

North Pacific Fishery Management Council

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Certified Richard B. Lauber
Chairman

Date May 4, 1992

MINUTES

**100th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
January 15-17, 1992
Portland Hilton Hotel
Portland, Oregon**

The North Pacific Fishery Management Council met January 15-17, 1992 at the Downtown Hilton Hotel in Portland, Oregon. The Advisory Panel and Scientific and Statistical Committee began on January 13th. The following members of the Council, staff, SSC and AP attended.

Council

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

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

NPFMC Staff

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

Chris Oliver
Russ Harding
Helen Allen
Gail Peeler
Regina Stewart

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Support Staff

Earl Krygier, ADFG
Gregg Williams, IPHC
Loh-Lee Low, NMFS-AFSC
Ron Berg, NMFS-AKR
Dave Flannagan, NMFS-AKR
Lisa Lindeman, NOAA-GC

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

Scientific and Statistical Committee

Bill Clark, Chair
Terry Quinn, Vice Chair
Bill Aron
John Burns
Doug Eggers
Larry Hreha

Dan Huppert
Gordon Kruse
Richard Marasco
Marc Miller
Don Rosenberg
Jack Tagart

Advisory Panel

John Woodruff, Chairman
John Bruce
Al Burch
Gary Cadd
Phil Chitwood
Dan Falvey
Dave Fraser, Vice Chair

Kevin Kaldestad
David Little
Pete Maloney
Dean Paddock
Penny Pagels
Bryon Pfundt

Perfenia Pletnikoff
John Roos
John Sevier
Michael Stevens
Beth Stewart
Robert Wurm

General Public

Over 100 people attended the meeting. The following members of the public signed the attendance register:

Bruce Cotton
Robert Morgan
Steve Hughes
Wayne Fraser
David Benson
Linda Kozak
Chris Blackburn
Jack Crowley
John Crowley
Brian Bigler
Shari Gross
Kris Norosz
Brad Resnick
Kate Graham

Jeffrey Moormeier
C. Jensen
Steve Finley
Mike Atterberry
Linda Behnken
Thorn Smith
Kirk Beiningen
Joe Plesha
Greg Baker
Bridget Cook
Rudy Peterson
Dave Harville
Michael Spike Jones
Arni Thomson

Steve Drage
Carl Ellis
Mel Monsen
Mark Lundsten
Jim McManus
Chris Mitchell
Charles Garman
Gary Painter
William Barss
Mark Saelens
Gary Westman
Bill Hayes
Jim Norris
Jay Hastings

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Ron Brill
Vern Hall
Bill Kelliher
Bruce Buls
Vera Alexander
Ted Painter
Matt Donohoe
Steven Boten
Robert Czeisler
Dan Oliver

Ernie Yeck
Scott Matulich
James Salisbury
Helen Woods
John Iani
Jim Seavers
Paul Kelly
Chris Chavasse
Doug Dixon
Deming Cowles

Nancy Lande
Lisa Kohlwes
Y. Tabuchi
Adrian LeCornu
Vicki LeCornu
Ronald True
Elmore Limberhand
B. Lock

NOTE: A list of those testifying on Council agenda items is found in Appendix I to these minutes.

A. CALL TO ORDER AND APPROVAL OF AGENDA AND MINUTES OF PREVIOUS MEETING(S)

Chairman Lauber called the meeting to order at 8:08 a.m. on Wednesday, January 15, 1992.

Agenda. The agenda was approved as drafted. A schedule change was made to take up agenda item D-2, Groundfish Management, on Thursday afternoon instead of Friday morning to ensure adequate time to complete the item.

Minutes of Previous Meetings. Council members were provided with drafts of the June/August and September 1991 meetings for review and were asked to contact staff with comments within the next two weeks so the minutes can be finalized.

B. REPORTS

As is the custom for the January meeting, reports normally given by NMFS, ADF&G and the Coast Guard were not expected because of the short time since the December reports.

B-1 Executive Director's Report

Habitat Policy. Clarence Pautzke asked Council members to consider a draft policy statement on habitat initiated at the National Symposium on Coastal Fish Habitat Conservation and supported by the Mid-Atlantic and Pacific Councils. The topic will be up for discussion at the Chairmen's meeting the week of January 20.

