

North Pacific Fishery Management Council

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Certified

James O. Campbell
James O. Campbell
Chairman

Date

3/21/86

MINUTES

70th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
January 15-17, 1986
Centennial Building
Sitka, Alaska

The North Pacific Fishery Management Council met January 15-17, 1986 at the Centennial Building in Sitka, Alaska. The Scientific and Statistical Committee and Advisory Panel began Monday, January 13. The Permit Review Committee met on Tuesday, January 14, and the Finance Committee met on Thursday, January 16.

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

Council

James O. Campbell, Chairman
Rudy Petersen
Don Collinsworth
Russ Cahill for
Bill Wilkerson
RADM Robert Lucas
Oscar Dyson

Robert U. Mace for
John Donaldson
Robert McVey
Henry Mitchell
John Harville
Sara Hemphill
John Winther

NPFMC Staff

Jim H. Branson, Executive Director
Clarence Pautzke
Judy Willoughby
Steve Davis
Jim Glock

Ron Miller
Ron Rogness
Terry Smith
Helen Allen
Peggy Kircher

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Support Staff

Joe Terry, NMFS-NWAFC
Ron Berg, NMFS
Craig Hammond, NMFS
Pat Travers, NMFS
Jim Brooks, NMFS

Jim Balsiger, NMFS-NWAFC
Loh-Lee Low, NMFS-NWAFC
Fred Gaffney, ADF&G
Bill Robinson, NMFS

Scientific and Statistical Committee

Don Rosenberg, Chairman
Bill Aron
Douglas Eggers
Larry Hreha
Tom Northup

Richard Marasco, Vice-Chairman
Phil Mundy
Don Bevan
John Burns
Terry Quinn

Advisory Panel

Larry Cotter, Chairman
Bob Alverson, Vice-Chairman
Thorn Smith
Tom Stewart
Ron Hegge
Pete Isleib
Rick Lauber
Don Rawlinson
Walter Smith
Richard White

Terry Baker
Joseph Chimegalrea
Al Burch
Rupe Andrews
Eric Jordan
Nancy Munro
Al Osterback
Julie Settle
John Woodruff
Greg Favretto

General Public

It was estimated that approximately 150 people attended the Council meeting during its session, including the following:

Ken Kobayashi, JDSTA
Lori Hamilton, Washington
Ted Evans, AFTA
Jeff Sanders, W. AK Salmon Coalition
Steve Drage, Oregon
Eric Olsen, Seattle
Gary Westman, Washington
David Harville, Kodiak
Tomasz Pintowski, Polish Embassy
Andrzej Budzinski, Polish Embassy
Richard Draves, Northern Deep Sea Fisheries
Fred File, Petersburg
John White, Bethel
Donald McCaughran, IPHC
Vern Hall, Kodiak
Ted West, Alaska Fisheries
Jim Russell, Alaska Fisheries

H.A. Larkins, MRCI
Barry Collier, PSPA
Nancy Davis, Quest
Dean Paddock, King Salmon
Frank Schnider, Washington
Gary Embree, Seattle
Arni Thomson, Seattle
Charles Wilson, Seward
Ben Hogevooll, Oregon
Jeff Hendricks, Alyeska Oceans
Ron Peterson, Seattle
Fred Yeck, Oregon
Robt. Chevalier, Sitka
Susan Froetschel, Sitka
Lois DuPey, Seattle
Jan Payne, Sitka
Ann Lowe, Troll PAC

Michael Mayo, Sitka
John Bruce, Washington
Charles Pullock, Sitka
Gretchen Bishop, Juneau
Dana Moore, MAP, Sitka
Elizabeth Hastorf, OCFD, Juneau
Paul MacGregor, Japan Longliners
Steve Amos, Sitka
R.D. Dearborn, Sea Grant, Fairbanks
Jon Newstrom, Juneau
H. Hirai, JFA
Ms. Tagachi, Interpreter, JFA

Robert Hagen, Sitka
Paul Roehl, Sitka
Lamin Marenah, Sitka
Dolly Garza, MAP, Sitka
Walt Pasternak, Sitka
Ron Peterson, Seattle
Morris Hansen, Seattle
Charles Wilson, Seward
Steve Fish, Petersburg
Deborah Pearson, NPFVOA
Steve Dickinson, Attorney
S. Takaoka, NPLGA

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

Chairman Campbell called the meeting to order at 9:09 a.m. on Wednesday, January 15, 1986. Minutes of the December meeting were not available for review. Mr. Branson reviewed the agenda which was approved as drafted.

B. SPECIAL REPORTS

B-1 Executive Director's Report

Mr. Branson's report gave the State Department's initial foreign allocations which differed from the Council's December recommendations. The State Department's allocations were in part based on Department of Commerce recommendations which also differed from the Council's. The Department of Commerce was requested to send the Council their report on the basis for their recommendations on foreign allocations to the State Department. The Council requested this report be prepared prior to the Council's December meeting so that Council members could have the benefit of the recommendations of the Department's Review Committee prior to making their own. A similar process is followed prior to each release of reserves. The Council chose not to reconsider their allocations recommendations made in December for 1986.

Tomasz Pintowski, Polish Embassy, reviewed the Polish joint venture record and their use of American support services. He requested that the Council support the 1986 TALFF allocations requested by Poland.

