

North Pacific Fishery Management Council

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Certified

John S. Peterson
Chairman

Date

Oct 1, 1988

MINUTES

82nd Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
June 21-24, 1988
Sheraton Hotel
Anchorage, Alaska

The North Pacific Fishery Management Council met June 21-24, 1988 at the Sheraton Hotel in Anchorage, Alaska. The Scientific and Statistical Committee and Advisory Panel began meeting on Monday, June 20. Members of the Council, Scientific and Statistical Committee, Advisory Panel, staff and general public in attendance are listed below.

Council

James O. Campbell, Chairman
John Peterson, Vice Chairman
Don Collinsworth
Rudy Petersen
RADM Edward Nelson
Joseph Blum
Oscar Dyson
Robert Ford
John Winther

Robert U. Mace for
Randy Fisher
Jim Brooks
Henry Mitchell
Jon Nelson for
Walter Stieglitz
Larry Cotter
John Harville for
Guy Thornburgh

NPFMC Staff

Clarence Pautzke, Executive Director
Judy Willoughby
Steve Davis
Denby Lloyd
Ron Miller

Terry Smith
Dick Tremaine
Helen Allen
Peggy Kircher
Dorothy Lowman

Support Staff

Dale Evans, NMFS-AKR
Craig Hammond, NMFS-AKR
Ray Baglin, NMFS-AKR
Craig O'Connor, NOAA-GC

Jay Ginter, NMFS-AKR
Jon Pollard, NOAA-GC
Ron Berg, NMFS-AKR
Loh-Lee Low, NMFS-NWAFRC

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Scientific and Statistical Committee

Richard Marasco, Chairman
Jim Balsiger for Bill Aron
Dana Schmidt
Robert Burgner
Bill Clark
John Burns

Doug Eggers, Vice-Chairman
Terry Quinn
Don Bevan
Don Rosenberg
Larry Hreha

Advisory Panel

Nancy Munro, Chairman
Bob Alverson, Vice Chairman
Al Burch
Lamar Cotten
Pete Granger
Rick Lauber
John Woodruff

Terry Baker
Arne Aadland
Jon Rowley
Mark Earnest
Richard White
Daniel O'Hara
Fred Zharoff

General Public

It was estimated that over 100 people attended the Council, SSC and AP meetings, including the following:

Mick Stevens, ProFish
Don Johnson, Great West Seafoods
Alan Reichman, Greenpeace
Lee Moon Ki, Samho America
Barry Collier, PSPA
Paul Gilliland, Alaska Pacific Int'l
Sheila Helgath, AK Senate Advisory Cncl
Greg Baker, Captain's Bay Co./AJVS
Nancy Goell, NMFS-DC
Andrew Strak, Nat'l Sea Products
F.D. Dearborn, UAF Sea Grant Program
Steve Hughes, NRC
Bob Trumble, IPHC
Reed Wasson, Eagle Fisheries
John Bruce, DSFU
Ben Barrera, National Bank of Alaska
Adam Strom, Nat'l Sea Products
Ole A. Mathisen, UA-Fairbanks
Phil Chitwood, Arctic Alaska Fisheries
Timothy Thomas, Mark I, Inc.
Stephen Green, Clearwater Fine Foods
Karl Ohls, Ofc of Sen. Zharoff
Linda Kozak, KLVOA
Steve Helmel, Alaska Public Radio
Steve Drage, F/V COHO
Kathy Shepard, Dona JV Fisheries
Walter A. Kohl, Jr., F/V DONA PAULITA
C.B. Baker, Trawl Resources, Inc.
Judith Graham, Anchorage
Fred N. Kirkes, APL

Ralph Hoard, Icicle Seafoods
Steve Grabacki, Graystar
Ted West, Key Fisheries Mgmt Grp.
Eric Maisonpierre, AJVS, Inc.
Terry Cosgrove, Ocean Dynasty
Howard Cannon, Sitka Sound Seafoods
Jeff Stephan, UFMA
Philip Werdal, Seattle
Bill Orr, AFTA
Stephen B. Johnson, Seattle
Rodger Davies, DSFU
Paul MacGregor, Mundt, MacGregor
Leslie Watson, ADF&G-Kodiak
Craig Larson, PITA
Robert Dooley, HAZEL LORRAINE I
Kit Ross, NBA
Paul Kelly, Anchorage
George Anderson, Fishing Co. of AK
Woody Knebel, Wards Cove Packing Co
Einar Pedersen, F/V VESTERAALEM
Hugh Reilly, AHSFA
Ron Brewster, F/V SILVER SEA
Tim Cosgrove, F/V VESTERAALEM
Greg Fisk, Maretec Alaska, Inc.
Clint Atkinson, Seattle
Dave Harville, KWT
John Daly, AWTC
Bill Jacobson, Kodiak
Molly McCammon, Juneau
Joe Plesha, Trident

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Debby Swenson, Anchorage
Mary Truitt, Seattle
John Maloney, Nova Scotia, Canada
Bill Fields, New Jersey
Walter Kuhr, Jr., Seattle
Stan Hovik, Arctic Storm, Inc.
Elwood Peterson, Seattle
Steve Peterson, Anchorage
Arni Thomson, Alaska Crab Coalition
Dem Cowles, Washington, DC

Bill Atkinson, Seattle
Ron Schnell Anchorage
Senator Arliss Sturgulewski
Neil Anderson, Seward
Ted Smits, NPFVOA
Shari Gross, Seattle
Maureen McCrea, MMS
Rep. Steve Reiger, Anchorage
Pat Peacock, NMFS-AKR
Chris Riley, Seattle

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

Chairman Jim Campbell called the meeting to order at 1:04 p.m. on Tuesday, June 21, 1988.

John Harville suggested changing Agenda item C-9, Sablefish to delay adoption of a preferred alternative until the September Council meeting. Clarence Pautzke suggested changing the Finance Committee meeting to Friday morning so the Committee would have the benefit of Council decisions on items that may affect the budget. There were no objections to these changes. John Peterson suggested that the joint venture policy issue be referred to the Permit Review Committee. It was decided that most Council members would like to be involved in the discussion and a special Council session was scheduled for Wednesday evening (this was later cancelled and the item taken up during the regular Council meeting).

The minutes of the April 1988 Council meeting were approved as submitted.

B. REPORTS

B-1 Executive Director's Report

Clarence Pautzke reviewed current staff activities and brought the Council up to date on the planned U.S.-U.S.S.R. scientific symposium in July. He also told Council members that NPFMC is hosting the Chairmen's meeting in Homer in July, and that the audit report will be completed by early July.

B-2 ADF&G Domestic Fisheries Report

The Alaska Department of Fish and Game reported that the herring sac roe fisheries have now been completed except for a small amount of effort in the Port Clarence area. The total statewide herring catch is 49,450 tons, worth about \$50.7 million. The commercial salmon fisheries are just beginning and it's too early to report on their progress except in a few areas. In the Copper River District the runs are lower than pre-season forecasts although escapement goals are being achieved. The early Chignik sockeye run is fairly weak, and the June catch for the Peninsula fishery as of June 18 is reported at 315,000 sockeye and 215,000 chum salmon.

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B-3 NMFS Management Report

Craig Hammond, NMFS, provided the Council with a report on their monitoring system for transshipment data. They have determined that the data provided to Paul Fuhs for his proposal for support service priority contained significant errors. After correcting data entry errors, the total product transshipped is more in line with the amount taken in the EEZ last year.

Dale Evans reported on their progress in working with ADF&G on streamlining fish tickets so they fulfill the data needs of both ADF&G and NMFS. They are also working to combine the groundfish regulation booklets for the Gulf of Alaska and the Bering Sea/Aleutian Islands. The Alaska Region has also instituted an electronic bulletin board for notices of closures, news releases and catch data.

A proposed rule is being prepared that will change the Gulf of Alaska longline sablefish openings from midnight to noon. Recent closures include Bering Sea sablefish, which will now be bycatch-only; in the Central Gulf there will be 4% bycatch-only for sablefish; in West Yakutat in the DAH trawl fishery sablefish is a prohibited species; and in the Southeast Outside district DAH slope rockfish will become a prohibited species in the next few days.

There were two reapportionments of pollock to JVP in the Bering Sea, 100,000 mt in April and 95,000 mt in May. The yellowfin JVP fishery in the Bering Sea was closed June 3, with remaining yellowfin sole for bycatch only. A reapportionment of 8,000 mt yellowfin sole from Reserves was made to cover bycatch needs. The Other Flatfish fishery is moving quickly this year compared to last and 18,000 mt in April and 10,000 mt in May were reapportioned to that fishery. JV Pacific cod in the Bering Sea received a reapportionment from Reserves of 12,000 mt in April. DAP pollock catch in the Bering Sea is currently about 130,000 mt. There was also a reapportionment of 10,000 mt to DAP other flatfish in the Bering Sea to increase the TAC to 36,400 mt.

