

# North Pacific Fishery Management Council

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Certified

Chairman

Date

*Don Collinsworth*

*January 16, 1991*

## MINUTES

**92nd Plenary Session  
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL  
June 25-30, 1990  
Anchorage Hilton Hotel  
Anchorage, Alaska  
and  
August 7-9, 1990  
Federal Building  
Juneau, Alaska**

The North Pacific Fishery Management Council met June 25-30, 1990 at the Anchorage Hilton Hotel in Anchorage, and continued August 7-9, 1990 at the Federal Building in Juneau. The Advisory Panel and the Scientific and Statistical Committee met June 25-27 in Anchorage. The Finance Committee met June 29. Members of the Council, Scientific and Statistical Committee, and Advisory Panel attending the meetings are listed below. (No Advisory Panel or Scientific and Statistical Committee meetings were held in Juneau.)

### Council

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

Bob Alverson, Vice Chairman  
Richard Lauber  
Henry Mitchell  
Dave Hanson  
Steve Pennoyer  
John Peterson  
George Herrfurth (did not attend Juneau session)

### NPFMC Staff

Clarence Pautzke, Executive Director  
Steve Davis, Deputy Director  
Judy Willoughby  
Dick Tremaine  
Jim Cornelius  
Chris Oliver (Juneau)

Hal Weeks  
Marcus Hartley  
Helen Allen  
Peggy Kircher  
Gail Peeler

MINUTES  
NPFMC MEETING  
JUNE 1990

Support Staff

Jim Brooks, NMFS-AKR  
Mark Pedersen, WDF  
Earl Krygier, ADFG  
Bob Trumble, IPHC  
Loh-Lee Low, NMFS-AFSC  
Jim Balsiger, NMFS-AFSC  
Ron Berg, NMFS-AKR  
Fritz Funk, ADFG  
John Sease, NMFS-AKR  
Aven Anderson, NMFS-AKR

Jon Pollard, NOAA-GCAK  
Dale Evans, NMFS-AKR  
Dave Flannagan, NMFS-AKR  
Jay Ginter, NMFS-AKR  
Sue Salveson, NMFS-AKR  
Russ Nelson, NMFS-AFSC  
Grant Thompson, NWAFC  
Lisa Lindeman, NOAA-GC  
Lewis Queirolo, NMFS-AFSC

Scientific and Statistical Committee

Richard Marasco, Chairman  
Bill Aron  
John Burns  
Larry Hreha  
Dan Huppert

Doug Eggers, Vice Chairman  
Gordon Kruse  
Don Rosenberg  
Jack Tagart

Advisory Panel

John Woodruff, V. Chair  
George Anderson  
Al Burch  
Phil Chitwood  
Paul Clampitt

Lamar Cotten  
Dave Fraser  
Ed Fuglvog  
Vic Horgan, Jr.  
Pete Maloney

Jay Skordahl  
Harold Sparck  
Dave Woodruff  
Robert Wurm

General Public

Over 125 people attended the Council meeting in Anchorage. The following members of the public signed the attendance register:

Ted Smits  
Lloyd Pederson  
Andy Mullen  
Tim Henkel  
Ole Mathisen  
Linda Kozak  
Thomas Calvin  
Kris Norosz  
Jeff Stephan  
Wally Pereyra  
Michael Mayo  
Robert Morgan  
Mass U. Meya  
Edward Budzinski

Dan Albrecht  
Alexander Galanin  
Paul MacGregor  
Brian McKenna  
David Benson  
Jan Standaert  
Perfenia Pletnikoff  
John Bruce  
Elizabeth Andrews  
Dan Falvey  
Dennis Hicks  
Jacqueline Lindauer  
Bill Orr  
Jay Stinson

Arne Lee  
Naofumi Yoskiike  
Jack Crowley  
Arni Thomson  
Chuck Beach  
Walter Kuhr, Sr.  
Hans Hartmann  
Pete Knutsen  
David Wallen  
Steve Fish  
Charles Hill  
Steve Hughes  
Dan Leithead  
Keith Criddle

MINUTES  
NPFMC MEETING  
JUNE 1990

Gary Westman  
Dean Adams  
Tim Martin  
Neil Sandvik  
Gary Branfeld  
Mark Hill  
Steven Hintz  
Bill Atkinson  
Steve Joner  
Dave Sones  
Mary Brennan  
Andrew Phillstrand  
Eric Olsen  
David Harville  
Deborah Lyons  
James Phillips  
Brian Bigler  
Mark Snigaroff  
Daniel Prokopenoff  
Robert Harrington  
Shari Gross  
Jerry Ball  
Rick Malsed  
David Ericksen  
Mark Lundsten

Marideth Sandler  
Andrew Hillstrand  
Chris Fife  
Stephanie Love  
Tim Henkle  
Vicki Vanek  
James W. Berquist, Jr.  
Michael Woodard  
Dan Hull  
Brian Gregg  
Ron Cignar  
Linda Sargent  
Roger Woods  
Harold Horm  
David Dobbs  
Frank Brown  
Vern Hall  
Gary J. Nelson  
Mel Monsen  
Walter Sargent  
Erling Skaar  
Bruce Robertson  
Laine Welch  
Bill Jacobson  
Michael Lake

Sam O. Hjelle  
Joe Plesha  
Rod Moore  
Michael Maose  
Robert Miller  
John Henderschedt  
Jack Lough  
Kenneth Allread  
Doug Dixon  
R.H. Kinney  
Del Allison  
Chris Blackburn  
John F. Graver  
Bill Lock  
Lloyd Johnanessen  
Peter Block  
Deming Cowles  
D. Benton  
Bruce Buls  
John Dolese  
John Doyle  
Phil McCrudden  
Johnathan Smee  
John Iani  
Steve Finley

In Juneau, the following people signed the attendance register:

Chris Blackburn  
Mao Yoshike  
Jeff Stephan  
Arni Thomson  
Kris Norosz  
Patricia Phillips  
Richard Lundahl  
Charles H. Beardin

Bruce Turriss  
Al Burch  
Deming Cowles  
Doug Dixon  
Linnea Osborne  
Gordon Blue  
Jack Crowley  
Paul MacGregor

Shari Gross  
Roger Woods  
Alexander Galanin, Sr.  
Perfenia Pletnikoff, Jr.  
Bill Arterburn  
Jay Hastings  
John Dolese  
Ole Mathisen

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

The meeting was called to order at 9:10 a.m. on June 25, 1990 by Chairman Don Collinsworth, and recessed at 12:50 p.m. on June 30. The meeting was reconvened at 8:00 a.m. on August 7, 1990 in Juneau, Alaska.

Minutes. The minutes of the April 1990 meeting were approved as submitted.

Agenda. Council members requested that a discussion of the Council's authority to manage U.S. fishing vessels in the Central Bering Sea and a NOAA-GC report on the Council's role relating to safety of fishing vessels in the EEZ be placed on the agenda for discussion. Clarence Pautzke

MINUTES  
NPFMC MEETING  
JUNE 1990

requested Council consideration of a proposed change in the groundfish amendment cycle also be placed on the agenda. The agenda was approved with these additions.

In Juneau, the Council discussed the tentative scheduling of the remaining agenda items and agreed to change the order in which they were taken.

**B. REPORTS**

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

Clarence Pautzke reported on staff projects during the previous two months and recognized staff members from the Council, NMFS-Region, Alaska Fisheries Science Center, ADFG, and IPHC for their work. He also announced that Dr. James Cornelius, of Oregon State University, was been hired to fill the staff economist position. Dr. Pautzke provided a brief update of international fisheries events since the April Council meeting and told Council members that NOAA Assistant Administrator for Fisheries, Dr. William Fox, has announced that he will extend foreign permits through 1990 for transshipment of Donut fish within the U.S. EEZ.

In August, Dr. Pautzke announced that Chris Oliver had been hired to fill the plan coordinator position on the Council staff. Mr. Oliver comes from the Department of Agriculture Economics for Texas A&M University where he was a research associate.

**B-2 Domestic Fisheries Report by ADFG**

Earl Krygier reported on fisheries managed by the State under the joint authority of the Council and Alaska Board of Fisheries. The opilio Tanner crab fishery closed on June 12 in the Western subdistrict when it was projected that the 52 million pound harvest quota would be taken. Approximately 100 vessels, including 16 catcher/processors, fished during the season.

The Southeast demersal shelf rockfish fishery closed with only about one-third of the TAC harvested when the Gulf of Alaska was closed to all hook and line gear because the halibut bycatch cap had been reached. The State advised they would ask that the fishery be reopened considering the extremely low halibut bycatch which occurs in the demersal shelf rockfish fishery.

