

North Pacific Fishery Management Council

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Certified Richard B. Lauber
Richard B. Lauber, Chairman

Date May 8, 1995

MINUTES

**115th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
December 7-11, 1994
Hilton Hotel
Anchorage, Alaska**

The North Pacific Fishery Management Council met December 7 through December 11, 1994 at the Hilton Hotel in Anchorage, Alaska. The Advisory Panel meeting began on Sunday, December 4, and the Scientific and Statistical Committee began meeting on Monday, December 5. 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
David Fluharty
Dave Hanson
Ron Hegge

Walter Pereyra, Vice Chair
Bob Mace for R. Rosen
Steve Pennoyer
Dave Benton for Carl Rosier
Robin Samuelson
Clem Tillion

NPFMC Staff

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

Chris Oliver, Deputy Director
Judy Willoughby
Helen Allen
Gail Bendixen
Linda Roberts

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Support Staff

Lisa Lindeman, NOAA-GCAK
Ron Berg, NMFS-AKR
Earl Krygier, ADFG
Steve Meyer, NMFS Enforcement
Jay Ginter, NMFS-AKR
Jeff Passer, NMFS-Enforcement
Seth Macinko, ADFG
Jeff Fujioka, AFSC

Sue Salveson, NMFS-AKR
Phil Smith, NMFS-AKR
Jessie Gharrett, NMFS-AKR
Sally Bibb, NMFS-AKR
Kim Rivera, NMFS-AKR
Loh-lee Low, AFSC
Sandra Lowe, AFSC
John Lepore, NMFS-AKR

Scientific and Statistical Committee

Terrance Quinn, Chair
Doug Eggers
Rich Marasco
Susan Hills
Hal Weeks
Bill Aron

Keith Criddle, Co-Chair
Jack Tagart
Phil Rigby
Dan Huppert
Al Tyler

Advisory Panel

John Bruce, Chair
Dave Benson
Bruce Cotton
Steve Drage
Dan Falvey
Spike Jones
Kevin Kaldestad

David Little
Stephanie Madsen
Pete Maloney
Hazel Nelson
Beth Stewart, Vice Chair
Doug Ogden
Dean Paddock

Penny Pagels
Byron Pfundt
John Roos
John Sevier
Harold Sparck
Mick Stevens
Robert Wurm

Other Attendees

The following people signed the attendance register:

Joe Blum
Debby Swenson
Steve Davis
Ron Rogness
Joe Plesha
Lennie Gorsuch
Leonard Herzog
Joe Kyle
Andy McCracken
Ed Glotfelty
Arni Thomson
Linda Kozak
Paul Seaton

Shari Gross
Richard Thummel
Gerald Leape
Steve Hughes
Jack Hill
Denby Lloyd
Richard Sharpe
Ole Mathisen
Paul Fenzer
Donald Leedy
Jay Stinson
John Winther
Susan Fischetti

Margie Bauman
Gary Haugen
Emil Berikoff
Edward Mack
Phyllis Carnilla
Margaret Hall
Dave Harrison
Alexander Galanin Sr.
Brian Bigler
Lou Fleming
Robert Newman
Bill Sullivan
Jeff Stephan

Karl Ohls
Donna Parker
Frank Kelty
Agafon Krukoff, Sr.
Phillip Lestenkof
Thorn Smith
Max Hulse
Susan McNeil
Teresa Kandianis
Michael Cerne
A.G. Lyle
Dave Allison
John Iani
Chris Blackburn
Joe Daniels
Dick Tremaine
C.L. Lowenberg
Michael Lake
Matt Berman

Mark Kandianis
Rick Morza
Kristin Stahl Johnson
Walt Christenson
Denie Fredette
Phil Lutkin
Doug Vincent-Lang
Perfenia Pletnikoff
Thomas Boan
Fred Kirkes
Steve Grabacki
Nancy Hillstrand
Paul Swetzof
Bob Trumble
Carl Jack
Fran Bennis
Nevette Bowen
Doug Serdahluf
Christin Mormorunni

Janet Smoker
Dick Bower
Ellen Lockyear
Paul MacGregor
Mary Pearsall
Leland Courtney
Gary Westman
Sinclair Wilt
Vince Curry
Mary Standaert
John Pfeifer
William Bisbee
Vera Obeso
Greg Baker
Chuck Volkheimer
Ken Adams
Mandy Merkelein

NOTE: 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)

The meeting was called to order at approximately 8:10 a.m. on Wednesday, December 7, 1994, by Chairman Lauber.

Agenda. Linda Behnken asked to have a discussion on Oil Lease Sale No. 79 in the Gulf of Alaska added to the agenda, and Al Millikan suggested the Council discuss previous action taken on cod mesh regulations. The agenda was approved with these additions and some minor scheduling changes.

Minutes of the September meeting were not yet available for review and approval.

B. REPORTS

B-1 Executive Director's Report

Council members were reminded to submit travel claims as soon as possible after the end of the meeting. The Executive Director announced that the June meeting dates for Dutch Harbor have been set for the week of June 12. A report from the Council's Observer Insurance Technical Committee was included in the Executive Director's report; their recommendations will be forwarded to the NMFS Observer Program.

Dr. Pautzke also informed Council members that the Steller Sea Lion Recovery Team is recommending that the Steller sea lion be declared endangered under the ESA and that he would arrange for a formal report to the Council as soon as it is available.

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B-2 Domestic Fisheries Report by ADF&G

Earl Krygier reported on fisheries managed under delegated authority of the State since the last Council meeting.

Adak King Crab. With the closure of the Bristol Bay red king crab season and a reduced Tanner crab quota, management of the Adak king crab fisheries is a major concern of the Board of Fisheries and ADF&G staff. The Board directed staff to use any necessary inseason management measures to ensure a manageable fishery for the 1994/95 season. The Board reconfirmed their desire to review additional information and consider any petitions received for emergency management measures during their spring meeting. A pre-registration requirement for the fishery indicated that additional vessels planned to move to the Adak fisheries once the Bering Sea *C. bairdi* fishery closed. On November 28 the Adak red king crab fishery was closed based on significant declines in the fishery performance and the fact that stocks appeared to be depressed relative to previous years.

Bering Sea Tanner Crab. The Bering Sea *C. bairdi* fishery opened west of 163°W longitude on November 1 with a pre-season GHLL of 7.5 million pounds. State regulations require the area east of 163°W to be closed to Tanner crab fishing if there is no Bristol Bay king crab season. Daily catch reports indicated a steady decline in CPUE and the fishery was closed on November 21 with a preliminary harvest of over 7.7 million pounds.

Salmon Troll Fishery. The winter chinook salmon troll fishery opened on October 11, 1994 and will continue through April 14, 1995, or until a total of 45,000 chinook are harvested. Harvest to date is approximately half of last year's catch for the same period.

Southeast Alaska Demersal Shelf Rockfish. The DSR quotas in the Northern Southeastern and Central Southeastern sections have been taken and are closed for the remainder of the year. The Southern Southeastern, East Yakutat and the two inside sections are still open.

The Council also received a report from ADF&G staff member Barry Bracken on the status of the DSR fishery. He expressed concern over management of the fishery after the sablefish IFQ program begins. The State will not release the entire TAC for harvest until they can determine bycatch needs in the IFQ fishery, as well as in other fisheries.

B-3 NMFS Management Report

Ron Berg reviewed the status of harvests and bycatch in the groundfish fisheries and provided an update on the status of various regulatory actions:

North Pacific Fishery Research Plan 1995 fee specifications. Final rule effective January 1, 1995.