Council members discussed the Administration's change of direction regarding the national wetlands policy. It was noted that Council members for the various states may have widely differing views on this subject and that without more information a consensus among NPFMC members may not be possible. The subject was delayed until later in the meeting for further clarification; however, because of the heavy agenda and lack of time, the subject was not addressed again.

Industry Bycatch Workshop. Dr. Pautzke also reported that at least one Council staff member will attend the industry bycatch workshop scheduled for February 4-6 in Newport, Oregon.

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Revised SOPP. The Council was provided with a copy of the revised SOPP for the North Pacific Fishery Management Council. The revisions reflected recent changes to the Magnuson Act and the NMFS operational guidelines and regulations for Councils. Council members were asked to review and endorse the changes so they can be forwarded to the Central Office, NMFS, for approval.

Bob Alverson moved approval of the revised SOPP. The motion was seconded by Henry Mitchell and carried without objection.

Committee Officers and Appointments. The Council was advised that AP and SSC officers for 1992 need Council endorsement. The Council also was scheduled to appoint members to the Pacific Northwest Crab Industry Advisory Committee (PNCIAC).

The Advisory Panel advised the Council that they will delay elections until the April meeting. The Council endorsed the election of Drs. William Clark and Terrance Quinn to serve as Chairman and Vice Chairman, respectively, of the SSC for 1992.

The Council also announced the following appointments to the PNCIAC for two-year terms:

Arne Aadland, Crab Fisherman
Phil Chitwood, Arctic Alaska Fisheries Corporation.
Bart Eaton, Trident Seafoods
Don Giles, Icicle Seafoods
Spike Jones, Crab Fisherman
Bruce Joyce, Alaska Crab Coalition
Kevin Kaldestad, Kaldestad Fisheries
Robert Miller, Cascade Boat Company
Konrad Uri, North Pacific Fishing Vessel Owners Assn.
Richard White, Dutch Harbor Seafoods Ltd.

C. NEW OR CONTINUING BUSINESS

C-1 Marine Mammals

The Council was scheduled to receive a status report on MMPA amendments proposed by NMFS and on the Walrus Island portion of Amendments 17/22 and on Amendments 20/25 (marine mammal protective measures) to the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fishery management plans.

Report of the Scientific and Statistical Committee

The SSC received a report from NMFS regarding the change in the final rule for Amendment 20/25 providing a 20-nautical-mile harvest closure around five rookeries in the Bering Sea/Aleutian Island area during the roe-bearing pollock fishery. The SSC reiterated its comments from the September meeting stating that it is unclear whether these measures are needed or whether, if applied, they will actually benefit the sea lion population.

With regard to the Walrus Island portion of Amendment 17/22, the SSC continues to support the 12-mile closures around Walrus Island as reported in June. The SSC urged continued monitoring of walrus and fishing activity in the area.

Report of the Advisory Panel

The AP raised concerns about the creation of a 20-mile closed-to-trawling zone around several rookeries without any industry notice. They felt the closures could have a significant impact in terms of redistribution of fishing effort during the pollock season and stressed the need for more opportunity to comment on such closures in the future. The AP recommended that the Council encourage NMFS to provide a more thorough discussion of marine mammal issues, especially as they impact fisheries issues. Because the AP feels that marine mammal issues will require a high priority status within the Council and NMFS in the future, they recommended that NMFS marine mammal scientists begin to attend all Council meetings.

With regard to the Walrus Island portion of Amendment 17/22, the Advisory Panel reaffirmed its June 1991 recommendation to continue a 12-mile closure to fishing around the Walrus Islands except for the transit zone previously recommended.

COUNCIL DISCUSSION AND ACTION

NMFS staff advised the Council that the final rule implementing Amendments 20/25 includes a 20-mile trawl closure around five sea lion rookeries in the Bering Sea/Aleutian Islands (Sea Lion Rocks, Akun Island, Akutan Island, Seguam Island, and Agligadak Island). NMFS advised that these closures were considered necessary because of increased fishing effort on roe-bearing pollock caused by the closure of the Bogoslof District. Under the Endangered Species Act they are required to take conservative action to protect the sea lions which feed on the pollock. When the "A" season closes, the 20-mile closures will revert back to the 10-mile closures originally recommended by the Council.

