

North Pacific Fishery Management Council

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Date 5/5/94

MINUTES

**110th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
December 7-11, 1993
Downtown Hilton Hotel
Seattle, Washington**

The North Pacific Fishery Management Council met December 7-11, 1993 at the Downton Hilton Hotel in Seattle, Washington. The Advisory Panel and Scientific and Statistical Committee began on December 6. The Nominating and Finance Committees also met during the week. The following members of the Council, staff, SSC and AP attended the meetings.

Council

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

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

NPFMC Staff

Clarence Pautzke, Executive Director
Judy Willoughby
Darrell Brannan
Marcus Hartley
Brent Paine

Chris Oliver, Deputy Director
David Witherell
Helen Allen
Gail Peeler
Regina Stewart

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Support Staff

Ron Berg, NMFS-AKR
Earl Krygier, ADFG
Dave Flannagan, NMFS-AKR
Lisa Lindeman, NOAA-GC
Seth Macinko, ADFG
Anne Hollowed, AFSC
Phil Smith, NMFS-AKR
Jessie Gharrett, NMFS-AKR
Barry Bracken, ADFG

Sally Bibb, NMFS-AKR
Sue Salveson, NMFS-AKR
William Karp, AFSC
Richard Merrick, AFSC
Galen Tromble, NMFS-AKR
Janet Wall, AFSC
Loh-lee Low, AFSC
Lewis Queirolo
Grant Thompson, ADFG

Scientific and Statistical Committee

Bill Clark, Co-Chair
Bill Aron
Keith Criddle
Doug Eggers
Dan Huppert

Terrance Quinn, Co-Chair
Richard Marasco
Phil Rigby
Jack Tagart
Harold Weeks

Advisory Panel

John Bruce, Chairman
Dave Benson
Al Burch
Phil Drage
Dan Falvey
Dave Fraser
Kevin Kaldestad

Dave Little
Stephanie Madsen
Pete Maloney
Dean Paddock
Penny Pagels
Perfenia Pletnikoff
John Roos

John Sevier
Harold Sparck
Michael Stevens
Beth Stewart
Robert Wurm

General Public

Approximately 200 people attended the meeting. The following members of the public signed the attendance register:

Vince Addington
Roxane Sklar
Heather Gilroy
Gordon Peltonen
Tracee Geerhaert
Morris Wade
Doug Vincent-Lang
Larry Cotter
Arni Thomson
Per V. Frulich
Karl Cook
Steve Hughes

Allison Barns
Bob Leggate
Peder Hvatum
Vince Curry
Gary Westman
Laurie Williams
Bruce Cotton
Denise Fredette
Michael Lake
David Edick
Ed Melvin
Andrew Grossman

Sinclair Wilt
Frank Lovering
Alvin Mercurief
Calvin Kashevalof
Kris Norosz
Janis Harsila
David Harsila
Paul Seaton
Paul MacGregor
Andrew Scalzi
Ed Glotfelty
Rick Cook

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Joe Sullivan
Dick Tremaine
Brian Bigler
Karl Ohls
Bryce Morgan
Judith Freeman
Kenneth M. Allread
Aaron Krukoff
Keitlyn Wabar
Norman Cohen
John Crowley
F. Gregory Baker
Gary Haugen
Mark Lundsten
Michael Johnson
Donald J. Leedy
Thorn Smith
Bob Morgan
Bill Arterburn
Steve Shapiro
Bill Jacobson
Joe Plesha
Bill Atkinson
Dwain Foster, Sr.
Lawrence Calugan Sr.
John Rotter
John Iani
Don Albrecht

Chris Blackburn
B. Bodal
Pat Livingston
Ken Tippett
Gordon Blue
Linda Kozak
Brian Kelly
Kenji Nishihara
M. Donaker
Tuck Donnelly
Martin Wozk
Shari Gross
Brady Coleman
George Knowles
Tom Suryan
Thor Lassen
Jeff Stephan
Kris Fanning
Ron Frels
John Henderschedt
Robert W. Miller
Rob Gudmundson
Brenda Reeves
Julie Pearce
Karma Nelson
Charles Soxie
James Tomlinson
Brad Matsen

Jeff Moormeier
Jim Seavers
Bob Trumble
J. G. Kim
Kate Graham
Vic Horgan
Carol Roan
Barry Ohai
John Dooley
Teresa Kandianis
Margaret Hall
John Gruver
Paul Koetje
Diane Wagner
Gary Covva
M.L. Edwards
Bob Storrs
Mandy Merklein
Peter Moore
Stoian Iankov
Art Hodgins
Mark Pedersen
Russ Moore
Walter Hunnings
Hal Cook
Phil McCrudden
Thor Olsen

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

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

Chairman Lauber called the meeting to order at 8:03 a.m. on Tuesday, December 7, 1993.

Agenda. The draft agenda was approved with the addition of a discussion of full utilization, time permitting. Linda Behnken also asked for an update on the endangered species designation for fall chinook salmon. Steve Rideout, designated alternate for U.S. Fish & Wildlife Director Steiglitz, was introduced to the Council.

Minutes of Previous Meetings. The minutes for the September Council meeting were not yet available for review.

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Debate on Motions to Table. The Council agreed to change the Council's standing rules to allow for debate on motions to table.

B. REPORTS

B-1 Executive Director's Report

Executive Director Clarence Pautzke briefed members on the plans for the June 1994 Council meeting which was originally scheduled for Sitka, Alaska, the week of June 20. Because of space constraints, the Council will now meet in Anchorage. The Anchorage Hilton can accommodate the meeting the week of June 6; however, no space is available after the 10th. The earlier meeting date had been requested to accommodate salmon fisheries. Linda Behnken suggested the Council hold an April meeting in Sitka when space will be more available. She also requested the Council consider changing the September meeting date to accommodate the Chatham Strait sablefish fishery. After information is obtained on the possible fishery dates, the Council may consider a change.

Robin Samuelson moved to meet at the Anchorage Hilton the week of June 6, 1994. The motion was seconded by Oscar Dyson and carried without objection.

Dr. Pautzke also reported on the Endangered Species Act Reauthorization and a review of the status of Steller sea lions.

Council members were advised of a recently published rule that requires any motion to be forwarded to the Secretary to be available in written form visible to each Council member present.

