

North Pacific Fishery Management Council

Don W. Collinsworth, Chairman
Clarence G. Pautzke, Executive Director

605 West 4th Avenue
Anchorage, Alaska 99501



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

Telephone: (907) 271-2809
FAX (907) 271-2817

Certified Don Collinsworth
Date 9-29-89

MINUTES

87th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
June 20-23, 1989
Sheraton Hotel
Anchorage, Alaska

The North Pacific Fishery Management Council met June 20-23, 1989 at the Sheraton Hotel in Anchorage, Alaska. The Scientific and Statistical Committee and Advisory Panel began meeting on Monday, June 19. Other Council workgroup and committee meetings held during the week included the Data Gathering Committee, the Fishery Planning Committee, and the Habitat Committee. Members of the Council, Scientific & Statistical Committee and Advisory Panel in attendance are listed below.

Council

John Peterson, Chairman
Bob Alverson
Mark Pedersen for Joe Blum
Don Collinsworth
Larry Cotter
Oscar Dyson
Randy Fisher/Bob Mace
Jon Nelson

John Winther, Vice Chairman
Bob Ford
Dave Hanson
Tony Knowles
Henry Mitchell
CAPT Geo. White for
RADM Edw. Nelson
Steve Pennoyer

NPFMC Staff

Clarence Pautzke, Executive Director
Steve Davis, Deputy Director
Judy Willoughby
Terry Smith
Dick Tremaine

Bill Wilson
Marcus Hartley
Hal Weeks
Helen Allen
Peggy Kircher

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Support Staff

Jim Brooks, NMFS-AKR
Dale Evans, NMFS-AKR
Craig Hammond, NMFS-AKR
Craig O'Connor, NOAA-GCAK
Rebecca Baldwin, NMFS-AFSC
Jay Ginter, NMFS-AKR
Phil Rigby, ADFG

Bob Trumble, IPHC
Ron Berg, NMFS-AKR
Loh-Lee Low, NMFS-AFSC
Jim Balsiger, NMFS-AFSC
Sue Salvesson, NMFS-AKR
Anne Hallowed, NMFS-AFSC

Scientific and Statistical Committee

Richard Marasco, Chairman
Bill Aron
John Burns
Bill Clark
Jack Tagart
Dana Schmidt

Doug Eggers, Vice Chairman
Larry Hreha
Terry Quinn
Don Rosenberg
Don Bevan

Advisory Panel

Nancy Munro, Chair
Rick Lauber
Paul Clampitt
John Woodruff
Harold Sparck
Dave Woodruff
Lyle Yeck
Fred Zharoff
Ed Fuglvog

Arne Aadland
Al Burch
Phil Chitwood
Lamar Cotten
Dave Fraser
John Gilbert
Ron Hegge
Pete Isleib

General Public

Over 100 people attended the Council meeting. Names of those who registered are listed below.

Douglas Gordon
Debby Swenson
Philip Eby
Matthew Iya
George Sherlock
Rich Kolb
Mel Morris
Chris Blackburn
Spike Jones
Mark Snigaroff
Steve Dickinson

Mike Hyde
E. Ingrid Jacobsen
Jay Nelson
Linda Behnken
Allen Flores
Eric Maisonnier
David Flannagan
Robert F. Morgan
Li Shanxun
John Cleveland
Steve Grabacki

John Henderschedt
John Roos
Doug Dixon
Kazuhiko Nagao
Shumichi Kuroki
Kenneth Alread
Brian Bigler
Olav Stokke
Tom Rueter
Mark Hughes
Fred Kirkes

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

Chairman John Peterson called the meeting to order at approximately 9:05 a.m. on Tuesday, June 20, 1989. Chairman Peterson introduced and welcomed Randy Fisher, Director of Oregon Fish & Wildlife.

AGENDA. Bob Alverson requested a discussion of the letter from Alaska Crab Coalition dated June 8, 1989. Chairman Peterson said that a discussion was scheduled for the Executive Session on Tuesday. The agenda was approved as published.

MINUTES. The minutes of the January and April 1989 meetings were approved as submitted.

B. REPORTS

B-1 Executive Director's Report

Clarence Pautzke noted that this would be the last Council meeting for John Winther, Admiral Nelson, Captain White and Bob Ford. Mr. Winther was not renominated to the Council, Admiral Nelson is retiring, and Captain White and Bob Ford are taking on other duty assignments. Admiral Ciancaglini will be the Coast Guard's representative on the Council beginning with the September meeting. Dr. Pautzke also told the Council that Steve Smith has resigned from the Advisory Panel and that an interim member needs to be appointed for the September and December meetings. (The Council later selected Vic Horgan, Jr. to take the vacated seat on the Advisory Panel through December 1989.)

The Bering Sea/Aleutian Islands King and Tanner Crab Fishery Management Plan was approved by the Secretary in early June.

B-2 Domestic Fisheries Report by ADF&G

Phil Rigby reported on closures and postponements of commercial fisheries in Alaska as a result of the oil spill in Prince William Sound.

The total harvest for the 1988-89 winter troll salmon season in Southeast Alaska was 33,822 chinook. A special three-day June hatchery opening in Southeast Inside waters produced a catch of 10,000-12,000 chinook; the limit had been set for 25,000, therefore an additional three-day opening has been scheduled for June 21-23.

In other 1989 fisheries, the season for sockeye and chinook salmon opened May 15 in the Copper River District, Upper Cook Inlet, Lower Cook Inlet, False Pass, and Bristol Bay. Statewide salmon catches as of June 15 were 1,244,740 fish.

The preliminary statewide total for the 1989 herring sac roe and roe-on-kelp fishery was approximately 39,439 short tons. The projected harvest was about 48,000 tons, but there was no fishery in Prince William Sound because of the oil spill.

The 1989 Southeast Region brown king crab harvest through June 12 was 797,076 pounds. The 1989 Westward region king crab harvest through June 4 was 17,775,461 pounds. The 1989 Tanner crab harvest in the Southeast/Yakutat Region was approximately 1,755,486 pounds, and the harvest in the Westward Region was 154,987,823 pounds. Of this, the C. opilio catch was 140,981,129 pounds. The 1989 Yakutat dungeness crab fishery opened May 15, catch to date is 824,341 pounds; the Kodiak dungeness crab fishery opened May 1 in the Northern District and June 15 in the Southern District; catch to date is 9,500 pounds.

The Southeast shrimp beam trawl fishery in District 8 produced a harvest of 258,854 pounds in 1989. Districts 6 and 7 remain open.

B-3 NOAA Fisheries Management Report

The U.S. industry harvested and processed 642,720 mt of groundfish off Alaska by June 3. The catch in the Gulf of Alaska was 137,668 mt, including 64,942 mt pollock, 26,865 mt Pacific cod, 23,139 mt sablefish, 14,701 mt rockfish, 7,126 mt flounders, and lesser amount of other species. The catch in the Bering Sea and Aleutians was 750,650 mt, including 397,813 mt pollock, 58,633 mt Pacific cod, 30,273 mt rock sole, 3,541 mt yellowfin sole, 1,378 mt sablefish, 2,209 mt Greenland turbot, 1,575 mt Arrowtooth flounder, 5,874 mt other flounders and minor amounts of other species. NOAA Fisheries is now surveying domestic processors to project their needs for the remainder of 1989.

The joint venture catch remains at 245,599 mt, all from the Bering Sea and Aleutian Islands. There has been no joint venture activity since mid-March.

Dale Evans asked the Council to consider a modification in their timing for setting groundfish specifications. Currently, the final specifications are not published until after the season is underway which causes problems for NOAA Fisheries in making closures or adjustments if necessary. He suggested that the Council might approve specifications in September for the first quarter and then review and make adjustments in December. The Council asked the Executive Director to provide them with a report at the September meeting on various options available to the Council.

Dale Evans reported that the 1,485 mt halibut mortality limit for the totally U.S. fishery (DAP) would soon be reached in the Gulf of Alaska. He then reviewed options available and suggested that after the limit is reached, vessels continuing to fish (into the joint venture portion of the mortality cap) could be required to carry observers. This would allow data to be gathered to help estimate bycatch. Steve Pennoyer said he would consult with the NOAA-GC to see if observers could be required at the 1,485 mortality level. Council members asked that the Regional Director transfer unused allowed halibut bycatch from joint ventures to DAP as necessary and require an

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observer data gathering program, if legal, on the extended fishery. The Council also reaffirmed the 2,000 mt halibut mortality cap for 1989.

In April Council member Bob Alverson asked that NOAA Fisheries report on the extent of foreign ownership in the fishing industry off Alaska. Craig Hammond reported that this subject has been under investigation by NOAA Fisheries for some time so he could not report any details during a public meeting. If they determine that a vessel has obtained documentation fraudulently, the vessel could lose its U.S. flag status and would then be considered foreign and could be prosecuted in violations of the Magnuson Act. Captain White of the Coast Guard said that there is no routine investigation of applications to determine whether they have been fraudulently obtained. They investigate only when there is a report or complaint.

Bob Alverson moved to request that the General Accounting Office be asked to investigate the ownership structure of the at-sea and shoreside processing industry off Alaska to determine the extent of foreign and domestic ownership. The motion was seconded by Oscar Dyson and carried, 8 to 3, with M. Pedersen, Mace, and Pennoyer voting against.

