

North Pacific Fishery Management Council

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Certified Don Collinsworth
Date 8/7/90

MINUTES

**91st Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
April 24-27, 1990
Anchorage Hilton Hotel
Anchorage, Alaska**

The North Pacific Fishery Management Council met April 24-27, 1990 at the Anchorage Hilton Hotel. The Advisory Panel began meeting on Sunday, April 22, and the Scientific and Statistical Committee began on Monday, April 23. The Bycatch Committee meet April 22-23, and the Fishery Planning Committee met on Monday, April 23. Members of the Council, Scientific and Statistical Committee, and Advisory Panel attending the meetings are listed below.

Council

Don Collinsworth, Chairman
Joe Blum
CDR Joe Kyle for RADM Ciancaglini
Larry Cotter
Oscar Dyson
Bob Mace for Randy Fisher
Ron Hegge

Bob Alverson, Vice Chairman
Richard Lauber
Henry Mitchell
Dave Hanson
Steve Pennoyer
John Peterson

NPFMC Staff

Clarence Pautzke, Executive Director
Steve Davis, Deputy Director
Judy Willoughby
Dick Tremaine
Bill Wilson

Hal Weeks
Marcus Hartley
Helen Allen
Peggy Kircher
Gail Peeler

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Support Staff

Jim Brooks, NMFS-AKR
Mark Pedersen, WDF
Earl Krygier, ADFG
Bob Trumble, IPHC
Loh-Lee Low, NMFS-AFSC
Jim Balsiger, NMFS-AFSC
Ron Berg, NMFS-AKR
Fritz Funk, ADFG
Steve Freese, NMFS-NWR

Craig O'Connor, NOAA-GCAK
Dale Evans, NMFS-AKR
Craig Hammond, NMFS-AKR
Jay Ginter, NMFS-AKR
Sue Salveson, NMFS-AKR
Russ Nelson, NMFS-AFSC
Grant Thompson, NWAFC
Lisa Lindeman, NOAA-GC
Lewis Queirolo, NMFS-AFSC

Scientific and Statistical Committee

Richard Marasco, Chairman
Bill Aron
Don Bevan
Bill Clark
Larry Hreha
John Burns

Doug Eggers, Vice Chairman
Gordon Kruse
Terry Quinn
Don Rosenberg
Jack Tagart

Advisory Panel

Nancy Munro, Chairman
George Anderson
Al Burch
Phil Chitwood
Lamar Cotten

Dave Fraser
Kevin Kaldestad
David Little
Pete Maloney
Dan O'Hara

Jay Skordahl
Harold Sparck
Dave Woodruff
Robert Wurm
Lyle Yeck

General Public

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

John Dolese
Gary Daily
Kurt Schelle
John Iani
Ted Smits
Roger Woods
C. Deming Cowles
Kenneth Allread
Perfenia Pletnikoff
Steve Grabacki
Linda Kozak
Jeff Stephan
John Daly
Jim Branson
Dan Winn

Ron Dearborn
Philip Kneisley
Bill Atkinson
Alexander Galanin, Sr.
Elizabeth Hasdorf
Robert F. Morgan
Thor Olsen
Shari Gross
Mark Barham
Howard T. Amos

Stephen B. Johnson
George Johnson
Herb Holley
Jerry Nelson
Gesito Juanich
John Bruce
Spike Jones
Mike Atterberry
Jack Hill
Bill Arterborn
Hans Hartmann
Jude Henzler
Bruce Buls
Chuck Beach
Bill Orr

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Art Goddard
John Crowley
Cheryl Sutton
Barry Oltin
Thorn Smith
Bruce Stanford
Wm. McCloskey
Deborah Lynne
Brad Resnick
Brad Matsen
Bill Jacobson
Peter Block
Chow Taylor

Bill Hayes
Yereth Rosen
Steve Drage
Gary Hennigh
Doug Dixon
Shuji Matsuzawa
Sinclair Wilt
Steve Joner
Dale Shepardson
Rod Rhoades
Brian Bigler
Bill Blessington
Bill Karp

Marcy Jones
Frank Kelty
Jay Hastings
Chris Hall
Valerie Bradshaw
John Bergerson

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

The meeting was called to order at 8:00 a.m. on April 24, 1990 by Chairman Don Collinsworth.

Minutes. Because of the lengthy agenda, approval of the September, December and January meeting minutes was deferred. Council members will submit any corrections or additions to the secretary and the minutes will be finalized and mailed to all Council members.

Agenda. The agenda was approved as drafted.

B. REPORTS

B-1 Executive Director's Report

Clarence Pautzke reported that in response to a request for industry comments, Bob Alverson participated in recent meetings in Washington, DC relating to analytical needs for fisheries. John Peterson helped in the planning. A budget status report was provided in Council notebooks. John Peterson also suggested that individuals may want to send letters of support to their Congressional representatives for domestic observer funding. Rick Lauber also suggested that funding should also be sought at the state level. Council members discussed meeting in Juneau in January during the legislative session, but Mr. Lauber suggested that may not be practical for 1991 since this is an election year and it will take time for newly-elected representatives to get organized and familiar with the issues.

Council members were asked to approve 1991 meeting dates as follows: January 14-18, April 22-26, June 24-28, September 23-27, and December 2-6. It was noted that the Pacific Salmon Commission also plans to meet December 2-6. It was suggested that the December meeting be held earlier, perhaps the last week in November; however, because of the time required to prepare information for groundfish harvest decisions, Council members decided to retain the same December meeting dates as in previous years.

Dr. Pautzke told Council members that Bill Wilson will be leaving the Council staff on May 21 to work with LGL Consultants on fisheries projects in northern Alaska. Council members were also reminded to make hotel reservations for the June meeting as quickly as possible because of the heavy

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tourist season in Anchorage.

B-2 ADF&G Report

Earl Krygier reported that the Bering Sea Tanner crab fisheries opened January 15, 1990 and were expected to close by April 24, 1990 with an expected harvest of 23 million pounds. Areas east of 165°W longitude were closed April 9 because of the incidental catch of soft shelled king crab. The winter troll chinook salmon fishery opened October 1 and closed April 14 with a projected harvest of 28,000-30,000 chinook. Alaska hatchery contributions taken during the first half of the winter season were about 18% of the catch, an increase of approximately 4% over last winter.

B-3 NMFS Management Report

Dale Evans reported on closures since the first of the year. He also reported the anticipated closure of the Western Gulf Pacific cod trawl fishery within the next week.

Steve Pennoyer reported that Canadian IPHC Commissioners declined to vote on halibut seasons and quotas in U.S. waters until a plan to reduce bycatch has been devised. Although they were encouraged by further discussions on the bycatch issue, no official action was taken. As a result, the U.S. government will act on the recommendations approved by U.S. Commissioners at the meeting. With regard to the Council's recommendations for the 1990 halibut fishery, Mr. Pennoyer reported that the Area 4C 10,000 lb trip limit will be extended to the entire area quota with an opening date of June 25, and that the early openings in Area 4B will be continued. With regard to the Council's recommendation that the IPHC consider approving a small test fishery in Bristol Bay, the IPHC expanded Area 4E into Bristol Bay but did not set a special quota. NMFS plans to split the 100,000 lb. quota for the area, 70%/30%, assigning 30,000 lbs to Bristol Bay and 70,000 lbs to Nelson Island fishermen.