BSAI "A" season delay to January 26. Final rule being reviewed in Washington, DC (WDC).

Pribilof Island trawl closure (BSAI Am. 21a). Final rule being reviewed in WDC.

IFQ omnibus regulatory changes. Proposed regulations being prepared in Regional Office.

Exemption of sablefish H&L gear from 1995 halibut bycatch closures in GOA/BSAI. Proposed rule being reviewed in WDC.

Jig gear bycatch allowance/exemption in BSAI. Proposed regulations being reviewed in WDC.

Directed fishing standards. Proposed regulations being reviewed in WDC.

GOA/BSAI 1995 "Specs". Proposed regulations being reviewed in WDC.

Recordkeeping/Reporting. Proposed rule being reviewed in WDC.

Groundfish/crab vessel moratorium. Proposed rule being prepared by Regional Office.

Scallop FMP/vessel moratorium. Proposed regulations being prepared by Regional Office.

Require processors to use scales to weigh pollock caught in pollock fisheries. Proposed regulations being prepared by Regional Office.

Cod end mesh size restrictions. Proposed regulations being prepared by Regional Office.

Close part of Zone 1 to trawl fishing to protect red king crab in the rock sole fisheries. Emergency rule being prepared by Regional Office.

1995-97 halibut/sablefish CDOs. Approved November 25, 1994.

B-4 Enforcement Reports

NMFS Management Report

During the period September 19-December 1, 1994, NMFS and the Coast Guard opened a total of 197 investigations. NMFS initiated 182 investigations, and further actions were taken on 160 pending cases. One investigation was closed due to lack of enforcement resources; three cases were suspended, and six cases were closed due to lack of evidence. Ten cases were handled with written warnings and five cases were settled with summary settlement penalties totalling \$6,475. Eighty-seven cases were settled through voluntary abandonment with forfeited proceeds and property valued at \$97,966. Twenty-one cases were referred to NOAA General Counsel who issued 14 Notices of Violation, assessing a total of \$295,678 in penalties. An additional six Notices of Violation were settled by NOAA GC with penalties totalling \$10,000.

Nineteen Fishery Enforcement Officers will complete initial basic training on December 22 in preparation for the implementation of the IFQ program. The IFQ Fraud Unit is investigating several application fraud cases and nearing completion on some. Criminal and civil charges are anticipated with completion expected in early 1995.

U.S. Coast Guard Report

International Fisheries. Russian trawl activity continued in the Russian zone along the US/RS Convention Line into late November; there have been no further encroachments into U.S. waters since the July incidents noted in a previous report to the Council. The Donut Hole moratorium continues to be observed by all parties. The only activity observed was the sighting of a Japanese scientific research vessel in the area in November. The Coast Guard is working with NMFS to develop the necessary resource effort required for high seas driftnet enforcement in 1995.

Domestic Fisheries. Activity has been relatively light during the end-of-year fisheries. Compliance with the emergency rule establishing a Salmon Savings no-trawl area in the East Bering Sea was high. As in recent years,

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a Coast Guard high endurance cutter with a deployed helicopter was assigned in the Bering Sea during the *bairdi* crab fishery, primarily as a search and rescue platform.

For 1995 the Coast Guard plans high resource efforts during the major early season groundfish fisheries in both the Bering Sea and Gulf of Alaska. They will again be working closely with the Immigration and Naturalization Service to identify undocumented aliens working in the fishing industry. The Food and Drug Administration has also inquired about riding a patrol cutter early this year to conduct surveys similar to ones conducted in Washington, Oregon and California fisheries last year.

The Coast Guard continues to work with NMFS Enforcement to develop cutter and aircraft resource requirements for the 1995 start of the Sablefish/Halibut IFQ fishery. In 1995 the Fisheries Training Team will begin to train cutter and air station crews in classrooms and on the grounds to improve the professionalism of Coast Guard patrols and boardings.

COUNCIL DISCUSSION

Council Member Ron Hegge asked Bill Karp of the NMFS Observer Program to review how data collected by observers are used to address enforcement concerns and the obligations of the observers regarding that data. The Council's Enforcement Committee will be discussing this subject at a future meeting.

C. NEW OR CONTINUING BUSINESS

C-1 Committee Memberships

Council members approved the appointment of Doug Larson to the Scientific and Statistical Committee to replace Dan Huppert, and approved reappointment of the remaining SSC members for 1995. Jim Ianelli and Jonathan Heifetz were appointed to the Gulf of Alaska groundfish plan team. Chairman Lauber also announced the following appointments to the Advisory Panel for 1995: J. Bruce, D. Benson, A. Burch, B. Cotton, D. Falvey, D. Fraser, A. Fuglvog, S. Highleyman, M. Jones, S. Madsen, P. Maloney, H. Nelson, D. Ogden, D. Paddock, J. Roos, J. Sevier, H. Sparck, M. Stevens, B. Stewart, R. Wurm, G. Westman, and L. Yeck.

C-2 Moratorium

In September the Council approved a revised moratorium in response to the Secretary's disapproval of the Council's original submission. As of this meeting, no proposed rulemaking has been published for the resubmitted amendment. A status report from NMFS was anticipated.

This agenda item was not addressed by the SSC or AP.

COUNCIL DISCUSSION/ACTION

NMFS Regional Director Steve Pennoyer advised the Council that the Secretary agrees there is a need to restrict further entry into the groundfish and crab fisheries at this time, but still has reservations with the Council's proposed moratorium. Mr. Pennoyer provided a draft revised moratorium motion for consideration. The revisions addressed crossovers between the groundfish and crab fisheries, primarily limiting them to those using the same gear types.

Steve Pennoyer moved:

The following motion is proposed to address certain national standard concerns presented by the "crossover" provision in the revised vessel moratorium proposed by the Council at its meeting in September/October 1994:

1. A vessel that made a qualifying landing in the BSAI or GOA groundfish fisheries would be eligible to participate in the BSAI/GOA groundfish fisheries under the moratorium.
2. A vessel that made a qualifying landing in the BSAI crab fisheries would be eligible to participate in the BSAI crab fisheries under the moratorium.
3. A vessel that made a qualifying landing in the BSAI or GOA groundfish fisheries would be eligible to participate in the BSAI/GOA groundfish fisheries AND the BSAI crab fisheries under the moratorium, providing:
 - (a) it uses only the same fishing gear in the BSAI crab fisheries that it used in the groundfish fisheries to qualify for the moratorium, and
 - (b) it does not use any fishing gear prohibited in the BSAI crab fisheries.
4. A vessel that made a qualifying landing in the BSAI crab fisheries would be eligible to participate in the BSAI crab fisheries AND the BSAI/GOA groundfish fisheries under the moratorium providing:
 - (a) it uses only the same fishing gear in the groundfish fisheries that it used in the BSAI crab fisheries to qualify for the moratorium, and
 - (b) it does not use any fishing gear prohibited in the BSAI or GOA groundfish fisheries.
5. A vessel that made a qualifying landing in the BSAI or GOA groundfish fisheries, and during the period February 9, 1992, through December 11, 1994, made a landing in the BSAI crab fisheries would be eligible to continue to participate in the BSAI crab fisheries under the moratorium using the gear with which the crab landing was made.
6. A vessel that made a qualifying landing in the BSAI crab fisheries, and during the period February 9, 1992, through December 11, 1994, made a landing in the BSAI or GOA groundfish fisheries would be eligible to continue to participate in the BSAI/GOA groundfish fisheries under the moratorium using the gear with which the groundfish landing was made.