Steve Pennoyer said that the Council hasn't identified what it will do with this kind of information and how much it would cost. Henry Mitchell pointed out that the Council will be involved in allocating fishing rights in the future and need to know this kind of information before making those decisions. Craig O'Connor pointed out that the Council could not discriminate in this way.

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

Driftnet Fisheries. The Council viewed a videotape provided by the Coast Guard which showed crewmen on a Taiwanese vessel, the TA CHIEH NO. 3, disposing of salmon, both frozen and fresh. The vessel had been spotted retrieving its driftnet in an area outside of their INPFC fishing area. The Coast Guard reported 87 trays of frozen product and 24 large individual salmon, estimated to total approximately 2 metric tons of salmon, were thrown overboard. A small boat dispatched from the Coast Guard Cutter MIDGETT was able to retrieve four unfrozen salmon and 2 trays from the water; the frozen blocks sank and were unretrievable. While the boarding party awaited permission from Taiwan to conduct a thorough investigation on the vessel, they were asked to leave the vessel by the Master who said he had been ordered back to Taiwan. The Taiwanese vessel headed southeast toward the squid fishing area, not toward Taiwan. The MIDGETT followed until they received permission from Taiwan to board and conduct their investigation. The boarding party found fish scales and logs indicating the vessel had fished in prohibited areas the previous two years. On June 13, Taiwan requested that the vessel be escorted to the nearest U.S. port, Midway Island, and turned over to Taiwanese authorities for prosecution.

This encounter was part of a concerted effort by the Coast Guard to monitor fishing activities of foreign driftnet vessels on the high seas in the North Pacific. Two high endurance cutters have patrolled the area and C-130 aircraft from California have been assigned to augment Kodiak aircraft, giving the Coast Guard the ability to conduct surveillance flights almost daily.

In addition to the above incident, the Coast Guard sighted a Taiwanese vessel, the CYI YANG No. 1, with nets in the water north of Taiwan's authorized squid fishing boundary. When the

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Coast Guard identified itself, the Taiwanese vessel left the area, leaving its nets behind. On April 18, the Coast Guard was authorized to board the vessel on behalf of Taiwan and order it back to retrieve the nets. The nets were not relocated; however, seven Taiwanese driftnet vessels were sighted in the area on April 19, and it is believed that they retrieved the CYI YANG's nets. No salmon were found during the boarding; however, fish impressions were found in ice in the freezer and fish scales were discovered which were later analyzed and proved to be from salmon. The results of the investigation and evidence seized were delivered to Taiwan authorities in Washington, DC. Taiwan has ordered the vessel to return to port which, at the time of the report, they had failed to do.

During April and May, 25 Taiwanese squid driftnet vessels were observed operating north of the fishing boundary established by Taiwan. Fourteen were fishing when sighted. One driftnet vessel, the ST. PIETRO 108, showed Kingston, Jamaica as its home port. Four Japanese driftnet vessels were sighted underway, and on May 31, four Japanese landbased salmon driftnet vessels, two of which were fishing, were sighted north of their INPFC fishing area. This information was passed on to the Fisheries Agency of Japan through the American Embassy in Tokyo.

Donut Hole Activities. Since the closure of all joint venture fishing in March, foreign fishing activity in the Donut Hole has increased substantially. The Coast Guard reported 549 sightings of foreign vessels in the area during the period April 1 to June 11; six were sighted fishing in the U.S. EEZ. Two vessels were seized during this period. On May 10, a Soviet stern trawler, the NOVOELNYA, was seized after it was observed, along with two other vessels, fishing approximately four nautical miles inside the U.S. EEZ. The other two vessels departed the EEZ before they could be identified. The vessel was escorted to Kodiak where it was turned over to the U.S. Marshal and later released on a \$350,000 bond. On May 20, the Polish stern trawler WLOZNIK was tracked on radar moving out of the Donut Hole and up to three miles inside the EEZ. The vessel sped away from the Coast Guard cutter and back into the Donut Hole. When the vessel was boarded, fresh fish and wet nets were found on deck and the vessel's charts and logs proved that it had been fishing in the EEZ. The vessel was escorted to Kodiak, turned over to the U.S. Marshall, and later released on a \$300,000 bond. On June 5 an unidentified Soviet stern trawler was sighted and photographed fishing approximately two nautical miles inside the EEZ. It reversed course and returned to the Donut Hole after being sighted. The Coast Guard is investigating the incident in an attempt to identify the vessel and issue a report of violation.

On May 11, the Japanese stern trawler KOEI MARU No. 20 was sighted and photographed fishing approximately two miles inside the U.S. EEZ. The vessel reversed course and returned to the Donut Hole after the Coast Guard aircraft flew overhead. Results of the Coast Guard investigation and a report of violation will be forwarded to the NOAA Fisheries for assessment of penalties.

The Council expressed great concern over the unregulated, unmonitored fishery in the Donut and asked that foreign catch data be provided.

Domestic Activities. During a short patrol in the Gulf of Alaska in May, Coast Guard personnel boarded several factory trawlers in the West Yakutat area and found sablefish on board. Sablefish

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became a prohibited species for trawlers in the area on April 12. All the vessels claimed the sablefish had been caught in the Central area. Reports of violation were issued, and the vessels were advised to offload the sablefish before continuing to fish in the West Yakutat area.

C. NEW OR CONTINUING BUSINESS

C-1 Legislative Update

Magnuson Act Reauthorization. The current reauthorization period of the Magnuson Fishery Conservation and Management Act (MFCMA) expires on September 30, 1989. Both the Senate and House held hearings on the Act in May. Hearings in the Pacific Northwest and Alaska have been scheduled for the following dates and locations:

<u>Date</u>	<u>Location</u>	<u>Subject</u>
July 6	Anchorage	Senate hearing on MFCMA
July 7	Seattle	Senate hearing on MFCMA and fisheries
August 8	Seattle	House hearing on MFCMA and fisheries
August 9	Cordova	House hearing on the oil spill
August 11	Anchorage	House hearing on MFCMA and fisheries

No federal legislation providing MFCMA amendments has been introduced to date. However, legislation has been introduced to authorize appropriations to carry out the MFCMA through fiscal year 1992. The bill (H.R. 2061) has been forwarded to the House Merchant Marine and Fisheries Committee for review. It currently shows \$75 million, \$76 million, and \$77 million for fiscal years 1990, 1991, and 1992, respectively.

Fur Seal Act. On April 15, 1989 Congressman Don Young introduced H.R. 2105 which would provide continued access to certain fisheries in the Bering Sea should the Council and Secretary of Commerce approve a limited access program. The legislation proposes allocating 10% of the applicable Bering Sea Total Allowable Catch to the Pribilof Islanders.

Federal Fish Inspection Act. Legislation has been introduced that would establish a national fish inspection program administered by the Department of Agriculture. The intent of the bill is to ensure public confidence in the wholesomeness, safety, and quality of fish and fish products. The bill would expand existing inspection programs for meat and meat products to include fish and fish products.

C-2 Statement of Organization, Practices and Procedures (SOPP)

At the April 1989 Council meeting the Council approved for public review the draft revised NPFMC SOPP. A Notice of Availability was published in the April newsletter with the comment period ending on June 9. Upon approval, the SOPP will be submitted to the Secretary of Commerce for approval and publication in the Federal Register.

Public Testimony

Arni Thomson, Alaska Crab Coalition. He thinks the Council should enforce its comment deadlines. Thinks Council has been lenient about accepting comments up to the last minute, but feels late comments should be submitted during the Secretarial review period.

COUNCIL DISCUSSION AND ACTION

The Council discussed current policy regarding public comments on fishery management plans, amendments, etc. Bob Alverson said the Council should be explicit to the public on this policy and should follow it from this point forward. The discussion arose because of late comments received during the Council meeting on the current amendment to the groundfish plans. Craig O'Connor said that the Council should gather as much information as possible and that the Council should not disallow legitimate comments, information, etc. If the Council does not consider comments and they are later submitted to the Secretary, the Secretary may make a different judgement than the Council on the issue.

Larry Cotter suggested that a written policy might be a good idea. The cut-off date is to facilitate sending information to Council members and for plan team review prior to the meeting. Perhaps that date could be designated as such. Perhaps a date beyond that could be set for acceptance of comments with the understanding that the information would not be incorporated into the analyses. Mark Pedersen suggested that the written comments received by the cut-off date would be summarized and analyzed; after that date it could be the responsibility of the commenter to disseminate the information with the risk that it would not be fully considered.

The Executive Director was asked to have staff review current procedures and report back to the Council with suggestions in September.

Larry Cotter moved to amend the SOPP by inserting the word "environmental" in Section C(2)(b), "Members and Chairman," in the second sentence which describes the interest groups from which Advisory Panel members may be chosen. The motion was seconded by Henry Mitchell and, there being no objection, it was so ordered.

Larry Cotter moved to amend the SOPP by amending Section 4(E), "Salaries and Wages," by revising the sentence on performance reviews for the Executive Director to read as follows: "Pay raises and annual evaluations for the Executive Director will be accomplished through a review process involving the Chairman and selected members of the Council." The motion was seconded by Henry Mitchell. The motion carried, 10-1, with John Winther objecting.

Bob Mace moved to approve the SOPP, as amended. The motion was seconded and carried with no objection.