Annie Burnham, Alaskan Joint Venture Fisheries, read a letter from Alaska Pacific Marine Services into the record supporting Korea's earlier request for a large directed allocation and noting that a reduction in Korea's allocation was not acceptable because Korea has made every effort to use U.S. products and services.

In the interest of time, the regular reports from ADF&G, NMFS and the Coast Guard were not presented at this meeting. However, the Coast Guard distributed a written summary of patrol efforts through December 1, 1985.

C. NEW OR CONTINUING BUSINESS

C-1 Legislative Update

Ron Miller noted that because of the Christmas recess and work on the budget, action on the pending MFCMA reauthorization can be expected no sooner than early March. A foreign fishing fee proposal before Congress would allow the Secretary of Commerce to raise foreign fees if the Secretary, after consultation with the Secretary of State, found that a foreign nation receiving a fishery allocation in the U.S. EEZ is harvesting anadromous species of U.S. origin at an unacceptable level, or failing to take sufficient actions to benefit conservation and development of U.S. fisheries. The Secretary of Commerce would also be required to make a determination each year of the performance by foreign nations receiving fishery allocations with respect to whether a foreign nation is harvesting anadromous species of U.S. origin or failing to take sufficient action to benefit the conservation and development of U.S. fisheries.

C-2 SSC Appointments and Officers

The SSC reelected Don Rosenberg, Chairman, and Richard Marasco, Vice Chairman for 1986. The Council was asked to fill two SSC positions vacated by Scott Marshall who is assuming new duties for the State and Steve Langdon whose other commitments have precluded his active participation.

Bob McVey moved to appoint Phil Mundy, ADF&G Chief Fisheries Scientist, and Terry Quinn from the School of Fisheries, University of Alaska-Juneau, to the Scientific and Statistical Committee. The motion was seconded by Oscar Dyson and carried with no objection.

C-3 Crab/Halibut Interceptions in Bristol Bay Pot Sanctuary

At the December meeting the Council accepted for public review proposals addressing the bycatch of crab and halibut in the Eastern Bering Sea trawl fisheries. The Council was provided with the proposals and a synopsis of public comments received.

Jerry Reeves and Joe Terry, NWAFC, presented their document, "A Biological and Economic Analysis of the Bycatch of Prohibited Species in the Bering Sea Area: Joint Venture Flounder Fishery." Ron Rogness and Terry Smith of the Council staff presented their analysis of the proposals.

Public Testimony is found in Appendix I to these minutes.

Report of the Scientific and Statistical Committee

The SSC finds that the king crab population in the Bering Sea is depressed, that the recruitment level is low and the prerecruit abundance is declining. They are particularly concerned with the declining number of females and feel that the current status of stocks indicates that the management of red king crab must be approached in a conservative manner. The SSC believes that maximization of the economic value from the use of all fisheries resources in

the Eastern Bering Sea is a reasonable goal but any management scheme leading to this goal will result in bycatches. Protection can be provided by employing the following management measures: (1) Time/area closures; (2) a bycatch ceiling; or (3) a combination of the two. Because of the current inability to monitor bycatch in domestic operations, the SSC finds that time/area closures are the appropriate management measure at this time. The SSC provided a table analyzing current management proposals in light of information on crab distribution and potential displacement of the trawl fishery. The SSC did not take into consideration the benefits of removing crab predators because adequate data are not available.

Report of the Advisory Panel

The Advisory Panel recommended the following motion for the Council's consideration:

- (1) In the area defined as 163°30' West to 58°15' North and then east to the shore there shall be no fishing allowed during calendar year 1986 except provided for as follows:
 - (a) Domestic (DAH) trawling on cod shall be allowed in waters of 25 fathoms or less within 163°30' West to 58°15' North and then east to 160°W providing domestic observers are on all fishing and processing vessels engaged in the fishery subject to the proviso that a mechanism exists to close fishing in the event of any perceived damage to king crab and the observer is a NMFS approved observer. Further, NMFS shall develop the procedures necessary to implement the above observer program for presentation at the March Council meeting.
 - (b) Subject to the results of the Summer Crab/Groundfish Survey, a fall 1986 trawl and/or directed crab fishery may be allowed, subject to Council approval, in the event survey results establish the crab resource can sustain a fishery without further damage.
 - (c) A mid-water pollock trawl fishery shall be allowed west of 163°W.
- (2) In the area defined as that portion of the Pot Sanctuary west of 163°30'W, there shall be a PSC limit of 25,000 halibut. This PSC limit shall not apply to mid-water trawl operations. The AP requests the Council to develop a PSC limit on crab within this area.
- (3) In the area outside of that described in paragraph 1 above, a PSC limit of _____ shall apply to all trawl activities.

COUNCIL DISCUSSION AND ACTION

John Winther moved to approve the AP recommendation. The motion was seconded by Henry Mitchell. After considerable discussion, the motion failed, 7 to 3, with Collinsworth, Mitchell and Winther voting in favor.

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Henry Mitchell moved to amend the motion to include a PSC limit of 1/2 king crab per ton of groundfish, 200,000 bairdi per ton of groundfish, and 40,000 halibut per ton of groundfish. The motion to amend was seconded by John Winther and failed, 7 to 3, with Collinsworth, Mitchell and Winther voting in favor.