Mr. Pennoyer also reported that the Metlakatlan Indians of Southeast Alaska have petitioned the Bureau of Indian Affairs to conduct a halibut test fishery this summer with the waters of their Reserve and have been authorized to do so. The BIA based the decision on the belief that federal actions establishing the Reserve authorizes the community to fish for halibut subject to regulations of the Secretary of the Interior as long as the regulations conform to and are consistent with federal laws governing the halibut fishery within U.S. waters. It's a small 3,000 ft. area and there are no data available to determine the amount of halibut that might be available or how the fishery will affect the exploitation rate goals of the IPHC.

Dale Evans reported on groundfish harvests and closures. U.S. industry harvested and processed 595,402 mt of groundfish off Alaska by April 14. The catch in the Gulf of Alaska was 87,386 mt, including 25,156 mt pollock, 42,566 mt Pacific cod, 7,653 mt sablefish, 4,302 mt rockfish, 6,141 mt flatfish, and lesser amounts of other species. This compares with a catch of 85,657 mt groundfish as of April 14, 1989. In the Bering Sea/Aleutian Islands the total catch to date was 508,016 mt (317,540 mt was caught in 1989 by then), which included 389,722 mt pollock, 74,863 mt Pacific cod, 18,495 mt rock sole, and smaller amounts of other groundfish species. The following Bering Sea closures occurred in the first quarter:

February 27: Closed fully U.S.-harvested and processed (DAP) flatfish fisheries in Zone 1 because of C. bairdi bycatch. These resumed March 1 after reapportionment of crab bycatch from joint ventures.

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- March 14: Closed DAP flatfish fisheries in Zones 1 and 2H because of halibut bycatch.
- March 19: Entire Bering Sea and Aleutians closed to DAP flatfish fisheries because of halibut bycatch.

The joint venture flatfish fishery in the Bering Sea/Aleutian Islands caught 129,310 mt. This catch included 65,489 mt yellowfin sole, 19,066 mt other flatfish, and 44,755 mt of pollock, cod, and other groundfish species allowed as retainable bycatch during prosecution of the JVP flatfish fishery. The joint venture season went quickly with NMFS taking the following inseason actions:

- January 25: Closed directed joint ventures in Zone 1 because the red king crab bycatch cap was reached.
- February 27: Closed directed joint ventures in Zone 2H because the primary halibut bycatch cap was reached.
- March 5: Closed directed joint ventures in entire Bering Sea/Aleutian Islands because the secondary halibut bycatch cap was reached.

Mr. Evans indicated that if bycatch rates continue at the current level, the Pacific cod and pollock fisheries in the Bering Sea/Aleutian Islands may close by mid-August. If bycatch rates continue to decrease, then the fisheries would be able to continue past that time.

Preliminary results of the Gulf of Alaska hydroacoustic survey for pollock

The Alaska Fisheries Science Center conducted an echo integration/midwater trawl survey of pollock in the Gulf of Alaska between February 5 and April 2, 1990. During the first leg of the survey, the area from Cape Spencer to Unimak Pass between the 100- and 500-fathom depth contours and to the south of Kodiak Island was surveyed. Extra survey effort was expended in areas where pollock had been encountered in harvestable quantities by fishing vessels in previous years. These areas included Prince William Sound, Marmot Bay, Chiniak Bay, Barnabas Canyon, areas adjacent to Chirikof Island, and Sanak Bank. During the second leg, the areas near Chirikof Island were resurveyed and Shelikof Strait was surveyed twice. Within Shelikof Strait, the area between the 40-fathom isobaths was surveyed.

Extensive pollock concentrations were not encountered during the first leg although schools of fish were observed in Prince William Sound, Amatuli Canyon, Marmot Bay, and Chiniak Bay. Juvenile and young adult pollock were observed in lower Shelikof Strait during both surveys of the area. Adult pollock were encountered in the center of the Strait, especially towards the west side, while a mixture of adult and juvenile fish was observed on the east side. General patterns in the distribution of prespawning and spawning fish in Shelikof Strait appear to be similar to past years.

Fifty-one midwater trawl and thirteen bottom trawls were completed during the survey. Immature two-year-old fish were abundant, but the relative importance of this year class to the fishery in future years cannot be predicted until there is better understanding of how well the survey assesses juvenile pollock. Analysis of the survey data is currently being conducted by Center scientists. Preliminary biomass estimates should be available by the September 1990 Council meeting.

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B-4 Enforcement and Surveillance Report by the USCG

The Council received a written enforcement report which reflected that during the period January 1-March 31, 1990, 8 violations and 10 written warnings were issued for MFCMA violations. Four of the violations resulted from sightings of foreign vessels transiting the U.S. EEZ with fishing gear uncovered. NOAA General Counsel has advised against civil action against the vessels because of unclear implementing regulations regarding permitted and non-permitted vessels. However, the Coast Guard will continue to document such cases while the regulation is being clarified. Eight of the written warnings were issued to foreign vessels for failure to monitor their radios as required. One domestic vessel was given a written warning for an obscured IRCS, and notices of violation were issued to several domestic vessels for failure to have a federal permit on board, fishing contrary to notice of closure, retention of prohibited species (halibut), and failure to return prohibited species with minimum injury. Additionally, the U.S. trawler/processor ALASKAN HERO was boarded and found to be in violation of U.S. vessel manning requirements. With a non-U.S. citizen as master of the vessel, it's document was invalidated and the vessel was directed to return to port. The owner has been required to sign an agreement of understanding with the USCG to take active measures to correct the situation. Failure to comply could result in seizure and forfeiture of the vessel. The U.S. processor ARCTIC ENTERPRISE was boarded on March 14 and found to have 18 undocumented aliens employed on the vessel. The Mexican aliens were removed from the vessel by immigration officials and returned to Mexico. Action against the vessel's owner is pending the outcome of Immigration's investigation.

B-5 Report on the Status of the Steller Sea Lion

This report was not given because of the Council's lengthy agenda and lack of time.

C. NEW OR CONTINUING BUSINESS

Written materials on agenda items C-1 Legislative Update, C-2 International Fisheries, C-3 SOPP, and C-4 Habitat Update were provided in Council notebooks. Time did not permit oral reports or Council discussion.

C-5 Comprehensive data Gathering and Observer Programs

Russ Nelson of the Alaska Fisheries Science Center provided an update on the domestic observer programs. There are currently seven certified observer contractors and several others have applied for certification. NMFS has trained and certified 221 observers for the program; approximately 25% had previous experience in observer programs for foreign and/or domestic fisheries.

Concerns have been raised over observer safety and the training program is being revised to help augment safety training for observers. Other concerns include lack of time to train enough observers to provide a sufficient amount to provide back-ups and replacements when required, and the cost of the program.

At present, marine mammal funds only allow the placement of a NMFS employee in Kodiak for the purposes of handling observer logistics and debriefing. Another field operator will be hired and placed in Dutch Harbor as soon as possible. Current funds will also pay for 100 observer months to be divided between the Bering Sea and Gulf of Alaska in proportion to the level of effort and observer needs in each region.

