

# North Pacific Fishery Management Council

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Certified Richard B. Lauber  
Richard B. Lauber, Chairman

Date January 28, 1992

## MINUTES

**98th Plenary Session  
NORTH PACIFIC FISHERY MANAGEMENT Council  
September 23-29, 1991  
Anchorage Hilton Hotel  
Anchorage, Alaska**

The North Pacific Fishery Management Council met September 23-29, 1991 at the Anchorage Hilton Hotel in Anchorage, Alaska. The Advisory Panel and Scientific and Statistical Committee began on September 22. The Ad Hoc Bycatch Committee, Halibut Regulatory Amendment Advisory Group, and Finance Committee also met during the week. The following members of the Council, staff, AP and SSC attended the meeting.

### Council

Richard Lauber, Chairman  
Joe Blum  
CDR Joe Kyle for RADM Ciancaglini  
Larry Cotter  
Oscar Dyson  
Bob Mace for Randy Fisher  
Ron Hegge  
Jon Nelson for Walter Stieglitz

Robert Alverson, Vice Chair  
Henry Mitchell  
Dave Hanson  
Steve Pennoyer  
Wally Pereyra  
Clem Tillion for Carl Rosier  
George Herrfurth

### NPFMC Staff

Clarence Pautzke, Executive Director  
Judy Willoughby  
Jim Cornelius  
Brent Paine  
Marcus Hartley  
Chris Oliver

Russ Harding  
Jess Gunblatt  
Helen Allen  
Regina Stewart  
Gail Peeler

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Support Staff

Earl Krygier, ADFG  
Bob Trumble, IPHC  
Loh-Lee Low, NMFS-AFSC  
Ron Berg, NMFS-AKR  
Dale Evans, NMFS-AKR  
Dave Flannagan, NMFS-AKR  
Lisa Lindeman, NOAA-GC  
Mark Pedersen

Ray Baglin, NMFS-AKR  
Sue Salveson, AFSC  
Jessie Gharrett, NMFS-AKR  
Russ Nelson, AFSC  
Joe Terry, AFSC  
Jay Ginter, NMFS-AKR  
Sue Mellon  
Jim Balsiger

Scientific and Statistical Committee

Bill Clark, Chair  
Terry Quinn, Vice Chair  
Bill Aron  
Doug Eggers  
Larry Hreha  
Dan Huppert

Gordon Kruse  
Richard Marasco  
Marc Miller  
Don Rosenberg  
Jack Tagart

Advisory Panel

John Woodruff, Chairman  
George Anderson  
John Bruce  
Al Burch  
Dave Fraser  
Edwin Fuglvog

Kevin Kaldestad  
David Little  
Loretta Lure  
Pete Maloney  
Perfenia Pletnikoff  
John Roos

Jay Skordahl  
Harold Sparck  
Beth Stewart  
Dave Woodruff  
Robert Wurm  
Lyle Yeck

General Public

Over 150 people attended the meeting. The following members of the public signed the attendance register:

Bob Agnew  
James Donohue  
Steve Zimmerman  
Dave Benton  
San Baik Yoo  
Arni Thomson  
Jack Hill  
David McKinney  
Debra Davis  
Stephanie Love  
Larry Witt  
Dick Tremaine  
David Ackley  
Tim Cabana

Leroy Cabana  
Chris Blackburn  
Charles Broches  
Will Tillion  
Jeanie Greene  
Robert F. Morgan  
Sinclair Wilt  
Brian Bigler  
Thorn Smith  
Path Marcuson  
James L. Fish, Jr.  
Steve Hughes  
Alexander Galanin Sr.  
Karl Ohls

John Henderschedt  
David L. Allison  
Kate Graham  
Jeff Stephan  
Michael Lake  
Paul Halvorson  
Joe Plesha  
Vic Horgan, Jr.  
Donald Gates  
Mark Snigaroff  
Denby Lloyd  
Philip Matricarol  
Debbie Allen  
Kirk Rutzbeck

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Raymond Dell  
Mel Monsen  
Roger Woods  
Wes Pilard  
Paul Kelly  
Norm Stadem  
Linda Kozak  
Jim Hutchens  
Louie Lowenbeck  
Drew Scalzi  
Randy Blondin  
David Long  
Kristin Stahl-Johnson  
Dean Paddock  
David A. Hayertz  
Mark Kaydianis  
Shari Gross  
Diane Bowen  
Lynn Walton  
Mark Lundsten  
Nina M. Cowell  
Ken Allread  
John Iani  
Eric Olsen  
Peter Allan  
Jim Willoughby  
C. Meacham  
Nancy Lande  
Anna Young  
Tim Wilkie  
Dan Falvey  
Joseph Linden

Nancy Gross  
Michael G. Brooks  
Tim A. Henkel  
Steve Davis  
Linda Behnken  
Steve Fish  
Kris Norosz  
Alan Noreide  
Bill Atkinson  
Bill McCaughan  
Rosetta Demoski  
Lee A. Martin  
Bruce Buls  
Dem Cowles  
Eric Manzer  
Dean Adams  
Bob Brodie  
Gary Cadd  
Tom Peterson  
Ron Dearborn  
Jerald Eidem  
Mike Szymanski  
Brad Resnick  
David Coutrel  
Lacey Berns  
David Schode  
Jay Nelson  
David Harville  
Frank Bohannon  
Dennis Van Sky  
Peter Farris  
Tom Haasl  
Bryce Edgmon  
Donald W. Johnson

Dick Jacobson  
Scott Morgan  
Alan Noride  
Steve Grabacki  
Mike Dirkes  
Ozzie Walters  
Raymond Campbell  
Ivan K. Revtov  
David Benson  
Skip Bolton  
Stanley Cisney  
Donna Cisney  
Jessie Nelson  
Bruce C. Cotton  
Brenda Huber  
Mark Gillespie  
David M. Schauer  
Stan Hovik  
Julie Gibson  
Robert Bogon  
Barney Seiler  
Bruce Stanford  
Jack Keane  
Mitch Kink  
Walter Parker  
David Stanchfield  
Vern Hall  
Jay Hastings  
Joe Sullivan  
Bill Arterburn  
David L. Wetzel  
Vince Curry  
Steve Finley  
Ray Starzer  
John Crowley

**NOTE: A list of people who testified on all agenda items at this meeting is found in Appendix I to these minutes.**

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

Chairman Lauber called the meeting to order at 8:00 a.m. on Monday, September 23, 1991. Steve Pennoyer administered the oath of office to reappointed Council members Alverson, Dyson and Lauber.

