook. This will provide a "historical" background leading up to the current action. This section will be set in a different type than the actual minutes. Any attachments referred to in the Action Memo (e.g., C-1(a), etc.) will not be attached to the minutes, but will be part of the meeting record and available from the Council office on request. Following the Action Memo will be the reports of the Scientific and Statistical Committee, Advisory Panel, and any other relevant committee or workgroup on the subject. Next will be a section for discussion and motions on the subject. Finally, there will be a brief summary of actions taken, unless there is only one action and it is self-explanatory.

C-2 Sablefish and Halibut IFQs

Action Required

- (a) Final review of Halibut Area 4 Catch sharing Plan.
- (b) Initial Review of Vessel Buy-Down Amendment (Amendment 42 to the BSAI and GOA FMPs)

Background

Halibut Area 4 Catch Sharing Plan

In February 1995, the International Pacific Halibut Commission (IPHC) requested that the Council consider a change in apportioning Area 4 subarea quotas for 1996 and beyond. The IPHC staff had recommended to the Commissioners at their annual meeting in January 1995, a redistribution of halibut quotas in Area 4 subareas according to the proportion of biomass in each area, which was calculated in 1994 based on habitat area estimates. IPHC staff now have decided to consider alternative methods of calculating Area 4 halibut biomass based on catch-per-unit-effort and habitat estimates, but are one to two years away from making final recommendations to the Commission. As a result, in September 1995, the Council initiated an analysis of a catch sharing plan to make subarea allocations for Area 4 in the interim. The catch sharing plan for halibut regulatory Area 4 would framework a formula to apportion subarea allocations, which would be applied to the Area 4 catch limit determined by the IPHC each January. The Council could revise these proportions as necessary through regulatory action.

To have a catch sharing plan in place for the IPHC annual meeting in January 1996, the Council needs to make a final decision in December 1995, and forward its recommendation to the Secretary of Commerce for approval. The IPHC would then use the allocations in setting annual Area 4 halibut suballocations. Alternatives included in the analysis (mailed to you on November 9) are:

Alternative 1: Status quo.

Alternative 2: Create a catch sharing plan for halibut regulatory Area 4 based on the 1995 allocations for subarea apportionments.

Option: Allocate the first 80,000 lb of quota greater than 5,920,000 lb (the total 1995 Area 4 catch limit) to Area 4E. Apportion any Area 4 quota above 6 million lb (5,920,000 +80,000 lb) according to the 1995 allocation percentages.

The Executive Summary of the analysis is included as item C-2(a).

Vessel Buy-Down Amendment

Amendment 42 to the GOA and BSAI FMPs would allow increased flexibility of halibut and sablefish quota share (QS) transfers while maintaining the Council's goals for the IFQ program to limit excessive consolidation, maintain diversity of the fleet, and allow new entrants into the fishery. Small boat fishermen have reported a scarcity of transferable QS with which to increase their holdings due to vessel category restrictions placed on these transfers in the IFQ program and further restrictions on QS holdings under the Modified Block Program.

The proposed management alternative would allow the transfer of larger vessel category QS for use on smaller category vessels by those QS holders who are under the block cap for a particular regulatory area. The flexibility to use larger vessel QS on smaller vessels would increase the pool of available larger blocks to the smaller vessel fleet (C and D for halibut and C for sablefish). Smaller vessel QS holders who are at the block cap would be able to increase their QS holdings by selling their smaller blocked holdings and purchasing larger blocks, which are currently limited in the smaller vessel categories in some areas.

During the 1995 IFQ season, halibut and sablefish IFQ fishermen and their representatives reported to the Council that many fishermen had received QS that equaled far fewer pounds than their recent catch history prior to implementation of the IFQ program. Limitations on QS transfers due to restrictions on area and vessel categories, sweep-up limits, and the block program further limited their ability to accumulate sufficient QS holdings for profitable fishing. Many fishermen indicated they were leaving small blocks of QS unfished that were too small to warrant fishing, in areas that were remote, or where they no longer fished.

For halibut, 33% of all QS issuances were less than 1,000 lb; for sablefish, 36% of all QS issuances were less than 3,000 lb. At the end of the 1995 season, 15% of halibut and 12% of sablefish remained of their respective quotas. Remaining IFQ ranged between 30% for halibut Area 4B and 13% in Area 3A, and 40% for sablefish in the Bering Sea and 7% in West Yakutat.

The alternatives included in the analysis (Item C-2 (b)) are:

Alternative 1: Status quo.

Alternative 2: Allow the transfer of larger vessel category (Class B & C) QS for use on smaller category vessels (Class C & D).

Implementation Team Report

The IFQ Industry Implementation Team met November 1-2, 1995; their full report will be presented at the January Council meeting. They did, however, consider the two action items before the Council. The Team received a report on the catch sharing plan, but did not take formal action. The Team also supported preparation of an analysis to allow the one-way transfer of large vessel category QS for use on smaller category vessels, excluding freezer boats, for initial review at the December Council meeting.

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Report of the Advisory Panel

Area 4 Catch Sharing Plan. The AP recommended the Council adopt Alternative 2 to create a catch sharing plan for halibut regulatory Area 4 based on the 1995 allocations for subarea apportionments. The AP noted that future distributions should respond to appropriate biological information. The AP also recommended that the Council initiate a regulatory amendment to the Catch Sharing Plan to combine the CDQ TAC apportionments in 4C, D, and E, and give the State of Alaska the authority to distribute the CDQ allotments.

Buy-Down Amendments. The AP recommended that the Council withhold the analysis until the January meeting when it can be sent out together with the sweep-up analysis for final action in April. The AP felt it is important to keep both amendments on the same time track.

The SSC did not have a report on this agenda item.

DISCUSSION/MOTIONS

Catch Sharing Plan

Steve Pennoyer moved to adopt a catch sharing plan for Area 4 with subarea apportionments based on 1995 allocations. The motion was seconded by Earl Krygier.

Robin Samuelsen moved to amend to include the provision to allocate the first 80,000 lbs of quota greater than 5,920,000 lbs (total 1995 Area 4 catch limit) to Area 4E, and to apportion any Area 4 quota above 6 million lbs according to the 1995 allocation percentages. The motion was seconded by Earl Krygier, and carried, 9 to 2, with Barker and Mace opposed.

The amended motion carried without objection.

Buydown Amendment

Clem Tillion moved to send the buydown amendment out for public review. The motion died for lack of a second.

Linda Behnken moved to ask staff to clarify the purpose and need sections for the buydown analysis and to bring it back for Council review in January along with the sweep-up analysis. The motion was seconded by Steve Pennoyer, and carried without objection.

Later in the meeting, after staff conferred with Ms. Behnken and revised the amendment analysis, the subject was brought back up.

Clem Tillion moved to reconsider the vote on the buydown amendment. The motion was seconded and carried, 9 to 2, with Barker and Pereyra opposing.

Clem Tillion moved to send the analysis out for public review with final action to be taken in January. The motion was seconded by Dave Benton.

Wally Pereyra moved to combine the "C" and "D" vessel categories. The motion was seconded and failed, 8 to 2, with Mace and Pereyra voting in favor; Barker abstained.

The main motion carried, 8 to 3, with Barker, Mace, and Pereyra voting against.

Sweep-up Amendment

The Council was asked for clarification of the amounts to be analyzed for the sweep-up analysis. The IFQ Industry Implementation Team recommended the following provisions:

1. that the analysis include sweep-up options of 3,000, 5,000, 7,000 and 10,000 lbs for halibut and 5,000, 10,000, 15,000, and 20,000 lbs for sablefish.
2. that the analysis include options that would permit the ownership of 3 blocks and 4 blocks, respectively, of halibut in connection with the halibut sweep-up options of 3,000 lbs and 5,000 lbs.
3. that the analysis include options that would permit the ownership of 3 blocks and 4 blocks, respectively, of sablefish in connection with the sablefish sweep-up options of 5,000 and 10,000 lbs.

Wally Pereyra moved to include the IFQ Implementation Team's recommendations to the original options for analysis in the sweep-up amendment. The motion was seconded by Kevin O'Leary and failed, 7 to 4, with Barker, Fluharty, Mace and Pereyra voting in favor.

SUMMARY

The Council approved for public review an analysis to allow quota share to be used on vessels of the same size class or smaller ("buydown" proposal). This plan amendment addresses the need for increased flexibility of halibut and sablefish QS transfers for Category B, C, and D vessels, while maintaining the goals of the IFQ program and modified block amendment to limit consolidation, allow new entrants into the fishery, and protect coastal communities. Small boat fishermen have reported the scarcity of medium to large size blocks ($\geq 5,000$ lb) in some areas and have requested that the Council enable them to purchase shares from QS holders in larger vessel size categories. Large vessel operators (Category B) have reported difficulties in utilizing or marketing small Category B blocks and have requested the opportunity to downsize their operations or sell QS to owners of smaller vessels. Also, crewmen who purchase Category B or C shares will have access to a larger pool of vessels from which to harvest their shares while working on deck. A final vote will be taken at the January meeting, when the Council will also review an initial analysis for an increase in the 1994 block sweep-up levels of 1,000 lb for halibut and 3,000 lb for sablefish. Options for analysis include 3,000 and 5,000 lbs for halibut, and 5,000 and 7,000 lbs for sablefish.