Purpose

This change in the revised vessel moratorium would allow limited crossovers of BSAI crab fishing vessels into the groundfish fisheries under the moratorium without those vessels having made qualifying landings in the groundfish fisheries. It also would allow limited crossovers of BSAI/GOA groundfish vessels into the BSAI crab fisheries without those vessels having made qualifying landings in those crab fisheries. For example, a vessel that made a qualifying landing in the BSAI crab fisheries using pot gear would be limited to using pot gear to harvest groundfish. Likewise, a vessel that qualified under the moratorium for a groundfish permit would be limited to using the same gear type it used in the groundfish fisheries to harvest crab as long as the gear was not prohibited in

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the BSAI crab fisheries. This limited crossover provision recognizes the similarity of the groundfish and crab fisheries in terms of pot fishing gear. It also would prevent a vessel from dramatically changing its configuration while the Council develops a comprehensive rationalization management program for groundfish and crab fisheries.

This change also would allow a vessel that qualified in one moratorium fishery and crossed over and landed fish in another moratorium fishery, in reliance on the Council's original moratorium proposal of June 1992, to continue to participate in the newly entered moratorium fishery. At the same time, it would prevent a crab pot fishing vessel that landed only BSAI crab during the qualifying period from entering the groundfish trawl fishery for the first time during the moratorium solely because of its qualifying crab landings while excluding other vessels, that had made landings in other FMP fisheries but had not made qualifying groundfish landings, from entering the groundfish trawl fisheries. Likewise, it would prevent a groundfish trawl fishing vessel that landed only groundfish during the qualifying period from entering the BSAI crab pot fishery for the first time during the moratorium solely because of its qualifying groundfish landings while excluding other vessels, that had made landings in other FMP fisheries but had not made qualifying crab landings, from entering the BSAI crab pot fisheries.

This change would address the Council's concerns about fishing vessels that entered into the proposed moratorium fisheries after the Council took its original action in 1992. The original cutoff date would be maintained.

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

Council and Regional Office staff will prepare the additional analyses along with the implementing regulations. It is anticipated that the moratorium will become effective in 1996.

C-3 Sablefish and Halibut IFQs

The Council was scheduled to receive a status report on program implementation and pending amendments and regulatory changes, review any regulatory changes need to conform IPHC and groundfish regulations, and comment on a Proposed Rule removing sablefish IFQ fisheries from halibut PSC caps.

The Restricted Access Management Division reported that the first quota share certificates have been issued and that the Division is currently handling a myriad of other issues required before the expected implementation of the IFQ program in 1995. Public workshops are planned to explain the IFQ landing system and other aspects of the program. To ensure public access to necessary information to work with the program, the name and business address of all persons that submitted IFQ application requests will be posted on the NMFS Computer Bulletin Board. Names and addresses of all who have received quota share and all approved IFQ crew members who have demonstrated their eligibility to receive QS by transfer will also be added to the Bulletin Board. It is expected that quota share will be issued to all eligible applicants by the end of January. Other aspects of the program, such as transfers and appeals, are proceeding on schedule.

Neither the SSC nor AP addressed this agenda item.

Report of the Enforcement Committee

The Enforcement Committee reviewed staff recommendations for conformity between IPHC and NMFS IFQ halibut regulations. The Committee agreed with most of the staff recommendations but made the following specific comments or recommendations.

With regard to closed periods, the Committee noted that the longer IFQ season renders the current penalty for lack of compliance with gear retrieval restrictions severe (sanctioned from the remainder of the eight-month fishing season). The Committee concurred with the staff recommendation to retain the 72-hour requirement for gear removal in the hook and line fishery but given the extended season under IFQs, the Committee recommended reviewing the penalty for violation of the 72-hour rule. They suggested a large monetary fine rather than a total ban from the remainder of the season. The Committee indicated they would support a relaxation of the crucifier ban but are concerned with the potential for increased mortality from hook strippers if careful release regulations are not closely monitored.

Report of the Industry IFQ Implementation Team

The Team also concurred with most of the staff recommendations, but made the following specific comments or recommendations.

The Team unanimously recommended that the prohibition on hook strippers be removed for 1995 and beyond, citing a significant safety factor associated with not using hook strippers in sablefish fisheries. The Team noted that careful release regulations will remain in place for both fisheries.

The Team noted that an IPHC staff recommendation to institute check-in/check-out requirements for BSAI Areas 4A-4E could be unnecessarily burdensome to fishermen, particularly those targeting sablefish or P. cod (where the regulatory areas are not consistent) and may only be taking small amounts of halibut. The Team recommended the issue be referred to the Council for discussion with a possible recommendation to the IPHC.

With regard to the 72-hour gear prohibition, the Team unanimously recommended continuation of the prohibition, to be applied to all longline vessels, regardless of whether they hold IFQs.

The Team had several concerns with issues relating to the potential for closure of IFQ fisheries due to other fishery bycatch and requested staff to gather information regarding directed fishing standards and natural bycatch rates in other fisheries to ascertain the extent of the potential problem. The Team asked that the issue be brought to the immediate attention of the Council.

The Team also was concerned over the possibility of the IPHC setting an April 1 opening date, as opposed to March 1. Such an action would effectively set the opening for sablefish as well, giving a competitive advantage to Canadian fishermen who begin in March.

COUNCIL DISCUSSION/ACTION

Steve Pennoyer moved to eliminate the following federal regulations IF the IFQ program is implemented:

Section 301.7(f) - Fishing Periods. (Staff recommendation: establish one fishing period for Areas 2B through 4E).

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Section 301.10(g) - Catch Limits. (Closed a portion of Area 4E when 30% of the entire 4E catch limit had been taken).

Section 301.11(g), (h), (j) -Fishing Period Limits. (Set various limits for allocational purposes.)

The motion was seconded by Linda Behnken and carried without objection. These regulations are primarily allocational and would be in direct conflict or not necessary, when the IFQ program is implemented.

The International Pacific Halibut Commission staff recommended the continuation of vessel clearance requirements for vessels harvesting halibut in Area 4 (Section 301.14).

Steve Pennoyer moved to endorse the IPHC recommendation and continue the vessel clearance requirements in Area 4 (Section 301.14). The motion was seconded by Linda Behnken and carried without objection.

The Council next discussed IPHC-initiated regulations which may or may not need revision or elimination because of the IFQ program. The Council agreed to make the following recommendations to the IPHC:

Area 4 clearance requirements: The Council voted to recommend to the IPHC that these clearance requirements continue.

72 hour gear prohibition: The Council approved a motion to recommend to the IPHC that the 72-hour prohibition continue, and that it would apply to vessels who intend to participate in directed sablefish and halibut fisheries.

Hook strippers: The Council will recommend to the IPHC that the prohibition on hook strippers be lifted, for Areas 2C through 4E. Careful release regulations would remain in place for both fisheries.

Linda Behnken asked that the IPHC be asked to review the possibility of some halibut bycatch allowance during the winter months in connection with the Aleutian Islands sablefish fishery. Steve Pennoyer said this subject would be taken up during IPHC's annual meeting in late January.

C-4 Comprehensive Rationalization Plan

The Council was scheduled to review License Limitation alternatives developed over the last several meetings and identify specific elements and options of primary interest for additional analysis in preparation for public review.