Sue Salvesson reviewed the data gathering program. Over 2,000 logbooks have been distributed; however only about 90 of the quarterly submissions have been submitted to NMFS to date. Industry has shown a willingness to cooperate with the program and has made suggestions for improvement. Shoreside processors are experiencing a higher amount of frustration with the reporting requirements, possibly because they are not familiar with federal reporting requirements that at-sea operators have worked under for several years. Also, the forms have been designed using knowledge of at-sea operations and may not be as fine-tuned as they should be for shoreside plants. The monthly product value report will be suspended because recent changes in state regulations will allow sharing of fishery data and that information can be obtained through state reports. However, current state regulations require annual reporting which will not satisfy the data needs of NMFS, so a regulatory amendment will have to be prepared requiring groundfish processors to complete the state's report on a quarterly basis and submit it semi-annually. Product recovery rates used to generate round weight equivalents for inseason quota management have not been finalized. A technical committee is developing appropriate rates. The rates will be published in the Federal Register as a proposed rule, allowing public comment. There have some problems with industry compliance in submitting the weekly reports; NMFS staff are spending a lot of time tracking late data. As expected with a new program, some aspects will need to be fine-tuned. Some areas that should be considered are an exclusion for catcher vessels and processors from maintaining logbooks and filing weekly reports if their groundfish catch or receipts are less than some threshold amount; whether or not to augment the daily fishing log maintained by catcher vessels to include estimated amounts of retained species; perhaps eliminating unnecessary federal reporting areas; and requiring shoreside processors to notify the Regional Director when they cease to receive groundfish either for an interim or for the remainder of the year, similar to the check-in/check-out reports required for at-sea processors.

There were no Advisory Panel or Scientific and Statistical Committee comments on this agenda item.

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

COUNCIL DISCUSSION AND ACTION

After hearing the status reports and public testimony, the Council discussed concerns with the current program and agreed to prepare a list of those concerns for the Region's consideration in making changes to the program for 1991. Concerns included accuracy and recording of data; qualification of observers and whether additional training is required for those working offshore versus inshore; incentives to reduce the high turnover rate for observers, safety training and the idea of NMFS assigning observers rather than the contractor, possible duplication in coverage between shoreplant and vessels delivering to shoreplants; better ways to distribute costs of the program across the fleet, and vessel exemptions such as reducing the 100% coverage rule on vessels using midwater trawls. In June the Council will finalize consideration for a regulatory amendment. They asked the Region to prepare a discussion paper addressing those concerns. The Region will prepare a regulatory amendment if one is required to make any of the changes in the program so that public comments can be solicited during the summer prior to the Council's final recommendations at their September meeting.

Joe Blum asked that the Council be provided with an update on salmon and herring bycatch at each Council meeting.

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C-6 Sablefish Fixed Gear Management

Responding to requests for a longer review period, the Council deferred final action on a limited access system for the sablefish fixed gear fisheries off Alaska until June. However, they did review the draft sablefish supplemental analysis which was scheduled to go out for public review after the meeting.

John Harville, Pacific States Marine Fisheries Commission, Kurt Schelle, Commercial Fisheries Entry Commission (Alaska), and Barry Bracken, ADFG, reported on workshops held in Southeast Alaska on rockfish IFQs. The Council was also provided with a written draft report.

Report of the Scientific and Statistical Committee

The SSC recommended the sablefish analysis be released for public review. The SSC received public testimony expressing concern for the adequacy of the analysis with respect to an IFQ system's propensity to induce increased discards or highgrading; however, the SSC believed the analysis was balanced on the issue. The SSC also received testimony criticizing the analysis for suggestions that status quo management would lead to "increased" demands to raise the TAC while implying that the IFQ system would have no similar impact. The SSC believed that under an IFQ management system there is an incentive for increased lobbying by fishermen individually and collectively to increase the sablefish TAC since each IFQ holder has a vested interest in the TAC.

Report of the Advisory Panel

The AP recommended that the Council ask staff to refine the sablefish document prior to sending it out for public review. The AP recommended refinements that would include analysis of a third alternative which would be a modified open access alternative using gear restrictions and time and area closures. The AP submitted other concerns and recommendations for refining the document to Council staff.

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

COUNCIL DISCUSSION AND ACTION

The Council discussed whether a final decision could be made in June with the suggested refinements and the addition of another alternative as recommended by the Advisory Panel. Staff responded that if the alternative is simple and uncomplicated it may be possible to get the document out for a reasonable public review period prior to the June Council meeting. Several Council members favored continuing with the current schedule of a final decision in June rather than delaying any longer. It was also pointed out that implementing such a program may take longer than anticipated, particularly the appeals process, and that review periods should be as long as possible.

The Council also discussed whether they have the option in June of choosing a system other than IFQs. NOAA General Counsel Craig O'Connor responded that any program the Council chooses must have been available for public review and comment. It was pointed out that the original sablefish analysis which included several options, including open access, is to be combined with the current supplemental document and this should give the public an opportunity to comment on any of the options the Council may consider.

Regarding the community development concept, Craig O'Connor expressed concern that the current concept is clearly tied to Alaska and may cause some legal question of discrimination between residents of states. He suggested that the Council include the concept for any public comment period to solicit public perception of such a program.

Bob Mace moved to send the sablefish document out for public review, but withdrew the motion in favor of further discussion of several decision points provided by staff.

Oscar Dyson moved to delay action on sablefish fixed gear management until the September Council meeting. The motion was seconded by Rick Lauber and failed, 9 to 2, with Dyson and Lauber voting in favor.

The Council reviewed several discussion/decision points provided by staff for further refinement of the proposed sablefish management system. The following points were addressed:

Initial allocation. Steve Pennoyer pointed out that this is an administrative process and the Council did not need to deal with it at this time. It was agreed that a sufficient appeals process is important in any program developed.

Citizenship of initial applicants. The question was whether or not to "grandfather in" non-U.S. corporations. The Council agreed to include this as an option for public review and also to use the MFCMA definition of corporation used in the Anti-Reflagging Act.

Appeals. Don Collinsworth stressed the need for a clearly defined appeals system with a strict time period for consideration and adjudication.

At this point in the discussion it was suggested that the entire list of 10 decision points be included with the public review package to solicit comment. Council members agreed that this should be done.

Larry Cotter moved to add another question for comment: "Should an individual who may have accrued an IFQ but has terminated association with the industry still receive an IFQ?" The motion was seconded by Ron Hegge and carried with Henry Mitchell objecting.

It was suggested that under item #8, requiring sufficient IFQs before the start of a trip, that an option be included which might allow a certain percentage over the quota with that amount being forfeited to the government without penalty. **Rick Lauber moved that this be included for discussion purposes in the public review package. The motion was seconded by Joe Blum and carried without objection.**

The Council discussed penalties for IFQ violations. It was pointed out that penalties need to be persuasive to compel compliance with the regulations but that this is not necessarily a topic for public review, although the public should be aware that the Council considers this an important issue.

With regard to the Community Development Concept, **Henry Mitchell moved to revise the document to include the Governors of Washington and Oregon in Section 1. The motion was seconded by Joe Blum and carried with Bob Mace objecting. Section 1 would read as follows:**

- "1. The Governors of Alaska, Washington, and Oregon are authorized, individually, to recommend to the Secretary that a community within the

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geographic jurisdiction of the Council be designated as an eligible economically disadvantaged fishing community. . . ."

The remainder of the document is to be edited to reflect this change. There was still some concern that this may not be acceptable under the National Standards. Staff was asked to work with General Counsel to develop acceptable language to reflect the Council's intent.