The Council also approved a catch sharing plan to framework a formula, using 1995 percentages, for apportioning Area 4 subarea halibut allocations. These percentages will be applied to the overall Area 4 halibut quota determined by the International Pacific Halibut Commission in January. The Council designated the first 80,000 lb of quota above the 1995 Area 4 quota (5.92 million lb) to Area 4E. Any quota above 6 million lb will be allocated according to the percentages approved under the framework plan.

C-3 Improved Retention and Utilization

Action Required

Review analytical outline for plan amendment and provide further direction to analysts.

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Background

Last December, the Council voted to examine full retention of the target species in the BSAI rock sole and pollock fisheries, and alternatively, full retention of all species in those two fisheries. The Council further stipulated that full retention could be implemented at a time certain such as 1996 or 1997, or phased in over three years. The Council also directed analysis of three alternative minimum percentages of the fully retained harvest that must be processed for human consumption: 50%, 70%, and 90%. The Council also directed staff to examine harvest priority and a seasonal apportionment of the rock sole TAC.

NOAA/NMFS staff provided issues papers on these proposals earlier this year, and the SSC and AP have had the opportunity to consider these papers. The Council has not had time until now to discuss the topics. However, we have attempted to make progress anyway so that an initial analysis could be available by this coming April for your review. Based on the opinions of NOAA GC, I recommended this September that we place harvest priority on the back burner for awhile so that we could concentrate our energies and limited staff resources on full utilization.

Second, the Council voted in September to drop further consideration of the seasonal apportionment of rock sole since the proposer, Cold Sea International, had gone out of business.

Third, I recommended in September that we take a species-by-species approach to full retention, i.e. require full retention of Pacific cod, pollock, and rock sole in the BSAI rock sole fisheries, and pollock and Pacific cod in the MWT pollock fisheries, an approach that I concluded would alleviate some of the implementational concerns raised by the analysts while still gaining a 23% reduction in discards in our groundfish fisheries.

Where Things Now Stand

In September the AP recommended adopting the species-by-species approach, but expanded the alternative to include the following, for both the BSAI and GOA:

1. Pollock and cod in the pelagic pollock fishery;
2. Pollock, cod, and rock sole in the rock sole fishery; and
3. Pollock, cod, and rock sole in the Pacific cod fishery.

The Council in September again did not have time to fully discuss this issue and the AP's recommendation, but in the closing minutes, I said that I would request NMFS staff to prepare an analytical outline for this December meeting so we could get the ball rolling for April. Since September, I have heard informally from NMFS that an analysis of #1 and #2 above, for the BSAI only, could be ready for initial review in April and final decision in June. Any broader analysis would take longer.

The analytical outline for the pollock fishery, including both midwater and bottom fisheries, is available under item C-3(a). The rock sole outline is not available now, but will follow along the same lines as the outline for pollock. The plan is to have both studies come together for initial review in April, bearing in mind that the implementational issues for rock sole are much thornier, including how to define the fishery unambiguously.

You should be aware also that the analysis concentrates on full retention, but does not treat the subject of utilization standards for human consumption. I know that Council members originally wanted to explore a utilization standard, but the analysts raised so many technical issues concerning setting, monitoring, and enforcing such standards, that it was beginning to look like a major hurdle to be cleared that might cause the analysis not to be ready by April 1996 for initial review. So I am suggesting the Council convene a technical committee to work on the implementational issues of prescribed levels of utilization and bring those standards on line sometime after we have implemented full retention regulations.

Reference Materials

For Council members only, I have provided in your notebooks under C-3(b), specific documents from your September 1995 notebooks that you did not have time to consider and discuss. These materials include my action memo, a table of catches and discards for 1993-1995, and the implementational paper drafted by Lew Queirolo. The AP and SSC have already considered these papers and will find only the current action memo and analytical outline in their notebooks.

Report of the Scientific and Statistical Committee

The SSC identified several concerns about the proposed amendment and developed a number of recommendations about issues the analysts should consider in the analysis. The SSC stressed the need for a clear statement of the problem and said the Council should provide staff with a clearer articulation of the objectives for the proposed amendment. See the SSC Minutes, Appendix II to these minutes, for more detailed comments.

Report of the Advisory Panel

The AP recommends that the Council continue to move forward with improved utilization and improved retention as a means for reducing bycatch and discards. The analysis should include a species-by-species approach to improving utilization. The analysis should first focus on the following discarded species in three fisheries (no distinction between mid-water and bottom):

1. pollock and cod in BSAI/GOA pollock fishery,
2. rock sole, pollock and cod in BSAI/GOA rock sole, and
3. pollock, rock sole and P. cod in the BSAI/GOA P. cod

The AP recommended an analysis be prepared for the June meeting and stressed that if utilization and retention cannot be developed simultaneously, they must be implemented simultaneously. The AP also recommended that the Council pursue a proposal to allow the development of limited processing in catcher vessels. See the AP Minutes (Appendix III to these minutes) for details of the proposal.

DISCUSSION/MOTIONS

Bob Mace moved the following:

That the Council continue to move forward with the analysis of an improved retention and utilization program as a means for reducing bycatch and discards. The analysis should include a species-by-species approach to improving retention and utilization and should focus on the following discarded species in the three fisheries with no distinction between midwater and bottom trawl:

- (1) pollock and cod in the BSAI/GOA pollock fishery;
- (2) rock sole, pollock and cod in the BSAI/GOA rock sole fishery, and
- (3) pollock, rock sole and P. cod in the BSAI/GOA P. cod fishery.

Further, as a means to provide benefits such as reduced groundfish discards and development of new and value-added markets, the Council will set the following objectives for allowing limited processing for catcher vessels:

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- (1) To allow processing of bycatch amounts of any groundfish species up to the directed fishing standard;**
- (2) To allow processing of targeted levels of species for which “restricted market opportunities” exist for catcher vessels, and**
- (3) To allow processing of up to 5 mt round weight per day of any species for vessels under 60' and up to 18 mt round weight per day for vessels greater than 60'.**

Further, that the Chairman, with advice of Council members and industry individuals, appoint a technical committee to review the objectives and come back to the Council in April with recommendations on how to achieve them.

It was further clarified that the Advisory Panel's alternative to examine retention of pollock, cod and rock sole in all fisheries should be included in the analysis.

The motion was seconded by Wally Pereyra.

Dave Benton moved to amend, as follows:

Area: BSAI

Retention Option 1 (Target Fishery Based):

Subject Fisheries

- 1. pollock (bottom and mid-water)**
- 2. rock sole**
- 3. Pacific cod**
- 4. yellowfin sole**

Suboption A:

100% retention standard applies only to target species in the respective fisheries.

Suboption B:

100% retention standard applies to all target species (i.e., pollock, rock sole, p. cod, and yellowfin) taken in each of the respective fisheries.

Retention Option 2 (Species Based):

100% retention of all subject species in all BSAI groundfish fisheries

Subject Species

1. pollock
2. rock sole
3. Pacific cod
4. yellowfin sole

Utilization Options:

Option 1: Target species/subject species may be processed into any form. Product form could be meal or any other form, regardless of whether or not product is fit for human consumption.

Option 2: Target species/subject species must be processed into human consumptive form, based on a percentage of total round weight of harvest of target/subject species. Options for analysis of the minimum percentage of target species harvest which must be processed for human consumption are:

Suboption A: 50%

Suboption B: 70%

Suboption C: 90%

Option 3: Reduction of target/subject species harvests to meal is limited to a maximum meal production rate for each target/subject species. Options for analysis of the maximum meal rate are:

Suboption A: 50%

Suboption B: 30%

Suboption C: 10%

The motion was seconded by Linda Behnken and carried 7 to 4, with Barker, Fluharty, Mace and Pereyra voting no.

The Chair ruled the motion was an amendment rather than a substitute because it pertains only to the first and last portions of the original motion. Mr. Benton's motion would constrain the action to the Bering Sea/Aleutian Islands only. It was clarified that the motion refers to all gears for the subject fisheries, not just trawl.

Wally Pereyra moved to include the Gulf of Alaska in the motion. The motion was seconded by Robin Samuelsen and failed, 6 to 5, with Barker, Fluharty, Mace, Pereyra and Samuelsen voting in favor.

The main motion, as amended, carried, 9 to 2, with Pereyra and Lauber voting no.

Mr. Benton submitted the following draft problem statement for Council consideration. Council members agreed that the draft should be circulated for public comment.

