

North Pacific Fishery Management Council

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Certified Richard B. Lauber
Date 1/15/94

MINUTES

**109th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
September 21-26, 1993
Hilton Hotel
Anchorage, Alaska**

The North Pacific Fishery Management Council met September 21-26, 1993 at the Hilton Hotel in Anchorage, Alaska. The Advisory Panel and Scientific and Statistical Committee began on September 20. The Comprehensive Planning Committee met September 20-21. 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
Larry Peterson for W. Steiglitz
Robin Samuelsen
Clem Tillion for Carl Rosier

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
Ellen Varosi, NMFS-AKR
Jay Ginter, NMFS-AKR
Seth Macinko, ADFG
Jessie Gharrett, NMFS-AKR
Anne Hollowed, AFSC

Sally Bibb, NMFS-AKR
Kurt Schelle, CFEC
Ben Muse, CFEC
Sue Salveson, NMFS-AKR
Janet Wall, AFSC
Dave Ackley, ADFG
Richard Merrick, AFSC
Galen Tromble, NMFS-AKR
Jim Ianelli, AFSC

Scientific and Statistical Committee

Bill Clark, Co-Chair
Bill Aron
Keith Criddle
Doub 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 150 people attended the meeting. The following members of the public signed the attendance register:

Mark Springer
Alexander Galanin, Sr.
John Iani
Ozzie Nordheim
John Lewis
Joe Plesha
Shari Gross
Fred K. Phillips
Kim Spittler
Michael Thrasher
Bill Noll
Ron Rogness
Robert Czeisler
Norman Gorsuch

Roman Haras
Vince Curry
Karl Ohls
David Stanchfield
Denise Fredette
Brian Bigler
James Tomlinson
Chris Chavasse
Bruce Cotton
Scott Matulich
Fred Bue
Kris Norosz
Clifford Kaganak, Sr.
Karen Samuelson

Steve Hughes
Gary Buholm
Teresa Kandianis
CDR Vince O'Shea
Steve Grabacki
Joe McGill
Dave Harrison
Dave Houseworth
Eric Fry
Eugene Asicksik
Harvey Sookiyak
Victor Joe
Charles Soxie
George Ashenfelter

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B. Iyaparra
Norman Cohen
Dick Tremaine
John Walshe
Spike Jones
Tyson Vogeler
Nevette Bowen
Roger Woods
Mark Kandianis
Charles Hill
Thorn Smith
Michael Lake
Pat Pourchot
Kate Graham
Meredith Jones
Paul Finzer
Yreth Rosen
John Bullard
Stan Anderson
John Handeland
Bob Knight
Thomas Johnson
Linda Kozak
G. L. Lowenberg
Chuck Fagerstrom

Afafon Kunkoff, Jr.
Marcy Jones
Don Jarnes
Michael Daniels
Tuck Donnelly
Dave Harville
Bill Arterburn
John Henderschedt
Mike Atterberry
Bernt O. Bodal
Jerome Selby
John Enge
Donna Parker
Robert Ward
Robert Mikol
LeeAnne Tryon
Phil McCrudden
Sean Martin
Rick Swenson
Wayne Carpenter
James Swift
Bob Trumble
Bill Wells
William Wells, Jr.
Hugh Wade

Andrew Grossman
Bill Hayes
Steve Heimel
Keith Washburn
Jessie Nelson
John McNair
Gary Hennigh
Vincent Goddard
Cecelia Angason
Chip Treinen
Walt Christensen
David Hasselquist
Gunnulf Suinalana
Norman Anderson
David Long
John Doody
Joe Sullivan
Thomas M. Gemmell
Dem Cowles
Doug Ogden
Tom Suryan
Greg Baker
Debby Swenson
Ellen Lockyear

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 1:00 p.m. on Tuesday, September 21, 1993. NMFS Regional Director Steve Pennoyer administered the Oath of Office to Robin Samuelsen and Wally Pereyra.

Agenda. The agenda was approved with the addition of a discussion of a chinook bycatch proposal submitted by industry, under Agenda D-5(a). Several changes were made in the time schedule for various agenda items. Mr. Hegge notified the Chairman he would have to leave by 11:00 a.m. on Friday morning (Sept. 24).

Election of Officers. Rick Lauber and Bob Alverson were unanimously re-elected as Chairman and Vice Chairman, respectively, for another year.

Minutes of the April and June Meetings. Draft minutes for the April and June 1993 Council meetings were mailed to Council members in advance. Council members were asked to notify staff of any suggested editorial changes by October 15 when they will be finalized and mailed.

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B. REPORTS

B-1 Executive Director's Report

Scheduling of Council Meetings. Clarence Pautzke advised the Council that the June 1993 meeting cannot be held in Sitka as previously scheduled because of a lack of hotel space. Council member Hegge also asked the Council to consider scheduling the September meeting so that it does not conflict with the Chatham Strait sablefish fishery, and Council member Samuelsen indicated that the scheduling of the June meeting will conflict with his salmon fishery. Council members asked the Executive Director to look into alternatives.

Confirmation of interim AP/SSC appointments. Dave Benson and Hal Weeks were approved for interim appointments to the AP and SSC, respectively, to be effective until the end of 1993. Council members were advised that a call for nominations for AP and SSC positions will be published in the next newsletter. New appointments will be made in December.

MFCMA. Dave Hanson, Pacific States Marine Fisheries Commission, asked Council members to consider endorsing a proposed amendment to the MFCMA clarifying state authority in the EEZ for fisheries that are not covered by a federal fishery management plan. The proposed amendment reads as follows:

At the end of Section 306(a), add the following paragraph:

(4)(A) For any fishery for which there is no fishery management plan approved and implemented pursuant to this Title, a state may enforce its laws or regulations pertaining to the taking of fish in the EEZ off that state or the landing of fish caught in the EEZ.

(B) For any fishery for which there is a fishery management plan approved and implemented pursuant to this Title, a state may enforce its laws or regulations pertaining to the taking or landing of fish caught in the EEZ, so long as said law or regulation is not inconsistent with the goals and objectives of any relevant fishery management plan approved and implemented under this Title. Any state may request that the relevant Regional Fishery Management Council issue a determination of consistency with respect to any specific state law or regulation. Such determination shall be issued by the Council within 90 days of the request.

Alan Millikan moved that the Council express strong support for the proposed amendment. The motion was seconded by Linda Behnken and carried without objection.

B-2 ADF&G Report

Earl Krygier provided the Council with a written report, summarized below.

BSAI King and Tanner Crab Fisheries. The Adak brown (golden) king crab fishery closed on August 15 with a preliminary harvest of 4.7 million pounds, the second smallest harvest on record for this fishery. Five vessels have received special permits to fish C. tanneri. As of September 20, 573,000 pounds have been landed; the fishery remains open although effort is expected to decline as other Bering Sea and Aleutians king and Tanner crab fisheries open.

Southeast Alaska Troll Salmon Fishery. Because there was no agreement under the Pacific Salmon Treaty, the chinook salmon fishery was managed under the Biological Opinion issued by NMFS for the 1993 season; the hatchery access fishery was not held because of the requirement to protect Snake River Fall Chinook salmon. The summer chinook season opened July 1 and lasted 6 days; a total of 100,956 chinook salmon was harvested with only 3.1% from Alaskan hatcheries. The fishery reopened on August 21 for five days, with a preliminary catch of 23,000 chinooks.

Southeast Alaska Demersal Shelf Rockfish Fishery. The demersal rockfish fishery was opened during the recent halibut fishery in Southeast Alaska; preliminary catch statistics indicate that the bycatch rate was high.