With regard to paragraph 4 of the Community Development Concept dealing with options for apportionments of area IFQs to communities, **Bob Alverson moved that the each option be preceded by the words, "no greater than."** The motion was seconded by **Joe Blum** and carried without objection.

Henry Mitchell moved to change the percentage in the first sentence of paragraph 4 of the same document from 4% to 8%. The motion was seconded by Oscar Dyson and carried 6 to 5, with Alverson, Hegge, Mace, Pennoyer and Peterson voting against.

Bob Alverson suggested that there is very little information in the analysis on the economic impact on the part of the fleet which will be giving up income potential for these community development allocations and asked that the document be bolstered to solicit public comment on this issue.

Bob Mace moved to send the sablefish package out for public review, including the 10 discussion points, the Community Development Concept, and the changes suggested during Council discussion. The motion was seconded by Bob Alverson and carried with no objection.

C-7 Future Management Planning

In January the Council voted to consider taking action at this meeting to establish a moratorium for all fisheries under Council jurisdiction. The Fishery Planning Committee was asked to review the industry request for a moratorium and develop recommendations for Council review.

Report of the Fishery Planning Committee

The FPC reviewed a staff discussion paper which reviewed the history of past Council experience with the moratorium concept. The two approaches reviewed were: (1) to establish a moratorium by declaration; a notice of control date for entry into the fisheries; and (2) a statutory moratorium, described in the FMPs and enforced by regulations. It was noted that the first approach is relatively simple to develop and implement through a Federal Register notice. It would have no immediate impact on the fishery other than to possibly chill investment, although it does warn entrants that their future participation is not assured under any limited access program. The statutory moratorium would prohibit new entrants after its effective date. It would require plan amendments and the associated analyses.

Some FPC members were uncomfortable with the Committee making a recommendation that the Council consider a moratorium. The FPC did recommend that the Council take public testimony on the issue and evaluate the merits of proceeding with a moratorium relative to achievement of the Council's Comprehensive Fishery Management Goals, and objectives of its fishery management plans.

The FPC suggested that the Council consider two proposed work schedules if a moratorium is approved. One would call for a draft amendment package to be sent for public review in September

1990 with final implementation in July 1991. (However, this schedule would only be feasible if the halibut and groundfish/crab limited access schedules are delayed or if no further analysis is required for sablefish limited access.) The other schedule would delay the moratorium implementation by six months which would give staff more flexibility should it be necessary to utilize their time on analysis of bycatch and other priorities.

The FPC also recommended the Council consider draft language for the moratorium as offered by the trawl industry groups; however, several elements were highlighted for Council discussion:

- (a) Consideration of a limit on historic participation that would qualify.
- (b) Limiting the moratorium to only one segment of the industry.
- (c) Eliminating the January 19, 1990 cut-off date.
- (d) Weighing the need for allowance of up to 20% increase in vessel length, upon replacement or conversion; allowing only one conversion of a vessel.
- (e) Considering whether or not to allow vessels to participate in other fisheries under Council jurisdiction.
- (f) Definitions of "participation" and "qualifies."
- (g) Providing for a process to settle disputes, rather than appointing an "Adjudication Group" as suggested in the industry proposal.

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

There was no report on this agenda item from the Scientific and Statistical Committee.

Report of the Advisory Panel

The AP recommended the Council move forward in developing the moratorium concept on harvesting and harvesting/processing vessels in fisheries under Council jurisdiction. The AP suggested the following qualifying criteria for a moratorium:

- a. Any vessel which was participating in any fishery under the Council's jurisdiction on or before, but no later than January 19, 1990.
- b. Any vessel that has a keel laid no later than January 19, 1990, with the primary intent of operating in a fishery under the Council's jurisdiction. In all cases the vessel must report catch in fisheries under the Council's jurisdiction on or before July 1, 1991.

The AP also recommended the following priorities for Council consideration: (1) Bycatch; (2) Inshore/Offshore Allocation; (3) Moratorium; (4) Community Development Quota System.

COUNCIL DISCUSSION AND ACTION

Steve Pennoyer was asked his views on the chances of a moratorium being approved by the Secretary of Commerce. Mr. Pennoyer said that any moratorium would have to be reinforced with reference to objectives the Council wished to achieve and tied to a longer-range goal that is adequately refined. He felt that a reasonable proposal would be considered favorably, but until the documents are actually prepared, it would be difficult to offer an opinion. Craig O'Connor said he recalled that the halibut moratorium was disapproved partly because there was insufficient direction as to the Council's long-term goal. It was suggested that perhaps a sunset provision should be included so that if a

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particular management program is not in place by that time, the moratorium would expire.

Joe Blum moved that the Council instruct staff to undertake a process of plan amendments for all plans under jurisdiction of the Council to include a moratorium, to begin immediately. The motion was seconded by Bob Alverson. It was further clarified that the motion would include crab and halibut. The Council did not include sablefish at this time, pending the decision on sablefish limited access.

Mr. Blum pointed out that it has been suggested by respected fisheries economists that a moratorium should be the first step in developing future management schemes. The Council needs to take an objective review of its goals and a moratorium and cut-off date will provide time to prepare rational future management systems.

Don Collinsworth suggested that the Council use one "generic" motion and amend it as needed.

Joe Blum moved to substitute his original motion with a motion to adopt the proposal entitled "Proposed Moratorium Definition" submitted by industry in January, with the concurrence of Bob Alverson who seconded the original motion.

The document referred to in the motion was revised through several motions but later withdrawn in its entirety after NOAA General Counsel Craig O'Connor suggested that the Council was acting prematurely in devising an actual moratorium. He recommended that the Council announce a proposed date for a moratorium to the public, have the staff develop an options paper around the general principles in the industry suggestion. After public review and comment, the Council could proceed to make specific decisions on the elements of the moratorium.

Larry Cotter moved to instruct staff to prepare a Federal Register notice that the Council is proceeding to develop a moratorium for all entry into all fisheries under Council jurisdiction, except salmon. It is the Council's intent that the effective date of such moratorium shall be January 19, 1990. Included in this notice will be a definition of vessels in the pipeline. Any vessel entering the fishery after January 19, 1990 that does not meet the criteria published in the notice may be precluded from further participation in these fisheries following publication of the final rule implementing the moratorium. This could be as early as January 1, 1992. The moratorium will expire either December 31 of the fourth year following the date of implementation, or earlier if terminated by Council action. Staff to develop an options paper for Council consideration to implement the moratorium as proposed. The staff shall prepare such options as necessary to attain the goals and objectives of the relative FMPs and the optimum yield of each fishery. Additional options shall include, but not be limited to, those options as previously discussed by the Council at this meeting. The staff is directed to work with the Fishery Planning Committee to develop the moratorium language. The FR notice shall be prepared for Council approval at the June 1990 Council meeting with the intent of the Council to complete the process in time for final action at the June 1991 Council meeting. The motion was seconded by Joe Blum and carried 10 to 1, with Alverson voting against.

The Council discussed schedules for limited access analysis for halibut, groundfish and crab fisheries. In January the staff recommended that the halibut analysis be delayed until a final Council decision is made on sablefish. IPHC has begun some analysis for halibut, but plan team and Council staff have been assigned other priorities by the Council and meeting the current schedules for halibut, groundfish and crab analyses will be difficult to meet. Larry Cotter asked whether a small test limited

access fishery, such as that suggested by George Anderson for the trawl rockfish fishery in the Gulf, could be analyzed more quickly than a full scale management scheme for halibut or groundfish. Clarence Pautzke responded that the analysis would have to include vessels other than those currently participating in the fishery and that the analysis could become as intricate as one for the larger fisheries. The Council agreed that decisions on these schedules should be considered at the June meeting after the sablefish decision is made.