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Draft Problem Statement for Improved Retention/Utilization

In managing the fisheries under its jurisdiction, the North Pacific Fishery Management Council is committed to: (1) assuring the long-term health and productivity of fish stocks and other living marine resources of the North Pacific and Bering Sea ecosystem; and (2) reducing bycatch, minimizing waste, and improving utilization of fish resources in order to provide the maximum benefit to present and future generations of fishermen, associated fishing industry sectors, communities, consumers, and the nation as a whole. These commitments are also reflected in the Council's CRP problem statement.

The Council's overriding concern is to maintain the health of the marine ecosystem to ensure the long-term conservation and abundance of the groundfish and crab resources. As a response to this concern, a program to promote improved utilization and effective control/reduction of bycatch and discards in the fisheries off Alaska should address the following problems:

1. Bycatch and discard loss of groundfish, crab, herring, salmon, and other non-target species.
2. Economic loss and waste associated with the discard mortality of target species harvested but not retained for economic reasons.
3. Inability to provide for a long-term, stable fisheries-based economy due to loss of fishery resources through wasteful fishing practices.
4. The need to promote improved retention and utilization of fish resources by reducing waste of target groundfish species to achieve long-term sustainable economic benefits to the nation.

SUMMARY

The Council directed staff to continue analysis of an amendment for improved utilization/retention, with the inclusion of the BSAI Pacific cod and yellowfin sole fisheries. In conjunction with the alternatives chosen above, the analysis will examine options for allowing limited processing by catcher vessels (under the Council approved License Limitation program, license designations would prohibit catcher vessels from any processing at sea). The target date for completion of the analysis, and review by the Council, is June 1996.

A committee of industry representatives and technical experts will be appointed by the Council Chairman to assist in the development of this program, including both the retention and utilization aspects of the proposal. Broad representation from major industry sectors will be sought, along with persons who have technical expertise in vessel and processing engineering.

C-4 Individual Bycatch Quotas/Comprehensive Rationalization

Action Required

Review analytical outline for Plan Amendment and provide further direction to analysts.

Background

At the June 1995 meeting the Council approved development of an IFQ management alternative for the BSAI pollock fisheries. Because of the relationship of those fisheries to other BSAI groundfish fisheries, the proposal included development of IBQs for all non-pollock groundfish fisheries in the BSAI. In September the Council also received a proposal from United Catcher Boats (UCB) to develop a similar program using vessel bycatch accounts (VBAs). At that meeting the Council identified IBQs, or some form of individual vessel accountability, as a high priority item for staff attention.

Also at the September meeting, staff recommended that the IBQ program be developed separately from the BSAI pollock IFQ program, due to the complex, and perhaps contentious, nature of both of these proposals. If approved, both programs could be implemented simultaneously. In developing an analytical outline for this program, staff has borrowed from the UCB proposal in fleshing out some of the elements and options. Item C-4(a) in your notebooks provides that analytical outline and will be presented by NMFS analysts working on this proposal. The original UCB proposal from September is included as Appendix A to the analytical outline. Our intent is to have an initial analysis available for review in April, with a final decision possible by June.

Report of the Scientific and Statistical Committee

The SSC provided the authors of the analytical outline with suggestions for changes before further analyses are prepared or released for public comment (see SSC Minutes, Appendix II to these minutes). And, because of the complexity of the program outline and outstanding monitoring and enforcement issues, the SSC recommended the Council give serious thought to the design and implementation of a small pilot program before undertaking a larger, all encompassing program.

Report of the Advisory Panel

The AP recommended the Council endorse the analytical outline provided by Joe Terry with the exclusion of several elements (see AP Minutes, Appendix III to these minutes). The AP also encouraged timely development of work on the problems identified, i.e., sampling, legal, and enforcement, with final action delayed until monitoring and enforcement issues can be resolved.

DISCUSSION/MOTIONS

Dave Benton moved to defer further discussion of this agenda item until the January meeting. The motion was seconded by Bob Mace and carried without objection.

Council members felt they did not have adequate time to fully discuss the analytical outline and options provided by staff.

C-5 Observer Program

Action Required

Receive staff reports, Observer Oversight Committee (O.C.) report, and make final decision on whether to proceed with Research (fee) Plan or other alternative.

Background

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In April 1995 the North Pacific Fisheries Research Plan (fee plan) was put on hold by the Council pending resolution of several areas of concern. Fees were continued through 1995, and action was taken to ensure that existing observer requirements remain in place for the 1996 fishing year. The Council's O.C. met prior to the September Council meeting and formulated a report to the Council. At the September meeting, the Council also heard staff reports and substantial public testimony, which included an alternative to the Research Plan utilizing a third party, umbrella organization. The Council felt that this alternative needed further development and consideration before a commitment was made to the current Research Plan.

In the limited time available since the September meeting, this development has focused on a third party pay-as-you-go program, as opposed to some form of 'blended' approach (using a third party organization while retaining the fee system). Item C-5(a) is a summary of tasking and responsibilities envisioned under such a system; it identifies those tasks and responsibilities which would be retained by NMFS and which would fall to the third party, umbrella organization (referred to as 'Prime Contractor') and the observer contracting companies. This document was developed by staff with input from the O.C. meeting held on October 26-27 in Seattle. Item C-5(b), prepared by NMFS, contains a much more detailed examination of these tasks and responsibilities.

After reaching consensus on the basic structure of this system, the O.C. then attempted to summarize the advantages and disadvantages of this system relative to the Research Plan, in the context of the major issue areas which have been identified to date. Their report is included as Item C-5(c) and will be presented by O.C. Chair Chris Blackburn.

Item C-5(d) is a copy of the discussion paper from September which addresses the concerns previously identified with the Research Plan, and offers alternative solutions to those concerns. Attached to that item is the report from the September O.C. meeting which focused on Research Plan issues. This is provided in the event the Council wishes to revisit specific issues with regard to the Research Plan. Implementation of the Research Plan is still possible for 1997, barring major modifications. If the Council chooses the third party, umbrella alternative, further development will be necessary, but the alternative may also be doable by 1997, under the pay-as-you-go scenario.

Item C-5(e) contains recent comments received on the observer program issue.

Report of the Scientific and Statistical Committee

The SSC reiterated its serious concern over future data quality and urged the Council to move swiftly to select a program. Prolonged debate on this issue will only increase uncertainty faced by industry and persons associated with the program and will undermine the morale of observers and program staff, with the likely end result being a deterioration in the quality of the program and data collected.

Report of the Advisory Panel

The AP recommended the Council not go forward with the Research Plan, but that they proceed with an analysis of a modified pay-as-you-go program outlined in a letter submitted by Courageous Seafoods, with the analysis available for Council review at the April Council meeting. Other AP recommendations included analysis of a regulatory process to allow randomized pooling of observer coverage by fishery for those vessels requiring less than 100% coverage, and that if the Council proceeds with a modified pay-as-you-go program, they should proceed immediately to terminate the 1995 fee collection program and refund 1995 fees collected.

DISCUSSION/MOTIONS

Steve Pennoyer moved:

That the Council repeal the Research Plan and its associated fee-based funding mechanism for the North Pacific fisheries and that staff, in consultation with the OOC, be directed to come back in April with an EA/RIR , draft proposed rule, and draft FMP amendment language that would implement a modified pay-as-you-go program for NMFS groundfish observer coverage.

As presented by staff to the Council on December 7, 1995, this program would retain the direct payment for observer services feature of the old Observer Plan but would incorporate changes specifically designed to address the needs for establishing an arms-length relationship between fishing companies and observer contractors, and assuring that observers receive fair and equitable treatment with regards to compensation packages and insurance coverage. Under this scheme NMFS would initiate a competitive procurement for a prime contractor with the stipulation that the prime contractor subcontract with observer companies for deployment of observers. Fishing companies would contract directly with the prime contractor for all NMFS observer requirements and would be responsible for paying the contractor for each deployment. The AP recommendations on this issue would provide general guidelines for the development of the proposal.

A consistent mechanism for providing observers for ADF&G-managed FMP crab fisheries would also be developed. ADF&G would work closely with NMFS to develop this mechanism in order to ensure that the crab and groundfish observer programs would be operated in a compatible manner.

The Council's intent is to take final action on the modified pay-as-you-go program at its April 1996 meeting. Implementation would occur as early as possible in 1997.

Options for helping to defray costs to vessel owners who would pay an unreasonably high proportion of their gross catch value for direct observer coverage would be developed by an industry/agency workgroup for future consideration. The Council would receive a report from this group not later than its June, 1996 meeting.

The motion was seconded by Dave Benton.

