

North Pacific Fishery Management Council

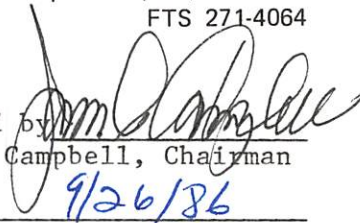
James O. Campbell, Chairman
Jim H. Branson, Executive Director

411 West 4th Avenue
Anchorage, Alaska 99510



Mailing Address: P.O. Box 103136
Anchorage, Alaska 99510

Telephone: (907) 274-4563
FTS 271-4064

Certified by 
James O. Campbell, Chairman

Date: 9/26/86

MINUTES

72nd Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
June 25-26, 1986
Kodiak Community College
Kodiak, Alaska

The North Pacific Fishery Management Council met June 25-26, 1986 at the Kodiak Community College in Kodiak, Alaska. The Scientific and Statistical Committee and Advisory Panel began Monday, June 23, and the Finance Committee and Gulf of Alaska Goals Workgroup met on Tuesday, June 24.

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

Council

James O. Campbell, Chairman
Rudy Petersen, Vice Chairman
Don Collinsworth
Mark Pedersen for
Bill Wilkerson
CDR Richard Clark for
RADM Robert Lucas
Oscar Dyson
Ed Wolfe/Robt. Ford for the State Department

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

NPFMC Staff

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

Ron Miller
Ron Rogness
Terry Smith
Helen Allen
Peggy Kircher

COUNCIL MINUTES
June 1986

Support Staff

Jim Balsiger, NMFS-NWAFC
Jay Ginter, NMFS
Craig Hammond, NMFS
Pat Travers, NMFS
Jim Brooks, NMFS

Bob Trumble, IPHC
Loh-Lee Low, NMFS-NWAFC
Fred Gaffney, ADF&G
Bill Robinson, NMFS
Fritz Funk, ADF&G

Scientific and Statistical Committee

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

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

Advisory Panel

Larry Cotter, Chairman
Bob Alverson
Rupe Andrews
Al Burch
Ron Hegge
Oliver Holm
Rick Lauber
John Woodruff

Terry Baker
Thorn Smith
Tom Stewart
Barry Fisher
Nancy Munro
Julie Settle
Walter Smith
Richard White
Dave Woodruff

General Public

It was estimated that over 100 people attended the Council meeting during its session, including the following:

Jim Brennan
Robert Ayers
Joe Clem
Annie Burnham
Robert F. Morgan
H. Kawamura
H. Mamashita
Ralph Hoard
N. Takeuchi
Tong Jiaingen
M.G. Stevens
Thomas Shuler
Peggy Begich
Chris Blackburn
Steve Dickinson
Jack Hill
Lyle Yeck
Cecil Ranney
Matthew Dick
Kathy Kinnear

Steve Freese
Alan Tryeciak
Brad Gilman
Rodger Davies
Barry Collier
J. Hayakawa
John Boylston
Phil Chitwood
Li Shanxun
Chris Hansen
Paul Kelly
John Strahle
Cliff Davidson
Arni Thomson
Jeff Stephan
John Cook
Ernie Yeck
Mathew Doherty
Eva Holm
T. Moriya

Hugh Reilly
Charlie Kairaiuak
Kathryn Kinear
T. Tanikawa
Dolores Kairaiuak
Evan Haynes
Edward Jack
Dave Herrnstein
Jay Hastings
Dorothy Holm
Bill Schoephoester
Mary Jones

Chris Holland
Bill Dalton
Ted Evans
K. Werton
Jeff Eaton
Jenny Crumly
George Flannigan
Jack Hill
Jim Blackburn
Ted West
Harold Jones
K. Jodai

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

Chairman Campbell called the meeting to order at 9:05 a.m. on Wednesday, June 25, 1986. Minutes of the March 1986 Council meeting were approved as submitted. Mr. Branson reviewed the agenda which was approved as drafted.

Mr. Campbell introduced Jim Brennan, Deputy General Counsel, NOAA; Ed Wolfe and Bob Ford, State Department; Steve Freese and Joe Clem, NMFS-DC; Adam Tryeciak, GAO-DC, and Brad Gilman, aide to Senator Stevens. Mr. Campbell announced that this would be Sara Hemphill's last Council meeting and thanked her for her contributions to the Council process during her three-year term.

B. SPECIAL REPORTS

B-1 Executive Director's Report

Mr. Branson reviewed his written report in the notebooks and asked the Council to approve two draft letters, one to Secretary of State Shultz urging support for high seas salmon research approved jointly by the U.S. and Japan during recent negotiations, and the other to Ambassador Negroponte supporting formation of an organization to promote scientific investigation and information exchange on oceanography and fisheries of the northern North Pacific and Bering Sea.

Report of the Advisory Panel

The AP recommended approval of both draft letters. They also discussed a recent letter from the Alaska Pacific Seafood Industry Coalition requesting support for early release of Japanese allocations. The AP recommended that future allocations to Japan be linked to signed purchase agreements and in a one-to-one ratio to signed purchase agreements for U.S.-processed product, with an additional caveat that Pacific cod will only be released in bycatch amounts.

COUNCIL DISCUSSION AND ACTION

Mr. Wolfe told the Council that both he and Mr. Negroponte strongly support the concept of an international organization to promote information exchanges concerning the oceanography and fisheries of the northern North Pacific Ocean and Bering Sea. The Council approved both letters with no objection. Henry

COUNCIL MINUTES
June 1986

Mitchell suggested that the international organization should include industry representatives in addition to scientists.

B-2 Domestic Fisheries Report by ADF&G

The winter troll salmon season from October 1, 1985 to April 14, 1986 took 23,000-25,000 chinooks, about the same as last year. The summer troll season opened June 20, 1986, with an estimated 187,000 chinook salmon, not including Alaskan hatchery contributions, available for harvest.

The southern Southeast sablefish season in State waters opened June 15 for seven days and the harvest was expected to be approximately 200 metric tons. This fishery came under Alaska's limited entry program this season and 25 permits were issued.

In the rest of the Gulf of Alaska and Bering Sea and Aleutians the sablefish catch was 17,432 mt. Effort is expected to move into the Aleutians when the Western Gulf closes. The Bering Sea directed sablefish fishery will soon be restricted to bycatch amounts only. Retention will be prohibited when NMFS implements a new emergency rule about mid-July.

