

North Pacific Fishery Management Council

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Date 9-27-91

MINUTES

**95th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT Council
January 15-17, 1991
Anchorage Hilton Hotel
Anchorage, Alaska**

The North Pacific Fishery Management Council met January 15-17, 1991 at the Anchorage Hilton Hotel in Anchorage, Alaska. The Advisory Panel began on January 14. The Scientific and Statistical Committee met by teleconference on January 8th. The Fishery Planning Committee and the Data Committee also met during the week. Members of the Council, and Advisory Panel attending the meetings are listed below.

Council

Bob Alverson, Vice 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

Richard Lauber
Henry Mitchell
Dave Hanson
Steve Pennoyer
Wally Pereyra
Clem Tillion for
Don Collinsworth

NPFMC Staff

Clarence Pautzke, Executive Director
Steve Davis, Deputy Director
Judy Willoughby
Jim Cornelius
Hal Weeks

Marcus Hartley
Helen Allen
Peggy Kircher
Gail Peeler
Chris Oliver

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Support Staff

Mark Pedersen, WDF
Earl Krygier, ADFG
Gregg Williams, IPHC
Loh-Lee Low, NMFS-AFSC
Jim Balsiger, NMFS-AFSC

Ron Berg, NMFS-AKR
Dale Evans, NMFS-AKR
Dave Flannagan, NMFS-AKR
Jay Ginter, NMFS-AKR
Lisa Lindeman, NOAA-GC

Advisory Panel

John Woodruff, Chairman
George Anderson
John Bruce
Al Burch
Phil Chitwood
Dave Fraser
Ed Fuglvog

Kevin Kaldestad
David Little
Loretta Lure
Pete Maloney
Jack Miller
Dan O'Hara
Perfenia Pletnikoff

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

General Public

Approximately 75 people attended the Council meeting. The following members of the public signed the attendance register:

Brian Bigler
Michael Lake
Doug Dixon
Jim Wexler
Dick Peyser
Kris Norosz
Hiro Watanabe
R.F. Morgan
Steve Hughes
Denby Lloyd
Fred Kirkes
Robert Miller
John Iani
Linda Behnken
Lonnie Chesnut
Jan Standaert
Mike Syzmanski
Dr. David Harrison
Dwight Riederer
Mel Morris

Brad Matsen
John Henderschedt
Jack E. Crowley
Shari Gross
Dan Zantek
Joan Gruver
Tyson Vogeler
Joe Plesha
Paul MacGregor
Pat Marcuson
Chris Blackburn
Tim Renschler
Larry Paus
John Crowley
Steve Tuenstrup
Bruce Buls
Norm Stadem
Alec Brindle
Carvel Zimin, Jr.
Bob Wienhold

Margaret Watson
Thorn Smith
Polly Perchal
Kathy Grimmes
Dan Oliver
Denis M. Robinson
Don Castle
Roger Woods
Diana Tillion
Vic Horgan, Jr.
Marco Pignalberi
Richard Petre
Janet Smith
David Smith
John Dolese
Dan Winn
Jon Wetzel
Dem Cowles
Arni Thomson
Steve Grabacki

NOTE: Public testimony on all agenda items is found in Appendix I to these minutes.

A. CALL TO ORDER, APPROVAL OF AGENDA AND MINUTES OF PREVIOUS MEETING(S)

Vice Chairman Bob Alverson called the meeting to order at 8:05 a.m. on Tuesday, January 15, 1991. Clem Tillion, newly appointed alternate for the Commissioner of the Alaska Department of Fish and Game, was welcomed to the Council. Steve Pennoyer administered the Oath of Office.

Agenda. Larry Cotter asked to reschedule Agenda item D-1(a), a draft salmon bycatch statement, for the April Council meeting. Mr. Cotter also asked that the Council discuss a possible program to deal with vessels or plants that may go bankrupt in overcapitalized fisheries; the Council agreed to discuss under Agenda item C-11, Other business. The Council also agreed to defer the salmon bycatch item to the April meeting. The agenda was approved with these changes.