The Southeast and Yakutat troll fishery harvest quota is 302,000 chinook, plus a hatchery add-on estimated at about 21,400 fish. The winter harvest was 33,000 chinook. In June, an experimental troll opening at Carrot Inlet, Cross Sound, Little Port Walter and Medvejii, yielded 1,200 fish. The Alaska hatchery terminal access fisheries provided an additional 8,500 chinook during the first opening, June 5-7.

**B-3 NMFS Management**

Dale Evans reported on catches to date for the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries. In the Bering Sea/Aleutian Islands, the catch to date for the joint venture yellowfin sole was 65,000 mt, leaving approximately 100,000 mt of quota. For "other flatfish," 17,000 mt had been harvested out of the 41,000 mt TAC; the fishery was to be reopened within the week with a remaining halibut bycatch quota of slightly over 20 mt. For pollock, the catch was 615,000 mt of the 1.73 million mt quota; for Pacific cod, 110,000 mt had been harvested out of the 193,000 mt quota. The rock sole fishery had harvested 20,000 mt out of the 51,000 TAC when the fishery closed

in Zones 1 and 2H because of bycatch. For Atka mackerel, the 18,000 mt quota was augmented with a 3,150 mt reapportionment allowing a harvest of approximately 20,500 mt and 500 mt for bycatch. In the Gulf of Alaska, 38,400 mt of pollock were taken in the first and second quarters and 52,000 mt of Pacific cod was harvested out of the TAC of 90,000 mt.

Mr. Evans also reported on halibut bycatch in the Gulf of Alaska and Bering Sea/Aleutian Islands trawl and longline fisheries, noting that managing the fisheries has been difficult because forecasting a trend in bycatch species is almost impossible.

#### B-4 Enforcement

In June the Coast Guard seized the U.S. fishing vessel ALASKA MIST as a result of information compiled during Coast Guard and NMFS enforcement actions in 1989. An investigation by NOAA General Counsel revealed several violations, including fishing for sablefish prior to the season opening in the Gulf of Alaska, failure to send a begin message prior to fishing and failure to submit Alaska fish tickets within one week of landing, exceeding the sablefish bycatch limit on several occasions, failure to return prohibited species to the sea with minimum damage, and several administrative-type violations. The vessel was released on a \$1 million bond.

During the period April 1 to June 15 the Coast Guard also seized a Japanese vessel and a Soviet vessel for fishing inside the U.S. EEZ. Settlements of \$900,000 and \$260,000, respectively, were reached between the U.S. and vessel owners. Additionally, the Coast Guard sighted one South Korean, two Polish, and four Japanese vessels fishing illegally within the U.S. EEZ. There were a total of 2,062 sightings of foreign fishing vessels in the Central Bering Sea "donut" area between April 1 and June 15.

The National Marine Fisheries Service reported 15 investigations for violations of the MFCMA, 14 investigations for violations of the Pacific Halibut Act, and three investigations for violations of the Endangered Species Act during the period April 1 - June 15.

### COUNCIL DISCUSSION

Council members noted the large increase in foreign vessels sighted in the donut area of the Bering Sea and expressed concern over the lack of catch data and other accounting records.

#### B-5 Marine Mammal Report by NMFS

##### (a) Marine Mammal Protection Act Amendments

John Sease, NMFS-Alaska Region, briefed the Council on progress by NMFS in developing guidelines for a permanent regime to govern the taking of marine mammals by commercial fisheries.

##### (b) Status of Steller Sea Lions

John Sease advised that the interim emergency rule listing Steller sea lions as a threatened species has been published in the Federal Register and will be in effect for 240 days. NMFS plans to implement an initial final rule before that time, which essentially will extend the emergency regulations. They plan to follow that with a more comprehensive plan for protection of the species. An eleven-member recovery team is working on a draft recovery plan. Any federal actions which may

MINUTES  
NPFMC MEETING  
JUNE 1990

affect Steller sea lions will have to be accompanied by an environmental assessment and biological opinion to determine whether the action will have a detrimental effect on the Steller sea lion. NMFS has developed information and education programs to advise the public, especially the fishing industry, of the threatened status of the Steller sea lion and about the implications of the designation.

**C. NEW OR CONTINUING BUSINESS**

**C-1 Legislative Update**

A written status report on Magnuson Act reauthorization and seafood inspection activities was provided in the meeting notebooks. There was no oral report or Council discussion on this agenda item.

**C-2 Domestic Observer Program**

The Council received a status report from the National Marine Fisheries Service (NMFS) on the federal domestic observer program. In general the program has been running smoothly during its first year, but some problems exist. Specifically, these problems deal with the questioned need for observer coverage at processing plants which process only low volumes of groundfish, the public sharing of bycatch data, and payment of observer insurance coverage. It is anticipated that there will be other areas of the program needing refinement as NMFS gains further experience with the program. NMFS staff is considering four changes for 1991:

- 1) Deletion of the 1,000 to 10,000 mt and the 10,000 mt annual thresholds for requiring observers in shorebased processors but retention of the monthly thresholds of 500 mt (to receive 30% observer coverage) and 1,000 mt (to receive 100% coverage).
- 2) Adoption of the same requirements for mothership processors and floating processing vessels as for shorebased processors.
- 3) Require vessel operators participating in the groundfish fishery to agree to allow observed bycatch rates of prohibited species to be released for public information on an individual vessel basis.
- 4) Revise the definition of an observer trip to mean days during which fishing activity occurs.

**COUNCIL DISCUSSION AND ACTION**

Council members discussed the problem areas with the observer program and agreed that it may be too early in the program to make definitive assessments as to its operation. They were concerned with recent discussions regarding conflict of interest on the part of contractors and agreed to take it up in Executive Session because of the proprietary information involved. A more general discussion of the subject may be taken up in September. The Council also requested that NMFS consider a requirement for a designated level of insurance coverage for each observer, paid by the observer contractor.

**Bob Mace moved to request that NMFS proceed to develop a rule incorporating the five concerns listed above. The motion was seconded by Oscar Dyson and carried 8 to 3, with Blum, Hegge and Mitchell voting against.**

The Council will have the opportunity to comment on the rule during the September Council meeting which will coincide with the Secretary's public comment period.

Bob Alverson again suggested that NMFS develop some method to allow cost-sharing among vessels in the 30% coverage category.

**Bob Alverson moved that vessels within the category requiring 30% coverage be allowed to pool and share costs so that vessels that cannot accommodate an observer can meet their coverage requirements and be able to fish. No more than one vessel that cannot accommodate an observer would be allowed in the pool and the observer would be allowed to transfer among vessels in the pool as required. The motion was seconded by Henry Mitchell.**

Mr. Alverson defined "pool" as a cost-sharing group of vessels. His intent was that vessels could not have a designated observer vessel; the observer would be able to transfer freely among the vessels in the pool. Steve Pennoyer suggested that the concept would need further definition and that he was not sure of what impact it would have on data collection. **The motion was amended with the concurrence of the maker and second to request that NMFS begin to develop, based on Council discussion, a "pool" concept for further discussion in September. The motion carried with no objection.**

Bob Alverson pointed out some instances where observers were unsuited to the vessel to which they were assigned and other concerns of vessel owners. He stressed that vessel owners should not be penalized for lack of observer coverage when they are unable to comply because of circumstances beyond their control.

**Bob Alverson moved to request that the Secretary of Commerce recognize the authority of the master of a vessel to refuse an observer if it is determined that the individual is a risk to himself or the crew. The motion was seconded by Ron Hegge.**

Steve Pennoyer said it was unlikely that a vessel owner would be prosecuted in such instances. This type of problem should be avoided by observer training. He suggested that the action requested by Mr. Alverson would be hard to implement because it would be very difficult to establish specific criteria by which to judge; each incident would have to be handled individually. He suggested that any such problems with unsuitable or unqualified observers should be reported to the program director.

**Mr. Alverson withdrew the motion, stating that he felt it was important for the Council and NMFS to be aware of these instances.**

Another topic of Council discussion was the vessel size limit for the 30% coverage category. Mr. Alverson pointed out that vessels 55' to 55.9' LOA comprise a large portion of the hook-and-line operations and account for a large portion of the hook-and-line harvests, but under current regulations these vessels are not being covered under the observer program.

MINUTES  
NPFMC MEETING  
JUNE 1990

**Bob Alverson moved that the lower size limit for the 30% observer coverage category be reduced from 60' to 54' LOA. The motion was seconded by Ron Hegge and carried with no objection.**

As with the earlier observer program points, NMFS was asked to analyze this issue, possibly as a regulatory amendment) and bring it back for Council review in September.