Mr. McVey asked for clarification in the motion about the request for a report to the Council in March by NMFS on the implementation of an observer program. Mr. Cotter said the main idea was to let them know the progress and what problems had been identified by that time.

Several Council members favored the proposal submitted by the Consolidated Trawlers which they believed to be less restrictive yet would protect the king crab stocks.

Bob Mace moved to adopt the Consolidated Trawlers' proposal as outlined in their comments in the Council notebooks. To this proposal he would add the provision that any trawling east of 162°W and 160°W and south of 58°N to shore within the 25 fathom line off the Alaska Peninsula would be permitted only with an NMFS-approved observer aboard. Rudy Petersen seconded the motion, which was amended several times and later withdrawn.

Mr. McVey told Council members that NMFS would have difficulty justifying an emergency rule for a halibut PSC. With respect to joint venture "caps", Mr. McVey proposed that they be implemented on a trial, voluntary basis for this year before developing regulations.

Don Collinsworth moved the following:

That the Fishery Conservation Zone east of 162°W longitude and south of 58°15'N latitude, bounded on the south and east by the Alaska Peninsula and on the east by 160°W longitude be closed to all commercial fishing during 1986 except that:

a) Domestic (DAH) trawling on Pacific cod shall be allowed in waters of 25 fathoms or less between 162°W longitude and 160°W longitude, providing NMFS approved observers are on all DAP fishing and processing vessels engaged in the fishery. Measures to close the fishery if excessive bycatches of crab are taken shall be developed and implemented by NMFS. Catches exceeding 2 red king crab per ton of fish caught will be considered excessive for initial consideration of closure.

b) In the area defined as that portion of the Pot Sanctuary west of 162°W longitude, there shall be a PSC limit of 25,000 halibut on all yellowfin sole/flounder joint venture operations. The total catch of halibut in all yellowfin sole/flounder joint ventures in the Bering Sea in 1986 may not exceed 250,000 fish.

- c) The incidental catch (PSC) of red king crab in all yellowfin sole/flounder joint venture fisheries in the Bering Sea in 1986 in the area east of 165°W longitude and south of 58°15'N latitude shall not exceed 135,000 crab and shall not exceed a cap (in number of crab) of 1.5 red king crab per metric ton multiplied by the JVP allocation tonnage of flounder/yellowfin sole caught outside the aforementioned area.
- d) Joint venture bottom trawling will cease when a cap (in number of crab) of 3 Tanner crab (C. bairdi) multiplied by the JVP allocation tonnage for flounder and yellowfin sole is taken.
- e) Caps on halibut, red king crab and C. bairdi Tanner crab catches shall apply to yellowfin sole/flounder joint ventures in the aggregate. When the cap for any of the 3 species is reached in any of the areas described, all yellowfin sole/flounder joint venture operations will end in that area for the remainder of 1986.
- f) It is the Council's intention that these measures apply for one year only and that they be carefully evaluated during 1986.

The motion was seconded by Russ Cahill. The following discussions and amendments took place before final passage of the motion:

John Winther expressed concern that the motion does not address the bycatch on domestic operations. Pat Travers said that an Emergency Rule similar to this could be processed if a domestic flounder fishery develops. Some Council members were concerned that the measures could not be enforced without a domestic observer program.

Bob Mace said he supports the AP recommendation to allow a fall 1986 trawl fishery and/or directed crab fishery, subject to Council approval, if the summer survey results establish that the crab resource can sustain a fishery without further damage. It was the consensus of the Council that this should be done.

Dr. Harville noted that halibut should be included in paragraph "(a)" of the motion; however, Dr. Low of NWAFC said specific numbers for the bycatch of halibut may be difficult to determine and Mr. McVey reminded Council members that this would be difficult to include in an emergency rule.

Bob Mace moved to add the following paragraph (g) to the motion:

g) If a DAP fishery for yellowfin sole and flounder should develop during 1986, the Council intends that measures as similar as possible as those applying to joint ventures, with provision for NMFS approved observers, if necessary, be developed by NMFS. The motion was seconded by John Winther and carried with Sara Hemphill objecting. Ms. Hemphill was concerned about treating DAP fisheries more restrictively than JVs.

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Bob McVey moved to change the wording of the first sentence of paragraph (a), to read ". . . NMFS-approved observers are on all DAP and all JVP processing vessels . . .". The motion was seconded and carried with no objection.

Bob McVey moved to amend the motion to insert "for yellowfin sole and flounder" after "bottom trawling" in the first sentence of paragraph (d). The motion was seconded and carried with no objection.

Russ Cahill moved to amend the first sentence of the motion by deleting "15'" after "south of 58°N" and by changing the remainder of the sentence to read: "bounded on the south by the Alaska Peninsula and on the east by 160°W longitude be closed to all commercial fishing during 1986 except that: . . The motion was seconded by Bob McVey and carried with no objection.

Russ Cahill moved to amend paragraph (b) by adding the following after the second sentence: "In the area east of 160°W there shall be a PSC limit of 15,000 halibut in the yellowfin/sole fishery. The motion was seconded by Sara Hemphill and carried with no objection.

