# North Pacific Fishery Management Council

James O. Campbell, Chairman Jim H. Branson, Executive Director

605 West 4th Avenue Anchorage, Alaska 99510



Mailing Address: P.O. Box 103136 Anchorage, Alaska 99510

Telephone: (907) 274-4563

FTS 271-4064

CERTIFIED:

James O. Campbell, Chairman

#### MINUTES

61st Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
May 23-24, 1984
Old Federal Building
Anchorage, Alaska

The North Pacific Fishery Management Council met May 23-24, 1984, at the Old Federal Building, Anchorage, Alaska.

The Scientific and Statistical Committee and the Advisory Panel met in the Old Federal Building May 21-22.

Members of the Council, Scientific and Statistical Committee, Advisory Panel and general public in attendance are listed below.

# Council

James O. Campbell, Chairman
Harold E. Lokken, Vice-Chairman
Steve Pennoyer for
Don W. Collinsworth
Ray Arnaudo
Gene Didonato for
Bill Wilkerson
CDR Choate Budd for
RADM Robt. Lucas
Jeffrey R. Stephan

Robert U. Mace for
John Donaldson
Robert W. McVey
Jon Nelson for
Robt. E. Putz
John Harville
Sara Hemphill
Rudy Petersen
Keith Specking
John Winther

# NPFMC Staff

Jim H. Branson, Executive Director Clarence Pautzke Judy Willoughby Steve Davis Jim Glock Doug Larson Ron Miller Jeff Povolny Steve Brooks Helen Allen

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### NEPMC Staff

Jim H. Branson, Executive Director Clarence Pautrie Judy Willoughby Steve Davas Jim Glock

Doug Lanson Ron Willer Jeff Povolny Stave Brooks Jelen Allen

Joing Winther

### Support Staff

Tom Barrett, USCG
Pat Travers, NOAA-GC
Thorn Smith, NMFS
Guy Thornburg, ADF&G
Judy Brakel, CFEC

Dick Marshall, NMFS Ben Rosenthal, NOAA-GC Fred Gaffney, ADF&G Marty Eaton, ADF&G

### Scientific and Statistical Committee

Don Rosenberg, Chairman Robert Burgner John Burns William Aron John Clark Richard Marasco, Vice-Chairman Jack Lechner Steve Langdon Al Millikan Jack Robinson for Larry Hreha

### Advisory Panel

Robert Alverson, Chairman Pat Barker Alvin Burch Barry Collier Larry Cotter Barry Fisher Joseph Kurtz Richard Lauber Raymond Lewis Daniel O'Hara Donald Rawlinson

### General Public

Clem Tillion
Ken Kobayashi
Flore Lekanof, Sr.
Paul MacGregor
Paul Schwartz
Chris Mitchell
Mick Stevens
Sadao Takaoka
T. Nemoto
H. Kawaniiura
Mosao Taminay
Phil Chitwood

John Schmiedtke
Jay D. Hastings
Henry Mitchell
Bob Timly
Chris Blackburn
Don Swisher
W. E. Duryea
Fujiwara
Nobuto Tokaji
Ted H. West
Steve Grabacki
Tomasz Pintowski

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

The meeting was called to order by James Campbell, Chairman, at 9:05 a.m. on Wednesday, May 23, 1984. The minutes of the March and April 1984 meetings were approved as submitted with minor editorial changes suggested by Bob McVey.

# Support Staff

Tom Barrent, 0300 Pat Traners, NOAA-00 Thomm Smith NMFS Guy Thomburg, ADF&4 Judy Byakel, CFDC

Dick Marshels, 1975 Best Rosenthal, MCAA-GC Fred Galiney, ANFEG Marty Eaton ADWAG

# Edentific and Scatistical Committee

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Richard Marzoco, Vice-Chairman Jack Lecknac Staye Langdon Al Millikan Jack Robinson for Larry Hreis

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Joseph Kurtz kichard Labber Raymond Lewis Daniel O'Bara Donald Rawi'nson

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Wen Kobayashi
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Paul Krobregor
Paul Schvartz
Chris Mitchell
Wich Stevens
Sadac Yakacka
T. Nemoto
H. Lawentara
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John Schmiegthe Jay D. Hastings Henry Mitchell Btb Timly Chris Elackburn Don Sylsher V. E. Duryes Wobsto Tokaji Ted H. West Steve Grabacki Tomack Fintowski

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The meeting was called to order by James Campbell, Chalmash, at 9:05 a.m. on Wednesday, May 23, 1984. The minings of the March and April 1984 meetings were approved as submitted with minor editionial chapers suggested by 30b McVey.

Jim Branson presented the agenda and suggested adding under item C-7 discussion of a letter from Don Bevan on the seastead concept in the groundfish fishery. Also, a report from George Snyder of the Auke Bay Laboratory on marine debris would not be available at this meeting as originally scheduled, but would be presented in September when more comprehensive data would be available. The agenda was approved with theese changes.

Mr. Campbell introduced former Council Chairman Clem Tillion. Mr. Tillion said that he felt the draft comprehensive management goals developed by the Council's workgroup were a very good start but that they would not be any good unless the Council took positive action. He cautioned the Council that taking no action on an issue is, in effect, a decision in itself. Mr. Tillion also said that American fishermen should be given the same opportunity as foreign fishermen to plan ahead by giving them specific allocations each year.

#### B. SPECIAL REPORTS

### B-l Executive Director's Report

Mr. Branson briefly reviewed his written ED report. The first meeting of a Council "crisis committee" (now called interim action committee) was held by telephone on May 4. The Gulf of Alaska groundfish interim action committee discussed several items and recommended which should be on the May agenda and which should be held for the regular groundfish annual management cycle. These items are discussed under agenda item D-4. Mr. Branson reviewed follow-up actions on the recommendations of the Price Waterhouse audit team, reported the confirmation of new members to the Alaska Board of Fisheries, summarized proposed amendments to the Coastal Zone Management Act, and introduced Steve Brooks, one of two Council summer interns. informed Council members that Don Bevan was in the hospital for bypass surgery. The Council was reminded that the July meeting had been cancelled. A report from Steve Davis on his recent trip to Japan and Russia for the bilaterals was included in Council Formal reports of the meetings are available at the notebooks. Council office.