The DAP sablefish fishery in the Bering Sea was closed June 11 because of anticipated bycatch needs in other fisheries. Fishermen have been cautioned to minimize their bycatch rates or the bycatch allowance will not last until the end of the year.

Public Testimony

Jeff Stephan, UFMA. As a result of the closure of the Bering Sea directed sablefish fishery, they request the issue be addressed at the September Council meeting with an emergency action recommending NMFS reallocate some of the sablefish in the Bering Sea to the domestic longline fishery.

Bob Alverson, FVOA. Agrees with Jeff Stephan. He's not sure there is enough allocation left to reopen the 1988 season but Council should address the problem for the 1989 season.

John Bruce, DSFU. Agrees with previous testimony; Council should look at the problem in September and at the possibility of reopening the directed longline fishery.

Linda Kozak, KLVOA. Because of economic hardship being imposed on domestic fishermen they feel this should be an emergency action for the 1989 season.

Bill Orr, AFTA. Said the Council should not take any action on this issue at this meeting because it was not advertised on the agenda.

COUNCIL DISCUSSION AND ACTION

Jim Brooks said the fishery was closed to directed fishing by all gear types to minimize waste of sablefish which will become a prohibited species when the allocation is gone. NMFS has projected that the remaining sablefish will be needed for bycatch and may not last until the end of the year.

Council members agreed to put the issue on the September agenda for discussion and possible action. Jim Brooks suggested one course of action would be to ask the Secretary of Commerce to promulgate an emergency rule that would reduce the allowable bycatch from 20% down to whatever amount the Council chooses.

B-4 U.S. Coast Guard Enforcement and Surveillance Report

From April 1 to May 31, nine Coast Guard cutters spent 136 days on patrol off Alaska and their aircraft flew 36 fisheries enforcement and search and rescue missions. The Coast Guard issued 33 reports of violations and 15 citations, most involving joint venture trawlers exceeding 20% bycatch of pollock during the split season pollock closure in the Bering Sea. Two U.S. stern trawlers were cited for retaining walrus tusks in violation of the Marine Mammal Protection Act, and another U.S. trawler was cited for crew members assaulting a Coast Guard boarding officer, impeding the boarding, and retaining prohibited species (halibut and salmon). A U.S. stern trawler was directed to Dutch Harbor for inspection by U.S. Customs when marijuana and paraphernalia were found on board. They were also cited for fishing in a closed trawl area and possessing prohibited species (herring). Five vessels were cited for various violations during the May 23-24 halibut opening.

The Coast Guard made nine surveillance flights and three cutter patrols into the "donut hole" and along the boundary of the U.S. Exclusive Economic Zone in the Bering Sea. Of the 159 vessels sighted, 83 were from Japan, the Soviet Union, or Poland.

B-5 Joint Venture Operations

The total joint venture catch off Alaska through June 4 as reported by the National Marine Fisheries Service was 1,071,994 metric tons, all from the Bering Sea/Aleutian Islands. The catch included 680,993 mt pollock, 189,730 mt yellowfin sole, 93,248 mt Pacific cod, 98,735 mt flatfish, and 9,348 mt of other species. The monthly number of U.S. harvesting boats delivering to joint venture processors varied from 113 to 124, surpassing last year's high of 110 boats in June.

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C. NEW OR CONTINUING BUSINESS

C-1 Legislative Update

The Council was briefed on recent Congressional and Administration actions of interest to the fishing industry, including:

Vessel Safety

On April 14, 1988 the House Merchant Marine and Fisheries Committee marked up H.R. 1841, the Commercial Fishing Industry Vessel Safety and Compensation Act. Title I of the bill concerns claims and compensation for temporary injury to crew members on harvesting, processing and tender vessels and Title II establishes safety requirements for such vessels. Title II of H.R. 1841 was passed by the House on June 28, 1988. Title I was not brought to the floor because of opposition by trial lawyers.

Fishing Gear Stowage and Check-in/Check-out Requirement for Foreign Vessels

On May 3, 1988 Representative Bonker introduced H.R. 4512, a bill to amend the Magnuson Fishery Conservation and Management Act to provide for more effective enforcement of restrictions on foreign fishing. The bill attempts to resolve the problem of illegal foreign fishing in the Exclusive Economic Zone (EEZ) by vessels fishing in the "donut" or crossing the EEZ to and from the donut. Key provisions include requirements for foreign vessels to stow fishing gear below decks while transiting the U.S. EEZ, and to provide vessel identity and contents by radio to the Coast Guard before entering or leaving the EEZ. Nations that don't comply could incur increased fishing fees and certification under the Pelly Amendment to the Fishermen's Protective Act thus prohibiting importation into the U.S. of their fishery products.

Although Representative Bonker has requested a hearing by the Fish and Wildlife Subcommittee on H.R. 4512, no action has been scheduled. Since there is some interest within NOAA/NMFS in imposing a gear stowage requirement by regulation, draft rules may be circulated in the near future.

In a related matter, the Fisheries Agency of Japan issued a formal notice to all Japanese trawlers operating in the North Pacific to cover their fishing gear with canvas while transiting the U.S. EEZ. Additionally, the vessels are to be equipped with a naval navigation satellite system, to keep position records during fishing trips and to submit these records to the Agency when they return to port.

Anti-Fouling Paint

On May 24, 1988 the House passed and sent to the President the Senate-amended version of H.R. 2210 which prohibits the use of anti-fouling paint containing organotin, which has proven to be highly toxic to marine and freshwater organisms.

U.S.-U.S.S.R. Comprehensive Fisheries Agreement

The comprehensive fisheries agreement signed in Moscow on May 31, 1988 is to be implemented as a governing international fishery agreement. Consequently, it is subject to a 60-day Congressional review before it may become effective, unless Congress takes an affirmative action approving the agreement. In this regard, Representatives Don Young and Gerry Studds introduced H.R. 4919 on June 27, 1988 to provide Congressional approval of the agreement. A hearing will be held on this bill on June 30, 1988 by the House Fish and Wildlife Subcommittee.

C-2 Marine Mammal Issues

Status of Northern Sea Lions and Northern Fur Seals

Northern Sea Lions. On May 6, 1988 NMFS published a notice of a proposed rule in the Federal Register designating the Northern Sea Lions in Alaska as depleted. In its notice, NMFS requested comments on the available scientific information regarding the stock status and possible causes of stock declines as well as potential impacts of a depletion designation. Comments must be submitted by July 5, 1988 to: Dr. Nancy Foster, Director, Office of Protected Resources and Habitat Programs (F/PR), NMFS, Washington, DC 20235.

Northern Fur Seals. On May 18, 1988, NMFS designated the Pribilof Island population of North Pacific fur seals as depleted under the Marine Mammal Protection Act (MMPA). The Act requires this designation when a marine mammal species or population stock is below its optimum sustainable population (OSP).

Court Decisions and Congressional Action. With some exceptions, MMPA imposed a moratorium on any taking of marine mammals in U.S. waters. The Secretary of Commerce may issue permits to allow specified takings of mammals incidental to commercial fishing. Intentional takings of a depleted species or population stock are allowed only for research, or for subsistence and handicraft purposes by Alaska natives. Small, incidental takings that have a negligible impact on these species or stocks may be authorized for certain activities, but not commercial fishing.

Under recent court decisions, U.S. fishing operations that may incidentally take depleted species of marine mammals may be placed in jeopardy unless the MMPA is amended to allow small incidental takes of those species in commercial fisheries. In April, representatives from the commercial fishing industry and environmental groups met to develop a consensus position on MMPA amendments. A joint proposal listing suggested amendments was presented at a hearing of the House Merchant Marine and Fisheries Committee, Subcommittee on Fish and Wildlife Conservation and the Environment, on April 19, 1988. Among other things, the proposal allows for the incidental take of depleted species in domestic commercial fishing operations during the next three years under certain conditions; one of those being the establishment of an observer program that would provide for a minimum of 20% observer coverage on certain segments of the Bering Sea and Gulf of Alaska fishing fleets. The observers are to be living marine resources observers, not just marine mammal observers, and are to be funded by the federal government.

