

North Pacific Fishery Management Council

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Certified Richard B. Lauber
Chairman

Date May 4, 1992

MINUTES

**99th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
December 3-9, 1991
Anchorage Hilton Hotel
Anchorage, Alaska**

The North Pacific Fishery Management Council met December 3-9, 1991 at the Anchorage Hilton Hotel in Anchorage, Alaska. The Advisory Panel and Scientific and Statistical Committee began on December 2nd. The Advisory Panel Nominating and Finance Committees also met during the week. The following members of the Council, staff, SSC and AP attended.

Council

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

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

NPFMC Staff

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

Chris Oliver
Russ Harding
Helen Allen
Gail Peeler
Regina Stewart

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Support Staff

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

Ray Baglin, NMFS-AKR
Sue Salvesson, AFSC
David Benton, ADFG
Galen Tromble, NMFS-AKR
Joe Terry, AFSC
Jay Ginter, NMFS-AKR
Steve Zimmerman, NMFS
Don Collinsworth, NMFS-AKR

Scientific and Statistical Committee

Terry Quinn, Chair
Bill Clark, General Secretary
Bill Aron
John Burns
Doug Eggers

Larry Hreha
Gordon Kruse
Richard Marasco
Don Rosenberg
Jack Tagart

Advisory Panel

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

Chuck Jensen
Kevin Kaldestad
David Little
Loretta Lure
Pete Maloney
Jack Miller
Dan O'Hara

Perfenia Pletnikoff
John Roos
Jay Skordahl
Beth Stewart
Robert Wurm
Lyle Yeck

General Public

Over 200 people attended the meeting. The following members of the public signed the attendance register:

Mike Wiley
James Swift
Warren Brown
George Glagenz
Jere Murray
Sandy Murray
Annie Cooper
Sylvia Ettefagh
Stan Weikal
Kevin Hogan
Don & Ann Nesbitt
Hank Lind
Jim Eastwood

C.K. Weaverling
Mako Haggerty
Stanley Mack
Anna Borland
Bill Kaltenecker
Brad Kimberlin
Paul Lints
Paul Seaton
John Rate
Bill Dignon
Terry Barry
Larry Powers
Matt Donohoe

Bill Sullivan
Charlie Spud
Bruce Manley
Steve Tuenstrup
Ray Starlec
Buck Laukitis
Jon VanHyning
Brian King
John Walsh
David Osterback
R. D. Sparlin, Jr.
Alvin Osterback
Kris Norosz

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Jeff Stephan
Andre Koso
Corey Wilson
James Phillips
Roger Gross
Thor Skolstad
Brian Bigler
Chris Blackburn
Jim Hubbard
Jack Hill
Pete Farris
Mari Fahey
Jan Standaert
Nancy Lande
E. Andrer
David Wenzlau
Gary Nothstein
M. Salmon
Toby Rilling
Robert Miller
Tim Cabana
M.L. Edwards
Howard Torsen
Tim Renschler
Pete Niemi
Walter Thomas
Will Tillion
Bruce Forde
Stoian Iankov
Robert Newinder
Bill Osborne
Brian Kelly
Bruce Cotton
Margaret Spahn
Arni Thomson
Bill Atkinson
Don Bridges
Karl Ohls
Gary Cadd
Brad Matsen
Jim Posey
Dave Bloum
Dale Adams
David Martin
Bill Sullivan
Joe Plesha
Marty Phelps
Stan Carlson
Ron Rogness

Mark Hofmann
Fred Kirkes
Mark Lundsten
Michael Phelps
David Benson
Al Womac
Vince Addington
C. Lowenberg
Bruce Buls
Linda Behnken
Steve Hughes
Carl Rosier
Chris Nerison
Steve Fish
Gary Taylor
Michael Macie
Dean Paddock
Steve Grabacki
David Bill
George Eischems
Laurie Williams
Erik Breivik
Brian Harber
Bruce Forde
Roger Woods
Alexander Galanin Sr.
Kate Graham
Jean Gamache
Brad Resnick
Thorn Smith
Norm Stadem
Ole Mathisen
Bill Baker
Dale Alberda
Dave Coleman
Lee Martin
Robert Czeisler
Ken Holland
Paul Dubsky
Michael Green
Jackie Miller
Sinclair Wilt
Kelly Hepler
James Salisbury
Jay Hastings
Larry Sund
Shari Gross
M. Becker
Greg Baker

Mike Atterberry
K. Ito
Mel Monsen
Ken Allread
Michael Lake
P. Davis
Laine Welch
Nick Maltwhen
Dem Cowles
Bruce Austin
Thomas Pearson
James Spearin
Mark Snigaroff
Blanton Fortson
Richard Tremaine
Elizabeth Hasdorf
John Gruver
Steve Fish
Wassillie Bavilla
Spike Jones
Mark Kandianis
Jim Seavers
Ragnar Lovoll
Michael Petersen
Vic Horgan, Jr.
Denise Fredette
Lonnie Chesnut
Byrce Edgmon
Pete Resoff
Gary Westman
Robert Mikol
Bill Jacobson
Rudy Petersen
Ed Wolfe
Jonathon Spool
John McMullen
Clynn Whitworth
Don Setters
Richard Nelson
Shuji Matsuzawa
Tim Pearson
Tim Meintz
Dave Olney
Cindy Anderson
David Stanchfield
Stan Carlson
Gary Painter
Gordon Ziemkowski
Teresa Turk

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Doug Weeks
Hazel Nelson

Nora White
Harry Lord
Donna Parker
John Graves
Ken Spearin

Jere Murray
Joe Sullivan
Linda Kozak
Robert Mikol

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

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

Chairman Lauber called the meeting to order at approximately 8:10 a.m. on Tuesday, December 3, 1991. Steve Pennoyer presented certificates of appointment to reappointed Council members Alverson, Dyson, and Lauber. Minutes of previous meetings were not available for review. The agenda was approved as submitted.

B. REPORTS

B-1 Executive Director's Report

Clarence Pautzke noted that the next meeting of the regional council chairmen and vice chairmen, hosted by the Western Pacific Council, will be held the week of January 20, in Hawaii. Among the high priority items for consideration by the chairmen and discussion with NMFS will be the budget for 1992 and methodologies for apportioning it among the eight councils. Other topics include limited entry, funding for Councils and management information, and the transfer of NMFS to another department of the administration. Council members were asked to provide any additional topics they would like to have discussed.

Alaska Sea Grant has requested Council assistance in the amount of \$2,500 to help produce and publish the proceedings for a symposium they are sponsoring on the management of exploited fish populations under the Lowell Wakefield Symposium series. The Council was asked for their concurrence to support the symposium if funds are available at the end of the year.

The Council received a letter from the Pacific Council supporting a national habitat policy generated at the National Symposium on Coastal Fish Habitat Conservation and asking the North Pacific Council to support the policy as the other Councils do. The Executive Director asked the Council to set aside time to develop recommendations on this issue. [The Council did not have enough time to address this issue during the meeting.]

The Executive Director also noted the impending departure of Mark Pedersen, Washington Department of Fisheries, and Dale Evans, NMFS Regional Office, thanking them for their participation in the Council process over the years.

Council, AP and SSC members were reminded to submit travel claims as soon as possible after the meeting so end-of-the-year financial reports can be completed. It was also noted that travel claims should be submitted within 30 days after a meeting to ensure reimbursement.

B-2 Alaska Department of Fish & Game Report

Earl Krygier reported on activities in the crab and troll salmon fisheries and trends in the rockfish fishery.

Crab. During the Dutch Harbor brown king crab fishery September 1-November 15, 1.4 million pounds were taken. In the St. Matthew blue king crab fishery, September 16-20, 3.1 million pounds were harvested. The Bristol Bay red king crab fishery November 1-8, an estimated 17.3 million pounds were taken. The Adak red and brown king crab season opened November 1 and through November 24, approximately 520,000 pounds of red and 255,000 of brown king crab have been caught. The C. bairdi fishery opened on November 15 with a guideline harvest level of 32.8 million pounds.

Salmon. The winter troll salmon fishery opened October 1 and the catch through the end of November was 23,000 kings, compared to a catch of 19,551 taken during the same time period last year. Alaskan hatchery fish accounted for approximately 17.9% of the catch, or 4,100 kings.

Rockfish. The longline portion of the demersal shelf rockfish fishery closed on July 8 when the halibut PSC cap was reached. A dramatic increase in the catch of black rockfish has been experienced in the nearshore waters of the Gulf of Alaska, with the greatest increases occurring around Kodiak Island. As a result of this increase, the state is recommending separate TACs for black rockfish.

COUNCIL DISCUSSION/ACTION

Wally Pereyra asked that the issue of pot limits be put on the January Council agenda for discussion. During public testimony, Arni Thomson of Alaska Crab Coalition expressed concern over the overharvest of C. opilio crab. They feel that the current increase in stocks could be a one-year spike and urged the Council to be conservative. They advised against consideration of an increase in the OY for opilio at this time. They are currently considering the pot limit issue and asked Council support for a proposal to change the opening date to January 15, to effect simultaneous openings for opilio and bairdi.