The Council also confirmed the appointment of Dave Colpo, AFSC, to the Bering Sea and Aleutian Islands groundfish plan team and the halibut team.

B-2 ADF&G Report

Ken Griffin reported on recent fishery activities of interest to the Council. Following is a summary of the report.

BSAI King and Tanner Crab Fisheries: Five vessels harvested approximately 750,000 pounds in the Dutch Harbor king crab fishery. On September 15, fisheries for blue king crab in the St. Matthew Island section and red king crab in the Pribilof Island were opened. Due to the low abundance estimate for blue king crab, a commercial fishery was not conducted in the Pribilof Island area. The red king crab fishery in the Pribilof Islands was the first commercial king crab fishery in that district since 1988. The St. Matthew fishery yielded 3.0 million pounds and the Pribilof fishery produced 2.6 million pounds.

Preliminary estimates of the Bristol Bay red king fishery show harvests of approximately 14.2 million pounds of red king crab and 3.5 million pounds of Tanner crab. The *C. opilio* Tanner crab fishery was scheduled to open January 15 with a pre-season guideline harvest level of 105.8 million pounds.

The Adak king and Tanner crab fisheries opened November 1st and, as of this report, 0.4 million pounds of red king crab had been landed; there were no reports of brown king crab having been landed.

Salmon Troll Fishery: As of meeting time, approximately 16,200 chinook salmon had been caught in the 1994 troll chinook salmon fishery which continues through April 14, 1994.

Southeast Alaska Demersal Shelf Rockfish Fishery: The directed DSR fishery was closed on November 9 when the TAC was achieved. The 10% bycatch limit was implemented in conjunction with the directed fishery closure, however little bycatch is anticipated since the Gulf is closed to longlining and the lingcod dinglebar fishery is also closed.

New Board regulations affecting the DSR fishery will:

1. make the State's management area boundaries compatible with the revised federal regulatory districts;
2. allow setting of DSR bycatch limits by emergency order;
3. set GHR for DSR in the East Yakutat section of the Southeast Outside District;
4. assure future compatibility between State and Federal opening dates for sablefish;
5. prohibit transport of bait-caught sablefish into federal waters, closing the loophole which has allowed fishers to have sablefish onboard before an opening;
6. set bycatch limits for sablefish in the 0-3 mile zone the same as those in the 3-200 mile zone in adjacent management areas; and
7. adopt a lingcod management plan, which will allow an expansion of the winter closure to the 3-mile line that will provide for better protection and control total fishing mortality.

B-3 NMFS Management Report

Ron Berg, NMFS-AKR, reported on catches to date for the groundfish fisheries in the Gulf of Alaska and Bering Sea/Aleutian Islands. The report was made using overhead graphs; there was no written report. Copies of the graphs were provided to Council members. Mr. Berg also reported on the current status of regulatory actions, as follows:

Actions Implemented

- Atka mackerel in GOA (Amendment 31) - approved October 18, 1993.
- Technical amendments correcting seven sea lion rookery descriptions - effective October 14, 1993.
- IFQ Final Rule - published in the Federal Register on November 9, 1993.
- Redefine pollock roe stripping - Final Rule effective November 26, 1993.

Actions Pending

- Observer regulations - comment period on proposed rule ends November 29, 1993.
- Legal gear definitions - comment period on proposed rule ends December 13, 1993.
- BSAI Amendment 24 - comment period on proposed rule ends December 6, 1993.
- GOA/BSAI 1994 Proposed Specifications - comment period ends December 10, 1993.
- Standard PRRs/Reduced roe retention - Final rule being prepared by Regional Office (RO).
- Moratorium - Proposed rule being prepared by RO.
- 1993/94 recordkeeping/reporting requirements - Proposed rule being prepared by RO.
- Research Plan - Proposed rule being prepared by RO.
- Mandatory retention of trawl-caught salmon - Proposed rule being prepared by RO.
- CDQ Bycatch & Halibut PSC Limit - Proposed rule being prepared by RO.

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B-4 Enforcement Report

During the period September 1 through October 31, 1993, NMFS and the Coast Guard opened a total of 177 investigations. Out of 114 investigations initiated by NMFS, 12 originated from the observer program. Further actions were also taken on 146 pending cases during the reporting period. Nine were closed as unfounded; one was closed due to lack of enforcement resources. Fifteen cases were handled with written warnings and 12 were handled with summary settlement offers totaling \$16,713 in assessed penalties. Sixty-three cases were settled through voluntary abandonment with property valued at \$45,011, and 13 were referred to NOAA General Counsel. NOAA General Counsel issued 17 Notices of Violation, assessing a total of \$149,071 in penalties, and an additional 15 were settled with penalties totalling \$33,525. One District Court civil forfeiture case was settled for \$260,000. Observer-initiated cases resulted in three written warnings, six referrals to other agencies, one dismissal due to lack of enforcement resources, and two assignments for further investigation.

The Coast Guard conducted over 200 boardings during the September halibut opening. Common violations noted were retention of undersized halibut, fishing without an IPHC license onboard, and failure to maintain/update halibut logs. The Coast Guard noted a marked improvement in fleet safety between the June and September openers. Only one vessel had its voyage terminated in comparison to six during the June opener.

Using both overt and covert surveillance flights and periodic cutter presence the Coast Guard also monitored activity of Japanese trawlers operating throughout the period in the Russian zone along the Convention Line north of the Donut Hole to deter incursions into the U.S. EEZ.

In response to safety concerns the Coast Guard provided either cutter presence in the Eastern Bering Sea or deployed a helicopter in Cold Bay during the intense Bering Sea crab fishery.

The Coast Guard reported that for FY93 there has been a downward trend, both in fisheries and safety violations.

C. NEW OR CONTINUING BUSINESS

C-1 Committee Memberships

The Nominating Committee met during the week to review nominations for the AP, SSC, and PNCIAC panels. Their recommendations were discussed by the Council in Executive Session. The following appointments were made for 1994 for the AP and SSC, and for 1994-95 for the PNCIAC:

Advisory Panel: New appointments:

Dave Benson, Arctic Alaska Fisheries
Bruce Cotton, Long John Silver's
Spike Jones, Commercial Fisherman
Doug Ogden, Alaska Sportfish Assn
Hazel Nelson, Bristol Bay Economic Dev. Corp.