U.S.-U.S.S.R. Comprehensive Fisheries Agreement

The comprehensive fisheries agreement signed in Moscow on May 21, 1988 is to be implemented as a governing international fishery agreement. It is subject to a 60-day Congressional review before it may become effective, unless Congress takes an affirmative action approving the agreement. On May 27, 1988, Rep. Don Young and Sen. Don Young introduced H.R. 4919 to provide Congressional approval of the agreement. A hearing will be held on this bill on June 30, 1988 by the House Fish and Wildlife Subcommittee.

0-7 Marine Mammal Issues

Issue of Northern Sea Lions and Northern Fur Seals

Northern Sea Lions. On May 6, 1988 MMS published a notice of a proposed rule in the Federal Register designating the Northern Sea Lion as a depleted species. In its notice, MMS requested comment on the scientific basis for information regarding the stock status and possible causes of stock depletion as well as potential impacts of a depletion designation. Comments were submitted by July 8, 1988 to: Dr. Nancy Turner, Director, Office of Protected Resources and Habitat Programs (OPR), MMS, Washington, DC 20252.

Northern Fur Seals. On May 18, 1988, MMS designated the Northern Fur Seal population of North Pacific fur seals as depleted under the Marine Mammal Protection Act (MMPA). The Act requires this designation when a marine mammal species or population stock is below the optimal sustainable population (OSP).

Commercial Fishing and Congressional Action. With some exceptions, MMPA imposes a moratorium on any taking of marine mammals in U.S. waters. The Secretary of Commerce may issue permits to allow specified takings of marine mammals to support scientific research, for educational purposes, or for research and management purposes by Alaska natives. Small, incidental takings that have a negligible impact on these species or stocks may be authorized for certain commercial and non-commercial fishing.

Under recent court decisions, U.S. fishing operations that may be harmful to depleted species of marine mammals may be placed in jeopardy and MMPA is amended to allow small, incidental takes of listed species in commercial fisheries. In April, representatives from the commercial fishing industry and environmental groups met to develop a consensus position on MMPA amendments. A joint proposal for amending MMPA was prepared and presented to the House Merchant Marine and Fisheries Committee, Subcommittee on Fish and Wildlife Conservation and the Environment on April 19, 1988. Among other things, the proposal allows for the incidental take of listed species in commercial fishing operations during the normal course of an observer watch condition; one of those being the establishment of an observer program that would provide for a minimum of 200 observer coverage on certain segments of the fishing log and Gulf of Alaska fishery. The observer are to be giving marine resource observers, not just marine mammal observers, and are to be funded by the Federal Government.

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No substantive legislation accommodating the industry/environmentalist proposal or any other amendment has, yet, been drafted. House and Senate staff members are expected to produce draft legislation within the next two weeks and committee mark-up is expected in the first week of August.

COUNCIL DISCUSSION AND ACTION

With respect to the compromise amendment to Marine Mammal Protection Act proposed by industry/environmental representatives, the Council discussed the impacts on the fishing industry if the agreement can't be implemented and the necessity for domestic observers. They agreed to send a letter supporting the measure and urging funding for domestic observers.

C-3 Non-profit Fishery Research Foundation

Ron Miller reported that during a meeting of interested association representatives on Monday, June 20, it was concluded that there is little interest in pursuing the matter further because private funding of fishery research should be on an industry-wide basis and the industry is not yet ready to support the idea because of other, higher priorities. The industry representatives felt that, should an issue arise of sufficient magnitude that would require industry funding, it would not be difficult to mobilize their associations. In the interim, they will discuss among themselves the concept of forming an industry research group with representatives from each interested association.

C-4 NMFS Habitat Policy

Nancy Goell, NMFS Office of Protected Species and Habitat Conservation, reviewed the NMFS draft habitat policy. She said that most of the other Councils have adopted a habitat policy and have incorporated them in their fishery management plans. She urged the Council to approve the policy and develop implementation procedures appropriate to the fisheries off Alaska.

Report of Scientific and Statistical Committee

The SSC did not have adequate time to carefully review, discuss or comment on the policy. However, they did not object to releasing the document for public review. A subcommittee of the SSC has been appointed to review the documents and will submit comments to the Council at the September meeting.

COUNCIL DISCUSSION AND ACTION

There was considerable discussion on how to proceed with a public review of the policy and whether or not the draft implementing procedures should be released for review at the same time. It was the consensus of the Council that as much information as possible should be made available for comment but a cover letter should accompany the policy explaining that the implementing procedures will be tailored to fit the circumstances of Alaska's fisheries.

Bob Mace moved to forward the draft habitat policy for public review and that it be placed on the agenda for the Chairmen's meeting in July. The motion was seconded by Joe Blum and carried with no objection.

C-5 Domestic Observer Program

Ron Dearborn reported that from February 1 through June 12, observers spent 392 observer days on duty with 224 days, or 57%, on vessels. The full-time coordinator position used earlier this year significantly increased the amount of coverage and Alaska Sea Grant is seeking to fill the position for the remainder of the contract period. Alaska Sea Grant is working with Peter Craig of the Alaska Dept. of Fish and Game to pool domestic observer data from their two programs into a single data base.

C-6 U.S. Service Support Industry Proposal

Last January the Council reviewed a proposal to give U.S. transport and bulk fuel carriers preferential treatment over foreign vessels that now provide those services to foreign fish processors operating in joint ventures off Alaska. An industry workgroup, the Maritime Support Group, was appointed to examine the issues and recommend solutions.

Their recommendations included port inspections of foreign vessels transporting fish before and after the vessel operates in the U.S. Exclusive Economic Zone, a requirement that foreign vessels refuel from an American source, and a request that the Council, in reviewing permits, give higher priority to joint ventures with greater U.S. involvement (including supply and transportation).

Public Testimony

Senator Arliss Sturgulewski urged the Council to initiate a support services amendment for fishery management plans to establish a linkage between permits for foreign vessels and their usage of U.S. transport and bulk fuel suppliers. She endorsed the recommendations of the Maritime Support Group.

Rich Wilson, City Administrator for St. George and member of the Maritime Support Group, encouraged the Council to give serious consideration to the Group's recommendations.

John Levy, Executive Director of the Southwest Alaska Municipal Conference, supports recommendations of the Maritime Support Group.

Paul Fuhs, Unalaska. Because of the NOAA-GC opinion that such a proposal could not be accommodated under the MFCMA, they asked the Council to consider using the permit system to encourage use of domestic suppliers.

Steve Pederson, Crowley Maritime. Supports Maritime Support Group recommendations and urged the Council to move forward with them.

Elwood Peterson, International Shipping Services. They are involved in export services from the Bering Sea and Alaska area to the Far East. Although he is in general consensus with the findings of the Maritime Support Group, of which he is a member, he has some concerns. One is the higher costs which might be associated with high seas transfers; this is something that should be explored before any decisions are made.

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Pete Granger, American High Seas Fisheries Assn. They do not endorse the recommendations of the Maritime Support Group. Specifically, in regard to the check-in/check-out procedure which would be very difficult to enforce and there is no money in the NMFS budget to pay for it. On the refueling requirements, the evidence shows that refueling by JV vessels in 1985 was greater than 90% from U.S. origin so they don't feel there is a problem. With respect to the review of JV policy, they feel that the Committee's recommendation would further restrict and impose additional operating costs on the joint venture industry which is already being phased out and is in the process of trying to convert to DAP.

Paul Peyton, AK Dept. of Economic Development. They have done a study of support service needs and suppliers for the groundfish fleet in the Bering Sea and Aleutian Islands. They did find that there is very little in the way of U.S. supports services supplying to the JV fleet with the exception of fuel purchases by JV boats. They would concur with the Maritime Group's recommendations to the extent that good information be gathered and some kind of priority be provided for those using U.S. support services.

COUNCIL DISCUSSION AND ACTION

Don Collinsworth moved to accept the Group's report and refer further action to the Permit Review Committee to further analyze how to implement the various aspects of the report. A letter will be sent to the joint venture industry stressing the importance of using domestic services, and it will be emphasized in reviewing permits this December.

C-7 Joint Venture Policy

In April the Council asked Larry Cotter to draft a discussion paper on the "Olympic System" and its associated problems. The discussion paper was mailed to the Council and sent to industry for comment in May.

Public Testimony

Mick Stevens, ProFish. Mr. Stevens read a letter which summarized their views on the "Olympic" system for joint ventures: Whether or not the system should be changed depends on the Council's goal. If the goal is to maximize the amount of employment and disperse the earning among as many boats as possible, then no change is needed; if the goal is to provide the best market and revenue earning potential for a fewer number of dedicated U.S. catcher boats, then the system needs to be changed. Any system that would attempt to apply subjective criteria to JV access or allocation would be totally unacceptable.