The Council agreed to a general discussion of crab issues at their January meeting. The Executive Director was instructed to send a letter to the chairman of the Alaska Board of Fisheries and ADFG-Commercial Fisheries relaying Council concerns and asking them to take appropriate action.

B-3 NMFS Management Report

Dale Evans reported on 1991 harvests and compared them to last year's data. Included in the report were recaps of various management actions and their effects on the fisheries.

Larry Cotter requested that a discussion of discards be placed on the January Council agenda. He said the discussion would focus on methods of determining discards, how to handle them and how the Council should address the issue.

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B-4 Enforcement Report

Commander Joe Kyle, USCG, provided the Council with a written summary of enforcement activities for the period September 1 through October 31, 1991. During that period the American fishing vessel ARICA was seized for fishing in the closed area around Round Island in Bristol Bay. During the same period there were multiple sightings of unidentifiable foreign driftnet vessels fishing outside the authorized driftnet area. In all cases, the sightings were reported to the Soviet Union because of the proximity of the vessels to their border. For information only, Council members were provided with a notice of proposed rulemaking implementing Section 4118 of the Oil Pollution Act of 1990 with regard to vessel communications equipment.

B-5 1991 Bering Sea Crab Survey

The Council was provided with a copy of the 1991 Bering Sea Crab Survey. Dr. Loh-lee Low, Alaska Fisheries Science Center, summarized the report and responded to Council questions.

C. NEW OR CONTINUING BUSINESS

C-1 Marine Mammals

The Council was scheduled to review the revised amendments to the Marine Mammal Protection Act and provide comments to NMFS. Proposed regulations for sea lion protection measures in Amendment 20/25 were also provided for Council review and comment.

(a) MMPA Amendments

Steve Zimmerman, NMFS, provided an overview of the draft interim proposal to amend the Marine Mammal Protection Act. He also advised the Council of NMFS' efforts to respond to concerns submitted by the Council on the DLEIS in September.

Report of the Scientific and Statistical Committee

The SSC noted that the revised proposal addresses many of the issues noted by the Council during the preliminary review. However, the SSC still voiced several concerns which are outlined in their minutes, Appendix II to these minutes.

Report of the Advisory Panel

The AP had a limited opportunity to review the revised proposal. Because of the importance of the issue and its politically sensitive nature, they believe NMFS is proceeding too quickly. The AP recommended the Council request that NMFS delay submitting the proposal to Congress until several criteria are met (see AP Minutes, Appendix III).

COUNCIL DISCUSSION AND ACTION

The Council asked the Executive Director to send a letter to NMFS incorporating the comments from both the AP and SSC.

(b) Proposed Regulations--Amendment 20/25

In September the Council took final action on Amendments 20/25 which would permanently establish sea lion protection measures beginning in 1992. NMFS advised the Council that the proposed rule differs from the Council recommendation on one issue. The Council's recommendation would have allowed trawling to continue for groundfish, other than pollock, within the 10-mile buffer zones in the Aleutians. The rule proposed by NMFS would prohibit all trawling for groundfish within the buffer zones in the Aleutians.

There were no AP or SSC comments on this agenda item.

COUNCIL DISCUSSION AND ACTION

Though the Council expressed concern that the prohibition on all trawling could lead to economic losses, the Council recognizes the importance of having the season open on January 20. The Council urged NMFS to implement the regulations as quickly as possible.

C-2 Sablefish & Halibut IFQs

The Council was scheduled to receive the implementation plan from the technical committee and industry workgroup, resolve policy and administrative issues, and give final approval of a preferred alternative for a sablefish and halibut IFQ management regime. A public hearing on the issue was held on Monday, December 2. A summary of public testimony is found under Appendix I to these minutes. Under this agenda item the Council was also scheduled to approve for public review a halibut allocative proposal to expand IPHC Area 4C.

Sablefish and Halibut IFQ Management

Report of the Scientific and Statistical Committee

The SSC reviewed the implementation plan and found no technical issues needing comment.

Report of the Advisory Panel

The AP reviewed the report from the industry and technical groups and did not get into a discussion on the merits of IFQs. The AP is still very divided in its opinion of IFQs and therefore a recommendation on a preferred alternative remains difficult. The AP recommended the Council carefully consider the issues needing clarification identified by the workgroups and offered several specific recommendations regarding various aspects of the preferred alternative (please see AP minutes, Appendix III).

COUNCIL DISCUSSION AND ACTION

Following staff and committee reports, Mark Pedersen offered the following motion:

That the Council commit the sablefish and halibut fixed gear management plan to the Fishery Planning Committee to be considered as part of the comprehensive rationalization program for the Gulf of Alaska and Bering Sea/Aleutian Island groundfish, halibut and crab fisheries under the Council's jurisdiction.

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In order not to burden existing Council and Agency staff with the ongoing analysis of the Fishery Planning Committee proposal/alternatives, I move that the Council instruct Clarence to provide us at the January 1992 meeting with a fully developed Request for Proposals to obtain through competitive bid an analytical team to provide analysis.

I further move that the Council as a committee of the whole meet as a Fishery Planning Committee at least one meeting day per regular Council meeting to develop a comprehensive fishery rationalization program proposal with appropriate alternatives for final Council action by the April 1993 mtg.

The motion was seconded by Wally Pereyra.

Mr. Pedersen stated that the Washington Dept. of Fisheries has been in favor of some kind of IFQ system to rationalize the sablefish and halibut fisheries. However, over the three years since the Council began efforts on the plan, issues have arisen to complicate the issue, including the influx of participants in the groundfish fisheries and they feel that rationalization should be dealt with through a comprehensive plan. A concern over lack of total industry support for the plan was also expressed.

Those favoring the motion agreed with Mr. Pedersen that the Council should deal with all fisheries under one comprehensive rationalization plan rather than on a fishery-by-fishery basis. Those in opposition felt that further delay in addressing the sablefish and halibut fisheries would lead to further problems in those fisheries. Also, there was doubt that a complete rationalization plan for all fisheries under Council jurisdiction could be complete and implemented by 1993 and continued open access in sablefish and halibut fisheries is no longer acceptable.

The motion failed, 7 to 4, with Pedersen, Dyson, Mace and Pereyra voting in favor.

The Council then began discussing and making amendments to the draft preferred alternative previously approved by the Council. The following changes were made in addition to minor editorial changes:

- The definition of "bona fide fixed gear crew member" was changed to require 5 months of any commercial fish harvesting activity as the criteria, and the requirement for fixed gear fish harvesting experience was deleted.
- The definition of "bareboat charter" was amended to include verbal lease agreements.
- A new vessel category of vessels 35 ft. and less was added under vessel categories for halibut.
- Provisions describing exceptions for changes in corporations were amended to include legal incapacity of a corporate member.
- Provisions describing exceptions for changes in partnerships were amended to include the same provisions regarding death and incapacity as is found in the corporations section; in addition, an exception was included if ownership shares are changed within the partnership.

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- For IFQ accounting purposes, a new section was added requiring persons holding IFQs and wishing to fish to check in with NMFS or their agents prior to entering any relevant management area. Additionally, any person transporting IFQ-caught fish between relevant management areas would be required to first contact NMFS or their agents.
- An exemption for application of quota shares to trawl-caught sablefish and halibut; sablefish or halibut harvested with pots in the Gulf of Alaska and halibut harvested with pots in the Bering Sea/Aleutian Islands under an applicable bycatch program was deleted.
- A section was added to require that any person retaining sablefish or halibut with commercial fixed gear to own or otherwise control IFQs.
- A recommendation that the halibut fixed gear PSC limit be suspended for the first two years of the IFQ program in order for the continued prosecution of non-IFQ fixed gear fisheries.
- Under the recommendation that 30% of the halibut quota in IPHC management area 4D be made available to residents of disadvantaged western Alaska coastal communities located in IPHC Area 4E, the Council added IPHC Area 4D residents for eligibility for the CDQ program.
- The section under Western Alaska Sablefish Community Quota describing compensation for persons receiving less sablefish QS because of the CDQ provisions was revised allowing for partial compensation with the cost to be borne equally by all initial QS/IFQ recipients.
- The freezer longliner category was revised to clarify how the vessel will qualify for shares dependent upon whether it froze fixed gear-caught groundfish within the qualifying year.
- A new section was added to allow sablefish catcher boat shares to be utilized on a vessel with freezer capacity as long as no frozen product of any species is on board the vessel while those shares are being utilized. However, sablefish freezer shares may not be utilized at the same time as sablefish catcher vessel shares.

Bob Alverson moved adoption of the IFQ preferred alternative, as amended, for sablefish and halibut fixed gear fisheries in the Gulf of Alaska and Bering Sea/Aleutian Islands. The motion was seconded by Clem Tillion and carried, 7 to 4, with Pedersen, Dyson, Mace and Lauber voting no.

Later in the meeting, Henry Mitchell moved to reconsider the Council's decision. The motion was seconded by Larry Cotter and failed, 7 to 4, with Cotter, Dyson, Mitchell and Lauber voting in favor. Mr. Mitchell stated his reason for asking for reconsideration was his concern that several Alaskan communities and individuals have asked for further study before a final decision.