Agenda. Wally Pereyra requested, and then moved, that the subject of inshore-offshore be added to the agenda under item C-7, Other Business. The motion was seconded by Joe Blum and carried, 10-1, with Dyson objecting. Mr. Pennoyer asked that the review of the proposed measures for sea lion protection in 1992 be revised so that staff reports would be given early in the week and public

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testimony and Council action scheduled later in the week to give the Council and public an opportunity to review the measures. There was no objection.

The Chairman announced that the public testimony portion of the Sablefish and Halibut agenda items would be broadcast in Kodiak via the public information teleconferencing network.

Election of Officers.

Joe Blum moved to nominate Rick Lauber as chairman for 1991-92. The motion was seconded by Bob Mace. There were no further nominations, and the motion carried unanimously.

Oscar Dyson moved to nominate Bob Alverson as vice chairman for 1991-92. The motion was seconded by Ron Hegge. There were no further nominations, and the motion carried unanimously.

**B. SPECIAL REPORTS**

B-1 Executive Director's Report

Dr. Pautzke announced the addition of two staff members, Dr. Russell Harding to fill the economist position, and Jess Grunblatt, who will be working part-time as a database manager/computer assistant.

The Council was reminded that they need to firm up a site for the June 1993 meeting, which is scheduled to be held outside of Anchorage.

The Council was provided with changes to the plan teams requested by the Alaska Department of Fish and Game. After review by the SSC, the Council approved the following changes:

GOA Groundfish Plan Team:	Remove Dave Carlile, (he is no longer working on groundfish issues) retain Barry Bracken.
BSAI Groundfish Plan Team:	Replace Phil Rigby with David Ackley.
King/Tanner Crab Plan Team:	Replace Bill Donaldson and Dana Schmidt with Bill Nippes and Leslie Watson; Ken Griffin and Peggy Murphy will continue.

ADF&G Commissioner Carl Rosier also advised the Council that Phil Rigby will replace Dana Schmidt as the designated alternate for SSC member Gordon Kruse.

B-2 ADF&G Report

Because of time constraints, no ADF&G report was provided.

B-3 NMFS Management Report

Because of time constraints, no NMFS management report was provided under this agenda item.

**B-4 Enforcement Report**

The Council was provided with a written report of U.S. Coast Guard and NMFS Juneau Fisheries Enforcement activities between June 1 and August 31, 1991, but because of the lengthy agenda, there was no oral report.

**C. NEW OR CONTINUING BUSINESS**

**C-1 Marine Mammals**

The Council was scheduled to review and comment on proposed amendments to the Marine Mammal Protection Act, receive a report on northern sea lion surveys, and review proposed protective measures for sea lions, including emergency action for 1992. In connection with this subject, the Council was also scheduled to approve pollock measures for 1992, including separate Western and Central Gulf of Alaska reporting areas and limits on rollover of quarterly allocations.

**Marine Mammal Protection Act**

The Council received a report from Steve Zimmerman, NMFS, regarding the proposed amendments to the Marine Mammal Protection Act.

**Report of the Scientific and Statistical Committee**

After review of the DLEIS on the NMFS proposals to govern interactions between commercial fisheries and marine mammals, the SSC reported that the basic approach proposed would be workable and effective in protecting marine mammal stocks while minimizing restrictions on fisheries. They strongly supported the NMFS view that some of the scientific determinations required by the Marine Mammal Commission guidelines would be impossible to make in the foreseeable future. They also pointed out that while the SSC supports the basic approach proposed by NMFS, they believe that important improvements are needed in certain areas to clarify the scientific standards and to avoid potential inequities. The SSC had several specific comments on the DLEIS, which may be reviewed in their minutes (Appendix II).

**Report of the Advisory Panel**

The Advisory Panel endorsed the concerns contained in letters of comment prepared by the Pacific Fishery Management Council and the National Fisheries Institute. The AP's main concern was the lack of information available on many of the marine mammal species and impacts on fisheries of actions being taken.

**COUNCIL DISCUSSION AND ACTION**

Council members agreed with the concerns raised by the Pacific Fishery Management Council in their September 18 letter and, after discussion, instructed the Executive Director to send a letter to Dr. Charles Karnella, NMFS Office of Protected Species, which would endorse the points in the PFM Council letter and include the following additional concerns:

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- Concern that the Allowable Biological Removal (ABR) is the product of three factors which are used very conservatively, providing an unrealistically low and constraining ABR that has every potential to close the entire commercial fishery off Alaska.
- Economic impacts on Pacific Northwest and Alaska communities should be addressed much more comprehensively in the next draft of the DLEIS.
- The issue of additional funding to support implementation of measures proposed. Additional population assessments and surveys and more monitoring and enforcement will be required. Without additional funding, ongoing fishery management programs could suffer.

**Sea Lion Protective Measures**

Richard Merrick, NMFS, provided the Council with a report on the latest survey of Steller sea lions off Alaska. The largest annual decline occurred in the Western Aleutians where sea lions are 30% less abundant than last year. From the Western Aleutians to the Central Gulf of Alaska, populations are down about 5% since last year and the Eastern Gulf population is down about 13% since last year. Off Southeast Alaska, the population is up 6% over last year, but still down 23% since the benchmark year of 1976.

The Alaska Region, NMFS, prepared two environmental assessments for Council and public review. One, which dealt only with the Gulf of Alaska groundfish fishery, assessed management measures implemented by emergency rule by the Council in June: establishing new districts east and west of 154°W in the Western/Central Regulatory Areas for pollock, and a limit on the rollover of pollock TAC quarterly allowances. The second environmental assessment analyzed options for restricting groundfish trawling in areas proximate to Steller sea lion rookeries throughout the Bering Sea/Aleutian Islands and the Gulf of Alaska. The measures, when adopted, would become Amendments 20 and 25 to the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish plans, respectively.

