

# North Pacific Fishery Management Council

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Certified Richard B. Lauber  
Richard B. Lauber, Chairman

Date June 3, 1993

## MINUTES

**106th Plenary Session  
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL  
January 18-20, 1993  
Hilton Hotel  
Anchorage, Alaska**

The North Pacific Fishery Management Council met January 18-20, 1993 at the Hilton Hotel in Anchorage, Alaska. The Advisory Panel and Scientific and Statistical Committee began on January 17. The Comprehensive Planning Committee met on January 17. The following members of the Council, staff, SSC and AP attended the meetings.

### Council

Richard Lauber, Chairman  
Alan Millikan for Robt. Turner  
RADM Roger Rufe/CAPT Bill Anderson  
Linda Behnken  
Oscar Dyson  
Bob Mace for Randy Fisher  
Ron Hegge

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

### NPFMC Staff

Clarence Pautzke, Executive Director  
Judy Willoughby  
Darrell Brannan  
Marcus Hartley  
Brent Paine

Chris Oliver, Deputy Director  
David Witherell  
Helen Allen  
Gail Peeler  
Regina Stewart

### Support Staff

Earl Krygier, ADFG  
Dave Flannagan, NMFS-AKR  
Lisa Lindeman, NOAA-GC  
Sandra Lowe, AFSC  
Jay Ginter, NMFS-AKR

Sally Bibb, NMFS-AKR  
Kurt Schelle, CFEC  
Ben Muse, CFEC  
Sue Salveson, NMFS-AKR

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Scientific and Statistical Committee

Bill Clark, Chair  
Bill Aron  
Keith Criddle  
Doug Eggers  
Bud Fay  
Larry Hreha

Richard Marasco  
Marc Miller  
Phil Rigby  
Jack Tagart  
Al Tyler (alternate-Quinn)

Advisory Panel

John Woodruff, Chairman  
Dave Fraser, V. Chairman  
John Bruce  
Al Burch  
Phil Chitwood  
Phil Drage  
Dan Falvey

Kevin Kaldestad  
David Little  
Pete Maloney  
Dean Paddock  
Penny Pagels  
Perfenia Pletnikoff  
John Roos

John Sevier  
Harold Sparck  
Michael Stevens  
Beth Stewart  
Robert Wurm

General Public

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

Michael Daniels  
Dick Tremaine  
Chuck Jensen  
John Iani  
Thorn Smith  
Kate Graham  
Shari Gross  
Deming Cowles  
Jed Whittaker  
Krys Holmes  
Steve Toomey  
Brian Bigler  
Steve Hughes  
Chris Blackburn  
Dan Eldredge  
Stacy Steinberg  
Dave Benson

Alexander Galanin, Sr.  
Katsumi Kenaston  
Mike Dirkes  
Tuck Donnelly  
Tom Lakosh  
E. Peter Kelly  
Dennis Robinson  
Tony Smith  
Gregg Williams  
Steve Grabacki  
Ellen Lockyer  
Joe Plesha  
Capt. John Shkor  
Teresa Kandianis  
R.F. Morgan  
J.W. Tomlinson  
Jeff Richardson

Jack Doyle  
Norman Cohen  
Bill Wells  
Bruce Hull  
Ken Spearin  
Mark Kandianis  
Gail Irvine  
B.O. Bodal  
Denby Lloyd  
Hazel Nelson  
Tyson Vogeler  
Dr. Carl Ellis  
Arni Thomson  
Joe Sullivan  
Bob Storrs  
Gunnar Grundblad  
Tim Robertson

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

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

Chairman Lauber called the meeting to order at 8:15 a.m. on Monday, January 18, 1993. The agenda was approved as submitted, and the minutes of the December 1992 meeting were approved.

**B. REPORTS**

Because of the short time between the December and January meetings, no reports were requested from the Alaska Department of Fish and Game or NMFS and Coast Guard Enforcement Agencies.