B-3 NMFS Management Report

Ron Berg reviewed harvest and bycatch amounts for the groundfish fisheries in the Gulf of Alaska and Bering Sea/Aleutian Islands and advised of inseason actions taken since the last Council meeting. He also reviewed the status of regulatory and plan amendments in progress. Mr. Berg advised that the proposed rules for the moratorium and the research plan are making slow progress because of their complexity. It may be possible to have the moratorium in effect for the last half of 1994. The research plan is more difficult to predict because of the complicated system for collecting fees, arranging for performance bonds, etc. He predicted that it will be at least mid-1995 before the program is completed and there is a pilot program to collect fees.

B-4 Enforcement and Surveillance Reports

The Council received three written reports on current enforcement activities: one from NMFS Enforcement, one from the Coast Guard, and one from NOAA General Counsel. Following is a summary of those reports.

NOAA General Counsel advised that three Vessel Incentive Program cases are in progress. Hearings are scheduled for September 22 in one case and December 15 in the other two. Since the last Council meeting, a settlement in the amount of \$175,000 was reached against a vessel charged with illegal fishing within the closed area surrounding the walrus haulouts on Round Island. In addition, three Notices of Violation were issued in cases involving sexual harassment of observers. In one case, a penalty of \$10,000 was proposed and the case was settled for \$8,000. In the remaining case (involving two NOVAs) the proposed penalty is \$35,000.

NMFS Enforcement reported that during the period June 1 through August 31, 1993, NMFS and the Coast Guard opened a total of 151 investigations; NMFS initiated 58, 3 of which originated from the observer program. Further actions were also taken on 179 pending cases, and 28 were closed as unfounded. Seventeen cases were handled with written warnings, 9 with summary settlement offers totaling \$8,050, and 24 were settled through voluntary abandonment of property valued at \$29,375. Forty-one cases were referred to NOAA General Counsel. Twenty-nine Notices of Violation were issued, assessing a total of \$208,306 in penalties and an additional 22 NOVAs were settled by NOAA GC with penalties totalling \$170,351. Five cases were referred to the U.S. Attorney's Office for criminal prosecution. Observer-initiated cases resulted in one written warning and two assignments for further investigation.

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The Coast Guard report reviewed high seas driftnet enforcement, activity in the Donut Hole, Dixon Entrance, and the June Gulf of Alaska halibut fishery, in addition to providing statistics on patrol activities, vessel boardings, and violations.

High Seas Driftnet Fishing. Since the global moratorium on large scale high seas driftnet fishing became effective on January 1, 1993, the Coast Guard has taken part in a cooperative enforcement effort with the countries of Canada, Japan and Russia. The People's Republic of China also reacted positively and quickly to requests for registry requests and boarding authority when three vessels claiming PRC registry were found to be equipped to conduct large scale pelagic driftnet fishing.

Donut Hole. The Coast Guard noted that since the two-year moratorium on fishing within the Donut went into effect in January, fishing activity has been significantly reduced. Legal "scout" vessels in the area report much reduced catches compared to previous years. Catch data from boarded vessels have been forwarded to the State Department.

Dixon Entrance. Because of aggressive patrol efforts by both U.S. and Canadian vessels and aircraft in the area, this is the first year that there were no MFCMA violations by Canadian vessels.

June GOA Halibut Opener. The Coast Guard conducted 318 boardings and cited 34 IPHC violations during the June Gulf of Alaska halibut opener. Most violations were for fishing without an IPHC permit, undersized halibut and possession/use of automated hook strippers. Six fishing vessels had their voyages terminated for major safety violations. Preliminary results of the September opening indicate that the mandates of the Fishing Vessel Safety Act are reaching the fleet; only one vessel had its voyage terminated for safety violations during this fishery. A complete report on the September opening will be provided at the Council's December meeting.

B-5 Bering Sea Ecosystem Research

The Council received a brief overview of research underway by the National Research Council/Polar Research Board to synthesize and examine scientific and technical information on the Bering Sea ecosystem related to the nature and causes of declines of wildlife and fish in the Bering Sea region. The process is still in the formative stage and the Council will be apprised of progress in the future.

B-6 Steller Sea Lion Survey Results

The Council received a report from Dr. Richard Merrick, NMFS Marine Mammal Laboratory, on 1993 research on Steller sea lions. Surveys indicate the sea lion population may still be declining in Alaska. Data indicate that most of the decline in pup numbers occurred in the Kodiak area and in the Eastern Aleutian Islands. Immediate goals of on-going Steller sea lion research are to identify factors that are limiting the population, to propose actions necessary to increase the population, and to propose actions that minimize human interactions with sea lions that may be detrimental to survival or recovery of the population. Dr. Merrick also indicated that Northern fur seals and harbor seals are of particular concern. The NMFS and ADF&G are conducting a statewide population assessment of harbor seals in Alaska.

Advisory Panel Comments

The Advisory Panel commended the marine mammal lab for the ongoing research on Steller sea lions and expressed support for improved biomass estimates and distribution patterns of forage fish. They

also recommended that the fisheries science section of the AFSC undergo independent peer review of its field science modeling program, similar to that of the marine mammal lab. The AP urged further investigations into developing a multi-species approach to fisheries management so that interactions between species are understood and accounted for in stock assessments.

C. NEW OR CONTINUING BUSINESS

C-1 International Fisheries

The Council received information from Steve Pennoyer (NMFS Alaska Regional Director) and Dave Benton (State of Alaska) on the status of negotiations among several foreign countries to develop a management regime for the fish resources in the Donut Hole, as well as a similar area off the coast of Russia known as the "Peanut" hole. Mr. Pennoyer said that progress has been slow but that a regime needs to be agreed upon before the moratorium expires at the end of 1994. Dr. Bill Aron, AFSC, reported that current research indicates there are very few fish in the Donut Hole area at the present time.

The Council was provided with a copy of House Concurrent Resolution 135 submitted by Congressman Don Young expressing the sense of Congress that:

- (1) the United States should take appropriate measures to conserve the resources of the Donut Hole;
- (2) the United States should continue its pursuit of an international agreement, consistent with its rights as a coastal state, to ensure proper management for future commercial viability of these natural resources;
- (3) the United States, working closely with the Russian Federation should, in accordance with international law and through multilateral consultations or through other means, promote effective international programs for the implementation and enforcement of regulations of the fisheries by those nations that fish in the Donut Hole;
- (4) the United States nonetheless should be mindful of its management responsibility in this regard and of its rights in accordance with international law to fully utilize the stock within its own exclusive economic zone;
- (5) the United States should accept as an urgent duty the need to conserve for future generations the Aleutian Basin pollock stock and should carry out that duty by taking all necessary measures, in accordance with international law; and
- (6) the United States should foster further multilateral cooperation leading to international consensus on management of the Donut Hole resources through the fullest use of diplomatic channels and appropriate domestic and international law and should explore all other available options and means for conservation and management of these living marine resources.

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Clem Tillion moved that the Council go on record in support of the resolution pending in Congress on the Donut Hole and, further, that the Council go on record urging the U.S. Government to use all available means to secure a long-term agreement for management in the Donut Hole prior to the expiration of the moratorium at the end of 1994. The motion was seconded by Linda Behnken and carried without objection.

C-2 Observer Program

The Council was scheduled to receive a progress report on the Research Plan and consider any necessary changes in the current observer requirements for 1994.