Steve Pennoyer explained to the Council that in order for the season to open January 20 they had to proceed with the necessary regulations without further Council discussion. He pointed out that NMFS did not take the action lightly and that they took all current information into consideration before making the change.

Bob Mace moved to send a letter, by fax, to Asst. Administrator Fox expressing the Council's frustration and concern over these events and to reiterate the Council's previous actions with respect to the change from 10-mile to 20-mile closures and stressing the Council's wish to remain with a January 20 season opening if at all possible. The motion was seconded by Oscar Dyson.

During discussion Council members confirmed that the letter should include concern about the impact of the expanded closures on the small boat cod fishery delivering to inshore processors and the issue of safety. The Council discussed the transit zone which may have been omitted from the current regulations. Steve Pennoyer said he would rather have the opportunity to check into the situation and confirm what happened before the Council considered any action.

Wally Pereyra expressed concern that the marine mammal issue was not addressed in the EA/RIR associated with the inshore-offshore allocation issue. Steve Pennoyer responded that one of the comments received on the inshore-offshore amendment addresses the same concern and that they

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are considering the response to the comment and how to deal with it relevant to both the environmental impact statement and MFCMA requirements on proposed rules.

The motion carried without objection.

Larry Cotter offered a motion to rescind the Council's December action with regard to the Round Island closures, however the motion was ruled out of order because the action has already been submitted to the Secretary.

After further discussion and consideration, **Larry Cotter moved to send a letter to the Secretary informing him/her that after further consideration with regard to the Walrus Island closures, the Council wishes to reaffirm its original decision made at the August 1991 meeting (to continue the 12-mile buffer zones for an indefinite period of time).**

Joe Blum moved to amend the motion to include a paragraph to indicate to the Coast Guard, U.S. Attorney, and Department of Commerce that it is not the Council's intent to have Magnuson Act penalties apply to trawl vessels violating the sanctuary area--that this action is to honor the State of Alaska's request to recognize their designated walrus sanctuary. The intent was to have State law and penalties, or MMPA laws apply. The motion to amend was seconded by Bob Alverson and failed, 9 to 2, with Blum and Alverson voting in favor.

Bob Alverson moved to amend the motion to recommend to the Secretary that a 2-year sunset provision be included in the regulation as it was in the previous action. The motion was seconded by Joe Blum.

Steve Pennoyer pointed out that the public comment period on the amendment is already over and he did not think a sunset option could be added at this time.

The amendment failed, 6 to 5, with Alverson, Blum, Dyson, Hegge and Mace voting yes.

The main motion carried, 6 to 5, with Blum, Cotter, Dyson, Hegge and Pereyra voting no.

C-2 Seabirds

The Council was scheduled to receive status reports on the U.S. Fish & Wildlife Service's draft Seabird Management Plan and on a petition to list the spectacled and Steller's Eiders as endangered species.

Jon Nelson provided a report on management and research activities by the Fish and Wildlife Service on seabirds. Present research activities are focused on selected species, such as kittiwakes and murres which tend to mirror the status of other species. The report stated that seabird monitoring to date has been too irregular at many colonies to reveal statistically reliable population trends. However, it was pointed out that in the Bering Sea red-legged kittiwakes have declined more than 50 percent since 1978. The report also concluded that the abundance of prey species, such as sand lance, pollock and capelin, is probably the single most dominant factor influencing seabird abundance and year-to year variability although other factors may be important under certain conditions.

Report of the Scientific and Statistical Committee

The SSC reviewed the draft Alaska Seabird Management Plan and were generally pleased with the document. However, they did point out several misstatements within the plan regarding the status of fisheries and possible impacts of commercial fisheries on the food supply of marine birds (see SSC Minutes, Appendix II, for specifics).

Report of the Advisory Panel

The AP recommended that the Council take a more active role in tracking, analyzing and commenting on issues relating to marine mammals and seabirds and stressed the need for closer coordination between agencies such as NMFS and the USFWS.

COUNCIL DISCUSSION AND ACTION

Joe Blum recommended that the Council transmit the SSC's comments regarding possible misstatements in the plan to the U.S. Fish and Wildlife Service. By consensus, the Council agreed to this action.