Proposed Expansion of IPHC Area 4C

At the September Council meeting the Council voted to proceed with an analysis of a proposed expansion of IPHC Area 4C in the Bering Sea. The proposal, submitted by the Central Bering Sea Fishermen's Assn, would expand the area westward into Area 4D and southward into Area 4A. In January 1991 the IPHC rejected a similar proposal because they considered it primarily allocative in nature and suggested that the proposal be pursued through the Council process. Any decision of the

C-8 Other Business

Inshore-Offshore Amendment. Wally Pereyra asked for an update on the inshore-offshore amendment. Steve Pennoyer reviewed the Secretarial and NEPA review processes. At this time the economic analysis is being strengthened. During the 90-day review period public comments will be solicited, particularly on the economic issues. He estimated that the document would be published within ten days for the 90-day review period.

IPHC Quotas. Larry Cotter asked that the Council consider recommending that IPHC divide the halibut quotas into several openings and impose trip limits, and asked that the issue be put on the January agenda. Ron Hegge and Bob Alverson advised that industry is already working with IPHC on methods to harvest the quotas and the Council should not get involved. No Council action was taken.

U.S.-Japanese Longline Survey. Ron Hegge suggested that the Council recommend that the U.S.-Japanese longline survey be discontinued in the future. He felt that the duplication is not necessary and the fish harvested during the survey competes with U.S. fish on the world market. A motion to make the recommendation was tabled until the January meeting so the Council could request Dr. Aron to comment on the matter.

D. **FISHERY MANAGEMENT PLANS**

D-1 Groundfish Management for 1992

D-1(a) Status Report on Plan Amendments, Regulatory Changes and Emergency Rules

The Council was provided with an update on projects in progress and a list of potential new projects. Earl Krygier, ADF&G, reported that their agency is in the process of determining staff availability to prepare analyses on several plan amendments as requested by the Council at their September meeting. ADF&G may have to contract with outside agencies to complete the projects by the April 1992 deadline.

D-1(b) Bycatch Amendment

The Council was scheduled to take final action on Amendment 19/24 at this meeting and consider requesting emergency action to implement portions of the amendment. The Council received an overview of the amendment analysis from Joe Terry and Brent Paine. The amendment included the following topics:

1. Enhance the NMFS Regional Director's hotspot authority in the Bering Sea/Aleutian Islands, and extend it to the Gulf of Alaska.

Alternative 1: Status quo. No hot spot closure authority exists for the GOA. Existing hot spot closure authority in the BSAI would continue.

Alternative 2.1: Hot spot authority would be established in the GOA that parallels a revised hot spot authority in the BSAI.

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Council would have to be recommended to the IPHC for implementation. A discussion paper was prepared on the proposal to describe anticipated effects of the proposed boundary change.

Report of the Scientific and Statistical Committee

The SSC pointed out that the discussion paper states that the specific objectives associated with the boundary change will not be accomplished by the proposed action. The SSC noted that the document does not provide any information on economic and social effects of the change on other fisheries and suggested that if the Council wishes to pursue the action that all objectives and effects should be analyzed.

Report of the Advisory Panel

The Advisory Panel did not favor creating a larger area as described in Alternative 2 of the discussion paper. However, they did recommend the Council consider a direct allocation of halibut and groundfish to the Pribilofs.

COUNCIL DISCUSSION AND ACTION

Larry Cotter moved adoption of Alternative 2, to recommend expansion of IPHC Area 4C, as requested. The motion was seconded by Henry Mitchell and failed, 8 to 3, with Mitchell, Tillion and Lauber voting in favor.

Council members opposed pointed out the conclusion of the discussion paper that the action would not achieve the stated objective and that there is no biological reason for making the change. There was also concern that there is no information on how the action would affect other fisheries in the area and how it would relate to the new IFQ and CDQ programs.

C-3 Future Management Planning

The Council was scheduled to finalize the scope and work plan for a moratorium for groundfish and crab fisheries in the Gulf of Alaska and Bering Sea/Aleutian Islands. Planning and scoping activities for a comprehensive rationalization program were also on the agenda.

(a) Moratorium

In September the Council directed staff to prepare a moratorium plan amendment, adopting for analysis the recommendations made by the Advisory Panel. Jim Cornelius (NPFMC) and Jay Ginter (NMFS-AKR) reviewed a work plan structured around two alternative versions of the options identified by the AP. A tentative work schedule also was provided which projected completion and implementation of a moratorium by early 1993.

Report of the Advisory Panel

The AP unanimously recommended that the Council endorse the objective statement as submitted and approve a work schedule that will move toward the implementation of a moratorium in the most expeditious manner possible which will, in turn, lead to the realistic evaluation of comprehensive rationalization schemes.

There was no SSC report on this agenda item.

COUNCIL DISCUSSION AND ACTION

Council members were particularly concerned over the length of time necessary to do the analysis and proceed with implementation of a moratorium on the groundfish and crab fisheries. After a meeting with staff, it was determined that staff could proceed with the moratorium on a "fast-track" basis, however other projects may have to be put on hold or proceed at a slower pace.

There was a suggestion to extend the qualifying date for the longline fisheries to February 9, 1992 as was done for the trawl fisheries. However, it was noted that the extension was made because of the later season opening for trawl fisheries and was not necessary for the longline fleet.

Bob Alverson moved to adopt the problem statement and expedited work schedule for a plan amendment as provided in the Council materials. The plan calls for a draft EIS to be available for public review by the April 1992 Council meeting, with final Council action scheduled for the June 1992 Council meeting. The motion was seconded by Wally Pereyra.

Lisa Lindeman, NOAA GC, advised that the analysis will have to have some analytical treatment of other types of management options and explain why the Council chose to proceed with the moratorium option. This analysis need not be exhaustive. The Executive Director noted that in order to expedite completion of the moratorium analysis, several other analyses and projects will be delayed: quarterly allocation of cod, delay of the "B" pollock season, the bycatch amendment, and work on a comprehensive rationalization program.

The motion carried without objection.

Ron Hegge moved to recommend to the Secretary of Commerce that, in conjunction with the implementation of a moratorium, effective January 20, 1992, all fisheries in the North Pacific be declared conditional fisheries under the Capital Construction Fund. In addition, the Council would recommend that funds currently established could be closed without penalty, except for applicable taxes. The motion was seconded, however after discussion the Council postponed further action until the January 1992 Council meeting.

C-4 Seabirds

This agenda item was postponed until the January 1992 Council meeting.

C-5 North Pacific Fisheries Research Plan

This agenda item was postponed until the January 1992 Council meeting.

C-6 International Fisheries

David Benton reported on a recent meeting on fisheries issues with Japan, Poland, Korea, China, and the U.S.S.R. Although representatives of the U.S. and Soviet Union agreed that there should be a moratorium on fishing in the "donut hole," the other countries involved did not. The other countries did discuss reducing their fishing activity in the area and the possible use of transmitters. They all agreed that a process should be initiated for a long-term convention to address this problem.

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The Council also discussed restricting U.S. operations related to fisheries in the donut. In September Senator Ted Stevens suggested that the Council take action to prohibit participation in U.S. fisheries of a company or vessel that was affiliated with foreign operations in the donut hole as a way of discouraging foreign fisheries outside 200 miles in the central Bering Sea. NOAA General Counsel was asked for an opinion on Council options. Lisa Lindeman reported that they are analyzing the options and will report to the Council in January.

NOAA General Counsel did prepare regulations for Council review which would restrict U.S. operations in the Donut area by requiring any vessel owner or operator who applies for a federal groundfish permit to agree that the vessel will not be used to fish for groundfish in the Donut during the fishing year. A foreign affairs exemption will be used to expedite processing of these permit conditions.

Oscar Dyson moved to approve the draft regulations provided by NOAA General Counsel and request that the Secretary expedite the permit restrictions so they would be effective early in 1992. The motion was seconded and carried 9 to 2, with Alverson and Pereyra voting no.

Commander Kyle pointed out that this action will add a considerable amount to the Coast Guard's enforcement area.

In discussing foreign permit requests for 1992, the Executive Director advised that no requests had been received to date; however he anticipated some requests from those countries wishing to tranship in the EEZ.

Bob Mace moved to recommend to the Secretary that foreign vessels only be permitted to support U.S. operations when operating in the U.S. EEZ and not be allowed to tranship fish caught in the Donut. The motion was seconded by Larry Cotter and carried with no objection.

Council members also recommended to the Secretary that Polish and Chinese vessels be denied port privileges. It was pointed out that those regulations fall under customs law, not fisheries; however the Council could make the recommendation to the appropriate department if they so desired.

C-7 Committee Memberships

The Council approved the reappointment of all current SSC members for another one-year term. The following AP appointments were made for 1992:

John Bruce	David Little	John Sevier
Al Burch	Pete Maloney	Harold Sparck
Gary Cadd	Dean Paddock	Mick Stevens
Phil Chitwood	Penny Pagels	Beth Stewart
Dan Falvey	Bryon Pfundt	John Woodruff
David Fraser	Perfenia Pletnikoff	Robert Wurm
Kevin Kaldestad	John Roos	Lyle Yeck

Appointments to the North Pacific Crab Industry Advisory Committee were delayed until the January 1992 Council meeting.