Report of the Scientific and Statistical Committee

The SSC noted that the Council has narrowed somewhat the number of alternatives as recommended in previous meetings. Regarding the Social Impact Analysis, the SSC reiterated its desire to review the analysis before public review, through an SSC subcommittee to expedite release if necessary. The SSC noted the Council needs to establish a framework for the eventual conversion of groundfish licenses to quota shares, or possibly declare that future QS allocations will not go to purchasers of licenses and endorsements, but will be based on personal (or vessel) catch history. This is necessary to avoid problems in implementing any future quota share program in

groundfish and/or crab. More specific SSC comments on this subject are found in the SSC Minutes, Appendix II to these minutes.

Report of the Advisory Panel

The Advisory Panel spent considerable time reviewing elements and options for a license program and made extensive comments or recommendations. Rather than duplicate the entire document, specific recommendations are found in the Advisory Panel minutes, Appendix III to these minutes.

Report of the Enforcement Committee

The Committee agreed that a simple licensing system would be the most enforceable at-sea. The committee's preferred option was for two area licenses, for the Bering Sea and Gulf of Alaska. The exclusive area registration alternative for five area licenses was preferred over a species-specific license. The complexity of the program may influence the ability to prosecute violators successfully. The Committee recommended that the following provisions be mandatory: 1) vessel license use caps; (2) species endorsements must be possessed prior to fishing; and (3) require a vessel to offload species without an endorsement prior to moving between fishing grounds. Should the Council choose area and species licenses, the alternatives listed under Numbering Scheme 500000 or 600000 in combination with the species identified in Box 1 would be most effectively enforced.

COUNCIL DISCUSSION/ACTION

Lisa Lindeman suggested that with respect to the options for license recipients, the Council should change the options to refer to persons eligible to document a fishing vessel under Chapter 121 of Title 46 U.S.C. This would make the definition of fishing vessel consistent with that required under the Magnuson Act. This would require 50% corporate ownership and 50% stock ownership of fishing vessels be U.S. citizens, except for those vessels that were grandfathered under the Anti-Reflagging Act. Otherwise, current options could be in conflict with international treaties and laws as well as the Magnuson Act. Previous GC opinions on this subject have dealt only with international law; Council members requested Ms. Lindeman to provide the opinion, as it relates to the Magnuson Act, in writing. Dave Benson asked that the written opinion also address the subject of transfer or ownership of licenses as well as IFQs.

Bob Mace moved to approve the AP's recommendations with regard to the License Limitation proposal (See Appendix III). The motion was seconded by Robin Samuelsen .

This motion was used as a framework motion to discuss and amend the various options.

Bob Mace moved to add the option of January 1988 through February 9, 1992 as a qualifying period for analysis purposes. This was added to the main motion by consensus of the Council.

It was clarified that the AP recommendations were not meant to delete any options, but to highlight those of most interest.

With regard to the CDQ options, it was pointed out that this would apply only to the Bering Sea/Aleutian Islands. The Council discussed the need for a hardship clause to be included. It was pointed out that the Council feels the qualifying dates are lenient enough to cover any hardships, similar to their intent with the sablefish/halibut IFQ program.

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David Fluharty moved to add for analysis and public review the issue of non-transferability and two options for a sunset clause: 12/31/97, and two years after implementation of the program. The motion was seconded by Wally Pereyra, and carried without objection. The rationale for the motion is to specifically invite public comment on these issues, particularly with regard to implementation of a future IFQ program.

The Council discussed the need to review the elements and options and analysis package once again in January before sending it out for public review. It was decided that the chapter dealing with costs for administration and enforcement is the only portion the Council would like to review in January. Staff will continue with the remaining parts of the analysis in order to release the entire package for public review sometime in February. Council stressed that staff should undertake the analysis in the light of their access to the data without initiating time-consuming reformatting of current data sets.

David Fluharty moved to amend to review in January the chapter on costs for administration and enforcement for a license limitation program. The motion was seconded by Al Millikan and carried without objection.

The Council discussed how best to indicate issues of particular concern or interest during the public review process. Highlighting the "options of the most interest to the Council" to solicit public comments particularly on these issues was the intent of the main motion. However, some Council members were uncomfortable with the "highlighting" of specific options and not others.

Wally Pereyra moved to highlight a "non-transferable" option as something under serious consideration by the Council. The motion was seconded and failed, 7 to 4, with Fluharty, Millikan, Pereyra and Lauber voting in favor.

Steve Pennoyer moved to "highlight" the entire section relating to the sunset clause and non-transferability to make it very evident that the Council needs public input on these subjects. The motion was seconded and carried without objection.

The Council discussed the previous statement of NOAA General Counsel regarding the two categories under "Who may purchase licenses," and the inability of the Council to implement option 2 because of restrictions under the Magnuson Act and international treaties.

Captain Anderson moved to remove the "highlighting" for Option 2 (75% foreign ownership) before sending the document out for public review. Also, the wording should be revised to read, "Persons who are eligible persons able to document a fishery vessel under Chapter 121, Title 46." The motion was seconded by Ron Hegge and carried without objection.

The AP's suggestion to subdivide the Gulf of Alaska was discussed with regard to the amount of analysis needed and the time required to accomplish it. The general consensus of the Council was that they did not wish to have the analysis delayed beyond April for a final decision.

Linda Behnken moved to prepare a qualitative analysis of the new Gulf areas defined in the AP's recommendation for public review and an analysis adequate for a final decision by April, recognizing the priorities of the inshore/offshore analysis. The motion was seconded and carried without objection.

Clarence Pautzke suggested to the Council that the staff would do a qualitative analysis for public review so the Council could consider the option as a preferred alternative; however, in that case a final last public review of the option might be necessary before a final Council decision in June.

Dave Benton moved to adopt, under the "General Provision" section in the crab portion of the program, a definition of catcher processors in the crab fishery as follows: Catcher-processor vessels are defined as those vessels which were required to carry mandatory State of Alaska shellfish observers and are capable of pulling/hauling pots and immediately processing harvested crab. The motion was seconded by Linda Behnken and carried without objection.

Dave Benton moved that under "Criteria for eligibility," an option be included for Pribilof Island red king crab for qualifying years to include 1993 or 1994, with one landing in either year. The motion was seconded by Linda Behnken and carried without objection.

Mr. Benton stated that during public testimony it was pointed out that some members of industry had been participating in this fishery and that it was on oversight that it was not included in the options. The fishery has only been open during the years 1993-94 and the current participants (approximately 140 vessels) have only participated in that fishery. They would be inadvertently left out of the program if this option is not included. Public comment would be solicited on whether or not this is an appropriate qualifying period and criteria for this fishery.

Dave Benton pointed out that under "Other Provisions" in the groundfish program there is language under item 5, that needs to be clarified, i.e., "develop and implement mechanisms to collect management enforcement costs and/or rents from the industry, including taxes or fees on the industry." He stressed that it should be made clear in the public review document that this is for discussion and to solicit public comment and that the Council could not implement fees without a change in the Magnuson Act.

C-5 Full Retention/Full Utilization and Harvest Priority

In September the Council reviewed two discussion papers on Full Retention/Full Utilization and Harvest Priority based on two proposals that may have some potential to address bycatch and discards. The Council recommended further discussion of the proposals by an industry committee.