C-3 North Pacific Fisheries Research Plan

At the September 1991 meeting the Council sent the research plan back to committee for further development. Additions requested by the Council included: (1) spelling out levels of and justifications for observer coverage, (2) methods of data input and transfer, (3) a plan for coordination and compatibility between the groundfish and shellfish portions of the Plan, (4) detailed budgets for the state and federal portions of the Plan, (5) estimates of the funds available under the 1% fee cap, (6) identification of shortfalls and potential methods to cover these shortfalls, and (7) potential methods to cover the up-front funding needed to kick off the program. At this meeting the Council was scheduled to review the analysis and consider releasing it for public review. The Council was provided with documents entitled, "Outline for North Pacific Fisheries Research Plan," and "Analysis of Levels of Observer Coverage." The former provides a framework for administration of the observer program and the latter provides a preliminary analysis of levels of observer coverage required to meet program objectives using halibut bycatch as an example.

The staff, in the action memorandum, identified several areas where Council clarification or direction was needed in the framework plan before it could be completed for public review. Staff recommended that if the Council wished to take final action in April, they could either authorize staff to complete the analysis after Council clarification and send it out for public review prior to the April meeting, or the Council could hold a teleconference on the final document before sending it out for review.

Report of the Scientific and Statistical Committee

The SSC reviewed the two documents provided by staff and concluded that the plan, as currently structured, will not meet the objectives stated for the observer program. They pointed out that projected receipts from the 1% fee collection program would result in a \$1.43 million shortfall with respect to costs of the observer program with status quo levels of coverage if implemented in 1992. The also pointed out that, even with this shortfall, the levels of observer coverage in the status quo program are too low to meet the stated program objectives. The SSC recommended five actions to

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help address the problems they perceive in the current plan. The recommendations are summarized here; for the full text, please see the SSC minutes, Appendix II.

1. Alternatives leading to higher, more stable fee receipts should be sought so that prescribed levels of observer coverage can be funded to meet the program objectives.
2. Inclusion of the halibut fishery in the observer program should be considered for the estimation of total bycatch.
3. For the purposes of determining levels of observer coverage, objectives of the technical report should be stated in terms of statistical power. Similar statements should be developed for the vessel incentive objective to test for differences in bycatch rates between individual vessels and mean rates for each fishery, and for the objective to estimate catch size/age frequencies for use in stock assessments.
4. Given the disparity between program costs and fee receipts, the analysis should examine alternatives for cost reduction. Guidance needs to be provided by the Council so that informed decisions can be made about where the program simply cannot afford to meet the stated objectives.
5. The analysis should consider the assumption that the presence of observers does not affect bycatch. Minimally, the analysis should contain a qualitative assessment of the possible effect of observers on bycatch.

The SSC reiterated the critical importance of the observer program for purposes of fishery management.

Report of the Advisory Panel

The Advisory Panel made the following comments and recommendations:

1. Confirmed support of objectives, including the vessel incentive program and its requirements of increased levels of coverage.
2. Requested the Council appoint a preliminary oversight committee to review budget concerns and development of an implementation program. The group should include a representative of observer contractors, an observer trainer, and an observer.
3. The AP supports a change in the determination of value of fisheries from exvessel to an upward adjusted exvessel value not to exceed first wholesale value.
4. The fee should be assessed based on an estimated average price which would be determined pre-season on a species-by-species basis and charged per pound.
5. The start-up funds should be covered by Congress; the AP believes the industry, Council and environmental community should undertake a coordinated lobbying effort to achieve this goal.

COUNCIL DISCUSSION AND ACTION

Bob Alverson moved to release the analysis for public review. The motion was seconded by Joe Blum.

Joe Blum suggested that the items listed by staff for clarification should be a part of the public review package to solicit comment. Steve Pennoyer said the Council would need to narrow down the options and get a good analysis if they wished to take final action in April.

During discussion it was determined that the plan would be revised according to Council direction and brought back for review in April before releasing for public comment.