Report of the Advisory Panel

The AP unanimously urged the Council to work for the earliest possible implementation of the Research Plan. The AP also recommended that the Council and NMFS take whatever action is necessary to require 100% observer coverage on all trawlers and longliners over 60' participating in the directed Pacific cod and other groundfish fisheries in BSAI areas 511, 517, and 509 until the directed fishery for Pacific cod closes. This would include 30% coverage for vessels greater than or equal to 55', effective January 1, 1994.

COUNCIL DISCUSSION/ACTION

Steve Pennoyer reported that the Research Plan is still undergoing review and, even after implemented, it will take at least a year to collect sufficient fees to begin the actual program. Start-up funding from Congress would allow an immediate start of the program upon implementation but given the current budget atmosphere, that seems unlikely.

The Council received correspondence and public comment regarding non-payment of observer fees by vessel owners. One observer contractor recently had to cease operation, in part because of non-payment of fees. The Council discussed ways in which contractors might have some leverage in requiring pre-payment of fees. NMFS is looking for ways under the new Research Plan to require pre-payment of fees. The sense of the Council is that if fees are not paid, a vessel should not be able to fish.

Ron Hegge moved:

- (1) to sunset observer contractor certification upon implementation of a regulatory amendment that would require, as a condition of certification, that a contractor hold in escrow at all times one month of salaries; and**
- (2) provide NMFS with the authority to audit contractors in order to verify salary funds are in escrow.**

The motion was seconded and carried without objection.

The Council also received a request from some industry participants to require 100% coverage on trawl vessels fishing for cod in areas 517, 518, and 519 to minimize the bycatch of halibut.

Ron Hegge moved that for 1994, for the duration of the directed fishery for cod, NMFS require 100% observer coverage on all vessels over 60 ft fishing for groundfish in the Bering Sea/Aleutian Islands area 517.

The motion was seconded by Clem Tillion.

Linda Behnken said that the Council should have more information on costs that may be incurred by smaller vessels; she asked that this information be available to the Council in December.

Wally Pereyra moved to amend the motion to 60% observer coverage. The motion was seconded by Oscar Dyson and failed, 10-1, with Pereyra voting in favor.

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

NOAA General Counsel Lisa Lindeman reported to the Council on release of observer reports to owners of the observed vessels. She indicated that observer reports can be released to the owner/operator of the vessel to which those data apply.

C-3 Community Development Quotas

Executive summaries of the individual CDQ programs for 1993 and expectations for 1994 were provided to Council members along with the Governor's recommended allocations for 1994.

The percentages for 1992-1993 and the Governor's recommendations for 1994-1995 are as follows:

	<u>1992-93</u>	<u>1994-95</u>
Coastal Villages Fishing Cooperative	27%	27%
Norton Sound Economic Development Corp.	20%	20%
Bristol Bay Economic Development Corp.	20%	20%
Aleutian Pribilof Island Community Dev. Assn.	18%	18%
Central Bering Sea Fishermen's Assn.	10%	8%
Yukon Delta Fisheries Development Assn.	5%	7%

There were no reports from the AP and SSC on this agenda item.

COUNCIL DISCUSSION/ACTION

Clem Tillion moved to recommend approval of the Governor's recommendations. The motion was seconded by Bob Alverson and carried without objection.

C-4 Sablefish and Halibut IFQs

The Council was scheduled to review and take final action on block proposals for the Sablefish and Halibut IFQ plan and a review of the IFQ Final Rule and Implementation Plan, if available. The Council received word that the Final Rule is now undergoing review by OMB. After publication in the *Federal Register* there will be a 30-day cooling-off period before the plan becomes effective. Once published Council staff will compare the final IFQ program as passed by the Council and the actual implementation plan in the final rule. Implementation is still anticipated for 1995.

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There were no AP comments on this agenda item.

Report of the Scientific and Statistical Committee

The SSC agreed with the block proposal analyses which indicate that administration costs could either increase or decrease, transaction costs would increase, monitoring/enforcement costs would increase, and the costs of harvesting fish would likely be higher. The SSC also said that in their opinion adoption of either of the proposals will reduce the economic benefits that will accrue from ITQs, but the actual magnitude of the reduction cannot be quantified at present. While proposals do restrict the maximum potential consolidation of the fleets, it is not known whether social gains are large enough to compensate for the reduction.

COUNCIL DISCUSSION/ACTION

Linda Behnken moved approval of a modified block proposal which essentially would be the partial/full block proposal, omitting the full block and substituting Quota Share; a limit of two blocks per person, per area; one if that person owns quota share, and retention of the vessel size classes included in the original plan. The motion was seconded by Wally Pereyra.

Staff provided the following changes to the original IFQ plan which would be initiated by this action:

Initial Allocation

- (1) All initial allocations of sablefish and halibut under the IFQ program which would result in IFQs of 20,000 lbs or more in the first year of the program will be issued as regular quota shares as originally specified in the sablefish and halibut IFQ program.
- (2) All initial allocations of sablefish and halibut under the IFQ program which would result in IFQs of less than 20,000 lbs in the first year of the program will be issued as "QS blocks".

Transfers

- (1) Regular QS may be transferred in any unit as small as 1 QS.
- (2) Blocks may only be transferred as blocks; Blocks may not be divided into smaller QS units.
- (3) Blocks of QS representing IFQs of less than 1,000 lbs in the initial allocation, may be combined or "swept up" to form larger blocks, as long as the consolidated block is no greater than 1,000 lbs of IFQ.

Ownership Caps

- (1) A person may own and use up to two blocks in each management area.
- (2) A person who owns two blocks in a given management area may not use regular QS in that area. Note: Persons owning two blocks may acquire additional blocks or regular QS only under operation of law, for example through inheritance or court-order, but would not be allowed to use such blocks or regular QS.
- (3) Persons who own less than two blocks in an area may own and use regular QS up to the limits specified in the original IFQ rule. Note: this cap applies to both QS imbedded in the blocks and regular QS.

The motion carried, 10 to 1, with Millikan opposed. The Council later clarified that the motion was intended to include the "sweep up" provision included in the earlier proposal. NMFS was urged to convene the industry IFQ implementation team.

C-5 Halibut Management

The Council was scheduled to receive a summary of the 1993 halibut fishery, consider an industry request for a proposal to limit the guided sport fishery for halibut, and a proposal from the Atka Fishermen's Association for a 5,000 lb. trip limit and 20% set-aside for IPHC Area 4B for 1994. The proposal to limit the guided sport fishery for halibut cited a need to curtail recent increases in the recreational fishery which in turn has reduced halibut available to the directed fishery.

The SSC had no report on this agenda item.

Report of the Halibut Regulatory Amendment Advisory Group

The advisory group on halibut regulatory amendments (RAAG) met during Council week to review proposals and make recommendations to the Council. Regarding the Atka Fishermen's Association proposal, the RAAG recommended approving the request for analysis, even though they recognized that this regulation would only be in effect until implementation of the IFQ program which will dissolve all regulations regarding allocative fishing periods.

With regard to the request to limit the guided sport fishery for halibut, the RAAG recommended analysis of the proposal with several proposed alternatives: (1) status quo, (1) license limitation, (3) IFQs for charter boats, (4) capping charter boat landings to recent harvest levels, and (5) limiting charter boat landings with traditional management measures. The RAAG also suggested the Council may want to set a control date under alternatives 2 and 3.

Report of the Advisory Panel

The Advisory Panel recommended the Council announce a control date at the January Council meeting for a moratorium on the guided sport fishery for halibut and establish a working group comprised of staff, industry, and charter operators to develop traditional management tools and identify alternatives for limited access. The AP did not comment on the Atka proposal.