Marty Eaton, ADF&G, gave a status report on the 1985-86 Tanner crab fishery in the westward region. In the Kodiak District problems were encountered because of the federal requirement of a minimum of four days to process a closure. The State closed the Eastside and Northeast sections sooner than needed and as a result harvest in the Northeast section was 170,000 pounds under the projected harvest. There was also unnecessary confusion caused by NMFS' hesitancy in implementing state recommended closures. In his report Mr. Eaton stressed the necessity of eliminating this confusion prior to the 1987 fishery.

Another major problem was that NMFS allowed incidental catch of C. bairdi (in the Bering Sea) to be retained during the C. opilio fishery after the C. bairdi fishery was closed. The state opposed this because C. bairdi could be returned to the sea unharmed, and felt that NMFS was inviting vessels to target on C. bairdi which then was selling for \$2.00/lb. while C. opilio was \$.50/lb.

The state also pointed out that NMFS had allowed an incidental harvest of C. bairdi north of 58°N latitude. The State feels that this regulation was never intended to pertain to the U.S. fleet and that NMFS has incorporated it into the domestic fishing regulations without benefit of review by the Council or Board of Fisheries.

COUNCIL DISCUSSION

There was considerable discussion of the problems with NMFS' inability to respond to inseason management problems under current regulations. Mr. McVey told the Council that the rule suspending Tanner crab regulations, as recommended by the Council in March, had been drafted and soon would be sent to Washington, DC. An environmental assessment, regulatory impact review, and 30-45 day comment period would be necessary. If all goes smoothly the regulations could be suspended by the September meeting.

B-3 NMFS Management Report

Foreign Fisheries Update

By June 20, foreign fleets off Alaska harvested 48,480 mt of groundfish. The catch in the Gulf of Alaska reached 15,655 mt, almost all Pacific cod by the Japanese longline fleet. Foreign fisheries in the Gulf are finished for the rest of 1986. In the Bering Sea and Aleutians foreign fleets harvested 32,825 mt, mainly pollock, cod and flatfish, far below last year's catch by June 20 of about 135,000 mt.

The number of foreign vessels off Alaska increased from less than 150 in April and May to 248 after June 10 as the Japanese salmon fleets entered the area. The 248 vessels present on June 18 included 201 from Japan, 21 from the Soviet Union, 24 from Korea, and 2 from China.

Joint Venture Bycatch Monitoring

Bill Robinson reported that the Center has spent about four man-months of reprogramming time to develop the observer program reporting formats and data programs necessary to track joint venture reporting on a company-by-company basis for the Bering Sea. That has been the main focus to date; they have not been able to do much monitoring of bycatch species in the Gulf. Additional programming is needed to successfully monitor on a company level.

B-4 Joint Venture Update

The total joint venture catch off Alaska through June 11 was 609,992 mt, 53,536 mt in the Gulf and about 556,000 mt in the Bering Sea and Aleutians. Pollock, yellowfin sole, flatfish, and Pacific cod have accounted for most of the catch. Twenty-three different operations representing arrangements with Japan, South Korea, U.S.S.R., Poland, and China have employed about 96 U.S. trawlers so far this year. Based on the most recent NMFS survey, joint ventures are projected to harvest about 1,240,930 mt or about 58% of the total groundfish harvest expected off Alaska this year, up from 884,000 mt in 1985.

Ed Wolfe, State Department, briefed the Council on several subjects of interest to them. He stressed that the U.S. is quickly coming to a critical point in foreign allocations where most groundfish will be caught by the domestic industry. As foreign allocations diminish, countries wishing to fish in our zone will have to work harder and harder for a smaller share of available resources. The most valuable fishery resources are in the North Pacific and his department closely follows Council actions in this area. Mr. Wolfe also announced that Robert Ford will be the State Department's new representative on the Council.

Mr. Wolfe reviewed the recent salmon interception agreements with Japan. The agreement became effective in May and two memoranda of understanding were signed which will provide for increased enforcement and research in the high seas salmon fishery.

The State Department will be looking for Council input on GIFAs for Korea, Taiwan and Japan, which expire next year. The renewal of the GIFA for the U.S.S.R. is in process. There are presently 12 GIFAs and it is doubtful that the U.S. government would allow GIFAs with any new countries.

Mr. Satoshi Moriya, Fishery Agency of Japan, addressed the Council on Japan's request for an early release of their July allocation. He reviewed the terms of the U.S./Japan industry agreement for 1986 and stressed the need for the U.S. to fulfill their commitments. The Alaska Pacific Seafood Industry Coalition submitted a letter to the State Department in support of Japan's request. Mr. Moriya said that DAH should be reviewed as soon as possible and requested that any excess DAH be transferred to TALFF for allocation to Japan.

B-5 Coast Guard Reports on Enforcement Activities

The Coast Guard began monitoring the Japanese landbased high seas salmon fleet operating south of the Aleutians and met with Japanese enforcement officials aboard the Japanese patrol vessel TOKO MARU. Routine Coast Guard surface patrols began June 4 and surveillance flights commenced June 5. Only one vessel has been sighted east of the 174°E. boundary. Photos were obtained and forwarded to Coast Guard headquarters for further evaluation before being sent to the State Department.

B-6 IPHC Report on Halibut Fishery

Bob Trumble, IPHC, reported catches of halibut through June 23 as follows: Area 2B, 11 million pounds; Area 2C, 10.8 million pounds; Area 3A, 31.8 million pounds (these areas are all closed). The fishery in Area 2A is now in progress and has a catch limit of .55 million pounds; the catch in Area 3B to date is 2.9 million pounds with another one-day opening scheduled for August 25. The combined catch for Areas 4A, 4B, 4C, 4D, and 4E to date is approximately .15 million pounds with future openings scheduled throughout the season. The combined catch limit for these areas is approximately 5 million pounds.

C. NEW OR CONTINUING BUSINESS

C-1 Legislative Update

(a) Status Report

Ron Miller gave the Council an update of recent legislative activities. The Council was asked to comment on legislation to establish a federal marine recreational fishing fee and to repeal the Commercial Fisheries Research and Development Act and the Anadromous Fish Conservation Act.