Bob Mace moved to amend paragraph (a) to delete the words, "between 162°W longitude and 160°W longitude," and insert "in the area described". The motion was seconded by Sara Hemphill and carried with no objection.

John Winther moved to amend paragraph (c) to read "1 red king crab per metric ton" instead of "1.5 red king crab . . .". The motion was seconded by Henry Mitchell and carried 9 to 1 with Rudy Petersen voting against.

Pat Travers pointed out that there is another reference to "58°15'N, in paragraph (c), and to make the motion consistent, the 15' should be deleted. The Council agreed.

Mr. McVey pointed out that by setting the eastern boundary at 160°W and opening that area eastward to fishing the Council would be retaining the 25 fathom curve for DAP trawling as long as observers were aboard. To restrict the DAP trawlers to an area shallower than 25 fathoms doesn't make sense; trawling by DAP fishermen should probably be allowed anywhere east of 160°W as long as they have an observer on board.

Don Collinsworth said that Dr. Otto had identified a problem in paragraph (d), in the second line referring to "3 Tanner crab . . .". The total catch of Tanner crab last year by the JVP was about 821,000 Tanner crab which includes both C. bairdi and opilio. Using the formula in the motion, the total would exceed the total harvest of Tanner crab for last year.

Don Collinsworth moved to amend paragraph (d) by deleting "(C. bairdi)". The same change would be made in paragraph (e). The motion was seconded by Henry Mitchell and carried with no objection. (After other revisions, "C. bairdi" was re-inserted.

John Winther moved to add paragraph (h) as follows:

h) In the area east of 160°W longitude all DAP fishing vessels and all JVP processing vessels engaged in the groundfish fisheries shall carry NMFS-approved observers. The motion was seconded by Sara Hemphill and carried with no objection.

Henry Mitchell moved to amend the motion to read "red and blue king crab" in place of "red king crab" in paragraphs (c) and (e). The motion was seconded by John Winther and carried with no objection.

Don Collinsworth said that his earlier amendment to change the rate to 3 Tanner crab per metric ton may inhibit some of the activities further east and north in areas where bycatch of opilio were higher than 3 Tanner crab. He suggested an amendment to liberalize the ability to trawl in that area where it's predominantly opilio but still maintain the protection for bairdi.

Bob Mace moved to change paragraph (d) to delete "(in number of crab) of 3 Tanner crab" to read "320,000 Tanner crab" and delete the words, "multiplied by the JVP allocation tonnage for flounder and yellowfin sole . . .". The motion was seconded by Rudy Petersen and carried with no objection.

There was some discussion of a rate to be developed to reflect this number of crab. It was pointed out that the bairdi rate would be the controlling factor and that an opilio rate wouldn't be necessary. Don Collinsworth said that his concern is that there be some encouragement to reduce interceptions should a fishery be conducted in the northern and western area. The Council felt it would be sufficient at this time to strongly encourage industry to keep the bycatch of opilio low; if this is not the case, then there would have to be a cap put on it next year.

The main motion, as amended, carried 9 to 1, with Bob McVey voting no.

The final motion reads as follows:

That the Fishery Conservation Zone east of 162°W longitude and south of 58°N latitude, bounded on the south by the Alaska Peninsula and on the east by 160°W longitude be closed to all commercial fishing during 1986 except that:

a) Domestic (DAH) trawling on Pacific cod shall be allowed in waters of 25 fathoms or less in the area described, providing NMFS approved observers are on all DAP fishing and all JVP processing vessels engaged in the fishery. Measures to close the fishery if excessive bycatches of crab are taken shall be developed and implemented by NMFS. Catches exceeding 2 red king crab per ton of fish caught will be considered excessive for initial consideration of closure.

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b) In the area defined as that portion of the Pot Sanctuary west of 162°W longitude, there shall be a PSC limit of 25,000 halibut on all yellowfin sole/flounder joint venture operations. In the area east of 160°W longitude there shall be a PSC limit of 15,000 halibut in the yellowfin sole/flounder fishery. The total catch of halibut in all yellowfin sole/flounder joint ventures in the Bering Sea in 1986 may not exceed 250,000 fish.

c) The incidental catch (PSC) of red king crab in all yellowfin sole/flounder joint venture fisheries in the Bering Sea in 1986 in the area east of 165°W longitude and south of 58°N latitude shall not exceed 135,000 crab and shall not exceed a cap (in number of crab) of 1 red or blue king crab per metric ton multiplied by the JVP allocation tonnage of flounder/yellowfin sole caught outside the aforementioned area.

d) Joint venture bottom trawling for yellowfin sole and flounder will cease when a cap of 320,000 Tanner crab (C. bairdi) is taken.

e) Caps on halibut, red and blue king crab and C. bairdi Tanner crab catches shall apply to yellowfin sole/flounder joint ventures in the aggregate. When the cap for any of the 3 species is reached in any of the areas described, all yellowfin sole/flounder joint venture operations will end in that area for the remainder of 1986.

f) It is the Council's intention that these measures apply for one year only and that they be carefully evaluated during 1986.

g) If a DAP fishery for yellowfin sole and flounder should develop during 1986, the Council intends that measures as similar as possible as those applying to joint ventures, with provision for NMFS approved observers, if necessary, be developed by NMFS.

h) In the area east of 160°W longitude all DAP fishing vessels and all JVP processing vessels engaged in the groundfish fisheries shall carry NMFS approved observers.