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Alternative 2.2: The BSAI and GOA FMPs would be amended to authorize the establishment, by regulatory amendment, of time/area closures to reduce bycatch rate of prohibited species.

2. Improve the current Vessel Incentive Program.

Alternative 1: Status quo. The current vessel incentive program is limited to the following fisheries and bycatch species:

1. Pacific cod (halibut, and
2. rock sole and yellowfin sole/other flatfish (halibut in all areas and king crab in Zone 1).

Alternative 2: The expanded vessel incentive program would apply to the following fisheries and bycatch species:

1. Pacific cod (halibut),
2. rock sole and yellowfin sole/other flatfish (halibut in all areas and king crab in Zone 1).
3. pollock when the bottom trawl pollock fishery is closed (halibut),
4. all other trawl fisheries (halibut), and
5. all trawl fisheries (chinook salmon).

3. Delay all groundfish fishery opening dates for the BSAI/GOA.

BSAI

Alternative 1: Status quo-January 1, except for flatfish fisheries that start May 1.

Alternative 2: Six options are being considered (except for flatfish fisheries that currently start May 1): January 15 (all gear); February 1 (all gear); February 15 (all gear); January 15 (trawl gear), February 1 (trawl gear), and February 15 (trawl gear).

GOA

Alternative 1: Status quo-January 1, except longline sablefish which starts May 1.

Alternative 2: The same six options listed above are being considered (except for the longline sablefish fishery).

4. Delay the Gulf of Alaska rockfish opening date.

Alternative 1: Status quo-January 1.

Alternative 2: Two options are being considered: July 1 and July 15.

5. Establish a BSAI halibut PSC limit for fixed gear fisheries.

Alternative 1: Status quo-no halibut PSC for fixed gear fisheries.

Alternative 2: Establish halibut PSC mortality limit for fixed gear fisheries. The options considered are:

1. 500 mt as part of the current 5,333 mt mortality limit,
2. 1,000 mt as part of the current 5,333 mt mortality limit,
3. 1,500 mt as part of the current 5,333 mt mortality limit,
4. 500 mt, but not as part of the current 5,333 mt mortality limit,
5. 1,000 mt, but not as part of the current 5,333 mt mortality limit, and
6. 1,500 mt, but not as part of the current 5,333 mt mortality limit.

6. Define new PSC apportionment categories and prohibit all trawling for species in the "Other Fishery" category when the bycatch allowance is reached.

Alternative 1: Status quo. There are currently four trawl fisheries receiving crab and halibut PSC limit allowances:

1. Greenland turbot,
2. rock sole,
3. yellowfin sole/other flatfish, and
4. P. cod, b.t. pollock, midwater pollock, rockfish, Atka mackerel, sablefish, arrowtooth flounder, and other.

Alternative 2: The crab and halibut PSC limit allowances would be received by the following trawl fisheries:

1. Greenland turbot and arrowtooth flounder,
2. yellowfin sole,
3. rock sole and other flatfish,
4. P. cod, and
5. b.t. pollock, midwater pollock, rockfish, Atka mackerel, sablefish, and other.

7. Changes to Fishery Definitions.

Alternative 1: Status quo.

Alternative 2: The existing two sets of definitions would be changed so that one set of definitions would be used for monitoring both the vessel incentive program and PSC limit allowance:

1. Midwater pollock if pollock is $\geq 95\%$ of the total groundfish catch, excluding non-allocated species.
2. Other targets determined by dominant TAC species in terms of the round weight equivalent of retained catch.

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3. For the BSAI, a flatfish fishery consisting of rock sole, yellowfin sole, and other flatfish (excluding Greenland turbot and arrowtooth flounder) will be defined and then subdivided into three fisheries. If yellowfin sole accounts for at least 70% of the retained flatfish catch, it is a yellowfin sole fishery. Otherwise, it is a rock sole or other flatfish fishery depending on which is dominant in terms of retained catch.

These definitions would continue to be applied by area, week and gear for monitoring PSC allowances and applied by week and gear, but not by area, for monitoring the incentive program.

8. Changes to Directed Fishing Standards.

Alternative 1: Status quo. Directed fishing standards for Pacific cod in the BSAI and groundfish in the GOA would remain at 20% when caught by vessels using any trawl gear.

Alternative 2: The regulations would be amended to allow more effective enforcement of directed fishery closures and to further limit trawl bycatch amounts of halibut after a halibut PSC bycatch allowance specified for a BSAI trawl fishery or the halibut PSC specified for GOA trawl gear has been reached.

Report of the Scientific and Statistical Committee

The SSC is concerned that all of the bycatch management measures in the amendment are stop-gaps. The problems raised in the package are more likely to be resolved by the ongoing development of a comprehensive bycatch management system. The SSC had several specific comments which can be found in the SSC Minutes, Appendix II to these minutes.

Report of the Advisory Panel

The Advisory Panel recommended the following alternatives be approved; however, they had some specific suggestions for modification of some of the alternatives. Please see the AP Minutes, Appendix III.

1. Enhance the NMFS Regional Director's hotspot authority in the Bering Sea/Aleutian Islands, and extend it to the Gulf of Alaska. **Recommended Alternative 2.1 with modifications.**
2. Improve the current Vessel Incentive Program. **Recommended Alternative 2 for the BSAI, with modifications. Recommended Alternative 2 for the GOA.**
3. Delay all groundfish fishery opening dates for the BSAI/GOA. **Recommended the Council adopt an opening date of January 20 for trawl gear in the BSAI and GOA.** Outside of the amendment package, the AP recommended the Council review the opening date for yellowfin sole in the Bering Sea.
4. Delay the Gulf of Alaska rockfish opening date. **Recommended a July 1 opening for GOA rockfish.**

5. Establish a BSAI halibut PSC limit for fixed gear fisheries. **The AP recommended the status quo--no PSC limits for the non-trawl fisheries.**
6. Define new PSC apportionment categories and prohibit all trawling for species in the "Other Fishery" category when the bycatch allowance is reached. **Recommended Alternative 2.**
7. Changes to Fishery Definitions. **Recommended Alternative 2.**
8. Changes to Directed Fishing Standards. **Recommended Alternative 2, with modifications.**

COUNCIL DISCUSSION AND ACTION

After some clarification of discard rates and review of IPHC requests regarding bycatch, the Council considered each amendment subject separately.

1. Enhance the NMFS Regional Director's hotspot authority in the Bering Sea/Aleutian Islands, and extend it to the Gulf of Alaska.

Joe Blum moved to adopt the AP recommendation for hot spot authority (Alternative 2.1 with additional recommendations). The motion was seconded by Bob Mace.

Steve Pennoyer said he didn't believe that the entire AP recommendation could be implemented at this time and that NMFS would favor Alternative 2.2. Council members discussed which portions of the AP recommendation might be implemented and felt that the recommendation should be approved with the understanding that not all of the recommendations could be achieved in 1992.

Larry Cotter moved to amend the motion to include Alternative 2.2. The motion was seconded by Earl Krygier. The motion to amend carried, 9 to 2, with Mace and Pereyra voting against.

With the understanding that the additional points in the AP recommendation will be considered as guidelines for NMFS to consider when managing, **the motion carried, as amended, without objection.**

2. Improve the current Vessel Incentive Program.

Steve Pennoyer moved to adopt the AP recommendation for the Vessel Incentive Program in the Bering Sea/Aleutian Islands and Gulf of Alaska (Alternative 2, as modified in the Bering Sea by the AP), including the salmon PSC rate standards recommended by the AP. The motion was seconded by Earl Krygier (alternate for Clem Tillion).

The motion was later split to consider the vessel incentive program separately from the chinook incentive rates.

Vessel Incentive Program

During discussion, some concern was raised over the unobserved vessels. Mr. Hegge pointed out that the plan will expand to include all trawl fisheries and yet not all participants in that fishery will be covered.

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Ron Hegge moved to amend the motion to require all vessels participating in incentive program fisheries to carry observers: 100% coverage for vessels over 125 ft; and 30% for those under 125 ft. The motion was seconded by Wally Pereyra.

Steve Pennoyer and region staff were not convinced this action is necessary at this time. They suggested more time to determine how many vessels under 60 ft. are participating and whether they contribute to the problem.

The amendment carried, 6 to 5, with Cotter, Dyson, Pennoyer, Krygier and Lauber voting against.

The motion on the vessel incentive program carried, as amended, without objection.

Chinook Salmon Bycatch Rates

Joe Blum moved to set salmon bycatch rate standards as follows: BSAI--0.02 salmon per mt of groundfish; GOA--0.16 salmon per mt of groundfish. The motion was seconded by Bob Mace.

Some Council members were concerned that such low levels of bycatch will result in shut-downs in groundfish fisheries.

The motion carried, 8 to 3, with Dyson, Pereyra and Lauber voting against.

3-4. Delay all groundfish fishery opening dates for the BSAI/GOA, and
Delay the Gulf of Alaska rockfish opening date.

Bob Mace moved to adopt the AP recommendation to delay the groundfish opening date to January 20 for all fishing in the Gulf of Alaska and Bering Sea/Aleutian Islands, except Gulf of Alaska rockfish, which would open on July 1. The motion was seconded by Wally Pereyra.