(b) Report by the Americanization Committee

In March the Council asked ten industry representatives to study ways to achieve accelerated Americanization of the North Pacific groundfish fisheries. Don Rosenberg agreed to chair the committee. They met three times and developed seven consensus points (included in their full report in Council notebooks). The committee was not able to reach a consensus on either

legislated phase out scheduled for directed foreign fishing or ceilings on joint venture allocations and submitted two "minority" reports for Council consideration.

Report of the Advisory Panel

The AP recommended that the Council strongly oppose any recreational licensing scheme. They did not take any action on the report of the Americanization Committee, but instead deferred the entire subject to the Council.

COUNCIL DISCUSSION AND ACTION

The Council felt that grants to states for fishery research, development and conservation through the Commercial Fisheries Research and Development Act and the Anadromous Fish Conservation Act are still critical to responsible fishery management and opposed their repeal.

Mark Pedersen moved that the Council oppose repeal of the Commercial Fisheries Research and Development Act and the Anadromous Fish Conservation Act. The motion was seconded by Bob Mace and carried with Bob McVey abstaining.

In discussing the proposed recreational fishing fees, it was generally agreed that such a fee might be useful if the funds could be dedicated to fisheries; however, that is not the case. Some Council members also pointed out that many states have their own licensing fees and that they do not need federal intervention, particularly on the West Coast.

Bob Mace moved to direct the Executive Director to prepare a letter to the appropriate Congressional Committee in opposition of the recreational fishing fee. The motion was seconded by Don Collinsworth and carried with Bob McVey abstaining.

Mr. McVey explained that he could not take a position on these two motions because they are part of the President's budget proposal.

The Council discussed the reports submitted by the Americanization Committee and adopted their seven consensus points without objection. The Committee told the Council that although they had not come to a consensus on legislated phase out schedules for directed foreign fishing or ceilings on joint venture allocations, that they felt that they could make further progress if they continued their discussions.

Brad Gilman, aide to Senator Stevens pointed out that they are waiting for some signal from the Council before anything will be done with regard to the foreign fishing portions of the reauthorization legislation. Jim Campbell suggested that it may be better to recommend reauthorization for one year to give the Americanization Committee more time and to await the results of the NOAA task force. John Peterson said the task force may have recommendations dealing with this subject but that they will not have their report done in time to affect this year's legislation.

Bob Mace moved to recommend one-year reauthorization of the MFCMA to give the Council time to consider the report of the NOAA task group and allow the Americanization Committee time to continue their work. The motion was seconded by Sara Hemphill and, there being no objection, it was so ordered.

John Peterson requested that when the Americanization Committee prepares its final report to the Council they identify all points on which they cannot agree and list the pros and cons of each, rather than each group submitting a separate report. The Council did not act on this request.

C-2 Domestic Observer Program

The Council received a briefing on the status of the State of Alaska's program for placing observers on domestic fishing vessels. During the last session, the Alaska Legislature passed a law which empowers the Commissioner of the Alaska Department of Fish and Game to implement onboard observer programs authorized by the Alaska Board of Fisheries.

The Council also received word that NMFS-Alaska Region's request for \$250,000 to fund a pilot domestic observer program off Alaska will probably not be approved because of budgetary restraints in NOAA.

The Council received a report from its Domestic Observer Committee outlining the committee's intended course of action between now and the September meeting. The committee intends to pursue all available sources of funding for domestic observer programs and better define Council policy on placement of observers on domestic vessels.

Public Testimony

Dave Thompson, Representative, Alaska State Legislature, said that the Alaska legislation for a domestic observer program received widespread support from the industry. He urged the Council to work together with the State to provide the necessary data needed for the fisheries and to support a federal domestic observer program.

Ted Evans, Alaska Factory Trawlers, said that they are frustrated with the current problems with the domestic observer requirements inside the 25-fathom curve in the Eastern Bering Sea. The Council has required observers on domestic trawlers in that area, but NMFS says they won't fund a domestic observer program. Their industry can't continue with this kind of process; not only is it too costly for them but they cannot plan their operations. They tried to comply with the requirements for an observer, but the logistics were too complicated and costly. They recognize the need for data but not sure the Council realizes the ramifications of requiring observers on all trawlers, longline and pot vessels. It is important to develop a workable domestic observer program so that industry can make their plans. He doesn't think that Congress intended that there be no fishery in the absence of an observer program.

Chris Blackburn, Alaska Groundfish Resource Data Bank, said that in some areas of the Gulf the vessels are too small to be able to afford the costs of an observer. This is a very serious problem and urged that federal funding for a domestic observer program be pursued with all speed.

Al Burch, Alaska Draggers Assn., said his organization has been discussing the possibility of a self-taxing system to support an observer program. He said it is also important to have a program that is longer than one year in order for industry to plan.

COUNCIL DISCUSSION AND ACTION

There was no Council action on this agenda item.

C-3 Permit Review Activities

Earlier this year the Council requested the Permit Review Committee to examine the Council's Joint Venture Policy for possible revisions for 1987. In addition, a small executive committee was established to review the types of issues that should come under the purview of the Permit Review Committee. The Council also recommended that a workgroup be established to review procedures for developing and validating DAP estimates.

Report of the Permit Review and DAP Estimating Committees

In general the combined committees recommended business as usual for the Permit Review Committee with their focus limited to foreign permits, joint ventures, and foreign allocations. DAP projections would be reviewed separately by the full Council. Minor changes were made to the joint venture policy so that it conforms to how the fishery is operating this year: pooled target JVP and company bycatch guidelines. The Committee recommended that no further public review of the policy is necessary. DAP estimation problems were referred back to NMFS and Bob McVey was encouraged to sponsor an industry meeting to determine whether the survey questionnaire is adequate and how to validate processor projections.

COUNCIL DISCUSSION AND ACTION

The Council reviewed the Committee's report and, in light of limited resources to monitor allocations on a company-by-company basis, agreed with the Committee's recommendations.

John Peterson moved to approve the recommendations of the Permit Review Committee. The motion was seconded by Oscar Dyson and, there being no objection, it was so ordered.

Bob McVey said that NMFS has already begun drafting a questionnaire, as suggested by the DAP Estimating Committee, to be sent to their DAP mailing list and will report on their progress at the September Council meeting.

