

# North Pacific Fishery Management Council

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Certified

*John G. Peterson*

Date

*June 20, 1989*

## MINUTES

**85th Plenary Session  
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL  
January 16-19, 1989  
Sheraton Hotel  
Anchorage, Alaska**

The North Pacific Fishery Management Council met January 16-19, 1989 at the Sheraton Hotel in Anchorage, Alaska. The Advisory Panel began meeting on Sunday, January 15, and the Scientific and Statistical Committee began their meeting on Monday, January 16. The Council met jointly with the International Pacific Halibut Commission on the morning of January 16. Members of the Council, International Pacific Halibut Commission, Scientific and Statistical Committee, Advisory Panel, staff and general public in attendance are listed below.

### Council

John Peterson, Chairman  
Bob Alverson  
Joe Blum  
Don Collinsworth  
Larry Cotter  
Oscar Dyson  
Bob Mace for Randy Fisher

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

### IPHC

Dennis Brock, Chairman  
Linda Alexander  
Jim Brooks

George A. Wade  
Garry Williamson  
Don McCaughran, Executive Director

MINUTES  
NPFMC MEETING  
JANUARY 1989

**NPFMC Staff**

Clarence Pautzke, Executive Director	Dick Tremaine
Steve Davis, Deputy Director	Bill Wilson
Judy Willoughby	Helen Allen
Denby Lloyd	Peggy Kircher
Terry Smith	

**Support Staff**

Ken Parker, ADFG	Mark Pedersen, WDF
Jim Brooks, NMFS-AKR	Dale Evans, NMFS-AKR
Ron Berg, FS-AKR	Jay Ginter, NMFS-AKR
Craig Hammond, NMFS-AKR	Loh-Lee Low, NMFS-NWAFC
Craig O'Connor, NOAA-G	Jim Balsiger, NMFS-NWAFC
Peter Craig	

**Scientific and Statistical Committee**

Richard Marasco, Chairman	Larry Hreha
Doug Eggers, Vice Chairman	Terry Quinn
Bill Aron	Don Rosenberg
Don Bevan	Dan Schmidt
John Burns	Jack Tagart
Bill Clark	

**Advisory Panel**

John Woodruff, V. Chair	Dave Fraser	Ron Peterson
Arne Aadland	John Gilbert	Steve Smith
Al Burch	Ron Hegge	Harold Sparck
Phil Chitwood	Pete Isleib	Dave Woodruff
Paul Clampitt	Rick Lauber	Lyle Yeck
Lamar Cotten	Dan O'Hara	Fred Zharoff

**General Public**

Chris Blackburn	Calvin D. Moto	Bill Jacobson
John Bruce	Earl Comstock	Hugh Reilly
Herb Kaufman	A.M. Macy	Chris Hansen
Ellen Rose Varosi	George Herrfurth	Joe Easley
Mark Edward Springer	Jim Russel	Bob Brown
Jon Zuck	Earl Krygier	Perfenia Pletnikoff
Neal Forde	Bill Orr	Spike Jones

MINUTES  
NPFMC MEETING  
JANUARY 1989

Peder Hvatum  
Linda Kozak  
Li Shanxun  
Jeff Stephan  
Jerry Nelson  
Steve Hughes  
Ken Larson  
Dr. R. Adu-Ajamoah  
Barry Collier  
Jessie Nelson  
Steve Grabacki  
Doug Dixon  
Ted Evans

Charles Hill  
Dean Adams  
Bill Arterburn  
Vince Curry  
Bud Walsh  
John Henderschedt  
Stanley Hovik  
Kevin  
Kaldestad  
John Roos  
Dean Paddock  
Bruce Joyce

Harold Jones  
Alex. Galanin, Sr.  
Joe Plesha  
Kate Graham  
Joseph M. Hunter  
Jay Hastings  
David Harville  
John Cleveland  
Tom Rueter  
Ron Dearborn  
Marion Davis  
Richard Kirk

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

Chairman John Peterson called the meeting to order at 9:09 a.m. on Monday, January 16, 1989. Steve Pennoyer, new Regional Director for NOAA Fisheries, and Dave Hansen, the new Council representative for the Pacific Marine Fisheries Commission, were welcomed to the Council.

**AGENDA.** A discussion of the recent NMFS news release on the directed fishing definition for groundfish in the Gulf of Alaska and Bering Sea/Aleutian Islands was added to the agenda. The scheduled Executive Session on Monday and the Finance Committee scheduled for Wednesday were cancelled. Don Collinsworth asked that a discussion of the observer programs also be scheduled. **The agenda was approved with these changes.**

**MINUTES OF THE PREVIOUS COUNCIL MEETING.** The minutes of the December 1988 Council meeting were approved as submitted.

**B. REPORTS**

**B-1 Executive Director's Report**

Clarence Pautzke reported that Council staff member Denby Lloyd is leaving the Council. Mr. Lloyd will be a special assistant to the Governor of Alaska and will deal with fisheries, the environment, and natural resources.

Dr. Pautzke also told Council members that the new guidelines for National Standards 1 and 2 dealing with optimum yield and scientific information have been published in the Federal Register. Council comments are due by February 28.

Jim Brennan will be invited to the April meeting to administer the Oath of Office to Council members.

MINUTES  
NPFMC MEETING  
JANUARY 1989

There will not be a special orientation for West Coast Councils since the Pacific Council plans to do theirs in-house and the Western Pacific Council plans to send new members to the orientation in Washington, DC.

Council members also discussed a request to co-sponsor a conference on Northern Pacific Fisheries Policies and Economic Benefits. The conference is being organized by the Alaska Center for International Business and sponsored by the State Department and the Office of the Governor, State of Alaska. Because of the policy aspects of the conference, Council members felt that they should remain neutral on the issue. However, Council members could be involved as speakers or panelists in connection with their personal business or agency role.

**B-2 FOCI & Marine Mammal Protection Act Reviews**

Jim Shumacher, of the Pacific Marine Environmental Lab, and Art Kendall, from the Northwest & Alaska Fisheries Center, briefed the Council on the current research project on Shelikof Strait pollock being conducted by the Fisheries Oceanography Coordinated Investigations (FOCI) program.

Steve Zimmerman, Chief of the Office of Marine Mammals and Endangered Species at NMFS in Juneau, briefed the Council on recent amendments to the Marine Mammal Protection Act and how they will be implemented. Under Agenda item C-7, Fishery Observer Programs, the Council approved a motion petitioning the Secretary of Commerce to direct marine mammal observers or any observers participating in alternative programs under the Marine Mammal Protection Act amendments of 1988 to collect fisheries data.

**C. NEW OR CONTINUING BUSINESS**

**C-1 SSC and AP Officers**

The Council confirmed the following AP and SSC officers for 1989:

SSC: Rich Marasco, Chair; Doug Eggers, Vice Chair  
AP: Nancy Munro, Chair; John Woodruff, Vice Chair

**C-2 Halibut Management**

The Council met with the International Pacific Halibut Commission to discuss issues of mutual concern concerning the long-term management of halibut off Alaska. IPHC Chairman Dennis Brock said the Commission is concerned with the problems associated with increased catching capacity. They feel the health of the resource and economic return from the fishery would be enhanced with limitation of participants at this time. The Commission also suggested that halibut be included in any proposed limited access program developed for longline fisheries and suggested that the Commission and the Council meet jointly on an annual basis to address halibut management.