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C-3 Oil Spill and Habitat Issues

The Habitat Committee met on June 19 and 21. An area of major concern is whether NOAA Fisheries is authorized to close fisheries in the event of a major disaster such as an oil spill. The Committee reviewed a Memorandum of Understanding between ADF&G and DEC that allows for coordination between the two departments on the testing and inspection for contaminated fish and actions to close specific fisheries. ADF&G has considerable emergency order authority to react quickly, an authority that NOAA Fisheries may lack. The Committee recommended that the Council determine how to give NOAA Fisheries the appropriate authority to respond this year if oil impacts fisheries in the EEZ. Two approaches were recommended:

- (1) Request staff to review with NOAA-GC what type of legislative remedy is needed to give NOAA Fisheries long-term authority to respond to a disaster. A common sense approach is needed and the quicker legislative vehicle could be oil spill legislation now under consideration. The Council would need to determine, with the help of NOAA Fisheries, what gaps exist in their emergency authority. The Council then should act quickly because legislation is moving rapidly through various Congressional committees. Perhaps a letter to the President and/or Congress would be needed.
- (2) Request the Habitat Committee to develop a comprehensive policy on use of the newly-legislated authority. This should involve input from industry in developing the parameters of the policy.

Other recommendations of the committee included:

- (1) That staff and interested Council members attend meetings of the newly appointed Alaska Oil Spill Commission and report back to the Habitat Committee.
- (2) That the Committee's membership be expanded to include representatives from the Coast Guard, Fish & Wildlife Service, and NOAA Fisheries. Beyond oil-related activities, the work of the committee would include developing a system for monitoring activities that could impact the environment and screening out those considered of major significance, and keeping the Council informed of ongoing activities and where Council action is needed.

The Committee will meet again in July to address several concerns listed in their report.

COUNCIL DISCUSSION AND ACTION

Council members agreed that the Habitat Committee should continue to track habitat-related issues on which the Council may need to comment or act. Don Collinsworth suggested that the Council could serve a useful function in identifying the types of research needed as a result of the oil spill. He, Steve Pennoyer and Jon Nelson sit on the State's Trustees Council and will keep the Council informed. He also suggested that the Habitat Committee should focus on oil lease applications, off-shore mining, and legislation on such issues. Chairman John Peterson asked for a report of the Habitat Committee's activities at each Council meeting.

Tony Knowles moved to approve the report of the Habitat Committee. The motion was seconded and carried without objection. It was later clarified that this would include the recommendations of the committee listed in the report.

C-4 International Fisheries

Bob Ford reported on current international fisheries issues. The deadline for agreements with Taiwan, Korea and Japan on driftnet issues is June 29. They have not completed any negotiations yet. The GIFA for Korea is due to be renewed about July 10 if Congress doesn't act on it.

Mr. Ford said that Japan is planning a symposium on pollock stocks in Japan sometime in August, but that the U.S. has not yet agreed to participate because it was their understanding that the Soviet Union was hosting the same type of meeting. No date has been set yet for bilateral talks with the Soviets on a salmon convention for the North Pacific, or mechanisms to address the pollock issue in the donut area of the Bering Sea.

Henry Mitchell wanted the Council to go on record with Congress asking them to disapprove the Korean GIFA if Korea had not signed an agreement with the U.S. in compliance with the Driftnet Monitoring Act. Some Council members questioned whether they could take action since this was not a specific agenda item. Members of the public were invited to comment on the proposed action.

Public Testimony

Deming Cowles, United Fishermen of Alaska. Their association has been working on the issue of high seas interceptions for some time; it's a definite problem for their fishermen because the fish are being intercepted before they can return to the streams. Countries who are not honoring their commitments or flouting international law should not be rewarded by renewal of their GIFA.

Doug Gordon, American High Seas Fisheries Assn. All of their fishermen fish in joint ventures with Japan. Asked the Council to remember when making any recommendations that U.S. fishermen are involved.

Doug Dixon, Marco. They supply a lot of machinery for the salmon fleet and processing sector and to the joint venture fleet. They may be affected by both the salmon driftnet situation and any action to withhold GIFAs.

COUNCIL DISCUSSION AND ACTION

The Council discussed their concern over the driftnet fleets and felt that they should make an effort to express those concerns to Congress.

Henry Mitchell moved that the Council go on record with Congress with respect to the Korean GIFA and recommend withholding approval until such time as they sign an agreement in compliance with the Driftnet Monitoring Act of 1987. The motion was seconded by Tony Knowles

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and carried with Bob Mace objecting and Steve Pennoyer abstaining. Mr. Mace expressed concern that American joint venture fishermen could be affected by this discussion and there had been no prior notice.

In other discussion, Council members asked staff to find out how the driftnet portion of the MFCMA amendment package was dropped. Henry Mitchell requested that staff provide reports on GIFAs as they have done in the past.

Larry Cotter moved that the Council send a letter to the President requesting that in the event Taiwan is certified that Pelly Act embargo sanctions be imposed against Taiwan. The motion was seconded by Henry Mitchell and carried with Steve Pennoyer abstaining.

Clarence Pautzke asked for Council approval to contribute approximately \$2,000 in support of an American Fisheries Society meeting in Anchorage in September which will focus on Bering Sea pollock. Council members agreed that the Executive Director could do so if the budget allows.

C-5 Domestic Observer Programs

Ron Dearborn provided a preliminary final report on the Council's pilot domestic observer program. Council members will be provided with a final report after all expenses have been received. Mr. Dearborn noted that to ensure a long-term successful program there are several issues that must be addressed. Insurance is a definite concern. Sea Grant was able to adequately resolve the problem for this pilot program, but for any voluntary observer program it will continue to be a problem. The availability of qualified observers may be affected by the current training program which seems to encourage early burnout and high turnover. The number of diverse programs is also creating a number of observers who are trained for one particular fishery or program. Mr. Dearborn suggested the programs should be more closely coordinated and observers trained to collect data that will be relevant to all programs.

The Alaska Fisheries Science Center provided a written report on the NMFS/Industry Matching Funds Domestic Observer Program. Initially, four observers were stationed in Dutch Harbor and deployed to vessels participating in the trawl fisheries in the Bering Sea. An additional two observers were trained and stationed there in April. Through May, the observers had sampled aboard seven different vessels participating in the trawl fishery for a total of 108 days. The vessels spent 43 days targeting on pollock in subarea 511, 17 days in subarea 513, 1 day in subarea 515, 23 days in subarea 517, and 24 days in subarea 521.

COUNCIL DISCUSSION AND ACTION

Larry Cotter asked Dr. Marasco about the higher percentage of coverage in the midwater trawl fisheries when there are other fisheries in which the Council is interested. Dr. Marasco responded that they are starting the program slowly until they can be assured of adequate funding. They are trying to place observers in time and space to avoid confidentiality problems and in areas where there is concern over bycatches. They are aware of the Council's concerns and are trying to place observers to get the most benefit for the dollars and address those concerns. Mr. Cotter suggested several areas he feels should be covered. Dr. Marasco said that industry has been very cooperative

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Steve Weyer
Bill Orr
Steve Hughes
John Levy
Linda Kozak
Joe Plesha
Vic Horgan, Jr.
Greg Baker
Michael Lake
Bryon Pfundt
Jerome Selby
Hugh Reilly
Brad Madsen
Wally Pereyra
Paul Finzer
David Harville
Alexander Galanin, Sr.
Peter Block

Karl Ohls
Ken Taylor
Sandra Henry
Dan McGreevy
Anne Hausmann
Laine Welch
Kurt Byers
Anton Meyer
Steve Drage
Alec Brindle
Bill Wason
Margaret Watson
Harold Thompson
Kate Graham
Robert Czeisler
Beis Dover
Gleyn Bledsoe
Jessie Nelson

Arni Thomson
G.E. Anderson
Brad Resnick
Tiny Schasteen
Bill Arterburn
Loretta Lure
Jim H. Branson
Deming Cowles
Al Burch
Will Tillion
Lu Dochtermann
Mark S. Decker
Vern Hall
Mark Chandler

but it is still a new program and will take time to get started.

Larry Cotter moved to approve the final report of the Council's Pilot Domestic Observer Program upon receipt. The motion was seconded by John Winther and carried with no objection.

C-6 Future Management Planning

This agenda item was divided into five sections: (a) Receive Fishery Planning Committee recommendations and consider adding specific dates to the planning schedules that will allow review, revision, or abandonment; (b) Open Access: Receive open access technical workgroup meeting summary, review Committee recommendations, identify future problems and measures to address them; (c) Sablefish Management: Review Committee recommendations and refine options for final analysis; (d) Halibut Management: Review Committee recommendations and refine options for further development and analysis; and (e) Coastal communities: Review committee recommendations and consider further course of action.

Public Testimony on this agenda item is found in Appendix I to these minutes.

(a) Fishery Planning Committee recommendations.

The Fishery Planning Committee met May 17-18 and again on June 19 to discuss future management measures under open access, coastal communities, and limited access alternatives for sablefish and halibut. The Council was provided with a summary of each meeting.

Henry Mitchell moved to accept the reports of the Fishery Planning Committee. The motion was seconded and carried without objection.