During Council discussion of the AP recommendation to change the determination of value of fisheries to an adjusted exvessel value not to exceed the first wholesale value, concern was expressed that this was not the intent of Congress and if the Council chose this option industry may reject the plan. Some Council members felt the option should be left in the public review package to solicit comment. Lisa Lindeman, NOAA-GC, clarified that the actual legislation authorizing collection of fees does not specify exvessel value, but only refers to value. Wally Pereyra pointed out that the Senate report on the legislation states that the intent "would not include anything beyond exvessel value." Henry Mitchell disagreed, saying that further study of the Senate report seems to indicate that the Council can determine the value and the Secretary would have the authority to agree or disagree.

Larry Cotter asked for clarification on analysis of fees for discards. Staff pointed out that this option was included in the original analysis, but was dropped by the Council in subsequent reviews.

Larry Cotter moved to include in the document an analysis of levying a fee against discards. The motion was seconded by Steve Pennoyer and carried without objection.

Larry Cotter moved to include an option to have the value upon which the fee is to be assessed to be established on a quarterly basis, continuing from quarter to quarter throughout each year. The motion was seconded by Clem Tillion and carried without objection.

The Council discussed the possibility of an escrow or reserve account for fees collected which would carry over from year to year. Russ Nelson pointed out that any overages would carry over but would be required to be used to reduce the fees for the next year. Wally Pereyra asked staff for a cash-flow analysis for Council review in April.

The Council then began considering the decision points provided by staff.

1. Objectives for Research Plan.

The Council concurred with the options presented in the framework document. Concerning the SSC's recommendation, the staff was requested to come back with parameter values for statistical power.

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2. Inclusion of halibut vessels under observer program.

The Council voted to delete the exemption, leaving the option to include halibut vessels that are able to carry an observer.

3. Differential shortfalls between shellfish and groundfish programs.

The Council approved the current three options:

- (1) Guarantee full funding of one program or the other, depending on where the shortfall occurs.
- (2) Pool the funds and distribute proportionately.
- (3) Determine this on an annual basis after assessing the upcoming year.

4. Shortfall in funding assuming current objectives and 1% cap on ex-vessel value.

The Council declined to consider an option to change from the 1% fee on ex-vessel value to 1% first wholesale value as the cap. The three options remaining to be analyzed were:

- (1) Request Congress to change the percentage cap.
- (2) Modify level of programs to meet budget constraints.
- (3) Establish a supplemental program.

5. Start-up funding.

The Council deleted an option that would suspend the current program and collect fees from all participants until one-half year of funding for the new program is obtained. Options approved were:

- (1) Wait for Congressional appropriation.
- (2) Retain existing program while collecting fees from those not required to carry observers.
- (3) Retain existing program while collecting fees from all participants.

6. Role and make-up of Oversight Committee.

Current options would remain as defined. The Council also added the Advisory Panel recommendation that representatives of observer contractors, observers, and independent observer training programs to be added to the Oversight Committee. The Oversight Committee would also be tasked to review proposed budgets. There was a question of a possible conflict with a contractor reviewing a budget. It was decided that the option should go out for public review while the legal issues are being researched.

7. Establish annual timing and determination of coverage levels and fees.

The Council approved the following options:

- (1) Receive recommendation at September meeting with final action at December meeting.
- (2) Receive recommendation at June meeting with final action at September meeting.

8. Fishermen's Liability

The Council stipulated a provision which would absolve fishermen of liability for unpaid fees if the fisherman had already paid fees and the buyer subsequently did not forward the fees.

9. Insurance & Liability for Observers and Owners

Council members voted to eliminate an option for analysis of a risk-sharing pool. It was pointed out that the Secretary has already been mandated to investigate this possibility and that the Council need only express its concern to the Secretary. It was suggested that the entire section on insurance and liability is out of the Council's purview and that it should be dropped from the analysis altogether. However, Council members agreed to allow the current options (status quo and specific minimum levels of insurance and types of coverage) to go out for public review to solicit comments.

Responding to a presentation and request from the University of Alaska to ensure continuation of their observer training programs, **Larry Cotter moved that the budget include a line item for the University of Alaska program. The motion was seconded by Ron Hegge.**

It was suggested that it would not be appropriate to stipulate any particular entity. The RFP process should be used and that it is not within the Council's role to determine who gets contracts.

The motion failed, 6 to 5, with Cotter, Dyson, Hegge, Mitchell and Tillion voting in favor.