**Report of the Scientific and Statistical Committee**

The SSC pointed out that while each of the proposed protective measures represent positive steps to reduce the possibility of local pollock depletion, it is unclear whether current fishing mortality rates cause such depletions or whether they will actually benefit the sea lion population. The SSC supported the establishment of new districts east and west of 154°W longitude for the purpose of managing pollock. Additionally, they recommended that the area west of 154°W be further divided at 159°W to further spread the fishing effort. The SSC had no comment on the rollover provision of the amendments. The SSC believes that insufficient data exist to determine which set of buffer zones would provide protection to sea lions and recommended that two approaches be implemented concurrently in adjacent areas and the results evaluated. For the Gulf of Alaska and the Bering Sea areas, they recommended the buffer zone be expanded to ten nautical miles year-round. For the Aleutian Islands west of the Island of Four Mountains, they agreed to an alternative where the buffer zone would remain at three nautical miles for the period of May 1 to September 30 and expand to 60 nautical miles for the period of October 1 to April 30. [For more specific comments, see the SSC Minutes, Appendix II).

### **Report of the Advisory Panel**

The AP had the following recommendations:

- 1) The effort dividing line in the Gulf be at 159°W, rather than 154°W and that the annual quota be distributed based on biomass.
- 2) The rollover of unused quarterly quota in the Gulf be a maximum of 50%.
- 3) In the Bering Sea and Gulf, the 10 mile no-trawl zone around sea lion rookeries continue.
- 4) The regulations should sunset in 2 years (December 31, 1993).
- 5) A Council subcommittee of industry and government should be formed to meet and report to the Council family on a regular basis. This committee should follow up on the efficiency of these actions relative to sea lions and on data gathering efforts so that subsequent actions are based more on actual scientific data.

### **COUNCIL DISCUSSION AND ACTION**

Bob Mace moved, and Joe Blum seconded, a motion to adopt a proposal submitted during public testimony by Paul MacGregor, Chris Blackburn, Steve Hughes, and John Iani (motion is shown as finally amended):

#### **I. Statement of Policy**

**A. The Council remains concerned about the level of Steller sea lion populations. In an effort to obtain information regarding the interaction between sea lions and commercial fishing under Council jurisdiction, and based on the NMFS environmental assessment and the conclusions of the Advisory Panel and the Scientific and Statistical Committee, the Council recommends the following mitigation measures and procedures.**

**B. The Council further recommends that any additional restrictions on fishing effort by NMFS specifically address species identified by NMFS as important to the restoration of sea lion populations. Additional measures should be specifically designed to have the least possible impact on commercial fishing operations.**

#### **II. GULF OF ALASKA**

**A. The sub-quota dividing line should be at 159°W and 154°W and that pollock quota should be distributed based on biomass. The Shelikof District shall be eliminated.**

**B. The rollover of unused quarterly pollock quota be a maximum of 50%.**

**C. The 10-mile no-trawl zone around sea lion rookeries should continue.**

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III. BERING SEA/ALEUTIAN ISLANDS

A. ~~A In the 10-mile no trawl directed year round pollock fishing zones be established in the BSAI around designated sea lion rookeries, there shall be no retention (during the trip) of pollock.~~

B. Directed fishing for other groundfish species within the 10-mile zone will be allowed unless the NMFS Regional Director determines that such fishing will adversely affect Steller sea lions.

IV. GENERAL

~~A. These regulations should sunset in 2 years.~~

BA. A committee of representatives of industry, and government and the environmental community should be formed to meet and report to the Council family on a regular basis. This committee should follow up on the efficacy of these actions relative to sea lions and data gathering efforts.

B. NMFS shall bring these management measures back to the Council for further modifications within the period of one year.

A motion to recommend that individuals convicted of the intentional taking of Steller sea lions permanently lose all fishing rights in the Gulf of Alaska and Bering Sea/Aleutian Islands failed.

The main motion, as amended, carried 8 to 3, with Cotter, Hegge and Mitchell voting against.

C-2 North Pacific Fisheries Research Plan

The Council was scheduled to approve their preferred alternative for Secretarial review. The preferred alternative, selected by the Council in August, was circulated to the public following the August session.

**Report of the Scientific and Statistical Committee**

After review of the draft preferred alternative, the SSC noted that the current draft of the plan incorporates the State of Alaska's crab observer program for the purpose of collection of fees and to standardize data collection. They pointed out that the goals and objectives of the State's observer program are not the same as the current Council groundfish observer program and the differences will need to be addressed in the development of detailed regulations.

**Report of the Advisory Panel**

The Advisory Panel expressed several concerns with the current draft plan and recommended the program be remanded back to the Data Committee to address those concerns, which included necessity of a more detailed plan, including explicitly stated goals and objectives.



## COUNCIL DISCUSSION AND ACTION

Joe Blum moved to adopt Agenda Item C-2(b), "North Pacific Fisheries Research Plan," dated September 20, 1991, adding the objective: A basic data gathering program to provide adequate information to be used in the incentive programs the Council has adopted. The motion was seconded by Wally Pereyra. Mr. Blum expressed the intent that the current program will remain in existence until superseded by the new one, preferably on a phased-in basis.

After much discussion and several amendments, the motion was tabled. Council members indicated the need for further detail in the plan with regard to levels of observer coverage, methods of data input and transfer, administration, a budget, and an estimate of funds that would be available under the 1% fee limit prescribed in the Magnuson Act.

The motion was brought back to the floor and Larry Cotter offered a substitute motion:

To remand the plan to NMFS to design a comprehensive plan spelling out levels of observer coverage, methods of data transfer, methods of data input, administration, and that NMFS and ADF&G form a workgroup to design the mechanisms to ensure compatibility between the State crab observer program and groundfish program. NMFS would bring back to the Council: (1) a comprehensive plan for a groundfish observer program, (2) a plan for ensuring coordination in crab and groundfish programs; (3) a budget; and (4) estimates of funds available under the 1% cap.

The motion was seconded by Oscar Dyson. The motion originally failed on a vote of 6 to 5, with Cotter, Dyson, Pennoyer, Tillion and Lauber voting in favor. However, later in the meeting the motion was brought up for reconsideration and carried, 7 to 4, with Alverson, Blum, Mace and Pereyra voting against. NMFS will report back to the Council in December for further action.