Reappointments:

John Bruce, Deep Sea Fishermen's Union
Al Burch, Alaska Draggers Assn.
Phillip (Steve) Drage, Commercial Fisherman
Dan Falvey, Alaska Longline Fishermen's Assn.
Kevin Kaldestad, Kaldestad Fisheries
David Little, Clipper Seafoods
Stephanie Madsen, Aleutian Logistics
Pete Maloney, UniSea
Dean Paddock, Bristol Bay Driftnetters Assn
Penny Pagels, Greenpeace
Byron Pfundt, Petersburg Vessel Owners Assn
John Roos, Pacific Seafood Processors Assn
John Sevier, Alaska Pacific Seafood
Harold Sparck, Bethel
Michael Stevens, Native Seas, Inc.
Beth Stewart, Aleutians East Borough
Robert Wurm, Kodiak Longline Vessel Owners Assn

SSC: Three new appointments to the SSC were confirmed: Dr. Albert Tyler, School of Fisheries and Ocean Sciences, University of Alaska, Dr. Hal Weeks, Oregon Department of Fish & Wildlife, and Dr. Susan Hill, Institute of Marine Science, University of Alaska.

The following nine members of the SSC were reappointed for 1994:

William Aron	Alaska Fisheries Science Center, NMFS
Keith Criddle	Univ. of Alaska Fairbanks, Dept. of Economics
Douglas Eggers	Alaska Department of Fish and Game
Daniel Huppert	Univ. of Washington, Institute of Marine Studies
Richard Marasco	Alaska Fisheries Science Center, NMFS
Marc Miller	Univ. of Washington; School of Marine Affairs
Terrance Quinn II	Univ. of Alaska, Juneau Center for Ocean Sciences
Phil Rigby	Alaska Department of Fish and Game
Jack Tagart	Washington Department of Fisheries

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PNCIAC: Two changes were made in the membership of the Pacific Northwest Crab Industry Advisory Committee. Dave Benson, Arctic Alaska Fisheries Corporation, and Garry Loncon, Royal Aleutian Seafoods, Inc., were appointed to fill two open positions.

Reappointed committee members are:

Arne Aadland	Ocean Viking Fisheries
Bart Eaton	Trident Seafood
Don Giles	Icicle Seafoods, Inc.
Spike Jones	Commercial Fisherman
Bruce Joyce	Commercial Fisherman
Kevin Kaldestad	Kaldestad Fisheries
Robert Miller	Cascade Boat Company
Arni Thomson	Alaska Crab Coalition
Rich White	Dutch Harbor Seafoods Ltd.

C-2 Observer Program

The Council was scheduled to receive a status report on the North Pacific Fisheries Research Plan, review the NMFS fee collection plan, and consider NMFS-proposed changes to the plan. The proposed changes included (1) guarantees of fee payments would not be required; (2) bimonthly rather than quarterly payments; and (3) semi-annual rather than annual processor permits.

The Council also was briefed on regulatory adjustments to the current observer program for 1994. Those changes include:

- 1. Base observer coverage requirements on fishing days, as opposed to fishing trip days, and define fishing day as any day in which groundfish are retained.**
- 2. Change the way in which 30% coverage vessels (60' to 125') must meet their quarterly coverage requirements; these vessels will be required to carry an observer 30% of their days during fishing trips in each calendar quarter in which they fish more than three days in the groundfish fishery. Additionally, each vessel must carry an observer during at least one fishing trip for each target fishery in which the vessel participates. Some of the target categories have been aggregated to ease the logistical burdens of this requirement.**
- 3. Longline vessels in the 30% coverage category which fish in the Eastern Gulf of Alaska must carry an observer during at least one fishing trip in the Eastern Gulf.**
- 4. Modified observer coverage requirements for pot vessels so that 30% coverage requirements apply to all vessels 60' and greater.**
- 5. Revised conflict of interest standards for observers and observer contractors.**

The SSC did not address this agenda item.

Report of the Advisory Panel

The AP recommended the Council approve bimonthly billing and change to a semi-annual permitting process. The AP also recommended the Council change the sunset provision by beginning the "clock" for the sunset clause three years after NMFS starts paying the contractors. This would allow for some experience with the program before review but guarantee industry that the entire program would be scrutinized within that time frame.

COUNCIL DISCUSSION/ACTION

Council members questioned staff regarding how the crab observer plan (now under State management) would fit into the Research Plan. Of particular interest was whether that program would receive priority funding if there is a shortfall under the new program. NMFS staff advised that status quo coverage levels would be maintained for the crab observer plan until the Council reviews and determines appropriate coverage levels for all fisheries, given available funding levels.

Steve Pennoyer moved to adopt the AP recommendations, i.e., to change billing to a bimonthly schedule and change to semi-annual permitting. The motion was seconded by Bob Alverson and carried without objection. The Council had the following text available for the vote: Specific revisions are underlined.

(F) Fee Collection

2. Fee payments will be made bimonthly within 30 days from the date of issuance of each bimonthly bill to the NOAA Office of the Comptroller to be deposited in the North Pacific Observer Fund within the U.S. Treasury. The fee will be documented in a manner prescribed by NMFS.

3. All processors as defined under Item G(1) may be required to have a federal permit to receive fish from plan fisheries. Processors must apply for these permits semi-annually by the deadline prescribed by the Regional Director. Permits would be issued semi-annually on January 1 and July 1 to those processors whose fee payments are current. The NOAA Office of the Comptroller shall assess late charges for underpayment or late payments of fees. (The second paragraph under the original Section F.3. was deleted.)

Steve Pennoyer moved deletion of the last paragraph under E.2 (of the Research Plan), which reads as follows:

The fee percentage limit identified above will sunset three years after implementation of the Research Plan. Unless changed or reestablished by the Council, the funding mechanism would revert to direct payment, by vessels and processors, for required observer coverage levels.

NMFS provided draft amendment language changes in writing to accompany these motions.

The motion was seconded by Carl Rosier and carried, 8 to 3, with Millikan, Pereyra, and Lauber voting against. The Council felt these changes were the least burdensome on industry and more administratively feasible for NMFS.

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Bob Mace stressed the need to expedite the Research Plan and get it in operation as quickly as possible. The Council had no further comments on the 1994 regulatory changes to the current Observer Plan, which they had originally approved in December of 1992.