C-4 Funding of Commercial Research Charters

Council staff and NOAA General Counsel/Alaska have been researching the question of whether harvest proceeds may be used to support research charters

by U.S. fishing vessels. Since current foreign research cruises may soon be terminated and federal fishery research funds have been reduced, alternative methods to fund needed fisheries research must be explored.

Report of the Advisory Panel

The AP took no formal action but expressed concern over the fact that perceived legal problems have complicated what should be a very simple procedure.

COUNCIL DISCUSSION AND ACTION

Council members agreed with the concept of using catches to support research charters by U.S. fishing vessels. Don Collinsworth said that he supports the concept but would like more time to study it to determine whether such a federal program would compete with the current state test fishing program. The Council asked the Executive Director to send a letter of support for the program to NMFS.

C-5 Other Business - Research Needs

The SSC received a request from staff to develop a five-year projection of fisheries research needs for the FCZ off Alaska. To accomplish this task a subgroup of the SSC will meet with plan team members and Council staff to develop a draft document. The draft will be sent to agencies and academic groups for comment and a final report should be available by the March 1987 Council meeting.

D. FISHERY MANAGEMENT PLANS

D-1 Salmon FMP

A discussion document prepared by NMFS, Alaska Region, was mailed to Council members for review prior to the Council meeting. Council staff reviewed comments received on the draft, which were split among three of the five options. The five options presented in the discussion paper were:

- (1) Withdraw the FMP (and federal management).
- (2) Make minor revisions to the FMP.
- (3) Delegate management authority to the State (still requires an FMP).
- (4) Make major changes to bring the FMP up to date and provide greater federal management flexibility.
- (5) Close the FCZ to all commercial salmon fishing.

Report of the Advisory Panel

The AP requested the Council to explore ways to allow the State to continue its role in salmon management with Council involvement as necessary through adoption of a Joint Statement of Principles. The AP felt that Options 1 and 5 in the discussion paper were unacceptable.

COUNCIL DISCUSSION AND ACTION

Don Collinsworth pointed out that it doesn't make sense to duplicate the efforts of the Pacific Salmon Commission which has more resources available. He suggested that a brief framework plan be prepared that would set annual catch levels based on Pacific Salmon Commission recommendations and seasons and inseason management measures compatible with the state's. He also pointed out that under the current federal management regime the state could not accept delegation of management authority for salmon fishery management.

Bob Mace moved to approve Option 2 of the discussion paper, based on Don Collinsworth's recommendations. The motion was seconded by Sara Hemphill and, there being no objection, it was so ordered.

D-2 Tanner Crab

A plan team discussion paper exploring alternatives for future Council/federal management of the Tanner crab fishery was distributed for Council review prior to the Council meeting. The alternatives included withdrawing the FMP, a joint statement of principles without an FMP, delegating management responsibility to the state, complete revision of the FMP, or selective revision of the FMP to remove procedural problems.

Report of the Advisory Panel

The AP recommended the Council send out the entire discussion paper for public review and asked that NMFS be prepared at the September Council meeting to show how they could correct procedural problems with the plan should the Council decide to amend the FMP.

Public Testimony

Thorn Smith, North Pacific Fishing Vessel Owners' Assn, said that their constituents feel that the crab fisheries should be managed under the MFCMA. If the Council opts for state management, then the Council should have oversight capabilities.

COUNCIL DISCUSSION AND ACTION

Bob McVey said that the critical need is to set guideline harvest levels and field order authority. NMFS, Alaska Region, is prepared to put a staff member to work on this full time if needed. Don Collinsworth asked whether the federal system would ever be as responsive to inseason management needs as the state system is. Mr. McVey responded that with the proper field order authority and in the absence of legal questions, it may be possible.

Bob Mace moved to send the discussion paper out for public review. The motion was seconded by Rudy Petersen and, there being no objection, it was so ordered. Mr. Mace also asked that NMFS prepare a packet of amended procedures to remove the procedural problems for the Council to review in September.

D-3 King Crab FMP

The State of Alaska has declined to accept federal delegation of management authority for the Bering sea king crab fishery.

Report of the Advisory Panel

The AP expressed satisfaction with state management of king crab and requested the Council to further explore options which would result in continued management by the state.

COUNCIL DISCUSSION AND ACTION

Don Collinsworth explained that federal regulatory procedures have changed considerably since the FMP was first prepared and that under the current management regime, the State cannot accept the authority. Pat Travers told the Council that the federal system is not likely to change in the near future. Mr. McVey pointed out that implementing the regulations under the existing FMP may not be possible because of limited federal resources; he feels the only viable option would be to continue under a joint statement of principles with the state. Pat Travers pointed out that if the Council does operate under the joint statement the FMP would have to be withdrawn within a reasonable period of time.

John Harville suggested that the Council suspend the regulations only and leave the FMP in place until the Council can meet with the Alaska Board of Fisheries to review the joint statement of principles.

The Council decided to put the subject on the September agenda so they can have the benefit of industry comments on management of the Tanner crab fishery. Henry Mitchell suggested that the Tanner crab public review document include a cover letter giving the history of crab management and explaining that the Council will use the comments for both the king and Tanner crab fisheries.

D-4 Gulf of Alaska FMP

Council review of Amendment 15 for public review was scheduled for this meeting. Amendment 15 was originally intended to be a complete revision of the existing FMP with several framework management measures. However, NMFS comments on Bering Sea Amendment 10 imply that the frameworked measures they reviewed were too broad, too general, and not approvable. Many of the framework measures being developed for the Gulf plan are also probably too general in NMFS' eyes and could not be expected to survive the Secretarial review process, so the plan team has requested more time to work on several of the framework procedures.

Because of these problems, the plan team limited Amendment 15 to just those items considered critical for management in 1987. The amendment includes new goals and objectives, an administrative framework procedure for setting harvest levels without plan amendment, redefinition of catcher/processor and mothership/processor for purposes of compliance with revised reporting requirements, establishment of a time/area closure scheme to protect king crab

around Kodiak Island, and an expanded field order authority for inseason adjustments.

Dr. Ron Dearborn briefed the Council on the results of an industry workgroup created to develop recommendations for actions to alleviate king crab bycatch around Kodiak. The Council was also provided with a copy of the complete report.