Minutes of Previous Meetings. The minutes for the June/August and September 1990 Council meetings were approved as submitted.

B. REPORTS

B-1 Executive Director's Report

Chairmen's Meeting. Council members were provided with a draft agenda for the Chairmen's meeting scheduled for February 7-9. Bob Alverson and Clarence Pautzke will attend. Mr. Blum suggested that during the meeting Dr. Pautzke and Mr. Alverson should try to get a sense of what other Councils are doing with regard to standards for social impact analyses. Steve Pennoyer said he would advise Dr. Fox the Council is interested in this subject.

Coast Guard Flight. Council members were advised of an invitation from RADM Ciancaglini to take a Coast Guard flight to the Eastern Bering Sea the day before the April Council meeting in Kodiak. Dr. Pautzke and CDR Kyle will arrange details.

June Meeting Conflict. Dr. Pautzke advised the Council of a possible conflict for the June Council meeting when a meeting of the U.S.-U.S.S.R. Bering Sea Fisheries Advisory Body has been tentatively scheduled. Because of public review periods for the groundfish amendments and the inshore/offshore proposal, it would be difficult to move the Council meeting forward. In addition, sleeping space in Anchorage during the summer months is limited. The Council discussed moving the June meeting to Seattle so that it could be rescheduled to July; however, it was pointed out that canceling the contract with the Hilton would cost the Council approximately 80% of any revenue lost by the hotel. The Council decided to leave the meeting as scheduled in hopes that the other meeting can be rescheduled.

1992/93 Meetings. The Council also discussed tentative meeting dates for 1992 and 1993. Bob Mace invited the Council to meet in Portland for the January 1992 meeting. The Council discussed several possibilities for meetings outside of Anchorage, inside and outside of Alaska. The Council agreed to the following tentative meeting dates and locations for 1992/93:

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1992

Week of January 13 (Portland)
 April 20 (Sitka)
 June 22 (Anchorage)
 September 21 (Anchorage)
 December 7 (Anchorage)

1993

January 11 (Anchorage)
April 19 (Anchorage)
June 21 (Anchorage)
September 20 (Anchorage)
December 6 (Seattle)

Prohibition on retention of hybrid Tanner crab. At the request of a Council member, Denby Lloyd of the Alaska Department of Fish and Game was available to brief the Council on the Department's decision to prohibit retention of C. bairdi x C. opilio hybrid Tanner crab. Mr. Lloyd reported that the Department has not creating any new regulations in their recent news release on this issue. They are merely reinforcing existing regulations prohibiting retention of hybrid C. bairdi x C. opilio crab. There have been some enforcement concerns that some operators have been bringing in undersized crab, particularly undersized bairdi and indicating to enforcement officials that they are hybrids. The State Attorney General's Office and the Division of Public Safety have some difficulty with enforcement action unless it is clear to industry participants that there is a prohibition against retention of hybrids. The Department does not anticipate that the prohibition is going to cause legitimate operators difficulty. Data indicate that the hybrid resource is very small, 1% or less of the total Tanner crab population. Mr. Lloyd stressed that they are not planning to prosecute on very small percentages of hybrids in catches. He suggested that if the Council has further concern, the issue can be directed to the Alaska Board of Fisheries for further clarification. Council members requested that staff explore how this relates to the Council's Crab FMP and report back in April.

NOTE: Because of the short time between the December and January meetings, formal reports from National Marine Fisheries Service and the Coast Guard were not on the agenda.

C. NEW OR CONTINUING BUSINESS

C-1 Confirmation of AP Officers

Rick Lauber moved to confirm John Woodruff as Chairman and Dave Fraser as Vice Chairman of the Advisory Panel. The motion was seconded by Wally Pereyra and carried unanimously.

C-2 Halibut Management

In December, the Council reviewed a draft analysis of alternative management strategies for the halibut fishery in IPHC Area 4E. The Council voted to recommend to the Secretary that Area 4E be geographically divided into north and south sub-areas with separate catch shares for each sub-area from the total 4E catch limit. The Council's recommended alternative calls for 70% of the total catch limit to be apportioned to the north sub-area and 30% to the south sub-area. There is also a provision that requires 50% of any unharvested quota from the north sub-area to be transferred to the south sub-area on August 1. The regulatory package has been forwarded to the Secretary and the Council was provided with a copy of the proposed rule for review and comment.