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

**Council Meeting Sites**

The Executive Director reviewed meeting schedules for 1993 through 1995 asking Council members for input on the out-of-state meeting for 1995. It was clarified that earlier discussions indicated the Council would meet two out of every three years in Washington state and meet in Oregon the third year. The Council also requested staff to continue researching the possibility of moving the June meeting to late May or early July for 1994-95 and to consider alternative sites for that meeting, such as Juneau, Kodiak, Ketchikan, and Seattle. Costs of holding Council meetings at these various sites should be researched and compared.

**AP and SSC Officers**

The Council confirmed the election of Drs. Bill Clark and Terry Quinn as Chair and Vice Chair of the SSC for 1993. The Advisory Panel decided to wait until their April meeting to elect new officers.

**Don Rosenberg's Retirement**

Council members were advised of a special reception for Don Rosenberg in honor of his 16 years on the Scientific and Statistical Committee.

**B-2 NMFS Management Report**

Ron Berg reported that the CDQ fishery concluded with few problems; the total catch was approximately 96,000 mt. Individual company catch statistics are considered confidential. Mr. Berg also reported on the progress of various regulatory and plan amendments. He noted that the product recovery rate for the 'A' season will be 10% because the proposed rule has not cleared OMB.

Council members were informed that both NMFS Enforcement and the Coast Guard are recommending that GOA Amendment 26 (the bottom trawl closure zones around Kodiak) be expanded to prohibit all trawling in those areas. The reason for this recommendation is to provide better enforcement. Mr. Mace suggested the Council needs an analysis of violations and the magnitude of the midwater trawling taking place before making any decision. Council members agreed and asked staff to report back in April.

Mr. Berg was also asked to explain the reason the regulation prohibiting landing of undersized halibut from beyond the EEZ was dropped. Mr. Berg explained that the analysis indicated that the portion of the fishery that NMFS could control was very minor compared to other sources of the halibut coming in from portions of industry that they cannot control; i.e., NMFS can control fishing boats, but not freighters carrying undersized halibut caught in Russian waters and being delivered in the U.S. An amendment to the MFCMA would be required to allow such regulation and enforcement. Therefore, NMFS dropped consideration of the current regulation because it would not adequately address the problem.

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Mr. Pereyra pointed out that on the East Coast there is a prohibition on import of undersized fish from other countries, no matter how they are imported. He asked NOAA General Counsel to look into that regulation to see how it may apply here. Ms. Lindeman told the Council that in developing the regulation for Alaska, General Counsel determined that the Secretary does not have the authority to regulate halibut outside Convention waters under the Halibut Act.

Mr. Berg advised that NMFS is still developing a regulation that will require offloading of fish caught outside the EEZ before fishing in U.S. waters.

**C. NEW OR CONTINUING BUSINESS**

**C-1 Comprehensive Rationalization Plan**

The Comprehensive Planning Committee (CPC) met on January 17, 1993 to begin the process of choosing major management alternatives to be included in an in-depth, quantitative analysis.

**Report of the Comprehensive Planning Committee**

The complete report of the CPC is found as Appendix II to these minutes. The Committee approved a motion to direct staff to proceed with development of three major alternatives for analysis:

1. Status Quo - this alternative is defined as the regulatory management regime currently in existence. Various traditional management tools would not be extensively analyzed in a quantitative manner. The Committee acknowledged that such management tools could be developed and implemented in a relatively short time if an impasse is reached on the limited entry alternatives in 1994.
2. License Limitation - for both groundfish and crab.
3. IFQs - this would include consideration of IFQs for target, bycatch and PSC species, and would include options for transferability vs. non-transferability. Auctions are deleted as an option for allocation.

Any of the major alternatives above may include consideration of Community Development Quotas (CDQs).

The Committee also unanimously approved a motion that staff provide to industry and the Committee the following data base (for all years back to 1976 and through 1992, for all species, for all management areas for which keypunched data exist):

1. Total ABCs, TACs and catch
2. Catch broken down by JVP/DAP
3. DAP catch further broken down by the categories of catcher, catcher/processor, shoreside delivery, mothership.
4. By major gear type.
5. By vessel size categories as practicable.
6. In terms of retained catch.