Dave Fluharty moved to amend that the analysis include, but not be limited to the following options:

- a. Adjusting coverage levels required in those fisheries to reduce the related observer costs;**
- b. Assessing a fleetwide surcharge of up to 10% of the cost of obtaining observers through the modified pay-as-you-go plan to create a fund to pay all or part of the costs of hiring and training observers to be deployed on vessels participating in such fisheries;**
- c. Permitting pooling arrangements under which vessels engaged in such fisheries that are not required to maintain 100% observer coverage could jointly employ one or more observers to cover their observer needs; and**
- d. such other options as may be identified during the analytical process.**

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This option paper is to be prepared in time for the June 1996 Council meeting, with the goal of having an EA/RIR evaluating viable options available for review in September. And further, that the National Marine Fisheries Service initiate the steps necessary to terminate the 1995 research fee collection program and to issue refunds of fees collected to date.

The motion was seconded by David Benton.

Steve Pennoyer pointed out that repeal of the Research Plan is included in the original motion, as well as several other of these provisions. There was also discussion of the timing of an amendment for the Fluharty motion; it was understood that this portion could not be done in time for a 1997 implementation.

Linda Behnken moved to amend to retain the option to consider a fee-based program, up to 2%, at the April meeting. The motion was seconded by Robin Samuelsen and failed, 7 to 4, with Behnken, O'Leary, Samuelsen and Tillion voting in favor.

Dr. Fluharty's amendment carried unanimously and the main motion, as amended, carried, 8 to 3, with Behnken, O'Leary and Tillion voting no.

Dave Benton moved to establish an Observer Program Advisory Committee, similar to the Observer Oversight Committee; the committee will include at least two members that are observers in addition to observer company representatives. The motion was seconded by Linda Behnken and carried without objection.

The Council indicated that the "new" committee is necessary because the Observer Oversight Committee will be disbanded as a result of the repeal of the Research Plan. The new committee would be similar to the OOC and have similar responsibilities.

SUMMARY

The Council repealed the fee-based North Pacific Fisheries Research Plan (Research Plan), and initiated development of a modified pay-as-you-go program. Under the modified plan, fishing operations required to carry observers would continue to pay directly for those observers, but would do so through a third-party umbrella organization which would provide an interface between fishing operations and the independent observer contracting companies. This new structure for the Observer Program will not be in place until at least 1997; for 1996 the existing observer coverage requirements will remain in place, with fishing operations contracting directly with independent observer contracting companies for their observers.

D. FISHERY MANAGEMENT PLANS

D-1 Final Groundfish Specifications for 1996

Bering Sea/Aleutian Islands

Action Required

- (a) Review Final 1996 BSAI Final Stock Assessment and Fishery Evaluation (SAFE) document.
- (b) Approve Final BSAI groundfish specifications for 1996:

1. The Environmental Assessment (EA) for 1996 specifications
2. Acceptable Biological Catch (ABC), and Annual Total Allowable Catch (TAC)
3. Division of the pollock ITAC into the January 1-April 15 ('A' Season) and August 15-December 31 ('B' Season) allowances;
4. Amount of the pollock TAC that may be taken with bottom trawls;
5. Seasonal apportionment of the fixed gear Pacific cod TAC; and
6. Bycatch allowances, and seasonal apportionments of prohibited species (Pacific halibut, red king crab, Tanner crab, and herring) caps to target fishery categories.

Background

At this meeting, the Council makes final recommendations on groundfish and bycatch specifications as listed above. The EA for the 1996 specifications, final SAFE report, groundfish ABCs and TACs, and bycatch apportionments need to be approved and made available for public review and comment. NMFS will prepare final rulemaking on the specifications, which will be published in the Federal Register near the end of January.

BSAI SAFE Document

The groundfish plan teams met in Seattle during the week of November 13-17, 1995, to prepare the final SAFE documents provided at this meeting. This SAFE forms the basis for groundfish specifications for the 1996 fishing year. The BSAI SAFE contains the plan team's estimates of biomass and ABCs for all groundfish species covered under the FMP and information concerning PSC bycatch to provide guidance to the Council in establishing PSC apportionments. The attached tables from the SAFE list the plan team's recommended 1996 ABCs and corresponding overfishing levels for each of the species or species complexes. Draft minutes of the BSAI plan team meeting are also attached (Item D-1(a)(1)).

Environmental Assessment for 1996 Groundfish Specifications

The specification process includes Council and public review of an Environmental Assessment that assesses the potential impacts to the marine environment of the Council's proposed specifications. NMFS has prepared the analysis and will distribute it at this meeting. The public will be able to comment on the analysis this week, and after the meeting. Final EAs will be prepared based on the Council's final specifications.

Preliminary ABCs, TACs, and Apportionments

During the week of this Council meeting the SSC and AP recommendations will be provided to the Council. Attached as Item D-1(a)(2) are Tables 6 - 8 from the SAFE summary chapter indicating the plan team's recommended 1996 ABCs and biomass levels. Overall, groundfish stocks are at high abundance.

Adopt Seasonal Allowances for the Pollock Seasons

The FMP requires the Council to apportion pollock in the BSAI between the roe (January 1 - April 15) and non-roe (August 15 - December 31) seasons. For the 1991 and 1992 fisheries, the Council recommended a 40/60 percent split between the roe and non-roe seasons, and a 45/55 percent split for the 1993-1995 pollock fishery. In recommending seasonal allowances of the BSAI pollock TAC, the Council will need to consider the factors presented in Appendix C of the SAFE document.

Limit Amounts of Pollock That Could Be Taken with Bottom Trawls

To control the bycatch of crab and halibut, Amendment 16a allows the Regional Director, in consultation with the Council, to limit the amount of pollock that can be taken by non-pelagic trawl gear. In 1990, the Council recommended a 88%-12% split (midwater-bottom trawl). For the 1991 through 1995 fisheries, the Council

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noted that additional pollock harvests with non-pelagic trawl gear likely would be constrained by halibut bycatch, and did not recommend a separate pollock TAC for non-pelagic gear. Catch in directed pollock fisheries over the past few years was as follows:

	<u>Pelagic</u>	<u>Non-pelagic</u>	<u>Total catch (mt)</u>	<u>predominant year-class in catch</u>
1992	67 %	33 %	1,926,800	1989, 1984, 1978
1993	85 %	15 %	1,438,200	1989, 1984
1994	93 %	7 %	1,270,800	1989

The trend towards pelagic gear may be due to the increased availability of younger fish. Fishermen have noted that smaller (younger) pollock are found off the bottom, and are thus best targeted with pelagic gear. This trend may begin to reverse with the ageing of the 1989 year-class. Additional data on pollock catch, discard, and bycatch by pelagic and non-pelagic trawls are listed in Table 1 (Item D-1(a)(3)). Economic data for pelagic and non-pelagic pollock fisheries are being analyzed for the proposed pollock IFQ program, but are not available at this time.

Regulations (675.24(2)) require that the Regional Director consider the following information when limiting the amount of pollock TAC that is apportioned to the directed fishery for pollock using non-pelagic trawl gear:

- A. The PSC limits and PSC bycatch allowances established under 675.21;
- B. The projected bycatch of prohibited species that would occur with or without a limit in the amount of pollock TAC that may be taken in the directed fishery for pollock using non-pelagic trawl gear;
- C. Costs of a limit in terms of amounts of pollock TAC that may be taken with non-pelagic trawl gear on the non-pelagic and pelagic trawl fisheries; and
- D. Other factors pertaining to consistency with the goals and objectives of the FMP.

Proposed and final apportionment of pollock TAC to the directed fishery for pollock using non-pelagic trawl gear will be published in the Federal Register with the notices of proposed and final specifications defined in 675.20(a)(7).

Adopt Seasonal Apportionments of the Pacific Cod TAC Allocated to Fixed Gear

Amendment 24 regulations allow seasonal apportionment of the Pacific cod TAC allocated to vessels using hook-and-line or pot gear. Seasonal apportionments will be divided among trimesters and established through the annual specifications process. In recommending seasonal apportionments, regulations will require the Council to base its decision on the following information:

- 1. Seasonal distribution of Pacific cod relative to PSC distribution;
- 2. Expected variations in PSC bycatch rates in the Pacific cod fishery throughout the fishing year; and
- 3. Economic effects of any seasonal apportionment of Pacific cod on the hook-and-line and pot gear fisheries.

Under Amendment 24, two percent of the TAC is reserved for jig gear, 44 percent for hook and line, and 54 percent for trawl gear. For the 1995 fisheries, the Council recommended that 68,000 mt of the fixed gear's allocation be released during the first trimester (January 1 - April 30), 18,000 mt be released for the second trimester (May 1 - August 31), and 7,500 for the third trimester. The remaining 16,500 mt of this gear's allocation was held in reserve.