MINUTES  
NPFMC MEETING  
JANUARY 1989

The Commission expressed concern with the Council's decision in December 1988 to set a special 500,000 lb. halibut catch limit for a series of early fishing periods in Area 4B (Aleutian Islands). They predict that the catch limit would be reached sometime in the 3-day opening, July 10-12, and prevent subsequent 1-day openings in July. IPHC staff recommended a total 4B quota of 1.9 million pounds and closing the season early in July could result in the need for openings later in the year when the weather conditions are unsafe. The Council was asked to give the Commission some flexibility in setting the seasons and quota which they believe can be set to fulfill their conservation goals and at the same time facilitate the Council's intention to provide enhanced opportunities for local fishermen in Atka.

### **COUNCIL DISCUSSION AND ACTION**

The Council discussed the evaluation of future halibut management options and agreed to include halibut, along with groundfish and crab, in the current work of the Sablefish Management Committee. A schedule for developing and analyzing alternatives was also approved, with possible implementation of a new management system for halibut by spring of 1991. The Council expects to work closely with IPHC in the analyses and asked Dr. Pautzke and Dr. McCaughran to coordinate annual meetings between the IPHC and the Council.

For the Area 4B proposal, the Council agreed to allow the IPHC the flexibility to implement regulations which will conform to their conservation goals as well as the Council's intent to accommodate the needs of the Atka fishermen.

**Henry Mitchell moved to reverse the Council's December 1988 action for Area 4B (Aleutian Islands) for 1989 to remove the 50,000-lb. cap for one year. The motion was seconded by Steve Pennoyer and carried unanimously.**

The Council discussed whether or not the two-year timeframe adopted in the December motion would still apply and the cap would be reinstated in 1990. Craig O'Connor suggested it would be less confusing if the Council would rescind the whole action and readdress the issue in 1990 if necessary.

**Henry Mitchell moved to rescind the two-year stipulation as recommended by Craig O'Connor. Steve Pennoyer seconded the motion, which carried with Larry Cotter objecting.**

Peter Craig, ADF&G-Kodiak, reviewed his proposal to use proceeds from the sale of incidentally-caught halibut to fund an observer and data-gathering program for halibut bycatch. Commissioner Brock expressed concern with the idea of legitimizing the retention of juvenile halibut and the potential for bycatch being allowed to increase if additional funds were needed. The IPHC would prefer a strong disincentive to harvest juvenile halibut as bycatch. If this were the only way to collect the data they may be able to deal with such a program on a temporary basis until other options are developed.

MINUTES  
NPFMC MEETING  
JANUARY 1989

C-3 MFCMA Reauthorization

**PUBLIC TESTIMONY**

**Bud Walsh**, Atty. Under the international agreement on tuna we have reasonable access and there's no reason to change. Most commercial tuna is caught outside U.S. jurisdiction. Recreational interests are initiating the action to include tuna under the MFCMA. Urged the Council to resist efforts to put commercial fishing interests ahead of recreational.

**Doug Gordon**, AHSFA. AHSFA supports the user-fee concept; however they feel very strongly that it ought to be at a level that contributes towards the costs of the defined needs of management and conservation, i.e., observer coverage at a 20% level. Any such funds from an area (i.e., Alaska) should be applied to that area. Fees should be dedicated to a revolving fund for fishery-related uses managed by a national and/or regional board which includes industry representatives.

**COUNCIL DISCUSSION AND ACTION**

The Council reviewed amendments to the MFCMA proposed by the other Regional Councils. Council members felt that Chairman John Peterson and Vice Chairman John Winther should have the ability to review information received at the Chairmen's meeting in late January and use their judgement in relaying NPFMC's position on the amendments, based on Council discussions. On the issue of the inclusion of tuna under the MFCMA, the Council wishes to remain neutral since NPFMC has no tuna fisheries within its jurisdiction. The Council also elected to remain neutral on proposed amendments dealing with the appointment of obligatory Council seats because they do not apply to the NPFMC.

In earlier discussions of amendments, the North Pacific Council had proposed changes to Section 304(d) of the MFCMA, "Establishment of Fees." At this meeting the Council reviewed the wording previously suggested and discussed the need for the Secretary to be able to collect fees to support research and data gathering programs in view of limited federal budgets.

Larry Cotter proposed the following: Insert a new section 303(b)(2), as follows, with the remaining sections renumbered accordingly.

**303(b)(2) Require fees to be paid to the Secretary which are necessary for the implementation and maintenance of observer and data gathering programs and the implementation and maintenance of limited access systems which may be implemented in accordance with 303(b)(7) when requested by the appropriate Regional Fishery Management Council.**

Council members concurred with this suggestion and asked John Peterson to take this position to the Chairmen's meeting, but to be prepared to work with other Councils to develop a similar amendment proposal all could support.

MINUTES  
NPFMC MEETING  
JANUARY 1989

With regard to the package of proposals submitted by the New England Council, it was agreed that NPFMC would not take a position at this time, but would allow John Peterson and John Winther to use their judgement during the discussions at the Chairmen's meeting.

**Larry Cotter moved to add the following paragraph under Section 2(b) of the Act:**

**Sec. 2(b)(7) To eliminate the interception of United States anadromous salmon and steelhead species in waters beyond the Exclusive Economic Zone in order to effectively protect and enhance the conservation needs of, and social and economic benefits derived from, United States origin salmon and steelhead.**

**The motion was seconded by Henry Mitchell.**

It was suggested that sea birds and marine mammals be included. The consensus was that the Council's main priority is salmon and steelhead but if further discussion at the Chairmen's meeting warranted it, sea birds and marine mammals could be included.

**The motion carried unanimously.**

Henry Mitchell suggested a code of ethics for Regional Fishery Management Council members. It was pointed out that this issue is being addressed in the revised Secretary's Standards. As soon as those are completed the Council will need to revise their SOPP and this issue can be dealt with in that way. The new Oath of Office for Council members will also address this concern.

Several other items were discussed, including expanding the 30-day limit for legal challenges, mandatory boarding privileges on the high seas, and qualifications for new Council members. These subjects are to be submitted to the Council's Reauthorization Committee for review and discussion.

Henry Mitchell asked the Council to support legislation by Don Young to expand the Pelly Amendment to include products other than seafood. The Council felt they could not support the specific legislation since they had not yet seen it; however, they did endorse the concept.

Council members also discussed sending a letter to Jim Brennan suggesting changes to the Fisheries Obligation Loan Guarantee Program in light of the current trend toward overcapitalization in the major fisheries under the Council's jurisdiction. Henry Mitchell voiced concerns that such a recommendation could hurt the development of Western Alaska fisheries and said he could not support the letter.

**Bob Alverson moved to approve the draft letter to Jim Brennan prepared by Council members Jim Brooks, Tony Knowles and Larry Cotter. The motion was seconded by Oscar Dyson and carried with Henry Mitchell abstaining.**

MINUTES  
NPFMC MEETING  
JANUARY 1989

C-4 Future of Groundfish

At the June 1988 meeting the Council asked staff to expand the management alternatives listed in the Future of Groundfish Committee report, deferred appointing a revised FOG Committee, and committed to take part in a series of seminars with industry and interested groups to provide for discussion of the Committee's work and the various management alternatives in that report. When the report was prepared it had been hoped that Natural Resources Consultants, with S-K funding for a limited entry study, would serve as an organizer for the seminars. However, NRC decided against the project.

**Report of the Advisory Panel**

The AP recommended that if the Council decides to move forward on this issue, groundfish and sablefish be dealt with together. The AP expressed disappointment after the Council's action to adopt a tentative cut-off date for limited access in the groundfish fisheries because the action was taken without notice to the Advisory Panel.