7. The Committee also requested economic data on different contributions of JV and DAP sectors and of foregone catches when JV catcher vessels shifted to DAP deliveries even under limited market opportunities.

Staff advised that such a data base aggregation could be provided in a relatively short time, and would likely differ only slightly from the final data base developed which will be based on examination of individual vessel records.

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

The SSC felt that, given the length of time available for analysis, methodological issues associated with determining how the economic performance of the fishing industry and community/social indicators will be affected by the different alternatives must be resolved as quickly as possible. The SSC has named a subcommittee consisting of Keith Criddle, Dan Huppert, Rich Marasco, and Marc Miller to work with the analytical team on this program.

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

The Advisory Panel concurred with the CPC's recommendations and suggested the following:

1. That industry groups should be set up to explore options in their respective fisheries (by gear type and perhaps by major species groups).
2. That a list of issues related to the ground rules of the comprehensive rationalization plan be sent to NOAA-GC for clarification, specifically whether processors are participants.

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

The Council discussed the Advisory Panel and industry recommendation to set up separate industry groups and concurred that trying to make certain that every industry segment is included would be cumbersome. They also felt that it may be premature to consider such advisory groups, but may consider it later in the process of developing the plan.

**Henry Mitchell moved to adopt the recommendations of the Comprehensive Planning Committee. The motion was seconded by Al Millikan and carried without objection.**

#### **C-2 Magnuson Act Reauthorization**

The Council received a brief report indicating that Congressional committee hearings may get underway by late February. There was no discussion or action on this agenda item.

#### **C-3 Sablefish and Halibut IFQ Plan**

The Council received a brief status report on the Proposed Rule for the IFQ program. The Secretary is scheduled to make a decision by January 29.

In September the Council reviewed a draft discussion paper for possible amendments to the IFQ program, when approved. A preliminary discussion paper for the two block proposals and a 1,000 lb. minimum proposal were made available for public review after the September Council meeting.

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Kurt Schelle and Ben Muse, Alaska Commercial Fishery Entry Commission staff members, summarized the proposals and public comments received.

There was no **Scientific and Statistical Committee** report on this agenda item.

**Report of the Advisory Panel**

The AP unanimously recommended the Council continue development of the Sitka block proposal with a maximum of 3 blocks per person and 5 blocks per vessel and continue development of the full/partial block proposal using a 20,000 lb increment for full blocks. The AP stressed their hope that the two proposals could be developed and addressed in a timely manner so the existing program can be amended quickly after approval by the Secretary and in time for implementation concurrently with the IFQ program. The AP felt that the 1,000 lb minimum proposal was unnecessary if one of the block proposals is approved.

**COUNCIL DISCUSSION AND ACTION**

**Linda Behnken moved to adopt the AP recommendation to analyze the Sitka block proposal with the options of a maximum of 3 blocks per person and 5 blocks per vessel, 2 blocks per person and 4 per vessel, and continued development of the full/partial block proposal using a 20,000 lb increment for full blocks, with the same options. The motion was seconded by Henry Mitchell.**

Ms. Behnken said these options will help address concerns over consolidation of shares and the effect of the program on the traditional fleet and traditional delivery patterns.

Staff asked whether the intent of the motion would be to limit the Council's ability to consider something other than the 20,000 lb increment mentioned in the alternative. Ms. Behnken responded that the intent is to restrict the number of options in order to avoid unnecessary analysis.

Al Millikan said he feels that these proposals compromise the IFQ plan as adopted and that the Council should concentrate on the comprehensive rationalization plan.

Wally Pereyra said that the Council should not take action on amendments to a plan that hasn't been approved yet by the Secretary.

**Wally Pereyra moved to postpone action on this amendment until the IFQ plan is approved and implemented. The motion was seconded by Al Millikan and failed, 7 to 4, with Alverson, Mace, Millikan and Pereyra voting in favor.**

**The main motion carried, 7 to 4, with Alverson, Mace, Millikan and Pereyra voting against.**

Mr. Pereyra felt that making this sort of change to the program will interfere with the market place. The restrictions on how much quota an individual can hold were designed to address the concern over concentration of shares.