Adopt Bycatch Allowances of Pacific halibut, red king crab, Tanner crab (*C. bairdi*), and herring

Total bycatch limits for prohibited species (PSC) are specified in the FMP, but modifications to apportionments among designated fisheries are allowed under the annual specification process. The Council makes

recommendations on the apportionment of PSC among fisheries, and seasonal apportionments of PSC. Information on PSC limits and apportionments is presented in BSAI SAFE Appendix D. Regulations require that seasonal apportionments of bycatch allowances be based on the following types of information:

1. Seasonal distribution of prohibited species;
2. Seasonal distribution of target groundfish species relative to prohibited species distribution;
3. Expected prohibited species bycatch needs on a seasonal basis relevant to change in prohibited species biomass and expected catches of target groundfish species;
4. Expected variations in bycatch rates throughout the fishing year;
5. Expected changes in directed groundfish fishing seasons;
6. Expected start of fishing efforts; and
7. Economic effects of establishing seasonal prohibited species apportionments on segments of the target groundfish industry.

Staff will present a worksheet with SSC and AP recommendations for ABCs, TACs, PSC and seasonal apportionments when the Council addresses this Action Item.

Halibut PSC

For the Trawl Fisheries: Amendment 21 established a 3,775 mt limit on halibut mortality for trawl gear. This limit can be apportioned to the following trawl fishery categories:

1. Greenland turbot, arrowtooth flounder and sablefish;
2. rock sole and "other flatfish;"
3. yellowfin sole;
4. rockfish;
5. Pacific cod; and,
6. pollock, Atka mackerel and "other species."

For Fixed Gear Fisheries: A 900 mt non-trawl gear halibut mortality can be apportioned to the following fishery categories:

1. Pacific cod;
2. Other non-trawl (includes turbot and rockfish; hook-and-line sablefish and jig gear were exempt in 1995); and
3. Groundfish pot (recommended exempt for 1995).

Item D-1(a)(4) is a table indicating 1995 PSC allocations and seasonal apportionments for the trawl and non-trawl fisheries. Item D-1(a)(5) is a current summary of PSC bycatch accounting for the 1995 BSAI fisheries.

Crab PSC

Overall crab PSC limits for the Bering Sea trawl fisheries adopted by the Council in Amendment 16 are:

C. bairdi:	1,000,000 crabs in Zone 1 for a Zone 1 closure 3,000,000 crabs in Zone 2 for a Zone 2 closure
Red king crab	200,000 crabs in Zone 1 for a Zone 1 closure

Zone 1 is comprised of Areas 511, 512, and 516. Zone 2 is comprised of Areas 513, 517 and 521.

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Herring PSC

Amendment 16a established an overall herring PSC bycatch cap of 1 percent of the EBS biomass of herring. This cap is to be apportioned to the same six PSC fishery categories listed above, plus a seventh group, mid-water pollock. The Alaska Department of Fish and Game will provide its forecast for 1996 herring biomass at the Council meeting. For 1995, herring biomass was estimated at 1,861,000 mt. The PSC limit is set at 1 percent of the biomass in metric tons. A complete herring assessment should be available for the Council meeting.

Report of the Scientific and Statistical Committee

For the 1996 BSAI groundfish ABCs, the SSC concurred with the plan team's recommendations in all instances except for pollock, Pacific cod, Greenland turbot, and sablefish. The SSC's comments on each species and recommendations for 1996 ABCs are included in the SSC minutes, Appendix II to these minutes.

Report of the Advisory Panel

For AP recommendations on BSAI TACs and PSCs for 1996, please see the AP Minutes, Appendix III to these minutes. The AP also had the following comments.

The AP had several concerns about BSAI pollock. The two primary concerns were lack of certainty about the strength of the 1992 year class and the impacts of fishing effort in the Russian zone. For these reasons, the AP recommended that the Council set the BSAI pollock TAC at 1,190,000 mt. This number equals the SSC's ABC.

The AP urged the Council to inform the Department of State of its concern over the lack of good data on the Russian pollock fishery in the area adjacent to the convention line. It was the AP's understanding that the Russians have set a pollock TAC of 380,000 mt on what are mostly fish of U.S. origin. Given that this area is where U.S. stocks spend a portion of their life as juveniles, it is urgent that the Council has accurate data on the magnitude of Russian catches and catch-at-age data. Further, the AP believes that limits on Russian catches of stocks of U.S. origin should be negotiated.

For Greenland turbot, the AP chose to recommend that the Council provide no halibut to the trawl fleet, essentially making Greenland turbot bycatch only for the trawl fleet.

For sablefish, the AP had some discussion regarding the advisability of continuing to allow a directed fishery for the sablefish fishery in either the EBS or AI, but has no recommendation at this time.

Finally, the AP recommended that for TACs for those species where the SSC's ABC equals the OFL that a 10% buffer be provided between the ABC and the TAC.

The AP approved of a trawl industry recommendation to continue and expand the voluntary bycatch control program used in the 1995 rock sole fishery (i.e., the SeaState program). Trawl representatives noted that 1995 red king crab bycatch in ALL trawl fisheries was about 33,000 animals, and that they believe they can continue to hold red king crab bycatch well below the 200,000 cap at current population levels. Since the fixed cap cannot be adjusted in the "spec" process, trawl representatives offered a commitment to voluntarily close the new red king crab protection area (56-57°/162-164°) to yellowfin sole and all flatfish fisheries based on a cap of 15,000 red king crab in that area. The SeaState bycatch control program will be used in both rocksole and yellowfin sole fisheries as agreed to by UCB and AFTA members together with non-member companies including Tyson Seafoods, Highland Light, North Pacific Fishing Company, and FCA.

DISCUSSION/MOTIONS

Bob Mace moved to approve the 1996 ABCs for the Bering Sea/Aleutian Islands as recommended by the SSC (see SSC Minutes). The motion was seconded by Dave Benton and carried without objection.

Bob Mace moved to adopt the 1996 TACs for the Bering Sea/Aleutian Islands as recommended by the AP (see AP Minutes). The motion was seconded by Robin Samuelsen and carried without objection.

Bob Mace moved to adopt the 1996 PSC apportionments and seasonal allowances for the Bering Sea/Aleutian Islands as recommended in Table 2 of the AP minutes. The motion was seconded by Robin Samuelsen.

The Council discussed the mechanisms for changing the *bairdi* bycatch cap. Mr. Berg indicated that any change in PSC numbers for crab would require a plan amendment, but to reapportion them among fisheries would require a regulatory amendment. Shifting bycatch amounts from one zone to another would also require a plan amendment. Dave Witherell, NPFMC staff, advised the Council that based on previous Council action amendments are being prepared that would allow the Council to lower caps for *bairdi*, allow more flexibility for inseason adjustments of caps, and allow the Council to set a bycatch cap for *opilio* Tanner crab.

Dave Benton moved to amend to change the Zone 1 yellowfin sole red king crab apportionment such that the allocation for April 1 to May 10 would be 15,000 crabs, and the apportionment for May 11 to August 14 would be 10,000 crabs. This was accepted as a friendly amendment and added to the main motion which carried without objection.

Bob Mace moved to adopt the 1996 Bering Sea/Aleutian Islands non-trawl fisheries PSC bycatch allowances as recommended by the Advisory Panel in Table 3 of their minutes, including the stipulation that unused PSC halibut from the first trimester would be rolled into the third trimester. The motion was seconded and carried without objection.

Linda Behnken moved to the AP recommendation that shortraker/rougheye and other rockfish be designated bycatch only for 1996. The motion was seconded by Dave Benton and carried without objection.

Morris Barker moved to request NMFS to prepare a regulatory amendment to allow, whenever possible, that the fixed gear Pacific cod "C" season be made contiguous with the pollock "B" season and, if not possible, to set a December 1st opening. The motion was seconded and carried without objection.

Public testimony from longline fishermen indicated that the fleet incurred additional costs in returning to port at the end of the "B" season and that if NMFS release any quota as close to the end of the "B" season as possible, or at least provide a date certain that the fleet could plan on.

By consensus the Council asked that NMFS release any fixed gear cod reserves during the third trimester in 1996.

SUMMARY

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The Council set the ABCs, TACs, and prohibited species catch limits and apportionments for the Bering Sea/Aleutian Islands groundfish fisheries for 1996 (see Appendix IV to these minutes). The Council continued to recommend no directed fishing for pollock in the Bogoslof district. They also agreed to review the pollock "B" season opening date, which has been August 15, to determine if a season delay is warranted. The 1996 seasonal apportionment of red king crab and Zone 1 Tanner crab for the yellowfin sole trawl fishery was shifted slightly, and the Council recommended no PSC be apportioned to directed trawl fisheries for turbot, sablefish, or arrowtooth flounder, essentially prohibiting directed fishing for these species with trawl gear.

Gulf of Alaska 1996 Groundfish Specifications

Action Required

- (c) Approve Final Stock Assessment and Fishery Evaluation (SAFE) report for Gulf of Alaska (GOA) groundfish fisheries for 1996.
- (d) Approve Final 1996 Acceptable Biological Catch (ABC) limits and Total Allowable Catch (TAC) limits for GOA groundfish, and set PSC specifications and apportionments for halibut.
- (e) Recommend preliminary discard mortality rates for halibut in the groundfish fisheries.
- (f) Report on State of Alaska groundfish management.