Report of the Advisory Panel

The AP discussed the proposed goals and objectives for the Gulf of Alaska and passed on their comments to the Goals and Objectives Workgroup.

The AP recommended that to assist the public comment process, an additional alternative to the Kodiak king crab bycatch problem (Problem 3) include a larger area of Marmot Flats as a Type I area (closed all year). With this addition, the AP recommended the Council send Amendment 15 out for public review.

Review of the Scientific and Statistical Committee

The SSC reviewed both the Draft Environmental Assessment and the Draft Regulatory Impact Review/Initial Regulatory Flexibility Analysis. Editorial comments were given directly to the plan team. Comments on the draft goals and objectives were relayed to the Gulf of Alaska FMP Goals and Objectives Workgroup. Comments on the specific management measures follow.

Inability to Efficiently Adjust Guidelines

With respect to alternatives 1 and 2 the SSC was concerned over how the OY range was developed. It was the opinion of the SSC that a more scientifically defensible approach should be adopted to determine the upper end of the range. The SSC recommends that where estimates are available on the biomass that produces MSY, yield be calculated by applying the MSY exploitation rate. Therefore, the upper end of the OY range would be determined by summing these values across species and adjusting the total to account for the species where data are not sufficient to allow calculation of MSY. The SSC felt that using historical total catches to determine the lower end of the range was a reasonable approach.

Inadequate Reporting Requirements

Given the objective of this portion of the amendment package, that of insuring that adequate data are available upon which to manage fisheries inseason, the SSC recommends that Alternative 2 be deleted. This alternative would provide for the collection of price data. These data are not needed for inseason management. Further, a system is already in place that allows for the collection of these data, except for the situation where a vessel's catch is sold and transferred at sea. The SSC recommends that the requirement to fill out a fish ticket be changed to include those vessels.

King Crab Bycatch in Kodiak Bottom Trawl Groundfish Fisheries

The SSC received the report of the industry workgroup and the proposed areas and catch restrictions. In light of their report the SSC recommends that the description provided in Alternative 1 be changed to match the recommendations of the workgroup. The description of Alternative 1 should read: "Establish time/ area closures for bottom trawling as shown in Figure 5.1 and described in Table 5.1 for the period of three years from the year of implementation to help rebuild the Kodiak king crab resource."

Table 5.1 needs to be modified to match the recommendations of the workgroup. Additionally, the SSC recommends dropping Area type III from the table as it has no meaning in the Gulfwide plan and may be potentially in conflict with other or future king crab closures. This alternative also needs to note the workgroup's recommendations that a shrimp fishery not be prohibited.

Inadequate Management Authority

After reviewing this section of the amendment package, the SSC decided to reaffirm its position that this authority should be granted only to allow action to be taken when a conservation problem surfaces or an error in data or an estimate of time needed to reach a quota needs to be corrected.

Subject to modification and the editorial changes given the staff, the SSC recommended that Amendment 15 be released for public review.

Public Testimony

Oliver Holm/Kathy Kinnear, Kodiak Longliners Assn. Mr. Holm said he has some concerns with the goals and objectives; also, without a workable domestic observer program, it will be difficult to manage these fisheries. The closures the Kodiak workgroup came up with are fairly effective; but the east side is not as critical for king crab. In the Marmot Flats area the closure doesn't extend south far enough.

Ms. Kinnear agreed with Mr. Holm's testimony. She felt that the workgroup's final report did not accurately reflect some testimony given during the meetings and did not point out how closures will affect species other than crab.

Jeff Stephan, United Fishermen's Marketing Assn., supports the workgroup's recommendations with some reservation. He agrees with the AP's recommendation to include an alternative to extend the Marmot Flats area in the proposed closures. He also feels there may be some enforcement problems with the current small closed area.

Dave Herrnsteen, Kodiak fisherman, also feels that the proposed closure in the Marmot Flats area is too small and that the AP recommendation is a good compromise.

Bob Trumble, IPHC, said that the recommended closures around Kodiak correspond very closely to recommendations the IPHC made in January for protection of halibut. They will continue to monitor the area for protection of halibut.

COUNCIL DISCUSSION AND ACTION

Bob McVey moved to incorporate the SSC comments regarding formulations in the amendment package. The motion was seconded by Oscar Dyson and, there being no objection, it was so ordered.

Each section of the amendment was taken up separately.

Bob McVey moved to send "Problem 1 - Inability to efficiently adjust harvest guidelines" out for public review. The motion was seconded by Oscar Dyson and, there being no objection, it so ordered.

John Peterson moved to approve the revised goals and objectives submitted by the Gulf of Alaska Goals and Objectives Workgroup. The motion was seconded by Sara Hemphill and, there being no objection, it was so ordered. The background discussion paper is not intended to be included in the amendment text; only the goals and objectives themselves.

John Peterson moved to send "Problem 2 - Inadequate reporting requirements" out for public review without Alternative 2. The motion was seconded by John Winther and carried with Jim Campbell objecting.

Henry Mitchell moved to send "Problem 3 - King crab bycatch in Kodiak bottom trawl groundfish fisheries," out for public review after adding the additional alternative suggested by the Advisory Panel. The motion was seconded by John Peterson and, there being no objection, it was so ordered.

Henry Mitchell moved to send "Problem 4 - Inadequate inseason management authority," out for public review. The motion was seconded by Mark Pedersen and carried with John Peterson and Sara Hemphill objecting.

D-5 Bering Sea FMP

(a) Amendment 10

Most of the comments received on Amendment 10 during the review period addressed the vague nature of the proposals. NMFS said that the Council should draft more specific alternatives for the bycatch issue and prepare a new draft EA/RIR/IRFA as they felt the current document would not meet Central Office approval. The team recommended delaying action on the entire amendment until September. They feel that a comprehensive bycatch framework cannot be developed for this amendment cycle and instead drafted a series of alternatives to address the crab and halibut bycatch issue for 1987 management until a framework measure can be drafted.

With respect to inseason management (field order authority), NOAA General Counsel, Alaska Region, submitted draft language which is now being reviewed at the Central Office. The draft language says the Regional Director may take inseason action to prevent overfishing. The plan team pointed out that "overfishing" would have to be more clearly defined, or language developed which would specify at what point the Regional Director would take action to make sure overfishing did not occur.