**C-3 Pollock Roe-Stripping/Season Apportionment Amendment**

The Council was scheduled to take final action on Amendment 19/14 to the Gulf of Alaska and Bering Sea/Aleutian Islands groundfish plans. Five alternatives were under consideration:

1. Do nothing; maintain the status quo.
2. Prohibit the practice of roe-stripping in the pollock fisheries in the Gulf of Alaska and Bering Sea/Aleutian Islands, or portions thereof.
3. Require full utilization in the pollock fisheries in the Gulf of Alaska and Bering Sea/Aleutian Islands, or portions thereof.
4. Establish a seasonal apportionment schedule for pollock in the Gulf of Alaska and Bering Sea/Aleutian Islands, or portions thereof, and perhaps restrict the Gulf pollock trawl fishery to midwater gear.
5. Prohibit pollock roe stripping and implement a seasonal apportionment schedule for pollock in the Gulf of Alaska and Bering Sea/Aleutian Islands, or portions thereof, and perhaps restrict the Gulf pollock trawl fishery to midwater gear (a combination of Alternatives 2 and 4).

The following measures, included in Alternatives 4 and 5 above, are identified as separate alternatives in the draft regulations prepared for Council review:

**Alternative 6:** Prohibit pollock fishing during the roe season in the Gulf of Alaska and Bering Sea/Aleutian Islands, or portions thereof.

**Alternative 6a:** Establish separate TACs for pollock fishing during the roe and non-ro seasons in both areas, and restrict all Gulf of Alaska pollock trawl fisheries to the use of midwater gear.

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

**Report of the Advisory Panel**

Because this agenda item was held over from the April meeting, there was no additional Advisory Panel recommendation. However, the AP's recommendations in April were as follows:

- (1) Establish a quarterly apportionment schedule for the pollock TAC in the Gulf of Alaska or portions thereof.
- (2) Maintain a separate TAC on the Shelikof winter pollock fishery.



- (3) Prohibit the practice of roe-stripping of pollock in the Gulf of Alaska and Bering Sea/Aleutian Islands.
- (4) Establish a seasonal TAC apportionment schedule for pollock in the Bering Sea/Aleutian Islands or portions thereof. Allocate the TAC between the roe and non-roe season.

They also recommended that the Council define roe-stripping using Option 1 in the proposed regulations which uses product recovery rates to back calculate to round weight equivalent.

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

Because they did not receive the summary statement for the RIR and comments prepared in response to questions raised by the Council and public until they arrived at this meeting, there was no time for review. Therefore, the SSC had no further comment on this issue.

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

**Rick Lauber moved that the Council (1) prohibit roe-stripping of pollock in the Gulf of Alaska and in the Bering Sea/Aleutian Islands regulatory areas; (2) that the flesh of pollock taken commercially shall not be wasted, but be utilized for human consumption to the fullest extent possible; (3) that the Council separate the pollock TAC into two components: a roe-bearing and non-roe bearing component; the percentage of the TAC allocated to each component shall be determined annually at the December Council meeting; and (4) in the Gulf of Alaska the TAC will be allocated such that one-third of the non-roe bearing TAC is released prior to the roe period, and the remaining non-roe TAC is divided into two equal periods during the remaining portion of the year. The motion was seconded by Larry Cotter.**

For clarification, Mr. Lauber offered the following:

"Flesh" means all muscular body tissue surrounding the skeleton and that "waste" means the failure to use the flesh of pollock for human consumption where possible and practical, or if not - toward reduction to meal, production of food for domestic animals or fish, or scientific, display, or educational purposes; "waste" does not include normal, inadvertent loss of flesh associated with processing that cannot be prevented by practical means.

Mr. Lauber said the motion was designed to parallel Alaska's new regulations prohibiting roe-stripping. Steve Pennoyer pointed out that some clarification will be needed, e.g., the roe-bearing season differs from year to year.

**Bob Alverson moved to amend Paragraph (3) to define the roe-bearing component of the Bering Sea/Aleutian Islands as January 1 to April 15 and the non-roe bearing component from July 1 until the quota is attained. The motion was seconded by Henry Mitchell.**

Rick Lauber said that a June 1, rather than July 1, opening would offer more flexibility and moved to amend the amendment to that effect. The motion was seconded by Larry Cotter.

The Council discussed frameworking the season date. Steve Pennoyer said that in this situation frameworking would not be available because there are no definite criteria by which to initiate action. A regulatory amendment will be necessary and dates will have to be stated.

MINUTES  
NPFMC MEETING  
JUNE 1990

**The amendment to the amendment carried, 6 to 5, with Alverson, Blum, Mace, Mitchell, and Peterson voting against; the amended amendment carried unanimously.**

**Oscar Dyson moved to amend the motion to apportion the pollock catch in the Western and Central Gulf quarterly. The motion was seconded by Bob Alverson.** The motion would delete reference to the Gulf of Alaska for roe- and non-roe bearing components of the TAC and would distribute the TAC in the Gulf in equal parts on a quarterly basis. It was also clarified that the regulations should provide for a rollover of unused quota from one quarter to the next.

**Ron Hegge moved to amend the amendment to restrict the Central Gulf to midwater trawl gear. The motion was seconded by Henry Mitchell.**

Steve Pennoyer suggested that this action should not be taken until more data is available.

**The amendment to the amendment failed, 8 to 3, with Alverson, Blum and Hegge voting in favor. Mr. Dyson's amendment carried, 9 to 2, with Blum and Mitchell voting against.**

Larry Cotter said the decision made on this issue has been based on public testimony received over the past year, concern over waste of protein, the impacts on marine mammals, changes in the biological health of pollock stocks, the prospect of souring the grounds, and to spread the season out over the year to gain additional data for management purposes.

**The main motion, as amended, carried unanimously.**

For the purposes of developing implementing regulations, the Council discussed two options for determining the amount of pollock products allowed on board - product recovery rates slightly revised from those in the current emergency regulation, or using product recovery rates to back calculate to round weight equivalents, as recommended by the Advisory Panel.

**Bob Mace moved to use the option recommended by the Advisory Panel, using product recovery rates to back calculate to round weight equivalents. The motion was seconded by Henry Mitchell and carried with no objection.**

#### C-4 Sablefish Management

The Council was scheduled to consider final action on whether to limit access to the sablefish fixed gear fishery. In January and April the Council had indicated several preferred options for an IFQ system and asked staff to refine the program for final consideration at this meeting.

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

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

The Advisory Panel examined both management alternatives - status quo and the IFQ system as presented and were unable to reach a consensus on either alternative. Some members felt that the Council should continue open access management using traditional management tools to address the fishery problems. Members supporting the IFQ system felt that there were several major issues to be resolved before they could support adoption of the program.

## COUNCIL DISCUSSION AND ACTION

The Council began discussion of the IFQ system at the June session and continued in August. There were many hours of discussion and motions to revise the system as presented. There was much discussion of how each facet of the program would affect various segments of the industry and how the program would be implemented and administered. Council members particularly wanted the ownership and transferability aspects well defined and constructed. Maintaining the current complexion of the fishery also was a priority for many Council members. The Council again discussed the provision for economically disadvantaged communities and voted to include an amended concept program in the sablefish IFQ system.

Discussion indicated that the Council would not come to a consensus on an integrated IFQ system for sablefish at this time. Although there were several motions and lengthy discussions, the motion on the table remained unchanged from that developed during the June discussion (included with these minutes as Appendix II).

The motion to approve the system as outlined was tabled and Council members agreed to refer the issue to the Fishery Planning Committee for further consideration along with the moratorium and limited access for other fisheries under the Council's jurisdiction.

### C-5 Future Management Planning

The Council was scheduled to consider approval of a notice of moratorium for all fisheries under the Council's purview, and consider the design of alternative systems and schedule of events for halibut limited access and new schedules for groundfish and crab limited access alternative systems.

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

### Report of the Advisory Panel

The AP recommended the Council proceed with the moratorium in its present form with two changes: change minimum vessel length to 43 ft., and restrict increases in the width of a vessel to 20% during the moratorium.

## COUNCIL DISCUSSION AND ACTION

Jon Pollard, NOAA-General Counsel, provided the Council with a memo outlining legal guidance concerning the role of control dates in the development of limited access regimes under the MFCMA. The Council was advised that a control date should be either the date of announcement or later, rather than a date preceding the announcement of the intent to limit entry to fisheries.

Council members were provided with a draft Federal Register notice announcing the Council's intent to consider a moratorium on entry in the fisheries under the Council's jurisdiction. The notice was prepared by Council and NMFS staff with guidance from NOAA-GC.