John Peterson asked that the Council consider amending the work schedule originally developed for analyzing limited and open access systems. The work schedule was published in the Federal Register and should be changed to allow periodic evaluations and options to change the timing of certain portions of the schedule, or abandon it completely. The Committee recommended the schedule include review dates for the September 1989 (all species), and January 1990 (all species but sablefish) and June 1990 (all species but sablefish and halibut).

Bob Mace moved to adopt the schedule changes as proposed by the Committee. The motion was seconded by Tony Knowles and carried, 7 to 4, with Collinsworth, Cotter, Pennoyer and Winther voting against.

During discussion of the motion, Larry Cotter suggested that the purpose of the schedule is to force the Council to analyze all the alternatives, including limited access. Circumstances change from one meeting to the next and the current schedule would encourage them to follow the process to a conclusion.

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In discussing the Statement of Problems Facing the Fisheries, Don Collinsworth moved to add "economic stability" as item #6. The motion was seconded by Larry Cotter and carried with no objection.

Henry Mitchell moved that the concern of rural coastal community development, and small-boat developing fisheries access in the groundfish fisheries be included as item #7. The motion was seconded by Don Collinsworth and carried with Mark Pedersen objecting.

Larry Cotter moved to approve the list of problems and concerns presented by the committee, and amended by the Council. Don Collinsworth seconded the motion, which carried without objection.

(b) Open Access

A technical workgroup was convened to identify and project some of the problems and solutions facing the Council's fisheries under open access during the next five years. The group considered only open access management regulations and how they might solve the Council's six identified problems. A summary of the meeting was provided to the Council. The workgroup had two recommendations: (1) That biological conservation of the resource must take priority over all considerations, and (2) That the Council should set a course of action for the development of open access that will allow industry members to rationally plan their participation.

The item was treated as an information item and no action was taken. However, Larry Cotter suggested that one open access alternative that should be considered is the allocation between onshore and at-sea components. Mark Pedersen pointed out that this is already being covered.

(c) Sablefish Management

The Council's schedule for sablefish management currently calls for full analysis of the selected alternatives during the summer for public review following the September Council meeting. The Fishery Planning Committee recommended further refinements to the alternatives. Written public comments received were provided to the Council.

Henry Mitchell moved to approve the decision points for sablefish longline IFQ and license systems developed by the Committee, identified as agenda items C-6(c)(1)&(2). The motion was seconded by Mark Pedersen and carried with no objection.

During Council discussion it was suggested that rather than address each item, Council members could address concerns over any particular decision point with the Committee which has spent considerable time in developing them. Larry Cotter had two areas of concern. Under the IFQ system, he would like to see a provision that provides for disability or loss of vessel during 1988, and, under IFQ and open access systems, he asked that alternatives include a set-aside of a percentage of the TAC to allow new entrants to fish in an open access mode. He clarified that a person holding a permit under an IFQ or license system would not be eligible under this option, whether in or out of the area where they were permitted to fish. He also suggested placing a limit on the amount of harvest each participant in the open harvest could take each year.

Don Collinsworth said that the State and local governments would like to be sure there is an opportunity for the State to acquire quota for community development, and if there is a restriction on individual shares, he would like there to be an exemption for the State to be able to acquire more than the individual limit.

(d) Halibut Management

The Council's schedule called for refinement of the halibut longline IFQ and license limitation options for further development and analysis. The Fishery Planning Committee submitted recommended refinements to the alternatives. The Council was provided with written public comments received.

Bob Alverson moved to adopt the Committee's recommended options, identified as agenda items C-6(d)(1) & (2), incorporating the same revisions as those under the sablefish documents. The motion was seconded by Don Collinsworth and carried with no objection.

(e) Coastal Communities

Dick Tremaine said that Don Collinsworth's concerns for quota to be made available for coastal community development have been noted and will be addressed. This issue will also be addressed in the discussions of inshore-offshore allocation. There was no further Council action required at this time.

C-7 Inshore-Offshore Preference

During the April Council meeting a coalition of shorebased interests petitioned the Council for some form of inshore-offshore preference. The Council agreed to review the concept and requested that public proposals be submitted. All proposals and comments received were summarized for the Council and also provided in their entirety. The Fishery Planning Committee has recommended that the coastal communities section of the limited access analysis should be included in the discussion of inshore-offshore preferences.

Report of the Advisory Panel

The Advisory Panel recommended that the Council staff, with appropriate industry representation, flesh out all the alternatives and send them out for public comment over the summer. At the September meeting the Council would select a list of preferred alternatives which would be analyzed in an EA/RIR and sent out for public comment for a possible final decision in December. A minority report of the AP suggested that discussion of shorebased preference belongs in the context of the entire limited access discussion in the Fishery Planning Committee.

Public Testimony on this agenda item is found in Appendix I to these minutes.

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COUNCIL DISCUSSION AND ACTION

It was pointed out that this issue will involve a great deal of work and analysis and that the Council already has several projects to be completed over the summer. It was suggested that this issue could be dealt with in the 1990 amendment cycle; however, Larry Cotter said he would be opposed to delaying such an important issue to the 1990 cycle. He suggested that staff begin work immediately on a EA/RIR for Council review in September. He also suggested that NOAA-GC should review the proposals received and any additional alternatives developed by staff and provide a written opinion as to whether they are legal under existing law. The staff could then revise the EA/RIR for review by the Council in December and then send it out for public review with final action at the January or April meeting.

Bob Mace said that this is a very contentious issue and that the DAP amendment to the MFCMA is a cause of the current issue and that Congress should handle it, not the Council. Henry Mitchell agreed.

Larry Cotter moved that the Council appoint a workgroup consisting of Council members to work in conjunction with staff from the Council and other appropriate agencies to review the various alternatives for an allocation of fishery resources between at-sea and non at-sea components of the industry. The workgroup will work in conjunction with NOAA-GC to determine the legal viability of the various alternatives. The workgroup will present a report to the Council at the September meeting. At that time, the Council shall determine whether or not to proceed with further development of any of the alternatives and the accompanying schedule. The motion was seconded by Tony Knowles. Mr. Cotter expressed that his intent was that a solution be implemented by 1991.

Bob Alverson moved to amend the motion to direct the workgroup to assess traditional management tools such as changing of seasons, trimesteral releases and trip limits to address both conservation and management issues on a short-term basis. The motion was seconded by Henry Mitchell and carried, 6 to 5, with Cotter, Dyson, Knowles, Winther and Peterson voting against.

The main motion carried, as amended, with Bob Mace objecting.

Don Collinsworth stressed that the workgroup dealing with this issue should not debate the merits of allocation between at-sea and onshore processing; it should be a forum to define the array of options that might be used by the Council should they choose to implement a strategy to allocate between at-sea and non at-sea components of the industry.

Tony Knowles suggested that in the future this issue be referred to as "inshore/offshore allocation." Council members agreed.

C-8 Full Utilization in the Groundfish Fisheries

At the April 1989 meeting the staff and plan teams were asked to develop management alternatives which would address the issue of discard in the groundfish fisheries in the Bering Sea/Aleutian Islands and the Gulf of Alaska. A discussion paper was prepared by staff and the plan teams and

provided for Council review.

Report of the Scientific and Statistical Committee

The SSC reviewed the discussion paper and recommended that before the Council proceeds further with development of an amendment to address incomplete utilization issues, a careful definition of full utilization should be developed. A clear and concise statement of the problem and a list of specific alternatives to address the problem should also be developed to provide guidance for further analysis. Because of the lack of an adequate observer program, information on discards in DAP fisheries is limited. Industry sources will have to be contacted to determine the cost implication of full utilization.

There was no **Public Testimony** on this agenda item.

COUNCIL DISCUSSION AND ACTION

Don Collinsworth said that the State has endeavored to deal with these issues; it can be dealt with from the standpoint of full utilization of resources or wanton waste. The Council needs to define some guidelines and industry needs to be involved. Larry Cotter suggested proceeding with the same type of amendment as is being done on roe stripping of pollock, expanding it to other species of groundfish as well. With the staff workload at present, Bob Mace questioned whether this is a high priority right now. Clarence Pautzke suggested that over the summer the staff could begin to determine what data are available to develop an analysis, try to determine the magnitude of the problem and where it occurs, and lay some alternatives out for Council review in September. They will also determine what policies other states may have on this issue.

C-9 Other Business

The Scientific and Statistical Committee reviewed the nomination of Dr. Han-Lin Lai for membership on the Gulf of Alaska Groundfish Team and recommended his appointment.

The SSC also reviewed a document entitled, "Preliminary Estimation of Total Allowable Catch for Pollock in the Donut Hole of the Bering Sea," and drafted a review of the document for the use of the US/USSR Advisory Committee.

The SSC also requested that NOAA-GC be asked to comment on the following question with regard to confidentiality of data:

Can confidential information be analyzed by the SSC, Council staff, and plan team members provided they agree to conform to the restrictions provided in the regulations for handling confidential fishery data, and the deliberations are held in a closed session?

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D. FISHERY MANAGEMENT PLANS

D-1 General Groundfish

- (a-b) Final approval of amendments to the BSAI & GOA Groundfish FMPs, including a domestic observer program.