C-3 Sablefish and Halibut IFQs

The Council reviewed the Final Rule for the Sablefish and Halibut IFQ program. Several provisions were flagged by staff as needing further clarification of Council intent. The Council received a report on implementation of the program from Phil Smith, NMFS Restricted Access Management Division, and a report from the industry implementation workgroup.

The SSC and AP did not address this agenda item.

COUNCIL DISCUSSION/ACTION

The following motions were made to clarify Council intent with regard to the Sablefish and Halibut IFQ program:

Clem Tillion moved to amend the "recognition of vessel lease" provision to include other evidence documenting the existence of a lease, as follows: Applicant must provide independently verifiable documents for each of the following: 1) cancelled checks or receipts from IPHC or CFEC (halibut or sablefish) permits; 2) IRS tax forms showing a business deduction for the lease; and 3) 1099 tax forms for any crew. Presentation of such evidence shall be considered presumptive for determining that such a lease existed. The motion was seconded and carried with Pereyra abstaining.

Mr. Tillion explained that the intent of the motion is to allow those who had bareboat-type arrangements to apply for IFQs with proper documentation. In his opinion legitimate operators would have been responsible for these aspects of the business although a written lease may not have existed.

Clem Tillion moved to confirm Council intent by deleting the provision allowing halibut QS in the catcher vessel category from being utilized on freezer longliners. The motion was seconded by Linda Behnken and carried, 6 to 2 (Alverson and Pennoyer against) and three abstentions (Hegge, Mace and Millikan). Hegge abstained because of possible conflict of interest.

Clem Tillion moved to amend the plan such that no more than 33% of the total sablefish Community Development Quota could be awarded to any single applicant. The motion was seconded by Robin Samuelsen and carried without objection.

Mr. Tillion explained that under the current situation, with six group applicants, the previous limit of 12% would not allow allocation of the entire 100% of available CDQ.

Clem Tillion moved to request a regulatory amendment to delete provisions for vessels to clear through a primary port prior to leaving Alaska to make landings at some other port, and substitute a requirement for a vessel to verify catch at a port or other specified location designated by NMFS prior to exiting the management area in which the fish are harvested. The motion was seconded, but subsequently replaced by a substitute motion.

There was considerable debate regarding the legalities of such a provision. The intent would be to assure a person doesn't fish in one area and log the catch in another. Conservation and enforcement concerns were cited as the rationale.

Linda Behnken moved a substitute motion to request that NOAA General Counsel investigate methods of requiring clearances before leaving the EEZ and provide guidance to the Council in January as to the most effective, efficient and cost-effective way of approaching the problem. The motion was seconded and carried unanimously.

Carl Rosier moved to clarify Item IIb to mean that catcher vessel QS must be used in its size category even if used aboard a freezer longliner. Such restrictions would apply to QS held by vessel owners or crewmembers. The motion was seconded and carried without objection. It was stressed that the intent of the Council is that if a vessel is using catcher QS it must comply with all catcher vessel regulations, including vessel size classes.

Carl Rosier moved to amend "(C) under "Use of catcher vessel IFQ" to read:

- (4) Catcher vessel QS may not be used on any vessel with frozen or processed product on board.**

The motion was seconded by Linda Behnken and later amended by her to read as follows:

A vessel may not freeze or process any or all of its catch when it is using catcher vessel quota share. The motion was seconded and failed, 7 to 4, with Behnken, Rosier, Samuelsen, and Lauber voting in favor.

Steve Pennoyer moved that Council request staff to come back in January with a proposal that would provide for the ability of a vessel operating as a catcher boat to have frozen non-IFQ product on board. The motion was seconded by Al Millikan and carried with Behnken opposing.

Steve Pennoyer pointed out that he has concerns that some of the regulations do not conform to Council action at this meeting. He suggested that NMFS review the Council's actions and report back in January to discuss any inconsistencies. Bob Mace suggested that NMFS should also consult with the industry implementation workgroup.

Bob Alverson moved that with regard to determining CDQ compensation for qualifiers for sablefish quota in the Eastern Bering Sea groundfish plan, that compensation would be based on the average of the 1988, 1989, and 1990 TACs established by the Council. The motion was seconded by Linda Behnken and carried without objection. The intent is to ensure those getting QS are fairly compensated for the CDQ program and not affected by the lower 1994 TAC.

Linda Behnken moved to restrict the use of catcher vessel QS/IFQ by solely owned corporations in Southeast Alaska (Area 2C for halibut) to the same requirements as for individuals. The motion was seconded by Oscar Dyson and carried without objection.

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C-4 Halibut Management

In June the Council reviewed annual amendment proposals for halibut management, including a report from the Halibut Regulatory Amendment Advisory Group (RAAG). The Council recommended that staff develop an analysis of a proposal submitted by the Atka Fishermen's Association and that it be available for review at this meeting. The proposal requested implementation of a 5,000 pound trip limit for the 12-hour early season halibut openings in Area 4B for the 1994 halibut season, with a set-aside of 20 percent of the annual Area 4B catch limit (quota) for the early season openings. The RAAG recommended including another alternative to examine the effects of a 10 percent set-aside with a 5,000 pound trip limit.

Report of the Scientific and Statistical Committee

The SSC reviewed the analysis and recommended it be released for public comment.

Report of the Advisory Panel

The Advisory Panel reviewed the alternatives and recommended the analysis be released for public comment.

COUNCIL DISCUSSION/ACTION

Robin Samuelsen moved to send the analysis out for public review and comment. The motion was seconded by Linda Behnken and carried, 7 to 4, with Alverson, Mace, Millikan, and Pereyra voting against. Council members opposing the motion felt that this was an economic and allocative issue only and also that the implementation of halibut CDQs would remedy the situation.

C-5 Comprehensive Rationalization Plan

The Council received staff reports reviewing previous Council action and progress on data base and LP model development. The Council was also scheduled to review elements and options of the plan for further refinement of alternatives. There was approximately three hours of public comment on this agenda item.