Dave Fraser. If the Council is going to consider a share quota system in joint ventures it would make more sense to allocate to the American partners.

Pete Granger, AHSFA. Doesn't think the Olympic system should be changed even though it's not perfect. Joint ventures are being phased out and any change now would be too little too late. Imposing a change on American joint venture fishermen at this time would be difficult for them when they're trying to convert to DAP.

COUNCIL DISCUSSION AND ACTION

Council members discussed whether this issue should be before the Permit Review Committee or the Council as a whole and decided that since it was an issue of policy it should be dealt with in Council forum. Because the comments received on the draft discussion paper and those received during the Council meeting were not in favor of a change in the status quo, the Council felt there was no need for further action.

Larry Cotter moved that the Council continue to accept alternative proposals to the Olympic system through August 1 with the staff doing a brief analysis of any proposals received and send them out for public review, with a final Council decision at the September meeting. The motion was seconded by Henry Mitchell and failed, 8 to 3, with Cotter, Mitchell and Collinsworth voting in favor.

C-8 Future of Groundfish Management Committee

The Future of Groundfish Management Committee submitted their final report to the Council. They recommended the Council direct staff to "flesh out" the suggested alternatives, including open access, individual quotas (IQs) allocated equally to harvesters and processors, a multi-species limited entry permit system, and a system for trawl groundfish, longline species, and crab where fishermen could choose to fish open access or with IQs. They also recommended that the Council appoint a revised FOG committee to act as a sounding board to the staff and consultants developing the alternatives, that the Council take part in a series of seminars with the industry and interested groups to summarize the thinking and debates of the FOG committee, and recommended the Council approve a cut-off date for participation in the fisheries.

Report of the Advisory Panel

The Advisory Panel recommended the Council not approve a cut-off date and that they not pursue the recommendations of the FOG Committee for further study. They further suggested that future limited access proposals be considered on a case-by-case basis when brought forward by industry.

Public Testimony

Ted West, Key Fisheries Management Group. He is unsure of the effect the Committee's proposals may have on his fishing operation and his corporate investors are asking the same thing. With the displacement of foreign fleets off Alaska a good marketplace for American products has developed and he is concerned whether he will be eligible to catch and process groundfish under any of the limited access alternatives being considered. Until further details have been worked out, he feels uncomfortable supporting any of the alternatives.

Arne Aadland, NPFVOA. The Association is opposed to setting a cut-off date, and does not support limited access in general. If the Council sets a cut-off date, people will be forced into investment decisions without having the time to consider them thoroughly. There are a lot of alternatives other than limited access that warrant consideration.

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Bob Trumble, IPHC. The IPHC has no direct authority to set standards for quality, enforcement or safety which are areas of concern for them. But, they do want to set an environment to minimize these problems as well as managing for the health of the resource. The IPHC is on record supporting the IQ system or a similar system. The Council should also consider the health of the resource, not just how the various options will affect the individual fisherman.

Mick Stevens, ProFish. Although the Committee focused a lot of attention and thought on the report, it still needs more work. The report should be widely distributed to the public. Excess capacity does exist now in the U.S. harvesting sector. If the Council establishes a cut-off date, it should be at this time and used as a tool to be applied if limited access is implemented. If a limited access system is approved, he urged that the cut-off date apply to the harvest section and not to processors at this time.

Ralph Hoard, Halibut Assn of North America. Stressed the need for management regimes that will help ensure quality products.

Molly McCammon, representing Alaska Senator Binkley and Rep. Hensley. The report of the FOG Committee should be viewed as an initial step in the process and not the final document. Needs of western Alaska communities need to be considered.

Dave Fraser. Supports FOG Committee recommendations. Status quo is no option at all because of the rapid development in the groundfish fisheries.

Chris Reilly. The groundfish fisheries are approaching total DAP utilization yet there is no rational plan for management. The Council should set their goals for the fisheries, continue the FOG process, and solicit proposals which do not limit access.

Jon Rowley, FishWorks!. The quality of halibut is becoming a serious problem with retailers; some are refusing to buy any at all because of inconsistent quality. Recommended a task force to deal with the issue and form some recommendations for a solution to the problem.

Ted Evans, AFTA. They oppose going forward with a limited access program for the groundfish fisheries at this time. Asked the Council to reject a cut-off date which could stem the flow of capital for the developing factory trawler segment of the industry. Let market forces operate.

Joe Plesha, Trident Seafoods. Shorebased processors have been mostly skeptical of any limited entry system because of their experiences with license limitation systems for salmon and herring. Any limited access system must be equal to all sectors of the industry, including processors and harvesters. For that reason Trident opposes a cut-off date because it is a first step toward a license limitation system. If the cut-off date applies to at-sea harvesting only, all new entrants to the factory trawler sector would be frozen; if the cut-off date applies to both harvesters and at-sea processors any ills of overcapitalization will be forced on to shorebased processors.

Gary Painter, Oregon. Open access provides the flexibility fishermen need to move from fishery to fishery when the situation warrants.

Stephan Greene, Clearwater Fine Foods, Nova Scotia. Supported the IQ system which they use in his country.

COUNCIL DISCUSSION AND ACTION

Council members agreed that the various alternatives should be fully developed and analyzed for future consideration. Funding such an analysis was of some concern. Larry Cotter suggested that the Universities of Washington, Oregon and Alaska could be contacted to see if someone would use the subject for a doctoral dissertation. Dorothy Lowman also told Council members that a pending S-K project proposes to flesh out the various alternatives proposed by the FOG Committee which could help the process along. Some Council members felt the cut-off date recommendation of the Committee is not viable at this time because more analysis needs to be done to determine specific eligibility criteria.

Bob Mace moved to not set a cut-off date for participation in the groundfish fisheries off Alaska. The motion was seconded by John Peterson and carried, 7 to 4, with Blum, Collinsworth, Cotter, and Winther voting against.

Don Collinsworth moved to adopt recommendations #1, #2, & #3 of the FOG Committee Report Summary. The motion was seconded by John Winther and carried with Rudy Petersen objecting.

The recommendations were as follows:

1. Direct staff to "flesh out" the alternatives including the future under open access.
2. Appoint a revised FOG committee to act as a sounding board to the staff and consultants developing the alternatives.
3. Have the Council take part in a series of seminars with the industry and interested groups. These seminars would summarize the thinking and debates FOG has heard, and the various alternatives.

These recommendations were followed by the following clarifying statements which were to be considered as part of the motion:

Recommendations 1-3 refer to a set of alternatives which FOG believes hold promise. FOG is explicit in stating that they believe status quo/open access should be included in any set of alternatives. The other alternatives should include, but not be limited to:

Groundfish

- a) IQs allocated equally to harvesters and processors
- b) Multi-species permit system for all trawl species
- c) ProChoice where fishermen would choose to fish in an open access or IQ system.

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Longline

- a) ProChoice
- b) Multi-species permit

Crab

- a) ProChoice
- b) Permit system with a buyback program

Henry Mitchell was concerned that the needs of Western Alaska communities had not been addressed and suggested that community quotas should be included in any analysis. Don Collinsworth mentioned that in order to develop a set of explicit eligibility criteria under any cut-off date the new FOG committee should include people familiar with the necessary documents to make a commitment to the fishery.

Mr. Campbell declined to appoint a revised FOG Committee since the Council will have a new chairman in September. The new committee will be formed in the fall.

C-9 Sablefish Management

In April the Council reviewed the results of the sablefish management workshops and selected five major alternatives for further analysis: (1) Status Quo; (2) IFQs; (3) License Limitation; (4) Combination Systems; and (5) Multispecies Longline Fishery. The Council was scheduled to select a preferred management alternative and provide direction to the staff for further analysis, but at the suggestion of John Harville adoption of a preferred alternative was deferred until the September Council meeting.

Report of the Advisory Panel

The AP recommended that all five alternatives go out for public comment after further analysis. They stressed that this does not mean they support a limited access system.

Public Testimony

Bob Alverson, FVOA. Concurs with the AP recommendation to send the alternatives out for public comment over the summer and select a preferred alternative in September. He feels that the dual system under Option 4 is not realistic in terms of administration and enforcement with current NMFS resources and suggested that it should not be sent out for comment.