There was also discussion about how these regulations will be monitored and timely reporting accomplished. Mr. McVey said he expected NMFS-approved observers to operate much the same as in the foreign fishery; they will submit weekly reports and if the catch of any of the species of concern reaches a critical level, the reporting frequency could be accelerated.

Henry Mitchell also requested that the Council authorize Mr. Branson to ask IPHC for an analysis of their suspicions of problems with halibut year classes in the Bering Sea. In addition, if there is going to be observer coverage in domestic operations in those areas, perhaps they could coordinate with IPHC staff to try to tag the halibut caught this year and released overboard.

Mr. McVey said that a permanent amendment for this action should be developed in the regular groundfish amendment cycle because the ability to use an emergency action will not be available next year.

C-4 Halibut Management for 1986

Proposals submitted to IPHC for 1986 halibut management were provided to Council members. The Council is not obligated to submit proposals for Commission consideration, but if they wish to do so, it should be done at this meeting. The Council received no requests to intercede or comment on the directed halibut fishery.

Don McCaughran, Executive Director for IPHC, briefed the Council on the proposed halibut regulations for 1986. He said that processors have indicated that they will not have any halibut inventories by March so the IPHC is considering a opening in early April. Dr. McCaughran said he is concerned about the incidental catch of halibut, particularly in the Bering Sea, and asked the Council to closely monitor it so that the directed halibut harvest will not be affected.

COUNCIL DISCUSSION AND ACTION

John Winther mentioned that proposed opening dates which fall on a Friday may cause high costs to processors in overtime pay. He was also concerned that the opening in Area 2C is right at the end of a pollock harvest which may also overtax processors. Rudy Petersen stressed the importance of the seasons being spread out.

Jim Campbell suggested that the Council did not need to become actively involved in these decisions and also suggested that a Council member would not need to attend the IPHC annual meeting at the end of January. Council members agreed.

C-5 Policy on Confidentiality of Statistics

The Council was provided with a draft policy to allow Council staff members access to confidential fishery statistics. These data are often needed for proper analysis of the social and economic impacts of proposed management measures. Council members would not have access to unaggregated data.

Report of the Advisory Panel

The Advisory Panel recommended approval of the draft policy with some minor editorial changes.

COUNCIL DISCUSSION AND ACTION

Henry Mitchell moved to adopt the policy on confidentiality of statistics with the changes suggested by the Advisory Panel. Bob Mace seconded the motion and, there being no objection, it was so ordered.

C-6 Joint Ventures for 1986

Bycatch requirements for joint ventures were to be set at this meeting. The Council's joint venture policy provides for the Council to use foreign vessel permit restrictions to limit the harvest of fully-DAP and prohibited species

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by individual joint venture companies. A company's limit would be based on their target tonnage requests and when the limit was reached, the company must stop fishing in an area even if its target goals are unmet.

Public Testimony

Nancy Davis, Quest Alaska, commended the Permit Review Committee for this action. She assured the Council that their operations will be very responsive to these guidelines. Ms. Davis also briefly outlined their operational plans for 1986.

Report of the Permit Review Committee

The Committee heard a staff presentation concluding that company bycatch limits are needed only for POP and Other rockfish in the Gulf of Alaska in 1986.

Bob McVey told the committee that NMFS would be willing to make a trial run with these two species this year but did not contemplate shutting down any company because its limit of bycatch was reached. Because of the many legal ramifications of using permits to control bycatch, and because the mechanics have yet to be worked out, NMFS recommended that the limits serve only as guidelines this year, not absolute cut-off points. The companies would be monitored and sent warning messages throughout the season, but not shut down.

The Permit Review Committee unanimously recommended that bycatch guidelines be established for each company for voluntary compliance, that would maintain the overall bycatches within JVP-PSCs for POP of 200 mt and 35 mt in the Western and Central Gulf, respectively, and 50 mt Other rockfish and 64 mt salmon in the Western and Central Gulf combined.

The Committee requested that NMFS report at each Council meeting the progress on monitoring these bycatch guidelines. They also recommended that the joint venture policy undergo a major review entailing a reconsideration of company-by-company limits on both bycatch and target species.

COUNCIL DISCUSSION AND ACTION

Bob Mace moved to adopt the recommendations of the Permit Review Committee. The motion was seconded by John Winther and, there being no objection, it was so ordered.

C-7 Domestic Observer Program

The Council's Domestic Observer Committee met on two occasions to discuss the problems associated with placing observers on domestic fishing vessels off Alaska. The Committee agreed that the following principles should apply to any domestic observer program implemented by the Council:

- (1) The North Pacific Fishery Management Council should have the lead in determining observer placement;

- (2) Observer placement should not be punitive and should be on all gear types;
- (3) Observers should be used to verify bycatches, handling mortalities and to gather data for use in determining equilibrium yield levels;
- (4) The observer program should not be an enforcement program.

The Committee also surveyed insurance brokers and learned that P&I insurance coverage for observers on domestic vessels could be purchased but that the costs varied. The brokers cautioned that while the coverage was available, some underwriters may advise vessel owners against carrying observers because of the increased exposure to risk of loss.