Report of the Scientific and Statistical Committee

The SSC reviewed the staff progress report on the social and economic research plan and related documents as well as specific draft and intermediate products from researchers, and reviewed the actions of the Social Impact Assessment working group. The SSC had extensive comments on various aspects of the Comprehensive Rationalization Plan (see SSC Minutes, Appendix II to these minutes). In reviewing the outline and timeline for the economic analysis, the SSC noted that it is very unlikely that all the tasks can be completed with adequate accuracy and review by existing staff in time for the April 1994 Council meeting.

Report of the Advisory Panel

The AP held a general discussion on the CRP issue without making specific motions. The AP was split on whether alternatives should be narrowed at this time, although they do believe the processor

two-pie and license limitation proposals should be dropped. They also feel that the issue of waste and discards needs to be folded into the CRP process. Generally they agreed that they need to devote more time to this issue and planned to meet at least one extra day in January to accommodate the discussion.

COUNCIL DISCUSSION/ACTION

During the staff review of options, Lisa Lindeman, NOAA-GC, reiterated General Counsel's opinion that at this time any option which allocates processing shares to shoreside processors would require a Magnuson Act amendment. If such an option were submitted to the Secretary before an amendment to the Act, there would be a significant risk of disapproval. General Counsel also cautioned Council members that for any alternatives dropped at this point there needs to be evidence that they are not rational or reasonable. The Council took this item up late in the meeting, past the scheduled time for adjournment, and discussed whether to continue with discussion or to delay it until the January meeting.

Carl Rosier moved to table further discussion on all agenda items related to comprehensive rationalization until the January meeting. The motion was seconded by Bob Mace.

Mr. Rosier stressed that the subject requires much more time than the Council could give it at this meeting. He also wished to delay further discussion of IFQs until more information was gathered on the Secretary's authority to alter plans after they have been approved and submitted by a Council. This concern was expressed because of several aspects of the Sablefish and Halibut Final Rule which some Council members felt did not follow Council intent. Several Council members preferred continuing with the discussion.

The motion carried, 7 to 4, with Alverson, Millikan, Pereyra and Samuelsen voting against.

Wally Pereyra moved that Comprehensive Rationalization be the primary issue for consideration at the January meeting. The motion was seconded by Steve Pennoyer and carried, 8-2, with Behnken and Samuelsen voting against. [Council member Dyson had left the meeting.] Members Behnken and Samuelsen agreed that a significant amount of time needs to be dedicated to CRP but felt there were other important issues to be discussed at the January meeting.

During Council discussion it was clarified that CRP would be the first major item on the agenda, with at least two days dedicated to the issue.

Carl Rosier moved to request NOAA General Counsel to provide the Council with a written opinion at the January meeting that clearly explains at what point the Secretary's authority to make implementation-related changes as authorized under Magnuson Act is exceeded. The motion was seconded and carried without objection.

Ron Hegge also requested that NOAA General Counsel investigate previous decisions on confidentiality of data issues in relation to fishery management plans and amendments implemented in other Regions.

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D. FISHERY MANAGEMENT PLANS

D-1 Crab Management

The Council received an overview of a State/Federal action plan created to improve coordination and communication among NMFS, ADF&G, the Council and the Alaska Board of Fisheries on crab issues. The action plan would create three interagency action groups: a Research Planning Group, a State/Federal Policy Group, and a Council/Board Consultation Group.

The Council also was scheduled to review a draft analysis of a proposal to establish the Norton Sound red king crab area as a superexclusive registration area and determine whether to release it for public review and comment.

Report of the Scientific and Statistical Committee

The SSC stated its concern that the statement of the purpose and need for area registration in the Norton Sound red king crab fishery focuses on management problems associated with the current open-access nature of the fishery, while the bulk of the analysis addresses socioeconomic issues. They suggested that if the Council is satisfied with the existing purpose and need statement, the analysts need to provide estimates of management and enforcement costs under each of the three alternatives. If the intent of the proposed amendment is in part to promote economic development in the Norton Sound region, that intent should be addressed in the problem statement.

Report of the Advisory Panel

The AP recommended the Council send the document out for public review. They also suggested the Council consider asking staff to develop criteria for superexclusive registration areas.

COUNCIL DISCUSSION AND ACTION

Bob Alverson moved that the analysis be amalgamated into the full rationalization process and that superexclusive designation for Norton Sound be part of the final package for crab. The motion was seconded by Wally Pereyra and failed, 7 to 4, with Alverson, Mace, Millikan and Pereyra voting in favor.

Council discussion included the necessity to address all of the fishery problems in a comprehensive manner rather than on a case-by-case basis and a suggestion that other methods such as trip limits should be addressed. Ron Berg, NMFS, stated that in his opinion this situation needs to be addressed for the conservation and management of the fishery.

Alan Millikan moved to delay any decision until January so that the changes suggested by the SSC can be incorporated. The motion was seconded by Wally Pereyra and failed, 7 to 4, with Alverson, Mace, Millikan and Pereyra voting in favor.

Ron Berg moved to send the document out for public review after incorporation of SSC comments, with a final decision scheduled for the January Council meeting. The motion was seconded.

Bob Alverson moved to amend Alternatives 2 and 3 with the suboption of restricting the measure to the 1994 season only. The motion was seconded by Wally Pereyra and carried, 10 to 1, with Hegge voting against.

The main motion, as amended, carried, 7 to 4, with Alverson, Mace, Millikan and Pereyra voting against.

D-2 Groundfish Amendments

(a) Regulatory Amendment Apportioning GOA trawl halibut PSC to shallow and deepwater complexes and changing BSAI flatfish season.

In September, the Council initiated a regulatory amendment to address the problem of increasing competition among trawl fisheries in the GOA for limited amounts of Pacific halibut PSC. By utilizing a large share of available halibut bycatch, vessels participating in some subset of the GOA groundfish trawl fisheries can cause premature closure of other trawl fisheries when the PSC limit is reached.

One management measure to be implemented by this amendment would further apportion the trawl halibut PSC cap by specific fishery. In the past, it has been a Gulf-wide cap that applies to all bottom trawling, regardless of target species. Future modifications to the apportionments would be made during the annual specifications process. Specifically for 1994, the amendment will apportion the overall halibut PSC cap between the shallow water groundfish complex and deepwater complex. Other measures incorporated in the regulatory amendment include: (1) amending directed fishing standards to eliminate covert targeting on "bycatch only" species and reduce the amount of halibut mortality associated with fisheries targeting on groundfish species for which directed fishing is closed, and (2) adjusting the season opening dates for the Bering Sea flatfish fisheries from May 1 to January 20 to provide more fishing opportunities in the Bering Sea early in the fishing year, thus reducing the incentives fishermen may have to move fishing operations from the Bering Sea to the GOA. NMFS anticipates implementation of these measures no sooner than May 1. The effects of changing the BSAI flatfish opening date will therefore not be realized for the 1994 fishery.