Bob Trumble, IPHC, requested clarification of Council intent with regard to the transfer of one-half of the unharvested quota from the north sub-area to the south sub-area on August 1. The Council clarified that their intent is that the transfer be made, but that IPHC should have the flexibility to not reopen the fishery if the quota is too small to manage.

C-3 Marine Mammals

Dr. Aron, Director of the Alaska Fisheries Science Center, reported on recent research on sea lions. The Council was provided with a more detailed written report. A draft report from the team working on a sea lion recovery plan should be available soon. Workshops and hearings on the draft plan will be held in Anchorage and Seattle. Bob Alverson suggested the topic be on the April agendas for the AP and SSC meetings.

C-4 International Fisheries

Donut Area

In December the Council requested that the Coast Guard and NMFS routinely report on foreign and domestic operations in the Donut area. The Council also scheduled for this meeting a discussion of ways to discourage domestic fisheries outside 200 miles.

Report of the Advisory Panel

The AP reiterated its September 1990 action to oppose the entrance of all fishing vessels in the Donut area. The AP further recommended that the Council adopt an amendment proposal that would prohibit fishing in the Donut Hole, that permit sanctions within the U.S. EEZ be listed, and that companies with multiple vessels be sanctioned if any of their vessels fish in the Donut.

COUNCIL DISCUSSION AND ACTION

CDR Kyle provided a detailed list of 250 foreign vessels that operated in the Donut Hole during 1990; eighteen U.S. vessels operated there in November and December. Council members requested the names of the U.S. vessels operating in the area. Steve Pennoyer told the Council that this may be confidential information. It was pointed out that since the activity took place outside of the U.S. EEZ, confidentiality rules may not apply.

Council members tabled action on this agenda item until after an executive session to discuss ongoing international discussions and negotiations. Following the executive session, the Council discussed appropriate actions.

Steve Pennoyer moved to agenda for the April meeting a discussion of the preparation of an appropriate plan amendment to regulate the activities of U.S. vessels fishing in the waters of the Central Bering Sea beyond the U.S. EEZ. The scope of this discussion will include measures from a disincentive to participate in the Donut to the appropriate measures to manage such effort, including such concepts as harvest limits, observer requirements, real-time satellite vessel location devices, catch reporting, check-in and check-out provisions, and prohibited species restrictions for bycatch of salmon and other species. The motion was seconded by Henry Mitchell.

As background for the motion, Mr. Pennoyer offered the following: The Council is very concerned by the preliminary reports received at this meeting on activities of U.S. vessels in the Donut hole at the end of 1990 season in contradiction to Council policy, including catches, bycatches and the lack of observer coverage and adequate harvest monitoring. The Council recognizes that the finalization of these data and discussions that will occur in February between the U.S., U.S.S.R., and other

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nations fishing in the Donut hole in both scientific and negotiating sessions will provide valuable information to support Council consideration of appropriate management measures for fisheries in this area.

The motion carried unanimously.

Henry Mitchell moved to recommend to the Coast Guard that in the ensuing months they expand their effort and allow for some voluntary boardings of vessels fishing in the Donut to give an accounting of what they have on board. The motion was seconded by Joe Blum and carried without objection.

PICES

The Council also received written material on a draft convention establishing the "North Pacific Marine Science Organization."

C-5 Inshore-Offshore Allocation

Jim Cornelius and Marcus Hartley provided the Council with a brief report on the ongoing economic analysis. The analysis is scheduled for first review by the Fishery Planning Committee in a mid- or late February committee meeting. The social impact analysis is also on schedule with completion of the six community profiles undergoing technical review. A first draft of the biological analysis is scheduled for initial review by the Fishery Planning Committee at their February meeting.