### B-2 Domestic Fisheries Report by ADF&G

The total 1984 harvest of Tanner crab in the Kodiak area was 14.28 million pounds landed by 302 vessels. Crab averaged 2.5 pounds each and catches averaged 19 crab per pot. The Bering Sea and Aleutian Islands Tanner crab fishery is still going. The catches through May 13 are: 230,000 pounds in the Eastern Aleutians; 320,000 pounds in the Western Aleutians; and

Tim Leanson pressure raise agenda and suggested adding under item Der discussion of a levter from Dan Gevan on the sessived oursept in the groundfish fishery. Also, a report from George Enyder of the Ank Bay Imboratory on manual debras would not be evaliable at this resture as originally schedules, but rould be presented at this resture where comprehensive data and it be available. In September where comprehensive data and it be available.

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1.22 million pounds of <u>C. bairdi</u> and 7 million pounds of <u>C. opilio</u> in the Bering Sea.

Total catches for the 1983-84 winter troll fishery for chinook salmon, which closed on April 15, were slightly higher than those of the 1982-83 season. Through May 18, 32,645 chinook, or 457,431 pounds, had been reported in 3,272 landings, compared to 30,238 chinook, or 437,666 pounds, last year.

The first herring off Togiak were sighted on May 3, two to three weeks later than in recent years. An aerial survey of the fleet showed over 600 vessels (tenders, seiners, and gillnetters). The herring are aged 6 to 7 years, as predicted, and harvest is forecast at approximately 18,825 tons, 18-20% of the biomass.

Through May 15, the domestic catch of sablefish was 981.4 mt in the Eastern Gulf of Alaska, 167.8 mt in the Central Gulf, and 9.4 mt in the Western Gulf. ADF&G reports that overall sablefish catches are considerably higher than in previous years.

Because of its growing importance in Alaska, Jim Campbell asked if ADF&G could report regularly on sablefish as they do on crab and salmon. Steve Pennoyer said he thought that this could be done.

### B-3 Foreign Fisheries Report by NMFS

By April 28 foreign fleets in the Gulf of Alaska harvested 12,427 mt of groundfish, or about 11.6% of the current foreign allocation for that area. The catch included 11,552 mt Pacific cod, 416 mt pollock, 202 mt sablefish and 70 mt of flatfish.

In the Bering Sea and Aleutians they harvested 130,388 mt, about 16.9% of the current foreign allocation. The catch included 103,511 mt pollock, 7,216 mt Pacific cod, 13,525 mt yellowfin sole, 5,022 mt flatfish, and 332 mt sablefish.

There were 36 foreign vessels off Alaska on May 17, 7 from Japan, 19 from South Korea, 8 from the U.S.S.R., and 1 each from Taiwan and West Germany. This is a decrease from the 50 vessels present on March 22.

#### B-4 Enforcement and Surveillance Report by U.S. Coast Guard

The USCG reported that enforcement effort through May 17, 1984, totalled 225 cutter patrol days and 1,243 aircraft patrol hours covering over 210,000 miles. The Coast Guard also reported that their goal of boarding each foreign fishing vessel at least once during the March-May period was achieved.

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Violations by foreign fishing vessels in the Alaska FCZ during April included citations to two Japanese vessels for not submitting the required activity message 24 hours before ceasing fishing in the FCZ; two Japanese transport vessels were cited for not properly maintaining their International Radio Call Signs; a Taiwanese stern trawler was cited for not displaying its vessel permit in the wheelhouse; and reports of violation were given to a South Korean stern trawler for not immediately returning its catch of a prohibited species (halibut) to the sea, and to a Japanese longliner for not accurately maintaining its daily cumulative catch log and for underlogging 7 mt of groundfish.

### B-5 Joint Venture Operations

The total joint venture catch off Alaska through April 28, 1984 was 275,878 mt. In the Gulf of Alaska joint ventures harvested 179,030 mt including 175,916 mt pollock, 1,221 mt Pacific cod, 460 mt flounders, 320 mt Pacific ocean perch, 65 mt sablefish, and 1,048 mt other species. The Bering Sea harvest was 96,848 mt including 72,229 mt pollock, 17,576 mt Pacific cod, 5,765 mt flatfish, 30 mt of Pacific ocean perch, and 1,248 mt other species.

### Public Testimony

Jay Hastings, Japan Fisheries Association, submitted a letter to the Council outlining recent cooperative efforts between the Japan and U.S. fishing industries toward the development of U.S. fisheries. Mr. Hastings said that the Council's recognition of these efforts is important in view of the forthcoming July allocations.

#### C. NEW OR CONTINUING BUSINESS

### C-l Comprehensive Fishery Management Goals

The Council workgroup appointed to draft comprehensive fishery management goals for Council review included Sara Hemphill, Chairman, Don Collinsworth, John Harville, Jon Nelson, and John Winther. Jim Branson and Ron Miller of Council staff attended the workgroup meetings held in April and May. A statement of findings and eight draft comprehensive management goals, along with a schedule for implementation of the goals, was presented to the Council for discussion.

#### Public Testimony

<u>Barry Collier</u>, NPFVOA. Mr. Collier pointed out that he believed that defining "overcapitalization" (mentioned in the draft

Violations by foreign listing vessels in the Alaska PCF during April holoded citations to two lapanese vessels for not abbritting the required activity passage 25 hours before cossing fishing an the PCS, two Japanese thatspoin vessels were unted for not property maintitaing their incernstional Radio Call Signs; a Talvanese stemp traviler was oited for not displaying its vesset passant in the meelhoure; and repairs of violation pair given to a South Momen stem traviler for not immostately returning its catton of a posibited species (halibut) to the sea, and to a constants of a posibitor for not accurately maintacting its daily countered of longitude for not accurately maintacting its daily countered of a provided

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Essuy Collier, MPFVCA. Mr. Collier pointed out that he believed that defining "overcapicalization" (mentioned in the draft

findings) will be a problem. He also said that he did not think that fishermen should be "locked in" to historical percentages for established fisheries and that serious consideration should be given to the well being of the state and nation while considering those percentages.