Linda Kozak, Kodiak Longline Vessel Owners' Assn (KLVOA). Concurred with AP and SSC recommendations for the alternatives to be sent out after a more thorough analysis is conducted by the staff. Also believes Option 4 is too complicated and the cost of implementing it would be prohibitive. Suggested that a workgroup consisting of representatives of longline fishing groups, processors, marketing interests, Council, Halibut Commission, NMFS and ADF&G meet during the week of the September Council meeting to study the feasibility of a pilot multi-species longline fishery program which KLVOA submitted to the Council.

Bob Trumble, IPHC. The IPHC will be exploring alternative management systems for halibut, including a multi-species longline fishery. Before the Council proceeds with any management system he suggests they present it to the Commission because of the impact it will have on the halibut fishery and how it is managed.

COUNCIL DISCUSSION AND ACTION

John Harville suggested several editorial changes and minor revisions to the document, including some expansion of some of the alternatives, so that the document will generate public comments for a thorough discussion in September.

Bob Mace moved to direct Council staff to make the suggested changes to the document, taking into consideration AP comments, and send it out for public review and to put it on the September agenda for review and action. Henry Mitchell seconded the motion, which carried with Rudy Petersen objecting.

C-10 Directed Fishing Definition

In April NMFS reported problems with the directed fishing definition which have resulted in numerous fishing violations and frustrated the industry. The Council asked the Bycatch Committee to review the regulatory problems and develop a new definition. The new definition developed by the Bycatch committee emphasizes retained catch rather than what is caught in the net. They suggested the Council adopt the definition as a regulatory amendment which will sunset on December 31, 1989. The directed fishing problem is on the Council's extended amendment cycle and the Bycatch Committee plans to address it in a more comprehensive bycatch program which should be in place by the time the regulatory amendment expires at the end of 1989.

Report of the Advisory Panel

The AP recommended the Council adopt the Bycatch Committee's definition for a short-term solution.

Public Testimony

Paul MacGregor suggested that changing the "or" in the third sentence of the first paragraph of the definition to "and" would make it more clear.

COUNCIL DISCUSSION AND ACTION

Bob Mace moved to adopt the recommendation of the Bycatch Committee with the change of conjunctions from "or" to "and" in the third sentence of the first paragraph. The motion was seconded by John Peterson and carried with no objection.

The definition was approved as follows:

"Directed fishing means the retention on board a fishing vessel of a quantity of any groundfish species or species group in an amount equal to or greater than the following percentages of the total amount of fish and fish products on board, as calculated in round weight equivalents:

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Bering Sea/Aleutian Islands

- (a) A percentage determined by the Regional Director after consideration of the southern extent of sea ice within the range of 20 percent to 30 percent of pollock while fishing in the Bering Sea subarea from January 1 through March 31;
- (b) Fifty percent of pollock while fishing in the Aleutian Islands subarea; and
- (c) Twenty percent of any other groundfish species while fishing in the Bering Sea and Aleutian Islands management area.

Gulf of Alaska

- (a) Four percent of sablefish caught with hook-and-line gear; and
- (b) Twenty percent of any other groundfish species."

C-11 NMFS Domestic Processor Survey

Janet Smoker, NMFS, reported that 50 companies were sent DAP questionnaires. Because of their news release several new requests were received for inclusion in the survey. A total of 52 companies responded. Respondents were asked to include their actual first-quarter performance. As a result of the data gathered NMFS transferred from Bering Sea reserves 195,000 mt of pollock to JVP and 10,000 mt of Other Flatfish to DAP.

Public Testimony

M. Hamaya, North Pacific Longline Association of Japan. Provided the Council with a report on their cooperative projects with western Alaska fishermen and the U.S. industry for 1988. He requested 25,000 mt Pacific cod be allocated to them for the second half of the year, with 5,000 mt being made available as soon as possible for two vessels travelling to Norton Sound to buy salmon from the KEG Fishermen's Co-op. Without this allocation the venture will be uneconomical for the NPLA.

COUNCIL DISCUSSION AND ACTION

Jim Brooks said that they will do another survey in August and assess DAP performance later that month. He doesn't anticipate any adjustments in allocations prior to the next survey.

Larry Cotter said he hoped the Region would confer with the Council before releasing any pollock in the Gulf to JVP. Mr. Brooks responded that in the event that some decision is needed before the September Council meeting he will contact the Chairman and other Council members to let them know the situation.

Don Collinsworth said that if there is a true surplus of cod it should be allocated to the NPLA for their contributions.

No action was taken on the request for allocation because several Council members were concerned that it was not advertised as an agenda item.

D. FISHERY MANAGEMENT PLANS

D-1 Salmon FMP

The Council was provided with a discussion paper and updated draft FMP prior to the meeting. The issues paper outlined several points which need clarification before the draft FMP can be completed.

COUNCIL DISCUSSION AND ACTION

Council members are still concerned about the time and effort being put into revision of the Salmon FMP when the fishery is essentially being managed through the Pacific Salmon Commission. After considerable discussion they asked the plan team to revise the plan to bring it into conformity with the Pacific Salmon Treaty and management of inshore salmon fisheries by the Alaska Department of Fish and Game.

D-2 King and Tanner Crab FMP

The Crab Management Committee presented the draft FMP and its accompanying analysis and regulations and recommended they go out for public review. The FMP had been revised slightly since the last meeting, and it now had the unanimous support of the Committee.

Report of the Scientific and Statistical Committee

The SSC approved the package for public review with some editorial changes.

Report of the Advisory Panel

The AP voted unanimously to send the draft FMP package out for public review.

Public Testimony

Ken Larson, NPFVOA. His association supports the current draft which provides more Council oversight and appeals procedures (compared to earlier drafts) and represents a partnership between state, federal and industry interests. They recommend sending the plan out for public review.

Arni Thomson, Alaska Crab Coalition. They support the draft plan as it stands with federal oversight mechanisms included. He also encouraged that the industry advisory group mandated in the plan be just that - composed of industry representatives.

COUNCIL DISCUSSION AND ACTION

Joe Blum moved to approve the draft King and Tanner Crab FMP and associated analyses and regulations, with editorial changes suggested by the SSC, for public review. The motion was seconded by Bob Mace and carried with no objection.

There was some discussion of whether industry would be willing to pay their own expenses to participate in the advisory committee. Arni Thomson indicated that he thought they would.

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D-3 Gulf of Alaska Groundfish FMP

At the April Council meeting Amendment 17 to the Gulf of Alaska Groundfish FMP was approved for public review. The amendment issues, along with the proposed alternatives, are:

- (1) Delay the opening of the longline sablefish fishing season by either a plan amendment or a framework procedure.

Alternative 1: Maintain the status quo.

Alternative 2: Move the sablefish longline fishery opening date to May 1.

Alternative 3: Move the sablefish longline fishery opening date to July 1.

Alternative 4: Prohibit directed sablefish fishing with longline gear at depths less than 500 m.

Alternative 5: Establish a fishing season framework procedure for the annual setting of sablefish longline fishing seasons (date specific only), which would include an analysis to determine if the setting of seasons had any allocative impact.

- (2) Require all vessels receiving groundfish caught in the U.S. EEZ to have federal permits and report catch weekly.

Alternative 1: Maintain the status quo.

Alternative 2: Require all U.S. vessels receiving EEZ-caught fish to have a federal permit and comply with weekly reporting requirements.

Report of the Scientific and Statistical Committee

Proposal 1: Sablefish Seasons. Data are extremely limited to determine the best choice of an opening date for the sablefish longline fishery. The SSC recommends that Alternative 5, a framework measure utilizing a notice procedure, be pursued as an FMP amendment. If problems occur with approval of the amendment by the Dept. of Commerce, the SSC supports an alternative framework approach where regulatory amendments instead of notices are used to implement season changes.

Proposal 2: Federal permits for all vessels receiving groundfish caught in the U.S. EEZ. The SSC supports Alternative 2 which would require all vessels receiving groundfish from the EEZ to have a federal permit regardless of processing location.

Report of the Advisory Panel

Proposal 1: Sablefish Seasons. The AP recommended that the Council delay action on the longline sablefish season opening date until the September

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meeting. The September action would focus on two alternatives to be implemented by plan amendment:

- (a) Maintain the status quo, a single season beginning on April 1.
- (b) A split season, with openings on April 1 and September 1, and with 50% of the directed sablefish TAC apportioned to each season.

The Advisory Panel requested that the framework procedure (Alternative 5) be strengthened to answer NMFS' criticisms and that it be resubmitted for the 1989 amendment cycle. The framework analysis should explore alternative methods of implementing changes (i.e., regulatory amendments, etc.)

Proposal 2: Federal permit requirements. The AP recommended approval of Alternative 2 which would require all vessels receiving groundfish from the EEZ to have a federal permit regardless of processing location.