There was much discussion of the notice, with Council members modifying various portions through motions. One major concern was the necessity to develop criteria for vessels "in the pipeline" or vessels lost or damaged before the date but now in the process of being replaced or reconfigured. It was the majority opinion that this kind of detail could be avoided if a reasonable future control

MINUTES  
NPFMC MEETING  
JUNE 1990

date was adopted. There was also some concern that some industry members had dropped contracts in progress when the Council announced the original control date of January 19, 1990 and should be given an opportunity to reconstitute those contracts and/or business plans. The final notice (Appendix III) set a control date ten days after publication of the notice in the Federal Register and included language to indicate that due consideration would be given to those who have proof that they were in the process of constructing or reconstructing a vessel for the fisheries under the Council's jurisdiction by that date and who have landed fish by January 15, 1992.

The Council deferred action on work schedules for limited access consideration for the groundfish, halibut and crab fisheries until the Fishery Planning Committee can review progress and make recommendations for further Council action.

C-6 Inshore-Offshore Allocation

The Council was scheduled to receive a status report on the analysis and Committee recommendations, review the current schedule, and provide guidance to the analytical team.

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

**COUNCIL DISCUSSION AND ACTION**

Steve Davis told the Council that the industry survey has been approved by OMB and is now in the process of being reproduced for distribution. In reviewing the work schedule, Mr. Davis noted that 45 days will be allowed to industry for responding to the questionnaires. Additional time will likely be needed to review the responses and clean-up and verify any data prior to analysis. Mr. Davis also reported that development of economic models and a social community database was on schedule. The Council discussed the schedule for completion of the analysis. It was noted that staff feels that the April meeting is the earliest a thorough analysis could be completed for Council review. Portions of the analysis may be available before then and will be distributed to Council members as completed. Council members asked staff to organize a panel of social scientists to inform the Council on current industry standards for social impact analyses.

C-7 Other Business

(a) Consideration of Change in Groundfish Amendment Cycle

In order to allow more time for analysis and Council review, it was recommended that the Council's groundfish amendment cycle be revised to call for proposals in July, initial Council selection of amendments for analysis in September, approval of a public review document in April, and final approval for Secretarial Review in June. This revised schedule will still allow implementation of new amendments for the following fishing year.

**Bob Mace moved to approve the revised groundfish amendment cycle. The motion was seconded by Bob Alverson and carried with no objection.**

(b) Council's Authority to Manage U.S. Fishing Vessels in the Central Bering Sea

Jon Pollard, NOAA-GC, advised the Council that the Secretary may be able to regulate beyond the EEZ as long as the regulation relates to and is necessary and appropriate for the conservation and management of resources over which the Councils have responsibility. When considering any such action, the record should clearly reflect that regulation of those stocks relate to stocks within the U.S. EEZ and is necessary for their survival.

Larry Cotter said that in the case of pollock there is a definite conservation concern; however, it wouldn't make sense for the Council to prohibit U.S. vessels from fishing in the "donut" when foreign vessels can continue. It was pointed out that a groundfish amendment proposal relating to this issue will be included in the current amendment proposal cycle. Any amendment approved would not go into effect, however, until 1992. It was suggested that the Council should develop a policy and notify the industry of its intent hoping for voluntary compliance until regulations are developed.

Council members asked the Fishery Planning Committee to take up this subject to narrow the focus of possible regulations the Council may wish to consider.

(c) Council's Role Relating to Safety of Vessels in the U.S. EEZ

Jon Pollard, NOAA-GC, told Council members that they could require certain safety conditions and equipment in fishery management plans if those conditions were necessary and appropriate for the conservation and management of the fisheries. However, he pointed out that other agencies have the primary responsibility in this area and any Council regulation could not conflict with those of the agency with responsibility. Larry Cotter said he had originally requested this discussion item be put on the agenda after the sinking of a large factory trawler. The Coast Guard and OSHA seem to have taken the lead in fishing vessel safety after the incident and therefore he suggested the Council need not take action at this time.

**D. FISHERY MANAGEMENT PLANS**

D-1 Salmon Plan

The Council was scheduled to review an overfishing definition for the Salmon FMP, an annual amendment cycle, and review of proposals received.

There was no public testimony on this agenda item.

**Report of the Advisory Panel**

The AP recommended the Council approve the amendment cycle as provided by staff.

**Report of the Scientific and Statistical Committee**

In June, the SSC reviewed the EA/RIR for the definition of overfishing for the salmon fisheries off Alaska, but pointed out the document has not been reviewed and adopted by the plan team. The SSC recommended that Alternatives 2-4 be dropped since they are unworkable. They recommended Alternative 5 remain in the document and that the plan team add an alternative that describes the current salmon conservation policies used by the State of Alaska and the Pacific Salmon Commission

MINUTES  
NPFMC MEETING  
JUNE 1990

to manage the salmon fisheries off Alaska. A SSC subcommittee has been appointed to review a revised draft document which is to be available by the end of July. If the revisions are satisfactory, the SSC recommends the revised draft amendment be submitted for public review.

At the August session, Doug Eggers reported that a SSC subcommittee had reviewed the revised amendment and recommended the document be released for public review.

**COUNCIL DISCUSSION AND ACTION**

At the August session, Aven Anderson, NMFS-AKR, reviewed the draft amendment for the salmon fishery management plan which analyzed several overfishing definitions for Council review. Steve Pennoyer said that because the salmon fishery is managed primarily by the State of Alaska and the Pacific Salmon Commission that the Secretary's requirement for an overfishing definition may not be applicable. He has asked the Secretary to consider waiving the requirement for this FMP.

**Bob Mace moved to send the draft amendment out for public review. The motion was seconded by John Peterson, and carried without objection.** It was the consensus of the Council that the cover letter accompanying the amendment stress to the Secretary the Council's preference that the fishery be exempted from the overfishing definition.

The Council also discussed an amendment proposal schedule for the salmon fishery provided by staff. **Joe Blum moved to adopt the schedule as submitted by staff. The motion was seconded by Henry Mitchell and carried without objection.**

The Council discussed several salmon fishery management proposals that had been submitted at previous meetings. Because of the length of time between submission of the proposals and Council discussion of them, it was decided that the proposals should be returned to their originator for update and resubmission if necessary.

D-2 Crab Plan

The Council was scheduled to approve a draft overfishing definition amendment for public review.

There was no public testimony on this agenda item.

**Report of the Advisory Panel**

The AP did not consider this agenda item.

**Report of the Scientific and Statistical Committee**

After review of the draft EA/RIR for the overfishing definition amendment to the crab plan, the SSC recommended the document be returned to the plan team for additional analyses and editing before being sent to public review. A SSC subcommittee has been appointed to examine revisions to the amendment. If the revisions are satisfactory, the SSC recommends the draft amendment be submitted for public review.

At the August session, Gordon Kruse reported that a SSC subcommittee reviewed the revised amendment and provided comments to the plan team. The comments were incorporated in the draft and the SSC subcommittee recommended the document be released for public review.

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

**Henry Mitchell moved to send the amendment out for public review. The motion was seconded by Bob Alverson and carried without objection.**

Council members discussed the need for a federal observer program for the crab fisheries off Alaska.

**Joe Blum moved that the Council ask NMFS to implement an observer program for crab harvesting and processing vessels in the EEZ off Alaska. The motion was seconded by John Peterson.**

Some Council members felt it was premature to expand the existing observer program until the details and problems of the current program can be worked out. There was discussion of the State of Alaska crab observer program and whether it could accommodate the data needs of the Council. It was pointed out that the crab industry benefits indirectly from the current observer program for groundfish but does not share in the cost. The Alaska Department of Fish and Game was requested to prepare a report on its crab observer program and be able to answer questions on the need for a federal program to satisfy data requirements for Council discussion in September.

**Mr. Blum withdrew the motion.**

Council members requested that a State Board of Fisheries representative be invited to participate in the Council's discussion at the September Council meeting.

#### **D-3 Groundfish FMPs**

##### **(a) Amendments 21/16**

The Council was scheduled to consider final approval of Amendments 21/16 to the Gulf of Alaska and Bering Sea/Aleutian Islands groundfish plans for Secretarial Review. The amendment subjects were as follows:

#### **2.0 REVISE CRAB AND HALIBUT BYCATCH MANAGEMENT MEASURES FOR THE BERING SEA/ALEUTIAN ISLANDS**

**Alternative 1: Status quo (no action); Amendment 12a bycatch management measures expire on December 31, 1990.**

**Alternative 2: Extend Amendment 12a provisions for one year.**

**Alternative 3: Modify and add to Amendment 12a provisions, and extend them for one year or an indefinite period.**

MINUTES  
NPFMC MEETING  
JUNE 1990

3.0 DEFINE OVERFISHING FOR THE GULF OF ALASKA AND BERING SEA/ALEUTIAN ISLANDS

Alternative 1: Status quo (no action).