Funding is a main obstacle to placing observers on domestic vessels. Bob McVey recently submitted a proposal to the NMFS Central Office recommending the establishment of a pilot domestic observer program in Alaska as soon as possible. The program would begin with no more than four observers and a project manager at a cost of approximately \$250,000.

Report of the Advisory Panel

The Advisory Panel recommended that the Council support Bob McVey's proposal.

COUNCIL DISCUSSION AND ACTION

The Council agreed that funding must be sought for a domestic observer program in order to effectively manage the fisheries off Alaska as they become more and more Americanized. It was pointed out that the industry may have to bear some of the costs of such a program. Henry Mitchell suggested the Council should lobby Congress about this need. Jim Campbell said that he had discussed the matter with Senator Stevens and it is very doubtful that additional funds will be available.

Henry Mitchell moved that the Council send letters in support of Bob McVey's proposal to NMFS-Central Office and the Congressional delegations for Washington, Alaska and Oregon. The motion was seconded by Oscar Dyson and carried with Bob McVey abstaining.

C-8 Management of Fully-U.S. Utilized Groundfish Species

The Council was asked to review a request from NMFS to prepare a regulatory amendment for the Gulf of Alaska and Bering Sea/Aleutian Islands FMPs to address the issue of area closures when single species OYs are reached.

Report of the Advisory Panel

The AP, for all species in the Gulf of Alaska except sablefish, thought the Regional Director should be authorized to designate those species whose harvest exceeds OY as a prohibited species.

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The Advisory Panel offered the following motion for Council consideration:

In order to establish greater flexibility in both the Gulf of Alaska and the Bering Sea, the Regional Director shall develop regulatory amendment authority as outlined in Bob McVey's letter of 12/10/85.

In the Gulf of Alaska, the AP recommends that 50 CFR Section 672.24(b)(2) be amended by adding the following:

When the Regional Director determines that the share of the sablefish OY assigned to any type of gear for any year and any area or district under this paragraph may be taken before the end of that year, the Regional Director, in order to provide adequate bycatch amounts to ensure continue groundfish fishing activity by that gear group, shall by rule-related notice prohibit directed fishing for sablefish by persons using that type of gear for any period of that year. It is the intent of the regulation to minimize any PSC (waste) over the OY allocation.

Report of the Scientific and Statistical Committee

The SSC did not take up Agenda Item C-8 or D-3(a) at this meeting; however, at the December meeting they did recommend a workgroup be appointed to work on the problems associated with Bering Sea fully-utilized species.

COUNCIL DISCUSSION AND ACTION

Bob McVey said he was not certain how effective a bycatch buffer amount would be in discouraging targeting. He would be concerned about the effectiveness of announcing a termination of directed fishing for sablefish by any gear group and still have a buffer remaining. He's not sure where the disincentive would be after the directed amount was taken and only the bycatch buffer remained.

Bob Mace moved to adopt the recommended motion of the Advisory Panel. The motion was seconded by Sara Hemphill and carried 9 to 1, with Rudy Petersen voting against.

Steve Davis brought the Council up to date on sablefish trawl situation in the Gulf. As of the week before the Council meeting approximately 30 tons of sablefish had been landed by trawlers based in Kodiak. It was rumored that fishing was not very successful and there was some doubt whether some participants would continue to target on sablefish at this point in time. Fred Gaffney, ADF&G, said they had estimated that it could take between 5 and 20 weeks to take the 20% sablefish allotted to the trawlers.

C-9 Other Business

Don Rosenberg told the Council that the SSC discussed the need to define many of the terms used within the Council family. The SSC has formed a group which has been working on these definitions. They will meet prior to the next SSC meeting and the SSC will undertake a review of the definitions in March.

D. FISHERY MANAGEMENT PLANS

D-1 Salmon FMP

The Council was provided with recent actions by the Alaska Board of Fisheries for salmon management for 1986. None of the actions taken by the Board require FMP amendment. A summary of Board recommendations follows:

- (1) Season to open June 20 and continue until troll portion is fully taken (191,000 chinooks).
- (2) Coho and legal size chinook salmon with adipose fin missing must be retained with heads on (FMP currently requires this).

Don Collinsworth also briefed the Council on the status of the new U.S./Canada Salmon Commission. Their first annual meeting is scheduled for February 17. They will review the management plans for the various fisheries on the West Coast, including chinook, and will be reviewing the budget request to Congress. They have also set up panels to advise the Commission on each of the species involved. A more complete report will be available after their first technical meeting.

COUNCIL DISCUSSION AND ACTION

Sara Hemphill moved to concur with the actions taken by the Alaska Board of Fisheries. The motion was seconded by Don Collinsworth and carried with no objection.

The Council also was asked to review the schedule for rewriting the Salmon FMP. They asked staff to develop more fully the proposals for revising the Salmon FMP for discussion at the March meeting.

D-2 King and Tanner Crab FMPs

- (a) Review State/Federal management action on 1986 Bering Sea C. bairdi fishery.

Based on recent survey information NMFS has determined that current stocks of C. bairdi and red king crab in the Bering Sea are extremely depressed. A short-term closure of the fishery from January 15 to February 1 was implemented to protect both stocks and provide additional time to determine whether the closure should continue for the remainder of the 1986 season.