Report of the Fishery Planning Committee

At their meeting on January 14, the Committee also received a status report on the analyses and scheduled reviews of the draft documents at meetings to be held February 27 and March 19. The Committee reviewed a letter from the American Factory Trawlers Association concerning the adequacy of the social impact analysis with regard to the community profile for Ballard. Staff recommended to the Committee that any response be held until the first draft of the social impact analysis is available for Committee review.

Report of the Advisory Panel

The Advisory Panel requested that drafts of the analyses be made available for review before the April Council meeting.

COUNCIL DISCUSSION/ACTION

This was an information item. No Council action was taken.

C-6 Council Policy on Use of Private Funds for Analyses

In December the Council requested staff to draft a policy on the use of industry funds to analyze proposed changes to fishery plans and regulations. The Council was provided with draft policy language for consideration.

Report of the Advisory Panel

The AP felt that the policy that currently exists is adequate. They would prefer that any additional funds for research and analysis be appropriated by Congress or generated by an equitable user fee.

The **Fishery Planning Committee** reviewed the draft policy and recommended editorial changes for Council consideration.

COUNCIL DISCUSSION AND ACTION

Rick Lauber moved not to adopt a general policy on receiving private funds for analyses, but to consider offered funding on a case-by-case basis. The motion was seconded by Joe Blum.

Council members felt that accepting funds from industry for specific analyses could cause difficulties in prioritizing Council projects and that current Council practice is sufficient. It was suggested that should industry wish to contribute to analyses, perhaps a general fund could be established which would be used in accordance with Council priorities.

The motion carried unanimously.

C-7 Future Management Planning

The Council was scheduled to receive Fishery Planning Committee recommendations on planning for sablefish, halibut, other fisheries, and the moratorium, and take action as appropriate.

Report of the Fishery Planning Committee

Sablefish and Halibut IFQs. The Committee reviewed the three proposals for a sablefish IFQ system: the Council's tabled motion, a proposal offered by Council members Clem Tillion and Ron Hegge, and a proposal from Mark Lundsten. The Committee recommended that the Council accept all three alternatives for analysis as well as the original design as initially considered at the June 1990 meeting and retain the flexibility to choose provisions from any of the four in fashioning the final preferred alternative. They also recommended that the revised analysis of the sablefish IFQ alternatives be available in April for Council approval for public review. However, they also recommended that the final amendment package, to be approved in June, not be forwarded to the Secretary until after the final decision on halibut IFQs, scheduled for September 1991.

Moratorium. The Committee recommended that it develop alternative approaches for the moratorium at its March 19 meeting and bring them back to the Council in April for initial review. In April, the Council would decide whether or not to proceed with analysis of moratorium alternatives after reviewing staff availability.

With regard to planning schedules for other fisheries, the Committee noted that there would probably be no staff available to perform analyses until 1992.

COUNCIL DISCUSSION AND ACTION

Joe Blum moved to adopt FPC recommendations under items #2 and #3 of the Committee report:

2. SABLEFISH AND HALIBUT IFQs

The Committee reviewed the three proposals for a sablefish IFQ system: the Council's tabled motion, Mark Lundsten's proposal, and a proposal offered by Council members Clem Tillion and Ron Hegge. The Committee reviewed a staff comparison of the proposals to verify the provisions of each. The attached table has been revised in accordance with Committee clarifications. The Committee recommends that the Council retain all three alternatives for analysis, and the flexibility to chose provisions from any of the three in fashioning the final preferred alternative.

Concerning the exclusive registration areas in the Tillion/Hegge proposal, the Committee recommends that the present sablefish management areas be used in the Gulf of Alaska. For sablefish in the Bering Sea and Aleutian Islands, management areas would be based on the current broad management areas of Eastern Bering Sea and Aleutian Islands; however, when analyzing halibut, the IPHC regulatory areas would be used and further subdivision may be necessary.

The Committee recommends that the revised analysis of the sablefish IFQ alternatives be brought back in April for Council approval to go out for public review. Final action would be scheduled for June but the preferred alternative Amendment package would not be forwarded to the Secretary until after the September 1991 Meeting during which the Council is scheduled to make its final decision on halibut.