#### COUNCIL DISCUSSION AND ACTION

Bob McVey moved to accept the workgroup's report as a basis for Council discussion. The motion was seconded by Steve Pennoyer and passed with no objection.

The Council reviewed the draft findings and went over each goal individually incorporating suggested changes and/or additions. John Harville pointed out that it should be made clear to reviewers that the goals should be considered as a whole and not as separate items. Steve Pennoyer also suggested that any communication accompanying the draft goals should stress that this is just a first step and that more specific objectives for individual fisheries will be drafted after the comprehensive goals are reviewed by the public and approved by the Council. Council members discussed the two proposed schedules for public review and implementation of the goals and were in general agreement that the first schedule would be the more appropriate. This schedule would send out the draft comprehensive goals for public review and final Council action at the September meeting. At that time, specific workgroups would be appointed to work on goals and objectives for specific fisheries.

Keith Specking moved to approve the draft findings and comprehensive goals, as amended by Council members, be sent out for public review. Sara Hemphill seconded the motion which passed with Harold Lokken and Bob McVey objecting. (Appendix I is a copy of the final document sent out for public review.)

Gene Didonato moved that the Council adopt Schedule 1 submitted by the workgroup as the time frame for review and adoption of comprehensive management goals. The motion was seconded by Steve Pennoyer and, there being no objection, it was so ordered.

#### C-2 Recommendations for the Future of Fisheries Management

It was the concensus of the Council that since they are now working on regional comprehensive fishery management goals and procedures, a national policy for all Councils cannot be considered at this time. The Council asked the Executive Director notify the Gulf Council of this decision.

findings; wall be a problem. He also said that he did not think that illemented appropriate by "looked in" to historical percentages for established fisheries and that symbols consideration should be given to the vehi ceing of the take and nation while considering those percentages.

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### C-3 Foreign Directed and Joint Venture Policies

Mick Stevens presented a draft policy on joint ventures prepared by a industry workgroup. Mr. Stevens said that the workgroup tried to follow the format developed by the Council in 1982. They also used policies of the Mid-Atlantic and New England Councils for reference. One item which should be addressed by the Council is the timing of the receipt of applications for joint venture fishing.

#### Permit Review Committee

The Permit Review Committee reviewed the report from the industry workgroup and commended Mick Stevens and other members of the workgroup for their efforts. The Committee recommended that the Council use the report when reviewing its criteria for joint venture permits this summer. NMFS enforcement also is internally examining joint venture criteria. Policy recommendations will be reviewed by the Council in September.

### Report of the Advisory Panel

The AP recommended that the Council not adopt any policy at this meeting, but that the draft policy be sent out for public comment and put on the September agenda.

#### COUNCIL DISCUSSION AND ACTION

Chairman Jim Campbell appointed Keith Specking, John Winther, Harold Lokken, RADM Lucas, and Steve Pennoyer to a workgroup to work on joint venture policy during the summer.

#### C-4 Foreign Fishing Permit Applications

Sara Hemphill, Alaska Contact, Ltd. and Tomasz Pintowski from the Polish Embassy in New York, told the Council that they will be submitting applications for directed and joint venture permits for pollock in the Bering Sea. Three or more large stern trawlers would be used and operations would begin about 35 days after allocations and permits were granted. A little more than 50% of the products would come back on the U.S. market. The request will be for 60,000 mt directed and 15,000 mt for the joint venture.

Ms. Hemphill pointed out that before the sanctions were imposed against Poland, they were very cooperative in research efforts on the East Coast and have expressed interest in cooperative research on squid during their Alaska venture.

# 0-3 foreign Mineated and Joint Veriume Foliates

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# Ferrit Review Consulated

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#### Permit Review Committee

The Committee noted concern over the level of anticipated joint ventures in relation to direct harvest and over the products coming back into the U.S. market, grounds preemption by Polish vessels, and the amounts of incidental catch. The Committee recommended that Poland be given a 30,000 mt directed allocation only if a minimum of 15,000 mt in joint ventures is formally committed to, all to be conducted in the Bering Sea in 1984. The Committee encouraged Poland to go above 15,000 mt in joint ventures and recommended that incidental catches be adjusted downward relative to the size of the directed allocation.

### Report of the Advisory Panel

The AP suggested that any arrangement with the Polish should have a healthy purchase of U.S. industry product required before any directed fishing is allowed.

### Public Testimony

Jay Hastings, Japan Fisheries Assn., asked the Council to make any recommendations for permit approval contingent upon the Poles recognizing the voluntary restrictions agreed to by industry in January.

#### COUNCIL DISCUSSION AND ACTION

Sara Hemphill asked to be excused from discussion and action on this issue as her firm is involved in the proposed joint venture. The Chairman agreed.

There was discussion on the Permit Review Committee's recommendation for the 1:2 ratio for joint venture to directed fishing allocations. Some Council members felt this joint venture was being singled out for a more stringent policy. It was pointed out that the Council's intent is to begin to increase the ratio gradually and since this is the first joint venture request since that decision was made, it is appropriate to begin that escalation. There was no intent to single out the Poles.

John Winther moved to give the Executive Director authority to approve applications from the Poles for joint venture and directed allocations of pollock in the Bering Sea in the amount of 15,000 mt joint venture and 40,000 mt direct with the stipulation that the by-catch be held within the 1.5% limit. The motion was seconded by Steve Pennoyer and carried, 7 to 3, with Bob Mace, Rudy Petersen, and Gene Didonato opposed. Sara Hemphill abstained.