C-8 Inshore/Offshore Allocation

In January the Council assigned high priority to the inshore-offshore issue for 1990 and tasked staff to prepare a plan amendment for initial review in June. A special multi-agency analytical team was assembled to prepare the environmental and socioeconomic analyses and several outside consultants have been hired. The team developed a comprehensive tasking document and identified needs for outside consultants, reviewed the problem statement and made recommendations for rewording to the Fishery Planning Committee. The tasking document included the team's concerns with various definitions of inshore and offshore components, the lack of defined operational areas for analysis of Alternative 3, identified data needed from industry and survey methods to gather the information, and suggested revisions to the work schedule for the analysis.

Report of the Fishery Planning Committee

The Fishery Planning Committee, responding to the suggestions and concerns of the analytical team, recommended revising the inshore-offshore allocation definition of the problem in the Problem Statement to read as follows:

The Council defines the problem as a resource allocation problem where one industry sector faces the risk of preemption by another. The analysis will evaluate each of the alternatives as to their ability to solve the problem within the context of processing capacity exceeding available resources.

The FPC also recommended reducing the number of allocative percentages for analysis and limiting the analysis to pollock and Pacific cod. Allocation percentages to be used for analysis of Management Alternatives 3 and 4 were recommended as follows:

Allocative Percentage Alternatives

1. Snapshot of 1989 fisheries (with 1989 BSAI JVP catch distributed 80%/20% to inshore/offshore).

In GOA:	<u>Inshore</u>	<u>Offshore</u>
Pollock	46%	54%
Pacific cod	87%	13%
In BSAI:		
Pollock	34%	66%
Pacific cod	38%	62%

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2. Historical inshore/offshore average with 80% of JVP and 20% of JVP historical catch be apportioned to inshore and offshore, respectively. (1986-89; for GOA pollock, 1986-1988 will be examined as well.)

In GOA:	<u>Inshore</u>	<u>Offshore</u>
Pollock	69% (77)	31% (23)
Pacific cod	81%	19%
In BSAI:		
Pollock	59%	41%
Pacific cod	50%	50%

3. In GOA:	<u>Inshore</u>	<u>Offshore</u>
Pollock	100%	0%
Pacific cod	80%	20%
In BSAI:		
Pollock	50%	50%
Pacific cod	50%	50%

The FPC recommended the Council use the sablefish community development quota concept for analytical purposes in the inshore-offshore document.

At their March 16 meeting the FPC approved the technical team's suggestion to survey industry sources to collect needed economic data for the analysis. The team suggested the survey be kept to nine or fewer key industry sources because of time constraints that would be imposed by requesting OMB approval for a full-scale industry survey.

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

There was no Scientific and Statistical Committee report on this agenda item.

Report of the Advisory Panel

The Advisory Panel expressed concern that industry responses to the economic survey may not be held confidential and therefore the Council may not receive the quality information it needs for the analysis. The AP also recommended that the harvesting component of the industry be included in the FPC's recommended rewording of the definition of the inshore-offshore problem.

COUNCIL DISCUSSION AND ACTION

Henry Mitchell moved to approve the recommendations of the Fishery Planning Committee. The motion was seconded by Joe Blum.

Larry Cotter pointed out that a definition of the moratorium will be needed for the analysis. Joe Blum suggested that "harvesting" be inserted in the problem statement as recommended by the Advisory Panel. Mr. Mitchell agreed to include it in the motion.

Larry Cotter moved to amend the motion by adopting for analytical purposes, Alternative 3 of the inshore/offshore definition alternatives:

Offshore: The term "offshore" includes all trawl catcher/processors and all motherships and floating processing vessels, regardless of length, which process groundfish at any time during the calendar year in the Exclusive Economic Zone.

Inshore: The term "inshore" includes shorebased processing plants and all commercial fishing vessels whose physical capability is limited to harvesting, all fixed gear catcher/processors, and all motherships and floating processing vessels which process groundfish at any time during the calendar year in the Territorial Sea.

The motion was seconded by Oscar Dyson. Henry Mitchell felt that all three alternatives should be included for review, but Steve Davis pointed out that while all the management alternatives should go out for public review, specific definitions and assumptions are needed for the analysis.

Larry Cotter indicated that the longline fleet has different capabilities from the trawl fleet and should be included in the inshore component.

Joe Blum moved to amend the amendment, that for purposes of the analysis, a parallel analysis be made using the definitions suggested by the Advisory Panel: a facility capable of moving would be considered offshore; a facility not capable of moving would be considered inshore. The motion was seconded by John Peterson.

The motion to amend the amendment failed, 8 to 3, with Blum, Pennoyer and Peterson voting in favor.

Joe Blum moved a substitute motion to use, for analytical purposes, the inshore/offshore definitions shown above, modified to end the first sentence of the offshore definition after "length." and to delete the phrase "and all commercial fishing vessels whose physical capability is limited to harvesting," from the first sentence of the inshore definition. The motion was seconded by Bob Mace.

Larry Cotter objected to the motion because it would include all motherships, and all catcher/processors would be classified as part of the offshore component regardless of gear type. Public testimony has indicated that inshore interests have no objection to motherships being included in the inshore component if they comply with the rules, and they should have the flexibility to participate in the inshore component. Bob Mace indicated that he felt the motion would provide the maximum flexibility for harvesting vessels to move either inshore or offshore.

Craig O'Connor said that the Council should not be trying to make allocative decisions at this point; they should concentrate on providing sufficient direction for an analysis of the sectors of the fisheries to give them an overall view of the fishery and its economic infrastructure. If they find there is not enough resource, then they can make allocative decisions.

The motion failed, 6 to 5, with Blum, Mace, Mitchell, Pennoyer and Peterson voting in favor.

Bob Alverson moved that all references to fixed gear, catchers and processors, in the proposed

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inshore definition be moved to an "other" category, to be analyzed independently within the analysis. The motion was seconded by Henry Mitchell, but was withdrawn after it was determined that the analysis will provide the information requested.

Larry Cotters's amendment carried with Blum objecting.

Larry Cotter moved to amend the main motion to adopt #1 of the "proposed rules for analysis" with modifications. However, Craig O'Connor suggested that this was not the time to implement "rules"; the Council should review the proposed assumptions and provide direction for analysis. Larry Cotter withdrew the motion.

The Council reviewed the proposed assumptions for analysis and made some editorial changes. The list of final assumptions were as follows:

1. Each year, prior to the commencement of groundfish processing operations, each mothership and floating processing vessel will declare whether it will operate in the inshore or offshore component of the industry in either the GOA or BSAI, but not both. The mothership or floating processing vessel may not participate in both, and once processing operations have commenced, may not switch for the remainder of the calendar year. For the purpose of this rule, groundfish applies to all of the species combined which have been allocated to one component or the other.
2. (a) A mothership or floating processing vessel which participates in the inshore component of the industry shall be limited to conducting processing operations on pollock and Pacific cod, respectively, to one location inside the base line. (Note bycatch provisions will be allowed.)