### C-3 Sablefish Management

The Council received a report from the IFQ Technical Committee on the implementation plan for the Council's sablefish IFQ preferred alternative, and was scheduled to give final approval of the alternative for Secretarial review.

#### Report of the Scientific and Statistical Committee

The SSC expressed concern over the multitude of quota share categories that would be created by the plan, making implementation difficult. Also, meshing it with other IFQ programs will complicate implementation and reduce economic benefits.

#### Report of the Advisory Panel

The Advisory Panel recommended the Council withhold approval of any IFQ program until an adequate system of monitoring and enforcement is developed, including funding for these activities. They also recommended the Council ask the two sablefish IFQ workgroups to pursue the issues listed in the Implementation Team's report of 9/12/91 and report back to the Council in December. The AP further recommended: (1) a crew member pool be added to the IFQ program; (2) the QS/IFQ owner be required to be on board the vessel when share is being fished; (3) that an additional amendment package of traditional management tools to address the problems in the sablefish fishery

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and potential quota share holders be surveyed as to their views on the two alternatives; (4) that an applicant for quota shares must designate the category in which he wishes to participate if he has both processing styles in the qualifying years; and (5) a complete socioeconomic impact study be developed once the preferred alternative is established.

**COUNCIL DISCUSSION AND ACTION**

Most of the discussion of this agenda item dealt with coordinating the halibut IFQ preferred alternative, which had been taken up earlier on the agenda, and the sablefish preferred alternative as it was approved at the August meeting. Council members discussed whether the Secretary could implement only portions of the program, rather than having to accept the whole package. Steve Pennoyer said that he felt that if the Secretary had any concerns over portions of the plan he would return it to the Council for further clarification. Council members expressed their wish that the package only be considered as a whole.

The Council also asked General Counsel to clarify their ability to restrict ownership by corporations. NOAA General Counsel responded that although there is nothing inherently illegal in restricting ownership by corporations, the Council will need to tie any such restrictions to conservation and management of the resource and the Council's comprehensive goals.

The Council then reviewed the preferred alternative comparing it to the halibut IFQ preferred alternative, making editorial changes for compatibility. The final document is included with these minutes as Appendix III.

After reviewing the preferred alternative for both sablefish and halibut, the following motion was offered:

**Steve Pennoyer moved approval of the sablefish and halibut preferred alternatives for consideration at the December 1991 Council meeting of the draft proposed implementing regulations necessary to carry out these preferred alternatives.**

**The motion was seconded by Clem Tillion.**

Mr. Pennoyer stated that the intent of the motion was to approve in principle the preferred alternative for a IFQ, market-driven program to allocate sablefish and halibut resources among fishermen but to allow for reconsideration after the Council receives the final report of the industry and technical implementation workgroups and reviews the draft proposed implementing regulations.

**The motion carried, 9 to 2, with Dyson and Mace voting against.**

C-4 Halibut Management

The Council was scheduled to approve their preferred IFQ alternative for the halibut fishery, receive a 1991 fishery stock status report, and review allocate proposals from industry and recommendations from the Halibut Management Team and the Halibut Regulatory Amendment Advisory Group.

(a) **Halibut IFQ Alternative**

**Report of the Scientific and Statistical Committee**

The SSC endorsed the following statement from the Halibut EA/RIR/IRFA, "As compared to the status quo, the implementation of an IFQ program would tend to increase the benefits derived from the halibut resources off Alaska and change the distribution of these benefits: it would increase reporting, administrative and enforcement costs, and it could provide increased benefits to consumers in the United States and elsewhere." The SSC also highlighted several issues concerning the plan (see SSC Minutes, Appendix II).

**Report of the Advisory Panel**

Time constraints prevented the AP from completing its task of developing a preferred alternative for halibut management. They advised the Council that the fact that they could not complete the task in time for Council review reflects their serious concerns with regard to a halibut IFQ system.

**COUNCIL DISCUSSION AND ACTION**

**Larry Cotter moved approval of a written framework motion, "Halibut Fixed Gear Management Plan," dated September 22, 1991 (Appendix IV). The motion was seconded by Bob Alverson.**

Over the next three and a half days, the Council discussed and revised, by motion, the entire framework plan. Particularly lengthy consideration was given to the following aspects of the plan:

- Definition of "bonafide fixed gear crewmember."
- Qualifying years and number of years on which a person's quota share will be based.
- Catcher boat categories.
- Initial allocation and leasing; provisions for purchase after initial allocation.
- Crew member pool.
- Community development quotas.

Once Council discussion was completed, the motion was tabled until the sablefish agenda item was considered. At that time, the Council was provided with a comparison of the current halibut and sablefish IFQ plans (Appendix III) for consideration. After reviewing the preferred alternatives, the following motion was offered:

**Steve Pennoyer moved approval of the sablefish and halibut preferred alternatives for consideration at the December 1991 Council meeting of the draft proposed implementing regulations necessary to carry out these preferred alternatives.**

**The motion was seconded by Clem Tillion.**

Mr. Pennoyer stated that the intent of the motion was to approve in principle the preferred alternative for a IFQ, market-driven program to allocate sablefish and halibut resources among fishermen but to allow for reconsideration after the Council receives the final report of the industry and technical implementation workgroups and reviews the draft proposed implementing regulations.

**The motion carried, 9 to 2, with Dyson and Mace voting against.**

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(b) **1991 Halibut Status of Stocks Report**

The Council was provided, as part of the Gulf of Alaska and Bering Sea/Aleutian Islands SAFE documents, a 1991 Halibut Status of Stocks Report. Because of time constraints, no oral report was provided.

(c) **Allocative Proposals**

**Report of the Advisory Panel**

The AP recommended the Council adopt Proposal #6 (to make a 70/30 quota split between local and non-local vessels and eliminating the vessel clearance and hold inspection requirements) for analysis, with a final decision by January 1992.

**COUNCIL DISCUSSION AND ACTION**

Larry Cotter asked the Council to consider the proposal from the residents of the Pribilofs to make a boundary change in 4C. The Halibut Commission has indicated this is an allocative issue and is within the Council's area of responsibility.