With respect to the DAP priority proposal, the plan team feels that they do not have specific enough information to produce an adequate RIR analysis and recommended dropping the proposal from Amendment 10.

(b) Status of the Emergency Rule for the Eastern Bering Sea

An Emergency Rule establishing PSC limits for the yellowfin sole/flounder joint venture fishery was implemented June 6, 1986. The rule was essentially the same as presented to the Council at the March meeting except that NMFS approved a provision to require observers on DAP vessels fishing for Pacific cod inside 25 fathoms in the 160°-162° area.

Report of Advisory Panel Tanner Crab Bycatch Subcommittee

The subcommittee reviewed the Emergency Rule and noted it differed from their recommendations in two areas: lack of vessel-by-vessel bycatch accounting, and discretionary authority by the Regional Director to allow continue fishing after bycatch caps are reached.

The subcommittee recommended that each joint venture accept the primary responsibility to monitor the bycatch of its catcher vessels on a day-to-day basis and immediately implement fishing modifications in the event bycatch rates are consistently exceeded. Bycatch data will continue to be transmitted to NMFS. The subcommittee recommended that fishery data also reflect any fishing modifications made as a result of excessive bycatches. If joint ventures fail to appropriately adjust their operations to successfully reduce their bycatch levels, the subcommittee recommends that fishery sanctions be imposed.

In their initial proposal in March the subcommittee recommended that bycatch rates be monitored on a vessel-by-vessel basis over a three-week period; if a vessel exceeds the bycatch rates it would be required to modify its operation or moved from that fishery zone. Because of excessive bycatch rates the week of May 24, the Subcommittee feels that bycatch rates be averaged over a substantially shorter period of time.

(c) Sablefish Closure

The Council was asked to give the Regional Director some advice as to when to close the sablefish fishery in the Bering Sea. At the March meeting the Council was advised that the TAC could be exceeded prior to the June meeting and asked to comment. They deferred action until the June meeting. In early May NMFS increased the TAC by 500 mt, increasing DAP to 2,326. The DAP harvest to date is 2,074 mt.

Report of the Scientific and Statistical Committee

The SSC concurred that new drafts of the EA/RIR/IRFA for Amendment 10 are needed. They reviewed the team's proposed changes and had the following comments and recommendations:

Bycatch Measures

The SSC concurs with the team recommendation that the proposed amendment be limited to only crab and halibut. The SSC reviewed the four alternatives to be considered. After discussion and with the time frame available, the SSC recommends that Option 1 and Option 3 not be included in the development of the amendment package. Option 1, which is an overall framework does not contain a detailed description of the types of actions that would be triggered by specific events. The SSC feels that in the time available it would be impossible to make the appropriate modifications.

With regard to Option 3, the SSC felt that it does not insure that adequate protection would be provided the crab resources.

Option 2 puts into place the emergency rule as adopted by the Council. The SSC recommends that in the rewrite this option be structured in such a manner that the individual species restrictions are clearly separated (in Section 3, page 11 of the Plan Team Report). Additionally, as currently proposed these restrictions would remain in effect until amended by the Council. Since many of these restrictions were developed to address conservation and rebuilding of the crab stocks, this option could include a termination date which would require positive action on the part of the Council if the restrictions are required for a longer period of time.

The SSC discussed changes in the proposed Option 4. The SSC recommended in the section on Annual Adjustments of PSC Limits (section 5, page 17 of the Plan Team Report) that steps 1 and 2 be deleted and that a statement requiring an annual review be inserted. The SSC feels that the circumstances listed in step 1 will trigger a review in most years. The SSC also recommends that Alternatives A and B in step 3 be deleted and that the team concentrate on Alternative C.

Field Order Authority

The SSC has no specific comments and recommends this item be included in the amendment package.

Reallocation within DAH

The SSC had no specific comments and recommended this item be included in the amendment package.

DAP Priority

The SSC concurs with the team recommendation that this proposal not be included in this amendment. Industry representatives expressed concern over dropping this proposal and stated that they would provide the Council with information and data. When that information is available, the SSC recommends that the team develop an amendment for Council review. If the information is provided in sufficient time a review could be undertaken at the September meeting.

Proposed Measures

The SSC concurs with the team recommendation that the proposed amendment be limited to only one sub-section. The SSC reviewed the four alternatives to be considered. After discussion with the time frame available, the SSC recommends that Option 1 and Option 2 not be included in the development of the amendment package. Option 3, which is an overall framework does not contain a detailed description of the types of actions that would be required to be taken. The SSC feels that in the time available it would be impossible to make the amendments additional.

With regard to Option 2, the SSC felt that it does not insure that adequate protection would be provided the user resources.

Option 3 puts into place the emergency rule as adopted by the Council. The SSC recommends that in the future this option be structured in such a manner that the individual specific restrictions are clearly separated (in Section 2, page 15 of the Final Report). Additionally, as currently proposed these restrictions would remain in effect until amended by the Council. Since many of these restrictions were developed to address concentration and rebuilding of the user stock, this option could include a termination date which would require positive action on the part of the Council. If the restrictions are required for a longer period of time.

The SSC discussed changes to the proposed Option A. The SSC recommended in the section on Annual Adjustments of the License (Section 1, page 17 of the Final Report) that items I and X be deleted and that a restriction be added in an annual review be inserted. The SSC feels that the arrangements listed in Item I will trigger a review in most years. The SSC also recommends that Amendment A and B in Item 3 be deleted and that the team concentrate on Alternative C.

Final Order Authority

The SSC has no specific comments and recommends this item be included in the amendment package.

Reallocation within MW

The SSC had no specific comments and recommends this item be included in the amendment package.

PAI Priority

The SSC concurs with the team recommendation that the proposal not be included in this amendment. Industry representatives expressed concern over dropping the proposal and stated that they would provide the Council with information and data. When that information is available, the SSC recommends that the team develop an amendment for Council review. If the information is provided in sufficient time a review could be undertaken at the September meeting.

Reporting

The SSC received a presentation by the NMFS staff outlining the problems being encountered in the current reporting system. The SSC suggests that measures to correct these problems be included in Amendment 10 if possible.

The SSC believes that NMFS, ADF&G and the Council should carefully review the status of the current groundfish data collection system to resolve the several technical problems which seem to prevent efficient, timely and complete compilation of the data needed for fishery management.