Henry Mitchell moved to amend to February 1 for BSAI and GOA groundfish. The motion was seconded by Larry Cotter.

It was suggested that January 20 would be more desirable in terms of maximizing returns from the fishery and would encompass the pre-spawning period.

The amendment failed, 8 to 3, with Cotter, Mitchell and Tillion voting in favor.

Ron Hegge moved to amend the motion to read rockfish trawl fishery. The motion was seconded by Joe Blum and carried, 10 to 1, with Pereyra voting against.

The main motion, as amended, carried without objection.

NMFS staff pointed out that the July 1 opening date will create a statistical problem. Currently, the "fishing week" begins on a Monday and they would prefer that new fishing activity begin at that time for reporting purposes.

The motion was reconsidered and amended as follows:

Henry Mitchell moved to amend to begin the Gulf of Alaska rockfish trawl fishery on the Monday closest to the start of the third quarter. The motion was seconded and carried, 9 to 2, with Blum and Dyson voting against.

5. Establish a BSAI halibut PSC limit for fixed gear fisheries.

Bob Mace moved to adopt the AP recommendation -- No PSC limits for non-trawl fisheries. The motion was seconded by Clem Tillion.

Steve Pennoyer pointed out that the IPHC has indicated they would prefer that all fisheries be limited to reduce bycatch to the maximum extent possible.

Bob Alverson moved a substitute motion:

That the Council delay action on this portion of Amendment 19/24 with regard to setting caps until economic analysis is completed which would review allocation between fixed and trawl gear and directed allocation between fixed and trawl gear for the codfish resource in the Bering Sea. Three options would be analyzed: 60/40 in favor of trawl; 60/40 in favor of hook and line; and 50/50. Any savings that would occur as a result of that allocation would be deducted from the existing 5,333 mt cap.

The motion was seconded by Wally Pereyra.

During discussion Council members were concerned about the lack of data on this fishery, its demands on bycatch and vessels planning to enter the fishery in the near future. It was pointed out that some trawl vessels are gearing up for longlining and when the trawl PSC limit is taken they will move into the longline fishery.

The substitute motion failed, 9 to 2, with Alverson and Pereyra voting in favor.

Joe Blum moved a substitute motion which would require that all halibut caught in non-trawl fisheries in the Bering Sea be retained and used against the halibut quota for the Bering Sea IPHC halibut areas; however the motion was withdrawn after it was pointed out that the Council does not have the authority to permit retention of sublegal halibut.

In further discussion of the main motion, Council members discussed bycatch reduction options which would show good faith to the IPHC in reducing halibut bycatch without seriously impacting the attainment of the OY in groundfish fisheries. Use of gear regulations was discussed; however, some members were reluctant to legislate gear, citing the possibility that the regulations could be circumvented.

Ron Hegge moved to amend the motion as follows:

The Bering Sea/Aleutian Islands halibut mortality for non-trawl fisheries be monitored for establishment of a cap that is part of the overall halibut cap and part of the incentive plan.

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The motion was seconded by Larry Cotter and failed, 7 to 4, with Cotter, Dyson, Hegge and Tillion voting in favor.

Larry Cotter moved a substitute motion:

Establish a fixed gear halibut cap in the Bering Sea of 1,500 mt of mortality; provided that at the end of the third quarter any amount of halibut PSC cap that will not be used in the fourth quarter non-trawl fisheries be converted to trawl PSC and deducted from the 5,333 mt halibut PSC cap.

The motion was seconded by Clem Tillion.

Wally Pereyra pointed out that this would result in an approximate 40% cut in PSC allowance for the trawl fisheries. Steve Pennoyer said he didn't believe the current analysis would support the action at this time.

It was also pointed out that with the vessel incentive program in place bycatch should be reduced and that the Council needs to allow time to see what the effects of that program will be.

Clem Tillion moved to amend the amendment to reduce the fixed gear halibut cap in the Bering Sea to 700 mt and add the requirement to cut gangions when retrieving halibut. The motion was seconded by Larry Cotter and failed, 9 to 2, with Cotter and Tillion voting in favor.

Ron Hegge moved to amend to set the halibut mortality at 750 mt for the non-trawl fisheries, with the equivalent of 300 mt mortality deducted from the 5,333 mt cap (for 1992). The motion was seconded by Clem Tillion, and carried 6 to 5, with Blum, Dyson, Mace, Pereyra and Lauber voting against.

The Chairman ruled the amendment carried the main motion.

Henry Mitchell moved to reconsider the main motion; the motion to reconsider failed, 7 to 4, with Blum, Mitchell, Pereyra and Lauber voting in favor.

6. Define new PSC apportionment categories and prohibit all trawling for species in the "Other Fishery" category when the bycatch allowance is reached.

Bob Mace moved to adopt the AP recommendation to move sablefish into the arrowtooth flounder group and create a sixth fishery category for rockfish. The motion was seconded and carried with Mitchell objecting.

7. Changes to Fishery Definitions.

Bob Mace moved to adopt Alternative 2:

The two sets of definitions would be changed so that one set of definitions would be used for monitoring both the vessel incentive program and PSC limit allowances. The definitions of fisheries for both the incentive program and the PSC limit allowances would be as follows:

1. Midwater pollock if pollock is $\geq 95\%$ of the total groundfish catch, excluding non-allocated fisheries.
2. Other targets determined by dominant TAC species in terms of the round weight equivalent of retained catch.
3. For the BSAI, a flatfish fishery consisting of rock sole, yellowfin sole, and other flatfish (excluding Greenland turbot and arrowtooth flounder will be defined and then subdivided into three fisheries. If yellowfin sole accounts for at least 70% of the retained flatfish catch, it is a yellowfin sole fishery. Otherwise, it is a rock sole or other flatfish fishery depending on which is dominant in terms of retained catch.

These definitions will continue to be applied by area, week, and gear for monitoring PSC allowances and applied by week and gear, but not by area, for monitoring the incentive program.

For both the BSAI and GOA, estimates of total groundfish catch of the TAC species, not retained catch, would continue to be used to (1) set bycatch rate standards for the incentive program and for hot spot authority closures; (2) monitor the standards; and (3) estimate total bycatch.

The motion was seconded by Wally Pereyra and carried without objection.

8. Changes to Directed Fishing Standards.

Joe Blum moved adoption of the AP recommendation: Alternative 2, with these modifications: No. 4 should be struck completely, and the 7% figures should be used in No. 2. The motion would be as follows:

The regulations would be amended to allow more effective enforcement of directed fishery closures and to further limit trawl bycatch amounts of halibut after a halibut PSC bycatch allowance specified for a BSAI trawl fisheries or the halibut PSC limit specified for GAO trawl gear has been reached. Under this alternative, management measures would be incorporated into BSAI and GOA regulations that are similar to those implemented under an August 13, 1991 interim emergency rule (56 FR 38346). Furthermore, the definition of fishing trip for purposes of the directed fishing rule would be amended so that a trip terminates at the end of a weekly reporting period. Specifically, the following measures would be implemented under this alternative:

1. With one exception, trawling for groundfish in the GOA would be prohibited when the halibut prohibited species catch (PSC) limit or seasonal allowance thereof is reached. Directed fishing for pollock by vessel using pelagic trawls would be allowed.
2. Directed fishing standards would be specified for aggregate amounts of GOA and BSAI groundfish other than pollock, that are caught while fishing for pollock with pelagic trawl gear. Two options for an aggregate directed fishing standard are proposed at 7 percent. The aggregate directed fishing standard for groundfish would not preempt more conservative standards established for specific target fisheries.

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3. **Directed fishing standards for GOA rockfish species of the genera Sebastes and Sebastolobus would be reduced to 15 percent of the aggregate amounts of deepwater flatfish, flathead sole, arrowtooth flounder, and sablefish; plus 5 percent of the aggregate amount of all other fish species retained at the same time by a vessel during the same fishing trip.**
4. **For purposes of the directed fishing rule, the operator of a vessel is engaged in a single fishing trip, from the date when fishing commences or continues in an area after the effective date of a notice prohibiting directed fishing in that area, until the first date on which at least one of the following occurs (1) a weekly reporting period ends; (2) the vessel enters or leaves a reporting area for which an area-specific TAC or directed fishing standard is established; or (3) any fish or fish product is offloaded or transferred from that vessel.**

The motion was seconded and carried without objection.

Bob Mace moved to adopt the AP recommendation to move sablefish into the Greenland turbot/arrowtooth flounder group and create a sixth fishery category for rockfish. The motion was seconded by Joe Blum and carried with Mitchell voting no.

Bob Mace moved to adopt the AP recommendation for rate standards for the Gulf of Alaska vessel incentive program as follows: Midwater pollock - .1%; All other fisheries in all quarters - 5%. The motion was seconded and carried without objection.

Bob Mace moved that the Regional Director be instructed to prepare emergency rules for those portions of Amendment 19/24 which he considers necessary for implementation early in the fishing year. The motion was seconded by Oscar Dyson and carried with Pennoyer objecting.

D-1(c) Proposed Changes in recordkeeping/reporting requirements.