Ron Hegge moved that observer coverage levels may vary from fishery to fishery to meet program goals and to achieve objectives based on statistical need rather than on vessel size. The motion was seconded by Joe Blum and carried without objection.

C-4 International Fisheries

Foreign permits. The Council received a report that the Secretary of Commerce has restricted foreign fishing vessels from all countries from transshipping Donut fish, and because joint ventures are unlikely, is encouraging the countries to withdraw their permit applications. Ron Berg reported that regulations are now in process to modify federal fishing permits that would make it illegal to fish in the Donut by a federally permitted vessel. It would also be illegal for any vessel fishing in the Donut without a permit to have pollock on board while in the U.S. EEZ.

Restrictions on U.S. vessels/processors affiliated with foreign operations in the Donut. Last September the Council asked NOAA General Counsel to investigate the legal issues involved in developing regulations and permit conditions that would prohibit any vessel or processing facility from participating in fisheries under the Council's jurisdiction if they were affiliated with foreign operations in the Donut Hole.

Lisa Lindeman, NOAA GC, reported that it is their opinion that the Secretary could implement regulations to carry out such a prohibition. However, she pointed out that because NOAA doesn't have information on foreign investment, enforcement would be a problem. They are working on a final opinion. She suggested that the Council would not need to take further action other than asking the Secretary to proceed with such regulations. General Counsel will work on draft regulations for Council review in April.

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Russian Halibut/Groundfish. During public comment, Shari Gross, Halibut Association of North America, told the Council of their concerns over halibut coming into the United States without adequate monitoring and catch reporting. American-flagged vessels are legally operating in the Russian territorial waters and returning their catch at U.S. ports. U.S. regulations would prohibit such catches in U.S. waters, but do not restrict the current practice. Steve Pennoyer advised that they are in the process of developing regulations to monitor the landings. Regulations under consideration include check-in/check-out procedures, reporting requirements, and requiring returning vessels to offload prior to fishing in the U.S. EEZ. Mr. Pennoyer stressed that this is not just a halibut issue, that groundfish species are involved as well, and that NMFS is anxious to resolve the issue. Both NMFS and enforcement expressed concern about how such landings can be distinguished from catches resulting from illegal fishing in U.S. waters.

Report of the Advisory Panel

The AP recommended the Council reaffirm their support for a total closure of the Donut Hole to fishing by vessels of any nation.

COUNCIL DISCUSSION AND ACTION

This was an information-only agenda item; however, with regard to the landing of Russian catches in U.S. ports, the Council agreed to send a letter to the Secretary to encourage swift passage of measures to monitor these catches.

C-5 Moratorium

The Council was scheduled to finalize the moratorium workplan, elements and schedule, consider establishing an industry moratorium implementation team, and to receive a report on the Capital Construction fund and conditional fisheries.

Report of the Scientific and Statistical Committee

The SSC reviewed the moratorium documents and recommended that the Council clarify its objective for the program. The objective as stated, ". . .to control continued growth in fishing capacity. . .," does not freeze the number of vessels, cap the harvesting capacity of the fleet or restrict investment in the fishing fleet at 1990 levels. The SSC recommended that the objective be stated in terms of freezing the number of vessels because of problems associated with selecting a measure of harvesting capacity and controlling investment. The SSC views the moratorium as a temporary, interim measure, and urged the Council to focus their limited analytical resources on the more important comprehensive plan, limiting the moratorium analysis to a more rudimentary environmental assessment and socio-economic impact analysis. If the Council is forced to produce a more voluminous analysis, the SSC would recommend dropping the moratorium and concentrating on the comprehensive plan.

Report of the Advisory Panel

The AP considered each of the decision items on Agenda item C-5(a) provided by staff and developed recommendations for items to be analyzed for the moratorium. Specific recommendations are found in the AP minutes, Appendix III to these minutes. The AP also recommended that a subcommittee of AP members be appointed to keep abreast of the moratorium develop and provide

input to staff. They also recommended that a CCF fund for the purpose of building a vessel should not in itself constitute a valid contract to qualify as "in the pipeline" under the moratorium.

COUNCIL DISCUSSION AND ACTION

The Council began with a comprehensive motion and proceeded to discuss and clarify each option as necessary.