There was no SSC report on this agenda item.

Report of the Advisory Panel

The AP recommended the regulatory amendment be implemented by emergency rule to be in place no later than March 1, 1994. This would include directed fishing standards. The AP clarified that Greenland turbot is not included in this action. Reasons supporting the need for emergency action were: (1) The need for the amendment was not foreseen until the September Council meeting when exclusive registration failed; and the overfishing problem with thornyheads was not known until late September of this year; (2) the amendment will reduce the influx of effort from the Bering Sea when rock sole closes, slow down the rate of halibut bycatch and allow NMFS to close the trawl fishery when the quarterly cap is reached and reduce or eliminate the race for high value species early in the year, particularly thornyheads and shortraker roughey; (3) to fully benefit from this amendment in 1994 it should be in place before the end of the rocksole fishery which has historically ended in late February, early March; (4) ecological concerns include preventing overfishing of thornyheads and Pacific ocean perch in the Central Gulf by slowing down the influx of Bering Sea vessels into the

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Gulf, limiting the amount of deep complex species which can be taken and offering alternative opportunities in the Bering Sea; (5) failure to have some control on the influx of Bering Sea effort and failure to offer Bering Sea vessels alternative opportunities have had severe economic impacts, and will continue to have severe economic impacts on all segments of the Gulf trawl industry; and (6) the social costs to both the community of Kodiak and the Gulf factory fleet will be high if this amendment is not implemented as quickly as possible.

COUNCIL DISCUSSION/ACTION

Bob Alverson moved to request NMFS to implement the regulatory amendment, including the directed fishing definition and the early season date, by emergency rule, to have it in place as early in 1994 as possible. The motion was seconded and carried, 10 to 1, with Pennoyer voting against. It was clarified that Greenland turbot is not included in the action. The motion, as well as statements supporting the need for emergency action were before the Council in written form before the vote. The supporting statements were outlined in the Advisory Panel's recommendation.

(b) Salmon Bycatch (Initiative)

At the September meeting, the Council officially endorsed a "Salmon Bycatch Control Policy," now commonly known as the "Salmon Bycatch Initiative." Included in the initiative were a number of provisions requiring oversight by the Council and participation from both agency personnel and industry representatives. Chief among the provisions in the policy is the creation of the Salmon Foundation ("Foundation") and changes in federal regulations.

The Council received a progress report from industry representatives on the status of developments for the Salmon Foundation, including a review of projected income from the \$20.00 assessment on chinook salmon, status of its research plan for stock identification research, in-season feedback of salmon bycatch information, and a proposal for analysis of historical bycatch data. The representatives also presented the Council with a list of 120 vessels that have agreed to participate in the Salmon Foundation program. These vessels comprise significant production of BSAI groundfish. The Council was informed that though the regulations are not in place to provide an exact count of salmon bycatch, participants in the Salmon Foundation program will begin assessing themselves the \$20 fee/chinook for fisheries that begin on January 20, 1994 (primarily pollock and cod).

Report of the Scientific and Statistical Committee

The SSC received a report summarizing several proposals submitted to the Salmon Research Foundation related to inseason reporting of salmon bycatch patterns and stock identification of salmon bycatch. The SSC is supportive of the Foundation's efforts and believes the Council will benefit by the information obtained. The SSC recommended an interagency research group be set up to develop a stock identification proposal for the Foundation. See SSC Minutes, Appendix II for more specific comments.

COUNCIL DISCUSSION/ACTION

Linda Behnken asked Steve Pennoyer whether hotspot authority could be used to address the chum salmon bycatch problem encountered this past year. Mr. Pennoyer said that NMFS would have to develop some guidelines for use, i.e., rates that would require closures of specific areas. However, he pointed out that it might be difficult to come up with an average because the extremely high catch this year was considerably outside the normal catch rates. Council members expressed concern over the problem. Carl Rosier pointed out that the bycatch of chum salmon has been steadily increasing over the years and that this year's high catch is of great concern to the State.

Linda Behnken moved to request that NMFS bring back to the Council in January existing data on chum salmon bycatch to enable the Council to determine whether there are any steps that can be taken for the 1994 season. The motion was seconded by Wally Pereyra and carried without objection.

Bob Mace suggested that the Region prepare several scenarios under hotspot authority or other regulatory authority to give the Council some guidance.

Alan Millikan stressed that a clear statement of the problem is needed before any action is taken. Ms. Behnken said she feels this is a conservation problem for chum salmon and there may be severe socioeconomic impacts for the residents who depend on chum salmon.

Bob Alverson asked when the Council would be reviewing a request for renewal of Terra Marine's experimental permit. He said NMFS should track bycatch on the participating vessels to compare with non-participating vessels to determine if there is any difference in bycatch rates.

D-3 Final Groundfish Specifications for 1994

(a-b) Gulf of Alaska

In September the Council received a draft Stock Assessment and Fishery Evaluation (SAFE) document for the 1994 Gulf of Alaska groundfish fisheries and was mailed a final, updated SAFE before the December meeting. Staff provided an overview of the status of stocks and provided Plan Team recommendations for 1994 ABCs.

Report of the Scientific and Statistical Committee

The SSC reviewed the SAFE for Gulf of Alaska Groundfish and received staff reports and plan team recommendations for ABCs. The SSC endorsed all plan team recommendations with the exception of Pacific ocean perch. For POP, the SSC recommended a total TAC of 3,954 mt. For specific comments on each species, please see the SSC Minutes, Appendix II to these minutes.

Report of the Advisory Panel

The Advisory Panel reviewed the SAFE document and plan team recommendations for ABC. The Advisory Panel recommended the Council approve the Plan Team's recommended ABCs with some changes (see AP Minutes, Appendix III). The AP then developed recommended levels of Total

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Allowable Catch for each species for 1994. Appendix IV to these minutes provides Plan Team and SSC recommendations for ABC and the AP's recommendations for TAC for 1994.