Alternative 2: Threshold biomass level.

Alternative 3: Constant fishing mortality rate - no threshold.

Alternative 4: Variable fishing mortality rate - no threshold.

Alternative 5: Constant fishing mortality rate with threshold.

Alternative 6: Variable fishing mortality rate with threshold - Fmsy version.

Alternative 7: Variable fishing mortality rate with threshold - Fmax version.

4.0 ESTABLISH PROCEDURES FOR INTERIM TOTAL ALLOWABLE CATCH (TAC) SPECIFICATIONS FOR THE GULF OF ALASKA AND BERING SEA/ALEUTIAN ISLANDS

Alternative 1: Status quo (no action).

Alternative 2: Extend proposed TAC specifications into a new fishing year as interim specifications, until changed.

Alternative 3: Extend one-fourth of the proposed TAC specifications into a new fishing year on an interim basis, until changed.

5.0 MODIFY THE AUTHORIZATION LANGUAGE FOR DEMERSAL SHELF ROCKFISH MANAGEMENT IN THE GULF OF ALASKA

Alternative 1: Status quo (no action).

Alternative 2: Modify the authorization language in the FMP to allow full implementation of state regulations in those federal waters of the eastern Gulf of Alaska where demersal shelf rockfish are recognized by the Council as an FMP species group.

6.0 CHANGE FISHING GEAR RESTRICTIONS IN THE GULF OF ALASKA AND BERING SEA/ALEUTIAN ISLANDS

Alternative 1: Status quo (no action).

Alternative 2: Specify legal fishing gear in the GOA and BSAI FMPs and provide specific gear restrictions in the implementing regulations.



Three specific measures are presented for Council decision under this alternative:

- A: Require biodegradable panels on groundfish pots.
- B: Require halibut exclusion devices on groundfish pots.
- C: Adopt a modified definition of pelagic trawl gear.

## 7.0 EXPAND HALIBUT BYCATCH MANAGEMENT MEASURES FOR THE GULF OF ALASKA

Alternative 1: Status quo (no action).

Alternative 2: More fully implement and clarify the existing halibut PSC framework.

Two options are presented:

- A: Apportion halibut PSC limits by season.
- B: Set levels of fixed gear halibut PSC limits by longline and pot gear groups, or omit entirely pot gear fisheries from the framework.

Alternative 3: Implement a halibut PSC incentive program.

Three options are presented:

- A: Establish a PSC reserve system.
- B: Establish a halibut bycatch credit system.
- C: Establish a penalty box sanction system.

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

### Report of the Scientific and Statistical Committee

The following is a synopsis of SSC recommendations. For more detailed discussion, see the complete SSC Minutes, Appendix IV to these minutes.

## 2.0 REVISE CRAB AND HALIBUT BYCATCH MANAGEMENT MEASURES FOR THE BERING SEA/ALEUTIAN ISLANDS

The SSC supported the concept of providing incentives to reduce bycatch for individual vessels as outlined in Alternative 3 because it is consistent with the goal of reducing bycatch while achieving OYs for groundfish. However, the incentives in this concept, in situations of low observer coverage, may result in the extension of a directed fishery that should be constrained by PSC limits.

MINUTES  
NPFMC MEETING  
JUNE 1990

3.0 DEFINE OVERFISHING FOR THE GULF OF ALASKA AND BERING SEA/ALEUTIAN ISLANDS

The SSC recommended Alternative 3, based on a constant fishing mortality rate with no threshold. They felt that a constant fishing mortality rate represents "an objective measurable definition of overfishing."

4.0 ESTABLISH PROCEDURES FOR INTERIM TOTAL ALLOWABLE CATCH (TAC) SPECIFICATIONS FOR THE GULF OF ALASKA AND BERING SEA/ALEUTIAN ISLANDS

The SSC recommended Alternative 3 which would implement 25% of the interim TAC, which is more conservative in that it would avoid establishing an interim specification for a particular species that might be much larger than that which the Secretary might eventually implement as the final TAC.

5.0 MODIFY THE AUTHORIZATION LANGUAGE FOR DEMERSAL SHELF ROCKFISH MANAGEMENT IN THE GULF OF ALASKA

The SSC did not have a preferred alternative.

6.0 CHANGE FISHING GEAR RESTRICTIONS IN THE GULF OF ALASKA AND BERING SEA/ALEUTIAN ISLANDS

The SSC recommended Alternative 2 in its entirety.

7.0 EXPAND HALIBUT BYCATCH MANAGEMENT MEASURES FOR THE GULF OF ALASKA

The SSC recommended the Council adopt Alternative 2 and further develop Alternative 3 for consideration at a future meeting. They noted that if the "penalty box" described in Chapter 2 for the Bering Sea is implemented in the Gulf of Alaska, the problem of bias in bycatch estimation could be serious because of the larger proportion of unobserved vessels operating in the GOA.

**Report of the Advisory Panel**

Please see the AP Minutes, Appendix V to these minutes, for more detailed discussion of the following recommendations.

2.0 REVISE CRAB AND HALIBUT BYCATCH MANAGEMENT MEASURES FOR THE BERING SEA/ALEUTIAN ISLANDS

The Advisory Panel recommended adoption of Alternative 3, with the following specifics:

- (a) A penalty box procedure be established similar to that described by the AP-industry workgroup; and

- (b) The caps in Amendment 12a sunset after 1991 and shall be reviewed in 1991 and beyond based on changes in biomass populations of PSC and target groundfish species.

**3.0 DEFINE OVERFISHING FOR THE GULF OF ALASKA AND BERING SEA/ALEUTIAN ISLANDS**

The AP recommended the Council adopt Alternative 4 as presented.

**4.0 ESTABLISH PROCEDURES FOR INTERIM TOTAL ALLOWABLE CATCH (TAC) SPECIFICATIONS FOR THE GULF OF ALASKA AND BERING SEA/ALEUTIAN ISLANDS**

The AP recommended adoption of Alternative 3.

**5.0 MODIFY THE AUTHORIZATION LANGUAGE FOR DEMERSAL SHELF ROCKFISH MANAGEMENT IN THE GULF OF ALASKA**

The AP recommended adoption of Alternative 2.

**6.0 CHANGE FISHING GEAR RESTRICTIONS IN THE GULF OF ALASKA AND BERING SEA/ALEUTIAN ISLANDS**

The AP recommended adoption of Alternative 2 in its entirety, with the following language to be added to the proposed pelagic trawl definition: ". . . or a trawl of any other configuration that has an observed bycatch rate no greater than the observed bycatch rate of a pelagic trawl as defined above."

**7.0 EXPAND HALIBUT BYCATCH MANAGEMENT MEASURES FOR THE GULF OF ALASKA**

The AP recommended adoption of Alternative 2 with these additions:

- (a) Pot gear should have a separate PSC cap.
- (b) A PSC penalty box system should be established in the short term with the ultimate goal to get a better (more positive) bycatch incentive system in place.
- (c) Seasonal apportionments of the PSC limit.

**COUNCIL DISCUSSION AND ACTION**

**2.0 REVISE CRAB AND HALIBUT BYCATCH MANAGEMENT MEASURES FOR THE BERING SEA/ALEUTIAN ISLANDS**

The Region advised the Council that the two alternatives considered by the Council under PSC limits in Amendment 16 may not be sufficient to withstand Secretarial Review. The Council has considered these two alternatives when considering a bycatch regime to replace those in Amendment 12a, assuming the previous analysis would provide an adequate record. However, NOAA General Counsel

MINUTES  
NPFMC MEETING  
JUNE 1990

has advised that the Council will need to consider changes in prohibited species stock abundance and/or other factors that may justify analysis of alternative PSC limits. The Region suggested that the Council approve the current Amendment 16 without PSC cap provisions, that Amendment 12a be extended into 1991 by emergency interim rulemaking, and that the Council consider PSC caps under Amendment 16a which would be augmented to include additional PSC cap alternatives. The revised analysis would then go out for public review prior to the September Council meeting so that final Council action could be taken at that meeting.