Larry Cotter moved to adopt for analytical purposes those alternatives in Agenda item C-5(a) [Alt. 2--Strict Moratorium; and Alt. 3--Liberal Moratorium], and to include Advisory Panel recommendations. The motion was seconded by Joe Blum.

In the course of discussion and ensuing motions, the following points were changed or clarified:

- Overall Objective: "In an effort to achieve OY in the fisheries under Council jurisdiction, to freeze the number of vessels in those fisheries with appropriate restrictions on changes to those vessels permitted in the fisheries to accomplish this objective."
- Control dates would remain the same as those published in the Federal Register notice (September 15, 1990, with extensions to January 15, 1992 for longliners and February 9, 1992 for trawlers). The Council advised that if a vessel made deliveries, they fulfilled the contract requirements.
- Crossovers. No restrictions would be specified regarding the ability of a vessel to cross over from one fishery to another during the moratorium, regardless of past participation.
- Small Vessel Exemption. No specific provisions are made that would categorically exempt small vessels from the moratorium. The analysis will assess the impacts of a moratorium on small vessel operators and their fishing activities.
- Halibut and Sablefish Fixed Gear Vessels. Two alternatives would be analyzed: (a) no exemption; and (b) halibut and sablefish fixed gear operators that would come under the provisions of the proposed IFQ amendment would be exempted from the vessel moratorium as it affects halibut and sablefish operations.
- Qualifying Period. In addition to the alternatives of January 1, 1976 and January 1, 1980 through the applicable control date, January 1, 1988 (through the applicable control date) was added as an alternative for analysis.
- Disadvantaged Communities. Deleted an AP recommendation to grant CDQ tonnage as administered under the IFQ and Inshore/Offshore program, to disadvantaged communities if CDQs are not in effect under the moratorium.

The main motion carried without objection after these clarifications and changes.

Oscar Dyson moved to appoint a technical and industry committee to work with staff on an implementation plan for the moratorium amendment. The motion was seconded and carried without objection. Representatives of shipyards, Coast Guard, catcher/processors, catcher/trawlers

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and longline industries were recommended for the team. Others could be included at the Chairman's discretion.

Ron Hegge moved that the Chairman draft a letter to the Secretary of Commerce outlining the moratorium on North Pacific fisheries and pointing out that some CCF funds in existence cannot be fulfilled without violating the proposed moratorium. To prevent undue harm to those CCF fund holders and in the interest of supporting the proposed moratorium, the Council recommends the Secretary to take action to allow these CCF funds to be terminated without penalty other than applicable taxes. The motion was seconded by Wally Pereyra.

Lisa Lindeman, NOAA-GC, pointed out that the Secretary of Commerce does not have authority or discretion to allow unqualified withdrawal from CCF funds without having to pay a penalty. It would require Congressional action. Mr. Hegge said that he understands the situation, however, the Secretary should be made aware of the Council's desire to have action initiated to solve this problem.

The Council also requested that General Counsel investigate whether having a CCF arrangement is equivalent to having a contract that would qualify for entry under the moratorium.

The motion carried, 9 to 2, with Cotter and Pennoyer voting no.

C-6 Fisheries Oceanography Cooperative Investigations

The Council received a presentation on pollock research in the Shelikof region of the Gulf of Alaska. The goal of the research is to understand the driving forces behind recruitment of pollock to the fisheries and to establish a methodology for predicting year-class strength. This was an information-only agenda item; no action was taken.

The Council also received a presentation from Dr. Vera Alexander, Dean of the University of Alaska College of Oceans and Sciences. Dr. Alexander reviewed the programs underway within the university and requested Council endorsement of a request to the State of Alaska by the University for a budget increment of approximately \$700,000 to fund new facilities for faculty and graduate students in the areas of fishery research and education.

C-7 Research Priorities

This agenda item was not taken up because of a lack of time, however the SSC did have comments.

Report of the Scientific and Statistical Committee

The SSC reviewed research recommendations made by the groundfish and crab plan teams. The SSC noted that the following selected projects are in addition to ongoing NMFS programs which should not be curtailed. For a more detailed description of these projects, please see the SSC Minutes, Appendix II.