COUNCIL DISCUSSION/ACTION

Guided Sport Fishery for Halibut. The Council received substantial public comment on this issue, many of whom agreed with the Advisory Panel's suggestion to form a workgroup to advise the Council before any further action is taken on the subject of limiting the guided sport fishery for halibut.

Bob Mace moved approval of the Advisory Panel recommendation to appoint a workgroup to advise the Council on this issue, and that the Council set a control date of September 23, 1993 for the fishery. The motion was seconded and carried with Pereyra abstaining.

Atka Proposal. **Bob Alverson moved adoption of the RAAG recommendation for the Atka proposal. The motion was seconded by Linda Behnken and carried without objection. For purposes of analysis staff will analyze status quo (1993 regulations) and the current proposal.**

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Steve Pennoyer moved to initiate a regulatory amendment which would review all regulations for consistency and/or necessity after the IFQ program goes into effect. The motion was seconded by Linda Behnken and carried without objection.

C-6 Scallop Management

In June the Council reviewed a draft analysis for a proposed Fishery Management Plan for the scallop fishery in the Gulf of Alaska and Bering Sea/Aleutian Islands. The Council approved the analysis for public review after suggested revisions were incorporated. The revised analysis was released for public review in mid-August. The alternatives considered were:

Alternative 1: Status quo. The State of Alaska retains all management authority over the scallop fishery.

Alternative 2: Amend the GOA and BSAI groundfish FMPs to incorporate scallops as a new target category.

Alternative 3: Create a separate FMP for Alaskan scallops.

Two options for management authority were considered for alternatives 2 and 3: (1) full Council (i.e., Federal) management, and (2) shared authority between Federal and State agencies.

Report of the Scientific and Statistical Committee

The SSC agrees that the estimate of an annual yield of about 1 million pounds of scallops is correct and could be harvested by a small number of vessels. The SSC acknowledged that the primary reason for placing scallops under an FMP is to allow for a moratorium and eventually a form of limited access which requires Council management, but the SSC believes that the nature of the fishery makes it desirable that the State continue to perform management functions, including special permits and in-season management. They recommended shared Federal-State management under a federal FMP, similar to the Crab FMP.

Report of the Advisory Panel

The AP recommends that the Council adopt Alternative 3, Option 2, with several suggested changes, in addition to making recommendations for elements of a moratorium (see AP Minutes, Appendix II).

COUNCIL DISCUSSION AND ACTION

Bob Alverson moved adoption of the AP recommendation, including the moratorium options, and that an FMP be developed for final review and action in December. The following two changes would be made to the AP recommendations for the moratorium: (1) under "Elements and Options," Section 1, 'Qualifying Criteria,' add an alternative ending date of July 31, 1993; and (2) under Section 8, "Appeals Process," add the year 1990 to option 2 under 'Additional Elements,' and analyze the difference in the number of vessels between the two options.

The motion was seconded by Bob Mace.

The Council discussed the placement of some of the measures in Category 1 and 2 and decided to highlight the "closed waters" and "bycatch" measures to solicit public input on placement of these measures. The Council also stressed that the imposition of exclusive and superexclusive areas would not be included in the category of registration areas and would require Council action if proposed.

Linda Behnken suggested analysis of areas closed to trawling for crab conservation measures, i.e., the Petrel Banks, so that the closed areas could be considered for inclusion in the final FMP. Mr. Alverson stressed that he would not like final action on the scallop plan delayed beyond December. Mr. Pereyra pointed out that this kind of management measure should be included in a frameworking category.

Wally Pereyra moved to amend the motion to include a frameworking category for analysis. The motion was seconded by Alan Millikan and failed, 8 to 3, with Alverson, Millikan and Pereyra voting in favor.

The main motion carried with Pereyra objecting.

The Council discussed inclusion of 'pipeline' criteria, but it was the consensus that this option is not feasible because of the Council's previous experience in developing such criteria to ensure limitation on the number of vessels that may qualify.

C-7 Comprehensive Rationalization Plan

The Council met in a committee forum on September 20-21, 1993 to receive staff progress reports on the comprehensive rationalization program. In response to requests at the June meeting, Staff provided four discussion papers: "Options for Including Hired Skippers and Crew in the Comprehensive Rationalization of the Groundfish Fisheries," "Allocation of Early Year Joint Venture Catches," "Allocations of Quota Shares under the Comprehensive IFQ Program: Current Vessel Owners vs Previous Vessel Owners?", and "Processor Considerations." The Council also received a memo from Lisa Lindeman, NOAA General for the Alaska Region, regarding Magnuson Act authority to allocate fishing and processing privileges to processors. NOAA's opinion is that the Council does not have the authority to allocate shares to onshore processors under the Magnuson Act. The Council took public comment both at the committee meeting and during the plenary session. Council action was taken during the normal plenary session. The Council was scheduled to review options and elements of a comprehensive plan for further staff analysis.

The Advisory Panel did not take up this agenda item.

Report of the Scientific and Statistical Committee

The SSC had several comments on data base compilation, economic models, and the Request for Proposals for the social impact analysis for the comprehensive plan. Detailed comments are found in the SSC minutes, Appendix III. The SSC expressed concerns about the proposed procedure for establishing cost estimates for 24 classes of vessels and processors because they feel the use of typical cost information will limit the utility of the models. The SSC also reiterated their concerns regarding the necessity for more explicit documentation of the models. With regard to the RFP, the SSC suggested some amendments to the language, and pointed out that they are unsure whether the study

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can be completed within budget, administrative, and time constraints. The SSC requested that the RFP specifically require that the contractor present the results before the AP, SSC and Council.

COUNCIL DISCUSSION/ACTION

The Council spent many hours in discussion of the various options and elements. Although narrowing down the options would be helpful in the analytical process, many felt that they needed at least a preliminary analysis of many of the proposed alternatives before narrowing can begin. The Council asked staff to prepare analyses of an ITQ alternative for both the groundfish and crab fisheries as well as a license limitation alternative for both. In addition, the Council chose to continue the option of processor shares for analysis in the event that the Magnuson Act is changed to allow such an allocation. The elements and options approved for analysis under each of the alternatives are outlined in Appendix IV, along with a chronology of motions and amendments. Council member Alverson asked that NOAA General Counsel provide a legal opinion relating to the Council's authority in allocating privileges to foreign-owned processors. The Council also requested staff to provide, at the December meeting, an analysis of the issue of allocating quota share based on retained catch, as opposed to reported catch.

C-8 Full Utilization

In June the Council directed staff to begin work on an amendment that would prohibit the discard of all groundfish species harvested by any gear type in all groundfish fisheries under Council jurisdiction. Specifically, the Council asked for a discussion paper outlining the issues before any further analysis is prepared. Council staff prepared the discussion paper which was distributed in Council materials. However, because of the lengthy agenda, there was not enough time to discuss the issue. Council members acknowledged the importance of the issue and asked the Chairman to appoint a committee to address it.

Bob Alverson moved that the Chairman assign a "Full Utilization Committee" to begin work prior to the December meeting. The motion was seconded and carried without objection. (Hegge, Pereyra and Samuelsen were not present.)

D. FISHERY MANAGEMENT PLANS

D-1 Crab Management

The Council was scheduled to receive a preliminary report on the 1993 Bering Sea Crab Survey; however, because of a lack of time, the Council received only a brief report from Steve Pennoyer. The Council will receive copies of the completed survey results when they are available.

Also on the agenda was a review of proposed changes for crab management in the Bering Sea/Aleutian Islands. Fourteen management proposals were reviewed by the Council's Crab Plan Team and Plan Amendment Advisory Group. Most of the proposals addressed the issue of state/federal authority. Of specific interest was the superexclusive registration area implemented by the State for the Norton Sound red king crab fishery, and its ultimate reversal by the Secretary of Commerce. Representatives of many of the fishery participants commented on the fishery.