(b) A mothership or floating processing vessel which participates in the inshore component of the industry shall be allowed to conduct processing operations on pollock and Pacific cod in any inshore area.
3. On an annual basis, the NMFS will conduct a survey of the inshore and offshore components of the industry to determine the extent to which they will fully utilize their respective allocations. If the results of the survey show that one or the other will not take its entire allocation, or if during the course of the fishing year it becomes apparent that a component will not take the full amount of its allocation, the amount which will not be taken shall be released to the other component for that year. This shall have no impact upon the allocation formula.
4. Harvesting vessels can choose to deliver their catch to either or both markets (e.g. inshore and offshore processors). However, once an allocation of the TAC has been reached, the applicable processing operators will be closed for the remainder of the year unless a surplus reapportionment is made.

The main motion, which included all recommendations of the Fishery Planning Committee and the amendments to the original motion, carried without objection.

The Council discussed the industry survey recommended by the technical team and the Fishery Planning Committee. Because of concerns that information could not be kept confidential and therefore information gathered may not be as complete as necessary for the analysis, the Council decided by consensus to apply to OMB for approval of a formal survey. Steve Pennoyer said they have already begun preparing the survey and request for OMB approval. Timing was of concern to the Council. OMB has indicated that they would not want to issue a survey until after July 1st. Mr. Pennoyer said they would do what they can to expedite the process; industry has also indicated a willingness to help by writing letters of support. It was also decided that the survey questionnaires already distributed would be recalled to avoid confusion and duplication of effort.

The Council also discussed a work schedule for the Inshore/Offshore analysis. Steve Davis suggested delaying review of an amendment for public review until at least September, possibly December if the OMB process is lengthy. The Council agreed to the September date, with the possibility of delaying until December. The Council will discuss the schedule again in June.

C-9 Pollock Roe-Stripping/Season Apportionment Amendment

The Council was scheduled to review Amendment 19/14 and approve it for Secretarial review.

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

Report of the Scientific and Statistical Committee

The SSC reviewed the document and concurs with the analysis of the pros and cons of the alternatives. The document could not demonstrate any large impacts due to inadequate information, lack of research studies, or the absence of any effect. The SSC believes that the seasonal distribution of fishing mortality has little effect on the productivity of the stock and felt that the document suggests no significant adverse effect of fishing during the spawning season on pollock stock dynamics as opposed to fishing later in the year.

Report of the Advisory Panel

The AP recommended the following:

1. Establish a quarterly apportionment schedule for the pollock TAC in the GOA, or portions thereof.
2. Maintain a separate TAC on the Shelikof winter pollock fishery.
3. Prohibit the practice of roe-stripping of pollock in the GOA and BSAI.
4. Establish a seasonal TAC apportionment for pollock in the BSAI, or portions thereof. Allocate the TAC between the roe and non-roe season.

The AP also recommended the Council use the roe-stripping definition which uses product recovery rates to back calculate to round weight equivalents.

COUNCIL DISCUSSION AND ACTION

Because of time constraints, the Council delayed final action on this item until the June Council meeting. In the meantime, staff was requested to expand the document, where possible, to address some of the issues raised during public testimony and Council discussion. Council members who had

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specific comments or suggestions were asked to submit them in writing to the Council office by the following Friday.

C-10 Other Business

During public testimony Perfenia Pletnikoff asked the Council how their request for a groundfish allocation of 5% of the groundfish TAC for the Pribilof Islands will be handled. The residents of the area have spent a lot of money on developing their vessels and a harbor and feel they were promised some consideration by the government under the Fur Seal Act. He also suggested that the separate regulatory areas around the islands be combined into one management area.

Council members discussed the request and asked that it be put on the June meeting agenda. NOAA General Counsel was asked to provide information on the provisions of the Fur Sea Act and how they relate to this request.

D. **FISHERY MANAGEMENT PLANS**

[Agenda Items D-1, Salmon FMP, and D-2, Crab FMP, were delayed until June because of a lack of time.]

D-3 Groundfish FMPs

(a) Bycatch Management

The Ad Hoc Bycatch Committee's report and recommendations are included in the Council discussion of Agenda item D-3(b), Groundfish Amendments, Chapter 2.

Regulatory Amendment

Larry Cotter moved that the Council ask NMFS to prepare a regulatory amendment for the June meeting to review implications of closure of the yellowfin sole and other flatfish fisheries in the BSAI between May 15-June 15. The Council would take final action at the June Council meeting. The motion was seconded by Oscar Dyson.

Steve Pennoyer said they would prepare a draft regulatory amendment for Council review in June, but could not have it prepared in time for a public comment period before the meeting. They could, however, send out a notice of their intentions to the public. Henry Mitchell said he would like to see red salmon bycatch considered in the regulatory amendment. Steve Pennoyer said they would bring available data on herring, king salmon, and red salmon bycatches in past joint venture operations in the area to the June meeting. Mr. Mitchell also said he preferred an opening date later than May 15, perhaps June 10, because of the high rates of king salmon and herring bycatch.

The motion carried with no objection.

Larry Cotter moved that the Council ask NMFS to prepare a regulatory amendment to modify the amount of yellowfin sole that can be retained in the rock sole fishery. The motion was seconded by Henry Mitchell and carried with no objection.

Request for Emergency Action on Herring Bycatch

In January the Council heard from the Alaska Department of Fish and Game that subsistence fisheries for herring may be threatened as herring bycatch in the Bering Sea trawl fisheries increases and herring stocks decline. The Alaska Board of Fisheries requested that the Council take emergency action to limit herring bycatch in 1990.

Alaska Department of Fish and Game staff reported that they continue to believe that the Nelson Island and Nunivak Island herring stocks are below levels that can support commercial harvests.

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

Report of the Advisory Panel

The Advisory Panel recommended the Council request NMFS to develop an emergency rule which would:

1. Establish a bycatch cap for Bering Sea herring at [1-4%] of the biomass.
2. Establish zones and times for closures as shown on the attached map (between 162° and 164°W and south of 56°30'N from June 15 to July 1 and between 164° and 166°30'W and south of 55°30'N from July 1 to August 15]. These time/area closures would be triggered when the bycatch cap was reached.
3. Require 100% observer coverage on trawlers fishing in these zones at the times specified and require daily monitoring and report of herring bycatch rates and volume.

The AP also recommended that the Council consider emergency action at the June meeting to establish a winter savings area northwest of the Pribilof Islands and a corridor between the summer and winter areas and that the Council request the State of Alaska and NMFS to conduct appropriate stock identification studies and provide a protocol to observers or the fleet for collection of samples.

Henry Mitchell moved to request the Secretary of Commerce to take emergency action for protective measures for Bering Sea herring as recommended by the Advisory Panel, with a cap of 1,000 mt. The request is being made in recognition that the Nelson/Nunivak herring stocks are below threshold level and in danger of being intercepted in the Bering Sea trawl fisheries. The motion was seconded by Larry Cotter.

During discussion it was pointed out that even after the cap is reached and the smaller zones closed, there will still be a directed fishery in the larger part of the Bering Sea in which herring could be intercepted and discarded. This measure won't eliminate herring bycatch but may help alleviate the pressure on the Nelson Island/Nunivak Island stocks.

Rick Lauber moved to amend the motion that the bycatch be allocated 50% to harvesters delivering onshore and 50% to harvesters processing and delivering offshore. The motion was seconded by Oscar Dyson.