Review Timing

If the Council wishes to proceed with a schedule that would release the proposed amendment before the September Council meeting and if the Council wishes the SSC to review those draft documents, the SSC has agreed to a teleconference meeting in the afternoon of July 30. We would need to have the final draft documents by July 25.

Bering Sea Sablefish Catch Level

The SSC reviewed the recommendation they made to the Council in March. It was brought to the attention of the SSC that during the recent U.S./Japanese bilateral meetings information was provided indicating that between 1984 and 1985 the biomass increased by about 25%. These new data led the SSC to reaffirm its position that the total catch could be allowed to approach 4,500 mt.

Additional SSC Recommendation

The SSC also suggested that the Bering Sea and Gulf plan teams jointly review the present amendments to their respective plans to make sure that the process will eventually result in Gulf and Bering Sea plans that are similar in their major features.

Report of the Advisory Panel

The AP recommended that the Council send out Options 2, 3 and 4 for public review. The suggested incorporating the recommendations of the Advisory Panel Tanner Crab Subcommittee as additional alternatives under Options 2 and 4. The AP recommended the Council sever Proposal 4 (DAP priority proposal) from Amendment 10 and prepare it as a new amendment. They suggested government and industry people should be used to collect the necessary data and prepare a draft EA/RIR for review at the September meeting. They also recommended that the revised catcher/processor reporting requirements be included in Amendment 10.

In regard to the sablefish closure, some AP members felt that none of the three options in the action memorandum were acceptable and suggested new solutions be developed.

Public Testimony

Ted Evans, Alaska Factory Trawlers, brought to the Council's attention that when NMFS implemented the Council's action on bycatch limits in the Bering Sea in the JVP fishery, they also applied the limits to the DAP fishery thereby shutting down the DAP fishery for flatfish when the joint venture fishery had taken their limit of bycatch. This was not the intent of the compromise worked out by the AP/industry bycatch committee. With regard to Amendment 10, they support the bycatch measures for crab, but asked the Council to consider an alternative that would remove the requirement for observers for the Port Moller fishery for the 1987 fishing year when the data from the observers is in from that fishery. He stated that the Council should clearly define their objectives for bycatch management of halibut for the groundfish fisheries. Apparently, as the amendment is written now it applies only to trawl fisheries, while it documented a significant bycatch of halibut by longline fisheries as well. AFTA is also concerned about the observer requirement placed on the DAP fishery and need to know the details of that program. The current amendment doesn't provide those details.

Arni Thomson, Alaska Crab Coalition, said he would like Amendment 10 to continue to move through the amendment process. They prefer reinstatement of the original Bristol Bay Pot Sanctuary; if this is not feasible, they will settle for what they can get under Options 2, 3 or 4.

Barry Collier, Pacific Seafood Processors Assn, supports severing Proposal 4, DAP priority access, from the Amendment 10 package and preparing a new amendment for this issue. Staff should work with industry to gather catch data and other information prior to the September meeting.

Bob Trumble, IPHC, recommended sending out Options 2 and 4 for public review. The staff of IPHC likes the flexibility of Option 1, but in view of problems identified with the proposal they have no desire to complicate matters. With respect to halibut bycatch caps, he emphasized their desire to minimize the area that would be restricted while maintaining an overall Bering Sea bycatch cap. IPHC also supports the domestic observer program concept.

Thorn Smith, NPFVOA, supports the field order authority section of the amendment. Also supports sending Option 2 out for public review with certain reservations. The Council should recognize that new data is being generated now and the Council needs to consider it before making any decision in September. DAP priority access at this time would be at the expense of individual U.S. operators involved in joint ventures. He feels it would inhibit the ability to harvest the OY.

Bob Alverson, FVOA, commented on the sablefish catch level. He disagreed with Bill Robinson on the potential landings for July and said he thinks that the fleet could take the 4,500 mt suggested by the SSC by the end of July or early August. He suggested that NMFS provide a small amount of quota, shut down the directed fleet, and allow the domestic fleet to continue fishing for other species. There are some industry participants who are concerned that if the Council goes to the 4,500 mt level it may jeopardize the larger, more valuable fish for future harvests.

COUNCIL DISCUSSION AND ACTION

The Council first took action on the series of options developed by the plan team to control bycatches of crab and halibut. The four options were described in the plan team's report to the Council.

Bob Mace moved to send Options 2, 3 and 4 out for public review. The motion was seconded by John Winther and, there being no objection, it was so ordered. The plan team was directed to develop a revised EA and RIR and to send it out for public review.

Under Option 4, the SSC had recommended that Annual Adjustments of PSC Limits, steps 1 and 2 be deleted and a statement requiring an annual review be inserted. They also recommended that Alternatives A and B in step 3 be deleted and that the plan team concentrate on Alternative C in their analysis.

John Peterson moved to adopt the SSC's recommendation in regard to Option 4. The motion was seconded by Henry Mitchell and, there being no objection, it was so ordered.

Bob Mace moved to include an alternative under Options 2 and 4 that would delete the closed area between 160° & 162° and open it with a bycatch cap. The motion was seconded by Sara Hemphill and carried with John Winther and Don Collinsworth objecting. After discussing this motion with the plan team, Jim Glock told the Council that analysis of this proposal may be more complicated than first thought and asked the Council to agree that if the plan team cannot do an adequate analysis the amendment package be sent out without it. The Council agreed.

John Peterson moved to omit Option 1 from Proposal 3. The motion was seconded by Oscar Dyson and, there being no objection, it was so ordered.

The Council then took action on the remaining amendment proposals.

Bob McVey moved to send Proposal 1, to authorize reallocation within DAH, out for public review. The motion was seconded by Bob Mace and, there being no objection, it was so ordered.

Bob Mace moved to send Proposal 2, field order authority for the Regional Director, including the proposed regulatory language drafted by Pat Travers, out for public review. Mark Pedersen seconded the motion and, there being no objection, it was so ordered.

Bob Mace moved to sever Proposal 4 from Amendment 10 and prepare it as Amendment 11. The motion was seconded by John Peterson and, there being no objection, it was so ordered. It was agreed that the plan team would start work on the new amendment as soon as is practical.