Steve Pennoyer reported that NMFS and ADF&G have developed a draft plan for closer coordination between state and federal agencies in crab management. The action plan included the following elements:

- (1) Research Planning Group. This group, comprised of NMFS, ADF&G and university crab biologists, will consider crab research priorities, activities and interests. The goal is the development of a long-term plan for applied crab research. The plan will focus on development of optimal long-term harvest policies.
- (2) Crab Plan Team. The role of the Plan Team will be expanded to formally incorporate its input into the Guideline Harvest Level (GHL) process, and provide the public with an opportunity to understand the annual establishment of the GHLs.
- (3) State/Federal Policy Group. The purpose of this group will be to review and discuss crab management issues prior to Board and/or Council review. This group will include agency staff and legal counsel. The intent in forming this group is to more easily resolve most issues through interagency agreements, rather than through amendments to the crab plan or an appeals process.
- (4) Council/Board Consultation Group. This subcommittee of Council and Board members will meet annually to focus on crab issues, and will be scheduled in coordination with existing annual meeting schedules for both the Council and the Board. It can review information from staff and provide guidance to the respective Council and Board on pertinent crab issues.

Report of the Crab Plan Team

The plan team ranked just two proposals as high priority (1 - a superexclusive registration area for the Norton Sound red king crab fishery, and 2 - a review and clarification of the framework-type management measures outlined in Category 2 of the crab FMP), one proposal was ranked low in priority, and eleven others were not ranked, either because they felt the measures were not necessary or not feasible.

Report of the Plan Amendment Advisory Group

The PAAG pointed out that the majority of proposals submitted addressed the issue of federal/state authority for crab management. Although the PAAG feels some form of review of the plan is appropriate, they did not feel a full plan amendment is the best option at this time. The PAAG recommended the Council consider options such as development of a memorandum of understanding between the management agencies and/or an annual meeting between the Council and Board of Fisheries to review actions taken under the FMP.

Report of the Scientific and Statistical Committee

The SSC agreed with the PAAG committee's recommendations on the proposals. With regard to comments received by the Alaska Crab Coalition regarding their concern about aspects of the State's management of Bering Sea/Aleutian Islands crab, the SSC noted that a formal annual Council review of State actions would take a plan amendment. However, if the Council wishes the SSC to review the State's recommended harvest guidelines, they would be willing to do so.

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COUNCIL DISCUSSION/ACTION

Linda Behnken moved to endorse the NMFS/ADF&G action plan and to initiate the Council/Board Consultation Group as recommended. The motion was seconded by Ron Hegge and carried unanimously.

Robin Samuelsen moved to initiate an FMP amendment to create a superexclusive registration area in the Norton Sound red king crab fishery, to be prepared for public review and returned to the Council for final approval at the earliest possible date. The motion was seconded by Bob Alverson.

Lisa Lindeman pointed out that other alternatives will have to be included for analysis. Options mentioned included: status quo, exclusive area registration, superexclusive registration areas to be included in Category 1 and Category 2, and the potential for dealing with it in a limited access program.

Mr. Pereyra said he cannot support the motion because it is encouraging capitalization in an overcapitalized fishery and that the issue should be folded into the whole comprehensive planning regime.

Bob Alverson moved a substitute motion: that the superexclusive registration area for Norton Sound be added as an option to the crab limited entry alternatives in the Comprehensive Rationalization analysis. The motion was seconded by Wally Pereyra.

Bob Mace moved to table the issue until the Council has taken up Agenda item D-6, Staff Tasking. The motion was seconded by Alan Millikan and failed, 7 to 4, with Alverson, Mace, Millikan and Pereyra voting in favor.

The substitute motion made by Mr. Alverson failed, 7 to 4, with Alverson, Mace, Millikan and Pereyra voting in favor.

The main motion carried, 7 to 4, with Alverson, Mace, Millikan and Pereyra voting no. (Mr. Krygier was the alternate for Mr. Tillion when these votes were taken.)

The Council took no further action on other crab management proposals because they felt the proposed NMFS/ADF&G action plan will address most of the problems presented.

D-2 Groundfish Plan Amendments

(a) Gulf of Alaska Rockfish Rebuilding

At the April 1993 meeting the Council reviewed alternative policy options to rebuild depleted Pacific ocean perch in the Gulf of Alaska. The analysis of options was released for public review in May. Four alternative harvest policies were analyzed:

Alternative 1. Status quo: harvesting the stock at the F35% fishing mortality rate adjusted by the ratio of the current biomass to the target biomass.

Alternative 2. Harvesting at the optimal fishing mortality rate adjusted by the ratio of the current biomass to the target biomass.

Alternative 3. Harvesting at a fishing mortality rate intermediate to the optimal rate (Alternative 2) and the bycatch only rate (Alternative 4), adjusted by the ratio of the current biomass to the target biomass.

Alternative 4. Harvesting at a fishing mortality rate (0.023) equal to the bycatch only fishing policy, adjusted by the ratio of the current biomass to the target biomass.

Report of the Scientific and Statistical Committee

The SSC had extensive comments on this subject (see SSC Minutes, Appendix III). They recommended that the Council consider one of three actions to protect the POP resource:

(1) TACs in the bycatch fisheries or allowable bycatch rates could be reduced, other management measures such as time-area closures could be investigated, or the overfishing limit could be applied on an area basis.

(2) The Council's overfishing definition could be liberalized to provide a buffer between ABC and the overfishing limit. the stock will rebuild to B_{msy} at any fishing rate up to F_{msy} so that increasing the overfishing limit need not prevent rebuilding. This would require a plan amendment, and it would not achieve the rebuilding rate implicit in Alternative 2, but would reduce waste.

(3) The Council could choose to treat POP as a minor species in the Central Gulf and let it be overfished as bycatch. This would require formal and compelling justification, as specified in the Section 602 guidelines.

Report of the Advisory Panel

The AP supported Alternative 3. They indicated they felt that Alternative 3 will initiate an aggressive rebuilding policy with the highest probability of success in the shortest time period.

COUNCIL DISCUSSION/ACTION

The Council received a review of the analysis from Jim Ianelli (AFSC), a plan team report from Anne Hollowed (AFSC), and a discussion of management implications by Jessie Gharrett (NMFS-AKR).

Clem Tillion moved:

- 1. It is Council policy under this plan amendment that, in order to achieve OY and ensure proper conservation and management in the GOA, target species within fisheries shall be managed to ensure timely rebuilding of depressed stocks of POP and provide protection for thornyhead and shortraker/rougheye, including reductions in target fisheries on species with high bycatch of POP to reduce total mortality of this depressed rockfish stock until such time as rebuilding has occurred; and**
- 2. that the Council adopt Alternative 3 in order to achieve this policy, and**

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3. incorporate regional overfishing definitions for POP.

The motion was seconded by Linda Behnken.

During Council discussion concern was expressed over whether species other than POP could be addressed in this motion because the analysis only dealt with POP. However, it was agreed that the first paragraph of the motion is a statement of Council intent; the action items (adopt Alternative 3 and the regional overfishing definition) refer only to Pacific ocean perch.

The motion carried, 10 to 1, with Millikan voting no.