Steve Pennoyer pointed out that allocating by emergency rule may be a problem. Larry Cotter pointed out that this represents a major portion of the onshore harvest and if the fishery is shut down they can't move to other areas. Joe Blum said he doesn't feel the data shows that there's an emergency. The fluctuation in herring stocks may be part of a natural process that does not

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constitute a conservation emergency.

The amendment carried, 6 to 5, with Alverson, Blum, Mace, Peterson and Pennoyer voting against.

Joe Blum moved that the 1,000 mt cap be amended to 4% of the biomass of herring in the Bering Sea. The motion was seconded by John Peterson. Mr. Blum felt that 4% of the biomass would be required in order to provide any reasonable opportunity to fish.

The amendment failed, 8 to 3, with Blum, Mace and Peterson voting in favor.

Bob Alverson moved to exempt mid-water trawl operations from closures in the area west of 165°W. The motion was seconded by Henry Mitchell. Mr. Alverson said that this motion would allow for a lower bycatch cap but at the same time provide relief for at-sea and shorebased fleets in prosecuting the pollock fishery which provides the major product in that area during that time.

The amendment failed, 10 to 1, with Alverson voting in favor.

Rick Lauber moved to amend to 2.5% of the biomass (instead of the 1,000 mt cap). The motion was seconded by Oscar Dyson and carried, 6 to 5, with Collinsworth, Cotter, Hegge, Mitchell and Pennoyer voting against.

Bob Alverson said that the 100% observer coverage will be a hardship on the smaller vessels which normally only require 30% coverage. Don Collinsworth pointed out that the 100% coverage would only go into effect in June for 30 days and only during particular times in the specified zones. Steve Pennoyer said he was not sure that there will be enough observers available for 100% coverage at that time. Council members confirmed that they wish to require 100% coverage; if an observer is not available, then the vessel will not be able to fish.

During Council discussion it was clarified that observers must be on board when fishing those areas during the dates specified; however if the cap is hit and the area closes, then vessels continuing to fish in the open areas would be only required to maintain the normal level of observer coverage. It was also clarified that bycatch would be calculated from the beginning of the year.

The main motion carried, as amended, 9 to 2, with Dyson and Pennoyer voting against.

The Council considered the AP recommendation for the Council to consider emergency action at the June meeting to establish a winter savings area northwest of the Pribilof Islands and a corridor between the summer and winter areas. The Region agreed to provide more information on this issue at the June meeting when the possibility of emergency action would be an agenda item.

Regarding the Advisory Panel's recommendation for stock identification studies, Fritz Funk advised that the State does conduct studies in May and they will update the Council at the June meeting. Steve Pennoyer said they are already discussing the need for stock identification studies and will also report to the Council in June.

Yellowfin Sole Fishery

NMFS reported that there are 22 tons of halibut bycatch remaining for the yellowfin sole fishery and requested Council input on whether they should reopen the fishery. Steve Pennoyer said he has been asked by joint venture interests to reopen the fishery; however, if there is a race for fish, 22 tons won't go very far. The joint venture groups want to cooperate in a program where they can internally

pool and then sanction those who do not fish clean. This may be an opportunity to conduct a "test" fishery, but observers may not be available until late June. Unless that changes, it is unlikely they would reopen the fishery.

Henry Mitchell pointed out that Bristol Bay just recently received a 30,000 lb halibut quota for the June 1st opening; the joint venture operation could take up to 95,000 lbs and they could cause disruption when traversing the grounds where the fishery is taking place. He is also concerned about herring bycatch. He suggested that if the Regional Director decided to reopen the yellowfin sole fishery, that it not open until at least June 8.

Steve Pennoyer said he would take Council comments under consideration before taking any action.

(b) Proposed Groundfish Amendments

The Council reviewed the EA/RIR/IRFA for groundfish amendments 21 and 16 to the Gulf of Alaska and Bering Sea/Aleutian Islands groundfish FMPs, respectively. The following topics were addressed:

- Revise bycatch management measures (crab and halibut) in the BSAI.
- Define overfishing in the GOA and BSAI.
- Establish procedures for interim TAC specifications in the GOA and BSAI.
- Modify demersal shelf rockfish management in the GOA.
- Implement herring bycatch management measures in the BSAI.
- Change fishing gear restrictions in the GOA and BSAI.
- Expand halibut bycatch management measures in the GOA.

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

Report of the Scientific and Statistical Committee

Listed below is a summary of SSC comments on Amendment 21/16. For more specific comments, see the SSC Minutes, Appendix II to these minutes.

Chapter 2 - Revise crab and halibut bycatch measures in the BSAI

The SSC received this chapter at the beginning of their meeting and did not have sufficient time for review. A subcommittee has been assigned to review the document and provide comments to the drafters within the next two weeks. The SSC will provide in-depth comments on the document at the June meeting.

Chapter 3 - Define overfishing in the GAO and BSAI

The SSC recommends using a definition of overfishing as follows: "fishing so hard that average long-term yield is reduced." The SSC believes this definition is consistent with the 602 guidelines and with the Council's demonstrated preference for avoiding resource depletion.

Chapter 4 - Establish Procedures for Interim TAC Specifications

The SSC recommends this amendment be sent out for public review.

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Chapter 5 - Modify authorization language for demersal shelf rockfish management in the GOA

The SSC recommended this amendment be sent out for public review subject to several clarifications and additions (See SSC Minutes).

Chapter 6 - Develop herring bycatch management measures in BSAI

The SSC recommended the plan team re-draft this chapter for reconsideration at the June meeting. See the SSC minutes for specific recommendations for revision of the document.

Chapter 7 - Change fishing gear restrictions in the GOA and BSAI

The SSC recommended this chapter be sent out for public review.

Chapter 8 - Expand halibut bycatch management measures in the GOA

The SSC recommended this chapter be sent out for public review.

Report of the Advisory Panel

The AP recommended that Chapters 3, 4, 7 and 8 be sent out for public review as drafted.

For Chapter 2 - Bering Sea bycatch management, the AP had several specific comments and suggestions (see AP Minutes, Appendix III to these minutes). They recommended that the chapter be revised and sent out for public review.

The AP recommended sending Chapter 5 - Modify demersal shelf rockfish management in the GOA, out for public review with minor modifications.

For Chapter 6 - Herring bycatch management in the BSAI, the AP recommended the chapter be refined and returned to the Council for review at the June meeting before sending out for public review. See Appendix III for the AP's specific recommendations for changes in the document.

COUNCIL DISCUSSION AND ACTION

Chapter 2 - Revise bycatch management measures (crab and halibut) in the BSAI

The Ad Hoc Bycatch Committee recommended the Council consider two bycatch amendments, plus a regulatory amendment. The first amendment (16) would include analysis of 5 alternatives: (1) status quo (no bycatch management); (2) rollover of Amendment 12a; (3) a modified Alternative (2) with separate PSC apportionment to the DAP rock sole fishery; (4) rollover of Amendment 12a with a PSC reserve or credit system; and (5) Alternative (4) with a separate PSC apportionment to the DAP rock sole fishery. This amendment would be effective on January 1, 1991.

The second amendment (16a) would include measures to augment or supersede those in Amendment 16. Suggested alternatives included: (1) an enhanced analyses of incentive programs (reserve, bycatch credit, vessel incentive pool, and (2) traditional management tools such as inseason authority to implement short term closures of PSC "hot spots"; pollock TAC apportionment to pelagic trawl gear; seasonal apportionments of PSC limits; frameworking of PSC caps, modification of bycatch zones

and/or closed areas, and night closures if possible.. This amendment could be ready for implementation by mid-March 1991.