**Larry Cotter moved to adopt the boundary change proposal for analysis. The motion was seconded by Clem Tillion and carried with Bob Alverson objecting. Mr. Alverson pointed out that this proposal did not have industry support at the IPHC meeting and with the Council's decision to implement CDQs and IFQs in Area 4C, there will be a substantial allocation and quota shift. He suggested that the Council should wait until those programs are implemented before making any other allocative change. The motion carried, 6 to 5, with Pennoyer, Alverson, Dyson, Hegge, Lauber voting against.**

C-5 **International Fisheries**

The Council was scheduled to receive a status report on international fisheries activities and consider restrictions on U.S. operations related to fisheries in the Donut. Due to time constraints, no status report was provided.

**COUNCIL DISCUSSION AND ACTION**

**Henry Mitchell moved that regulations be developed and permit conditions be implemented that would prohibit any vessel or processing facility from participation in any fishery under the Council's jurisdiction if any such vessel or processing facility is owned in whole or in part by any corporation, partnership or person that also directly or indirectly owns, leases, or charters in whole or in part a vessel that engages in the harvesting, processing, or purchasing of fish taken from the international waters of the Bering Sea. The term "participating in any fishery" includes delivery of fish by a harvesting or tending vessel to a floating or shorebased processing facility and receipt of fish by a floating or shorebased processing facility. The motion was seconded by Bob Alverson and carried, 9 to 2, with Pennoyer and Tillion voting against.**

C-6 Future Management Planning

The Council was scheduled to further consider development of a moratorium and preliminary planning for a comprehensive rationalization program.

**COUNCIL DISCUSSION AND ACTION**

**Wally Pereyra moved to direct staff to begin immediate preparation of plan amendments that would impose a moratorium on further entry into the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish, crab and halibut fisheries consistent with the *Federal Register* notices of September 5, 1990 and September 13, 1990, and the AP recommendations of April 23, 1991 as referenced under item C-6(b). This project is to be given the highest priority and the staff is directed to present a draft moratorium implementation plan to the Council at the April 1992 meeting, and furthermore that Council staff concurrently move forward with development of an ITQ plan for all fisheries under Council jurisdiction and that an ITQ framework for all such fisheries be presented to the Council at the April 1992 meeting. The motion was seconded by Joe Blum.**

The motion was tabled until the Council could consider staff tasking on amendment proposals.

When the motion was removed from the table, Larry Cotter moved to amend the motion by replacing the language from "and furthermore" to end of motion, with "In regards to development and implementation of a comprehensive ITQ program to follow the schedule as outlined by the National Marine Fisheries Service in the document entitled, 'NMFS report to the North Pacific Council, June 1991,'" with the scheduled dates adjusted. The motion was seconded, and carried, 6 to 5, with Blum, Dyson, Mace, Mitchell, and Pereyra voting against.

The main motion carried, 8 to 3, with Pereyra, Dyson and Lauber voting no.  
The amended motion read:

To direct staff to begin immediate preparation of plan amendments that would impose a moratorium on further entry into the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish, crab and halibut fisheries consistent with the *Federal Register* notices of September 5, 1990 and September 13, 1990, and the AP recommendations of April 23, 1991 as referenced under item C-6(b). This project is to be given the highest priority and the staff is directed to present a draft moratorium implementation plan to the Council at the April 1992 meeting. In regards to development and implementation of a comprehensive ITQ program to follow the schedule as outlined by the National Marine Fisheries Service in the document entitled, 'NMFS report to the North Pacific Council, June 1991,'" with the scheduled dates adjusted.

C-7 Other Business

**Wally Pereyra moved to rescind the Council vote on the inshore/offshore allocation plan made in June 1991 and to send out the revised and updated inshore/offshore SEIS for public review and comment with final action scheduled for January 1992. The motion was seconded by Joe Blum. The motion to rescind failed, 7 to 4, with Blum, Mitchell, Pennoyer and Pereyra voting in favor. Mr. Pereyra advised his reason for recommending this action was for consistency in handling critical**

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decisions. He compared it to the sablefish ITQ program which was deferred for further industry input.

**D. FISHERY MANAGEMENT PLANS**

**D-1 Groundfish Specifications for 1992**

**Bering Sea/Aleutian Islands**

The Council received a brief recap of the SAFE documents they received in the mail prior to the meeting. Because new survey data were not yet available to reassess the status of stocks and provide new biomass estimates, the specifications in December may vary from those adopted at this meeting. Twenty-five percent of the preliminary specifications will serve as interim specifications for 1991 until superseded by publication of the Council's final specifications in December.

**Report of the Scientific and Statistical Committee**

The SSC commended the plan teams for their work in preparing this year's SAFEs. They requested that, in the future, the teams specify the overfishing definition for all stocks and calculate the corresponding overfishing catch limits. The SSC agreed with the teams' preliminary recommendations for every species with the exception of Area 518, where the SSC recommended a range of 0-102,000 mt, yellowfin sole (372,000 mt), EBS and AI true POP (range of 4,500-6,400 mt), and EBS shortraker roughey (range of 10,600-16,900 mt). The SSC is concerned about the status of the Basin pollock stock and recommended that the preliminary ABC be set as a range from 0 to 102,000 mt pending further analysis by the team. They also suggested that the team needs to consider alternative management strategies for this stock, including the use of thresholds. For more detailed comments, please see the SSC Minutes, Appendix II).

**Report of the Advisory Panel**

The Advisory Panel recommended the SAFE document be sent out for public comment. Their recommendations for total allowable catch (TAC) and domestic annual processing (DAP) for the Bering Sea/Aleutian Islands were (in mt):

<u>Species</u>	<u>Area</u>	<u>TAC</u>	<u>Species</u>	<u>Area</u>	<u>TAC</u>
Pollock	EBS	1,300,000	Sharp/Northern	EBS	0
	AI	75,900	Short/Roughey	EBS	0
	518	0	True POP	AI	10,775
Pacific cod		225,000	Other POP cmplx	AI	0
Yellowfin sole		148,125	Sharp/Northern	AI	3,440
Greenland turbot		7,000	Short/Roughey	AI	1,245
Arrowtooth flounder		20,000	Other rockfish	EBS	400
Rock sole		90,000		AI	900
Other flatfish		64,675	Atka mackerel		24,000
Sablefish	EBS	3,100	Other species		15,000
	AI	3,200			
POP					
True POP	EBS	4,570			
Other POP cmplx	EBS	1,670			

The AP recommended that DAP be set equal to TAC. They also recommended that for public comment purposes, the roe pollock season should be the same percentage as 1991 (34% of the total TAC to the roe season); that the pollock TACs should not be separated by gear type, and that 1992 PSC apportionments sent out for public comment should be the same as the initial apportionments for 1991.