**Clem Tillion moved that the 1,000 lb proposal be sent back for further analysis with the following parameters:**

- **the 1,000 lb minimum allocation, applying only to those who have landed 1,000 lbs during the qualifying period in any one year (to cover those who have worked as a deckhand, bought a boat, but only had the opportunity to fish one of the qualifying years);**
- **continue to develop a system to spread the cost of the program across all areas, rather than on a by-area basis (friendly amendment by Linda Behnken).**

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

It was clarified that to qualify, a fisherman must have landed at least 1,000 lbs in any one qualifying year, and that this allocation would apply only for the first year of the program.

**The motion failed, 6 to 5, with Behnken, Dyson, Mitchell, Tillion and Lauber voting in favor.**

**Linda Behnken moved that the only persons receiving the initial allocation of 1,000 lbs would have to have had at least 200 lbs worth of quota shares coming to them under the current plan. The motion was seconded by Clem Tillion.**

Ms. Behnken said this would address concerns raised by Mr. Hegge and Mr. Pereyra that a person who had landed a smaller amount, i.e., 300 lbs, for each of the qualifying years would end up with less initial allocation than a person landing 1,000 lbs in only one year.

It was clarified that motion applies only to halibut, and does not include sablefish.

**The motion carried, 6 to 5, with Alverson, Millikan, Berg, Mace and Pereyra voting against.**

The analysis will be prepared as an amendment to the IFQ plan and be available for Council review at the April meeting, with a final decision scheduled for June.

#### C-4 Research Priorities

The Council received a list of priority research topics developed by the Plan Team and the SSC. In September the Council also asked the BSAI Plan Team to develop a report regarding the ability to expand the current foreign or domestic longline surveys and trawl surveys into deeper water to better assess the abundance of Greenland turbot in the area.

The Council received a letter from Dr. Bill Aron, Director of the NMFS Alaska Fisheries Science Center indicating that extending the traditional survey of the Eastern Bering Sea shelf into the deeper zone is not feasible at this time because of current budget constraints. He also pointed out that much of the slope area is untrawlable and the resource rather patchy in distribution, thus resulting in imprecise estimates of abundance. Dr. Aron suggested that the most expedient way to obtain the data in 1993 would be to expand the Japanese longline cooperative survey by adding 1 to 2 kilometers of gear at each station in the areas of interest, about 4 stations in the eastern Aleutians and 24 in the eastern Bering Sea.

There was no Advisory Panel report on this agenda item.

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**Report of the Scientific and Statistical Committee**

The SSC provided the Council with a list of research priorities developed by using the groundfish and crab plan teams' recommendations, and last year's research priorities (see SSC Minutes, Appendix III to these minutes). The SSC stressed that these recommendations are in addition to ongoing NMFS programs.

**COUNCIL DISCUSSION AND ACTION**

**Oscar Dyson moved to send the SSC's recommendation for research priorities to NMFS and request that NMFS report back to the Council in the future regarding action on previous recommendations. The motion was Wally Pereyra and carried without objection.**

Council members asked that a cover letter accompanying these recommendations stress the Council's concern over the need for continuing research on rockfish, crab handling mortality, ecosystems dynamics, bycatch issues, and the Greenland turbot survey work.

**C-5 Scallop Management**

At the December 1992 meeting the Council received testimony from a scallop vessel owner who requested a permit moratorium be placed on the weathervane scallop fishery. The fisherman testified that the nine vessels harvesting weathervane scallops in 1992 were fully exploiting the scallop stocks and expressed concern over the potential for rapid increase in effort due to an expected influx of 50-75 vessels from the East Coast, where scallop fisheries are being curtailed. Management of weathervane scallops is currently under the jurisdiction of the State of Alaska; there is no federal FMP for the species.