(b) Exclusive Registration

In December of 1992 the Council approved an amendment to both groundfish plans which would have required trawl vessels fishing for pollock to register in either the BSAI or the Western/Central GOA. In June of 1993 the Council rescinded this action and noticed the industry and public that they would reconsider the issue at the September meeting. The Council was explicit that the alternatives to be considered in September would be either (1) the status quo (no exclusive registration) or (2) Alternative 8 from the original analysis, which is exclusive registration (entire GOA or BSAI) for all trawl vessels for all groundfish species. The original analysis, along with an Executive Summary emphasizing the results of Alternative 8, was released for public comment in mid-August. Industry originally requested the Council to pursue this action because of influx of vessels into the Western Gulf once the halibut bycatch caps for the Pacific fisheries had been reached in the BSAI, resulting in cod catch quotas in the Western Gulf being reached very early in the year.

The SSC had no report on this agenda item.

Report of the Advisory Panel

The AP was unable to reach a consensus on this item, but recommended that the issue needs to be better developed within industry before the Council takes action.

COUNCIL DISCUSSION/ACTION

The Council tabled action on this item indefinitely after taking action to initiate a regulatory amendment to the Gulf of Alaska FMP which would allow the trawl halibut PSC cap to be apportioned to specific fisheries and to provide enhanced fishing opportunities earlier in the year in the BSAI [see Agenda item D-2(a-b)]. The motion to table was made by Alan Millikan and carried, 8 to 2, with Alverson and Samuelsen voting no.

(c) Pribilof Island Trawl Closure

In December the Council reviewed a draft analysis for alternatives for closures to trawling in areas surrounding the Pribilof Islands and requested further staff clarification and additional data before considering final action. The analysis was re-drafted and provided for Council review at this meeting.

Report of the Scientific and Statistical Committee

The SSC felt the revised analysis satisfied their earlier recommendations and recommended the analysis be released for public review after incorporation of an additional alternative suggested by the Advisory Panel and incorporation of a time series of blue king crab population numbers and bycatch in the proposed protection area. The SSC suggested that if the Council chose to discontinue further consideration of the original suite of alternatives (#2-#7), then the new analysis should be edited to read as a stand-alone document. If the original alternatives are retained, then the EA/RIRs for all alternatives should be merged before release to public review.

Report of the Advisory Panel

The Advisory Panel recommended the Council send the document out for public review after an economic analysis is included with Alternative 9 and that the closure be triggered when bycatch reaches 1% of the blue king crab population, and an option for maintaining a closure of a smaller area approximating the 30-meter contour prior to triggering a cap, and an alternative for a fixed cap of 20,000 blue king crab.

COUNCIL DISCUSSION AND ACTION

Bob Alverson moved to send the analysis out for public review after inclusion of the AP and SSC recommendations. The motion was seconded and carried without objection. It was requested that the analysis include a discussion of how halibut bycatch would be affected by the closures.

D-3 Initial Groundfish Specifications for 1994

The Council received the preliminary Stock Assessment and Fishery Evaluation documents for the 1994 Gulf of Alaska and Bering Sea/Aleutian Islands groundfish fisheries and the annual Economic Status Report for the fisheries. The Council also received a brief overview of the fisheries from plan team chairmen Anne Hollowed and Loh-lee Low.

(a-b) Gulf of Alaska Groundfish

Many of the individual species or species complex stock assessments in the preliminary SAFE remain unchanged from the 1993 final SAFE. Any changes were based on incorporation of updated stock survey information, updated catch information, inclusion of discard estimates, or refinement of stock modeling parameters. New or revised assessments were made for pollock, Pacific cod, demersal shelf rockfish, slope rockfish, and Atka mackerel. Plan Team recommendations for 1994 preliminary GOA groundfish ABCs are found in Appendix V.

Report of the Scientific and Statistical Committee

The SSC concurred with all of the Plan Team's ABC recommendations except for pollock. The SSC concurred with the Plan Team's recommendation that the GOA pollock ABC be partitioned between Western and Central management areas and with the scaling of the Eastern Gulf ABC proportionate to the Western and Central areas. The SSC's recommendations for ABC were as follows: Western: 16,930 mt; Central (Area 62): 18,250 mt; Central (Area 63): 42,820 mt; and Eastern: 5,550 mt. Please see the SSC minutes (Appendix III) for complete comments specific to individual species.

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Report of the Advisory Panel

The Advisory Panel recommended the following GOA 1994 TACs be sent out for public review:

Pollock:	83,550 mt (W: 16,930 mt; C: (62) 81,250 mt; C: (63) 42,820 mt; E: 5,500 mt)
Pacific cod:	52,700 mt (with splits recommended by the Plan Team)
Flatfish, Deep:	9,000 mt (W: 500 mt; C: 8,000 mt; E: 500 mt)
Rex sole:	8,000 mt (W: 500 mt; C: 7,000 mt; E: 500 mt)

TACs for all other species would be the same as they were for 1993.

The AP recommended sending out the 1993 specifications for initial PSC limits for halibut, with 10 mt set aside for the hook and line demersal shelf rockfish fishery (to be taken from the third trimester). The AP recommended that when soliciting public comment the Council should note that the rex sole and rockfish TACs in the GOA may be modified in December to prevent overfishing and localized depletions of POP. Also, the AP strongly recommended that the results of the 1993 Gulf trawl survey be incorporated into the SAFE document in time for review in December.

COUNCIL DISCUSSION AND ACTION

Steve Pennoyer moved approval of the preliminary SAFE document for the 1994 Gulf of Alaska groundfish fisheries for public review. The motion was seconded by Bob Alverson and carried without objection.

Steve Pennoyer moved approval, for public comment, the ABCs recommended by the SSC and the TACs recommended by the Advisory Panel, including PSC rates and the recommendation on notification that specifications for some species may be modified in December to prevent overfishing. The motion was seconded by Bob Alverson, and carried without objection.

Earl Krygier noted that the State of Alaska is concerned over the TAC for the other slope rockfish fishery in the Eastern Gulf and hopes to have that reduced because of the high bycatch in that fishery. Mr. Pennoyer said that at the December Council meeting NMFS will have a plan explaining how they would act under regionalized overfishing definitions as recommended by the Council. This may help the Council in considering the final TACs. Mr. Pereyra said it would be helpful to the Council to have an economic analysis by the Plan Team of what the foregone revenues might be under either TAC scenario. Ms. Behnken stressed that the social impacts should be considered as well.

Regarding an industry proposal to apportion halibut PSC between the "deep water complex" and the "shallow water complex," in lieu of the exclusive registration amendment, Mr. Pennoyer said that a regulatory amendment would be required to achieve most of the recommendations. An analysis could be prepared for Council review in December before submission to the Secretary, with implementation possible in May or June; or, NMFS could do the analysis and send it directly to the Secretary, with Council comment during the Secretarial process which would allow an earlier implementation.

Oscar Dyson moved that the staff be instructed to begin development of a regulatory amendment to apportion halibut PSC between the "deep water complex" and the "shallow water complex, and the other measures recommended by the trawl industry, with public review and Council comment

to occur during the Secretarial review period. The motion was seconded by Bob Alverson and carried without objection.