Public Testimony. Public testimony on all groundfish items is found in Appendix I to these minutes.

COUNCIL DISCUSSION AND ACTION

John Winther moved to accept the Advisory Panel's recommendation in regard to Proposal 1 (sablefish season opening date). The motion was seconded by Bob Mace. Bob Mace moved to amend the motion to include analysis of split harvests with 25, 50, and 75% of the directed sablefish TAC being made available during the second opening. The motion to amend was seconded by Henry Mitchell and carried with John Winther objecting. The main motion, as amended, carried with no objection.

The final motion follows:

Delay action on the longline sablefish season opening date until the September meeting. The September action would focus on the following alternatives to be implemented by plan amendment:

- (a) Maintain the status quo, a single season beginning on April 1.
- (b) A split season, with openings on April 1 and September 1, with 25%, 50%, and 75% of the directed longline sablefish quota being apportioned to the fall season.

The staff and plan team are to continue to strengthen the framework procedure (Alternative 5) to and resubmit it for the 1989 amendment cycle. The framework analysis should explore alternative methods of implementing changes (i.e., regulatory amendments, etc.)

Bob Mace moved to approve Proposal 2, Alternative 2 (Require all U.S. vessels receiving EEZ-caught fish to hold a federal permit and thus would have to comply with weekly reporting requirements). The motion was seconded by Rudy Petersen and carried with no objection.

Craig O'Connor, NOAA-GC, told the Council there may be some legal impediment to imposing a federal permit for vessels not fishing in the U.S. EEZ but that reporting requirements could be imposed without using permit regulations. However, since the Council had previously been advised by NOAA-GC that it

meeting. The September action would have two alternatives to be implemented by plan amendment:

- (a) Maintain the status quo, a single season beginning on April 1.
- (b) A split season with openings on April 1 and September 1, and with 50% of the directed catch TAC reported as to each season.

The Advisory Board expressed that the framework procedure (Alternative 2) be strengthened to appear more detailed and that it be reworked for the 1989 amendment cycle. The framework analysis should explore alternative methods of implementing changes (i.e., regulatory amendments, etc.)

Proposed 2: Federal permit requirements. The AA recommended approval of Alternative 2 which would require all vessels receiving permits from the REC to have a federal permit regardless of processing location.

Public Testimony. Public testimony on all amendments is to be held in Appendix 1 to these minutes.

COUNCIL DISCUSSION AND ACTION

John Wineman moved to accept the Advisory Panel's recommendation in regard to Proposal 1 (split season opening date). The motion was seconded by Bob Hovee. Bob Hovee moved to amend the motion to include analysis of split seasons with 25, 50, and 75% of the directed catch TAC being made available during the second opening. The motion to amend was seconded by Henry Mitchell and carried with John Wineman opposing. The main motion, as amended, carried with no objection.

The final motion follows:

Delay action on the longline additional season opening date until the September meeting. The September action would focus on the following alternatives to be implemented by plan amendment:

- (a) Maintain the status quo, a single season beginning on April 1.
- (b) A split season, with openings on April 1 and September 1, with 25%, 50%, and 75% of the directed longline additional catch being apportioned to the fall season.

The staff and plan team are to continue to strengthen the framework procedure (Alternative 2) as and comments in the 1989 amendment cycle. The framework analysis should explore alternative methods of implementing changes (i.e., regulatory amendments, etc.)

Bob Hovee moved to approve Proposal 2 (Regulatory Alternative 2) which would be to require all vessels to hold a federal permit and the vessel to comply with weekly reporting requirements. The motion was seconded by Henry Mitchell and carried with no objection.

Eric O'Connor, NOAA-GC, told the Council that there may be some legal impediments to imposing a federal permit for vessels not fishing in the U.S. REC but that reporting requirements could be imposed without such permit requirements. However, since the Council had previously been advised by NOAA-GC that the

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could be accomplished, he suggested proceeding with the amendment as approved with the understanding that if it can't be accomplished by a permit then it will be done by NMFS through changes in reporting requirements.

The proposed amendment was presented to the Council along with implementing regulations and language for changes to the FMP for final approval on Friday, June 24. Bob Mace moved to approve the amendment package as submitted. The motion was seconded by Oscar Dyson and carried with no objection.

D-3 Bering Sea/Aleutian Islands Groundfish FMP

At the April meeting the Council approved sending out the following amendment proposals and their alternatives for public review:

- (1) Implement the Bycatch Committee's management program for red king crab, Tanner crab, and halibut bycatch.

Alternative 1: Maintain the status quo.

Alternative 2: Continue Amendment 10 controls indefinitely.

Alternative 3: Implement the Bycatch Committee's framework to annually establish bycatch caps for specific target fisheries, based upon annual assessment of bycatch species' population size and groundfish TACs.

OPTION A: Use specific definitions for target fisheries against which individual bycatch allowances are counted.

OPTION B: Use general target fishery definitions (e.g., DAP trawl, DAP longline, JVP trawl, JVP longline).

Alternative 4: Establish numerical bycatch limits for specific zones in the BS/AI.

- (2) Require all vessels receiving groundfish caught in the U.S. EEZ to have federal permits.

Alternative 1: Maintain the status quo.

Alternative 2: Require all vessels receiving groundfish from the EEZ to have a federal permit regardless of processing location.

- (3) Establish non-retainable groundfish catch limits that are outside the groundfish OY.

Alternative 1: Maintain the status quo.

Alternative 2: Establish non-retainable groundfish bycatch limits, outside the groundfish OY but within each species ABC, that would be allocated to DAP, JVP and TALFF as required in other species target fisheries.

Alternative 3: Establish non-retainable groundfish bycatch limits that are not within the groundfish OY for groundfish species applicable only to JVP and foreign fisheries (i.e., no specific limit to DAP bycatch of non-targeted groundfish).

- (4) Remove July 1 deadline for Resource Assessment Document.

Alternative 1: Maintain the status quo.

Alternative 2: Remove July 1 deadline, but maintain Council policy to require draft RAD prior to September meeting and final RAD prior to December meeting.

- (5) Prohibit joint venture targeting on roe-bearing rock sole.

Alternative 1: Maintain the status quo.

Alternative 2: Prohibit the retention of more than 30% rock sole by joint ventures between January 1 and April 1 (rock sole spawning season).

Alternative 3: Create separate TAC for rock sole and apportion on a split-season (spawning and non-spawning) basis.

- (6) Revise the upper limit to the optimum yield (OY) range.

Alternative 1: Maintain the status quo.

Alternative 2: Set the upper limit to the OY range equal to the annual sum of estimates for acceptable biological catch (ABC).

Option A: Sum of ABCs.

Option B: 90% of sum of ABCs.

Option C: 5% maximum increase per year up to sum of ABCs.

Alternative 3: Set the upper limit to the OY range equal to the estimate of maximum sustainable yield (MSY) for the groundfish complex.

Option A: Groundfish complex MSY.

Option B: 85% of groundfish complex MSY.

Option C: 5% maximum increase per year up to complex MSY.

Public Testimony on groundfish items is found in Appendix I to these minutes.

Report of the Scientific and Statistical Committee

See Appendix II for more specific comments.

- (1) Implement the Bycatch Committee's management program for red king crab, Tanner crab, and halibut bycatch.

The SSC reviewed the pros and cons of each alternative (see SSC Minutes, Appendix II for specific comments). They noted that the choice of alternatives for establishing bycatch limits is strictly an allocation issue at the present time; however, they indicated a strong preference for Alternative 3 because of its coverage of all groundfish fisheries and sensitivity to change in stock status of crab bycatch species. Alternative 3, Option A, presents complex implementation barriers but better addresses allocation concerns. A middle ground between Option A and Option B could be considered.

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- (2) Require all vessels receiving groundfish caught in the U.S. EEZ to have federal permits.

The SSC supports Alternative 2, which would require all vessels receiving groundfish from the EEZ to have a federal permit regardless of processing location.

- (3) Establish non-retainable groundfish catch limits that are outside the groundfish OY.

The SSC could not specifically recommend any alternative because it could not ascertain whether the problem was severe enough at present to warrant the complex and expensive solutions proposed. The SSC has repeatedly expressed the need for monitoring and accounting for total fishery removals and the full consideration of those in determination of ABC and in making projections of future abundance. They noted that Alternatives 2 and 3 address the problem of the single species rule not applying to foreign fisheries, and that under Alternative 1 a regulatory amendment could be developed to extend the single species rule to foreign fisheries.