Report of the Full Utilization/Full Retention/Harvest Priority Committee

The Committee provided an extensive report to the Council, summarized as follows:

If the Council is looking for specific fisheries to serve as candidates for further examination of the two alternatives, then the committee suggests the rock sole fishery be examined for harvest priority and the pelagic trawl pollock fishery be examined for full retention/full utilization (FR/FU). The committee noted however that FR/FU may not work if applied to a single fishery and not to others because fishermen have some ability to switch target fisheries, thereby potentially avoiding FR/FU requirements. The issue that NOAA General Counsel raises regarding due process appears to make the harvest priority a difficult proposition.

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Report of the Scientific and Statistical Committee

The SSC reiterated the need for several issues to be resolved before analysis of full retention/full utilization and harvest priority proposals, including addressing the ten questions included in Joe Terry's discussion paper. The SSC suggested that one tool that could be used to help the Council and industry identify fisheries that are good candidates for bycatch/discard reduction through standards or incentives would be a statistical analysis of the components of the variance in past bycatch/discard rates. More specific comments are found in the SSC Minutes, Appendix II to these minutes.

Report of the Advisory Panel

The AP requested the Council create fishery focus workgroups for the following fisheries: (1) rocksole (BSAI trawl); (2) midwater pollock (BSAI); (3) Pacific cod (BSAI longline); and (4) GOA trawl shallow water flatfish. The workgroups would be tasked to identify and develop specific proposals, including harvest priority, full utilization and full retention as well as traditional management tools to achieve bycatch reductions in the short term. The AP also requested that NOAA General Counsel offer suggestions on how best to achieve the short-term goal in light of current legal obstacles. Additionally, the AP had the following recommendations:

- (1) That the Council direct staff to examine PSC bycatch rates based on retained-versus-total catch and report by January 1995.
- (2) That staff begin the regulatory process as soon as possible and NMFS designate which area a vessel is fishing (BSAI or GOA) in the publication of vessel bycatch rates on the weekly bulletin board.
- (3) That ADF&G give a presentation in January summarizing the John McNair study comparing CDQ bycatch and discards with bycatch and discards in the open access fisheries.
- (4) That the Council begin the regulatory process to include the BSAI longline Pacific cod fishery in the VIP program.

Report of the Enforcement Committee

The Committee discussed full retention/full utilization in terms of conflicts with direct fishing standard requirements to discard catch above bycatch amounts. The committee indicated that full retention was not enforceable on an unobserved vessel and that some vessels may not be able to accommodate an observer. The ability of fishermen to switch target fisheries to potentially avoid FR/FU requirements would impede enforcement, if FR/FU was implemented only for specific fisheries rather than for all fisheries. NMFS cannot impose catch utilization requirements on shoreside processors.

COUNCIL DISCUSSION/ACTION

Dave Benton moved the following, which was provided to Council members in written form:

Improved Retention/Improved Utilization

Subject Fisheries: BSAI rocksole; BSAI midwater pollock

Retention Options:

Option 1: Status quo. No change, discards would continue to be allowed and required per existing rules.

Option 2: Prohibit Discards of Target Groundfish

Suboption A: Retention standards apply only to target species in subject fishery.

Suboption B: Retention standards apply to all target species (target species defined in Council's license program).

Timeline Options:

**Option 1: Effective date:
Suboption A: January 1, 1996
Suboption B: January 1, 1997**

Option 2: Phase in over three years to achieve 100% retention in the third year.

1996: _____% of target groundfish must be retained

1997: _____% of target groundfish must be retained

1998: 100% of target groundfish must be retained

Utilization Options:

Option 1: Target 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 must be processed into human consumptive form, based on percent total round weight of harvest. 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%

The motion was seconded by Robin Samuelson.

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Mr. Benton clarified that under "utilization options, Option 2," his intent would be that whatever percentage was adopted, that that percentage of the delivery would have to be delivered into a processor to develop a product for human consumption.

Mr. Benton discussed the timing for analysis, stressing that with current tasking he would not expect an immediate turn around of the analysis. Staff would be requested to bring back a discussion paper or plan at the April 1995 meeting and then Council would consider whether to proceed with a formal EA/RIR.

Linda Behnken moved to incorporate the elements of the Cold Sea industry proposal which are not included in the current motion, with an option to split the rocksole TAC between "A" and "B" seasons, with suboptions for splits of 50/50 or 40/60. Mr. Benton accepted this as a friendly amendment.

Lisa Lindeman, NOAA-GC, pointed out that the Council cannot directly regulate onshore operations, but that General Counsel will continue to look at ways to achieve Council goals. She also suggested that the State of Alaska might consider adopting parallel requirements to implement a plan for onshore processors.

Wally Pereyra was concerned that the current motion could possibly require every fishing operation to have a fish meal plant, which could eliminate smaller factory trawlers from the fleet. He suggested a survey of the fleet to determine what percentage could accommodate the plants and what percentage could not.

The motion carried without objection.

Linda Behnken moved:

(1) to request NOAA General Counsel (GC) to continue to pursue solutions to legal roadblocks to harvest priority and encouraged NOAA GC to work with Alaska Marine Conservation Council (AMCC) on the harvest priority proposal; and

(2) to direct staff to develop a harvest priority program for rocksole, answering the ten questions identified by NMFS staff for the harvest priority program. Staff is encouraged to work with Cold Sea International, the AMCC, and other industry members when developing the program.

The motion was seconded by Ron Hegge and carried, 9 to 2, with Millikan and Pereyra voting against.

C-6 Inshore-Offshore Allocation/Pollock CDQ Program

In September the Council directed staff to begin an analysis for the proposed rollover of the inshore/offshore and CDQ programs which are scheduled to expire at the end of 1995. The analysis will examine two options (1) no rollover--let the program expire, and (2) rollover the program in its current form for three years. Staff provided the Council with a more fully developed workplan at this meeting.

Report of the Scientific and Statistical Committee

The SSC pointed out that the first issue is one of a problem statement. If the problem addressed by a continuation is that CRP has taken longer than originally intended and that an extension of existing interim measures is needed to maintain management stability pending completion of CRP, then a relatively simple qualitative impact assessment analysis may be adequate. If, however, the problem is stated in more ambitious terms, i.e.,

modification of the inshore/offshore split, change in the CDQ allocation, or permanently establishing splits, it is likely that a more complex evaluation would be needed.

The Advisory Panel did not address this agenda item.

COUNCIL DISCUSSION/ACTION

Clem Tillion moved the following:

The problem to be addressed is the need to maintain stability while the CRP process goes forward. The Council believes that timely development and approval of a continuing inshore/offshore and pollock CDQ allocation will preserve stability in the groundfish industry, while clearing the way for continuing development of a CRP management system. The industry is in a different state than existed in 1990 as a consequence of many factors outside the scope of the Council process, as well as the inshore/offshore allocation. The Council intends that staff analyze the benefits of rapidly reauthorizing an interim inshore/offshore allocation which will maintain stability in the industry during the CRP development process, as well as the consequences of not continuing the present allocation. These alternatives are appropriate as they address the problem of maintaining stability. Therefore the focus of analysis to be done over the next few months should assist the Council to:

- (1) identify which alternative is least likely to cause further disruption and instability, and thus increase the opportunity for the Council to accomplish its longer-term goal of CRP management.
- (2) identify the future trade-offs involved for all impacted sectors presented by the two alternatives.

The motion was seconded by Linda Behnken.