The industry proposal recommended the "shallow water complex" include pollock, Pacific cod, shallow water flatfish, Atka mackerel, and other species. The "deep water complex" would consist of deep water flatfish, rockfish, flathead sole, sablefish, and arrowtooth flounder. They recommended the proposed trawl halibut apportionment for 1994 as follows:

Quarter	<u>Halibut Mortality (mt)</u>		Total
	Shallow Water Complex	Deep Water Complex	
1	500	100	600
2	100	300	400
3	200	400	600
4	No apportionment between deep and shallow water complexes.		400

Additional elements of the proposal were:

1. Halibut allocation will be part of the annual specifications process.
2. Any overages or shortfalls of quarterly halibut bycatch within a complex will be deducted from or added to that complex's subsequent quarterly allocation.
3. Bycatch-only species may not be retained against arrowtooth flounder.
(To be re-addressed as the commercial arrowtooth flounder fishery develops.)
4. Bycatch-only species may not be retained against other bycatch-only species.
5. The GOA VIP rate will be adjusted from 5% to 4%.
6. Measures will be taken to increase the number of fishing opportunities in the Bering Sea during the first quarter. For example, the rockfish and other flatfish fisheries in the Bering Sea could be conducted earlier in the year.
7. Sunsets three years after implementation or upon implementation of a comprehensive rationalization program.

(c-e) Bering Sea/Aleutian Islands Groundfish

In the Bering Sea/Aleutian Islands SAFE document, new or revised assessments were made for pollock, Pacific cod, Greenland turbot, and Atka mackerel. All other species remained unchanged from the 1993 final SAFE document. Plan Team recommendations for 1994 preliminary GOA groundfish ABCs are found in Appendix V.

Report of the Scientific and Statistical Committee

With the exception of Bogoslof pollock, flatfish, and Atka mackerel, the SSC agreed with the Plan Team's recommendations. The SSC recommends an ABC of 7,000 mt for Greenland turbot, 122,500 mt for Atka Mackerel, and for pollock in Area 518 (Bogoslof), 32,000 mt. For specific comments on these recommendations please see the SSC Minutes, Appendix III.

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Report of the Advisory Panel

The AP recommended that the 1993 TACs (all in metric tons) be sent out for comment as initial specifications for 1994, with the following exceptions:

	<u>Pollock</u>		<u>Pacific Cod</u>		<u>Flatfish, Deep</u>		<u>Rex sole</u>
W(61)	16,930		17,400		500		500
C(62)	18,250	(total		(total		(total	
C(63)	45,649	Central)	32,700	Central)	8,000	Central)	7,000
E	427		2,600		500		500

Upon implementation of BSAI Amendment 24, the AP recommends that 90% of the fixed gear allocation be released during the first trimester, and 20% be released for the second trimester; any remaining TAC would be rolled over into the third trimester. In the event there is a rollover from of unused TAC from the trawl to fixed gear, 25% should be assigned to the second trimester and the remainder to the third.

Tables giving the Advisory Panel recommendations for initial 1994 BSAI trawl and non-trawl PSC apportionments are found in the AP Minutes, Attachment II.

COUNCIL DISCUSSION AND ACTION

Steve Pennoyer moved to adopt the SSC's ABC recommendations, the AP's recommended TACs, the resulting ITACs and CDQs, and the AP recommendations for PSC apportionments for trawl and non-trawl for preliminary 1994 BSAI specifications and VIP rates. The motion was seconded by Linda Behnken.

By friendly amendment, the non-trawl PSC recommendation for BSAI Pacific cod was amended to 725 mt halibut mortality and 175 mt for the other non-trawl fisheries (per longline industry recommendation).

Wally Pereyra moved to amend to make 25% of the Eastern Aleutian Islands Atka mackerel TAC available in the first quarter, and change the Western and Central TACs to 13,475 mt each, totaling 40,425 mt TAC. The remaining 82,075 mt would be placed in the yellowfin sole category for the purposes of public comment; the total for yellowfin sole then would be 193,075 mt. The motion was seconded and carried without objection.

Bob Alverson asked whether the Council has the option of apportioning sablefish in the three Aleutian districts. Mr. Pennoyer indicated that no analysis has been done, but the plan team could review and make recommendations for the Council to review in December.

Bob Alverson moved that NMFS develop a regulatory amendment that would allow the black cod fishery opening to be set on the best tide nearest May 1. The motion was seconded by Wally Pereyra and carried without objection. Mr. Alverson said the intent of the motion is to address the halibut bycatch problem encountered last year.

Mr. Alverson asked whether the Council is able at this time to apportion the cod TAC seasonally as approved under Amendment 24. Mr. Pennoyer responded that the amendment has not yet been approved by the Secretary the Council, but could indicate their preference so that when the

amendment is approved the preferred apportionment could be made. For the purposes of public review of the 1994 apportionments, the Council asked staff to note in the public review document that in December they will consider the seasonal allocation of cod to fixed gear in the Bering Sea.

D-4 Groundfish Regulatory Amendments

(a) Status report on Releasing PSC Bycatch Rates by Vessel Name

In June the Council recommended that NMFS develop rulemaking to publish individual vessel bycatch rates. NMFS will combine this rule with the salmon bycatch management rule. Information to be posted on the NMFS computer bulletin board will include vessel name, number of salmon observed weekly, and halibut, red king crab, and Tanner crab weekly bycatch rates. Implementation is expected in early 1994. This was a progress report; no action was taken.

(b) Directed Fishing Standards

An analysis of proposed changes to directed fishing standards was provided for Council review. The alternatives included simplifying the directed fishing standards by using (1) 5%, 10%, or 20% as the DFS for all groundfish species; and (2) the same directed fishing standard for each species regardless of area, gear type, target fishery, or cause of the directed fishery closure.

There was no SSC report on this agenda item.

Report of the Advisory Panel

The AP felt that the alternatives may not fully address the problems with the current directed fishing standards and recommended that NMFS and Council staff work together to create a matrix system for determining bycatch by species, gear type and area. This matrix would be updated as necessary on the NMFS bulletin board. Bycatch rates would be set against all possible target species but would only be allowed against a species that was open for directed fishing. There would be no bycatch rate against other bycatch species. Rates would be formulated at 1%, 5%, 10%, 15%, and 20%, and subject to inseason change. The AP appointed a subcommittee of industry representatives to work with NMFS to develop the matrix. NMFS staff provided a brief overview of the AP recommendation and how it would be accomplished. In addition, they indicated they would also consider two additions to all alternatives (except status quo):

1. The basis for retaining bycatch of pelagic trawl groundfish when non-pelagic trawling for pollock is closed would be 7% only of pelagic trawl pollock.
2. Retainable demersal shelf rockfish would be: up to 1% of the aggregate amount of deepwater flatfish, flathead sole, sablefish, and all Sebastes and Sebastolobus, plus 10% of all other species.

COUNCIL DISCUSSION/ACTION

Linda Behnken moved approval of the Advisory Panel recommendation. The motion was seconded by Steve Pennoyer and carried without objection.

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Ms. Behnken did express the need for further clarification of the additions suggested by NMFS. Staff will confer with AP and industry representatives to determine any clarifications required.

D-5 Other Groundfish Issues

(a) Salmon VIP Program/Salmon Foundation

In June the Council endorsed the concept of an industry-sponsored "salmon foundation" developed to address salmon bycatch. The Council asked for a progress report on the foundation at this meeting and also asked staff to develop a concept paper to identify issues to be addressed to develop measures to minimize salmon bycatch. The Council received a discussion paper and also an update on the industry salmon foundation.

Ron Berg, NMFS, reported that two regulatory actions are being pursued as requested in June: for mandatory retention of salmon and publication of names of vessels and bycatch rates. Sue Salvesson reported that they are refining a retention policy which would facilitate passing on the salmon bycatch to charitable organizations and they hope to have a concept paper for Council review in December.

The SSC received a report on this agenda item but had no additional comments.

The Advisory Panel received status reports and strongly encouraged continuing the development of the salmon foundation program.