The Council received a staff report from NMFS on proposed recordkeeping and reporting requirements. Major changes include the following:

1. For logbooks, require shoreside processors to record landed weight of retained groundfish.
2. For weekly production reports, require shoreside processors to report landed retained product type and weight, catcher vessel and processor discard amounts, and finished product weights. Also, require processors to indicate intended target species for the upcoming week.
3. For daily production reports, require shoreside processors to report landed product type and weight, catcher vessel and processor discard amounts, and finished product weights for species for which daily reports are required.

Other miscellaneous changes will be made by NMFS. The proposed rulemaking to implement the changes will be prepared by NMFS and published sometime in late December.

Report of the Advisory Panel

The AP recommended the Council strongly urge NMFS and ADF&G to establish a single fish ticket system for groundfish that they can both use to eliminate duplication of effort. Further, the AP felt that some of the information reported to NMFS is not utilized and that the system should be evaluated to determine the need for data gathered and to eliminate unnecessary reporting.

COUNCIL DISCUSSION AND ACTION

Concern was expressed over the growing burden on industry because of reporting requirements. It was suggested the NMFS and the Data Gathering Committee evaluate current requirements to determine what is necessary and how to streamline the system. Mark Pedersen requested information on the requirement to record discards on vessels and at shoreside plants. Dale Evans reported that NMFS is in the process of reviewing 1990 observer reports and weekly production reports on discards with the objective of improving accounting for discards of groundfish species.

Ron Hegge moved to adopt the AP recommendations and assign the Data Gathering Committee and NMFS to research the reporting requirements and make recommendations to improve them and standardize them with State requirements. The motion was seconded by Wally Pereyra and carried without objection.

D-1(d) Walrus Island Closures

The Council received a staff report on the proposed regulations to implement the closures around the Walrus Islands. NMFS has drafted the regulations to apply only to groundfish fishing because the FMP only applies to federally-permitted vessels fishing from three to twelve miles out. The State of Alaska has been asked to close those areas within three miles to make the regulations consistent. Another portion of the original amendment was to permit a transit corridor around Right Hand Point; however, this also is within the jurisdiction of the State of Alaska.

Bob Alverson pointed out recent news articles indicating that it's possible that the walrus population in the area of the closures are in better condition than earlier reports indicate. Council members also felt that there was not a strong enough link between fishing operations beyond three miles and changes in the walrus usage of the haul-out sites to justify the continued closure between three and twelve miles offshore.

Wally Pereyra moved to rescind Council action on that portion of Amendment 17/22 dealing with the establishing of a 12-mile buffer zone around Round Islands, the Twins, and Cape Pierce. The motion was seconded by Henry Mitchell.

After discussion of the fact that the amendment has already been submitted for Secretarial review, and information from NOAA General Counsel, Mr. Pereyra withdrew the motion.

Wally Pereyra moved that the Council submit a comment to the Secretary of Commerce advising that their previous action has been reconsidered and feel that it is improper and ask the Secretary to partially reject this portion of the amendment for final action, pending further Council review. The motion was seconded by Ron Hegge and carried, 6 to 5, with Alverson, Cotter, Mitchell, Collinsworth, and Krygier (for Tillion) voting no.

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D-1(e) Regulatory amendment assigning halibut bycatch to demersal shelf rockfish hook-and-line fishery in the Southeast Outside District of the Gulf of Alaska.

NMFS prepared a regulatory amendment to allow the Council to assign a separate halibut PSC limit to the demersal shelf rockfish longline fisheries in the Southeast Outside District of the Gulf of Alaska. In 1991 the DSR harvest in this area was constrained due to halibut PSC closures of other longline fisheries.

Report of the Advisory Panel

The AP recommended the Council exempt the DSR rockfish fishery in the Southeast Outside area of the Gulf of Alaska from the halibut PSC limits. If that cannot be accomplished, the AP recommended the Council adopt Alternative 2 in the draft amendment.

COUNCIL DISCUSSION AND ACTION

Larry Cotter moved adoption of Alternative 2, to allow National Marine Fisheries Service to establish directed fishing standards for the DSR fisheries. The motion was seconded by Bob Alverson and carried without objection.

D-2 Groundfish Specifications for 1992

D-2(a) Environmental Assessments for Gulf of Alaska and Bering Sea/Aleutian Islands groundfish fisheries.

NMFS prepared an EA/RIR/IRFA to assess potential impacts to the marine environment of the Council's proposed groundfish specifications for the 1992 fishing year. The Council was asked to review and approve the documents. After final groundfish specifications are set for 1992 and published in the Federal Register, the EAs will be available for public review.

Don Collinsworth moved to approve the EA/RIR/IRFA documents prepared for the 1992 groundfish fisheries. The motion was seconded by Larry Cotter and carried without objection.

D-2(b) Gulf of Alaska SAFE and Groundfish Specifications for 1992

The SAFE document was sent to Council members before the meeting for review. During the meeting, Sandra Lowe recapped the document and plan team recommendations for the Council.

Report of the Scientific and Statistical Committee

The SSC agreed with the plan team recommendations for ABC with the exception of pollock, POP, pelagic shelf rockfish and thornyheads. The SSC's ABC recommendations and specific comments relative to each species are in the SSC Minutes, Appendix II to these minutes.

Report of the Advisory Panel

The AP's recommendations for 1992 Gulf of Alaska TACs (in mt) are as follows:

Pollock	W/C	84,000	Sablefish	W	2,500
	Shelikof	0		C	9,570
	E	3,400		W. Yakutat	3,740
	Total	87,400		E. Yak/S.E. Out.	4,900
P. cod	W	24,000	Total		20,800
	C	39,000	POP	W	1,620
	E	500		C	1,720
	Total	63,500		E	2,390
Flatfish	W	1,740	Total		5,730
Deep	C	15,000	Shorthead/	W	100
	E	3,000	rougeye	C	1,290
	Total	19,740		E	570
Flathead	W	2,000	Total		1,960
sole	C	5,000	Other Slope	W	100
	E	3,000		C	6,510
	Total	10,000		E	6,160
Flatfish	W	3,000	Total		14,060
shallow	C	7,000	Rockfish	W	1,212
	E	1,740	pel shlf	C	4,393
	Total	11,740		E	4,393
Arrow-	W	5,000	Total		6,886
tooth	C	15,000	Rockfish	S.E.O	550
	E	5,000	demersal shelf		
	Total	25,000	Thornyhead	GW	1,798
			O. Species	GW	13,458

AP comments regarding to specific species can be found in the AP minutes, Appendix III to these minutes.

COUNCIL DISCUSSION AND ACTION

ABCs

Bob Mace moved to accept the SSC's recommendations for Gulf of Alaska groundfish ABCs for 1992. The motion was seconded by Oscar Dyson.

Wally Pereyra moved to amend to set the pollock ABC at 99,400 mt. The motion was seconded by Henry Mitchell.

Mr. Pereyra felt that the SSC's recommendation was too low and suggested that 99,400 mt is halfway between the plan team recommendation of 114,400 mt and the SSC's recommendation of 87,400 mt.

The amendment carried, 7 to 4, with Alverson, Cotter, Hegge, and Lauber voting against. The main motion, as amended, carried, 10 to 1, with Cotter voting against.

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TACs

Bob Alverson moved to adopt the AP's recommendations for Gulf of Alaska groundfish TACs for 1992. The motion was seconded by Oscar Dyson.

Henry Mitchell moved to increase the arrowtooth flounder TAC to 150,000 mt. The motion was seconded by Wally Pereyra.

Mr. Mitchell suggested that arrowtooth flounder can be used for surimi and allowing a larger TAC could create a valuable fishery. Also, leaving excess arrowtooth flounder on the grounds is going to create problems in the other fisheries through predation. Concerns were raised over the approximately 30,000 mt of Pacific cod bycatch that might be required to harvest a arrowtooth flounder TAC of 150,000 mt.

Clem Tillion offered a motion to set a 3% cap on bycatch of Pacific cod in the arrowtooth flounder fishery, however later withdrew it when NMFS advised that bycatch rates are set by regulatory amendment after specifications are set. An amendment would not likely take place until the second quarter; however they suggested that targeting on arrowtooth would not likely occur until a surimi market has been established.

Clem Tillion moved to recommend that NMFS initiate action to contain cod bycatch at 3%. The motion was seconded and carried without objection.

The motion to increase the arrowtooth flounder TAC failed, 8 to 3, with Mitchell, Evans (for Pennoyer) and Pereyra voting in favor.

Bob Mace moved to set the arrowtooth flounder TAC at 50,000 mt with the same bycatch proviso as previously approved. The motion was seconded by Mark Pedersen (for Joe Blum) and carried, 6 to 5, with Cotter, Dyson, Hegge, Mitchell and Lauber voting against.

After considerable discussion of bycatch needs, Bob Alverson moved to reconsider the motion to increase arrowtooth flounder. The motion to reconsider was seconded and carried, 8 to 3, with Pedersen, Mitchell and Pereyra voting no.

The re-vote to increase the arrowtooth flounder TAC failed, 8 to 3, with Pedersen, Mitchell and Pereyra voting in favor. (The TAC for arrowtooth flounder reverted back to the 25,000 mt recommended by the AP.)