# Permit Review Countiese

The occasiones noted concern over the level of articipated joint ventures is relation to direct carvest, and ever the purcuous coming hack into the U.S. market, grounds precaption by Felish vessels, and the cauch the Countities necommended that roland he given a 20,000 mt directed allocation only if a minimum of 15,000 at in joint ventures in isomally committed to, all to be conducted in the Period Sea in 1984. The Countities entruraged Follow to go above 15,000 mt in joint ventures and recommended that succeed allocated the dewiverd refered be adjusted downward refered or the size of the sixemed allocation.

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### C-5 Follow-up to April Policy Meeting

Newly-drafted policies on annual management cycles, processing proposals for changes in fishery management plans, and plan team composition based on Council action at the April meeting were submitted to the Council for review.

#### Report of the Scientific and Statistical Committee

The SSC reviewed the newly-drafted policies and supported their direction. The SSC did recommend specific changes to the policy on annual management cycles. On page 1, they recommended deletion of the last line in paragraph 2, "Use of the Board of Fisheries proposal format will be acceptable . . ." and suggested deleting the first two sentences in paragraph 3 on page 2, and replacing them as follows, "The decision documents should be based upon the best information available to the team. On rare occasion data may be received late which will have significant bearing on a fishery." The SSC also recommended a paragraph be added following paragraph 3 on page 2:

"It is anticipated that all data and analyses used for decision documents must be reviewed by the appropriate team and the SSC prior to Council action. Cut-off dates based on the annual management cycles must be established for receipt of the above data and analyses consistent with permitting these reviews. The SSC will make a recommendation to the Council as to what constitutes the best scientific information available."

On plan team composition, tasking and operations, the SSC feels that the best way to implement the revised policy is to reconstitute each of the teams. This will allow each of the management agencies the opportunity to review its participation in team activities. The SSC suggested the agencies having management responsibilities in this jurisdiction should be contacted to nominate individuals for team membership. The SSC, in accordance with the policy, will review all nominations for their qualifications, and provide a recommended team composition to the Council. This should be completed by the September meeting.

### Report of the Advisory Panel

The AP wishes to review the Council's revised policies after they have been in effect for one year. With repect to plan team make-up, the AP feels the SSC should approve participants' expertise. They do not feel there is a need for alternates on the plan teams, but any alternate should also be screened by the SSC. The AP also feels that there is not a great need for alternates on the SSC. The SSC should be made up of the best scientific talent available representing an objective viewpoint

# C-5 Follow-up to April Policy Meating

Mediy-quaffed posicies on amouel management cycles, processina purposeds for changes in Signery management place, and plan team composition based on Council aution at the April mesting were submitted to the foundi for review.

# Report of the Scientific and Statistical Committee

The SEC verieves the newly-drafted policies and supported their direction. The SEC did recommend specific changes to the policy of annual menagesant epoles. Or page 1, they recommended doletion of the last line in paragraph 2, "use of the Bond of Tisheries proposal format will be acceptable. and suggested deleting the first two sentences in paragraph 3 or page 2, and replacing them as follows. The decision documents should be bered upon the best interaction available to the team on care bouched upon data may be received late which will have significant bouckaier on a fishery. The SSC also recommended a paragraph be odded following paragraph 3 on page 3:

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The LP wishes to review the Council's risylegd policies after they have been to edificit for old year. With repect to plan bean make up, the AP feels the SSC should approve participants; approve they do not feel there is a need for alternates on the plan teams, but any elternate should also be schooled by the SSC. The AP also feels thet there is not a great need for alternates on the sevent of the cest school system that the cest school system to be schooled by the sevent of the cest school system and the compound of the station and continue the section and continue the section of the continue the section of the station and continue the section of the station and continue the section of the section of the station and section of the section

and the Council should avoid creating an SSC that only expresses agency opinion. There was a suggestion that if the Council wanted alternates for the SSC or plan teams, it would be appropriate to also provide alternates for Advisory Panel participants.

#### COUNCIL DISCUSSION AND ACTION

Bob McVey moved to include a representative of NMFS and ADF&G on the "crisis committees" for the various fisheries. John Winther seconded the motion and, there being no objection, it was so ordered.

Bob Mace moved to change the name of the "crisis committees" to "interim action committees." The motion was seconded by Steve Pennoyer and, there being no objection, it was so ordered.

Keith Specking moved to accept the recommendations of the SSC on the newly-drafted annual management policies and plan team composition. The motion was seconded by Sara Hemphill and, there being no objection, it was so ordered.

The Council asked staff to draft a form for proposals for changes to the fishery management plans.

#### C-6 1985 Meeting Schedule

The following meeting schedule was proposed for 1985:

January 16-18\* Sitka (w/BOF)
March 27-29 Anchorage (w/BOF)
May 22-24 Anchorage
Sept. 25-27 Anchorage
Dec. 4-6 Anchorage

Bob Mace moved to accept this schedule for 1985. John Winther seconded the motion and, there being no objection, it was so ordered.

(\*Subsequent to Council action, the Board of Fisheries rescheduled their meeting dates in Sitka. The Council will meet January 9-11 with the Board in Sitka.)

Jeff Stephan invited the Council to plan their next out-of-town meeting for Kodiak.

#### C-7 Discussion of Don Bevan's Letter to Council

Gene Didonato briefly reviewed a letter from Don Bevan to the Council encouraging the Council to act now on establishing a system for allocating groundfish in the domestic fishery in the Alaska FCZ.

and the Council chould avoid cusating an SSC than only expresses aleacy opinion. There was a suggestion that the Council vanted alternates for the GC or plan teams, it would be appropriate to also provide alternates for Lavisory Panel participants.

#### COUNCIA DISCUSSION AND ACTION

Bol MgVey moved to include a representative of NEFD and ADFSG on the "rivals committees" for the recious idsheries. John Winther teamsied the notion and, there seing he objection, it was suordered.