#### **COUNCIL DISCUSSION AND ACTION**

For discussion, the Council used the preliminary table of specifications recommended by the plan team, SSC and AP.

#### ABCs

**Henry Mitchell moved to adopt the ABCs for the Bering Sea/Aleutian Islands as recommended by the SSC. The motion was seconded by Wally Pereyra. The motion was used as a framework motion.**

**Henry Mitchell moved to amend the motion to set the ABC for pollock in Area 518 at 5,000 mt. The motion was seconded by Larry Cotter. Mr. Mitchell felt this amount would be appropriate and allow other fisheries to take place. He believes there is a serious problem with the Aleutian Basin stock and feels it's important to not allow a directed fishery in Area 518. Other Council members were concerned about the status of stocks, but felt that 5,000 mt was not a realistic number. It was also pointed out that these are preliminary numbers, recommended by the Council's plan teams and SSC and should be sent out for public comment.**

**The motion failed unanimously (Mr. Mitchell changed his vote from yes to no before the vote was called).**

**Larry Cotter moved to highlight the Pacific cod ABC with an asterisk to note that the ABC may be lowered substantially at the December Council meeting. The motion was seconded by Joe Blum and carried without objection.**

There were no further changes to the ABCs recommended by the SSC.

#### TACs

**Larry Cotter moved to set the Eastern Bering Sea pollock TAC at 1.1 million mt. The motion was seconded by Henry Mitchell.**

Bob Alverson moved a substitute motion to set a range of 900,000 mt to 1.3 million mt for the EBS pollock TAC, however the motion was withdrawn when Mr. Pennoyer pointed out that a single number will be needed because of the 25% interim apportionment.

**Larry Cotter moved to attach an asterisk to the pollock TAC to indicate the Council is considering a range of 900,000 mt to 1.3 million mt. The motion was subsequently added to the original motion.**

**Mr. Cotter's original motion carried, 6 to 5, with Pennoyer, Pereyra, Blum, Dyson, Mace voting no.**

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**Henry Mitchell moved to set the pollock TAC for Area 518 at 5,000 mt. The motion was seconded by Larry Cotter.**

**Joe Blum moved to substitute 20,000 mt. The motion was seconded by Wally Pereyra and carried, 10 to 1, with Mitchell voting no. The intent would be that this would be bycatch only to allow for other fisheries to be prosecuted, not a directed fishery on pollock.**

**Larry Cotter moved to set the Pacific cod TAC at 180,000 mt. The motion was seconded by Henry Mitchell and carried with no objection.**

**Wally Pereyra moved to set the yellowfin sole TAC at 130,000 mt. The motion was seconded by Joe Blum and carried with Bob Alverson objecting.**

**Clem Tillion moved to set the rock sole TAC at 60,000 mt. The motion was seconded and carried with no objection.**

**Henry Mitchell moved to set the Other flatfish TAC at 40,000 mt. The motion was seconded by Wally Pereyra and carried with no objection.**

**Bob Alverson moved to note on the table that the POP complex may be set at bycatch or zero TAC levels since they all seem to be close to the overfishing definition. The motion by seconded by Clem Tillion and carried with no objection.**

**Henry Mitchell moved to set the squid TAC at 3,600 mt. The motion was seconded by Bob Alverson and carried with Joe Blum objecting.**

**The entire table, as amended, was approved with Mr. Pereyra voting no. The Council agreed that DAP should equal TAC. The final table of initial 1992 groundfish specifications for the Bering Sea/Aleutian Islands is included in Appendix V to these minutes.**

**It was noted that bycatch concerns are reflected in lower TACs for several species; however, increases may be possible in December if bycatch concerns can be addressed.**

**Roe/Non-Roe Seasons and Apportionments - Will remain as for 1991 for the interim specifications, as recommended by AP and reflected in the framework table.**

**Initial 1992 PSC apportionments - will remain the same as 1991 initial apportionments to be sent out for public comment.**

**Council members pointed out that in December there may be halibut PSC caps in the longline fleet and that the Council will also be considering salmon PSC caps at the December Council meeting.**

**Gulf of Alaska**

**ABCs**

**Council members received a brief recap of the SAFE documents they received in the mail prior to the meeting. As with the BSAI, new survey data were not yet available to reassess the status of Gulf**



of Alaska stocks and provide new biomass estimates, the specifications in December may vary from those adopted at this meeting. Twenty-five percent of the preliminary specifications will serve as interim specifications for 1992 until superseded by publication of the Council's final specifications in December.

**Report of the Scientific and Statistical Committee**

With the exception of the POP complex, the SSC agreed with the plan team's recommendations for the 1992 ABCs for all species. For the POP complex, the SSC recommended the total ABC of 5,800 mt (Western - 1,625 mt; Central - 1,800 mt; Eastern - 2,375 mt). For more specific comments, please see the SSC Minutes, Appendix II.

**Report of the Advisory Panel**

The AP had the following recommendations for Gulf of Alaska 1992 preliminary TACs (in mt):

Pollock	W/C	93,000	Sablefish	W	2,925
	Shelikof	0		C	10,575
	E	3,400		E	4,050
Pacific cod	W	22,400	POP	W	1,624
	C	42,100		C	1,798
	E	2,900		E	2,375
Flatfish, Deep	W	2,000	Shortraker/ Rougeye	W	100
	C	35,000		C	1,320
	E	3,000		E	580
Flathead sole	W	2,000	Other Slope	W	1,212
	C	5,000		C	5,454
	E	3,000		E	3,434
Flatfish, Shallow	W	3,000	Rockfish (Pelagic Shelf)	W	800
	C	7,000		C	3,100
	E	1,741		E	900
Arrowtooth flounder	W	5,000	Rockfish (Demersal Shelf)	S/E Outside	425
	C	10,000		GW	1,398
	E	5,000	Thornyhead	GW	14,831
			Other Species		

**COUNCIL DISCUSSION AND ACTION**

Steve Pennoyer moved to adopt the ABCs as recommended by the SSC, and the TACs and DAPs, as recommended by the Advisory Panel. The motion was seconded by Joe Blum. The motion was used as a framework motion to work through the preliminary specifications for 1992.