**Bob Mace moved to adopt the Advisory Panel's recommendation: Alternative 3, with modifications:**

**Modify and add to Amendment 12a provisions, and**

- (a) A penalty box procedure be established similar to that described by the AP-industry workgroup; and**
- (b) The caps in Amendment 12a sunset after 1991 and shall be reviewed in 1991 and beyond based on changes in biomass populations of PSC and target groundfish species.**

Through a series of motions and discussion the motion was amended as follows:

- Any vessel that, on a weekly basis, has two or more days of observed coverage will participate in the penalty box system.**
- Target fishery categories for 1991 that individual vessel bycatch rates would be judged against will be: rock sole, yellowfin sole/other flatfish, Greenland turbot, Pacific cod, bottom trawl pollock, and other groundfish; joint venture flatfish would be included as a separate target fishery category.**
- "Excessive" bycatch rate for each fishery is defined as twice the fleet average for that fishery based on the fleet average of all observed vessels in that fishery category for the preceding four weeks for a given prohibited species.**
- Vessels would be required to return to port immediately after notification of suspension.**
- Suspensions would be: 5 days for the first offense; 2 weeks for the second offense; six weeks for third and subsequent violations; accounting would be for a "rolling" 12-month period.**
- Vessels returning to the fishery after a second offense would be required to carry an observer for the following two weeks; vessels returning to the fishery after a third offense would be required to carry an observer for four weeks.**
- Penalty Box program would only apply to fisheries and gear types subject to PSC limits (bottom trawl operations).**

- **A vessel operator whose vessel is suspended from participating in directed groundfish fisheries under a system of prohibited species bycatch performance standards shall be allowed to appeal the suspension to the NOAA Administrator for Fisheries or a designee. The Assistant Administrator or his designee would determine, based upon the record, including any record developed at a hearing, if the suspension is supported under the criteria set forth under published performance standards.**
- **The PSC caps in Amendment 12a will not automatically sunset in 1991, but will be reviewed in 1991 and beyond.**

During discussion of the PSC caps in the amendment, some Council members felt that the analysis had been based on the most current data available. However, Steve Pennoyer said that based on General Counsel's guidance, he could not vote on caps in this amendment. NMFS has suggested that this amendment be approved without the PSC cap provisions, which could be included in the Amendment 16a analysis.

**The motion, as amended, carried unanimously with Steve Pennoyer abstaining.**

### **3.0 DEFINE OVERFISHING FOR THE GULF OF ALASKA AND BERING SEA/ALEUTIAN ISLANDS**

**Henry Mitchell moved to adopt Alternative 4, a variable fishing mortality rate with no threshold. The motion was seconded by Bob Mace.**

There was discussion of the alternatives suggested by the SSC and plan team. Mr. Mitchell felt that Alternative 4 would give the Council the most flexibility while providing protection for the stocks. However, Dr. Marasco said that the SSC felt that Alternative 3 would better serve this purpose. The Council discussed the alternatives which included a threshold but decided against them because many of the fisheries do not lend themselves to establishment of a threshold.

Larry Cotter moved a substitute motion to adopt Alternative 6, however the motion was subsequently withdrawn after discussion.

**Joe Blum moved a substitute motion to adopt Alternative 3, a constant fishing mortality rate with no threshold. The motion was seconded by John Peterson and failed, 8 to 3, with Blum, Mace and Peterson voting in favor.**

**The original motion, adopt Alternative 4, carried, 9 to 2, with Mace and Peterson voting against.**

### **4.0 ESTABLISH PROCEDURES FOR INTERIM TOTAL ALLOWABLE CATCH (TAC) SPECIFICATIONS FOR THE GULF OF ALASKA AND BERING SEA/ALEUTIAN ISLANDS**

**Bob Alverson moved to adopt Alternative 3: Extend one-fourth of the proposed TAC specifications into a new fishing year on an interim basis, until changed. The motion was seconded by Joe Blum**

MINUTES  
NPFMC MEETING  
JUNE 1990

and carried without objection.

5.0 MODIFY THE AUTHORIZATION LANGUAGE FOR DEMERSAL SHELF  
ROCKFISH MANAGEMENT IN THE GULF OF ALASKA

**Henry Mitchell moved to adopt Alternative 2: Modify the authorization language in the FMP to allow full implementation of state regulations in those federal waters of the eastern Gulf of Alaska where demersal shelf rockfish are recognized by the Council as an FMP species group. The motion was seconded by Ron Hegge.**

During discussion some Council members felt that the State's management authority should not be expanded in a fishery where 60% of the activity is in federal waters. However, Steve Pennoyer said that the fishery is relatively small (400 mt TAC) and is prosecuted mostly by a localized fleet and requires quick and responsive management which the State is in a better position to provide. He did not feel this action was a precursor to further expansion of State authority over EEZ fisheries.

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

6.0 CHANGE FISHING GEAR RESTRICTIONS IN THE GULF OF ALASKA AND  
BERING SEA/ALEUTIAN ISLANDS

**Bob Mace moved to approve Alternative 2, including the additional language suggested by the AP for the definition of pelagic trawl. The alternative would be as follows:**

**Specify legal fishing gear in the Gulf of Alaska and Bering Sea/Aleutian Islands groundfish fishery management plans and provide specific gear restrictions in the implementing regulations, and:**

- a. **Require biodegradable panels on groundfish pots.**
- b. **Require halibut exclusion devices on groundfish pots.**
- c. **Pelagic trawl means a trawl which has stretch mesh size openings of at least one meter, or parallel lines with spaces of at least one meter, starting at the fishing line and extending aft for a distance of at least 10 meshes and going around the entire circumference of the trawl, and which is tied to the fishing line with no less than 0.3 meter (12 inches) between knots around the circumference or the net, and which does not have plastic disc, bobbins, rollers, or other chafe protection gear attached to the foot rope, or a trawl of any other configuration that has an observed bycatch rate no greater than the observed bycatch rate of a pelagic trawl as defined above.**
- d. **Require owner identification on pots and buoys.**

**The motion was seconded by Larry Cotter.**

During Council discussion it was suggested that NMFS should work on the AP's suggested addition to the pelagic trawl definition (or a trawl of any other configuration that has an observed bycatch rate no greater than the observed bycatch rate of a pelagic trawl as defined above) using Council

and AP intent and return it to the Council for discussion and approval in September. The Council concurred with this suggestion; however, the remainder of the amendment would continue on its regular time schedule. Council members had concerns about allowing pot gear which will have bycatch of crab and halibut. It was also pointed out that longlining of groundfish pots is of concern because possible gear conflicts.

**Larry Cotter moved that the Council initiate a regulatory amendment process to modify the definition of legal groundfish pot gear to be that gear which consists of a buoy and a single line. The motion was seconded by Bob Alverson and carried with no objection.**

**7.0 EXPAND HALIBUT BYCATCH MANAGEMENT MEASURES FOR THE GULF OF ALASKA**

**Bob Mace moved to adopt the AP recommendations for halibut bycatch management measures for the Gulf of Alaska: Alternative 2: More fully implement and clarify the existing halibut PSC framework:**

- a. Pot gear should have a separate PSC cap.**
- b. A PSC penalty box system should be established in the short term with the ultimate goal to get a better (more positive) bycatch incentive system in place.**
- c. Seasonal apportionments of the PSC limit.**

**The motion was seconded by Oscar Dyson.**

**Larry Cotter moved to replace item (b) as follows:**

**Apply the Bering Sea halibut PSC penalty box system to the following Gulf of Alaska trawl fisheries: shallow water and deepwater flatfish; arrowtooth flounder, Pacific cod, pollock (bottom trawl), other rockfish (thornyheads, et al), and other species. The motion was seconded by Ron Hegge.**

**John Peterson moved to amend the amendment to include hook and line gear in the penalty box program for Pacific cod and sablefish. The motion was seconded by Joe Blum.**

During discussion concern was expressed that although some type of bycatch reduction/incentive program should be initiated for sablefish, the structure and size of the fleet and the brevity of the sablefish season would make use of the penalty box concept inappropriate. It was suggested that use of other measures such as depth restrictions, quarterly allocations and later seasons would be better tools to reduce bycatch in the longline fisheries. **John Peterson, with the concurrence of his second, agreed to remove sablefish from the motion with the understanding that the Council would begin to develop some means more tailored to control bycatch in the sablefish longline fishery.**

**The amendment to the amendment carried with no objection.**

**The amendment carried with Henry Mitchell objecting.**

MINUTES  
NPFMC MEETING  
JUNE 1990

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

Later in the meeting, staff provided the Council with draft regulatory language for the Amendment 21/16 package as approved by the Council. **Bob Mace moved to adopt the regulatory language package as presented by staff for Amendments 21 and 16 to the Gulf of Alaska and Bering Sea/Aleutian Islands groundfish fishery management plans, respectively. The motion was seconded by Larry Cotter and carried without objection. (Henry Mitchell was not present for the vote.)**

Regulatory Amendments

**Larry Cotter moved to request that NMFS develop a regulatory amendment to allow the Council to apportion the longline halibut PSC cap in the Gulf of Alaska to the following target groups: sablefish, Pacific cod, and other species. The motion was seconded by Ron Hegge and carried without objection.**

**Bob Alverson moved to request that NMFS develop a regulatory amendment that would terminate all longline fisheries in the Gulf of Alaska when the Southeast/East Yakutat/West Yakutat sablefish quota is taken. All areas would then close until July 1 when the Western and Central Gulf would reopen for the remaining sablefish longline quota. The analyses would examine April 1, May 1, and June 1 as possible initial opening dates. The motion was seconded by Joe Blum and carried without objection. NMFS advised the Council would have a draft regulatory amendment for review in September.**

Depth Restrictions for GOA Longline Sablefish Fishery

**Larry Cotter moved to place in the 1991 amendment cycle a measure to implement depth restrictions in the Gulf of Alaska longline sablefish fishery. The motion was seconded by Joe Blum and carried without objection.**

D-3(b) Final consideration of regulatory amendments for 1991 yellowfin sole/other flatfish fishery.