- (4) Remove July 1 deadline for Resource Assessment Document.

The SSC supports Alternative 2 - Remove July 1 deadline and supports the draft Council policy on RADs for groundfish FMPs.

- (5) Prohibit joint venture targeting on roe-bearing rock sole.

If the Council's intention is to preserve the fishery and markets for roe-bearing rock sole that have been established by the DAP sector, then Alternative 3 should be adopted, with catches constrained within the alleged market demand of 15,000 to 20,000 mt. Regardless of any other action the Council may take on this issue, the SSC recommends taking rock sole out of the "other flatfish" category so that removals can be directly monitored.

- (6) Revise the upper limit to the optimum yield (OY) range.

The SSC does not support using the sum of the ABCs to set the upper end of the OY range because they believe that ABCs must be completely separate from allocation concerns. They did not have a recommendation on a specific value of the upper limit or a choice between Alternatives 1 and 3. In setting an OY the SSC recommends the Council take into consideration concerns regarding fishing in the international zone, illegal fishing, a lack of an observer program for the DAP fisheries, the lack of controls on bycatch, and declines in marine mammals and seabirds.

Report of the Advisory Panel

- (1) Implement the Bycatch Committee's management program for red king crab, Tanner crab, and halibut bycatch.

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The AP recommended that the Council accept the Bycatch Committee's recommendation of Alternative 3, Option A, explicitly including the pollock bottom trawl fishery. The AP assumed the closed area of 160°-162° will remain closed.

- (2) Require all vessels receiving groundfish caught in the U.S. EEZ to have federal permits.

The AP recommended that the Council require all vessels receiving groundfish in the U.S. EEZ to have federal permits.

- (3) Establish non-retainable groundfish catch limits that are outside the groundfish OY.

Based on the evaluations of the SSC, the AP recommended that the Council maintain the status quo since non-retainable catch limits may be unnecessary.

- (4) Remove July 1 deadline for Resource Assessment Document.

The AP recommended the Council remove the July 1 RAD deadline.

- (5) Prohibit joint venture targeting on roe-bearing rock sole.

The AP recommended that the Council:

- (a) Prohibit joint venture targeting on roe-bearing rock sole until April 1. This assumes the current definition of directed fishing (i.e., 20% retention).

- (b) Establish a separate TAC for rock sole.

- (6) Revise the upper limit to the optimum yield (OY) range.

The AP recommended the Council allow the upper limit of the OY range to increase by a maximum of 5% per year up to 2.205 million mt.

COUNCIL DISCUSSION AND ACTION

- (1) Implement the Bycatch Committee's management program for red king crab, Tanner crab, and halibut bycatch.

Alternative 3, Option A, was the preferred option; however, because of its complexity there was considerable discussion on the feasibility of implementing it. There was also concern on the part of some Council members over the total crab and halibut bycatch that would be allowed with the 1% and 3,900 mt caps on (C. bairdi) and (halibut), respectively.

Jim Brooks said that the Regional Office staff has looked at the problem of implementing Options A and B and feels that they cannot implement Option A at this time because they do not have the staff or computer availability to monitor the large number of parameters that would be included. Also, the Coast Guard communication system would not be capable of handling the increased volume of traffic that would be associated with Option A. They may be able to handle Option B although there are some problems there, too. One

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aspect would be the need to develop framework regulations to give the Regional Director the authority to take action in the event that a PSC cap is approached.

Larry Cotter, Craig O'Connor, Don Collinsworth, Joe Blum, Jim Brooks and Denby Lloyd were asked to meet and develop possible motions for action on this proposal.

Larry Cotter reported on the group's discussion and recommendation. They prefer Option A but recognize the difficulties NMFS has logistically and economically in terms of implementing it. They developed a concept where the Council would adopt Option A, phasing it in over a length of time depending on availability of economic resources, data, and other needs. At each December Council meeting the Council, in consultation with the Regional Director, would determine how much additional phase-in from Option B to Option A would occur during the next year. The cap figures for crab and halibut would be retained in Option A and would serve as the upper bounds, but in December the Council would determine a PSC cap for each of the bycatch species dealt with - C. bairdi, red king crab and halibut - and would apply those caps against the particular fisheries or fishery groups being managed. The cap would be broken out for JVP and DAP so they would each receive their own portion of the cap.

If the Council adopts this recommendation, the Bycatch Committee would meet with NMFS representatives, Council staff and NOAA General Counsel to begin work on developing the accompanying regulations which would then be forwarded to Washington, DC with the amendment package.

John Peterson moved to adopt the following recommendations of the Council subgroup:

- (a) Adopt Alternative 3 with framework provisions for the Council to annually define affected target fisheries, ranging from general DAP and JVP gear classes to those more specifically defined by species composition.
- (b) Assure that the pollock bottom trawl fishery is included as a target fishery subject to halibut PSC limits.
- (c) Assure that the closed area between 160° and 162°W, south of 58°N, remains closed with the exception of the Pacific cod trawl fishery inside 25 fathoms.

The motion was seconded by Bob Mace.

Henry Mitchell moved to amend the motion to allow specification by the Council of annual aggregate bycatch caps within the upper bounds of 1% of the C. bairdi population, 0.75% of the Zone 1 red king crab population estimate, and 3,900 mt of halibut. Individual target fishery PSC limits would also be established annually for each bycatch species and the Regional Director would have discretion to manage each fishery to assure that no PSC limit is exceeded. However, if the limit were reached, the Regional Director may provide additional prohibited species within the constraints of the overall caps with the Council's concurrence. The motion to amend was seconded by John Winther and failed, 6 to 5, with Brooks, Collinsworth, Cotter, Mitchell and Winther voting in favor.

agreed would be the need to develop framework regulations to give the Council
directed the authority to take action in the event that a 150 cap is
imposed.

Larry Connor, Craig O'Conor, Don Collinsworth, Les Smith, Jim Brooks and Terry
Hays were asked to meet and develop possible actions for action in this
proposal.

Larry Connor reported on the group's discussion and recommendations. They
have reported the difficulty of the 150 cap. The 150 cap is not
economically sound in terms of equipment for the fishery. They also
would report that the 150 cap is not a concept which is
- viability of economic resources, data, and other needs. At each
meeting the Council in consultation with the Regional Director, would
determine how such a cap would be phased in from 1988 to 1990. A
cap of 150 would be maintained for each year. The cap figures for each
year would be determined by the upper board, but in between the board
would determine a 150 cap for each of the years. Specific details
would be determined and would apply those caps against the
particular fisheries or a group being managed. The cap would be
one for 150 and 150 as they would each receive their own portion of the cap.

If the Council agrees this recommendation, the Regional Director would meet
with WMS representatives, Council staff and NOAA General Counsel to begin
work on developing the accompanying regulatory which would then be
submitted to Washington, DC with the amendment package.

John Peterson moved to adopt the following recommendations of the Council
to the group:

(a) Adopt Alternative 3 which framework provisions for the Council to
annually define affected target fisheries, ranging from general GAF and
150 cap classes to those more specifically defined by species
composition.

(b) Assume that the 150 cap would be included as a target
fishery subject to 150 limit.

(c) Assume that the closed area between 150° and 153°W, south of 38°N,
remains closed with the exception of the Pacific halibut fishery. Halibut
15 fishery.

The motion was seconded by Bob Hays.

John Peterson moved to amend the motion to allow modification of the Council
of annual aggregate 150 cap within the upper board or the 150 cap
total population, 0.75% of the Zone I and II cap population, and
3,000 mg of halibut. Individual target fisheries and limits would also be
established annually for each bycatch species and the Regional Director would
have discretion to manage each fishery to ensure that no 150 limit is
exceeded. However, if the limit were reached, the Regional Director may
provide additional protected species within the context of the overall
cap with the Council's concurrence. The motion to amend was seconded by John
Watson and called, 6 to 2, with Brooks, Collinsworth, Connor, O'Conor and
Watson voting in favor.

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The main motion carried, 8 to 3, with Collinsworth, Mitchell, and Winther voting against.

Staff was asked to prepare amendment language for Council review and approval on Friday.

On Friday, Denby Lloyd reviewed the proposed language and asked that the plan team and staff have the latitude to change the wording, if necessary, to more completely reflect the Bycatch Committee's proposal.

John Peterson moved to approve the proposal as prepared, allowing the plan team latitude to make changes which will accommodate the Bycatch Committee's recommendations. The motion was seconded by Rudy Peterson and failed, 6 to 5, with Blum, Brooks, Mitchell, R. Petersen and J. Peterson voting in favor.