Background

At this meeting, the Council will finalize specifications of groundfish ABCs, TACs, and bycatch allowances for 1996. The 1996 SAFE report, groundfish specifications, and bycatch allowances need to be adopted. A final recommendation for halibut discard mortality rates also needs to be approved. The State of Alaska will report on proposed management of State groundfish fisheries.

Approve GOA SAFE Document

The Gulf of Alaska (GOA) Groundfish Plan Team met November 13-17, 1995 in Seattle to prepare the final 1996 SAFE document which contains the Plan Team's estimates of biomass and ABCs for all groundfish species covered under the FMP and information concerning halibut bycatch to provide guidance to the Council in establishing PSC apportionments. The draft minutes of the Gulf Team meeting are included as Item D-1(c)(1). Tables 1 - 3 from the SAFE summary chapter (Items D-1(c)(2), D-1(c)(3), and D-1(c)(4)) list the 1995 ABCs, TACs, and catches through October 28, 1995, and the Plan Team's recommended 1996 ABCs and corresponding overfishing levels for each of the species or species complexes. None of the Plan Team's recommended ABCs exceeds the corresponding overfishing level. The Council's September 1995 initial recommendations for the 1996 fishing year are included as Item D-1(c)(5).

Final ABCs, TACs, and Apportionments for the 1996 GOA Fisheries

Tables 1-3 provide the biomass, ABC, overfishing level and stock status of 17 GOA groundfish management groups compared to 1995. The Plan Team's sum of recommended ABCs for 1996 is 478,660 mt. The sum of 1995 ABCs was 492,780 mt and TACs were set at 279,463 mt. Groundfish catch through October 28, 1995 totaled 212,696 mt. The SSC and AP recommendations will be provided to the Council during the week of the Council meeting.

The Team and the SAFE authors recommend that dusky rockfish be given a separate ABC and TAC from the other species in the pelagic shelf assemblage, since it may be inappropriate to include dusky rockfish in the same assemblage as these species due to their different habitat preferences. The Plan Team noted that localized over-exploitation of black rockfish and other near-shore species continues to be a potential problem

as a result of the rockfish jig fishery in the Central area of the GOA. The fishery for black rockfish in Federal waters is essentially unrestricted because its catches comprise part of the relatively large and underutilized TAC for pelagic shelf rockfish in the Central area. The Team has submitted a revised amendment proposal for alternative management for the nearshore component of the assemblage (Attachment 1 to Plan Team minutes).

Set Final PSC Limits for Halibut

The PSC limits for halibut in the Gulf of Alaska are set by gear type and may be apportioned seasonally over the fishing year (Amendment 21). In recommending any seasonal allocations, the Council will consider its objective to promote harvest of as much of the groundfish optimum yield as possible with a given amount of halibut PSC.

Halibut PSC mortality applied only to the bottom trawl fisheries and to the hook-and-line fisheries in 1995. The sablefish hook-and-line fishery was exempted from halibut PSC with implementation of the sablefish IFQ fishery. The midwater trawl fishery (targeting pollock) has been exempt from bycatch-related closures. The pot fishery (primarily for Pacific cod), was again exempted from the fixed gear PSC limit due to minimal bycatch mortality. For 1995, the Council recommended these halibut PSC apportionments for the GOA groundfish fisheries:

Trawl gear			Hook and Line*		
1st quarter	600 mt	(30%)	1st trimester	80 mt	(26.7%)
2nd quarter	400 mt	(20%)	2nd trimester	200 mt	(66.7%)
3rd quarter	600 mt	(30%)	3rd trimester	20 mt	(6.7%)
4th quarter	400 mt	(20%)			
2,000 mt			300 mt		

*includes 10 mt for demersal shelf rockfish

Beginning in 1994, PSC limits for trawl gear were further apportioned by specific fishery. The Council may apportion PSC limits by fishery during the annual specification process. Apportionments of the overall cap may be made to a 'Shallow water complex' and a 'Deep water complex.' Species in the shallow water complex are: pollock, Pacific cod, shallow water flatfish, Atka mackerel, and other species. Deep water complex species include: deep water flatfish, rockfish, flathead sole, sablefish, and arrowtooth flounder. The following apportionments were made for 1995:

<u>Quarter</u>	<u>Shallow water Complex</u>	<u>Deep water Complex</u>	<u>Total</u>
1	500 mt	100 mt	600 mt
2	100 mt	300 mt	400 mt
3	200 mt	400 mt	600 mt
4	No apportionment between shallow and deep for the 4th quarter.		

Discard Mortality Rates

Pacific halibut bycatch discard mortality rates in the Alaskan groundfish fisheries are routinely estimated from viability data collected by NMFS observers. These data are analyzed by staff of the International Pacific Halibut Commission (IPHC) and the National Marine Fisheries Service (NMFS), which results in recommendations to the Council for managing halibut bycatch in the upcoming season. Table 4 (Item D-1(e)(1)) lists the IPHC and GOA and BSAI plan teams' recommendations for setting discard mortality rates for the 1996 fishery.

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State of Alaska Management of Groundfish Fisheries

Alaska Department of Fish & Game has expressed interest in managing the Prince William Sound pollock fishery, Cook Inlet Pacific cod fishery, and nearshore pelagic shelf rockfish species. A revised amendment proposal from the GOA Plan Team describes possible alternatives for State management of pelagic shelf rockfish (Attachment 1 to item D-1(c)(1)). State management also will be discussed at the Council-Board consultation meeting in January.

Report of the Scientific and Statistical Committee

The SSC concurred with the Plan Team on the 1996 ABCs for Gulf of Alaska groundfish for all species except the Pacific ocean perch complex, dusky rockfish, and Atka mackerel. The SSC's comments on each species and recommendations for 1996 ABCs are included in the SSC minutes, Appendix II to these minutes. The SSC recommended against establishing a separate ABC for Prince William Sound pollock above the current eastern Gulf ABC at this time in view of the limited data and current status of Gulf pollock. In addition, the SSC recommended that the Council proceed promptly with the development of a plan amendment analyzing and selecting management alternatives for pelagic shelf rockfish in time for the 1997 fishery. The SSC reiterated their suggestion that the Council establish a diverse working group drawn from the Council, plan teams, AP, SSC, industry and other interested parties, to explore approaches to incorporate and disseminate additional ecological information and provide guidance on future topics to be addressed in greater depth.

In addition, the SSC recommended that the Council initiate development of a plan amendment analyzing and selecting management alternatives for pelagic shelf rockfish in time for the 1997 fishery.

Report of the Advisory Panel

For AP recommendations on GOA TACs and halibut apportionments and mortality rates for 1996, please see the tables in the AP Minutes, Appendix III to these minutes. For flatfish (deep water flats, rex sole, flathead sole, shallow water flatfish and arrowtooth flounder), the AP recommendations are well below recommended ABCs. This is consistent with past AP recommendations and reflect the AP's desire to preempt fishing practices that result in quick attainment of the halibut PSC.

For other slope rockfish, the AP recommended higher TACs than were set for 1995. This recommendation reflects the AP's concern that last year's TACs resulted in unacceptable levels of waste. The TACs recommended for 1996 will allow these fish, which are primarily taken as bycatch, to be processed and marketed instead of discarded.

DISCUSSION/MOTIONS

Bob Mace moved to adopt the 1996 ABCs for GOA groundfish as recommended by the SSC (see SSC Minutes). The motion was seconded by Robin Samuelsen.

Linda Behnken moved to amend to use the Plan Team's recommendation of 8,060 mt for Pacific ocean perch. The amendment was seconded and carried without objection.

The amended main motion carried without objection.

It was noted that dusky rockfish will not be separated from the "other rockfish" species group at this time. NMFS staff indicated that currently there are not enough data to determine how much bycatch may be needed to support

the halibut IFQ fishery and that they would prefer the Council wait until after a full year's data are gathered and analyzed.

Bob Mace moved to adopt the 1996 TACs for GOA groundfish as recommended by the Advisory Panel (see AP Minutes). The motion was seconded by Robin Samuelsen.

Linda Behnken moved to amend the TAC for the Other Slope Rockfish complex as follows: Western Gulf - 100 mt; Central Gulf - 1,170 mt; and Eastern Gulf - 750 mt. The motion was seconded by Clem Tillion and carried without objection.

Dave Benton moved to amend to establish a 20% buffer between the ABC and TAC for thornyhead rockfish, resulting in a TAC of 1,248 mt. The motion was seconded by Linda Behnken and carried, 9 to 2, with Barker and Pereyra voting no.

The main motion, as amended, carried without objection.

Bob Mace moved to adopt for 1996 the presumed discard mortality rates for halibut bycatch as recommended by the AP (Table 5 in the AP Minutes). The motion was seconded by Steve Pennoyer and carried without objection.

Dave Benton moved that the Council request the IPHC to investigate the halibut mortality rates for the sablefish IFQ fishery in the Gulf of Alaska and bring the results back to the Council as soon as possible. The motion was seconded by Steve Pennoyer and carried without objection.