Report of the Scientific and Statistical Committee

The SSC has concern for the status of this resource. It states in the FMP that when Tanner crab stocks have declined to levels below that capable of producing MSY, management measures should promote rebuilding. The SSC believes that the stocks are below the level that can produce MSY and suggests a zero harvest level for 1986.

Report of the Advisory Panel

The Advisory Panel recommended closing the area defined to all fishing for the remainder of the year. They did not discuss the bairdi fishery in the remainder of the Bering Sea, outside the area they recommended for closure.

COUNCIL DISCUSSION AND ACTION

Bob McVey said the 90-day emergency order has the potential to be revised after February 1 based on comments received from the public and the action taken by the Council on restring trawling.

It was the consensus of the Council to support the State/Federal action to close the Tanner fishery. They agreed that future action in this fishery for 1986 should be delegated to the Regional Director and Commissioner based on any new data. Rudy Petersen said he would support the action but reminded the Regional Director that this fishery is very important to fishermen and that should be kept in mind when taking future management action.

(b) Crab FMP amendment proposal deadline (Information only).

The deadline for proposals to amend the crab FMPs was January 10. The Plan Teams will compile the proposals and prepare draft decision documents by the end of February.

(c) Status of King Crab FMP implementation and delegation of management authority to the State (Information only).

Bill Robinson reported that the State still has to accept management authority as outlined in the King Crab FMP and the regulations have to be developed and published for public comment and then published in final form. Bill Gordon has written to Governor Sheffield asking the State to accept the management authority. The State is reviewing statutes and preparing to send regulations to NMFS for review. Don Collinsworth said they hope to make a decision on acceptance of the authority soon; because of budget cuts they are doing an analysis of the costs involved.

(d) Determine need for king crab hearing in Seattle.

Jim Branson mentioned that the Board of Fisheries had not yet received many proposals for changes this year and they may not send anyone to the hearing because of budget constraints. In recent years there has been poor attendance at this crab hearing. NPFVOA's position is that if there aren't any controversial proposals, then they do not see any need for the hearing. They will review the proposal package before making their recommendation. It was suggested that a tentative date be set pending a decision on whether a hearing is necessary. The Plan Team will include a proposal in this amendment cycle to make the annual public hearing discretionary.

D-3 Gulf of Alaska FMP

(a) Management of Gear Shares of Sablefish Allocation in the Gulf of Alaska.

Public testimony in December indicated there would be directed trawling for sablefish in the Gulf during 1986. The Council was asked to review sablefish gear allocations and their intent under Amendment 14 to the Gulf FMP.

It was pointed out that the Council's action under Agenda Item C-8 would take care of this situation. Under a regulatory amendment the Regional Director could use a rule-related notice to prohibit further directed sablefish fishing by a particular gear type if the entire OY would be taken before the end of the year, in order to provide adequate bycatches for groundfish fisheries targeting other species.

(b) Request from State of Alaska for emergency action on crab bycatch in trawls.

At the December Council meeting ADF&G and NMFS presented a discussion paper that summarized the status of the king crab resource in the Kodiak area and the potential damage to those stocks from on-bottom trawling. Observations collected by ADF&G from bottom-trawl vessels have shown high rates of incidental king crab catch in two primary areas, Marmot Flats and Alitak Flats located off Kodiak Island. Chirikof, Tower, and Barnabus Gully were three other areas that crab surveys have identified as important during reproduction. The State has asked the Council to take emergency action to protect the crab in these areas.

Fritz Funk, ADF&G, presented a report, "Conservation concerns of the Kodiak King Crab Resource: A Discussion of Management Options."

Public Testimony

Walt Pasternak, Sitka, said that his primary interest is in protecting the habitat for the fisheries in this area. Crab is important because of its depressed state, but other species are of concern, too.

Bill Jacobson, Kodiak, feels that the AP motion would take care of the problem. He was representing himself, not a group.

Ted Painter, Kodiak, said that the areas identified for closure were developed by Bill Jacobson, himself, Al Burch and Dave Harville as a compromise and they think they could live with this arrangement.

In addition, letters were received during the meeting from the Kodiak Fish & Game Advisory Committee and the United Fishermen's Marketing Assn. requesting the Council to take action to protect the crab stocks.

Report of the Advisory Panel

The AP recommended the following:

- (1) That the Council initiate an emergency closure which would be applied to the Alitak, Tower, Marmot Flats, Chirikof and Barnabus Gully areas with the exception of Inner Marmot Bay; and
- (2) That industry participants work with the Kodiak Advisory Committee, ADF&G, and federal fisheries staff to develop a long-term approach to solving this problem and to present that approach to the Council at the March meeting.

The AP recognized that there is a critical need for onboard domestic observers in this area.

Report of the Scientific and Statistical Committee

The SSC was concerned that the data presented in the report did not support the closures described. Discussion with Alaska Department of Fish & Game representatives helped to clarify the reason for this lack of data. Because of this lack of specific information the SSC was unable to examine the proposed closures, their degree of protection to crab stocks, and costs associated with potential groundfish fishery displacement. The SSC recommended that the Council give serious consideration to the Advisory Panel recommendation which was in the process of being formulated.