To respond to concerns expressed by General Counsel, the following changes were made to the motion (deleted words are overstruck; added words are in brackets):

The problem to be addressed is the need to maintain stability while the CRP process goes forward. The Council believes that timely development and ~~approval~~ [consideration] of a continuing inshore/offshore and pollock CDQ allocation ~~will~~ [may] preserve stability in the groundfish industry, while clearing the way for continuing development of a CRP management system. The industry is in a different state than existed in 1990 as a consequence of many factors outside the scope of the Council process, as well as the inshore/offshore allocation. The Council intends that staff analyze the ~~benefits~~ [effects] of rapidly reauthorizing an interim inshore/offshore allocation ~~which will maintain~~ [relative to maintaining] stability in the industry during the CRP development process, as well as the consequences of not continuing the present allocation. These alternatives are appropriate as they address the problem of maintaining stability. Therefore the focus of analysis to be done over the next few months should assist the Council to:

- (1) identify which alternative is least likely to cause further disruption and instability, and thus increase the opportunity for the Council to accomplish its longer-term goal of CRP management.
- (2) identify the future trade-offs involved for all impacted sectors presented by the two alternatives.

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Mr. Tillion also clarified that he was incorporating the problem statement for the original inshore/offshore analysis by reference.

During Council discussion it was also clarified that all elements of the current inshore/offshore program, e.g., the CVOA, would be applicable to this motion. Council member Pereyra said that in the analysis of the CVOA, he would like discards, age structure of population by area, chum salmon bycatch implications, and the differential impact in the offshore sector and the sector that's allowed to operate outside the CVOA. Staff will have a progress report on the analysis in January.

The motion, as revised, carried without objection.

C-7 Other Business

Trawl Mesh Analysis

In September the Council adopted a regulatory amendment that would require top panels of trawl codends to be constructed of single layer square mesh of 6" (stretched, between-knot measure) for the BSAI rock sole fishery and the BSAI and GOA Pacific cod fisheries, and 3.25 inch for the GOA and BSAI pollock fisheries. In December some industry members requested the Council reconsider the issue and allow diamond mesh to be used.

Report of the Advisory Panel

The AP recommended that the Council revise its earlier recommendation and adopt Alternative 3, a single layer, square or diamond mesh top panel codend with minimum mesh sizes between-knot measurements of:

- 3.25" for pollock in GOA and BSAI directed pollock fishery;
- 6" for cod in the GOA and BSAI directed cod fishery;
- 6" for rocksole in the BSAI directed rocksole fishery.

The recommendation includes the Trawl Mesh Committee's comments on configuration of the codend, including: definition of a codend, 3 and 4 foot panels for smaller and larger vessels, the number of riblines, and size of chafing gear under these riblines. The staff would have to change the VIP rates in the rocksole fishery to account for the increased escapement of non-targeted fish. The AP is extremely interested in continuing to identify, analyze and modify all gear types with an eye to reducing bycatch. The AP also wishes NMFS to continue working with industry when writing the regulations.

COUNCIL DISCUSSION/ACTION

Bob Mace moved approval of the AP recommendation. The motion was seconded by Clem Tillion and carried without objection.

Ron Hegge asked that the observer program be tasked to gather specific information on the various mesh sizes so the Council can review the effectiveness of the regulation.

Oil Lease Sale No. 79

Council member Linda Behnken requested a discussion of a proposed oil lease sale in the Gulf of Alaska and possible effects on the groundfish stocks. The Executive Director was asked to request a 90-day extension of the comment period so the Council could discuss the issue in January.

D. FISHERY MANAGEMENT PLANS

D-1 Scallop Management

The Council was scheduled to review the Proposed Rule for the Scallop FMP and clarify some issues that have surfaced in drafting the Rule. The Council did not have sufficient time to address this agenda item and rescheduled it for the January 1995 meeting. However, the Advisory Panel had the following comments.

Report of the Advisory Panel

The AP recommended that the Scallop FMP including the following crab bycatch limits:

Bering Sea crab (all species)	500 crab
Bering Sea Tanner crab (all species)	260,000 crab

The AP also recommended that the Scallop fishery be included in the Research Plan and concurred with NMFS recommendations regarding permit requirements.

D-2 Groundfish Amendments

The Council was scheduled to review emergency action taken during a November 11 teleconference on groundfish closures to protect red king crab in the Bering Sea and determine whether to proceed with a more permanent amendment, and to receive a staff report on opilio bycatch. The Council did not have sufficient time to address these issues and rescheduled the subjects for the January 1995 meeting. ADF&G, NMFS and Council staff will meet before the January meeting to begin looking at alternatives for the Council on the issues of a permanent closure to protect king crab and to look at establishing a PSC cap on opilio crab and options that might be considered on the cap on bairdi.

D-3 1995 Groundfish Specifications--Final Action

(a-b) Final Approval of Gulf of Alaska SAFE and 1995 Groundfish Harvest and Bycatch Specifications

Report of the Scientific and Statistical Committee

SAFE. The SSC agrees with the Team that further evaluation of the conservatism of F=M is needed and also stressed the need to address three changes to the Council's overfishing definition as recommended by the NMFS Overfishing Definition Review Panel. The SSC submitted a plan amendment proposal and recommended the Council proceed with it as soon as possible. For more specific comments, please see the SSC Minutes, Appendix II to these minutes.

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Groundfish Specifications. Extensive comments are found in the SSC Minutes. In summary, the SSC agreed with the ABC recommendations of the Plan Team with the following exceptions:

Pacific Cod. The SSC expressed concern that the ABC recommended by the Plan Team increased by a factor of two from 1994 even though the stock has been declining since 1987. Although the biomass is still above the management target stock size, even with an average recruitment rate the stock is projected to decline under any catch rate. The higher ABC level is a result of a new stock synthesis model application, and while the SSC agreed with the stock assessment author's estimate of natural mortality, they did not agree with the author's choice of fishery selectivity. The SSC recommended an ABC of 69,300 mt.

Pacific Ocean Perch. For the second year, the stock synthesis model used to estimate exploitable biomass has resulted in an increase over the previous year's estimate of biomass. After fishing mortality rates and adjustments were calculated, the ABC under the rebuilding plan was 8,230 mt. However, because this was equal to the overfishing level (OFL), the Plan Team further reduced the total ABC to provide a buffer between the ABC and OFL. As it did last year, the SSC preferred to recommend that ABC = OFL. The SSC is also recommending a plan amendment to change the definition of overfishing to avoid the problem in the future.

Pelagic Shelf Rockfish. The Plan Team recommended that black rockfish be separated from the complex with its own TAC of 335 mt based on the average commercial catch for 1991-93, and an ABC of 5,190 mt for the other species in the complex. The SSC sympathized with the Plan Team's recommendation but had several questions and concerns and suggested the Plan Team provide more information on present management programs and consider ways of preventing potential preemption problems if such a separation were instituted.

Atka Mackerel. Atka mackerel was separated from the "other species" category in 1994 and a conservative approach adopted for ABC because of an uncertainty in the abundance of Atka mackerel and concerns for marine mammals. A "stair-stepping" approach to calculating ABC was adopted, with the 1994 calculated ABC reduced by 3/6 and by 1/6 in subsequent years. However, noting that the biomass has declined substantially between 1990 and 1993, the SSC recommended that the stairstepping procedure be frozen at the 1994 level, resulting in a ABC of 3,240 mt for 1995.

Halibut PSC Limits. The SSC agreed with the Plan Team that the rates listed in Appendix C of the SAFE are appropriate for use in 1995.

Report of the Advisory Panel

TACs. The Advisory Panel made the TAC recommendations (Page 14, AP Minutes, Appendix III). They recommended that thornyhead and shortraker/roughey should be placed on bycatch-only status.