Bob Mace moved to approve the GOA fixed gear halibut apportionments as recommended by the AP (page 9 of the AP minutes). The motion was seconded by Dave Benton.

Steve Pennoyer moved to amend to keep the percentages recommended by the AP, but to retain the original cap of 290 mt plus 10 mt for demersal shelf rockfish. The motion was seconded by Linda Behnken. The motion was deemed a substitute motion and carried, 7 to 4, with Mace, O'Leary, Pereyra and Lauber voting no.

Mr. Pennoyer pointed out that the 540 mt cap recommended by the AP would be a significantly higher rate in light of the mortality rates the Council just approved; reducing the mortality rate will result in an increase in the amount that could be retained.

The resulting 300 mt would be apportioned as follows:

1st trimester (Jan.-Apr.)	250 mt (65%)
2nd trimester (May-Aug.)	15 mt (12%)
3rd trimester (Sept.-Dec.)	25mt (23%)
Plus 10 mt for the DSR from 1st trimester.	

Linda Behnken moved to recommend that thornyhead and shortraker/rougheye be managed as bycatch species. The motion was seconded and carried without objection.

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David Benton offered a motion to adopt the SSC recommendation to proceed promptly with development of a plan amendment for management alternatives for pelagic shelf rockfish for the 1997 fisheries, but withdrew the motion until the subject could be discussed with the Alaska Board of Fisheries. Steve Pennoyer advised that splitting dusky rockfish from the assemblage would not require a plan amendment; however delegating management authority would.

Linda Behnken moved to initiate a regulatory amendment to prohibit northern rockfish as bycatch in the shortraker/rougheye fishery. The motion was seconded by Steve Pennoyer and carried without objection.

Linda Behnken moved to initiate a regulatory amendment to allow bycatch of Pacific cod and pollock in the arrowtooth flounder fishery, with a range of from 0-5% to be analyzed. The motion was seconded by Bob Mace and carried with O'Leary objecting.

Linda Behnken moved to initiate a regulatory amendment to drop the turbot directed fishing standard (Bering Sea trawl only) against rockfish and sablefish to 10% (analysis would cover 0-10%) and against all other species to 1%. The motion was seconded by Steve Pennoyer. The motion was clarified that for analysis purposes, all percentages should be explored that would allow adequate levels for background bycatch.

Dave Fluharty moved to follow up on the SSC recommendation to establish a workgroup from the Council, plan teams, AP, SSC, industry, and other interested parties, charged with exploring approaches to incorporating and disseminating additional ecological information and providing guidance on future topics to be addressed in greater depth. The motion was seconded and carried without objection.

The Executive Director was instructed to advertise the group in the Council newsletter to get nominees.

SUMMARY

The Council set the ABCs, TACs, and halibut prohibited species catch limits and discard mortality rates for the Gulf of Alaska groundfish fisheries for 1996 (see Appendix IV to these minutes). They postponed action to consider a Plan Team recommendation to separate dusky rockfish from the pelagic shelf rockfish assemblage until better scientific data are available to analyze the effect of species separation. The Council also initiated initial analysis for amendments to prohibit northern rockfish as bycatch in the shortraker/rougheye fishery, allow some amount of bycatch of Pacific cod and pollock in the arrowtooth flounder fishery, and to reduce the turbot directed fishing standard against rockfish and sablefish in the Bering Sea trawl fisheries.

D-2 Groundfish Amendments

(a) Pacific Ocean Perch Rebuilding Revisions in GOA

Action Required

Final review of Amendment 38 to revise the rebuilding schedule for Pacific ocean perch.

Background

Decline of the Pacific ocean perch (POP) stock since the early period of the foreign fishery prompted the North Pacific Fishery Management Council (Council) to recommend a rebuilding plan for POP. The POP Rebuilding Plan was contained in Amendment 32 to the Fishery Management Plan for Groundfish of the Gulf of Alaska,

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which was approved by the Secretary of Commerce. The POP Rebuilding Plan provides a specific rebuilding strategy for POP stocks, based on available biological and economic information. An algorithm, or procedure, was selected to annually determine the POP total allowable catch (TAC). However, the amendment did not provide for any flexibility in setting TAC below this amount. In December 1994 the Council requested an analysis of alternatives for modifying the FMP to allow this flexibility.

The Council has expressed concern that the TAC level in a given year, as specified in the FMP, could be high enough to allow a directed fishery which may potentially jeopardize the continued rebuilding of POP populations. The environmental assessment (mailed to you on November 22nd) examines the impacts associated with establishing the current TAC specification as the upper bound and allowing some flexibility in setting a lower TAC for POP. NMFS also added an additional alternative to reevaluate the current Rebuilding Plan. Item D-2(a)(1) contains the Executive Summary from the analysis.

Three alternatives are considered:

Alternative 1: Status quo. Maintain the current procedure for specifying the annual TAC amounts for POP as detailed in the FMP. The current means of calculating the TAC was part of the policy alternative adopted by the Council under Amendment 32, the Rebuilding Plan.

Alternative 2: Amend the FMP to allow the Council to specify a POP TAC *at or below* the amount dictated by the Rebuilding Plan. The current algorithm for specifying the TAC would be the upper-bound limit and the POP TAC could be annually specified at or below this level.

Alternative 3: Re-evaluate the Rebuilding Plan to address conservation or biological concerns that may not be being met by the current plan. The Council would direct staff to complete an analysis of alternatives to the Rebuilding Plan should this alternative be chosen.

Under Alternative 2, the current TAC calculation would be the upper limit and the POP TAC could be annually specified at or below this level. This would allow the Council, for example, to adjust the TAC to provide only enough POP to supply bycatch needs in other fisheries. Available scientific information concerning the status of the stock, received from the Plan Team, the Scientific and Statistical Committee, and other appropriate sources, would be the established criteria for adjusting the TAC downwards.

The primary difference between Alternatives 2 and 3 is that the former would not change the general direction established by the Rebuilding Plan, except to allow the Council flexibility in setting annual Gulf of Alaska (GOA) POP TACs if the Council identified specific biological or conservation issues that were not adequately addressed by the Rebuilding Plan TAC level. However, if the Council believes that the general direction of the Rebuilding Plan, which will allow for increasing POP TAC levels as the POP biomass increases, does not reflect how they wish to pursue POP rebuilding in the future, NMFS recommends re-evaluation of the Rebuilding Plan to address these concerns. NMFS further recommends that if socioeconomic concerns exist with respect to the management of the POP fishery, particularly in the Eastern GOA, that it consider a separate FMP amendment to address these issues separate from the conservation issues addressed under the POP Rebuilding Plan.

Report of the Scientific and Statistical Committee

The SSC noted that the revised EA/RIR/IRFA incorporated their suggestions from September. The SSC considers the proposed amendment primarily as an issue of Council flexibility in setting TAC and did not have a recommendation for a preferred alternative.

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Report of the Advisory Panel

The AP recommended adoption of Alternative 1, continuation of the status quo, and recommended that the Council begin an analysis of an amendment which would apply a differential rebuilding schedule for each GOA management area.

DISCUSSION/MOTIONS

Linda Behnken moved to adopt Alternative 2. The motion was seconded by Clem Tillion and carried, 6 to 5, with Barker, Fluharty, Mace, Berg (for Pennoyer), and Pereyra voting no.

SUMMARY

The Council approved a revision to the Rebuilding Plan for Pacific ocean perch in the Gulf of Alaska which would allow the Council to specify the total allowable catch (TAC) *at or below* the amount dictated by the Rebuilding Plan.

(b) Pollock Trimester Seasonal Apportionment in the GOA

Action Required

Initial review of Amendment 45 to the Gulf of Alaska groundfish FMP to set pollock trimester seasonal apportionments.

Background

At its September 1995 meeting, the Council received an amendment proposal from representatives of the Gulf of Alaska (GOA) pollock fishery to combine the third and fourth quarter pollock allowances in the Western/Central (W/C) Regulatory Area of the GOA. Under this proposal, the first and second quarter allowances would remain unchanged. However, the third and fourth quarter allowances would be combined into one release of 50 percent of the TAC on September 15 rather than the current quarterly releases of 25 percent on July 1 and October 1.

This proposal has several management objectives: (1) reduce chum salmon bycatch which is highest during the third quarter (July 1) opening; (2) eliminate the timing conflict with salmon processing which peaks for GOA processors in July, and (3) reduce the potential for harvest overruns and the difficulties associated with managing extremely short fourth quarter openings.

The GOA groundfish FMP is very specific in setting seasonal allowances of pollock TAC in the W/C Regulatory Area. Amendment 19 to the FMP, implemented as a measure to prevent roe stripping, requires that the W/C pollock TAC be divided into four equal quarterly allowances. Consequently, an FMP amendment is necessary before any changes in the seasonal allowance system can be implemented through regulation. An FMP amendment would framework greater flexibility in setting seasonal allowances of pollock TAC. A regulatory amendment would follow to combine the third and fourth quarter pollock allowances. One advantage to such an approach is that the Council would maintain the flexibility to recommend future changes in the seasonal allowance system as necessary.