The Council received a report from Earl Krygier, ADF&G, that the State of Alaska has developed an interim fishery management plan which calls for three major management measures: (1) setting area-specific guideline harvest levels and gear restrictions to prevent localized overharvesting; (2) creating an observer program to monitor the fishery and obtain biological information, and (3) restricting effort. Preliminary analysis indicates that initiating a State of Alaska limited entry program would not alleviate the problem because permits are issued to individuals, not vessels, and a relatively large number of permits have been issued during the past few years.

There were no reports from the AP or SSC on this agenda item.

**COUNCIL DISCUSSION AND ACTION**

After hearing the reports indicating that the scallop stock is fully exploited and that the State of Alaska has concern that additional effort would be detrimental to them, and receiving similar information from industry participants, the Council determined that development of a federal fishery management plan for scallops should be initiated.

**Clem Tillion moved to ask staff to begin development of a federal fishery management plan for scallops, with a January 20, 1993 control date for the purpose of a vessel moratorium and ITQ qualifications. The motion was seconded by Henry Mitchell and carried without objection.**



It was suggested that the FMP be structured similar to the Bering Sea/Aleutian Islands King and Tanner Crab FMP which defines specific management authorities of both federal and state agencies. Ron Berg indicated that it may be possible to include scallop management by amendment to the groundfish fishery management plans.

At the April meeting staff will report on a proposed structure for the FMP and possible management regimes to be considered.

**C-6 Marine Mammals**

The Council was scheduled to receive NMFS reports on harbor seals in the Gulf of Alaska, and the proposed amendment to the MMPA; however staff from the Marine Mammal Laboratory were unable to attend the meeting. Brent Paine reported that NMFS staff has not yet been able to complete the field study analysis for harbor seals, but that a draft report should be available by the end of January when NMFS staff will be meeting to discuss listing harbor seals as a depleted species under the Marine Mammal Protection Act. Council also received a copy of the recently published "Regime to Govern Interactions Between Marine Mammals and Commercial Fishing Operations," and Brent Paine briefly summarized the document for them.

This was a information item and no action was taken. It was noted, however, that the Council has commented twice before on the proposed program to govern the incidental taking of marine mammals in commercial fishing operations.

**C-7 Other Business**

Moratorium Update and Clarifications. Council and NMFS staff have received numerous inquiries from industry on the interpretation of several aspects of the moratorium. To complete preparation of the Proposed Rule, staff asked the Council to clarify staff's interpretation of the following points:

**Issue 1: Vessel reconstruction/replacement before the moratorium is implemented.**

**1. Reconstruction completed by June 24, 1992:**

Staff interpretation: New size unrestricted; one more upgrade allowed, subject to 20% increase limit, between June 24 and end of moratorium.

**2. Reconstruction started before June 24, but not finished by then:**

Staff Interpretation: New size unrestricted; no more upgrades allowed.

**3. Reconstruction started on or after June 24:**

Staff Interpretation: New size restricted by 20% rule; no more upgrades allowed.

**Replacement of qualified vessels with non-qualified vessels: as follows:**

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Staff Interpretation, based on provisions 5-7:

After January 1, 1989, and until the moratorium expires, qualifying vessels can be replaced with non-qualifying vessels as often as desired so long as the replaced vessel leaves the fishery or bumps another qualifying vessel out in the case of multiple transactions. Though several replacements are allowed, vessel size can only be increased once, subject to the 20% rule.

**Combined replacement and upgrade on or after June 24, 1992:**

Staff Interpretation:

Council intent was to limit the overall increase by the 20% rule. Thus a moratorium-qualified vessel could be replaced once with a non-qualified vessel 10% larger, and then the new vessel could be lengthened by another 10%, but not by 20% and then another 20%.

**Issue 2: Exemptions for potential sablefish and halibut IFQ Recipients.**

When the IFQ program gets started, vessels in the sablefish and halibut fixed gear fisheries will be exempt from the moratorium. IFQ implementation is one to two years out, and the moratorium will take effect this summer. So if a future IFQ holder went out and bought a new combination vessel to fish halibut, sablefish and salmon, thinking the exemption applied, they would be mistaken.