The Committee also recommended a regulatory amendment be prepared which would postpone the yellowfin sole and other flatfish fisheries until May 15 to reduce bottom trawl bycatch of red king crab and other prohibited species.

Steve Pennoyer expressed some concern with the agency's capability to implement the program suggested by the AP for the beginning of the 1991 fishing year. Bycatch concerns are their highest priority but right now their capability is being stretched to stay ahead of PSC rates and collect data to open and close fisheries. Mr. Pennoyer suggested that they may be able to implement a portion of the AP's recommendation with regard to apportioning caps for halibut, king crab and bairdi to four fisheries: JV Flatfish; DAP flatfish (yellowfin sole, rocksole); DAP sablefish and turbot; and DAP Other (pollock, cod, rockfish, Atka mackerel). They could try to phase in an incentive program on a trial basis to determine how far it could be expanded. He also suggested that the Bycatch Committee's recommendation for a short-term vessel incentive program is not that different from the AP recommendation and that they may be able to develop that concept for review at the June meeting.

Joe Blum moved to adopt the AP recommendation (all alternatives, including the assumption that the JV flatfish fishery would be delayed until May 15). The motion was seconded by Bob Mace.

Larry Cotter suggested adding DAP rocksole as another category for the apportionment of bycatch caps. This was accepted as a friendly amendment to the motion.

Clarence Pautzke pointed out that the Council may contemplate a follow-on amendment on caps and suggested that adjustment of caps in Alternative 2 proposed by the AP is not necessary at this time.

Larry Cotter moved to amend the motion to delete the reference to adjusting caps in each of the alternatives. The motion was seconded by Oscar Dyson and failed, 8 to 3, with Cotter, Dyson and Hegge voting in favor.

Bob Alverson moved to amend the motion to delete the "one-year" time period. The motion was seconded by Henry Mitchell and carried with no objection.

Bob Alverson moved to amend the main motion to include DAH flatfish in the assumption that the (JV) flatfish fishery would be delayed until May 15. The motion was seconded by Steve Pennoyer and carried with no objection.

The main motion carried, as amended, with no objection.

This amendment proposal will be revised and returned for Council review and approval at the June Council meeting.

Later in the meeting, Henry Mitchell moved to reconsider this amendment. The motion was seconded by Bob Alverson and carried, 7 to 4, with Blum, Mace, Pennoyer and Peterson voting no.

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Henry Mitchell moved to delete Option (2) of Alternative 2 (Rollover of Amendment 12a w/adjustment of caps); and Option 2 of Alternative 3 (same). The motion was seconded by Larry Cotter.

Henry Mitchell felt that the subject should be delayed in order to allow appropriate time for analysis and in conjunction with other changes being considered for bycatch. Larry Cotter said that readjusting the bycatch caps is something that should be done, however, it should be thoroughly examined and analyzed and that cannot be accomplished within the time allotted before Council action. Those opposing the motion felt the subject should be distributed for public comment.

The motion carried, 7 to 4, with Blum, Mace, Pennoyer and Peterson voting against.

The Council agreed that the Ad Hoc Bycatch Committee should work over the summer at developing a comprehensive bycatch proposal for the 1991 amendment cycle. Final action would come in June 1991 for the 1992 fishery.

Chapter 3 - Define overfishing in the GOA and BSAI

Bob Alverson stated that he is uneasy with the definitions of overfishing provided; he feels that they do not take into consideration the economic and social use of the resource. The rates suggested are so low that the resource would probably never be fished to those levels, but industry wouldn't survive to that point. The document should show what these definitions would mean in terms of the resource, using specific examples.

John Peterson moved to send Chapter 3 out for public review with the modifications suggested by the SSC. The motion was seconded by Joe Blum and carried with Bob Alverson objecting.

Clarence Pautzke suggested a seminar be held before the June Council meeting and during the public review period to educate Council members and public on the definitions and their applications.

Chapter 4 - Interim TAC specifications in the GOA and BSAI

Larry Cotter moved to send Chapter 4 out for public review. The motion was seconded by John Peterson and carried with no objection.

Chapter 5 - Modify demersal shelf rockfish management in the GOA

Joe Blum moved to adopt the SSC clarifications for Chapter 5 and send it out for public review. The motion was seconded by Henry Mitchell and carried with no objection.

Chapter 6 - Implement herring bycatch management measures in the BSAI

The Council concurred with the SSC recommendation to revise and return the document to the Council for review in June before approving for public review.

Chapter 7 - Change fishing gear restrictions in the GOA and BSAI

Joe Blum moved to send Chapter 7 out for public review. The motion was seconded by Bob Alverson and carried with no objection.

Chapter 8 -Expand halibut bycatch management measures in the GOA

Bob Alverson moved to send Chapter 8 out for public review. The motion was seconded by Joe Blum and carried with no objection.

(c) Emergency Rules

(1) Pollock Roe Stripping

NMFS published an emergency rule on February 23, 1990 to limit the amount of pollock roe which may be retained on board relative to other pollock products. The rule was scheduled to expire on May 16, but could be extended for an additional 90-day period.

Steve Pennoyer pointed out that the roe season is over and there is no necessity to extend the emergency rule. The Secretary intends to suspend the rule at this point, but Council concurrence is requested.

Joe Blum moved that the Council concur with the Secretary of Commerce's intention to suspend the roe-stripping emergency rule. The motion was seconded by Bob Mace and carried without objection.

(2) Quarterly apportionment of halibut PSC in the GOA

NMFS published an emergency rule on February 21 which apportions the GOA halibut PSC by quarter. The rule was to expire on May 15, but could be extended for an additional 90-day period.

Oscar Dyson moved to recommend that the Secretary extend the emergency rule for an additional 90 days. The motion was seconded by Ron Hegge.

Larry Cotter said he recalled that during public testimony there was a suggestion to change one of the apportionments. Craig O'Connor advised that if there are going to be any modifications to the emergency rule, they would have to be tied to the emergency which precipitated the rule. The modifications would have to be reasonable and rational and not too different from the original rule and demonstrate that they are necessary to obtain the effect desired when the original rule was implemented. There was some Council discussion regarding pot vessels which are exempt under the emergency rule; however, when it expires, pot gear will again fall under the general 750 mt fixed gear halibut PSC. The Council has received a request to find a method to allow a cod pot fishery in the Gulf after the fixed gear halibut PSC is taken.

Larry Cotter moved to amend the motion to modify the emergency rule so that 400 mt of the trawl halibut PSC is released at the end of the 2nd quarter and the remainder at the expiration of the emergency rule. The motion was seconded by Henry Mitchell.

The Council's intent is to extend the directed fisheries through the course of the year and extend the TACs. This apportionment will further assist in attainment of the TACs for target fisheries and may minimize bycatch of halibut. It was pointed out that this is not the existing emergency rule; it's a new regime. Craig O'Connor suggested that perhaps the rule could be modified to attain the Council's objectives.

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The amendment carried, 8 to 3, with Blum, Mace and Peterson voting no. The main motion carried with Steve Pennoyer objecting.

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

The meeting was adjourned at 4:58 p.m. on Friday, April 27, 1990.