Bill Robinson asked the Council to include in Amendment 10 new catcher/processor reporting requirements proposed by the Region. One year's experience with the catcher/processor and mothership reporting system has revealed certain problems that reduce the effectiveness of the weekly reporting system. Currently, any vessel that lands its catch within 14 days is exempted from the weekly reporting requirement. This has resulted in an

incomplete accounting of catches for that segment of the fleet which, in turn, has led to inaccurate forecasts of quota achievement. Fish tickets submitted by these vessels often enter the management system too late to be useful for inseason management purposes, and reconciliation of fish tickets with weekly catch reports, where reporting periods often overlap, has resulted in significant delays in compiling catch information. At times this has caused double counting of catch. Inseason enforcement has also been hampered because a vessel that has been reporting weekly and skips one or more periods may have reported by fish ticket and would not be in violation. NMFS has proposed that vessels indicate on their federal permit application their capacity and intent. Vessels having capacity and intent to process fish would then be classified under the regulations so that they will be required to report to NMFS on a regular basis.

Bob McVey moved to include the new catcher/processor reporting requirements in Amendment 10 for public review. John Winther seconded the motion and, there being no objection, it was so ordered.

Pat Travers suggested that if the Council was satisfied with the emergency order which established PSC limits for the yellowfin sole/ flounder joint ventures and wanted it to remain in place for more than 90 days they should formally notify the Regional Director.

Bob Mace moved to recommend extension of the emergency order for another 90 days, concur with the Regional Director's handling of the Council's observer requirement in the closed area north of Port Moller, and also gave the Regional Director authority to arrange a rock sole fishery if the data indicates it can be done. The motion was seconded by John Peterson and, there being no objection, it was so ordered.

Recommendations to NMFS on sablefish closure

Mark Pedersen moved to recommend the Regional Director release up to 1,000 mt from reserves, increasing the TAC to 3,750, to be designated for bycatch only. The motion was seconded by Bob McVey and carried with Henry Mitchell objecting. The intent of the Council is to have the additional amounts released in increments as needed for bycatch to keep other fisheries operating.

E. CONTRACTS, PROPOSALS AND FINANCIAL REPORT

Report of the Finance Committee

The Finance Committee reviewed the FY87 administrative budget for \$1,048,000, plus \$90,000 in pass-thru funds and recommended its approval. They also reviewed an RFP to conduct a fishing industry survey on preferred management alternatives for Gulf of Alaska and Bering Sea groundfish and recommended postponing action until further research can be done by staff. They asked that it be rewritten and submitted at the September Council meeting.

Other committee recommendations were: approval of \$2,000 for co-sponsoring the Sea Grant rockfish symposium this fall; requiring Council family members to submit airline tickets and car rental receipts with their expense claims;

incomplete accounting of catches for a statement of the fish which is being
has had no accurate forecasts of future achievement. Fish which are subjected
by these vessels often under the management system for late to be useful for
management purposes, and reconciliation of fish stocks with weekly
catch reports, where reporting periods often overlap, has resulted in
significant delays in compiling catch information. At times this has caused
double counting of catch. Inseason enforcement has also been hampered because
a vessel that has been reporting catch and killing one or more vessels may have
reported by fish which would not be in violation. MIBB has proposed that
vessels indicate on their federal permits application their capacity and
intent. Vessels having capacity and intent to process fish would then be
classified under the regulations so that they will be required to report to
MIBB on a regular basis.

Rob McVay moved to include the new catch processor reporting requirements in
Amendment 10 for public review. John Walker seconded the motion and there
being no objection, it was so ordered.

Pat Stevens suggested that if the Council was satisfied with the emergency
order which established 150 limits for the yellowtail sole, it should
renew and waive its intent in place for more than 90 days they should
formally notify the Regional Director.

Rob Rice moved to recommend extension of the emergency order for another 90
days, concur with the Regional Director's handling of the Council's order
requirements in the closed area north of Port Moller, and also have the
Regional Director authority to manage a rock sole fishery in the
Indianas it can be done. The motion was seconded by John Walker and there
being no objection, it was so ordered.

Recommendations to MIBB on salinity closure

Mark Peterson moved to recommend the Regional Director release up to 1,000 mt
from treatment, increasing the TAM to 2,500 to be designed for harvest only.
The motion was seconded by Rob McVay and carried with John Walker
objection. The intent of the Council is to have the additional amount
released in accordance as needed for harvest to keep other fisheries
operating.

REPORTING, RECORDS AND FINANCIAL STATE

Report of the Finance Committee

The Finance Committee reviewed the 1975 additional budget for \$1,048,000.
of \$90,000 in base-line funds and recommended the approval. They also
reviewed an RFE to conduct a fishing industry survey on alternative management
alternatives for Gulf of Alaska and Bering Sea grounds and recommended
provisional action until funds are received can be found. They also
that it be transferred and authorized by the Fisheries Council meeting.

Other committee recommendations were approval of \$2,000 for co-sponsorship
the Sea Grant project regarding the fishery resource and fishery
to help in the future and are needed to help with their survey of fishery

COUNCIL MINUTES
June 1986

and a continuation of \$15,000 in pass-thru funds for the Pacific Marine Fisheries Commission for FY87.

The Council approved the Committee's recommendations as submitted.

F. GENERAL COMMENTS

Mr. Li Shanxun and Mr. Tong Jain Guo provided the Council with a report on the production and marketing activities of the Chinese fishing fleet. There had been concern over the amount of product being sold in the United States. Mr. Tong gave various reasons for this, including mechanical problems, which prevented them from transporting raw fish products back to China in a timely manner.

Steve Freese, NMFS-DC, briefed the Council on the computer model used in the process of evaluating countries before allocation decisions are made.

Several Council members had general comments before the end of the meeting. Mr. Campbell again stressed the need for a domestic observer program. John Peterson said the Council should consider incorporating the NMFS habitat policy into the FMPs and perhaps appointing someone to keep track of current events which might impact fishery resources such as oil drilling, surface mining activities, ghost fishing of gear, commercial dumping of garbage, etc.

Don Collinsworth said that he has reviewed Bart Eaton's paper, "Americanizing the FCZ: Economic Probability Versus Biological Possibility," and feels that the concept is one that the Council may want to deal with at some time. Mr. McVey said they are studying the subject at this time.

G. ADJOURNMENT

Chairman Jim Campbell adjourned the meeting at 4:40 p.m. on Thursday, June 26, 1986.