In April the Council approved Amendments 18 and 13 and the associated EA/RIR/IRFA documents for public review. The amendment document contained eight issues and their management alternatives:

- (1) Allocate sablefish TAC in the Bering Sea/Aleutian Islands.
- (2) Establish a fishing season framework for all groundfish fisheries in the GOA and BSAI.
- (3) Establish a Shelikof District in the Central Regulatory Area of the GOA.
- (4) Establish a groundfish fishing closed zone near the Walrus Islands and Cape Peirce in the BSAI.
- (5) Replace the king crab protection time/area closures around Kodiak Island and modify the halibut bycatch management regime for the GOA.
- (6) Expand the Pacific cod trawl exemption zone in the BSAI.
- (7) Implement a system of observer coverage and other data gathering and data reporting requirements for the groundfish fisheries of the GOA and BSAI.
- (8) Clarify the Secretary's authority to split or combine species groups within the target species management category by a framework procedure for the GOA and BSAI.

Report of the Scientific and Statistical Committee

The following is a short summary of SSC comments and recommendations. More complete comments are found in the SSC Minutes, Appendix II to these minutes.

- (1) Allocate Sablefish TAC in the BSAI.

No specific alternative recommended. Consideration of this issue was made difficult by the lack of clearly stated objectives and availability of data.

- (2) Establish a fishing season framework for all groundfish fisheries in the GOA and BSAI.

Recommended Alternative 3, "Establish a procedure for the annual setting of fishing seasons (date specific) for any of the managed groundfish species using a regulatory amendment procedure for implementation."

- (3) Establish a Shelikof District in the Central Regulatory Area of the GOA.

Recommended Alternative 2, "Establish a Shelikof Management District."

- (4) Establish a groundfish fishing closed zone near the Walrus Islands and Cape Peirce in the BSAI.

Recommended Alternative 2, "12- Mile Closures around Round Island/the Twins and Cape Peirce."

- (5) King Crab Protection Time/Area Closures/Halibut Bycatch Mgmt Regime for the GOA.

Time/Area Closures

The SSC recommended that Alternative 3, "Extend Type I, II and III closures for three years," would provide protection of a group of crab that presumably will support a commercial fishery in two or three years after the Type II closures become effective. The SSC also recommended that an analysis evaluating the effectiveness of the closure implemented by the Council be prepared prior to future consideration of this topic. Adoption of Alternative 3 may result in some foregone groundfish harvest and/or higher harvesting costs.

Halibut Bycatch Management Regime

The SSC noted that the development of a comprehensive amendment package is premature since data to implement the proposed regime currently are not available. They recommended that a comprehensive system for halibut bycatch management be developed after an observer program is implemented and data are being collected. They suggested that consideration of alternatives at this time be limited to Alternatives 2(a) and 2(b), prohibiting pot gear which does not minimize halibut bycatch, and setting halibut PSC limits by gear group, respectively.

- (6) Expand the Pacific cod trawl exemption zone in the BSAI.

The SSC determined that available data are not adequate to permit a realistic evaluation of the impacts associated with the alternatives. Observer data from commercial operations conducted inside and outside 25 fathoms are required for such evaluations.

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- (7) Implement a system of observer coverage and recordkeeping requirements for the GOA and BSAI.

Recordkeeping and Reporting

The SSC recommended Alternative 2, which modifies the status quo to expand recordkeeping and reporting requirements. They also recommended that after the new system is successfully implemented, efforts should be initiated to reduce redundancy between Federal and State recordkeeping requirements.

Observer Program

The SSC noted that the emphasis of an observer program should be on biological data collection, not enforcement, and that to be effective, an observer program must be mandatory. The SSC supported Alternative 3. They also suggested that the level of observer coverage required must be determined on a fishery-by-fishery basis, and that an initial 20% coverage will provide the necessary data base to determine the required coverage, when examined in comparison with logbooks.

- (8) Clarify Secretary's authority to split or combine species groups within the target species category in the GOA and BSAI.

The SSC had no comment on this amendment proposal.

Report of the Advisory Panel

- (1) Allocate Sablefish TAC in the BSAI.

The AP recommended the status quo, assuming that the single-species rule would supercede any allocation formula. If the Regional Director determines that the TAC of any target species is needed for bycatch, then directed fishing for that species is closed.

- (2) Establish a fishing season framework for all groundfish fisheries in the GOA and BSAI.

The AP recommended Alternative 3 which would annually set fishing seasons using a regulatory amendment.

- (3) Establish a Shelikof District in the Central Regulatory Area of the GOA.

The AP recommended the Council establish a Shelikof District, Alternative 2.

- (4) Establish a groundfish fishing closed zone near the Walrus Islands and Cape Peirce in the BSAI.

The AP recommended the Council adopt Alternative 1b, which develops a cooperative program involving all concerned parties to minimize disturbance.

- (5) King Crab Protection Time/Area Closures/Halibut Bycatch Mgmt Regime for the GOA.

Time/Area Closures

The AP recommended Alternative 3, a modified time/area closure scheme, for three years.

Halibut PSC Framework

The AP supported Alternatives 2a, 2b1, and 2c to more fully implement the existing halibut PSC framework.

- (6) Expand the Pacific cod trawl exemption zone in the BSAI.

The AP recommended the Council adopt the status quo.

- (7) Implement a system of observer coverage and recordkeeping requirements for the GOA and BSAI.

Recordkeeping System

The AP recommended that the Council return the data gathering and reporting package to the plan team, NMFS and ADF&G to develop a comprehensive reporting program which does not require duplication of State and Federal efforts.

Observer Program

The AP recommended the Council implement a mandatory observer program that is frameworked to allow up to 100% coverage (Alternative 3).

- (8) Clarify Secretary's authority to split or combine species groups within the target species category in the GOA and BSAI.

The AP recommended that the Council adopt Alternative 2 to clarify the Secretary's authority by a framework procedure.

Public Testimony on this agenda item is found in Appendix I to these minutes.

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COUNCIL DISCUSSION AND ACTION

(1) Allocate Sablefish TAC in the BSAI.

Bob Alverson moved to adopt Alternative 3 and allocate black cod TAC between fixed and trawl gear as follows: BSA: 50% to fixed gear, 50% to trawl gear; Aleutian Islands: 90% to fixed gear, 10% to trawl gear. The motion was seconded by Henry Mitchell and carried 8 to 3 with M. Pedersen, Mace and J. Peterson voting against. (The motion was subsequently brought up for reconsideration - final motion covered later in these minutes.) Bob Alverson noted that this split in the sablefish TAC is needed because of the economic dependence of the longline fleet on sablefish.

During further discussion of the motion, Steve Pennoyer pointed out that this motion would restrict his ability to distribute bycatch to whichever fleet needed it first; the 50% limitations to trawl and longline could result in more discard of sablefish as a prohibited species in other target fisheries.

Craig O'Connor asked whether these percentages were analyzed and presented for public review; plan team member Rebecca Baldwin said that a variety of percentages were analyzed and that the information in the EA/RIR should be sufficient for both Council and Secretarial action. The supplement to the EA/RIR should have made it apparent that under some scenarios any fixed proportion would be sufficient to accommodate both target and bycatch needs, while under other scenarios it would not. Whether a fixed proportion of sablefish TAC is sufficient depends on a variety of parameters that vary from year to year.

(2) Establish a fishing season framework for all groundfish fisheries in the GOA and BSAI.

John Winther moved to adopt the status quo. The motion was seconded by Oscar Dyson and failed, 6 to 5, with Alverson, Dyson, Knowles, Pennoyer, and Winther voting in favor.

John Winther explained that Alternative 2 would establish a window of about three months and public testimony has indicated that if the season is moved, it should be to the fall, which is more than three months. He also noted that Alternative 3 was similar to the current process and that the Council should not create more work by inviting requests to change seasons every year when this would probably only save three or four months over the present plan amendment system.

Steve Pennoyer said NOAA Fisheries would prefer Alternative 3 because it provides a public review process but is faster and less cumbersome than an amendment. Some Council members said they would prefer the full amendment process because of the potential political nature of changing seasons.

Henry Mitchell moved to adopt Alternative 3, the regulatory amendment procedure. The motion was seconded by Mark Pedersen and carried, 7 to 4, with Alverson, Dyson, Knowles and Winther voting against.

(3) Establish a Shelikof District in the Central Regulatory Area of the GOA.

Don Collinsworth moved to adopt Alternative 2, to establish a Shelikof District. The motion was seconded by Mark Pedersen and carried with no objection.

It was clarified that the motion should include the SSC's recommendation that reporting should be separate for the Eastern and Western areas within the Shelikof District.

(4) Establish a groundfish fishing closed zone near the Walrus Islands and Cape Peirce in the BSAI.

Henry Mitchell moved to adopt Alternative 3, Closure north of line from Cape Constantine to tangent of 12-mile radius from Cape Peirce. The motion was seconded by Tony Knowles and failed, 7 to 4, with Collinsworth, Cotter, Knowles and Mitchell voting in favor.

John Winther said he does not feel there is enough evidence to prove that noise from fishing vessels is disturbing the walrus. John Peterson agreed. Mark Pedersen said that he doesn't think displacing the whole fleet is necessary; perhaps a smaller area could be designated. Steve Pennoyer said that they feel that Alternative 3 is excessive and would prefer Alternative 2 with discussion of the sunset provision.

Don Collinsworth moved to adopt Alternative 2, establish seasonal closures around Round Island, the Twins and Cape Peirce. The motion was seconded by Oscar Dyson.