Concerning further development of alternative halibut IFQ systems, the Committee recommends that the analytical team move ahead with preliminary analyses using the same alternatives as for sablefish. At the February 27 meeting, the FPC may suggest revisions to the alternatives as they apply to halibut. The analytical team will use the current IPHC regulatory areas for the initial analysis with the option to include subareas within those areas. The initial analysis is due back for Council review in June 1991 for approval for public review in the summer. The final decision will be scheduled for September 1991. Target implementation dates for both sablefish and halibut systems, if approved, would be January 1, 1993.

3. MORATORIUM

The committee recommends that it develop the alternative approaches for the moratorium at its March 19 meeting in Seattle and bring those alternatives to the Council in April for initial review. In April, the Council will decide whether or not to proceed with analysis of the moratorium alternatives after reviewing staff availability. The Committee requested that the staff issues paper on moratorium developed in September be made available to them this week.

The motion was seconded by Wally Pereyra.

Henry Mitchell moved to amend to include an analysis of community development quotas as adopted in the June 1990 system; however, the motion was withdrawn after Council discussion determined that previous portions of the system which had been analyzed would be included in any public review document and available for Council consideration in a final system.

The motion carried unanimously.

Ron Hegge asked that the staff provide information with regard to the Capital Construction Fund and how vessels might be replaced under the proposed moratorium. It was agreed that the Fishery Planning Committee will consider this at their March meeting when they discuss moratorium alternatives.

C-8 Research Priorities

The Council was provided with a list of priority research topics by the groundfish plan teams and research priorities developed by the SSC during their January 8 teleconference (both items included as Appendix II to these minutes).

Report of the Advisory Panel

The AP recommended the following topics be given highest priority for research in 1991-92:

1. Maintain the continuity of stock assessment surveys. If possible, the AP would recommend annual surveys in the Gulf of Alaska rather than the current triennial program. They also felt that more frequent surveys are need in the Aleutian Islands as well as expanded assessment efforts on crab stocks.
2. Develop the Alaska Fishery Monitoring System as recommended in the SSC's report.
3. Expand research to enhance analysis of resource allocation issues, including biological, economic, and social impact requirements.

The AP also recommended that the Council seek all means possible to achieve better information for real-time management of fisheries and resources.

COUNCIL DISCUSSION AND ACTION

Joe Blum moved that the Council send to the Secretary the research activities recommended by the SSC. The motion was seconded by Wally Pereyra.

During Council discussion, it was clarified that the Council also wished to include a high priority for research on pollock stocks in the Western and Central Gulf of Alaska and on studies of mortality of halibut and crab taken in groundfish trawls.

Council members asked whether they would have the opportunity to review this list before any projects are initiated for the purpose of prioritization. Steve Pennoyer said that they have

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periodically reviewed projects for the Council as they are initiated. He also pointed out that most of the research items listed are expansions on current projects.

The motion carried without objection.

C-9 Foreign Ownership

The Council received the GAO report on the Anti-Reflagging Act and its impact on U.S. fishing and ship rebuilding. There is a some confusion over the interpretation of documentation of vessels and controlling interest. The Coast Guard interprets the Act to allow grandfather rights to run with the vessel. The matter is in litigation.

This was an information item. There was no Council action taken.

C-10 North Pacific Fisheries Research Plan

The Fishery Conservation Amendments of 1990 reauthorizing the Magnuson Act included an authorization for the Council and Secretary to develop and implement a North Pacific Fisheries Research Plan which provides for the placement of observers on fishing vessels and processing plants, and allows the establishment of a user-fee system to pay the observer costs.

The Council was scheduled to receive a Data Committee report and approve user-fee design options for analysis. A discussion paper on possible user-fee system alternatives and a work schedule were prepared by staff for Council consideration.