**Transfers of moratorium and upgrade rights but not the vessels themselves.**

Many questions have arisen concerning the transfer of fishing rights from one vessel to another, without the ownership of the vessel changing hands. The Council's motion allows for the replacement of a non-qualified vessel with a qualified vessel, with the latter vessel giving up its qualification right. Since the Council's approval of the moratorium, a considerable market in moratorium fishing rights has developed, with only the rights, not the vessels, trading hands.

Staff Interpretation:

This does not violate the intent of the Council's moratorium and should be allowed. The net effect is the same as if the vessels themselves were traded, as long as any transfers of fishing rights from one vessel to another do not violate the 20%, one-time upgrade rule. Further, in the case of multiple transfers, the vessel holding the fishing right cannot exceed the length of the original vessel by more than 20%.

Staff suggested that another concern with this issue is the tracking of moratorium-qualified vessels. Staff is advising interested inquirers that they are engaging in a private legal contract and should maintain proper documentation of such transfers.

Staff also advised that, unless otherwise advised by the Council, the regulations will assume that the moratorium fishing rights remain with any vessel that is traded, or has been traded in the past, unless otherwise specified by legal agreement.

There were no AP or SSC reports on this agenda item.

## COUNCIL DISCUSSION AND ACTION

After hearing the staff report on each of the items to be clarified, Council members confirmed that staff interpretations conform to the Council's intent of the moratorium.

### Other Miscellaneous Business

Wally Pereyra asked for a report of the Habitat Committee's meeting during the last Council meeting. Henry Mitchell briefly reported that the Committee discussed the proposed exemption of Alaska under the Clean Waters Act, and that the Committee had discussed advising the Council to send a letter opposing such a provision, although the recommendation was not brought before the Council at that meeting. Mr. Pereyra said he is concerned that such an exemption would leave critical habitats open to development and/or exploitation without benefit of critical review and that he feels this is not in the best interest of regulating the fisheries. Chairman Lauber said the exemption is not going forward and that the issue is now moot.

## D. FISHERY MANAGEMENT PLANS

### D-1 Crab Management

The Council was scheduled to consider initiating a plan amendment to increase the optimum yield for *opilio* crab and to receive industry recommendations concerning pot limits.

OY Analysis. Staff reported that the analysis of an increase in the OY for *opilio* is not yet complete. However, because the State of Alaska has set a Guideline Harvest Level below the 333 million pound OY, any impact due to a delay of the review of this amendment would be minimal. The 1992 eastern Bering Sea crab survey indicates that the GHL for *opilio* will probably remain below the current OY for the near future.

Pot Limits. In December the Council was advised that the Secretary of Commerce had overruled the State of Alaska's regulations implementing a pot limit regulation for the BSAI crab fisheries. The Council requested the Pacific Northwest Crab Industry Advisory Committee (PNCIAC) to provide recommendations at this meeting. The Alaska Board of Fisheries will revisit the pot limit issue at its February 1993 meeting.

There were no AP or SSC reports on this agenda item.

### **Report of the PNCIAC**

The Committee was frustrated in its attempt to resolve this issue by a lack of information on vessel sizes and comparative catches and also by a general lack of guidance from the Alaska Dept. of Fish & Game and the National Marine Fisheries Service on the types of solutions that would pass legal review.

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However, with limited information available, the PNCLAC developed the following framework proposal:

1. Establish a formula for pot limits in the bering Sea fisheries based on a maximum of 2.5 pots per linear foot of vessel length, as measured by length overall and a minimum of 1 pot per linear foot, length overall. This would cover only those fisheries to which the pot limits were recently overturned by the Secretary of Commerce.
2. The pot limits are to be linked to a sliding scale of guideline harvest levels. The same formula is to be used for all the crab species and a minimum of no less than 1 pot per linear foot of vessel length is recommended:

Less than 5 million pounds -- 1 pot/foot of length overall

5 million - 7.5 million pounds -- 1.5 pots/foot of length overall

7.5 million to 10 million pounds -- 2 pots/foot of length overall

10 million pounds and over -- 2.5 pots/foot of overall length.