- A. Alaska Fishery Monitoring: Data Entry, Storage, and Analysis System
- B. Expanded Ecosystem Studies

C. Critical Assessment Problems

Priority 1 Issues:

1. Pollock stock structure, assessment, and management.
2. Crab research.

Priority 2 Issues:

1. Rockfish assessment methodology.
2. Sablefish longline surveys--standardization and calibration.
3. Atka mackerel assessment in Aleutian Islands.

D. Socioeconomic Research

1. Economic evaluation of consequences of various bycatch management alternatives is the highest priority.
2. Social research is needed to understand the social costs and benefits of management actions.

C-8 Comprehensive Rationalization Plan

This agenda item was not taken up because of a lack of time, however the SSC had the following comments.

Report of the Scientific and Statistical Committee

The SSC pointed out the importance of narrowing the scope of options for analysis by eliminating some of the seven major possibilities outlined by staff in Agenda item C-8(a). The analytical resources of the Council could then be directed toward evaluating the few most likely alternatives. The SSC also stressed that the Council needs to arrange for adequate resources to accomplish the social and economic assessments involved in a fishery impact analysis. Because the current standards for socio-economic analysis need further clarification, the SSC intends to address the issue in the near future.

C-9 Other Business

Clem Tillion moved to amend action previously taken at the December 1991 Council meeting adopting the sablefish and halibut IFQ management plan to request the Regional Director to (1) hold the Plan until after the April Council meeting; (2) continue work on the SEIS, the implementation, proposed rule, and other materials which will accompany the IFQ plan in the submittal to the Secretary; and (3) using existing data, include in the SEIS an analysis of the impacts of the IFQ program to coastal communities. The materials should be made available as soon as possible for public review and review by the Council at the April meeting. The motion was seconded by Joe Blum.

There was some debate over whether the motion was in order because a previous motion to reconsider failed. It was pointed out that this motion is a request to review the final product, not reconsider the vote. The Chair ruled the motion in order. Mr. Pereyra did not agree with the ruling, but because debate had already begun, no further action was taken on his appeal. Steve Pennoyer stated that they are working under pressure to finalize documents and get them out for a 45-day review period. He is not sure whether this will be accomplished by April. With regard to the "public

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review" portion of the motion, he pointed out that a public comment period will be included under the Secretarial review process. Mr. Tillion said the object would be to allow the Council and public the opportunity to see the final documents and be given the chance to comment before the package is formally submitted to the Secretary.

Larry Cotter moved to amend the last sentence of the motion to read, "These materials should be made available as soon as possible for public review for public testimony to the Council and for review by the Council at the April meeting." (new language underlined) The motion was seconded and carried, 9 to 2, with Mace and Mitchell voting no.

The amended motion carried, 9 to 2, with Mace and Alverson voting no.

D. FISHERY MANAGEMENT PLANS

D-1 Crab Management

In December the Council requested a general discussion of king and Tanner crab management for the January meeting. The Alaska Department of Fish and Game provided a report on four items requested by the Council: (1) C. opilio Guideline Harvest Level (GHL) and the OY in the FMP; (2) Tanner crab hybrid management; (3) Tanner crab seasons; and (4) pot limits for Bering Sea crab fisheries.

Report of the Scientific and Statistical Committee

The SSC heard public testimony and reports by NMFS and ADF&G regarding the emergency regulation recently adopted by the Alaska Board of Fisheries that prohibits the retention of male Chionoecetes crabs greater than 3.1" carapace width with at least one red eye during the snow crab season. This regulation was adopted to provide more effective enforcement and to prevent the illegal retention of small Tanner crab during the snow crab season. Industry representatives raised concerns regarding insufficient opportunity to review and comment on recent Board of Fisheries actions to minimize the illegal harvest of sublegal Tanner crab in the Bering Sea fishery. The SSC notes that no visual method is completely accurate in identifying hybrid crabs. The life history, size at maturity, and fecundity of hybrid snow crabs are not well known, but are likely to be different from either snow or Tanner crab. The SSC supports initiatives to develop a long-term, comprehensive management strategy for the three forms of Chionoecetes in the Bering Sea.

The Advisory Panel had no report on this agenda item.

COUNCIL DISCUSSION AND ACTION

Because of the lengthy agenda, the Council did not have time to discuss crab issues as they had intended.