Larry Cotter suggested that because of the considerable questions and discomfort with the proposal that the proposal could be delayed to allow the Bycatch Committee to reconvene to review the portion of the proposal which deals with the bycatch caps. Council members agreed to this approach.

- (2) Require all vessels receiving groundfish caught in the U.S. EEZ to have federal permits.

Bob Mace moved to approve Alternative 2, to require all vessels receiving groundfish caught in the U.S. EEZ to have federal permits. The motion was seconded by Henry Mitchell and carried with no objection.

Final FMP language and regulations for the above proposal were approved on Friday, June 24.

- (3) Establish non-retainable groundfish catch limits that are outside the groundfish OY.

Bob Mace moved to approve Alternative 1, status quo, with the additional requirement that a regulatory amendment be prepared to provide bycatch for TALFF. The motion was seconded by Henry Mitchell and carried with no objection.

Larry Cotter suggested that the Council needs to provide some direction to NMFS that they should begin to determine in advance the bycatch needs for each gear group for particular species and manage the TACs for those species to accommodate the bycatch needs of other fisheries.

Later in the meeting, clarification was offered on current regulations and, as a result, Jim Brooks moved to reconsider the issue. The motion was seconded by Henry Mitchell and carried with no objection.

After discussion and drafting of language by staff and NOAA-General Counsel, a new motion was offered.

Bob Mace moved to adopt the PSC framework provisions for fully-utilized groundfish species as they exist in the Gulf of Alaska groundfish FMP and regulations. The motion was seconded by Jim Brooks and carried with no objection.

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Final amendment language and regulations for the above motion were approved on Friday, June 24.

- (4) Remove July 1 deadline for Resource Assessment Document.

Bob Mace moved to approve Alternative 2, to remove the July 1 RAD deadline, but maintain Council policy to require a draft RAD prior to the September meeting and final RAD prior to the December meeting. The motion was seconded by Don Collinsworth and carried with no objection.

- (5) Prohibit joint venture targeting on roe-bearing rock sole.

John Peterson moved to approve the Advisory Panel's recommendation:

- (a) Prohibit joint venture targeting on roe-bearing rock sole until April 1. This assumes the current definition of directed fishing (i.e., 20% retention).
- (b) Establish a separate TAC for rock sole.

The motion was seconded by Rudy Petersen and failed, 9 to 2, with R. Petersen and J. Peterson voting in favor.

Concerns of Council members included the wastage of rock sole by reducing the retention rate from 30% to 20% and whether or not there would be an economic benefit from this alternative.

Larry Cotter moved to adopt Alternative 3, "Create a separate TAC for rock sole and apportion on a split-season (spawning and non-spawning) basis." The motion was seconded by Henry Mitchell and failed, 7 to 4, with Cotter, Blum, Mitchell and J. Peterson voting in favor.

Larry Cotter moved to create a separate TAC for rock sole. The motion was seconded by Henry Mitchell and carried with no objection.

Craig O'Connor pointed out that this can be done through a regulatory amendment by Council direction.

The final amendment language was approved on Friday, June 24.

- (6) Revise the upper limit to the optimum yield (OY) range.

John Peterson moved to approve the recommendation of the Advisory Panel: to allow the upper limit of the OY range to increase by a maximum of 5% per year up to 2.205 million metric tons. The motion was seconded by Oscar Dyson and failed, 9 to 2, with J. Peterson and Blum voting in favor.

Concerns expressed by the Council included: too much uncertainty and too many unanswered questions to make any adjustment of the cap at this time, need for an observer program, unresolved donut hole issues, bycatch issues, and marine mammal issues, and the unresolved issue of an overall management regime for the groundfish fisheries.

Final management language was approved on Friday, June 24.

(4) Recommendation for Resource Assessment Document.

Bob had moved to approve Alternative 2, to remove the July 1 RAI deadline, but retained Council policy to reduce a draft RAI prior to the September meeting and final RAI prior to the December meeting. The motion was seconded by Don Collier and carried with no objection.

(5) Prohibit joint venture targeting on rock-bearing rock sole.

John Peterson moved to approve the Advisory Panel's recommendation:

(a) Prohibit joint venture targeting on rock-bearing rock sole until April 1. This assumes the current definition of directed fishing (i.e., 20% retention).

(b) Retain a separate TAC for rock sole.

The motion was seconded by Bob Larson and failed, 9 to 2, with J. Peterson and J. Peterson voting in favor.

Geneva of Council members amended the wording of rock sole by adding the retention rate from 20% to 30% and whether or not there would be an increase based on this alternative.

Henry Collier moved to adopt Alternative 2, "Create a separate TAC for rock sole and support on a split-season (opening and non-opening) basis." The motion was seconded by Henry Mitchell and failed, 7 to 4, with Collier, Hum, Mitchell and J. Peterson voting in favor.

Henry Collier moved to create a separate TAC for rock sole. The motion was seconded by Henry Mitchell and carried with no objection.

Don Collier pointed out that this can be done through regulatory amendment by Council decision.

The final management language was approved on Friday, June 24.

(6) Review the upper limit to the optimum yield (OY) range.

John Peterson moved to approve the recommendation of the Advisory Panel: to set the upper limit of the OY range to increase by a maximum of 20 per cent to \$200 million metric tons. The motion was seconded by Oscar Peterson and failed, 9 to 2, with J. Peterson and him voting in favor.

Comments expressed by the Council included: too much uncertainty and too many unanswered questions to make any adjustment of the cap in this case, need for an observer program, alternative about hole issues, beach issues, and marine mammal issues, and the unresolved issue of an overall management regime for the groundfish fisheries.

John Winther moved to retain the status quo. The motion was seconded by Don Collinsworth and carried, 9 to 2, with Mace and R. Petersen voting against.

(b) Approve Resource Assessment Document (RAD) policy.

In response to suggestions from John Peterson, and as a result of Amendment 12, a draft policy for the preparation of the Resource Assessment Document for both the Gulf of Alaska and Bering Sea/Aleutian Islands Groundfish FMPs was developed for Council consideration. The main points of the policy are:

1. A draft RAD will be delivered to the Council family at least five working days prior to the September Council meeting.
2. The final RAD will be delivered to the Council family at least ten working days prior to the December Council meeting.
3. The final RAD will identify any substantive changes from the draft RAD.
4. Both the draft and final RAD will contain a glossary of commonly used technical terms and their acronyms.
5. The final RAD will specifically address questions, posed by the Council at the September meeting, on harvest strategy and risk.

COUNCIL DISCUSSION AND ACTION

John Peterson moved to adopt the draft policy, amended as suggested during Council discussion, for preparation of Resource Assessment Documents for the Gulf of Alaska and Bering Sea/Aleutian Islands Groundfish FMPs. The motion was seconded by Rudy Petersen and carried, as amended, with no objection.

John Peterson said that the document should have definitions in the document, not just a glossary of acronyms. The Council concurred this should be included.

Larry Cotter moved to amend point #5 of the draft policy to require the inclusion in the RAD document of a selection of exploitation rate options which would be accompanied by a chartlet describing what the impact of those rate options might be on the particular species or species groups and would be applied to all species groups for which ABCs are to be developed. The motion to amendment was seconded by Don Collinsworth and carried, with Jim Brooks and John Peterson objecting.

E. FINANCE REPORT

John Winther reported that Finance Committee was briefed on the status of CY 1988 administrative budget and that the level of reduction for the year will not be known until September although it is still estimated to be approximately 6.3%. The Committee was provided with a revised Council budget reflecting areas of possible reduction, including delaying hiring a new staff member and pass-through fund reductions. Travel was reviewed by the Committee. Travel to the International Symposium in Sitka was approved for Don Rosenberg. The Committee also reviewed budgets for 1989 (\$1,374,900) and

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1990 (\$1,423,100), including \$125,000 for special consultants to cover studies needed to implement FOG recommendations.

F. PUBLIC COMMENTS

Minoru Morimoto, Japanese Fisheries Agency. Mr. Morimoto briefed the Council on the actions taken by their government in response to the information gathered by the Alaska Factory Trawlers on illegal fishing by Japanese vessels in the U.S. EEZ in January. The Fisheries Agency imposed confinement penalties of 65 days on the six vessels videotaped plus two more they determined were involved through their own investigation. The Fisheries Agency is also strengthening their enforcement activities and imposing new permit restrictions on their vessels to deter future violations.

G. CHAIRMAN'S REMARKS AND ADJOURNMENT

Chairman Campbell adjourned the meeting at 1:30 p.m. on Friday, June 24.