Sob Mace woved to change the came of the "trivis committees" to "interim action committees" to Sinterim action commutetees. " The wotton was seconded by Steve Pennoger and there being no objection. It was no ordered.

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# C-7 Disquesion of Doc Reven's Letter to Connoil

dene Didonito briefly reviewed a lotter from Don Seve, to the downeil embouregin, the Couroll to act now or setablishing a system for allocating groundfish in the domestic firmer in the Alenke FOR.

Keith Specking said he feels the system outlined in Dr. Bevan's letter comes close to the suggested criteria outlined the letter received from OMB when they turned down the moratorium. However, Harold Lokken said he did not interpret it in the same way. Gene Didonato pointed out that although any discussion of a limited entry or share quota in a fishery tends to attract further effort into that fishery, Dr. Bevan's point is that it is early enough in the development of the groundfish fisheries that attracting further effort would be consistent with the Council's objective to develop U.S. fishing effort in the Bering Sea pollock fishery. Jim Branson suggested that one of the workgroups that will be formed in the fall to develop specific goals and objectives for the individual groundfish fisheries could use Dr. Bevan's letter as one of their bases for discussion.

#### D. FISHERY MANAGEMENT PLANS

### D-l Herring FMP

At the March meeting the Council voted to rescind their approval of the Herring FMP for Secretarial review and requested it be put back on the agenda for May so that the concept of federal herring management could be reviewed.

Pat Travers has indicted that the current FMP does not provide for federal authority to prevent overfishing should the need arise and other provisions in the FMP are so restrictive that they prevent development of an FCZ fishery that the Council could manage. Both problems raise the question of the cost effectiveness of the FMP.

Council staff suggested five options for further Council action on herring management:

- (a) Submit the FMP in its current form, realizing that NMFS rejection is almost certain;
- (b) Change the FMP;
- (c) Include herring in the BSAI Groundfish FMP;
- (d) Have no FMP and refrain from herring management; or
- (e) Recommend a Secretarial Plan (PMP or FMP).

At the March meeting the Council also postponed until this meeting a decision on sending out a RFP for herring research by commercial vessels in the Bering Sea so that other sources of funding could be explored.

#### Report of the Advisory Panel

The AP reaffirmed its position that the Council should have an FMP reflecting the State of Alaska position on herring management.

North Specking send he Swels the syctem purlimed in Dr. Bever's latter comes alose to the singulated northerised by the letter received from ONB when they turned down the sorthorism. However, Harold Lobics send he did not interpret it in the same way. Sens Didobato pointed out that although any discussion of a limited softly or chard quots in a fishery tends to attract fruther effort into that fishery. Dr. Foren's point is that it is early enough further eifort of the development of the groundfish fisheries that attracting further eifort would be consistent with an element's objective to develop J.S. fishing effort in the Bering Sea pullock fishery. Jun Francou suggested one of the workgroups that will be formed in the fell to develop specific goals and objectives for the latifical process for the latifical pass for the latifical pass for the latifical bases for discussion.

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# Separate of the Advisory Paged

The AP reaffirmed its pority on that the Council chould lave an FMP Leflacting the State of Alacka position on beuring management In discussion of the RFP for herring research, the AP suggested that it may be appropriate to have a research program based on a charter with dollars per day. They felt that being paid with fish may not attract sufficient vessels. The AP recommended, on a vote of 8 to 2, that the Council put out a RFP for public bid for a potential research study on herring abundance in the Bering Sea area.

### Report of the Scientific and Statistical Committee

The SSC discussed the make-up of a contract monitor subgroup to follow the herring scale pattern study and the offshore research, should it be started, and recommended Al Millikan, Steve Langdon and Don Rosenberg for membership on the subgroup.

### Public Testimony

Henry Mitchell, Bering Sea Fishermen's Assn. If research is to be done by private vessels, the amount of herring should be limited to 1% of the biomass, or about 1,600 mt. The State's suggestion of a 2,000 mt ceiling would be acceptable. Because of the risk to the inshore fishery, he asked that the Council not approve any RFP in excess of that amount.

Barry Collier, NPFVOA. The real issue is that not enough is known about the stocks offshore and research is needed to find out. But, fishermen taking the risk to do this research will have to have a substantial amount of fish to assure their costs are covered. Two thousand tons will not cover those costs. The food herring market is bad right now and it is not known what it will be next January. Paying for the research through state or federal funds might be better. He feels any bids for the RFP would be about 5,000 to 6,000 mt. In regard to the FMP, industry feels that the FMP should be sent for Secretarial review and public comment.

Ed Duryea, Bristol Bay fisherman. He is totally opposed to the herring roe fishery because of the wasted fish.

#### COUNCIL DISCUSSION AND ACTION

Bob McVey suggested that there are other options the Council could consider for the Herring FMP. One would be to table further action on the plan until more data is gathered on the high-sea stocks. There was also some concern that if the Council proceeded with the FMP at this time that an RFP for research could not be pursued.

Bob McVey moved to delay action on the Herring FMP until additional information on the distribution and composition of offshore winter herring stocks and biomass is available and that the Council ask NMFS to develop that information. The motion was

In discussion of the RFF for herring research, the AF suggested that it has be appropriate to have a research program based on a charter with dollars per da,. They felt that being pard with fish may not autract sufficient vessels. The AF recommended, on a vote of 8 to 2. that the Council put out a RFF for public bid for a potential research stady on beining abordance in the Besian Sealed.

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#### COUNTY DISCUSSION AND ACTION

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Pob Rovey moved to delay accion on the Herring NWP until additional information on the distribution and composition of offshore vinter horring storks and bicass is avsilable and that the Courtil ask NWFS to develop that information. The motion was seconded by Harold Lokken and carried, 6 to 5 with Bob Mace, Sara Hemphill, Bob McVey, Rudy Petersen, and Gene Didonato opposed.

Gene Didonato said he feels there should be a time frame for this data collection and some understanding of what information will be developed.