COUNCIL DISCUSSION AND ACTION

Bob McVey said that he is concerned that the Council is overloading the system with emergency action; many Council decisions are aimed at emergency action. He is also concerned that this is a serious decision to close areas around Kodiak. A time/area closure may be necessary to protect the king crab brood stock around Kodiak island, but it's important to proceed very carefully since closures initiated now may continue for a long period of time.

Bob McVey moved that the Council, State and Federal fishery interests publicize their concern about the king crab brood stock around Kodiak Island in conjunction with a proposal like the AP's and that it be made the basis of a voluntary program for this year, not the subject of an emergency action, and that the subject of closures to protect king crab be put into the Gulf of Alaska groundfish amendment cycle. The motion was seconded by Sara Hemphill and failed, 6 to 4, with Hemphill, Mace, McVey and R. Petersen voting in favor.

Don Collinsworth said he feels it is a serious conservation problem and the normal plan amendment and review cycle is too slow in this case. The Emergency Rule would at least take care of the current season and then would expire. In the meantime, the Council should be devising a workable solution for the future.

John Winther moved to approve the Advisory Panel's recommendations. The motion was seconded by Don Collinsworth and carried, 7 to 3, with Hemphill, McVey and Rudy Petersen voting against.

John Winther moved to include this action in the Gulf of Alaska FMP rewrite. The motion was seconded by Bob Mace and, there being no objection, it was so ordered.

Mr. McVey cautioned that if the Council uses the emergency rule this year, it will not be available next year. He also expressed concern about the amount of data available on this question and felt there wasn't enough to act on at this time.

D-4 Bering Sea/Aleutian Islands FMP

The Council was provided with a list of proposals to amend the Bering Sea/Aleutian Islands FMP during the current amendment cycle. The Plan Team reviewed and prioritized the proposals.

Proposals included:

- (1) Require the use of biodegradable gear (panels in sablefish pots, etc.).
- (2) Establish smaller management units for POP and sablefish.
- (3) Provide for allocations to individual joint venture companies.
- (4) Establish Field Order authority for the Regional Director.
- (5) In-season reallocation within DAH.
- (6) Independent allocations to DAP, JVP, and TALFF.
- (7) Extend the foreign PSC limits for salmon, crabs, and halibut established by Amendment 3, if necessary.
- (8) Raise the upper limit of the OY range to 2.4 million mt.
- (9) The "ecosystem management" approach should be reevaluated and replaced with a more rational management approach.
- (10) The FMP should provide management flexibility to allow priority access to stocks important to the domestic industry.

Report of the Advisory Panel

The Advisory Panel recommended developing proposals 4, 5, 6, and 10 and recommend sending proposal 7 out only if it is determined that existing PSC limits will not be extended under the current FMP.

Report of the Scientific and Statistical Committee

The SSC concurred with the Plan Team's recommendations that high priority for next year be given to the development of proposals 4, 6, and 10. The SSC does not believe, in light of staff and team workloads and decreasing funding, that the other proposals which require plan amendment are of sufficient priority for action at this time.

COUNCIL DISCUSSION AND ACTION

Henry Mitchell moved to accept the AP recommendation to develop proposals 4, 5, 6, 10, and 7, if necessary, for plan amendment. The motion was seconded by Sara Hemphill and, there being no objection, it was so ordered.

Bob McVey brought up that another amendment for protecting king crab in the Bering Sea after the emergency order expires should be included in the cycle.

E. CONTRACTS, PROPOSALS AND FINANCIAL REPORT

The Finance Committee met on January 16. Because of the recently-passed Gramm-Rudman law, the Council's proposed FY86 administrative budget must be revised to the level funding of 1984, or \$982,200. The Council's original proposal was for \$1,179,125.

Reduction of staff salaries (there will be no Federal cost-of-living raise), reduction of Council salaries for operational meetings to FY actual costs, elimination of \$40,000 for the rewrite of the Gulf of Alaska FMP (this will be done by the Plan Teams) and reduction of miscellaneous travel (which covers Plan Team members and consultants) were actions taken to reduce the budget. The Finance Committee recommended that a proposal be submitted to NMFS for \$75,000 to start the studies on sablefish management measures.

F. PUBLIC COMMENTS

Bob Alverson pointed out that, in regard to whether placing caps on bycatch of halibut in the Bering Sea is an emergency, the IPHC staff has proposed no increases in quotas in the Bering Sea and are showing a reduction in some of the juvenile halibut stocks. Mr. Alverson suggested that these comments should be taken into consideration at the IPHC annual meeting in late January.

G. CHAIRMAN'S REMARKS AND ADJOURNMENT

Chairman Campbell made a brief statement on the negotiations on the Japanese interception of North American salmon. Mr. Campbell said that the Council is disappointed that the latest negotiations failed to achieve any progress. They had hoped that the good faith gesture on the part of the United States in the partial release of groundfish allocations would allow Japan to negotiate a solution to this issue. This was not the case, and the Council remains firm in their position taken in December opposing any release of allocations until the issue is resolved. Mr. Branson was asked to prepare a letter to Secretary Shultz reaffirming the Council's position.

The Council adjourned to Executive Session at 11:25 a.m.

At 11:45 a.m., the Council was reconvened and Chairman Campbell adjourned the public session at 11:50 a.m. on Friday, January 17.