Larry Cotter moved to increase the Pacific cod TAC in the Eastern Gulf to 1,000 mt (increase of 500 mt) and reduce the Pacific cod TAC in the Western Gulf from 24,000 to 23,500 mt. The motion was seconded by Clem Tillion.

Mr. Cotter pointed out that the recommended TAC for Pacific cod in the Western Gulf exceeds the recommended ABC.

The motion carried, 6 to 5, with Alverson, Pedersen, Mace, Pereyra and Lauber voting against.

Larry Cotter moved to reduce the POP TAC in the Gulf of Alaska to 75% of the ABC, and that the species be designated bycatch only. Clem Tillion seconded the motion which failed, 7 to 4, with Cotter, Dyson, Hegge and Tillion voting in favor.

Ron Hegge moved to amend to set the Gulf of Alaska other slope rockfish TAC at 6,000 mt, apportioned as follows: Western--9.9% (594 mt); Central--46.3% (2,778 mt); and Eastern--43.8% (2,628 mt). The motion was seconded and failed, 6 to 5, with Alverson, Cotter, Hegge, Mitchell, and Tillion voting in favor.

Mark Pedersen moved that the Gulf of Alaska POP TAC be set at 5,200 mt. The motion was seconded by Henry Mitchell and carried, 10 to 1, with Pereyra voting against. Mr. Pedersen indicated the reason for this suggestion was to avoid reaching the overfishing definition in this fishery.

Mark Pedersen moved to set the pollock TAC at 99,400 mt. The motion was seconded by Henry Mitchell and failed, 9 to 2, with Pedersen and Mitchell voting in favor.

Henry Mitchell moved to set the sablefish TAC to 16,800 mt. The motion was seconded by Wally Pereyra.

Mr. Mitchell pointed out that sablefish CPUEs are down and the size of fish being harvested is also smaller than in the past.

The motion failed, 10-1, with Mitchell voting in favor.

The amended table of ABCs, and TACs was approved, as amended, without objection.

Bob Mace moved to set DAP equal to the TAC in the GOA. The motion was seconded by Oscar Dyson and carried without objection.

Halibut PSCs

Wally Pereyra moved that 250 mt of the halibut PSC for the longline fishery be moved to the trawl fishery. The motion was seconded by Henry Mitchell and failed, 10 to 1, with Pereyra voting in favor.

Mr. Pereyra pointed out that the halibut mortality rate for the longline sablefish fishery is much higher than the trawl fishery and offered the motion in the interest of reducing halibut mortality.

Bob Mace moved to approve the AP recommendation for halibut PSCs in the Gulf of Alaska: Trawl cap of 2,300 mt halibut mortality, apportioned as follows: 1st quarter--30%; 2nd quarter--25%; 3rd quarter--25%; and 4th quarter--20%. The motion was seconded by Larry Cotter.

Mr. Mace recognized that the IPHC would prefer holding to the current 2,000 mt, however the AP pointed out that the cap is too restraining on the trawl fishery considering the value of the halibut bycatch versus the value of foregone directed groundfish catch and that because the bycatch mortality standard is being raised from 50% to 65%, the trawl fleet will face a large reduction in actual bycatch, even with the increase in the cap.

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Larry Cotter moved to amend to reduce the cap to 2,000 mt. The motion was seconded by Ron Hegge and carried, 7 to 4, with Pedersen, Dyson, Mace and Pereyra voting no.

Mr. Cotter pointed out that IPHC and NMFS will be working to gather data on a more timely basis and next year the mortality rate can be reduced again based on successful efforts this year to maintain lower rates.

Larry Cotter moved to amend the quarterly trawl PSC allocations as follows: 2nd quarter--30%, and 3rd quarter--20%. The motion was seconded by Ron Hegge and carried, 8 to 3, with Pedersen, Mace and Pereyra voting against.

The main motion, as amended, carried, 10 to 2, with Pedersen and Pereyra voting against.

Bob Alverson moved adoption of the AP recommendations for halibut PSC apportionments for the longline fishery, as follows: 1st trimester--200 mt; 2nd trimester--500 mt; and 3rd trimester--50 mt. The motion was seconded by Ron Hegge.

Wally Pereyra moved to amend by transferring 150 mt of halibut bycatch from the second trimester to the 3rd trimester. The motion was seconded by Bob Alverson and failed, 8 to 3, with Alverson, Mitchell and Pereyra voting in favor.

The main motion carried, 9 to 2, with Mitchell and Pereyra voting against.

Separate Halibut PSC for Demersal Shelf Rockfish Fishery

Clem Tillion moved to approve the NMFS-suggested halibut PSC of 10 mt for the Southeast demersal shelf rockfish fishery. The motion was seconded by Bob Mace and carried, 10 to 2, with Alverson and Dyson voting no. It was clarified that the apportionment would be deducted from the 750 mt allocation for the hook-and-line fisheries in the GOA.

2nd Quarter Pollock Season

Oscar Dyson moved to delay the second quarter pollock season in the Gulf of Alaska to June 1. The motion was seconded by Wally Pereyra.

During discussion NMFS staff pointed out that the Council recommended an emergency rule on this issue during the past year. The recommendation was denied because there was insufficient biological data to suggest an emergency. Don Collinsworth suggested that the Council wait until January to discuss this action. By then, more information will be available on measures to protect sea lions and the specifications process will be complete. If the Council decides to proceed with this action, it could be implemented by emergency rule in time for the season.

Oscar Dyson moved to amend his motion to reflect Don Collinsworth's suggestion. The motion was seconded by Henry Mitchell and carried without objection. The main motion, as amended, carried without objection.

Bob Alverson moved to approve the final Gulf of Alaska ABCs, TACs, and apportionments as previously adopted. The motion was seconded by Henry Mitchell and carried without objection.

Larry Cotter moved to reconsider. The motion to reconsider was seconded by Wally Pereyra and carried with Hegge and Alverson objecting. The reason for the motion to reconsider was a concern over exceeding the ABC for Pacific cod in the Western Gulf.

Mark Pedersen moved to set the Gulf of Alaska Pacific cod ABC as follows: 23,500 mt--Western; 39,000 mt--Central, and 1,000 mt-Eastern, totaling 63,000 mt. The motion was seconded by Oscar Dyson.

Wally Pereyra stated that in order to achieve the overall Gulfwide ABC the resource should be harvested somewhat in proportion to the distribution assumed by the plan team.

Wally Pereyra moved to amend to instruct the plan team to examine the utility of changing the boundaries in the Gulf of Alaska to more nearly reflect the distribution of the resource. The motion was seconded by Bob Alverson and carried, 8 to 3, with Dyson, Mitchell, and Tillion voting no.

The Chairman ruled that this amendment stood on its own; the Council then voted separately on Mr. Pedersen's motion.

The motion carried unanimously.

The final tables of 1992 groundfish specifications are found in Appendix IV to these minutes.

D-2(c) Bering Sea/Aleutian Islands SAFE and Groundfish Specifications for 1992

The SAFE document was sent to Council members before the meeting for review. During the meeting, Dr. Loh-Lee Low recapped the document and plan team recommendations for the Council.

Report of the Scientific and Statistical Committee

The SSC agreed with the plan team recommendations for ABC with few exceptions. The SSC's ABC recommendations and specific comments relative to each species are in the SSC Minutes, Appendix II to these minutes.

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Report of the Advisory Panel

The AP recommended the following TACs (in mt) for Bering Sea/Aleutian Islands groundfish for 1992:

Pollock	EBS	1,300,000
	AI	51,600
	518	1,000
Pacific cod		182,000
Yellowfin sole		235,000
Greenland turbot		7,000
Arrowtooth flounder		10,000
Rock sole		40,000
Other flatfish		79,000
Sablefish	EBS	1,400
	AI	3,000
POP complex		
True POP	EBS	3,540
Other POP	EBS	1,400
True POP	AI	11,700
Sharp/No.	AI	5,670
Short/Roughey	AI	1,220
Other Rockfish	EBS	400
	AI	925
Atka mackerel		43,000
Squid		2,000
Other species		20,000

Specific comments can be found in the AP minutes, Appendix III to these minutes.

COUNCIL DISCUSSION AND ACTION

ABCs

Bob Mace moved to adopt the ABCs recommended by the SSC for BSAI groundfish for 1992. The motion was seconded and carried without objection.

TACs

Bob Mace moved to adopt the TACs recommended by the AP for BSAI groundfish for 1992. The motion was seconded by Mark Pedersen.

Larry Cotter moved to amend the pollock TAC to 1.1 million mt, a reduction from 1.3 million mt. The motion was seconded by Henry Mitchell.

Mr. Cotter cited concerns over pollock stocks in the Bering Sea and the uncertainty regarding harvests in the Donut and origin of stocks. Steve Pennoyer pointed out that staff has indicated that eastern Bering Sea shelf pollock are at a substantial level and that the 1.3 million mt level is 13%

below the ABC. Concerns over the effects of the Donut fishery on stocks in general are being addressed.

The amendment failed, 8 to 3, with Cotter, Mitchell and Tillion voting in favor.