**PUBLIC TESTIMONY**

**Mark Edward Springer**, City of Hooper Bay. Hooper Bay has no landbased resources available to them. They do have fishery resources and need to have time to develop them before any limited access is considered. If a new FOG committee is appointed they request that western Alaska coastal communities be represented on the committee.

**Wally Pereyra, Barry Fisher**. They urged the Council to declare an immediate cut-off date for participation in all fisheries under the council's jurisdiction and to direct council staff to prepare a management plan for each of the three management alternatives - status quo, license limitation, and individual quotas. To carry out these recommendations, they submitted a four-part proposal for the Council's consideration.

**Doug Gordon**, AHSFA. Asked whether joint venture catches would be counted as "history" if the Council moves toward a limited access program. (Craig O'Connor responded that they would probably be considered.)

**COUNCIL DISCUSSION AND ACTION**

**Bob Mace** moved that the Council establish an immediate cut-off date of January 16, 1989, after which vessels not in the pipeline may or may not be considered by the Council as eligible for participation in the fisheries under the Council's jurisdiction. The motion was seconded by Joe Blum.

The Council discussed the definition of the phrase, "in the pipeline" and concurred that the description in Wally Pereyra's proposal would be used and would be included in the motion, as follows:



MINUTES  
NPFMC MEETING  
JANUARY 1989

**For the purposes of the cut-off, a vessel in the pipeline is defined as one which:**

- a. is currently participating in any fishery under the Council's jurisdiction, e.g., catcher/processor, independent trawler, longliner, pot vessel, etc.;**
- b. is under construction or has recently been constructed with full intent to operate in the fisheries under the Council's jurisdiction; or**
- c. a major investment, i.e., 20% of the delivered cost, has been made to design, construct and operate in the fisheries under the Council's jurisdiction.**

There was some discussion about whether the issue of a cut-off date could be dealt with at this meeting since it was not specifically advertised in pre-meeting notices. Craig O'Connor said he felt the agenda wording was broad enough to include this action and also mentioned that the Council has been discussing the issue of cut-off dates for some time.

**Bob Alverson moved to amend the motion as follows: In the second line, replace "not in the pipeline" with "vessels which have not made a delivery." The motion was seconded by Larry Cotter and failed, 9 to 2, with Alverson and Cotter voting in favor.**

**John Winther moved to amend paragraph (c) to read as follows: Major investment of a minimum of 20% of the delivered cost has been made to design, construct, operate, and make a legal landing of fish by \_\_\_\_\_ (18 months after January 16, 1989). The motion was seconded by Henry Mitchell, but subsequently withdrawn.**

**After more discussion about giving the public a chance to respond to the Council's decision, Larry Cotter moved to postpone the entire motion until the April 1989 Council meeting. The motion was seconded by Henry Mitchell and carried, 6 to 5, with Blum, Dyson, Mace, Winther and Peterson voting against.**

Discussion then centered on how to proceed between now and the April Council meeting. The intent of the motion to postpone is to convey to the public that the Council may use the January 16 date for complying with criteria and to give the public a chance to comment. At the same time, staff can be developing a better definition of "in the pipeline" and researching ways to deal administratively with the criteria. Council members discussed reconsideration of the motion in order to be able to send something out for public comment between now and the April meeting.

**Tony Knowles moved for immediate reconsideration of the motion. The motion to reconsider was seconded and carried with no objection.**

**Joe Blum moved to amend the original motion to add a preamble. The motion was seconded by Bob Alverson and carried with Mitchell objecting. The final motion, as approved, is:**

**The North Pacific Fishery Management Council intends to take public comment at its April meeting on all aspects of the following proposal prior to taking final action.**

MINUTES  
NPFMC MEETING  
JANUARY 1989

**The Council would establish under this proposal a cut-off date of January 16, 1989, after which vessels not in the pipeline may or may not be considered by the Council as eligible for participation in the fisheries under the Council's jurisdiction (including halibut and crab).**

**For the purposes of the cut-off, a vessel in the pipeline is defined as one which:**

- a. is currently participating in any fishery under the Council's jurisdiction, e.g. catcher/processor, independent trawler, longliner, pot vessel, etc.;**
- b. is under construction or has recently been constructed with full intent to operate in the fisheries under the Council's jurisdiction; or**
- c. a major investment, i.e., 20 percent of the delivered cost, has been made to design, construct and operate in the fisheries under the Council's jurisdiction.**

If the Council adopts a cut-off date at the April meeting this action would be part of any management regime brought before the public for further comment. After public comment the Council would adopt, amend or reject the plan as it deemed appropriate.

**Joe Blum moved to expand the terms of reference of the Sablefish Management Committee to include all groundfish, halibut and crab species under the Council's jurisdiction in the Bering Sea and Aleutian Islands and the Gulf of Alaska. The motion was seconded by Bob Mace and carried with Henry Mitchell objecting.**

The committee, along with Council staff and appropriate contracted organizations, is to develop a management scenario for each of three alternatives - status quo, license limitation and individual fishing quotas. These scenarios would address the major factors which must be considered in implementing any management plan, such as qualifications criteria for any allocation of licenses or quotas, duration and transferability, nationality and concentration of ownership, administration and enforcement, and cost.

**Joe Blum moved to defer action on reactivating the Future of Groundfish Committee. The motion was seconded by Bob Mace and carried with Mitchell objecting.**

**C-5 Sablefish Management**

The Council's Sablefish Management Committee met in Anchorage on January 4 and provided the Council with a list of twelve areas of concern and a list of decision points and options for IFQ and license limitation systems. They also developed a preliminary schedule for plan development for Council discussion.

### **Report of the Advisory Panel**

The AP acknowledged the Sablefish Management Committee's list of concerns and recommended the Council also consider options under open access as methods to address the areas of concern. They also recommended the Council clarify its position on whether status quo is an option for future fisheries management - some AP members believe that the Council's statement that status quo management is no longer an option for sablefish management also applied to future management of all groundfish fisheries.

### **Public Testimony**

**Robert Brown**, Bethel, Alaska. Suggested the Council combine blackcod and halibut seasons and allow retention of both. Also, halibut seasons seem to be set at equinox time which causes serious safety problems because of adverse weather. A lot of fishermen want a limited entry permit for what it will be worth and he doesn't think that's right. Fish belong to everybody and they all should have the equal right to fish. Suggested that if the Council does approve a limited access system they should allow some flexibility to allow diversification. He also suggested setting aside a percentage of the quota for young people to enter the fishery, and not allowing permits to be transferable for cash.

**Jack Knutsen**, FVOA. FVOA has withdrawn their support of limited access in the sablefish fishery because the systems being considered are not what they asked for and won't work. They have supported the limited entry concept for many years and expended a lot of money but now they can't support what is being considered. Thinks Council is considering needs of people who are not involved and did not pioneer the fishery. Their answer to the coastal community problems is to leave the fishery open and allow them to purchase boats and gear and enter when they want.

**Dean Adams**, FVOA. Hopes the Council will consider the letter from him and FVOA withdrawing their support of limited entry on blackcod.

**John Bruce**, DSFU. Mid-Atlantic Council was in same position 25 years ago - and they were also unable to slow down the fishery or limit entry because of the political atmosphere. Now they don't have a fishery, and he doesn't want to see that happen here. He has the same concerns as were expressed in Dean Adams' letter to the Council although he still supports limited entry of some kind. Moratorium date should be established immediately. He supports the Kodiak Vessel Owner Assn's split of the sablefish in the Bering Sea. Also, Council should pursue the report that there was 25% more sablefish marketed in Japan than was legally caught.