The AP made the following recommendations regarding the apportionment of halibut PSC:

<u>Trawl Gear</u> (same as 1994)		<u>Hook and Line Gear</u>	
1st quarter	600 mt	1st trimester	250 mt
2nd quarter	400 mt	2nd trimester	30 mt
3rd quarter	600 mt	3rd trimester	20 mt
4th quarter	400 mt		
	2000 mt		300 mt*

*with 10 mt reserved for the DSR fishery

Between shallow and deepwater complexes:

Trawl

<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		400 mt

1995 Halibut Discard and Mortality Rates

The AP recommended that the Council adopt the IPHC's suggested 1995 halibut discard and mortality rates. Additionally, the AP had the following recommendations:

- (1) The issue of potential conflicts between the hook and line sablefish survey and the sablefish IFQ fishery be referred to the IFQ implementation team for comment.
- (2) Thornyhead and shortraker/rougeye should be placed on bycatch-only status.

COUNCIL DISCUSSION/ACTION

Clem Tillion moved to approve the SSC's recommendations for Gulf of Alaska groundfish ABCs for 1995. The motion was seconded by Earl Krygier.

Linda Behnken moved to amend to set the ABC for Pacific ocean perch at the Plan Team's recommended level of 6,530 mt to allow for a buffer between the ABC and the overfishing definition. The motion was accepted as a friendly amendment to the main motion.

A motion by Earl Krygier to set an ABC for black rockfish, as suggested by the Plan Team, at 335 mt for the Central Gulf, adjusted to include the estimates of bycatch of black rockfish in other fisheries was accepted as a friendly amendment to the main motion, however Mr. Krygier later withdrew this addition after concerns were raised by managers over the relationship to bycatch in the halibut fishery and whether the buffer suggested would be appropriate. The State of Alaska will continue to manage the fishery inside state waters, setting the quotas as they have in the past, although there is some fishing on the species "on the edge" of state and federal waters.

Wally Pereyra moved to amend the ABC for POP consistent with the SSC recommendation (8,230 mt). The motion was seconded and failed, 7 to 4, with Fluharty, Mace, Millikan and Pereyra voting in favor. (Earl Krygier voting for the State of Alaska.)

The main motion carried, 6 to 5, with Fluharty, Mace, Millikan, Pereyra and Lauber voting no.

Clem Tillion moved to adopt the Gulf of Alaska groundfish 1995 TACs as recommended by the Advisory Panel (Appendix III), with the exception of Pacific ocean perch which would be set at 2,550 mt (equal to the 1994 TAC). The motion was seconded.

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Linda Behnken moved a substitute motion to leave the TAC column for POP blank and initiate a plan amendment to change the current wording in the Section 4.2.1. of the GOA groundfish FMP as follows: "Other procedures notwithstanding, . . . not to exceed the amount determined by the following method." The motion was seconded and carried, 6 to 5, with Fluharty, Mace, Millikan, Pennoyer and Pereyra voting no. (Krygier voting for the State.)

Earl Krygier moved to set the TAC for Other Slope Rockfish at the 1994 level of 2,235 mt. The motion was seconded by Robin Samuelsen and carried without objection.

Bob Mace moved to adopt the AP recommendations for PSC trawl, hook and line gear, by time and by deep and shallow water complexes (See Page 7, Appendix III). The motion was seconded by Robin Samuelsen and carried without objection. (It was understood that this would be accomplished upon approval of the pending regulatory amendment to exempt the IFQ sablefish fishery from the halibut PSC requirement; the exemption would be subject to annual review.)

Bob Mace moved to apply the 1994 GOA discard mortality rates for 1995 in the Gulf of Alaska fisheries, with a review in June (see discussion under BSAI agenda item). The motion was seconded by Al Millikan. Mr. Mace referred to the mortality rates in the table on page 10 of the AP minutes, but indicated that he wished the motion to duplicate the action taken for the Bering Sea.

Linda Behnken moved to amend for the GOA Pacific cod hook and line fishery to begin the year with 12.5% mortality; for Pacific cod trawl fisheries in the GOA, use the 1994 rates, use the AP/IPHC recommendations for the remaining fisheries, and schedule a review of performance in June. The motion was seconded by Wally Pereyra.

Wally Pereyra moved to amend to use the 1994 hook and line mortality rate for GOA Pacific cod; however the motion received no second.

Al Millikan moved a substitute motion to use 1994 rates in all fisheries in the Gulf. The motion was seconded by Wally Pereyra.

The Main motion was removed from the floor by the maker, removing all other amendments.

Linda Behnken moved: (1) in the GOA Pacific cod hook and line fisheries, begin 1995 with a discard mortality rate of 12.5%; (2) in the GOA Pacific cod trawl fisheries, use the 1994 rates, and (3) schedule a review for June. The motion was seconded by Robin Samuelsen and carried, 6 to 5, with Fluharty, Mace, Millikan, Pennoyer and Pereyra voting against.

Ms. Behnken said the intent would be that if, during the review, the mortality shows a 18% rate, the cap would be readjusted accordingly with the possible loss of a fall season.

NOTE: Tables of final ABCs, TACs, PSCs and bycatch apportionments are found in Appendix IV to these minutes.

(c-d) Final Approval of Bering Sea/Aleutian Islands SAFE and 1995 Groundfish Specifications

Report of the Scientific and Statistical Committee

The SSC agreed with Plan Team recommendations for ABCs for the Bering Sea/Aleutian Islands with the following exceptions.

Pollock. For the Eastern Bering Sea, the SSC agreed with the Plan Team's recommended ABC of 1.25 million mt. The SSC did express concern, however, about the potential exploitation of Eastern Bering Sea stock in the US/Russia transboundary area, northwest of the Pribilof Islands, and would like to see available data on Russian removals from the area and the size and/or age composition of these catches. For the Aleutian Islands, the SSC also agreed with the Plan Team's recommended ABC of 56,600 mt, but expressed a strong desire that future estimates of stock status should incorporate age structured modeling to more thoroughly assess this important resource. For the Bogoslof area, the SSC continues to believe that the stock, a part of the Aleutian basin stock, is severely depleted and recommended continued conservative management. Following principles to reduce exploitation rates in proportion to the ratio of current stock size to B_{MSY} , the SSC recommended an ABC of 22,100 mt.

Greenland Turbot. Given the absence of evidence of strong recruitment and the downward biomass trend, the SSC recommended the ABC remain unchanged, at 7,000 mt.

Atka Mackerel. In 1992 the SSC recommended reducing the calculated ABC for Atka mackerel by 5/6 with subsequent decreases of 1/6 annually because of uncertainty in the abundance of the stock and concerns for marine mammals. Because data from the 1994 trawl survey and age composition of the 1993 fishery were not available, the Team was not able to assess current stock levels and the magnitude of the incoming year class. Therefore, the SSC is recommending that the ABC be frozen at the level used to reduce the calculated ABC for 1994, resulting in a recommended ABC of 125,000 mt, distributed among subareas as follows: Eastern - 13,500 mt; Central - 55,900 mt; and Western - 55,600 mt.

More specific comments on all species are found in the SSC Minutes, Appendix II to these minutes.

Report of the Advisory Panel

The AP's recommendations for BSAI TACs are found on page 12, and BSAI PSCs on page 13, of the AP Minutes (Appendix III). AP recommendations for 1995 BSAI apportionments are as follows:

Apportionment of the fixed gear Pacific cod fishery, by trimester:

First trimester	68,000 mt
Second trimester	18,000 mt
Third trimester	7,500 mt
Reserve	<u>16,500 mt</u>
	110,000 mt

To allow the fixed gear Pacific cod fishery to continue into the third trimester, any remaining TAC or halibut PSC from the first and second trimester would be placed in the third trimester .