Bob Alverson asked whether the State of Alaska would follow up with complementary regulations for State waters. Don Collinsworth responded that he has no authority to do that, but that he thought the Board of Fish and Game would consider it.

Steve Pennoyer moved to amend the motion to include a sunset of two years (December 31, 1991) in order to examine research and monitor State action in adjacent waters. The motion to amend was seconded by Bob Alverson and carried, 9 to 2, with Knowles and Mitchell voting against.

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

For the record, it was noted that Council funds would be used to support travel for scientists to conduct acoustic research in the walrus haul-out areas.

(5) King Crab Protection Time/Area Closures/Halibut Bycatch Mgmt Regime for the GOA.

Time/Area Closures

Larry Cotter moved to adopt Alternative 3, extend Type I, II, and III closures for three years. The motion was seconded by Steve Pennoyer and carried with no objection.

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Halibut PSC Framework

Larry Cotter moved to adopt a regulatory amendment to prohibit pot gear which does not minimize halibut bycatch (Alternative 2a). The motion was seconded by John Winther.

John Winther was concerned whether there will be standards set in the regulations that will define a pot that will minimize bycatch of halibut. Bill Wilson responded that he believes the regulations will have some specifications and that cod pots have recently been developed which minimize halibut entry. Several Council members said they couldn't support the motion until they see a description of what would be considered legal gear.

Larry Cotter suggested that perhaps it would be more appropriate to modify the motion to ask NOAA Fisheries to develop a regulatory amendment and send it out for public review prior to the September Council meeting so that the Council could take final action on it at that time. John Winther, who seconded the original motion, agreed. This motion carried with no objection.

Steve Pennoyer moved to adopt alternative 2b2, establish halibut PSC by gear group: 750 mt longline, and 2,000 mt for trawl, leaving the other bycatch alternatives on the extended amendment cycle. The motion was seconded by Mark Pedersen and carried with Henry Mitchell objecting. (The motion was subsequently brought up for reconsideration - final motion covered later in these minutes.)

(6) Expand the Pacific cod trawl exemption zone in the BSAI.

Steve Pennoyer moved to maintain the status quo (regime under Amendment 12a) in order to have time to analyze data being gathered by observers. The motion was seconded by Bob Mace and carried, 8 to 3, with M. Pedersen, Mitchell and J. Peterson voting against.

(7) Implement a system of observer coverage and other recordkeeping requirements in the GOA and BSAI.

(a) Recordkeeping and Reporting Requirements

Henry Mitchell moved to adopt Alternative 2, implement a revised recordkeeping and reporting system. It is the Council's intent that every effort be made to remove the duplication of reports by ADF&G and NMFS prior to implementation on 1/1/90. The motion was seconded by Tony Knowles.

Don Collinsworth and Steve Pennoyer said they and their staffs will work to avoid duplication of effort to the extent possible.

There was considerable discussion about duplication of effort and the burden on industry to complete and submit the various forms. Staff from the Fisheries Science Center said they had consulted with industry, giving them the rationale for the data requested and offering to meet with any group to discuss criteria and forms.

Bob Alverson moved to amend the motion that would require catcher boat logbooks to be

submitted on an annual basis. The motion was seconded by Oscar Dyson.

Larry Cotter pointed out that if the Council begins to change parts of the composite program which has been developed and analyzed, it could defeat the effort to provide comprehensive information for management. Also, he suggested that receiving the data on an annual basis may also eliminate inseason application of the information.

The motion to amend failed, 6 to 5, with Alverson, Dyson, Mitchell, Peterson and Winther voting in favor.

The main motion carried, 10 to 1, with Bob Alverson voting against.

(b) Observer Program

The Council received a report from the Data Gathering Committee. The Committee recommended the Council adopt the following observer program beginning in 1990:

1. All vessels over 125 ft in length would require 100% observer coverage in 1990. After this first year the Council, in consultation with the NOAA Fisheries Regional Director could reduce the observer coverage as appropriate, possibly specifying certain times and areas.
2. All vessels under 125 ft capable of taking an observer would require 30% coverage unless the coverage specification is changed by the Council. Vessels to take observers would be selected annually by lottery.
3. Observers would be located at shoreside processing plants to augment the at-sea coverage.
4. Plan teams and scientists would provide to the Council each September estimates of the coverage needed for the next year. The Council would take final action on these recommendations at the September meeting.
5. Funding for the observers would be provided by the vessel carrying the observer.

The Committee also recommended that the Council schedule a discussion of an observer program for the crab and halibut fisheries at the September meeting.

Henry Mitchell moved to acknowledge the report of the Data Gathering Committee. The motion was seconded by Don Collinsworth and carried with no objection. It was noted that the Council was not voting to implement the recommendations of the Committee at this time, but to acknowledge receipt of their recommendations.

Larry Cotter moved that the Council implement a mandatory observer program that is frameworked to provide 100% or less observer coverage on a fishery-by-fishery, area-by-area, gear group-by-gear group basis. Levels of such coverage would be determined for each fishing year by the Council at the preceding September Council meeting. The motion was seconded by John Winther.

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Mr. Cotter noted that the motion is in essence Alternative 3 of the amendment document, except that the motion specified 100% or less coverage and that the Council would determine the level of coverage for the next fishing year at the September Council meeting.

During discussion of the motion, Mr. Cotter pointed out that the Council has previously declared to the Secretary of Commerce that in the absence of an observer program the Council is unable to fulfill its obligations under the MFCMA. The Council has received testimony from virtually every segment of the industry calling for an observer program because in the absence of such a program the Council is unable to manage the fisheries in the best interests of the industry and the nation.

He pointed out that the motion provides the Council the flexibility to look at particular fisheries and gear groups in the future and determine the level of observer coverage necessary to provide the type of data needed to manage the fisheries. NOAA General Counsel Craig O'Connor was asked to comment on whether the motion would give the Council flexibility to establish different levels of coverage on an annual basis tailored to specific areas and needs. Mr. O'Connor responded that based on the motion and Mr. Cotter's comments that it is anticipated that the prevailing needs at the time would be the basis on which the Council would make its determination of various levels for various participants. He asked Mr. Cotter what criteria would he contemplate the Council would use in making its decisions on specific coverage rates each year. Mr. Cotter suggested that the Council would rely on reports from NOAA Fisheries, the Alaska Fisheries Science Center, and plan teams to indicate fisheries where data are needed for proper management.

Mr. O'Connor suggested that the Council's discussion should reflect that their action is based on considerations that are discussed and analyzed in the amendment package. Mr. Pennoyer, quoting from the document, stated that the program is "to provide a comprehensive sample of the industry's activities over a wide geographical area and time period, observer deployment will be devised so as to achieve a statistically reliable sampling of the fleet's fishing and processing activities." John Peterson also pointed out that the document states, "The purpose of this program is to provide the Council and NOAA Fisheries with adequate and reliable fishery data upon which to (1) base inseason and inter-season management decisions; (2) efficiently carry out their resource management responsibilities; and (3) measure fishery performance against existing and proposed management measures." Mr. Cotter said that the motion is meant to incorporate all those considerations by reference.

The motion carried unanimously.

Under the assumption that a comprehensive observer program could not be implemented until the 1991 fishing year, Larry Cotter moved that the Council establish, for 1990, the following levels of observer coverage: All vessels 125 ft and over, 100% coverage; all vessels under 125 ft capable of taking an observer, 30% coverage. Observers would be located at shoreside processing plants to augment the at-sea coverage. Funding for the observers would be provided by the vessel carrying the observer, or by the shoreplant in which an observer is operating.

The Council shall appoint a technical team to flesh out the administrative aspects of the observer

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program. The technical team will include individuals with hands-on experience with observer programs from NMFS, ADF&G and Sea Grant, representatives from industry, and an experienced observer. The motion was seconded by Oscar Dyson. [During subsequent discussion, Mr. Cotter agreed to withdraw the last paragraph of the motion dealing with the technical team.]

Bob Alverson suggested that the motion should specify "125 foot overall as recorded on Coast Guard documentation."

In response to the level of coverage at shoreside plants, Mr. Cotter said that his intent is that the level be sufficient in combination with the at-sea coverage to provide close to 100% coverage of all groundfish harvests delivered to shore.

Mr. Cotter also pointed out that he wishes the Council to take action at this meeting to specify the level of coverage in the particular fisheries for 1990; then the technical committee, which could include members of the Council, would work during the summer to come back to the Council in September with their recommendations regarding the training program necessary to accommodate the levels of coverage anticipated for 1990 and any other aspects of the program they encounter which may need clarification. If they find the program is overly ambitious at this time, the Council could take steps in September to make modifications; however, he wishes to send a very clear signal to industry and the agencies that this is the level of coverage the Council wants for 1990. Steve Pennoyer said they have looked at the preliminary requirements and there are a number of operational details to be explored and worked out, including number of observers and funding.

Don Collinsworth suggested that the Council should convey their needs to NOAA Fisheries and the Secretary and defer the technical details to NOAA Fisheries. He also suggested that the last paragraph of the motion, to appoint a technical team, would not be needed. The Council could suggest to NOAA Fisheries that the Council would like them to establish an advisory group.

Larry Cotter agreed to delete the last paragraph of the motion calling for the appointment of a technical team. John Peterson suggested that if NOAA Fisheries encounters difficulties with the plan they can consult the Council's Data Gathering Committee for direction.