**Mark Springer**, City of Hooper Bay. Sablefish Mgmt Committee did a good job of identifying concerns. The City of Hooper Bay continues to oppose any system of management which would limit entry into the sablefish fishery in the Bering Sea.

**Ted Evans**, AFTA. Limited entry cannot be applied to the sablefish longline fishery unless the TAC is allocated by gear type in the Bering Sea/Aleutian Islands. He is opposed to any allocation of sablefish among gears in the BS/AI at this time.

MINUTES  
NPFMC MEETING  
JANUARY 1989

**COUNCIL DISCUSSION AND ACTION**

**Joe Blum moved to accept the Sablefish Management Committee Report in its entirety, including the amended areas of concern. The motion was seconded by Henry Mitchell.**

**Larry Cotter moved to amend the motion as follows: On page 3 of the Committee Report, that ITQ decision point II:(V)(3)(ii) not be deleted; the same would apply to the section on license limitation. The motion was seconded by Henry Mitchell and carried with John Winther objecting.**

**Larry Cotter moved to amend the main motion by deleting ITQ Item II(C) on financial investment. The motion was seconded by Bob Mace and carried with no objection.**

**The main motion carried, after amendment, with Bob Alverson objecting.**

In Council discussion, some Council members stressed the need to provide some mechanism to allow western Alaska communities to develop their fisheries. Don Collinsworth suggested that the State of Alaska be allowed to purchase a share of the quota to allocate to developing communities.

The Council also discussed combining the analyses for sablefish limited access systems with those for groundfish, halibut and crab. The general consensus was that this would be more efficient, however because of data needs and other considerations, implementation of limited access systems for groundfish, halibut and crab could not be accelerated enough to occur at the same time as that for sablefish.

The terms of reference for the Council's Sablefish Management Committee will be expanded to include all groundfish, halibut and crab species under the Council's jurisdiction in the Bering Sea and Aleutian Islands and the Gulf of Alaska. The committee, along with Council staff and appropriate contracted organizations, is to develop a management scenario for each of three alternatives -- status quo, license limitation and individual fishing quotas. These scenarios would address the major factors which must be considered in implementing any management plan, such as qualifications criteria for any allocation of licenses or quotas, duration and transferability, nationality and concentration of ownership, administration and enforcement, and cost.

Council staff prepared a proposed schedule for analyses and implementation of management alternatives for sablefish, groundfish, halibut and crab.

**Tony Knowles moved to approve the schedule as presented by staff (Appendix I to these minutes). The motion was seconded by Jim Brooks and carried with no objection.**

**C-6 Fishery Research Priorities**

In response to a request from NOAA Fisheries last October for Council input on research priorities for 1989, Council staff, the SSC, and groundfish plan teams submitted their recommendations. These recommendations were provided in the Council's notebooks. For

the future, Council staff suggested that the Council may want to establish a procedure for identifying Council research priorities on an annual basis so that the information can be forwarded to NOAA Fisheries for their budget process.

#### **PUBLIC TESTIMONY**

**Mark Edward Springer**, City of Hooper Bay. Would like the Council to recommend research on the amounts of fish consumed by both marine mammals and commercial fishing. They are interested in the interaction of marine mammal population and fishery effort in the Bering Sea and Aleutians.

**Vince Curry**, AFTA. They suggest more research on predator/prey relationships in fisheries.

#### **COUNCIL DISCUSSION AND ACTION**

Larry Cotter suggested adding the predator/prey relationships to the Council list of priorities.

**Bob Mace** moved to approve the procedure for Council development of fishery research priorities as presented by staff (Appendix II to these minutes). The motion was seconded by Larry Cotter and carried with no objection.

Larry Cotter moved to approve the lists of research priorities submitted by Council staff (including predator/prey relationships), the plan teams, and SSC, using the SSC's priorities as a guide for prioritizing the other two lists. The motion was seconded by Oscar Dyson and carried with no objection.

#### **C-7 Fishery Observer Programs**

In December the Council directed its Observer Committee to take a lead role as management agencies attempt to put an observer program together. An observer technical team is being assembled to work with the committee and Council in this effort. The Council was provided with a summary of current groundfish observer programs and oral reports were provided by ADF&G on their groundfish and crab observer program and from the University of Alaska Sea Grant Program on the Council's pilot program.

#### **PUBLIC TESTIMONY**

**Chris Blackburn**, Alaska Groundfish Data Bank. In December the Council developed its annual Gulf of Alaska groundfish TAC recommendations based in part on the effects of various fisheries on the 2,000 mt halibut mortality cap. In their projections, the Council utilized a 4.5% bottomtrawl bycatch rate obtained from ADF&G domestic observer data. However, following a recent meeting with ADF&G, it was determined that domestic observer coverage in 1989 Gulf trawl fisheries will be insufficient to allow inseason adjustments to that rate. Recognizing that the Regional Director has some flexibility when he closes fisheries, any observer information voluntarily supplied by industry could lead to

**MINUTES  
NPFMC MEETING  
JANUARY 1989**

more accurate accounting of bycatch and could allow some fisheries to continue should the estimated bycatch be low. Eagle Fisheries has devised a method for obtaining the necessary data so that fisheries may not have to be closed prematurely.

**Reed Wasson, Eagle Fisheries.** They are already participating in an observer program with ADF&G through a grant from AFDF. When the grant funds run out, Eagle Fisheries is volunteering to continue the program with their own funds for the remainder of the year. The program would fund one full-time observer and provide roughly 20% coverage. ADF&G will have the oversight to choose vessels, etc., and the observer would be under their jurisdiction; data will be provided to ADF&G and to Chris Blackburn at Groundfish Data Bank who will prepare a report for Eagle and the Council.

**Kate Graham/Deming Cowles, United Fishermen of Alaska.** Their Board voted unanimously to urge the Council to institute a 100% observer program in order to have better information for management decisions. They realize it's expensive, but it's necessary. They are willing to help lobby for funding in D.C., but also think industry should pay a part of the cost if that's what it takes. Also urged the Council to ask the Secretary to use any observers placed on vessels for marine mammal purposes to collect incidental catch and other fisheries data.

**Linda Kozak, KLVOA.** They urged the Council to adopt a cohesive program managed under one agency. Several programs managed by different agencies can cause problems with the collection and analysis of data. Also asked the council to make a strong statement regarding the lack of data with which to manage the fisheries and the urgency in having an observer program in place.

**Arni Thomson, Alaska Crab Coalition.** The ACC has long supported mandatory observer programs. They support amendments to the Magnuson Act to require a comprehensive, mandatory observer program for all fisheries. Also support the Council's endorsement of pursuing a 100% observer program through an amendment process. They will not participate in the AFTA proposal because AFTA did not support the foundation approach last year when these decisions and actions should have been taken; now ACC believes Council should move in the direction of a mandatory program.

**Ted Evans/Vince Curry, Alaska Factory Trawlers Assn.** They also support Council actions to try to get the marine mammal observer program funded and used for fishery data collections. Pointed out that the NMFS observer policy which has been forwarded to OMB essentially precludes NMFS from funding observer programs even if in the future they decide that it is a prudent way to spend management dollars. It doesn't make sense to approve a policy that puts up barriers on the use of its own money for future programs. Mr. Evans reviewed AFTA's progress in initiating a foundation for funds for fishery data gathering in the groundfish, halibut and crab fisheries.