In April the Council asked NMFS to develop two regulatory amendments: the first would postpone the start of the yellowfin sole/other flatfish fishery until sometime between May 15 and June 15; the second would increase the amount of yellowfin sole and other flatfish which could be retained as bycatch in a directed rock sole fishery. Delay of the yellowfin sole/other flatfish fishery is expected to result in reduced red king crab and halibut bycatch rates because the target species will have largely moved out of Zone 1 by the new beginning dates. Increased retention of yellowfin sole and other flatfish in a rock sole fishery would minimize discard waste.

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

**Report of the Advisory Panel**

The AP recommended an April 1 opening of the yellowfin sole/other flatfish fishery in 1991 and that it be accomplished by seasonal apportionment of PSC caps rather than with a regulatory amendment.



The Scientific and Statistical Committee did not comment on this agenda item.

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

**Henry Mitchell moved to begin the yellowfin sole/other flatfish fishery on June 15. The motion was seconded by Larry Cotter.**

Mr. Mitchell said that vessels moving into Area 514 in late April and early May will experience a high bycatch of herring moving inshore and also when they leave the spawning areas in mid-May. Steve Pennoyer said there is some problem with balancing the situation because if the fishery is prosecuted after mid-June, the bycatch of king crab and halibut is higher. He also pointed out that the Council will be dealing with herring bycatch measures under Amendment 16a later in the meeting and that perhaps other ways of protecting herring can be initiated.

**Bob Mace moved to substitute the opening day of May 15. The motion was seconded by Bob Alverson. This was the date suggested by the Midwater Trawlers Co-op. Henry Mitchell suggested a range of dates, allowing the Regional Director to make the decision based on observer data.**

**The motion failed, 7 to 4, with Alverson, Lauber, Mace, and Peterson in favor.**

**Joe Blum moved to substitute an opening date of May 1. The motion was seconded by Oscar Dyson. The motion to substitute carried with Mace objecting. It was stressed that the Council's intent is that the industry prosecuting this fishery will make every effort to avoid herring and communicate with the residents of the area.**

**Larry Cotter moved to change the directed fishing definition standard for yellowfin sole from 20% to 35%. The motion was seconded by Ron Hegge and carried with Henry Mitchell objecting.**

**Ron Hegge moved to include turbot in the flatfish opening date of May 1. The motion was seconded by Joe Blum and carried without objection.**

#### **D-3(c) Amendment 16a to the BSAI Groundfish Plan.**

In April the Council requested further analysis of the herring bycatch management chapter of Amendment 16 and that it be separated from the package and developed as Amendment 16a. Two additional management measures were added to the analysis, which was sent to the Council for review before the meeting.

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

The AP recommended sending Amendment 16a out for public review with an option of individual bycatch accounts added to Alternatives 2 and 3 (see AP Minutes, Appendix V for details).

MINUTES  
NPFMC MEETING  
JUNE 1990

**Report of the Scientific and Statistical Committee**

The SSC was concerned about the inconsistency of assumptions regarding bycatch rates and spatial distribution of DAP fisheries that were used to analyze the alternative halibut/crab and herring bycatch management measures. They recommended that the analysis of the halibut/crab bycatch management alternatives be folded into the analysis of the herring bycatch management alternatives and provided several suggestions for developing it (see SSC Minutes, Appendix IV, for details).

**COUNCIL DISCUSSION AND ACTION**

**With regard to Amendment 16a, Joe Blum moved to request staff to analyze PSC caps at 50%, 100%, and 150% of the levels in Amendment 12a and to send the analysis out for public review for consideration for adoption as part of Amendment 16a in September. The motion was seconded by Bob Alverson.**

The Council discussed the ability of staff to complete the analysis of these options in time for public review before the September Council meeting. However, it was pointed out that the Council would have the option of approving the amendment package without the PSC caps in September if they felt more analysis was needed.

**The motion carried without objection.**

**Later in the meeting, John Peterson moved to reconsider the previous action on Amendment 16a. The motion to reconsider was seconded by Joe Blum and carried without objection.**

Concerns were raised about the developing pot fishery in the Bering Sea; Amendment 16a covers only the trawl fishery, and some Council members felt that PSCs for the hook and longline and groundfish pot fisheries, along with inseason management authority for the Regional Director, should be included in the analysis. However, there was some doubt that available staff time would allow a proper analysis of the added measures. The Council agreed to refer this subject to the Ad Hoc Bycatch Committee for review; the Committee will report back to the Council at the August extension of the Council meeting.

At the August extension of the meeting, staff reported that work on the amendment is ongoing. Incorporating SSC and Council revisions has required more time than anticipated. The document should go out for public review in the next week with a concurrent public, SSC, plan team and Council review prior to the September meeting. Larry Cotter said that a decision on the amendment will depend a great deal on the bycatch model and asked that staff be prepared at the September meeting to discuss the applicability of the model and its strengths and weaknesses.

**Ron Hegge moved to approve staff's schedule for the amendment and public review. The motion was seconded by John Peterson and carried without objection.**

D-3(d) Emergency Actions.

(1) Bering Sea Herring

In April the Council requested emergency action to implement limited time/area trawl closures north of the Alaska Peninsula to protect migrating herring stocks based on reports received indicating that the Nelson Island/Nunivak Island herring stocks were severely depressed and likely below the biomass threshold necessary to permit a commercial fishery. Since that time, the Alaska Department of Fish and Game has determined that the Nelson Island stocks are above threshold and a commercial fishery can be held. As a result, NMFS has suspended emergency action pending further review of the status of the herring stocks. During the April meeting industry requested that the Council consider emergency action to provide a migration corridor for herring protection during winter months until herring bycatch measures can be implemented through Amendment 16a.

**Report of the Advisory Panel**

The Advisory Panel recommended that the Council request the Regional Director to limit bycatch of herring to no more than 1,000 mt from the winter savings area in 1990. The also expressed the need for further research related to the status and identification of stocks in the winter savings area.

**COUNCIL DISCUSSION AND ACTION**

**Joe Blum moved to adopt the AP recommendation to request that the Regional Director limit bycatch of herring to no more than 1,000 mt from the winter savings area in 1990 where Nelson and Nunivak Island herring stocks are known to exist. The motion was seconded by Henry Mitchell.**

Mr. Blum pointed out the Advisory Panel's recommendation and their desire to prosecute directed fisheries with minimal impact on herring stocks. Steve Pennoyer said he was not sure this could be judged an emergency because there is not enough information to determine how the stocks mix, or how the 1,000 mt bycatch in or out of the winter savings area would affect the total picture, or what proportion of the groundfish catch would be affected by removing the area from the groundfish harvest. A 1,000 mt year-round, area-wide cap would almost certainly guarantee a closure of groundfish trawl fishery. Other discussions have focused on closure of the winter savings area.

**Larry Cotter moved to substitute to establish a cap of 300 mt in the winter savings area "C" when that cap is reached, it would shut Area C down. The motion was seconded by Henry Mitchell.**

Several Council members were concerned that this would almost certainly require a closure of the trawl fishery. It was pointed out that the foreign fisheries found methods of avoiding herring bycatch when they were forced to.

**Bob Alverson moved to amend the substitute motion to state that if the cap is reached before September 1, the closure would not occur until September 1. The motion was seconded by Henry Mitchell and carried 9 to 2, with Cotter and Peterson voting against.**

MINUTES  
NPFMC MEETING  
JUNE 1990

Larry Cotter clarified the intent of his motion, which would be that the cap only applies to herring taken in Area C, not Bering Sea-wide.