Data Committee Report

The Data Committee had the following recommendations for Council consideration:

1. In general, it was the opinion of the committee that to have an approved user-fee system in place by the beginning of the 1992 fishing season, the analytical team should focus its attention on just the user-fee program and prepare an analysis using the assumption that the 1992 observer plan will be same as that approved 1991 (e.g. 100%/30% coverage on groundfish vessels/processing plants).
2. That fees be collected from fishermen and processors who participate in fisheries within the Council's jurisdiction who benefit from the observer program (e.g. fees would be collected from the crab and halibut industry even though the observer program currently focuses on data needs in the groundfish fisheries).
3. That in addition to the alternatives and options listed in the discussion paper, the option of collecting fees on a quarterly basis be included in the analysis.
4. That in addition to considering poundage fees assessed by applying the fee rate to exact production figures, that a fee table similar to a tax table, be considered as a simpler alternative. This approach contemplates a series of production ranges for which a flat fee is assigned. Fishermen and processors who find their production falls within a specified range would pay the corresponding fee.

5. That the user-fee program be developed as a stand-alone plan outside the Council's FMP's.
6. That the analytical team, the Council, and NMFS work toward having a draft analytical package ready for public review at the Council's April meeting. This deadline (if feasible) would be the first step in getting the program in effect by 1992.

The Committee also recommended several questions and issues that need to be researched by NMFS and NOAA-GC with regard to a user-fee system:

1. Is there a way to borrow start-up funds from NOAA or the U.S. Treasury to be repaid once industry funds start being collected?
2. Can NMFS deficit spend in a similar fashion as Congress?
3. Must fee assessments be expressed as a percentage? Or can the fees be expressed as poundage fees which translate to a specific percentage of a species value?
4. In developing the North Pacific Fisheries Research Plan as a stand-alone plan, must NEPA requirements be satisfied? Are there any other federal requirements that the Council should be made aware of?

The Committee also discussed a letter from industry questioning the procedure used by NMFS in developing their proposed product recovery rates for 1991. NMFS staff provided a report on the proposed rule, their intent to utilize public comment, and the data currently used in calculating the PRRs. The Committee recommended that the Council request NMFS to consider conducting quarterly reviews of PRRs using fishery data gathered during that period and make revisions as necessary.

Report of the Advisory Panel

The AP recommended that (1) the Council begin development of a program to be in effect by 1992; (2) that the Council support an industry delegation to seek Congressional seed money to pay observer program costs in the first year (above and beyond the amount requested by NMFS and the Council for research); and (3) that the Council request NMFS to develop costs of the observer and user-fee programs, so that industry can see how the money will be spent and what benefits will be gained.

COUNCIL DISCUSSION AND ACTION

Larry Cotter moved to adopt action items 1-6 in the Data Committee's report. The motion was seconded by Steve Pennoyer.

During discussion Council members expressed interest in several aspects to be covered in the program. An analysis of product recovery rates on a quarterly basis was suggested and Council members wished to avoid collecting tax on the same fish twice.

Larry Cotter moved to amend the motion to include an option that fees charged to catcher vessels would be deducted by and submitted by the processor for forwarding to the appropriate government agency. The motion was seconded by Clem Tillion and carried without objection.

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Rick Lauber moved to give direction to the drafting group that proposals submitted would be such that the fish is only taxed once. The motion was seconded by Henry Mitchell and carried without objection.

Council members suggested the drafting team invite participation by someone from the State of Alaska's revenue department to explain how their system works. It was suggested that the current systems being used by both Alaska and Washington be reviewed when drafting the Council's program.

The main motion carried, as amended, without objection.

Joe Blum moved that the Council follow through on the four questions for NOAA General Counsel as outlined in the Data Committee report. The motion was seconded and carried without objection. The Council also suggested that they be provided with an estimate of the overhead that might be required to be part of the funds to match what industry will be paying.

Product Recovery Rates

With regard to product recovery rates, the Council received a report from Dale Evans, NMFS, indicating that they feel the rates used are close enough for TAC monitoring objectives. With the many different fisheries, areas, seasons, etc., they don't have the staff capability to calculate and adjust inseason for product recovery rates at this time.

Larry Cotter moved to adopt the Data Committee recommendations with regard to product recovery rates. The motion was seconded by Joe Blum and carried without objection.

Steve Pennoyer said they will do the best they can with the resources available.