**Tom Casey/Louie Lowenberg.** They have pledged \$5,000 to AFTA's program because they believe it's the only program that is happening right now. Crab is very vital to them and observer coverage is absolutely essential in the other fisheries to protect crab. Mr. Casey donated \$100 to the AFTA program during the Council meeting and challenged others on

MINUTES  
NPFMC MEETING  
JANUARY 1989

the Council and in the audience to match his donation. Oscar Dyson, John Peterson, Bob Alverson, Ted Evans and Linda Kozak met that challenge by donating \$100 each. Paul MacGregor donated \$150 and challenged Mr. Casey to match the additional \$50, which he did.

**COUNCIL DISCUSSION AND ACTION**

With regard to the Eagle Fisheries proposal, Council members said it would be an extra incentive to fish clean and a way to obtain data. Jim Brooks voiced concern about the equity -- a company with more than one vessel would have 20% coverage, but the owner with only one boat would essentially have 100% coverage. Mr. Brooks was also concerned that the Eagle program is subsidized and not available to others. He feels there is a problem with granting Eagle 20% coverage and not extending the same privilege to all.

Craig O'Connor said that the Council and Regional Director are not in a position to take any action at this time. The situation should be addressed when the Regional Director is asked by Eagle Fisheries to allow them to continue fishing based on the information collected by the observer.

**Tony Knowles moved to approve the following declaration submitted by Council member Don Collinsworth:**

**The NPFMC finds that the lack of observer data and oversight for DAP fisheries in its zone of jurisdiction in the Gulf of Alaska and Bering Sea is preventing the Council from meeting its obligation under the MFCMA to prepare management plans which will provide, on a continuing basis, the optimum yield from the fisheries and to manage the fisheries under its jurisdiction in a manner which complies with the conservation intent and requirements of the MFCMA. The Council urgently petitions the Secretary of Commerce to provide NOAA Fisheries the necessary fiscal resources and direct NOAA Fisheries to prepare and implement an observer program to correct this deficiency in the most expeditious manner possible.**

**The motion was seconded by Henry Mitchell and carried unanimously.**

**Henry Mitchell moved to approve the following statement:**

**The North Pacific Fishery Management Council finds that information on targeted and incidental fisheries as part of an observer program conducted under the Marine Mammal Protection Act amendments of 1988 will contribute significantly to the understanding of the marine ecosystem of the Gulf of Alaska and Bering Sea. Therefore, the North Pacific Fishery Management Council petitions the Secretary to direct any observers placed on vessels or any observers participating in alternative programs under the amendment to collect such information on targeted and incidental fisheries as identified as needed by the Council.**

**The motion was seconded by Tony Knowles and carried unanimously.**

MINUTES  
NPFMC MEETING  
JANUARY 1989

C-8 Other Business

Barry Fisher, retiring AP member, was honored by the Council and SSC for his participation on the Advisory Panel and his tireless work to make the Council process work.

**D. FISHERY MANAGEMENT PLANS**

D-1 Bering Sea/Aleutian Islands King and Tanner Crab FMP

The draft FMP and its accompanying EA/IRFA/RIR were approved at the September 1988 Council meeting after some revision by the Crab Management Committee. At this meeting the Council was to review comments received, determine the appropriate category for three of the management measures, and forward the plan to the Secretary of Commerce for review and implementation.

**Report of the Scientific and Statistical Committee**

The SSC recommended the FMP be modified to change the Category 1 management measures entitled "observers" to make it clear that this is a federal observer requirement. A Category 3 management measure entitled "state observer requirement" should be added and the appropriate description of the state program added to the text. The SSC also noted that the incremental costs of moving from Alternative 1 (status quo) to Alternative 2 (management under the FMP) or Alternative 3 (federal management) should be explicitly stated in the final RIR.

**Report of the Advisory Panel**

The AP voted to recommend approval of the FMP with pot limits, registration areas, and closed waters being placed in Category 1. These measures should be frameworked to allow changes using regulatory amendments.

**PUBLIC TESTIMONY**

**Ken Larson, Arne Aadland, NPFVOA.** NPFVOA has favored an FMP since the inception of the MFCMA. They agree with the AP recommendation to accept the FMP in its current form with their recommended changes. It's time the crab fisheries in the EEZ be handled under an FMP and he hopes the State will be able to work under that arrangement. NPFVOA believes the plan should go forward for Secretarial review. They think that pot limits, registration areas,, and closed areas should go into Category 1. The AP has suggested a new category which would allow these measures to be changed by regulatory amendment. This should alleviate the State's concerns over the time required for changes under an FMP amendment.

**Jeff Stephan, UFMA.** UFMA still does not believe that an FMP is necessary in the crab fisheries. These fisheries have been managed quite well by the State. A Joint Statement of Operating Principles should be sufficient. They don't think the MFCMA mandates a



plan for every species under a Council's jurisdiction; Council should make that decision. He voiced concern that the Advisory body (PNCLAC) would have the authority to bring forward petitions and appeals.

**Arni Thomson, ACC.** Supports AP motion approving an FMP, placing pot limits, registration areas and closed waters in Category 1, frameworked so they could be changed by regulatory amendment.

### **COUNCIL DISCUSSION AND ACTION**

Don Collinsworth said that the Council needs to make a decision on whether the State is now fielding a conservation and management program that meets the standards of the MFCMA and whether an FMP is in the public interest and warrants the cost. He feels the FMP only adds administrative layers of bureaucracy and will not improve the optimum yield or biology of the fishery. He suggested that the Council abandon the FMP and establish a Joint Statement of Principles with the Board of Fisheries with an advisory group like that described in the FMP. Under such an agreement the Council would meet regularly with the Board of Fisheries and there would be regular meetings between the Board of Fisheries, ADF&G, NMFS and industry representatives to ensure that the state is fielding a management program sufficient for conservation and management of the resource.

**Don Collinsworth moved that the Council make a determination that the State is fielding a conservation and management program sufficient to meet the National Standards of the MFCMA and other purposes of the Act and that the Board of Fisheries and Council, through a cooperative agreement, establish a Joint Statement of Principles, provide an advisory committee similar to that envisioned in the draft FMP, and that the Council do an annual review with the State to make a determination whether that management is consistent with standards of the Act. The motion was seconded by Henry Mitchell and failed, 6 to 5, with Collinsworth, Dyson, Knowles, Mitchell and Winther voting in favor.**

Steve Pennoyer pointed out that the official position of NOAA is that an FMP is required although they would agree to delegate management to the State under the appropriate rules. It was also pointed out that the Council could not pursue any kind of limited access management systems for crab without an FMP.

**Joe Blum moved to adopt the Advisory Panel's recommendation - approve the FMP as modified, including federal observers, pot limits, registration areas and closed areas under Category 1 and state observers under Category 3 with a designation that the pot limit, registration area and closed area measures would be subject to regulatory amendment rather than plan amendment. The motion was seconded by Bob Mace.**

**Don Collinsworth moved to amend the motion to place pot limits, registration areas and closed areas under Category 2. The amendment was seconded and carried, 7 to 4, with Alverson, Blum, Mace and Peterson voting against.**

Several motions were made for editorial changes concerning enforcement, the annual hearing and review cycle, and the industry advisory committee. These will be included in

MINUTES  
NPFMC MEETING  
JANUARY 1989

the final FMP submitted to the Secretary for review.

**The main motion carried, after amendment, 6 to 5, with Collinsworth, Dyson, Knowles, Mitchell, and Winther voting against.**

The Council also instructed the staff to include a statement in the preamble to the effect that the Council acknowledges additional marginal costs will be incurred by the State of Alaska because of the plan. These additional costs must be absorbed by the Federal government.