ABCs

Henry Mitchell moved to reduce the sablefish ABC to 18,000 mt, reducing the four areas proportionately. The motion was seconded by Wally Pereyra. Mr. Mitchell indicated he feels there is an indication that the stocks are decreasing.

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Larry Cotter moved a substitute motion to indicate, by asterisk, that sablefish reports are being analyzed and the ABC may be reduced substantially at the December meeting. The motion was seconded and carried without objection.

TACs

Henry Mitchell moved that the total TAC for sablefish be 18,000 mt for all areas in the Gulf. The motion was seconded by Wally Pereyra and failed, 7 to 4, with Blum, Cotter, Mitchell and Pereyra voting in favor.

Joe Blum moved to set DAP equal to TAC. The motion was seconded by Henry Mitchell and carried with no objection.

The framework table of specifications carried without objection. The final table is included in Appendix V to these minutes.

PSC Limits for Halibut

Steve Pennoyer moved approval of the 1991 PSC limits as the initial 1992 specifications for public comment. Those limits are:

<u>Trawl Gear</u>		<u>Hook and Line Gear</u>	
1st quarter	600 mt (30%)	1st trimester	200 mt (26.6%)
2nd quarter	600 mt (30%)	2nd trimester	500 mt (66.6%)
3rd quarter	400 mt (20%)	3rd trimester	50 mt (6.8%)
4th quarter	400 mt (20%)		
<hr/>		<hr/>	
TOTALS	2000 mt		750 mt

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

Bob Alverson moved to send the SAFE documents for both the Gulf of Alaska and Bering Sea/Aleutian Islands out for public comment. The motion was seconded by Steve Pennoyer and carried without objection. It was noted that as soon as the new stock information is available it will be circulated for review.

D-2 Groundfish Management for 1992

The Council was scheduled to take up several measures under this agenda item: approve the bycatch amendment for public review; consider an emergency rule to delay groundfish seasons; review proposed changes to recordkeeping and reporting requirements for 1992; review proposals to the Alaska Board of fisheries; consider an emergency rule to authorize the Regional Director to require pre-registration in certain fisheries if appropriate; and set bycatch standards for the incentive program for the first half of 1992.

### **Report of the Scientific and Statistical Committee**

The SSC commented only on the bycatch amendment. They feel that important work still remains to be done on the analysis. The SSC believes that several additions, particularly a cost-benefit analysis, are needed. For more detailed comments, please see the SSC Minutes, Appendix II.

### **Report of the Advisory Panel**

The AP recommended the bycatch amendment be sent out for public review with several revisions and/or additions (see AP Minutes, Appendix VI). With regard to the bycatch rates for the vessel incentive program, the AP recommended the Council use the 1991 standard rate for public comment. With regard to pre-registration, the AP is not in favor of implementing an emergency rule for pre-registration for 1992 because of concerns over how it will work and how effective it would be. The AP did unanimously recommend that the Council direct NMFS to prepare a regulatory amendment regarding pre-registration and suggested that industry input be sought on how such a program might work most efficiently.

## **COUNCIL DISCUSSION AND ACTION**

### **Bycatch Amendment**

The Council received a review of the bycatch amendment from Joe Terry.

**Joe Blum moved to send the bycatch amendment out for public review. The motion was seconded by Bob Alverson. By friendly amendment, the AP's recommendation to add a fifth fishery category (yellowfin sole) for PSC allowances was added to the alternatives in the amendment package. The motion carried without objection.**

### **Emergency rule to delay groundfish seasons in the BSAI and GOA**

**Wally Pereyra moved to recommend an emergency rule to delay opening of all groundfish fisheries, trawl and longline, in the Bering Sea/Aleutian Islands and Gulf of Alaska to January 20. The motion was seconded by Oscar Dyson.**

**Steve Pennoyer moved to substitute the AP recommendation:**

**The groundfish opening for 1992 in GOA and BSAI be delayed for trawling until January 20, 1992; that the moratorium cut-off date of January 15, 1992 be extended an additional 20 days for trawlers; and that in the GOA, the rockfish (including thornyheads) fishery be delayed for all gear types except jigging machines until July 1st. Included as a prerequisite for the GOA rockfish closure is redefinition of the directed fishery standards for all species relative to rockfish such that maximum bycatch during the closed period would be 5% for shelf species and 15% for slope species.**

**The motion was seconded by Henry Mitchell.**

**Wally Pereyra moved to exclude the Aleutian Islands, and change July 1 to July 15 for GOA rockfish. The motion was seconded by Joe Blum.**

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The Council split the issue for a vote. **Excluding the Aleutian Islands failed, 9 to 2, with Dyson and Pereyra voting in favor, and the change of date for the rockfish fishery carried unanimously.**

**The main motion carried, 10 to 1, with Pereyra voting against. A motion to reconsider action on the Aleutian Islands opening date failed, 6 to 5.**

**Recordkeeping and Reporting Requirements for Vessel Incentive Program**

The Council was provided with an outline of proposed changes in the recordkeeping and reporting program for 1992. Changes were recommended in logbook requirements, preparation of the weekly production report, the daily production report, changes in permit requirements, and check-in/out reports. NMFS proposed deletion of the semi-annual groundfish utilization survey and addition of two new reports, "Alaska Commercial Operator's Annual Report," and a "Product check-in Report." Several other miscellaneous changes were proposed. Bob Alverson inquired whether there is an industry workgroup to interact with NMFS on proposed changes. Sue Salveson, of NMFS-Alaska Region, said there is no formal workgroup, however NMFS has in the past coordinated with the Council's Data Committee and industry has the chance to comment during the rulemaking period.

**Larry Cotter moved to recommend approval of the changes as proposed by NMFS. The motion was seconded by Henry Mitchell and carried with no objection.**

There was no change in the requirements for domestic observer coverage for 1992. NMFS will prepare the regulatory amendment for Secretarial review.