Larry Cotter moved to reduce the Pacific cod TAC from 182,000 mt to 162,000 mt. The motion was seconded by Clem Tillion.

Mr. Cotter pointed out that there are problems with the Pacific cod resource and suggested that the Council should provide some buffer between the TAC and the point at which the overfishing definition would be reached--188,000 mt.

The amendment failed, 8 to 3, with Alverson, Cotter and Tillion voting in favor.

The main motion carried, 10 to 1, with Cotter voting no.

Bob Mace moved to set the DAP equal to the TAC for Bering Sea/Aleutian Islands groundfish for 1992, with the provision for a 15% reserve as outlined in the BSAI groundfish plan. The motion was seconded by Bob Alverson and carried without objection.

Later in the meeting, Ron Hegge moved to reconsider the TACs for the Bering Sea/Aleutian Islands. The motion was seconded and carried, 6 to 5, with Pedersen, Dyson, Mace, Mitchell and Pereyra voting no.

Ron Hegge moved to reconsider the BSAI pollock TAC for 1992. The motion was seconded by Larry Cotter, and carried, 6 to 5, with Pedersen, Dyson, Mace, Evans and Pereyra voting no.

Council members Hegge and Cotter expressed concern that the TAC was too high considering the conservation and environmental concerns voiced during the meeting.

Bob Alverson moved to amend the pollock TAC to 1.2 million mt. The motion was seconded by Clem Tillion and failed, 6 to 5, with Alverson, Cotter, Hegge, Tillion and Lauber voting yes.

Bob Mace moved to approve the table of BSAI ABCs, TACs, and DAP as revised. The motion was seconded by Mar Pedersen and carried, 8 to 3, with Alverson, Cotter and Hegge voting no.

Apportionment to Roe/Non-roer Seasons

Wally Pereyra moved to adopt the AP recommendation: 40/60 split for the non-roer and roer seasons, respectively. The motion was seconded by Bob Mace.

Larry Cotter moved to amend to set the roer season at 25% and non-roer season at 75%. The motion was seconded by Henry Mitchell and failed, 8 to 3, with Cotter, Tillion and Lauber voting in favor.

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

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Quarterly Allocation of PSC Allowances

Bob Mace moved to adopt the AP recommendation for quarterly allocations of PSC in the BSAI (Appendix IV). The motion was seconded by Wally Pereyra.

Henry Mitchell moved to amend to allocate Pacific cod as follows: 60%/30%/10%/0%. The motion was seconded by Ron Hegge. The reason was to try to spread the fishery out.

Larry Cotter moved to substitute 30%/30%/20%/20%. The motion was seconded by Henry Mitchell, and failed, 8 to 3, with Cotter, Hegge, and Tillion voting in favor.

It was pointed out during discussion of this subject that spreading out the fishery or trying to allocate between fisheries is more properly taken up during the setting of the TACs, not during the allocation of PSC.

Bob Alverson moved to substitute : 45%/40%/15%, the same amounts used last year. The motion was seconded and failed, 7 to 4, with Alverson, Dyson, Hegge, and Tillion voting in favor.

Mr. Mitchell's amendment (60%/30%/10%/0%) carried, 6 to 5, with Pedersen, Cotter, Mace, Pennoyer and Lauber voting against.

The main motion, as amended, carried 7 to 4, with Alverson, Cotter, Mitchell and Tillion voting against.

PSC Apportionments to Fisheries

Mark Pedersen moved to adopt the AP recommendation for halibut PSC trawl apportionments for the BSAI for 1992 (Appendix IV). The motion was seconded by Oscar Dyson.

It was pointed out that the AP recommendation does not reflect the Council's approval of Amendment 19/24 which would reduce the total amount of PSC by 6%. Steve Pennoyer said that if the amendment is approved, the figures adopted here would be reduced by 6% across the board. During discussion, 1991 halibut bycatch rates for the species categories was provided for Council members.

Bob Mace moved to amend the motion as follows: to increase yellowfin sole to 1,000 mt; reduce "Other" category to 633 mt; for red king crab in zone 1, increase yellowfin sole to 75,000 mt (additional 20,000 mt); and decrease "Other" to 30,000 mt. The motion was seconded by Henry Mitchell.

Bob Alverson moved to amend the motion to reduce Pacific cod by 350 tons and add 900 tons in yellowfin sole. The motion was seconded by Clem Tillion and failed, 6 to 5, with Alverson, Cotter, Hegge, Mitchell and Tillion voting in favor.

Steve Pennoyer said that the nature of these amendments is allocative which was not anticipated or analyzed. He suggested the Council set the amounts needed to prosecute the fisheries.

Mr. Mace's amendment failed, 6 to 5, with Pedersen, Dyson, Mace, Pennoyer, and Pereyra voting in favor.

Bob Alverson moved to amend by moving 250 mt from the Pacific cod category to yellowfin sole (making it a total of 1,150 mt). The motion was seconded by Ron Hegge and failed, 6 to 5, with Alverson, Cotter, Hegge, Tillion and Lauber voting in favor.

The main motion carried, 6 to 5, with Alverson, Cotter, Hegge, Mitchell and Tillion voting no.

Final approval of 1992 BSAI groundfish specifications.

The Council reviewed updated tables of all groundfish specifications for 1992 prepared by staff following discussion and motions.

Bob Alverson moved approval of the 1992 BSAI groundfish specifications and apportionments as previously adopted. The motion was seconded by Henry Mitchell.

Larry Cotter moved to amend the seasonal allowances to 30% for the A season and 70% for the B season. The motion was seconded by Henry Mitchell and failed, 7 to 4, with Cotter, Hegge, Tillion and Lauber voting in favor.

The main motion carried, 10 to 1, with Cotter voting no.

Bob Mace moved to adopt the AP recommendation for 1992 PSC apportionments (see AP minutes). The motion was seconded and carried without objection.

Mark Pedersen moved to reconsider quarterly apportionments. The motion was seconded and carried without objection.

Mark Pedersen moved to amend as follows: Red king crab-Zone 1, 20,000 mt be moved from the "Other" category to the yellowfin sole category (total of 75,000). The motion was seconded by Oscar Dyson and carried, 8 to 2, with Alverson and Cotter voting no and Hegge abstaining.

Bob Mace moved to approve halibut and red king crab bycatch rate standards for the Gulf of Alaska and Bering Sea/Aleutian Islands incentive programs as previously adopted. The motion was seconded and carried without objection.

Don Collinsworth moved to approve the Environmental Assessment for the Gulf of Alaska and Bering Sea/Aleutian Islands TACs for 1992. The motion was seconded and carried without objection.

The final tables of groundfish specifications and PSC apportionments are found in Appendix IV.

D-2(d) Request to Delay 1992 pollock non-roe fishery.

The Council received two requests to change the opening date of the 1992 pollock non-roe fishery; June 1 and September 1 were suggested as possible dates. The change would require a regulatory amendment. It was suggested the change would allow the fishery to be prosecuted when the recovery rate was the best and it would also allow more processors to participate in the salmon fishery.

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Staff advised that the development of a regulatory amendment would depend on other Council tasking. If approved by the Council, a draft could be available for Council review by teleconference in February and forwarded to Washington, DC for proposed rulemaking by April for a 30-day comment period.

Some Council members felt that there may be merit in changing the "B" season start-up date, however there may not be enough time to complete an amendment for 1992 implementation. It was suggested that the Council may want to publicize the issue and initiate a scoping process so the Council could review comments at the January Council meeting. The main concern expressed was the necessity to keep the start of the fishery synchronized with that in the Gulf of Alaska fishery to avoid preemption.

Mark Pedersen moved to retain the status quo. The motion was seconded by Oscar Dyson.

Henry Mitchell moved to substitute: That the Council move forward with a regulatory amendment setting the "B" season starting date for August 20, 1992. The motion was seconded by Wally Pereyra.

Wally Pereyra moved to amend to change the date to July 15, 1992. The motion was seconded by Larry Cotter and failed, 9 to 2, with Pereyra and Pedersen voting in favor.

The substitute motion failed, 10 to 1, with Mitchell voting in favor.

Wally Pereyra moved to amend the main motion (retain status quo) that the Council initiate a scoping process to look at the issue. The motion was seconded by Mark Pedersen and carried, 10 to 1, with Mitchell voting against.

Further discussion led to the motion being reworded to only include the wording of Mr. Pereyra's motion:

The Council will initiate a scoping process to look at the issue.

The change was made without objection.

D-3 Staff Tasking

Under agenda item D-1(a) the Council was provided with an update on projects and amendments in progress. Although the Council discussed staff tasking and workload during discussion of other agenda items, no specific action was taken under this agenda item. During the Council's discussion of expediting work on the moratorium, the Executive Director noted that in order to expedite completion of the moratorium analysis, several other analyses and projects will be delayed: quarterly allocation of cod, delay of the "B" pollock season, the bycatch amendment, and work on a comprehensive rationalization program.

F. PUBLIC COMMENTS

There were no further public comments.

G. CHAIRMAN'S REMARKS AND ADJOURNMENT

Chairman Lauber thanked Dale Evans and Mark Pedersen for their work and involvement in the Council process. The meeting was adjourned at approximately 4:30 p.m. on Monday, December 9.