The Committee recommended that the Crab FMP not be amended to allow for discriminatory regulations for any vessel size classes.

With regard to the *opilio* OY, the Committee recommended the Council develop an amendment to the Crab FMP to framework the OY, to allow for setting an annual GHLL according to the annual survey and population estimates and to disregard the cap.

#### COUNCIL DISCUSSION AND ACTION

Wally Pereyra expressed concern over a dual observer approach to collect management information, i.e., the Research Plan and the State crab observer program. Because maintaining two separate programs is costly and duplicative and inefficient, he would like to see the two programs brought together under one plan.

**Linda Behnken moved to recommend to the Alaska Board of Fisheries that they recognize the NPFMC Observer Oversight Committee and work with them to resolve problems cited by industry, and to begin to coordinate more closely with the federal observer program. The motion was seconded by Henry Mitchell and carried without objection.**

Regarding the analysis for the *opilio* OY, Council members expressed concern about decline of stocks over the past ten years and discussed the need for information on ecosystem management and any other factors which would aid the Council in making management decisions for crab. The plan teams will begin to gather information for a Council discussion in April. Work on the OY analysis will continue, although it is not a priority item at this time.

D-2 Groundfish Regulatory Amendments

(a) Define Legal Gears

The Council was provided with a draft Environmental Assessment for a regulatory amendment which would specifically define legal fishing gear in the groundfish fishery management plans. The Council was advised they could take final action at this meeting or choose to send it out for a public review period. The regulation is not likely to be in effect until 1994.

There were no AP or SSC reports on this agenda item.

**COUNCIL DISCUSSION AND ACTION**

**Bob Alverson moved to send the EA out for public comment with final action scheduled for the April Council meeting. The motion was seconded by Al Millikan and carried, 10 to 1, with Pereyra voting against.**

Mr. Pereyra felt that, unless action is absolutely necessary, the Council should not approve additional regulations until the Comprehensive Rationalization Program is formulated in order to assure consistency.

(b) Proposed Rule for Hook and Line Fair Start Provisions

The Council was scheduled to comment on a proposed rule which would prohibit deployment of gear in the hook-and-line sablefish fisheries in the Gulf of Alaska for 72 hours immediately before opening of directed fishing, and would establish a regulatory framework for annual determination of the opening date for the sablefish fisheries. The Council was advised that the Proposed Rule has not yet been published, but should be within two weeks. The Council need take no action since they had approved the regulatory amendment at an earlier meeting.

There were no AP or SSC reports on this agenda item.

**COUNCIL DISCUSSION AND ACTION**

Capt. Anderson stressed that, for enforcement purposes, it is important that the halibut and sablefish openings don't overlap. Bob Alverson asked Capt. Anderson to provide this information to the IPHC at their upcoming meeting. No Council action was taken on this agenda item.

(c) Proposed Rule for Delay of 2nd Quarter GOA Pollock Season

The Council was provided with a draft of the Proposed Rule to delay the opening of the 2nd quarter pollock season in the Gulf of Alaska from April 1 to the Monday closest to June 1. Because the Council had already approved the proposed regulation in September, no action was necessary unless they wished to submit additional comments to the Secretary. There were no AP and SSC reports on this agenda item, and the Council had no further comment.

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D-3 Groundfish Plan Amendments

(a) BSAI Salmon Bycatch Amendment Analysis

The Council was scheduled to review a draft analysis of the salmon bycatch amendment and consider sending it out for public review. David Ackley, ADF&G, summarized the draft analysis for the Council.

**Report of the Scientific and Statistical Committee**

The SSC had several recommendations for revisions to the document before sending it out for public comment. (See the SSC minutes, Appendix III, for specific comments.)

**Report of the Advisory Panel**

The AP recommended sending the document out for public comment after inclusion of 1992 catch data and the impact current levels of salmon bycatch have on the domestic fisheries and escapement. (See AP Minutes, Appendix IV, for further comments and minority report.)