The motion carried, 10 to 1, with Mark Pedersen objecting.

Some Council members expressed concern over funding for the program. Don Collinsworth suggested that industry should go to Congress asking for a special appropriation of 100% funding for the first year in order to get the program underway and a declining appropriation for the next two years, with the goal of having the program totally industry-funded by the fourth year.

(8) Clarify Secretary's authority to split or combine species groups within the target species category in the GOA and BSAI.

Bob Mace moved to adopt Alternative 2, to clarify the Secretary's authority. The motion was seconded by Bob Alverson and carried without objection.

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Following these motions the staff was asked to prepare the necessary documentation (regulations and Changes to the FMPs) for final approval.

Final Approval of Amendments 13 and 18

Henry Mitchell moved to reconsider the sablefish allocation proposal. The motion was seconded by Steve Pennoyer and carried with no objection.

It was felt that in the original action taken, the possibility of overrunning bycatch and having to go to PSC status was not made clear.

Henry Mitchell moved to amend the original allocation as follows: 70% for fixed gear and 30% for trawl gear in the Aleutian Islands, with a mandatory review in two years (not a sunset). The motion was seconded by Bob Mace.

Larry Cotter moved to amend the main motion to change the allocation to 80% fixed gear and 20% trawl gear. The motion to amend was seconded by Oscar Dyson and failed, 6 to 5, with Collinworth, Cotter, Dyson, Knowles and Winther voting in favor.

It was clarified that the percentage allocations would be managed for bycatch first.

John Winther moved to amend the main motion to change the allocation to 75% for fixed gear and 25% for trawl gear. The motion was seconded and carried, 7 to 4, with M. Pedersen, Mace, Pennoyer and J. Peterson voting against.

The main motion carried as amended, 8 to 3, with M. Pedersen, Mace, and J. Peterson voting against. The motion, as amended is:

Adopt Alternative 3 and allocate black cod TAC between fixed and trawl gear as follows: BSA: 50% to fixed gear, 50% to trawl gear; Aleutian Islands: 75% to fixed gear, 25% to trawl gear, with a mandatory review in two years (not a sunset).

Steve Pennoyer asked to clarify the Council's action on the Halibut PSC framework (the Council approved Alternatives 2b(1) & (2)). The two options allow allocation of halibut PSC by gear type. The first one was to framework it, which is the way it is now. But then the Council approved an FMP amendment specifying 2,000 mt for trawl and 750 mt for longline. In absence of an observer program, determining what those numbers really should be has been very difficult. He suggested that perhaps the Council should not leave those numbers fixed in a management plan which would be difficult to change later.

Larry Cotter said that the two options under Alternative 2b(1) & (2) came from the Bycatch Committee. There could be a lot of pressure to raise the halibut PSC higher than 2,000 and that is the reason for this option - so it would be difficult to change that cap.

Bob Alverson pointed out that with the observer program beginning in 1990 they may have more reliable data and by adopting this alternative the Council may lose their flexibility to use that

information to adjust the caps.

Don Collinsworth said he would like to see a framework procedure through a regulatory amendment for the 1991 season, after the observer program is in operation. Steve Pennoyer said that it could be done now through a framework procedure so there would be that flexibility after observer data are available. The current motion is a plan amendment which would have to be changed later. If the Council stays with the status quo and uses the 750-2,000 mt split, then they would still have those numbers in place but could use the framework in 1991.

Bob Alverson moved to reconsider Council action on the Gulf of Alaska Halibut PSC. The motion to reconsider was seconded by Bob Mace and carried with Dyson and Knowles objecting.

Steve Pennoyer moved to set the halibut PSC rates in the Gulf of Alaska at 750 mt and 2,000 mt for 1990 and use the framework procedure for 1991. The motion was seconded by Bob Alverson and carried with no objection.

There were no further changes to the amendment proposals.

Mark Pedersen moved to approve the Changes to the FMP and the regulations subject to the staff reviewing them in fine detail to be sure they reflect the intent of the Council. The motion was seconded by John Winther and carried with no objection.

Henry Mitchell suggested that the Council, through the staff, should stay involved with the Fish & Wildlife Service in monitoring walrus research in the Bering Sea.

(c) Pollock roe stripping amendment.

At the April meeting the Council considered a request from industry to prohibit pollock roe stripping and to require full utilization in all groundfish fisheries. The Council asked the groundfish plan teams to prepare an amendment to the groundfish FMPs which addresses the pollock utilization issue. The Council also asked that the plan teams prepare a list of alternatives addressing the broader issue of discards and waste in groundfish fisheries, including roe stripping in other fisheries. The amendment was prepared and mailed to the Council prior to the meeting and a discussion paper entitled "Non-utilization in the Groundfish Fisheries off Alaska" was prepared and distributed to the Council at the meeting.

Report of the Scientific and Statistical Committee

The SSC recommended that the draft amendment not go out for public review. They suggested the document be revised with a clear statement of the problem, specific alternatives identified to solve the problem, and a more thorough analysis of the alternatives before the document goes out for public review.

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Report of the Advisory Panel

The AP recommended that the alternatives in the document include an option of a late season opening and an option of splitting the pollock TAC between the Western and Central Gulf of Alaska. With these additions, they recommended the document be sent out for public review.

There was no Public Testimony on this agenda item.

COUNCIL DISCUSSION AND ACTION

Don Collinsworth moved to approve for public review Amendments 19/14 to the Gulf of Alaska and Bering Sea/Aleutian Islands groundfish FMPs with the following addition: In Item #2, add "or a portion thereof"; the sentence would then read: "prohibit roe stripping in the Gulf of Alaska and Bering Sea, or portions thereof." The motion was seconded by Steve Pennoyer.

During discussion it was agreed that it should be made clear that the Council has the option of using traditional management measures in addition to those analyzed in the amendment. Don Collinsworth suggested that a descriptive paragraph, similar to the following, be added:

The Council may choose to use other traditional methods of regulations, including split seasons, etc., to implement any of or combination of the options described in the document.

Steve Pennoyer, who seconded the motion, agreed to this addition. Don Collinsworth said that it should not be necessary to analyze each of the traditional management measures in the document, only to be sure the public knows that the Council has the option of using them.

The motion carried without objection.

D-2 Gulf of Alaska Groundfish FMP

(a) Shelikof Strait Survey and Pollock Status of Stocks Report

In December the Council set the 1989 TAC for the Gulf of Alaska at 60,000 mt, with 6,250 mt apportioned to the Shelikof Strait and the remaining 53,750 mt to the Western/Central Gulf. Concern over whether the Shelikof Strait hydroacoustic survey still provides the best estimate of pollock biomass in the Western/Central Gulf, debate on the threshold concept, and concern over information indicating a severe decline in the pollock resource in the Gulf of Alaska prompted the Council to set a conservative TAC and to request that the Alaska Fisheries Science Center present the results of the 1989 hydroacoustic survey and an interim status of stocks report at the June Council meeting.

Staff from the Alaska Fisheries Science Center (AFSC) prepared a status of the resource document. Anne Hallowed, from the AFSC, summarized the survey results and explained how they were analyzed and projections made.

(b) Consider adjusting pollock TAC for rest of 1989

The Council received a request from industry to adjust the Gulf pollock TAC for the remainder of 1989.

Report of the Scientific and Statistical Committee

In light of the new information and analysis, the SSC recalculated the 1989 pollock ABC at 72,000 mt. They noted that the determination of ABC is subject to uncertainty due to lack of information about future recruitment and to statistical error in determining current biomass and exploitation rate. Noting the projected bycatch needs for pollock in other domestic fisheries for the remainder of 1989, they further recommended an observer program and sampling for age composition for pollock.

Report of the Advisory Panel

The AP recommended the Council increase the TAC for Gulf of Alaska pollock by 35,000-40,000 mt, to be released September 1, 1990.

Public Testimony on this agenda item is found in Appendix I to these minutes.

COUNCIL DISCUSSION AND ACTION

The Council discussed the request to raise the TAC in the Gulf above the ABC. They were concerned about setting a precedent. Also, it was pointed out that 1989 stock estimate is one of the lowest years on record and that the 1983 year class is also very weak.

Mark Pedersen moved to raise the TAC for pollock in the Western/Central Gulf of Alaska to 72,000 mt, using the increase for bycatch needs. The motion was seconded by Bob Mace.

Larry Cotter moved the following substitute motion:

That the pollock TAC in the Gulf of Alaska be increased by 35,000 mt, subject to the following conditions:

- (1) Prior to September 1, retention of pollock would be allocated for bycatch only;
- (2) Directed fishery could commence September 1;
- (3) Prior to commencement of a directed fishery NOAA Fisheries would develop and implement a written harvest management program w/primary focus on the generation of scientific information for the commercial fishery which would augment other pollock research programs;
- (4) In the absence of such a harvest strategy program no directed harvest will be allowed in 1989;

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- (5) If harvest rates in the fishery prove to be low enough to suggest severely depressed stock conditions, the fishery would be closed by emergency order immediately.

The motion to substitute was seconded by Oscar Dyson and failed, 6 to 5, with Collinsworth, Cotter, Dyson, Mitchell, and Winther voting in favor.

In further discussion of the original motion, Don Collinsworth pointed out that because of the oil spill, this is a critical issue for Kodiak and the Council must consider the social and economic factors as well as the biological.