**Alverson moved to amend the substitute motion to state that if the cap is reached in Area C, Area A would close. The motion was seconded by Oscar Dyson and carried, 8 to 3, with Pennoyer, Peterson, and Blum voting against.**

**Bob Alverson moved to amend the cap to 600 mt. The motion was seconded by Joe Blum and carried 6 to 5, with Collinsworth, Cotter, Dyson, Pennoyer and Peterson voting against.**

**The amended substitute motion was as follows:**

**To establish a cap of 600 mt in the winter savings Area C; when that cap is reached, Area A would be closed to trawling. If the cap is reached before September 1, the closure would occur on September 1.**

**The motion carried 8 to 3, with Blum, Pennoyer, Peterson, voting against.**

At the August session of the Council meeting Steve Pennoyer informed the Council that the Region had not forwarded this emergency action to the Secretary because they could not determine that a true emergency exists. Factors contributing to the decision included the fact that every herring fishery except one was allowed to harvest at the normal exploitation rate, overall stock conditions were higher than expected, and that the stock of concern is a small portion of the total and randomly mixed with other stocks in wintering areas making it difficult to protect, and that bottom trawling has been closed in the winter months in the affected areas.

(2) Exemption of pot and other gear types from GOA halibut PSC limit

Groundfish pot gear was exempted from the May 29 Gulf of Alaska closure to hook and line fishing through a prior emergency action. However, when the emergency rule expires on August 13, groundfish pot gear will become subject to the GOA fixed gear halibut bycatch cap and will likely be closed. Because observations indicate low halibut bycatch rates in the pot gear fisheries, industry has requested the Council initiate emergency action to continue exempting pot gear from the fixed gear halibut PSC cap in the Gulf of Alaska for the remainder of the year.

**Report of the Advisory Panel**

The Advisory Panel recommended that the Council take emergency action to exempt pot gear, equipped with halibut exclusion devices, and gear other than hook and hook and longline from the 1990 halibut PSC limit in the Gulf of Alaska. However, they did request that there be some observer coverage of the pot and jigging operations so a bycatch data base can be established.

**COUNCIL DISCUSSION AND ACTION**

**Oscar Dyson moved to exempt the following gear types from the 1990 Gulf of Alaska fixed gear halibut bycatch PSC cap: pot (non-longlined); jigging (mechanical and hand); rod and reel; and**

**hand trolling. The motion was seconded by Joe Blum and carried with Steve Pennoyer objecting.**

The Council stressed that the regulations require the use of biodegradable panels and halibut exclusion devices modelled after current state regulations. The Council also intends that pots be fished on single lines.

At the August session, Steve Pennoyer informed the Council that the Secretary had not yet approved extension of the earlier emergency order which expires on August 13. Council members expressed concern over the possible disruption for the industry with vessels already on the grounds preparing to fish or on their way.

**Larry Cotter moved that the Council send a letter to the Secretary, through NMFS, restating in the strongest possible terms the Council's desire for the Secretary to take action on the earlier request, stressing the social and economic aspects, and further requesting that NOAA-GC implement a cooling-off period to allow retrieval of pots in a manner that would not be unlawful in the event that the Secretary does not approve the request. The motion was seconded by Bob Alverson and carried with Steve Pennoyer abstaining.**

(3) Exemption of Southeast Shelf Rockfish Fishery

The Council received a request from the Alaska Department of Fish and Game for emergency action to exempt the Southeast demersal shelf rockfish fishery from the 1990 GOA halibut PSC limit. Bycatch requirements for this fishery were not included in the development of the 750 mt fixed-gear cap. The Council received testimony from ADFG staff and industry that halibut bycatch in this fishery is extremely low.

**Report of the Advisory Panel**

The AP recommended the Council approve this request so that the rule can be implemented by the October 1 opening for the fishery.

**COUNCIL DISCUSSION AND ACTION**

**Rick Lauber moved to request emergency action to exempt the Southeast demersal shelf rockfish fishery from the 1990 Gulf of Alaska halibut PSC cap. The motion was seconded by Henry Mitchell and carried with Steve Pennoyer objecting.**

(4) Industry Request to Raise the Halibut PSC Cap in the BSAI

During public testimony (Appendix I), the Council received a request from representatives of the trawl industry to raise the halibut PSC cap in the Bering Sea/Aleutian Islands for the remainder of 1990.

This request was not brought before the Advisory Panel or the SSC.

MINUTES  
NPFMC MEETING  
JUNE 1990

**COUNCIL DISCUSSION AND ACTION**

**John Peterson moved to adopt the proposal submitted by the Alaska Factory Trawlers:**

- a. **Bottom trawling may be continued by vessels which belong to a NMFS-approve industry bycatch program.**
- b. **Bycatch program:**
  - (i) **"Penalty box" sanction arrangement.**
  - (ii) **Bycatch rates of no more than half of the target fishery rate to date.**
  - (iii) **Weekly monitoring of each vessel's bycatch performance.**
  - (iv) **For any week for which a vessel's bycatch rate was over the standard, that vessel will be excused from the program for one week.**
- c. **The bycatch standard for each fishery will be one-half of the rate to date, to be phased in over a three-week period:**

<u>Fishery</u>	<u>Rate to Date</u>	<u>New rate</u>
<b>Cod</b>	<b>2%</b>	<b>1%</b>
<b>Flatfish</b>	<b>1%</b>	<b>0.5%</b>

- d. **Reduce rate to be phased in over three-week period.**

**The motion was seconded by Bob Mace.**

Mr. Peterson said that an enormous amount of essential protein will be unharvested if the closure is allowed to continue for the remainder of the year, and that the proposed program would also allow gathering of bycatch data. He also pointed out that if there is quota left unharvested by the DAP fisheries, there is a possibility of joint venture and/or TALFF allocations.

During the discussion other Council members pointed out that other gear types with lower bycatch rates could harvest the resource, and that the bycatch cap was one previously negotiated within the trawl and longline industries. Steve Pennoyer said that bycatch pools such as those suggested are complex and hard to monitor and that he doesn't believe NMFS is in a position to monitor a vessel-by-vessel rate program this year.

**The motion failed, 9 to 2, with Peterson and Mace voting in favor.**

D-3(e) Review proposal to allocate groundfish resources to the Pribilofs.

During initial consideration of the inshore-offshore issue, the Council received documents from representatives of the Pribilof Island for a 5% allocation of the Bering Sea groundfish TAC, and an allocation of licenses or transferable quotas if limited entry is implemented. In April the Council requested that the Pribilof proposal for a direct allocation of groundfish be placed on the June meeting agenda for consideration. The Council had requested NOAA General Counsel to provide an opinion regarding the Council's authority and/or responsibility under the Fur Seal Act which was cited in the Pribilovian's request for an allocation.

There were no AP or SSC reports on this issue. **Public testimony** is found in Appendix I to these minutes.

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

The Council received an opinion from NOAA General Counsel that indicated the Council is not obligated under the provisions of the Fur Seal Act to extend special privileges to the residents of the Pribilof Islands.

Although such allocation is not mandatory, some Council members felt the Council had a moral obligation to assist coastal communities. It was suggested that the request should be handled along with the inshore/offshore allocation analysis. However, some felt that the request should be dealt with as a request based on a specific set of circumstances and in a more timely manner than the inshore-offshore analysis would afford. Mr. Blum, Chairman of the Fishery Planning Committee, suggested that the request should be given consideration on its own merit and requested that it not be referred to the Fishery Planning Committee to be included in the inshore-offshore analysis.

**Henry Mitchell moved that the Pribilof request be submitted as a plan amendment proposal in the current amendment cycle. The motion was seconded by Joe Blum and carried, 10 to 1, with Larry Cotter voting against.** The proposal will be reviewed by the Plan Amendment Advisory Group and plan team for recommendation to the Council.

Henry Mitchell suggested that a letter be sent to the Pribilof Islanders informing them of the Council's action, along with a copy of the NOAA General Counsel opinion.

#### **E. FINANCIAL REPORTS**

Rick Lauber, Chairman of the Finance Committee, reported that the biannual audit of Council records has been completed with no significant findings. Clarence Pautzke reported that the Council's budget has been submitted as requested by NMFS. Steve Pennoyer announced that \$95,000 has been approved for economic and social impact studies needed for Council management decisions.

#### **F. PUBLIC COMMENTS**

There were no further public comments.

#### **G. CHAIRMAN'S REMARKS AND ADJOURNMENT**

Outgoing Council member John Peterson was presented with a Council plaque for his contribution to the Council process during his two Council terms. Joe Blum presented Mr. Peterson with a letter of thanks from Washington Governor Booth Gardner. The meeting was adjourned at 5:00 p.m. on August 9, 1990.