C-11 Other Business

Larry Cotter asked that the Council agenda for the April meeting include a discussion regarding bankruptcies subsequent to a Council determination of overcapitalization in a fishery. Council members felt that this was not an area for Council involvement. Ron Hegge suggested the idea could be correlated with the Capital Construction Fund by declaring all fisheries in the North Pacific as conditional fisheries.

Larry Cotter moved to agenda the subject for the April meeting. The motion was seconded by Clem Tillion and failed, 7 to 4, with Cotter, Dyson, Lauber and Tillion voting in favor.

D. **FISHERY MANAGEMENT PLANS**

D-1 General Groundfish

(a) Consider joint statement w/Alaska Board of Fisheries on salmon bycatch.

This agenda item was deferred to the April Council meeting.

(b) Receive feasibility report on annual trawl surveys in Gulf of Alaska.

During its December meeting, the Council requested the Alaska Fisheries Science Center to evaluate the feasibility of annual trawl surveys in the Gulf of Alaska to improve our understanding of the status of commercial important stocks.

Dr. Aron, Director of the Alaska Fisheries Science Center, reported that the cost for the triennial survey in the Gulf of Alaska includes both ship time and personnel expenses, travel, equipment, and data analyses. The survey should involve 300 days of ship time. The survey is scheduled on a triennial basis because the Center is responsible for a broad sampling program with a finite budget and ship time through the NOAA fleet is also limited. Ship time in the NOAA fleet has been cut by approximately 50% in the last four years. The Gulf survey is a mix of chartered vessels along with the NOAA vessel MILLER FREEMAN. The total approximate cost for this survey is over \$2 million. Dr. Aron said that the Center would not recommend annual surveys in the Gulf even if addition funding was available. They would instead recommend establishing a series of index stations in the Gulf which would be repeated on an annual basis. In the second and third years, instead of repeating the survey, they would concentrate on critical problems, i.e., rockfish, codfish.

Dr. Aron told Council members that they have begun working with communities and industry to develop an interim report on rockfish. Because industry participants have specialized knowledge of their particular fishery they can provide the managers with valuable information for sampling strategies for particular fishery problems. In the case of sablefish, the Center has contracted with a private commercial fishing vessel for a survey. The Center will establish a cruise track to be followed and the sampling regime and provide the actual fishing gear used in the survey. The vessel will then be allowed to retain the fish, thus reducing charter costs substantially. The Center is hoping to develop other such arrangements in fisheries where managers need critical fishery data.

Council members offered to write a letter to Dr. Fox supporting the Center's efforts.

(c) Status of Council Projects

Dale Evans, NMFS-Alaska Region reported progress on several projects:

- Amendments 19/14 became effective January 1.
- The Amendment 21/16 package is due to be filed any time in the Federal Register.
- Amendment 16a is being prepared and expected to be effective in June.
- Amendment 16b (revised incentive program) has been filed; the comment period will close at the end of January and should be effective soon after if the cooling-off period is waived.
- The crab and salmon overfishing definition amendments are in the public comment period which closes toward the end of January.
- The action for the Bogoslof pollock TAC is in Washington, DC, and should be effective by the end of January.

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- A preliminary analysis for the seasonal allocation of Bering Sea cod has been drafted.
- Amendments to delay of the second quarter Gulf of Alaska pollock season to coincide with the Bering Sea B season, and delay the Gulf longline sablefish season to May 15 are both in Washington, DC, and should be effective by April 1.
- The emergency rule to complement revised Amendment 16, the vessel incentive program, is also in Washington, DC, and should be implemented almost coincidental with Amendment 16.
- The Region has not had time to prepare the regulatory amendment to prohibit longlining of pots but it will proceed on the regular regulatory amendment schedule and should be implemented in a timely manner.
- The regulatory amendment to delay the Bering Sea flatfish fisheries to May 1 and increase the flatfish retention in the rocksole fishery has been completed and was effective on January 1.
- The revisions to the domestic observer program and the reporting requirements went in as separate packages and are in Washington now; publication of the interim final rule is imminent.
- Halibut Area 4E regulations are in Washington being process. NMFS hopes to have the process completed in time to get them included with the Halibut Commission regulations.
- Final groundfish specifications for the Gulf have been sent to DC and the Bering Sea specifications should go out next week.