D-2/3(a) Gulf of Alaska & Bering Sea/Aleutian Islands Groundfish Amendment Proposals

Forty-three proposals for amendment to the Gulf of Alaska and Bering Sea/Aleutian Islands groundfish plans were reviewed by the plan teams and the Plan Amendment Advisory Group. In most cases, the PAAG's recommendations agreed with those of the plan teams. The PAAG recommendations were:

**Place on current amendment cycle:**

- Nos. 10, 12 Establish fishing seasons framework in BSAI and GOA.
- Nos. 21, 22 Establish a comprehensive GOA bycatch control mechanism (including an alternative to trawl closure zones).
- No. 26 Extend Pacific cod trawl exemption in the Closed Area from 25 to 30 fathoms in the BSAI.
- Nos. 31,32, 34-37 Develop a comprehensive data gathering and data reporting system for BSAI and GOA. (This was rated the highest priority of all proposals; the PAAG recommended the Council appoint a special technical work committee to develop this amendment package.)
- No. 39 Delete species lists under three categories in BSAI and GOA FMPs (excluding PSC category).

**Place on extended cycle (with specified milestones):**

- No. 3 Increase the upper limit of OY in BSAI.

**Develop as regulatory amendments:**

- No. 11 Establish season openings/closings at noon local time in the BSAI and GOA.
- No. 15 Establish Shelikof District in the GOA.
- Nos. 23 & Redefine directed fishing in BSAI and GOA (amendment analysis package)

1988-14 requested from NMFS by April 1989).

No. 38 Require hook and line gear documentation in BSAI and GOA.

Nos. 42, 43 Establish single species rule in GOA.

The PAAG found that other proposals were of low or moderate priority and should not be addressed during the current cycle.

#### **Report of the Scientific and Statistical Committee**

The SSC concurred with the PAAG recommendations with some further comments (found in SSC minutes, Appendix III to these minutes). In addition, they recommended that the proposals to establish trawling closures near the Walrus Islands should be ranked as high priority and that the lead agency for its development be the USFWS with assistance from the State, NMFS and Council staff.

#### **Report of the Advisory Panel**

The Advisory Panel's recommendations are found in table form in Appendix IV to these minutes.

#### **PUBLIC TESTIMONY**

**Linda Kozak, KLVOA.** KLVOA places highest priority on observers, data gathering and reporting requirements. Comprehensive bycatch controls are also extremely important. Their proposals, included in Nos. 4-6, to allocate sablefish TAC are very important to longline and trawl fisheries and should be given high priority.

**John Bruce, DSFU.** Supports KLVOA proposal to fast-track the sablefish allocation process in the Bering Sea.

**Vince Curry, AFTA.** Data gathering proposals should be highest priority but thinks industry should be involved in designing them. Regarding the AP minority report on the trawl bycatch salmon proposal, he asked the Council to consider it more carefully before including it for the Gulf of Alaska. Regarding proposal No. 14, July 1 opening date for rockfish, he feels it concerns gear conflicts and doesn't believe this proposal will solve the problem and might even increase bycatch of blackcod. Regarding the proposal for closures near walrus sanctuaries, he feels it does not deserve a high priority; however, if the Council does proceed to analyze it he hopes that any restrictions imposed will not just apply to the trawl fleet but to all gear types. The 30-mile closure based on a noise problem is not justifiable. PAAG/PT suggestions are an appropriate road map for the proposals.

**Dave Fraser.** He is disappointed the AP voted to give high ranking to more proposals than the Council can handle. He would support most of the PAAG and PT recommendations as having higher priority than the AP recommendations because they deal more with tools for managing the fisheries. Most of the proposals the AP added are allocative. Supports AP recommendation on proposal No. 16, dividing the Aleutian area at 175°W for sablefish,

MINUTES  
NPFMC MEETING  
JANUARY 1989

for an extended cycle.

**COUNCIL DISCUSSION AND ACTION**

**Bob Mace moved to adopt the PAAG recommendations for groundfish proposals. the motion was seconded by Mark Pedersen.**

**Larry Cotter moved to amend the motion by deleting proposal #3, raising the upper limit of OY in the Bering Sea/Aleutian Islands. The motion was seconded by Bob Alverson and carried with no objection.**

**Larry Cotter moved to amend the main motion to remove the reference to season dates in proposal No. 10 and to include in that proposal authority providing the Regional Director flexibility to change a season opening upon notice due to weather conditions. The motion was seconded by Henry Mitchell but subsequently withdrawn.**

The intent of the motion was to allow for closures for safety reasons. However, there was some concern that once a federal agency has this responsibility they would have to close a fishery down every time there was any hint of bad weather or risk lawsuits. Also, the logistics of the fleet having to go home and return after the delays would be difficult and costly.

**Bob Alverson moved to amend the main motion to give proposals 4-6 high priority and include them in the current amendment package. The motion was seconded and carried, 8 to 2, with Mace and Peterson voting against.**

**Henry Mitchell moved to include Nos. 17-18 (walrus closure) in the current amendment cycle. The motion was seconded by Ken Parker and carried with Mace objecting.**

The Council discussed the possibility of asking the U.S. Fish and Wildlife Service and the Alaska Dept. of Fish and Game to handle the majority of the work on this proposal. Jon Nelson said, that as one of the proposers, the U.S. Fish & Wildlife Service could work either through the plan amendment cycle or with industry to develop a workable solution.

**Henry Mitchell moved to amend the main motion to include No. 29 (set declining limits on trawl bycatch of salmon) as a high priority and place it in the current amendment cycle. The motion was seconded by Tony Knowles and failed through a tie vote with Parker, Cotter, Knowles, Mitchell and Brooks voting in favor and Alverson, Mark Pedersen, Dyson, Mace and Peterson voting against. John Winther was not present.**

The Council acknowledged that this is an important issue but sufficient data are not available on catches. The small amount of available observer data should not be accepted as representative of the whole fleet.

Larry Cotter suggested that industry begin to address the issue of accounting for salmon bycatch immediately.

**Tony Knowles moved to include in the intent of the proposals dealing with observer coverage and data gathering (Nos 31, 32, 34-37) that a mandatory 100% observer program be considered. The motion was seconded by Henry Mitchell. The intent is for the program to apply to all vessels and all fisheries where practical and possible. The motion carried with Mace, Peterson and Dyson objecting.**

John Peterson suggested that 100% observer coverage is not always necessary to get data needed for management decisions. Mr. Knowles said he recognizes that, but suggested that it is an option that should be considered in the analysis.

**Jim Brooks moved to include No. 15 (Establish inside and outside Shelikof districts) in the current plan amendment cycle. The motion was seconded by Ken Parker and carried with no objection.**

A full plan amendment was judged the only appropriate way to establish a new fishery district (as opposed to using a regulatory amendment as earlier thought to be the case).

**The main motion carried, as amended, without objection.**

John Peterson said he would appoint a technical committee to develop a data gathering program, including which fisheries need it and their percentage of coverage, etc. This committee will work with the Council's observer committee to develop a data collection program during the current amendment cycle. The objectives of the technical committee would be to define data needs and develop a collection program and amendment package for this current cycle. It would consist of representatives of NMFS, NWAFC, the Region, ADF&G, Council staff and the Universities of Alaska and Washington.