Discussion of the RFP included the possibility of allowing bids to be in fish or dollars. Steve Pennoyer said the state is suggesting that the amount of fish be held to 2,000 mt to protect the inshore fishery. He said that the state might risk losing money if they were to use the test fish program for this research and this loss would have to be made up at the expense of other state research programs. He said that he understood that NMFS may have come up with a way to fund this research. Bob McVey explained that Pat Travers has assured him that enough funding could be derived from sale of the catch to cover the other programmatic and analytical costs, but they haven't devised a process for getting vessels that catch and sell the harvest to reimburse NMFS for those costs. Another option would be to submit a request for Council programmatic funding to cover costs of analysis beyond the survey.

Jim Campbell said he felt that this research should not be the responsiblity of the state or industry, but that the Council should decide what it needs and ask NMFS to provide funding. McVey said he couldn't offer the Council any encouragement for funds in the foreseeable future at the level of funding needed for this research above those needed for the staff necessary to analyze data. Other programs would have to be abandoned in order to provide additional funding. Gene Didonato said he felt the RFP should go out so that fishermen have a chance to bid; however, Jim Campbell stressed that the Council should not send out the RFP unless they were relatively sure they would make an Several other Council members agreed. John Winther opposed the commercial research concept because he felt it could lead to an offshore fishery when the inshore fishery is fully exploiting the resource.

Rudy Petersen moved to send the RFP out to the public. The motion was seconded by Gene Didonato. Harold Lokken moved to amend the motion to alter the RFP to allow bids in dollars or tons of herring. Steve Pennoyer seconded the motion to amend which carried with no objection. The main motion carried, 8 to 3, with Keith Specking, Jeff Stephan, and John Winther opposing.

Bob Mace moved that the Chairman write a letter to NMFS requesting programmtic funds or direct research by NMFS for herring research. The motion was seconded by Rudy Petersen and, there being no objection, it was ordered. It was stressed that the intent of the Council would be to request programmatic funding for the estimated \$400,000 needed for ship time and the

ssconded by Neveld hebken and carried (o) o with Bob Edee, Jara Resertilly Bob Movey, and reterment dens hidenate opposed.

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Mady Perersen named to seed the RFF out to the public. The motion was succeeded by rene Discussion Fareid Locken moved to wastion we succeed to alter the LFF to aller bids in dollars or that of herming. Steen remover secunded to notion to mach raids of virted with no objection the meth method corried, S.to J. with Resth Spection or the windless our order.

Bob Haco moved that the Chairman write a letter to NAFS for equating programmic fords or direct ratearch by AFFS for iterity, research. The motion was seconded by Atty Patersan and, there bases no objection, it was ordered. It was othered that the choir of the tempolity would be no request programmatic the day for the estimated \$400.000 nowed for ship that and the

additional \$88,000 for scientific support. Further discussion clarified that the Council is not asking NMFS to reprogram any of their current resource survey money into this particular project.

Don Rosenberg suggested the Chairman appoint a contract monitoring group for herring analysis. Jim Campbell appointed Al Millikan, Don Rosenberg and Steve Langdon with the concurrence of the Council.

### D-2 King Crab FMP

Steve Davis reported to the Council on regulatory actions taken by the Board of Fisheries in March. The Plan Team and NOAA-General Counsel have reviewed the changes and find that they fall within the joint operating statement.

Mr. Davis reviewed the status of the King Crab FMP which the Council approved for fast-track Secretarial review in September 1983. Review is being delayed pending receipt of two elements of the package which are being prepared by the Region.

The federal permit requirement specified in the FMP was reserved in the implementing regulations on the advice of NOAA General Counsel. However, upon submitting the FMP and supporting documents, the Region informed the Council that the permit requirement could not be "reserved." The Regional Director and Commissioner of ADF&G met in December 1983 to discuss the state and federal permit requirements. Because the state's permits differentiate between residents and non-residents, their permits cannot be approved under the FMP. While the Council apparently does not need to take any formal action to get the FMP moving through the review process, the permit problem remains unsolved.

A federal permit could be used as an accounting and enforcement tool, expecially for vessels not registered with the State of Alaska. It would also resolve the present conflict between the FMP and its implementing regulations.

### Report of the Advisory Panel

Some AP members felt the Council should request the Board to reconsider the bait-up requirement in the St. Matthew fishery for safety reasons. They also were concerned that the closure around St. Lawrence and the Diomedes extending beyond three miles was voted on without scientific data being presented to the industry. The AP also felt that the Council and Board should meet together through the entire decision-making process regarding crab decisions pertaining to the shared authority of the Council and Board. The AP voted unanimously to recommend that the Council pursue a federal permit requirement in the implementing regulations for the King Crab FMP.

additional \$68,000 for schennific cupport. Further discussion clerkfied that the Connort is not asking MMSS to asproques any of their current resource succey woney into this particulal project.

Don wesewherg suggested the Chairman appoint a contract monatoning group for hearing analysis. The Campbell appointed Al-Mallikar, non-seacherg and steve Languer with the concurrence of the Council.

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### Report of the Scientific and Statistical Committee

The SSC reviewed Board actions on king crab and did not find any item which required SSC review.

### Public Testimony

Barry Collier, NPFVOA. Mr. Collier said his Association would like to see the Council sit with the Board through all crab deliberations pertaining to the FCZ. He also suggested reconsideration of the Board decision to rescind the 5-day bait-up period and that the Council and Board reconsider the bait-up period for the Bering Sea and St. Matthew fisheries. He requested that the Council ask the Board for scientific support for the closure around St. Laurence. He is in favor of permit regulation to start the FMP through Secretarial review.

#### COUNCIL DISCUSSION AND ACTION

Steve Pennoyer was concerned about what effect the permit regulation would have on state regulations. Jim Branson responded that since the permits would only be required in federal waters, it should have no effect on state permits. Mr. Pennoyer also pointed out that the new Board of Fisheries has not yet reviewed the joint operating principles and national standards or the concept of federalizing state regulations and feels that they should have an opportunity to do this before any action is taken. Jeff Stephan agreed that the Board should be given time for this review. John Harville said he did not think the Council should try to force the State to change its system and that he felt it is unnecessary to require fishermen to have two permits. CDR Barrett, USGC, said that a permit makes enforcement easier.