Clarence Pautzke reviewed the status of ongoing Council projects and tasking provided in Council notebooks.

COUNCIL DISCUSSION AND ACTION

Seasonal allocation of Pacific cod in the Bering Sea/Aleutian Islands. Steve Pennoyer told the Council that they have begun preparing the analysis but wished more Council discussion surrounding the emergency aspect of the rule. Because of the shortened cycle of an emergency rule less time is available for a full public review process and therefore emergency rules should be surrounded by as little controversy as possible.

Henry Mitchell moved to reconsider the December motion on quarterly allocation of Pacific cod by emergency rule. The motion was seconded by Joe Blum and carried, 6 to 5, with Alverson, Cotter, Dyson, Lauber and Tillion voting no.

Mr. Pennoyer reviewed some historical data relating to the fishery, noting that between 1988-90 there was an increasing trend in the longline portion of the total harvest. In none of the years was the total TAC taken for varying reasons.

It was pointed out that if the Council uses an emergency rule in this instance, they may not be able to use it again next year and, because of staff limitations, completing an amendment for implementation in 1992 may not be possible.

Some Council members felt that the issue could be handled in other ways and that there is no emergency at this time, however others felt that by not taking action, another type of allocation would take place. There was concern that more trawlers coming into the fishery in a derby-type situation will cause more bycatch, gear conflicts, loss of product quality, and safety problems.

Larry Cotter said if the Council does not proceed with the emergency rule it's possible that most of the Pacific cod TAC will be taken in the first half of the year. He also pointed out that 85% of the halibut PSC for that fishery has been allocated to the first six months of the year. The 60/40 split the Council specified very closely approximates the actual fishery for 1990.

By not taking further action, the Council reaffirmed it's December motion to proceed with the allocation as an emergency rule.

Minor Species Exemption from Overfishing Definition. The Region advised the Council that with the new overfishing definitions coming into effect, there could be some problems with some fisheries where the ABC and TAC are equal to the overfishing definition, specifically rockfish in the Gulf and Bering Sea, Atka mackerel and Pacific cod in the Bering Sea. When it appears that the TAC is going to be reached, the Region will have to close the fishery to directed fishing and reserve enough for bycatch. The Region suggested that the Council consider amending the overfishing definition to give them more administrative flexibility. Emergency action would be required for rockfish, and possibly other fisheries that take rockfish as bycatch.

Bob Mace moved to request an emergency rule that would seek an exemption from the overfishing definition in Gulf of Alaska for shortraker rougheye rockfish and place the proposal in the current amendment cycle for both the Gulf of Alaska and Bering Sea/Aleutian Islands. The motion was seconded by Steve Pennoyer and carried, 7 to 2. Cotter and Hegge voted no; Mitchell and Tillion were not present for the vote.

Other Actions

Joe Blum moved to send a letter to the Secretary indicating that the Council views the bycatch incentive program as a very high priority. The motion was seconded by Wally Pereyra and carried without objection.

Ron Hegge moved to begin the amendment process for quarterly allocation of cod in the Bering Sea. The motion was seconded by Joe Blum.

Clarence Pautzke expressed concern that staff already has its hands full with other amendments and projects and that it may not be possible to complete this amendment in this cycle. Steve Pennoyer suggested that it be included on the list of fairly high priority items and come back to it when priorities are established.

The motion carried, 9 to 2, with Mace and Pereyra voting no.

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Joe Blum moved that the analysis of a separate Bogoslof TAC be added to Amendment 22/17, due for initial review in April. The motion was seconded by Steve Pennoyer and carried without objection.

The Council took no action at this time on delay of the 2nd quarter Western/Central pollock season to June 1 and recommended that changing the fishing year and snail management be considered for the next regular amendment cycle.

E. FINANCIAL REPORT

There was no financial report at this meeting.

F. PUBLIC COMMENTS

There were no further public comments.

G. ADJOURNMENT

Bob Alverson adjourned the meeting at 2:36 p.m. on Wednesday, January 16, 1991.