Craig O'Connor said that his concern is overfishing. To allow a harvest above the ABC given the information the Council received from the plan team and SSC could have a negative effect on the resource.

The motion was amended through concurrence of the maker and seconder of the motion to include raising the ABC to 72,000 mt.

Tony Knowles requested that the motion be split into the two issues - (1) raising the ABC/TAC and (2) apportioning to bycatch. Mark Pedersen, the maker of the motion, declined. Mr. Knowles said he thought this was in order and the Council discussed tabling the motion until the issue could be clarified.

Henry Mitchell moved to table the motion until 9:00 a.m., June 23. The motion was seconded by Oscar Dyson and carried, 9 to 2, with Don Collinsworth and John Peterson objecting.

(c) Emergency Action to Implement the Single Species Rule in the GOA

In January the Council approved a regulatory amendment to implement the single-species rule in the Gulf of Alaska which would not take effect until at least mid-September. Industry has expressed concern that the single species rule will not be available to NOAA Fisheries in time to close several fisheries which are nearing their TAC and to allow retention of those species when taken as bycatch in other fisheries.

Bob Mace moved to request the Secretary to implement the single-species rule in the Gulf of Alaska by emergency rule. The motion was seconded by Mark Pedersen and carried with Steve Pennoyer objecting.

Craig O'Connor pointed out that the Council needs to develop a record to constitute the necessity of an emergency. Steve Davis pointed out that if the Council increases the TAC for pollock the emergency rule may not be necessary.

Larry Cotter stated his intention to call for a reconsideration of the motion on Friday, June 23.

Reconsideration of Pollock ABC/TAC Action

On June 23, the Council reconsidered their action on both the pollock TAC/ABC and emergency action on the single-species rule.

When the motion to raise the pollock ABC/TAC to 72,000 mt, apportioning it to bycatch, was brought back on the table on June 23, **Tony Knowles moved to divide the question.** The motion to divide was seconded by **Larry Cotter** and carried unanimously.

The motion to raise the ABC/TAC for pollock in the Gulf of Alaska to 72,000 mt carried unanimously.

Mark Pedersen withdrew the second part of the original motion (to apportion the additional TAC to bycatch) with the concurrence of the second.

Steve Pennoyer pointed out that until the single-species rule becomes effective, probably not until September, he has no discretionary authority and the 7,000 mt tons of pollock will be available for directed fishery until then.

The Council requested the groundfish plan team to consider all new information on Gulf pollock and report in September. The team also was asked to analyze the impacts of harvesting part of the projected 1990 TAC for pollock in the fourth quarter of 1989.

Reconsideration of Emergency Action on Single-Species Rule

The Council next discussed their previous action to request an emergency rule to implement the single-species rule in the Gulf of Alaska.

Because of concerns expressed by **Craig O'Connor** regarding the record established for approving the request for an emergency action, **Oscar Dyson moved to reconsider the motion to request the Secretary to implement the single-species rule by emergency action.** The motion to reconsider was seconded by **Henry Mitchell** and carried with no objection.

Although there wasn't much discussion of the original action at this meeting, **John Peterson** pointed out that the Council has dealt with this issue previously and a record was established when the regulatory amendment was originally considered. **Larry Cotter** said the justification is that the Regional Director must have the authority to designate species as bycatch only for specific gear groups or there is a possibility of exceeding TACs and ABCs. **Steve Pennoyer** said he's not sure what emergency might exist between now and mid-September when the rule will be in place. **Larry Cotter** replied that a significant amount of bycatch may result in overfishing, which would be an emergency. No one can predict what the bycatch of pollock will be before the rule goes into effect. If the Regional Director does not have the authority to deal with it under a single-species rule, all other fisheries that may conceivably take pollock as a bycatch may close prematurely.

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The motion to reconfirm the Council's earlier action carried, 10 to 1, with Pennoyer voting against.

- (d) Consider emergency action to provide additional Pacific cod TAC in the Western Gulf of Alaska

The Council received a request from industry to increase the harvest quota for Pacific cod in the Western Gulf to allow fishing to continue later this fall. The TAC is projected to be reached before that time.

Report of the Plan Team

The Gulf of Alaska groundfish plan team reviewed the request to raise the Pacific cod TAC in the Western Gulf and determined that there are no new data to justify a change in their recommendations in the RAD document for 1989. They believe the Pacific cod resource in the Gulf is a single stock and that the TAC should be distributed approximately as the biomass is distributed to regulatory areas; however, minor changes would not be of concern.

Report of the Scientific and Statistical Committee

The SSC concurred with the plan team.

Report of the Advisory Panel

The AP recommended that the Council not reapportion Pacific cod from the Central to the Western Gulf of Alaska. They also recommended that the Council request the plan team to address the issue of distribution of Pacific cod between the Western and Central areas as precisely as possible (using longline survey information) in the RAD for the 1990 fishing year.

Public Testimony on this agenda item is found in Appendix I to these minutes.

COUNCIL DISCUSSION AND ACTION

Mark Pedersen moved to reapportion 3,200 mt of Pacific cod from the Central to Western Gulf of Alaska; however, there was no second to the motion.

Bob Mace moved that the Council adopt the AP recommendation: not to reapportion Pacific cod at this time and to request that the plan team address the issue of distribution of Pacific cod between the Western and Central areas as precisely as possible (using longline survey information) in the RAD for the 1990 fishing year. The motion was seconded by Mark Pedersen and carried with no objection.

D-3 Bering Sea/Aleutian Islands Groundfish FMP

(a) NOAA Fisheries Report on Bering Sea Bycatch Management

The Amendment 12a package fully implementing the Council's bycatch management recommendations was submitted to the Secretary on March 30, 1989. If approved, the amendment will remain in effect through December 31, 1990. In September 1988 the Council asked NOAA Fisheries to prepare a more comprehensive bycatch management framework for 1990 and beyond. This framework was to be based on recommendations of the Council's Bycatch Committee and Ad Hoc Bycatch Group to provide bycatch controls for C. bairdi, red king crab, and halibut for all groundfish fisheries operating in the Bering Sea/Aleutian Islands.

NOAA Fisheries reported on current bycatch management actions. Tony Knowles asked for clarification of information he received indicating that although the 200,000 red king crab limit had been reached the fishery has not been closed and observers have not been required. Dale Evans, NOAA Fisheries, responded that at the present time there is no comprehensive observer program in the DAP fisheries which would provide sufficient data to accurately project bycatch. Steve Pennoyer explained that until Amendment 12a is in place there are no caps. NOAA Fisheries is monitoring the fishery using the Council's December decisions as a guideline as to how they want the fishery to proceed; they are monitoring the fishery in case of an increase in bycatch in Zone 1.

John Winther and Oscar Dyson both expressed concern over the fact that the caps they set in December are just guidelines at this time; they thought the fisheries would be closed when the caps were reached.

With respect to bycatch planning for 1990 and beyond, NOAA Fisheries submitted a report which presented options for prohibited species bycatch management. They suggested that in order to have any of the measures in place by 1990, an EA/RIR would have to be prepared for Council review in September, sent out for public review, and approved by the Council in December for Secretarial review. Any management action taken would still have to be implemented by emergency order.

Larry Cotter said that the NOAA plan seems to incorporate the intent of the Bycatch Committee although there are some areas of concern. He suggested that the document be developed as an EA/RIR.

Bob Alverson briefed the Council on recent industry meetings in Seattle to develop industry recommendations for bycatch management. The intent of the meetings was to come up with various options so that the Council could have them analyzed over the summer.

Council requested the staff to begin developing a preliminary analysis of bycatch alternatives to supercede Amendment 12a which expires at the end of 1990. Staff will begin to identify the data bases and assumptions that will be used for the EA/RIR. Assurances were given that new bycatch

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proposals could be added in September. All proposals would be analyzed during the 1990 groundfish amendment cycle.

The Council also expressed the need for more information on the basis for the Alaska-wide 6,000 mt halibut bycatch mortality cap supported by the IPHC.

(b) Report from AFTA on efforts to minimize herring bycatch

Ted Evans reported on current efforts to implement measures to minimize herring bycatch in the Port Moller and Bogoslof (Area 515) areas. AFTA has explained to their members the nature of the voluntary agreement to minimize herring bycatch and the methods they will use to implement it. Herring avoidance procedures have been discussed and they have agreed to establish a radio network for communication between vessels when schools of herring are encountered. The Port Moller fishery is only about one week old and to date there have been no reports of herring encountered. In the Bogoslof area, part of the agreement was to participate in the ADF&G sampling program; however they haven't made much progress on this point to date. They do have 20% observer coverage during the time period when herring are expected to be in the area. Mr. Evans clarified for the record that AFTA had agreed to report all tonnages of bycatch, including crab, halibut, etc.

Harold Sparck told Council members he is satisfied with the progress so far on the agreement. He has asked ADF&G to develop an observer program for inshore and offshore, but has not had any response at this time.

E. FINANCIAL REPORT

There was no financial report at this meeting.

F. PUBLIC COMMENTS

There were no further public comments.

G. CHAIRMAN'S REMARKS AND ADJOURNMENT

Chairman John Peterson bid good-bye to John Winther and thanked him for his interest and work on the Council. Captain White also was thanked for his involvement.

The meeting was adjourned at approximately 2:25 p.m. on Friday, June 23, 1989.