COUNCIL DISCUSSION/ACTION

Bob Mace moved to adopt the SSC's recommendations for Gulf of Alaska ABCs for 1994. The motion was seconded by Bob Alverson.

Linda Behnken moved to amend to adopt the plan team's recommended ABC for Pacific ocean perch (3,030 mt total: 680 mt-Western; 850 mt-Central; and 1,500 mt-Eastern). The motion was seconded by Ron Hegge and carried, 7 to 4, with Dyson, Mace, Millikan and Pereyra opposed. The main motion, as amended, carried without objection.

Bob Mace moved to approve the Advisory Panel's recommendations for Gulf of Alaska TACs for 1994. The motion was seconded by Oscar Dyson.

Wally Pereyra moved to amend to set the TAC for Pacific ocean perch at 3,030 mt. The motion was seconded by Al Millikan and failed, 9 to 2, with Millikan and Pereyra voting in favor.

Council members felt the more conservative amount is consistent with their rebuilding schedule for POP.

Bob Alverson moved to set the pollock TAC at 82,000 mt. The motion was seconded by Wally Pereyra and failed, 10 to 1, with Alverson voting in favor. Mr. Alverson cited concern over plan team comments in the SAFE document that suggest the plan team is uncomfortable with harvesting at equal to ABC. The plan team noted that a lower exploitation rate may have some benefits.

Linda Behnken moved to amend to designate Other Rockfish as a bycatch-only species in the Gulf of Alaska. The motion was seconded by Robin Samuelsen and carried, 6 to 5, with Alverson, Mace, Millikan, Pennoyer, and Pereyra voting against.

Pennoyer said that this action essentially balances 500 tons of retained catch against 70 tons of discarded DSR. Ms. Behnken pointed out that this is a developing fishery which has shown large discards and had a disruptive effect on the traditional demersal shelf rockfish fishery. Many of the people involved in the fishery fish DSR exclusively, or depend on it for the majority of their income and therefore the fishery is very important to the area.

The main motion, as amended, carried, 8 to 3, with Alverson, Millikan and Pereyra voting against. It included other caveats in the AP recommendation that shortraker/rougheye and thornyhead be bycatch only and that NMFS moniastor fPOP catch in the pelagic shelf rockfish fishery so the POP rebuilding program is not compromised.

Halibut Discard Mortality Rates

Bob Mace moved to adopt the 1993 schedule of discard mortality rates for 1994, as recommended by the Advisory Panel, and that in June 1994 NMFS publish the running average of 1992-93 discard mortality rates for final consideration in determining 1995 rates. The motion was seconded by Al

Millikan and carried without objection. It was clarified that the 12.5% and 15% (observed and non-observed) rates should apply for the next season.

PSC Limits for Halibut

Steve Pennoyer moved to continue the 1993 PSC limits for halibut in the Gulf of Alaska for 1994, including the exemptions for midwater trawl pollock and developing pot fisheries:

Trawl gear		Hook and Line gear	
1st quarter	600 mt (30%)	1st trimester	200 mt (26.7%)
2nd quarter	400 mt (20%)	2nd trimester	500 mt (66.7%)
3rd quarter	600 mt (30%)	3rd trimester	50 mt (6.7%)
4th quarter	400 mt (20%)		
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TOTAL	2000 mt		750 mt

Of the 50 mt, 3rd trimester hook and line gear apportionment, 10 mt would be assigned specifically to the demersal shelf rockfish fishery in Southeast Alaska.

The motion was seconded by Bob Alverson and carried without objection.

A regulatory amendment initiated by the Council in September would allow apportionments of the overall PSC cap by fishery. The Council recommended that the amendment be pursued as an emergency regulation and that the following apportionments be applied for 1994:

Quarter	Shallow	Deepwater	Total
	Complex*	Complex*	
1	500 mt	100 mt	600 mt
2	100 mt	300 mt	400 mt
3	200 mt	400 mt	600 mt
4	No apportionment		400 mt

*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.

Final tables of approved 1994 TACs and allocations are found in Appendix V to these minutes.

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Ron Hegge moved to send a letter to the IPHC indicating the inability to achieve TACs in the Gulf because of the halibut cap and suggesting that IPHC consider scheduling the halibut season in the Gulf before the sablefish season. The motion was seconded by Linda Behnken and carried without objection. Mr. Hegge pointed out that in a prior year halibut bycatch was reduced when the halibut opening occurred before the sablefish season. The Council also indicated the letter should request that IPHC address halibut bycatch in the sablefish fishery and consider ways to work toward full harvest of the sablefish TAC.

(c-d) Bering Sea/Aleutian Islands

In September the Council received a draft Stock Assessment and Fishery Evaluation (SAFE) document for the 1994 Bering Sea/Aleutian Islands groundfish fisheries and was mailed a final, updated SAFE before the December meeting. Staff provided an overview of the status of stocks and provided Plan Team recommendations for 1994 ABCs.

Report of the Scientific and Statistical Committee

The SSC received reports from staff on the status of stocks. The SSC agreed with plan team recommendations for ABCs in the BSAI with the exceptions of Bogoslof pollock, Greenland turbot, and Atka mackerel. For Bogoslof pollock, the SSC recommended an ABC of 31,750 mt. They also recommended that the TAC be set at a level to provide for bycatch only because of international efforts to curtail fishing on the Basin population, and potential impacts on marine mammals and seabirds. For Greenland turbot, the SSC cited continuing conservation concerns and recommended an ABC of 7,000 mt. For Atka mackerel, the SSC recommended a total ABC of 122,500 mt in keeping with their 1992 recommendation to reduce the calculated ABC by 5/6 with subsequent annual increases of 1/6. This recommendation was made because of survey variability and concern for northern fur seals and Steller sea lions which feed heavily on Atka mackerel. For more detailed comments on SSC recommendations on all species, see the SSC Minutes, Appendix II to these minutes. With regard to halibut discard mortality rates for the trawl fisheries, the SSC recommends using the average of the estimates from the last two years in those fisheries. For hook-and-line fisheries, they endorsed the plan which starts with an assumed 15% rate and then uses new estimates from inseason data.