Keith Specking moved to approve Section 676.4-Permits of the implementing regulations to the King Crab FMP. The motion was seconded by Sara Hemphill and carried with Jeff Stephan opposing.

#### D-3 Tanner Crab FMP

The Tanner Crab Plan Team reviewed actions by the Board in March affecting Tanner crab in the FCZ. The Plan Team found only one area which would require Council action. The Team recommended that the Council ask the Regional Director to withhold or withdraw that portion of the Tanner crab regulatory amendment which would eliminate the old federal pot storage area for the Bristol Bay area. Board action in March would reestablish the old federal storage area for both king and Tanner crab pots. Therefore, in order to be consistent with Board actions, that portion of the regulatory amendment should be withdrawn.

# Report of the Suleutidic and Sugticulical Committee

The SSC reviewed Board actions on king dret and did not find any item which regulated \$50 review

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Sarry Collass, NFFVOA: wit. Collier said his Association would like to see the Commoil aid with the Board chrough all crab deliberations purisining to the PCE. We also suggested riventialist the Board decision to respind the Serve bair-up sticardion of that the Board decision to respind the Serve bair-up period and that the Council and Board recosider the bait-up coried for the Council ask the Board for saisutific support requested that the Council ask the Board for saisutific support for the closure around St. Lurence. We rever us perective the start the EMP turency. Secretarial review.

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Folia Ppecking woved to approve Section 676.4-wirelts of the inplementing regulations to the Ring cost FMT. The motion were second by Sara Heapsill and cerried with Jetf teaphar apposing.

# THE CALL LABORE E-S

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### Report of the Advisory Panel

The AP approved a motion to recommend that the Council direct the Regional Director to withhold or withdraw that portion of the Tanner crab regulatory amendment which would eliminate the old federal pot storage area for Bristol Bay to bring the FMP into compliance with the state on pot storage regulations.

### Report of the Scientific and Statistical Committee

The SSC received a presentation by Council staff on Board action on Tanner crab issues and did not find any item which required SSC review.

#### COUNCIL DISCUSSION AND ACTION

Bob Mace moved that the Council direct the Regional Director to withhold or withdraw that portion of the Tanner crab regulatory amendment which would eliminate the old federal pot storage area for the Bristol Bay area. The motion was seconded by Keith Specking and, there being no objection, it was so ordered.

John Winther brought up a problem for future Council discussion and action involving fishing for <u>C</u>. tanneri crab in an area where the Tanner crab season is closed. This is a species which has never been fished before and he would like the Council to discuss the possibility of differentiating between the species in the Tanner crab plan. Jim Branson suggested the plan team could be asked to address this proposal in the regular annual management cycle. Council members agreed.

### D-4 Gulf of Alaska Groundfish

The Council was asked to consider extending two emergency regulations, one combining the Western and Central Areas of the Gulf of Alaska for pollock management and raising the combined OY for the area to 400,000 mt, and the other to close the sablefish fishery in the federal cul-de-sacs of Southeast Alaska. The emergency regulation raising the pollock OY will expire on June 21 and Amendment 13 which addresses this regulatory change is not expected to be implemented before August 15. Extending the emergency regulation will allow the pollock fishery to remain open until the amendment is in place.

The emergency regulation closing the sablefish fishery in the federal cul-de-sacs of Southeast Alaska will expire on June 4, opening these areas to sablefish fishing about three months earlier than the normal season.

A draft regulation for observers on domestic vessels was also prepared for Council consideration.

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The AP approved a motion to recomment the council directine the Assignment direction of the Assignment Director to withdraw that portion of the Damer crab requiatory amandment which would eliminate the old federal pot storage sres for Aristol Bay to bring the FMF into complicance sith that state on pot storage requisions.

# Burnort of the Scientific and Statistical Committees

The SSG received a presentation by Conneil small on Roard action or Tanner orab issues and did not find any item which required 880 recees.

### COUNCID DINCISSION AND COTTON

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### Report of the Advisory Panel

The AP recommended the Council request extension of the two emergency rules and suggested that the Council develop specific amendments to the FMPs so that the emergency rules are no longer necessary.

The AP also recommended the Council research the liability issues involved in placing observers aboard domestic vessels.

There was concern by AP members that the issue of the domestic sablefish restriction has gone unresolved for too long and requested that the data requested be completed and sent to the Council family prior to the September meeting.

### Report of the Scientific and Statistical Committee

The SSC had no comment on the draft domestic observer regulations. It was brought to the SSC's attention by Council staff that the current regulations do not allow the Regional Director to use field order authority to close an area to protect crab stocks. This problem could be solved by bringing the regulations into conformity with the plan.

The SSC received a presentation from the Prohibited Species Work-group. It became apparent to the SSC that the group would not be able to complete its work in time for consideration by the Council under the plan amendment schedule. The SSC therefore concurred with the recommendation of the Gulf Interim Action Committee that the by-catch of halibut be addressed by the Council with another emergency rule at the September meeting and that the team be instructed to prepare an amendment for the start of the management cycle in December.

The SSC recommended that a contract review group for groundfish data be appointed by the Chairman to review any RFPs that the groundfish data workgroup might find necessary during the summer months.

# Public Testimony

Barry Collier, NPFVOA. Mr. Collier said he is concerned about the liability of vessel owners who have observers aboard. He suggested that the only way to get around this would be for the Congress to indemnify the observer program. He asked the Council to have their legal staff look into this problem. He also questioned the use of the words, "and enforcement" in the draft observer regulations saying that observers on foreign vessels do not have enforcement powers.

### Report of the Advisory Panel

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#### COUNCIL ACTION AND DISCUSSION

Keith Specking moved that the Council request the Secretary to extend the emergency regulation which sets the pollock OY at 400,000 mt in the combined Western and Central areas until Amendment 13 is implemented. The motion was seconded by Bob McVey and carried unanimously.