The Council's Domestic Observer Committee, renamed the Observer/Data Gathering Committee, would continue with essentially the same Council members (Dyson (Chair), Cotter, Knowles, Hansen, Mitchell, Peterson) with Dave Fraser, Phil Chitwood, Ron Hegge, and John Woodruff representing the AP. This committee will determine the practicality and workability of the program developed by the technical committee. They will also be concerned with the liability, logistics, and reporting system that the industry will have to contend with. The committee will also be charged with generating funding ideas, including considering the use of a trust fund concept as suggested by the SSC. ADM Nelson suggested that the Coast Guard should also be represented on the technical committee.

#### D-3(b) Directed Fishing Definition

In December the Council approved an emergency rule to revise the definition of directed fishing for sablefish in recognition that reduced sablefish TAC in the Bering Sea, combined with bycatch demands by other groundfish fisheries, could result in sablefish harvest exceeding the TAC and ABC. An emergency rule can stay in effect for a maximum of 180 days. Therefore, the Council needed to approve a regulatory amendment to make the change permanent.

**MINUTES  
NPFMC MEETING  
JANUARY 1989**

Concern was expressed in December that directed fishing definitions based upon amounts of fish retained do not adequately assure limits on harvest and fishing mortality. NMFS also had reservations about the Council's decision in June 1988 to make retention the basis of revisions to the current definitions of directed fishing. On January 5, 1989, NMFS decided to continue to enforce directed fishing definitions on a "tow-by-tow" basis rather than retention as recommended by the Council.

**Report of the Scientific and Statistical Committee**

The SSC reaffirmed its comments from the December meeting that the definition of directed fishing does little to provide useful management regulation to control total catch mortality. If the Council is to implement a definition of directed fishing then it should be based on a percentage of retained catch over some specified time period rather than a percentage of catch in individual tows. If the intent of the Council is to control total fishing mortality, then a different system should be considered. A system could be developed where individual fisheries are managed for mixed species. In such a system total fishing mortality would be accounted for and factored into mixed species quotas for individual fisheries.

**Report of the Advisory Panel**

The Advisory Panel recommended the Council reaffirm its June 1988 action to define directed fishing based on retention rather than catch. If the retention rate for any species is too high to allow a fishery to continue without that species becoming a prohibited species, then the retention rate should be reduced accordingly.

**PUBLIC TESTIMONY**

**Steve Hughes, Midwater Trawlers.** Their perception is that there is no distinction between DAP and JVP and gear types. The rule was developed primarily to protect sablefish but is creating a lot of problems in other fisheries. Applying 20% across the board is a problem and should be redefined to properly reflect species composition. He recommended that, for a short-term solution, The Council use a retention basis for a defined time period of not less than 1 week, or on a trip-by-trip basis. For the long-term, he recommended that the 20% definition be revamped based on analysis of data. Definitions of directed fishing should reflect the actual species composition normally contained in those catches, such as the pollock/cod and flounder/other flounder/rock sole fisheries. As fisheries become exclusively DAP the problem will become more serious.

**Paul MacGregor, AFTA.** Supports comments of Steve Hughes. This is not a trawl issue; it also puts longline and pot fishermen at risk. AFTA thinks that a retention test reduces waste and encourages accurate reporting. When the Council adopted the 10% and 1% rates they thought they were dealing with retention, not catch, and should readdress the issue. AFTA will have to oppose the amendment as it is now.

**Chris Blackburn, Alaska Groundfish Data Bank.** They have been working with ADF&G to have voluntary observers aboard their vessels but they are extremely concerned about

taking a voluntary observer if this rule is enforced on a tow-by-tow basis.

**Dave Fraser.** Supports testimony of Steve Hughes, Paul MacGregor, and Chris Blackburn. The Council has to recognize that they (joint ventures) are in an interim situation. Urged the Council to move away from the tow-by-tow definition and toward one based on retention after discards and sorting have been allowed.

**John Henderschedt,** Marine Resources Co. MRC's yellowfin sole joint venture fishery was in violation over 50% of the time in 1988 according to the directed fishing rule by NMFS. Overall, their pollock bycatch was 14%; but some of their tows exceeded the 20% rule. Asked the Council to look very closely at the overall picture. The tow-by-tow basis is very dangerous for their fishery.

**Linda Kozak, KLVOA.** Requested the Council move the regulatory amendment forward as soon as possible for conservation purposes. They are very concerned that enforcement on a tow-by-tow basis will necessitate a high bycatch quota to ensure fewer violations. An observer program is needed as soon as possible.

#### **COUNCIL DISCUSSION AND ACTION**

**Larry Cotter** moved to reaffirm the Council's December action on the emergency rule to reduce the allowable percentage of sablefish that may be retained when the directed fishery for sablefish is closed in the Bering Sea and Aleutian Islands. The motion was seconded by Bob Alverson and carried with no objection.

**Oscar Dyson** moved to reaffirm the Council's June 1988 decision to use retention as the basis for determining bycatch of sablefish in the Bering Sea and Aleutian Islands. The motion was seconded by Mark Pedersen.

**Bob Mace** pointed out that NMFS has said they can't enforce the regulation as it now stands, therefore reaffirming the Council's earlier action won't be of any use.

**Jim Brooks** said that they have new information from the SSC, AP and industry and that NOAA Fisheries is willing to consider the recommendations of the Council and use them for the 1989 fishing year.

**Larry Cotter** moved to amend the motion that, in the Gulf of Alaska, the retention rate for trawl sablefish be set at 15% with the understanding that in the event there is surplus sablefish left within the quota in the fourth quarter that the retention rate then be revised upwards to ensure the trawl industry can fully take its portion of the sablefish quota in the Gulf. The motion was seconded by Bob Alverson and failed, 7 to 3, with Cotter, Mitchell and Parker voting in favor.

The main motion carried, 8 to 1, with Mitchell objecting and Brooks abstaining. John Winther was not present for the vote.

**Bob Alverson** moved to request that NMFS prepare a regulatory amendment (for the April meeting) for a new definition of directed fishing, tailored to the specific fisheries based on

MINUTES  
NPFMC MEETING  
JANUARY 1989

historical data, for sablefish trawling in the Gulf of Alaska, for the pollock-Pacific cod operations in the Bering Sea and Aleutians, and yellowfin sole, other flounders, rock sole, Atka mackerel, and other species as appropriate, in the Bering Sea and Aleutian Islands. The motion was seconded by Henry Mitchell.

Larry Cotter moved to amend the motion to request final action at the June meeting. NMFS would present some alternatives at the April meeting with the recommendations of the bycatch committee reviewed by NMFS as possible alternatives. The motion was seconded by Jim Brooks and failed, 6 to 4, with Parker, Cotter, Knowles and Brooks voting in favor.

The main motion carried with Cotter and Mitchell objecting.

D-3c) Bycatch Planning for 1989 and 1990

Council staff has been working on the amendment package for the bycatch decisions made at the December meeting. It is anticipated that the completed package should be ready to be forwarded for Secretarial review by February 10. NMFS is beginning work on a more comprehensive bycatch management system for 1990 as a result of the Council's request in December.

On the advice of NOAA General Counsel Craig O'Connor,, the Council reviewed their December actions on the bycatch amendment for the Bering Sea and Aleutian Islands for 1989. Mr. O'Connor said that the Council should establish a more complete record indicating their knowledge of the impacts of their December decisions.

Terry Smith, NPFMC economist, reviewed several updates of his model simulation of possible impacts of bycatch limits on the groundfish fleet and the Council took further public testimony on the amendment.

Council member Larry Cotter submitted a proposal entitled, "Bycatch management for 1989" (Appendix IV to these minutes) for the Council's consideration if the current plan could not be approved by the Secretary.