**Bycatch Rate Standards for the Vessel Incentive Program**

The Council reviewed their 1991 recommendations for bycatch rate standards for the vessel incentive program and the average rates for 1990 and 1991.

**Joe Blum moved to approve the 1991 bycatch rate standards as the preliminary rates for 1992. The motion was seconded by Clem Tillion and carried with Henry Mitchell objecting.**

**Emergency Rule on Directed Fishing Definition for Pacific Cod**

**Larry Cotter moved to recommend that the Secretary extend the emergency rule on the 7% retainable bycatch directed fishing definition for Pacific cod. The motion was seconded by Bob Alverson. The motion carried with Steve Pennoyer objecting. This rule will be part of the bycatch amendment package; however, the extension of the emergency rule is needed for the remainder of the year.**

No action was taken on two agenda items: D-2(c)--Review proposals to Alaska Board of Fisheries, and D-2(d)--Consider emergency rule to authorize the regional Director to require pre-registration in certain fisheries if appropriate.

D-3 **Staff Tasking**

Under this agenda item the Council was scheduled to review current staff tasking, status of amendments and emergency rules, and receive reports from the Plan Amendment Advisory Group, plan team, and the Bycatch Committee for groundfish management proposals for the 1991-92

amendment cycle. The Council received reports from the plan teams and the Plan Amendment Advisory Group on proposed amendments for the 1991-92 cycle. Both groups recommended addressing the proposals using a "broad issue" approach, with the following priority categories: moratorium; bycatch, specific allocation/limited access, and reevaluation of existing management areas.

#### **Report of the Scientific and Statistical Committee**

The SSC concurs with the plan teams' proposal to work on comprehensive solutions to the broader issues confronting fishery management, such as limited access and bycatch. The SSC expects that for most or all of 1992 available staff time will be taken up by the Council's consideration of alternative management of all groundfish and crab fisheries. For these reasons, the SSC did not attempt to prioritize the 51 amendment proposals submitted.

#### **Report of the Advisory Panel**

The AP recommended approval of the report of the Plan Amendment Advisory Group to allow the plan team to work on comprehensive solutions to issues confronting fishery management.

#### **COUNCIL DISCUSSION AND ACTION**

**Joe Blum moved to approve the plan team's recommendation to group proposals by broad issue category and submit a plan team report to the Council at the April 1992 meeting on long-term solutions to the problems/goals identified by the Council. The priorities will be (in priority order: Moratorium, Bycatch, Specific allocation/limited access; and Reevaluation of existing management areas. The motion was seconded by Wally Pereyra.**

It was pointed out that putting action off until April will preclude finalizing any specific proposals during the current amendment cycle.

**Bob Alverson moved to include #45, extend crab protection measures around Kodiak Island) to be analyzed for the current cycle. The motion was seconded by Larry Cotter and carried without objection.**

Larry Cotter moved to change the due date for the plan team's report from April to January, however the motion was withdrawn after discussion. Mr. Pennoyer said he felt it would be very difficult, if not impossible, to complete the work by January.

There was concern among Council members regarding bycatch proposals which they felt should be dealt with in this cycle, particularly halibut caps.

**Larry Cotter moved to ask the IPHC either to provide funding or do the analysis for the proposals to reduce the halibut cap, to change halibut handling to mortality, and fixed gear preference (proposals 32, 33, and a combination of 39 and 51). The motion was seconded by Henry Mitchell.**

**Wally Pereyra moved to amend the motion to include proposal #38, floating halibut caps, in response to the IPHC letter to the Council on issues of concern to them. The motion was seconded by Henry Mitchell and carried, 7 to 4, with Hegge, Pennoyer, Tillion and Lauber voting against.**

**The main motion failed, 7 to 4, with Alverson, Cotter, Hegge and Mitchell voting in favor.**

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Some Council members felt that the IPHC may not wish to expend their funds on analyses which are the Council's responsibility. However, it was noted that the IPHC is very interested in the reduction of halibut bycatch in the groundfish fisheries and may be willing to provide some kind of help.

Larry Cotter moved to ask the State of Alaska to perform analyses of salmon bycatch (proposal #42), close the eastern Gulf of Alaska to all trawling (#43), close the area around the Pribilofs to bottom trawling (#31), and to make adjustments in the herring bycatch plan (#41). The motion was seconded by Henry Mitchell.

Wally Pereyra moved to amend to ask the states of Washington and Oregon to participate. The motion was seconded by Joe Blum and failed, 8 to 3, with Alverson, Hegge and Pereyra voting for.

Joe Blum moved to add proposal #40, on ITQs, to the list for state analysis. The motion was seconded by Wally Pereyra and carried, 6 to 5, with Alverson, Cotter, Hegge, Tillion and Lauber voting against.

The amendment, carried, 7 to 4, with Blum, Dyson, Pennoyer and Pereyra voting against.

Larry Cotter moved to substitute the following for previous action on this subject:

**That the Council proceed with the plan team's recommendation, receive a progress report from them in December, with another report in April as outlined by the plan team. Additionally, to ask the State of Alaska to commence analysis on those items outlined earlier and ask the IPHC to indicate to the Council in December the extent to which they would be able to assist in halibut bycatch management analyses.**

The motion was seconded by Clem Tillion and carried, 6 to 5, with Dyson, Mace, Mitchell, Pereyra and Blum voting against.

**E. FINANCIAL REPORT**

The Finance Committee met on Thursday, September 26, to review 1991 expenditures and the 9-month FY 1992 budget. It was noted that there will not be any excess funds for extra Council meetings this year. The 9-month FY 1992 budget is 75% of 1991 level funding--\$1,001,200. Although pass-thru funds had been reduced, the Finance Committee recommended that they be reinstated and the reductions be made in other areas such as committee meetings and special consultant funds. The NMFS workload/proposed funding allowance document was reviewed. It was suggested that the Council send a letter to NMFs noting concerns with the \$400,000 proposed to be withheld from Council funding for the Secretarial FMP for Atlantic Migration Species.

**F. PUBLIC COMMENT**

There was no further public comment.

**G. CHAIRMAN'S COMMENTS AND ADJOURNMENT**

The meeting was adjourned at approximately 5:00 p.m. on Sunday, September 19, 1991.