Keith Specking moved that the Council request the Secretary to extend his emergency closure of the federal intrusion areas within the Southeast archipelago for sablefish until September 1, 1984, the traditional opening date for this area. The motion was seconded by John Winther and carried unanimously.

Council members discussed who would pay observers on domestic vessels and the the liability of vessel owners in the event of accident. It was the concensus of the Council that vessel owners would not be required to bear the costs of observers. The Plan Team was instructed to draft wording on compensation of observers proceed with it under the regular amendment cycle. Council staff was instructed to look into the insurance question and report back to the Council.

Some Council members also felt that the words, "and enforcement," should be removed from Section (a) of the draft regulation. The feeling was that this implied they would take part in actual enforcement activities. It was noted that observer reports and observations are often used as a basis of enforcement actions and this language would make it easier to use this information in legal proceedings.

Sara Hemphill moved to delete the words, "and enforcement" from the second line of Paragraph (a) of SECTION 672.27 OBSERVERS in the Gulf of Alaska FMP regulations. The motion was seconded by Harold Lokken and passed 10 to 1, with Jeff Stephan opposing. It was stressed that the intent of the Council that information gained by observers can be used in enforcement actions. CDR Barrett said that deleting that language could hamper enforcement because they often consult with observers and enforcement actions are sometimes taken as the result of information received from them.

Jeff Stephan moved that the Council approve the amended draft regulation for domestic observers and transmit it to the Secretary for publication in the Federal Register. The motion was seconded by Steve Pennoyer and carried unanimously.

Steve Pennoyer asked what is being done about the logbook program discussed with the Board in March. Clarence Pautzke said that it is his understanding that this will be included under the groundfish monitoring program. John Harville suggested that Council staff consult with PFMC staff as they have voluntary programs in

#### COURCIL ACTION AND DISCUSSION

Faith specking moved that the Council request the Secretary to extend the smargency required the police of at extend the police of the police of at 400,000 miliar the combined decient and Central areas until harmone ment is an implemented. The notion has deconded by Bob Nevey and convised anamentary.

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progress and may be able to provide some information. Mr. Pennoyer said the question is whether the logbooks are required or not and he thought they would be included in the regulations.

There was also some discussion of the Regional Director's lack of field order authority in the FMP regulations to close an area to protect crab. Bob McVey said they are currently looking into getting that authority.

Bob McVey also told Council members that persons wanting the ceiling for the retention of sablefish raised or removed in joint venture permits have been advised to petition the Regional Director for the change. However, there appears to be a legal problem because there is a TALFF on sablefish and he wanted the Council to know that the issue may be brought up at a future meeting.

### D-5 Bering Sea/Aleutian Islands Groundfish FMP

Mick Stevens briefed the Council on the progress of an industry workgroup on prohibited species by-catches in the Bristol Bay Pot Sanctuary. The full report was included in Council notebooks. Mr. Stevens told the Council that they feel the only practical way to address the issue is to address the mortality rates and situations that contribute to the mortality of prohibited species.

Bob Alverson said that data they have may suggest that the yellowfin sole fishery should be moved to the north. The workgroup will try to have some definitive suggestions for the Council by the September meeting. He also pointed out that fishing for halibut and king crab are not allowed in the area yet a bottom trawl fishery is allowed. Section E of the workgroup's report included a list of future actions and needs of the workgroup.

Bob McVey complimented the industry workgroup on their work and said he is concerned that there is not a similar group for the Gulf. Jim Branson pointed out that there is an active workgroup for the Gulf which includes industry representatives.

#### COUNCIL DISCUSSION AND ACTION

It was the concensus of the Council that the BSAI Plan Team should look at the workgroup's report, particularly Section E, to see what they can do by the September meeting to aid in the workgroup's analysis of data. They were also asked to identify issues and actions suggested by the workgroup and develop recommendations for possible Council action.

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# D-7 Bering Sea/Alegrism Intends Croundfish PMF

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#### COMMUNICATION DISCUSSION AND ACTION

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### E. CONTRACTS, PROPOSALS AND FINANCIAL REPORTS

### Finance Committee Report

The Finance Committee approved the FY/85 budget in the amount of \$1,828,100, a \$845,900 increase over the FY/84 funding level. A new line item of \$800,000 for Groundfish Monitoring was added to the Administrative budget. The Committee approved for final payment Contract 83-1, "Halibut Limited Entry Socio-cultural Study," and postponed a decision on a programmatic request for \$126,700 for a herring research project pending the Council's decision on management of the herring fishery. (Under item D-1 the Council voted to delay action on the Herring FMP until additional information on the distribution and composition of offshore winter herring stocks and biomass is available.)

Harold Lokken moved to adopt the recommendations of the Finance Committee. Keith Specking seconded the motion and, there being no objection, it was so ordered.

#### F. PUBLIC COMMENT

Ted West, General Manager of Alaskan Fisheries, advised the Council that his company will be fishing for Pacific ocean perch and other groundfish species in 1984. The operation will begin approximately the second week of August and he estimated that they will harvest 3,000 mt of perch around the South Unalaska Islands. He wanted assurance that, as an American operation, they would be assured of the availability of the resource.

Bob McVey pointed out that there may be a problem because the DAP figures were established last fall after a survey of industry needs and Mr. West's company evidently had not finalized their plans at that time. There has already been a substantial allocation of Pacific ocean perch in the Western area to joint ventures. The law gives clear priority to domestic fishermen; however, four joint ventures are depending on the Pacific ocean perch already allocated. Mr. McVey did point out that there is a substantial reserve in the Central Gulf.

#### G. ADJOURNMENT

The meeting was adjourned at 4:55 p.m. on Thursday, May 24, 1984.

### COMMACTS, PACEOSALS AND FINANCIAL LATORITS

# Finance Countities Report

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#### C. SOJOURGERARY

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