**Report of the Scientific and Statistical Committee**

The SSC received an oral report from NMFS on the status of the bycatch plan in the Bering Sea/Aleutian Islands for 1989. The SSC noted that current bycatch controls approved under Amendment 10 expired on December 31, 1988 and that no controls on halibut and crab will be in place until Amendment 12a is approved by the Secretary.

**Report of the Advisory Panel**

The Advisory Panel recommended the Council request NMFS to submit an emergency rule as soon as possible which would implement the bycatch plan adopted by the Council in December. The AP further recommended that should the current bycatch plan expire



before another plan is approved that it automatically be extended until the new plan is in place.

### **PUBLIC TESTIMONY**

**Dave Fraser.** To some degree he agrees with Cotter's bycatch proposal dated 1/89, but is concerned about whether the Secretary will take industry input. A majority of the catch will be unobserved because of a shift from JVP to DAP. He doesn't agree that he could improve his halibut bycatch ratio; could possibly reduce crab bycatch with enough incentive, but believes they need the 1% crab bycatch.

**Linda Kozak, KLVOA.** During their industry negotiations in December, both sides agreed to take the chance of compromise. Now that the plan is not being implemented in time for the fishery they are concerned that there may not be any caps at all. Recommended Council reaffirm their December decision and review and adjust during the year if data show the necessity. She feels that in the December negotiations the trawl representatives had the experience to determine whether or not the negotiated caps would be sufficient to allow their operations to continue.

**John Bruce, Bruce Jackson, DSFU.** Their concern is unregulated bycatch and though they didn't particularly like the industry compromise, their association is distressed that at this time they have no caps or zones. Requested the Council to remember the problems they've had, both domestic and foreign, in the Bering Sea and Aleutians and not endanger the halibut and crab stocks. He asked that if the Council goes through the process of developing another bycatch program, that those concerns be considered. The model takes into consideration their concerns.

**Tom Casey.** Participated in the industry negotiations in December but did not agree on the crab caps, but the Council increased them anyway. The crab population is distressed. Their king crab harvest has been eliminated or reduced and he hopes the Council will not increase king crab bycatch numbers at this meeting.

**Arni Thomson, ACC.** Joint venture fishing is clean because they're operating under fixed caps; domestic fishermen can do the same. Asked the Council to reaffirm their December decision.

**Paul MacGregor/Steve Hughes.** Supported the use of the model but it's their understanding that 1988 data were used and they understood that halibut bycatch had to be based on 3 years' data. It's important to use 3 years of historical data because it will show a major difference in bycatch rates. 1988 was an atypical year as far as ice, etc. For that reason, halibut bycatch rates are too high and crab rates are too low.

**Paul MacGregor,** speaking on behalf of the trawl alliance, said that they are not very happy with some components of Cotter's proposal. Would support emergency implementation of the closure of 160°-162° and have voluntary compliance of their members to observe this closure until regulations are in place. They do not support the 162° to 163° extension. Not opposed to some reconfiguration of the closed zone if that's justified. With regard to halibut, they negotiated a number at the December meeting and have not suggested

MINUTES  
NPFMC MEETING  
JANUARY 1989

changing that cap. With regard to crab, anything less than 1% is insufficient to accommodate their needs.

**Chris Blackburn**, Alaska Groundfish Data Bank. Concurred with Hughes and MacGregor. Can't presume that last year's data will support what will happen this year. They are concerned that the Council has set a fixed rate at the beginning of the year and there are no provisions for inseason reconsideration.

**Kate Graham**, UFA. In December her board voted unanimously to keep the conservative September caps in the absence of more reliable data, and in the absence of those caps, they would prefer the Council reaffirm their December decision. The reiterated their recommendation for 100% observer coverage.

### COUNCIL DISCUSSION AND ACTION

After receiving the updates on the bycatch model and hearing public testimony, the Council discussed further the possible impacts on the groundfish fisheries. Henry Mitchell pointed out that his support of the plan in December was based on industry's testimony that they had negotiated an agreement that would allow the groundfish fisheries to be fully prosecuted with the bycatch caps in the agreement. The Council also discussed the fact that the model assumes a higher bycatch rate for DAP fisheries although there aren't enough data to make that assumption and that, under the caps, fishermen will endeavor to devise methods for avoiding bycatch to the maximum extent possible.

The Council also discussed how to proceed until a bycatch plan is in effect. Craig O'Connor said that NOAA Fisheries would manage the fisheries under the guidance of Council recommendations until the regulations are approved. Mr. O'Connor outlined the following three guidelines NOAA would use in managing the groundfish fisheries during that time.

- (1) NOAA Fisheries will not allow a bycatch harvest of C. bairdi Tanner crab, king crab or halibut such that it will result in significant biological damage to any of these resources. This is the first and compelling guideline;
- (2) NOAA Fisheries will attempt to allow the groundfish fleet to attain its optimum yield, consistent with (1) above; and
- (3) NOAA Fisheries will maintain groundfish fleet bycatch rates at or below Council-recommended PSC limits, qualified by attempting to balance the attainment of groundfish yield and protection of crab and halibut resources under guidelines 1 and 2 above.

**Henry Mitchell** moved to reaffirm the Council's December action to approve Amendment 12a to the Bering Sea and Aleutian Islands Groundfish FMP. The motion was seconded by **Mark Pedersen**.

Larry Cotter moved to amend the motion to indicate the Council's desire that until Amendment 12a is implemented the Secretary manage the fisheries under the following provisions (from Appendix IV, paragraph 4):

- a. Monitor the bycatch of prohibited species and directed harvest of groundfish for each fishery group;
- b. Utilize emergency authority to the extent necessary to allow each fishery group's directed groundfish harvest to be accomplished while ensuring to the extent possible the fishery group's PSC allowance will not be exceeded.
- c. The types of inseason emergency measures which would be utilized by the Secretary include, but are not limited to, time/area closures, the implementation of PSC bycatch rates which must be accomplished on a defined fishing period basis as a condition of continued participation in that fishery in the area or areas concerned, the requirement that vessels carry observers and/or otherwise participate in a verifiable data gathering program, and closure of the entire BSAI to that fishery.
- d. In order to monitor C. bairdi, red king crab, and halibut bycatch, the Council requests the Secretary to compare the percentage of bycatch PSCs by each fishery group on a weekly basis to the percentage of that fishery group's directed groundfish harvest. Should the percentage of the fishery group's directed harvest be at a level which indicates that fishery group will have difficulty taking its directed harvest within the boundary of its advisory PSC allowance, the Council requests that the Secretary implement regulatory actions as now provided in the FMP and as provided in (c) above.

The motion to amend was seconded by Oscar Dyson and carried with no objection.

The main motion carried, as amended, without objection.

Jim Brooks asked whether the above motion included the closed area. Craig O'Connor said that the Secretary was already proceeding with an emergency rule to implement the closed areas. Mr. Brooks asked if the closure would be consistent with the one-page "Approach to 1989 Bycatch Management" submitted by Larry Cotter. (That document refers to the 160°-162° closure and the 163° seasonal extension.) Mr. O'Connor responded in the affirmative.

#### **E. FINANCIAL REPORT**

There was no financial report at this meeting.

MINUTES  
NPFMC MEETING  
JANUARY 1989

**F. PUBLIC COMMENTS**

There were no further public comments.

**G. ADJOURNMENT**

Chairman John Peterson adjourned the meeting at 5:50 p.m. on Thursday, January 19.