The AP also had the following recommendations:

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- (1) That the Council adopt the IPHC recommendations for 1995 mortality rates for halibut bycatch for the BSAI and GOA trawl fisheries, the GOA hook and line fisheries, and the BSAI pot Pacific cod fishery.
- (2) That the halibut mortality rate for the BSAI Pacific cod longline fishery be set at 12.5% through March 31, 1995. At that time the rate will move and be adjusted to the first trimester of 1994 assessed rate by the IPHC. IF the assessed rate is not calculated by March 31, 1995, the rate moves to 18%. These would be reviewed at the April Council meeting.

COUNCIL DISCUSSION/ACTION

Wally Pereyra moved to approve the SSC's recommendation for 1995 BSAI groundfish ABCs. The motion was seconded and carried without objection.

Bob Mace moved to adopt BSAI TACs for 1995 as recommended by the AP, with the following exception: Change the apportionment for the A and B pollock seasons to 45/55. The motion was seconded by Clem Tillion.

Linda Behnken moved to restore the 40/60 split for the pollock A and B seasons. The motion was seconded by Earl Krygier and failed, 7 to 4, with Behnken, Hegge, Krygier and Lauber voting in favor.

Steve Pennoyer moved to approve the AP's recommendations for PSC apportionments and seasonal allowances for the BSAI trawl fisheries (Page 13, Appendix III to these minutes). The motion was seconded and carried without objection.

Steve Pennoyer moved to approve the AP's recommendations for non-trawl PSC bycatch allowances for the BSAI (Page 13, Appendix III to these minutes). The motion was seconded.

Earl Krygier moved to amend as follows: (1) exempt jig and pot gear in the BSAI fishery; (2) exempt sablefish from the GOA and BSAI halibut bycatch restrictions; and (3) halibut bycatch unused in the 2nd trimester would be rolled over to the 3rd trimester. The motion was seconded by Linda Behnken and carried without objection.

The main motion carried, as amended.

Steve Pennoyer moved to adopt the AP's recommendations for Pacific cod hook-and-line trimester apportionment: 1st trimester - 68,000 mt; 2nd trimester - 18,000 mt; 3rd trimester - 7,500 mt, with a reserve of 16,500 mt. PSC and TAC rollover from the first and second trimester would be placed in the third. The motion was seconded by Linda Behnken and carried without objection.

Earl Krygier moved to adopt a halibut mortality rate of 12.5% for fixed gear fisheries in the BSAI. The motion was seconded by Ron Hegge.

Linda Behnken moved to start with a mortality rate of 12.5% at the beginning of the season and schedule a review in June using data available for the 1994/95 season. The motion was seconded.

Steve Pennoyer pointed out that by using the 1994 rates, the Council is not using the most current data available. The 1994 rates were based on 1991-92 data. More current data are available now. Bob Trumble, IPHC, noted that the 1991 rate of 12.5% was not based on data; it was an estimate at the time. Based on IPHC's current

calculating procedure, the discard mortality rate would be at 19% for 1994. Based on comments from industry regarding the wide fluctuation in observer data, and the continuing careful release programs, the Council felt that the lower rate of 12.5% could be adopted and reviewed in June when more complete data should be available.

Wally Pereyra moved to amend to apply the same rates to all gear types (Bering Sea only) at the beginning of the season, to be reviewed in June. The motion was seconded and carried, 6 to 5, with Behnken, Hegge, Pennoyer, Samuelsen and Tillion voting no.

It was clarified that if time is limited to examine and prepare data for the June meeting, staff was instructed that the highest priority should be examination of fixed gear observed mortality rates.

Steve Pennoyer moved to amend to begin with 18% for longline with adjustment to occur after review in June. The motion was seconded by Al Millikan and failed, 9 to 2, with Pennoyer and Millikan voting in favor.

Ms. Behnken's motion carried without objection.

The main motion, as amended, carried with Pennoyer objecting.

Wally Pereyra moved to approve the SSC recommendation on a plan amendment to review overfishing definitions – staff to come back in January and advise the Council of analysis required. The motion was seconded and carried without objection.

Linda Behnken moved to use 1994 rates for halibut mortality rates in the BSAI sablefish, rockfish, and Greenland turbot hook and line fisheries for 1995. The motion was seconded by Wally Pereyra.

The issue of discard mortality rates was tabled until the discussion of Gulf of Alaska specifications was completed. At that time the motion was brought back to the table for discussion.

Earl Krygier moved for reconsideration of the motion to use the 1994 mortality rates for all the trawl fisheries. The motion to reconsider failed, 6 to 5, with Behnken, Hegge, Pennoyer, Krygier and Tillion voting in favor. Mr. Krygier preferred that the 1994 rates apply only to the cod trawl fishery for 1995.

NOTE: Tables of final ABCs, TACs, PSCs and bycatch apportionments are found in Appendix IV to these minutes.

Wally Pereyra brought up the issue of the allocation of pollock between bottom trawl and midwater trawl. Data have shown that the midwater trawl fishery is an exceptionally clean fishery, particularly with regard to bycatch.

Mr. Pereyra suggested that the staff begin to put together the data necessary to allow the Council to consider making the pollock fishery a mid-water trawl only fishery. Clarence Pautzke pointed out that there is an amendment currently in place that allows the Council during the specification process to determine what percentages are appropriate in each fishery. Mr. Pereyra said that he hasn't seen any data that would allow the Council to determine appropriate rates. Also, industry should be advised in the newsletter that the Council is considering moving towards a mid-water only pollock trawl fishery, possibly in 1996, so that comments can be solicited for discussion.

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Bob Mace moved to task staff to begin looking at bairdi caps. The motion was seconded by Earl Krygier.

The Council would like the Plan Team to provide the data needed to help determine appropriate caps. Indexing caps to the biomass would be an alternative to be looked at. The motion was withdrawn for discussion later in the meeting, but there was not enough time.

Observer Oversight Committee Meeting. Chairman Lauber announced he would convene a meeting of the Observer Oversight Committee in January to explore minority hire, educational requirements and on-the-job training possibilities in the observer program.

Fishing in the Russian Zone near the EEZ. Wally Pereyra pointed out concern over fishing in the Russian zone adjacent to the U.S. EEZ and requested that the Council send a letter to the State Department about possible adverse impacts on the Council's ability to manage BSAI pollock stocks and suggest that the State Department should do something to bring it under control. The Executive Director, working with Mr. Benton and Mr. Krygier, will draft the letter.

D-4 Staff Tasking

The Council was scheduled to review amendment proposals and the reports of the Plan Teams and Plan Amendment Advisory Group. The Council briefly discussed whether or not to take up new proposals at all because of the current tasking workload; a motion not to consider the proposals was defeated on a vote of 10-1. However, because of insufficient time at this meeting, the subject was deferred to January. Time was provided for public comments on the proposals by those who would not be attending the January meeting. The Council asked that the testimony be transcribed for their review in January.

E. FINANCIAL REPORT

The Finance Committee approved a contract with Advanced Technologies Consulting Group of Anchorage to develop conceptual models for a comprehensive database (RFP 94-2).

F. PUBLIC COMMENTS

There were no further public comments.

G. ADJOURNMENT

Chairman Lauber adjourned the meeting at approximately 4:45 p.m. on Sunday, December 11.

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