COUNCIL DISCUSSION/ACTION

Council members discussed making foundation membership a condition of receiving a federal fishing permit; however, NOAA General Counsel advised this is not possible. Mr. Samuelsen asked General Counsel to pursue this further and advise the Council if there are other ways to require foundation membership. Council members were also advised that the Council, as a body, cannot be a member of the Foundation. They could, however, be members in their individual capacities.

Robin Samuelsen moved adoption, as a statement of Council intent, the "Salmon Bycatch Control Policy" submitted by industry, with minor editorial changes (Appendix VII). The motion was seconded by Linda Behnken and carried without objection.

The Council discussed requesting broader fee authority under the Magnuson Act in order to have a method of collecting fees, other than voluntarily. Dr. Pautzke pointed out that the Council has already endorsed that concept under the current reauthorization period.

(b) Codend Mesh Size for the Pacific Cod Trawl Fishery

At the June 1993 meeting the Council decided it was premature to develop mesh regulations prior to completion of mesh selectivity studies and postponed further consideration of the proposal. However, proposals for mesh regulations for pollock and cod fisheries have been resubmitted for consideration during the upcoming amendment cycle. Staff prepared a discussion paper of the issues for Council review.

Report of the Scientific and Statistical Committee

The SSC agrees that lacking data on mesh selectivity and escapement mortality in the North Pacific operations, there is no way to assess the utility of a mesh regulation. The SSC supports mesh selection studies.

The Advisory Panel did not take up this agenda item.

COUNCIL DISCUSSION/ACTION

Al Millikan moved to proceed with the amendment proposal subject to Plan Team ranking under staff tasking. The motion was seconded by Bob Mace and carried without objection.

(c) Halibut PSCs for Pelagic Trawls

Under current regulations governing halibut PSC allowances, pelagic fisheries are exempt from the halibut PSC cap. However, fishermen have been able to fish with a legal "pelagic trawl" in a non-pelagic mode because of difficulties in defining a true pelagic trawl. To resolve this problem the Council has this past year recommended changes to

the pelagic trawl definition and recommended a performance-based trawl regulation. Those changes were effective August 19, 1993; however, not enough information is available yet to analyze the effects of the changes. The Council has received some industry requests to place the pelagic trawl fisheries under the halibut PSC cap.

There were no SSC or AP comments on this agenda item.

COUNCIL DISCUSSION/ACTION

Some Council members felt that discussion of a PSC cap for the pelagic trawl fisheries should be delayed until more comprehensive information is available from the 1993 pollock season, and possibly from the 1994 pollock "A" season.

Bob Alverson moved to defer action on this issue until the April 1994 Council meeting. The motion was seconded by Linda Behnken.

Linda Behnken suggested that staff gather available information on mortality rates for crab or halibut that escape the trawls.

Wally Pereyra suggested that the Council not put the issue on the agenda at this time. If NMFS anticipates a problem, they could request Council discussion.

Wally Pereyra moved a substitute motion to table the issue indefinitely. The motion was seconded by Oscar Dyson and failed, 7 to 3, with Dyson, Pereyra and Millikan voting in favor. (Hegge was absent for this vote.)

The main motion carried, 9 to 1, with Pereyra voting no. (Hegge was absent for this vote.)

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It was clarified that the intent of the motion is not necessarily to take action in April, only to receive a report on the fisheries for 1993-94 and determine whether further action is required.

(d) Total Weight Measurement

In June the Council recommended that processors participating in the CDQ fisheries be required to carry two observers and provide certified receiving bins for use in volumetric estimates of the catch, or provide tamper-proof scales to weigh all fish prior to sorting and discard. The Council took this measure as a method of determining whether such requirements could be used throughout the industry to help improve information gathering about total removals from stocks, improve in-season management of groundfish TACs and other species bycatch, improve the effectiveness of the VIP program, and secure improved data used to prepare stock assessments.

The Council was informed that the Proposed Rule for the CDQ program requirements was published on September 15; a Final Rule is anticipated by January 1994. NMFS staff is now developing the analysis for requiring total weight measurement in all groundfish fisheries intending to have such regulations in place prior to the implementation of a comprehensive rationalization plan.

This was a status report; no comments were made by the AP or SSC and the Council took no action.

D-6 Staff Tasking

The Council received reports from the Plan Amendment Advisory Group (PAAG) and the Groundfish and Crab Plan Teams on proposed plan amendments for the 1994 cycle. The PAAG received the plan team recommendations along with staff estimates of manpower required to complete analyses of the various proposals. The reports are attached to these minutes as Appendix VI.

Report of the Scientific and Statistical Committee

The SSC supports the categorization and rankings developed by the PAAG. They stressed that overcapitalization continues to be a serious issue confronting fisheries under the Council's jurisdiction and pointed out that many issues addressed in the proposals submitted are the result of too many vessels pursuing too few fish. The SSC recommended that top priority continue to be assigned to development of the comprehensive rationalization plan. The SSC rated Proposal #1, "Require actual weighing of all harvested levels," the highest priority, followed by Proposal #8, "Define standards for satellite communications between fishing vessels in groundfish fisheries and the NMFS and require all or some vessels to carry and use hardware and software meeting those standards." The SSC feels these two proposals complement the planning for the comprehensive program.

The SSC also recommended that if a decision is made to fully develop the season change proposal, consideration be given to the modification of the TAC specification cycle as an alternative. Initial review of the SAFE would take place during the June meeting with final TAC specifications set during the September meeting. This would facilitate publication of groundfish ABC and TAC specifications and the processing of scientific information.

The SSC also commented on discussion of the PAAG concerning changing the overfishing definition. The SSC suggested that since a national committee is planning to issue a report on this topic in early 1994 the Council should defer the issue until after that time.

COUNCIL DISCUSSION/ACTION

Alan Millikan suggested that before the Council consider a proposal for changing seasons, that they should consider SSC recommendations for changing the annual specifications process. Steve Pennoyer said they will explore options and discuss with AFSC personnel and report back in December.

Steve Pennoyer moved that the following amendment proposals be analyzed (working from staff handout, Agenda D-6(b), 9/26):

- #1 100% observer coverage in BSAI cod in Area 517 in 1994.**
- #2 Gulf of Alaska PSC apportionment to shallow/deep complexes.**
- #3 Explore alternatives for the BSAI and GOA specification process.**
- #4 Superexclusive registration area for Norton Sound red king crab fishery.**
- #6 Atka Fishermen's Assn proposal for 5,000 lb trip limit and 20% set-aside for vessels fishing under the trip limits.**
- #9 Environmental assessment for 1994 groundfish specifications.**
- #11 Mandatory retention of salmon and release of observer data.**
- #15 IFQ block proposal amendment.**

By friendly amendment, Proposal #8, Halibut Charter Cap was included in the context that the Council and NMFS would begin forming the industry workgroup and developing background information. It was suggested that IPHC be requested to participate in data gathering and preparation.

Work on the scallop FMP (#16) will continue, but not on a high priority status. Analysis could be available in January for final Council review.

With regard to the directed fishing standards (#17), Steve Pennoyer indicated that work will continue, however, it is not a regulation that needs to be in place at the first of the year and has been given low priority status.

Additionally, #7, a regulatory amendment to dissolve allocative fishing seasons for halibut and groundfish after the implementation of the sablefish/halibut IFQ program, would be pursued on a time-available basis.

The tasking list was approved without objection. (Council members Hegge, Pereyra and Samuelson were not present.)

E. FINANCE REPORT

There was no financial report at this meeting.

F. PUBLIC COMMENTS

There were no further public comments.

**MINUTES
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G. CHAIRMAN'S COMMENTS AND ADJOURNMENT

Chairman Lauber adjourned the meeting at approximately 4:38 p.m. on Sunday, September 26.