The following three alternatives are developed for consideration in the attached analysis (item D-2(b)(1)).

Alternative 1: Status quo. The pollock TAC in the W/C Regulatory Area would continue to be released in four equal quarterly allowances.

Alternative 2: Amend the FMP to framework greater flexibility in setting seasonal allowances of pollock TAC, and combine by regulatory amendment the third and fourth quarterly allowances into a single release of 50 percent of the TAC on September 15. The first and second quarter allowances of 25 percent of the pollock TAC in the W/C Regulatory Area would remain unchanged.

Alternative 3: Amend the FMP to framework greater flexibility in setting seasonal allowances of pollock TAC, and combine by regulatory amendment the third and fourth quarterly allowances into a single season opening October 1. The first and second quarter allowances of 25 percent of the pollock TAC in the W/C Regulatory Area would remain unchanged. This alternative is identical to alternative 2 except for the opening date for the final seasonal allowance.

Neither the AP nor the SSC addressed this agenda item.

DISCUSSION/MOTIONS

Kevin O'Leary moved to send out for public review the EA/RIR for the allocation of Central/Western Gulf of Alaska pollock TAC by trimester, with final action scheduled for January, and adding an option of a September 1 opening date for the 3rd trimester. The motion was seconded by Linda Behnken.

David Fluharty moved to amend to add a 80,000 mt TAC trigger at which time the allocation would move back to a quarterly system. The amendment was considered friendly and added to the main motion.

Linda Behnken moved a substitute motion to send the current analysis out for public review with the inclusion of the September 1st opening date as an option and the analysis of the 80,000 mt trigger if it can be accomplished for review in January; otherwise, this option would be addressed subsequent to the original amendment. The motion was seconded and carried without objection.

SUMMARY

The Council approved an analysis for public review to amend the Gulf of Alaska groundfish FMP to framework greater flexibility in setting seasonal allowances of pollock TAC. The proposed action would combine the third and fourth quarterly allowances into a single release of 50 percent of the TAC between September 1st and October 1st. The Council is scheduled to take final action on the amendment at the January meeting.

(c) BSAI Pacific Cod Gear Allocation

Action Required

Give staff direction on analysis of Pacific cod gear allocations in the BSAI.

Background

Amendment 24 was implemented in January 1994 with a 3-year sunset clause. This amendment allocates two percent of the BSAI Pacific cod TAC to jig gear, 44 percent for fixed gear (H&L and pot), and 54 percent for trawl gear. The amendment also provides for seasonal apportionment of the fixed gear allocation, as well as a provision allowing the NMFS Regional Director to reallocate in-season any unused TAC allocation from one gear group to another. Regulations implementing a Pacific cod allocation will expire on December 31, 1996. Catch of Pacific cod by gear type is shown by the table below (1995 catch through 11/11).

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		<u>Catch (mt)</u>	<u>% of Total</u>
1994	Trawl	100,461	51.1
	H&L	87,139	44.3
	Pot	8,236	4.2
	Jig	732	0.4
	TOTAL	196,568	100.0
1995	Trawl	118,871	51.2
	H&L	94,162	40.5
	Pot	18,782	8.1
	Jig	557	0.2
	TOTAL	232,372	100.0

If the Council wants to proceed with some type of rollover analysis, they can provide staff with direction at this meeting. For reference, the executive summary from the original analysis is attached as Item D-2(c)(1). Proposals and correspondence received on cod allocations during this year's annual cycle are also attached (Item D-2(c)(2)).

Report of the Scientific and Statistical Committee

Given time and data limitations, the SSC believes that a qualitative assessment would be adequate for analysis of a simple rollover of the current amendment. Deviations from the current allocation are likely to generate significant economic and social impacts. Data limitations and analysis complexity would make it extremely difficult to characterise the nature and magnitude of the impacts given time constraints imposed on the analysis.

The Advisory Panel did not address this agenda item.

DISCUSSION/MOTIONS

Kevin O'Leary moved to direct staff to analyze alternative splits of BSAI cod TAC among fixed, trawl and jig gear, as follows: (1) - return to open access in 1997; (2) rollover of current allocations; (3) new apportionments among the three groups, including an array of splits from (a) 59/39/2% (trawl/longline/jig) ; (b) 69/29/2%; and (c) 79/19/2%. The motion was seconded by Morris Barker.

Bob Mace moved to add for analysis: in addition to the rollover of current allocations, within the trawl provision, analyze (1) a range of 40 to 60% for catcher vessels/catcher processors and the reverse; (2) require full retention of Pacific cod in all fisheries; (3) and analyze the status quo with respect to observer coverage, range of 30-100% or 100% observer coverage on all vessels fishing for Pacific cod. The amendment was seconded by Dave Benton.

Mr. Mace agreed to retract the alternative for full retention in order not to delay the allocation analysis. The amendment carried, 6 to 5, with Behnken, Benton, O'Leary, Pennoyer, and Pereyra voting no.

Dr. Pautzke indicated that staff would not be able to complete the entire analysis of these options by April and suggested that the alternatives additional to the strict gear allocation itself be put on a separate track, with the gear allocation analysis available in April 1996 for the 1997 fisheries and other alternatives analyzed for the following cycle.

Kevin O'Leary moved to amend to eliminate the options of 79/19/2 and 59/39/2; leaving the current allocations and 69/29/2 for analysis. The motion was seconded by Dave Benton and carried without objection.

Wally Pereyra moved to amend to rollover the current allocations for one year and to work on the other options on a separate time track. The motion was seconded by Morris Barker and failed, 9 to 2, with Barker and Pereyra voting in favor.

The main motion failed, 9 to 2, with Fluharty and Mace voting in favor.

Linda Behnken moved that the Council direct staff to analyze the following options:

Prepare an amendment exploring the following options:

- (1) Sunset at the end of 1996.
- (2) Allocate BSAI Pacific cod for the 1997 through 1999 period to the existing gear groups as contained in BSAI Amendment 24: 54% to trawl gear; 44 % to longline gear, and 2% to jig gear. (Simple rollover)
- (3) (a) Allocate 59% to trawl; 39% to longline; 2% to jig, and the reverse: 39% to trawl; 59% to longline; 2% to jig.
(b) Allocate 69% to trawl; 29% to longline; 2% to jig, and the reverse: 29% to trawl; 69% to longline; 2% to jig.

This action is to be completed in time for implementation for the 1997 fishing year.

The motion was seconded and carried 10-0, with Mace abstaining.

Several other motions were made later in the meeting, however they were ruled out of order because a motion to reconsider had not been offered.

Wally Pereyra moved to reconsider the vote on the previous motion. The motion was seconded and failed, 9 to 2, with Mace and Pereyra voting in favor.

David Benton moved the following:

1. On a separate time track, and as a separate amendment, analyze a plan amendment for 1997-99 to explore the following options:
 - (1) Allocate the trawl allocation of BSAI Pacific cod TAC as follows:
 - (a) A range of 40% to 60% to catchers;
 - (b) A range of 40% to 60% to catcher-processors.
 - (2) The percentage of Pacific cod TAC discarded in any calendar year within trawl and within fixed gear categories in both directed and non-directed

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fisheries would be reallocated the following year to the other sector within that gear type. (For example, the amount of Pacific cod discarded by the trawl catcher/processor sector in one year would be reallocated to the trawl catcher boat sector the following year, and vice versa.)

- 2. A proposal to require full utilization and retention of all species for vessels fishing Pacific cod will be melded with other current analyses of improved retention and utilization.**

The motion carried unanimously.

SUMMARY

The Council initiated an analysis to continue the Pacific cod gear allocations in the Bering Sea/Aleutian Islands (an extension of Amendment 24), adding alternatives for changes in the current allocation percentages.

D-3 Staff Tasking

The Council briefly discussed staff tasking and priorities. The Pacific cod allocation analysis was considered of high priority, however Dr. Pereyra indicated that the analysis of the pollock IFQ amendment should not be delayed. Dr. Pautzke indicated that a lack of staff to work on economic analyses may hold up some analyses. David Benton stressed the need for the Council to consider the industry request for a change in the pollock "B" season opening date at the January meeting so the Council can take final action in April.

The Council decided to take the halibut charter issue off the January agenda as no progress has been made on the analysis because of higher priorities and the lack of economists to work on it. The issue may be discussed during the Council's meeting with the Board of Fisheries.

E. FINANCIAL REPORT

There was no financial report at this meeting.

F. PUBLIC COMMENTS

There were no additional public comments.

G. ADJOURNMENT

Chairman Lauber adjourned the meeting at approximately 2:00 p.m. on Sunday, December 10, 1995.