Report of the Advisory Panel

The AP's recommended TACs for 1994 for the Bering Sea/Aleutian Islands groundfish fisheries are found in Appendix IV to these minutes. Further, they recommended that the Other POP complex in the Eastern Bering Sea and shortraker/rougheye in the Aleutian Islands be managed as bycatch only. For the roe/non-roel pollock fishery, the AP recommended that 45% of the pollock be allocated to the roe season and 55% to the "B" season, the same as for 1993. The AP had no recommendation with regard to a midwater/bottom trawl pollock apportionment.

Non-trawl PSC Catch Apportionment. The AP recommended that the Council adopt the preliminary apportionments approved at the September Council meeting. (See Appendix IV)

Trawl PSC Apportionment. The AP was evenly split between two apportionment schemes. (See Appendix IV for both tables of recommendations.)

COUNCIL DISCUSSION/ACTION

Wally Pereyra moved to adopt the ABCs as recommended by the SSC. The motion was seconded by Bob Mace.

Bob Alverson moved to amend to set the Greenland turbot ABC at 17,200 mt. The motion was seconded by Wally Pereyra and failed, 8 to 3, with Alverson, Pereyra and Lauber voting in favor.

The main motion carried without objection.

Bob Alverson moved to adopt the TACs as proposed by the AP. The motion was seconded by Oscar Dyson.

Bob Alverson moved to amend to recommend apportionments of the Greenland turbot TAC based on comments in the SAFE document and the recommendations of the AP; one-third would be apportioned to the Aleutian Islands district and two-thirds to the Bering Sea. The amendment carried, 10 to 1, with Millikan opposed.

The main motion, as amended, carried without objection.

Seasonal Allowances for the Pollock Fishery

Wally Pereyra moved to apportion the pollock fishery equally between the A & B seasons: 50% to the A season and 50% to the B season. The motion was seconded by Alan Millikan.

Mr. Pereyra said that apportioning more to the "A" season would not only generate more value for the fishery but would also have positive effects on the biological and economic aspects of the fishery. Steve Pennoyer pointed out that this would only increase the "A" season by about four days. The change would also require a Section 7 consultation to determine impacts on marine mammals and seabirds.

The motion failed, 10 to 2, with Millikan and Pereyra voting in favor.

Steve Pennoyer moved to approve the AP's recommendation: 45% to the "A" season and 55% to the "B" season. The motion was seconded and carried, 10 to 1, with Pereyra voting no.

Seasonal Apportionment of Pacific cod TAC to Fixed Gear

When Amendment 24 is implemented early in 1994 the Council will have the authority to apportion seasonally the amount of Pacific cod TAC allocated to vessels using hook-and-line or pot gear. The Council made the following recommendations in anticipation of the approval of the amendment.

Wally Pereyra moved to approve the Advisory Panel's recommendation (made at the September meeting): 90% of the fixed gear TAC apportionment would be released during the first trimester and 10% released to the second trimester. Any remaining TAC would be rolled over into the third trimester. The motion was seconded by Steve Pennoyer and carried without objection. It was clarified that the Council also approved the AP's September recommendation that any rollover from

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the trawl gear component to the fixed gear component should be assigned 25% to the second trimester and the rest to the third.

1994 Non-Trawl PSC Bycatch Allowances

Bob Alverson moved adoption of the AP's recommendation for the 1994 non-trawl bycatch allowances. The motion was seconded and carried without objection. The allowances were as follows:

<u>Fishery Group</u>	<u>Assumed Mortality**</u>	<u>Halibut Mortality mt</u>	<u>Seasonal Apport. (mt)</u>
Pacific cod	12.5/15%	725	
Jan 1-Apr 30			685
May 1-Aug 31			40
Sep 1-Dec 31			Rollover
Other non-trawl*	12.5/15%	175	
Groundfish pot	5%	Exempt	
TOTAL		900 mt	

*Includes hook & line sablefish, turbot, rockfish and jig.

**Same mortality rates as used for 1993.

1994 BSAI Trawl Fisheries PSC Apportionments & Seasonal Allowances

Bob Mace moved to approve the recommendations of the trawl industry group for 1994 BSAI trawl fisheries PSC apportionments and seasonal allowances. The motion was seconded by Wally Pereyra and carried 10 to 1, with Hegge voting against. The final PSC apportionments were as follows:

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Fishery Group	Assumed Mortality*	Halibut Mortality Cap(mt)	Herring (mt)	R. King Crab (animals) Zone 1**	C. bairdi (animals) Zone 1	C. bairdi (animals) Zone 2
Yellowfin sole Jan. 20-Aug. 2 Aug. 3-Dec. 31	70%	592 230 362	332	40,000	175,000	1,275,000
Rocksole/other flatfish Jan. 20-Mar. 29 Mar. 30-June 28 June 29-Dec. 31	70%	688 428 180 80		110,000	475,000	260,000
Turbot/arrowtooth/ sablefish	40%	137				5,000
Rockfish Jan. 20-Mar. 29 Mar. 30-June 28 June 29-Dec. 31	60%	201 40 120 41	8			10,000
Pacific cod Jan. 20-June 28	60%	1,200	25	10,000	175,000	200,000
Pollock/mackerel/ O. species Jan. 20-Apr. 15 Apr. 16-Dec. 31	60%	957 430 527	178	40,000	175,000	1,250,000
MW Pollock (Herring)			1,419			
TOTAL		3,775	1,962	200,000	1,000,000	3,000,000

Final 1994 groundfish specifications and allocations are found in Appendix V to these minutes.

Other Issues

Robin Samuelsen moved to agenda for January a discussion of opilio bycatch in the groundfish fisheries. The motion was seconded by Linda Behnken and carried without objection. By friendly amendment, this would include discussion of opilio bycatch in all fisheries.

D-4 Staff Tasking

The Council did not have sufficient time to take up this agenda item.

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E. FINANCIAL REPORT

During Executive Session the Council reviewed the responses to the Request for Proposals for the Social Impact Analysis for Comprehensive Rationalization. Based on recommendations for the Social Science Steering Group and staff after extensive reviews of three proposals, the Council awarded the contract to Impact Assessments, Inc.

F. PUBLIC COMMENTS

There were no further public comments.

G. CHAIRMAN'S REMARKS AND ADJOURNMENT

Chairman Lauber adjourned the meeting at 10:55 a.m. on Saturday, December 11.