**COUNCIL DISCUSSION AND ACTION**

There was considerable Council discussion regarding a delay in sending the salmon bycatch analysis document out for public comment until after the April meeting so that 1992 data and other information could be included. ADF&G and NMFS staff indicated that the inclusion of the 1992 salmon bycatch data should not significantly alter the analysis. However, some Council members felt that the analysis should not be delayed further and that it should be sent out for public review after further development and without further Council review. Mr. Ackley indicated he could make the revisions and have the document available for public comment sometime in March.

**Clem Tillion moved to adopt the AP's recommendation to send the analysis out for public comment after inclusion of the impact current levels of salmon bycatch have on the domestic fisheries and escapement. The motion was seconded by Linda Behnken and carried, 6 to 5, with Alverson, Dyson, Mace, Millikan and Pereyra voting no.**

**Wally Pereyra moved to ask staff to look at a VIP alternative for addressing chinook salmon bycatch in the Bering Sea/Aleutian Islands. The motion was seconded by Henry Mitchell and carried unanimously.**

It was noted that previous attempts at such a program have not been effective. Council members indicated they would like to have the option looked at.

(b) Subdivision of the Aleutian Islands Management Area

In September the Council requested that a plan amendment be developed to subdivide the Aleutian Islands management area into two or more smaller management areas to provide more flexibility in assigning TACs for groundfish species according to their biological distribution within the overall Aleutian Islands management areas. Species of specific concern are rockfish, sablefish and Atka mackerel. The Council and public received a draft analysis for review. Staff pointed out that final

action should be taken at this meeting in order to have regulations prepared in time for the 1993 fisheries.

The analysis reviewed three alternatives:

Alternative 1: Status quo, no action.

Alternative 2: Separate Aleutian Islands subarea into two districts by dividing the region at 177°E longitude for the purpose of spatially allocating TACs.

Alternative 3: Separate Aleutian Islands subarea into three districts by dividing the region at 177°E and 177°W longitude for the purpose of spatially allocating TACs.

Staff pointed out that although the analysis specifically deals with Atka mackerel, the regulation could cover allocation of TACs for all groundfish species in the Aleutian Islands.

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

The SSC recommended the Council adopt Alternative 3, which would provide for greater protection of localized Atka mackerel stocks, particularly those in the eastern Aleutians. The SSC suggested that, because the analysis provided was only for Atka mackerel, that allocation by district be limited to that species until analysis of additional species can be provided.

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

The AP recommended the Council adopt Alternative 3 for Atka mackerel only.

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

With respect to approving the amendment for all species, rather than solely for Atka mackerel, NMFS staff assured the Council that allocation of any of the species would have the normal opportunity for public review and comment. If the Council chose to approve the amendment for Atka mackerel only at this time, a new plan amendment would be required each time the Council found it necessary to allocate among districts for species other than Atka mackerel. These allocations would take place during the annual groundfish specification process when the Council and public would have survey information and the Stock Assessment and Fishery Evaluation documents before them.

**Bob Alverson moved to adopt Alternative 3. The motion was seconded by Linda Behnken and carried without objection.**

It was noted that the intent of this amendment is to cover all species and not be limited to Atka mackerel.

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D-4 Other Groundfish Issues

(a) Gulf of Alaska Rockfish Rebuilding Plans

In December the Council requested the Plan Team to develop options available to rebuild depleted rockfish stocks, particularly Pacific ocean perch. Staff provided the Council with a discussion paper, "Options for Rebuilding Rockfish Stocks in the Gulf of Alaska," and a brief history of rockfish management in the Gulf of Alaska.

**Report of the Scientific and Statistical Committee**

The SSC noted that there are few examples of successful stock rebuilding for rockfish. They suggested that the Council may still choose to rebuild rockfish populations, however stock trajectories could not be tightly estimated nor could net present benefits of the action be calculated. (See SSC minutes, Appendix III, for more detailed comments.)

**Report of the Advisory Panel**

The AP recommended sending the draft document ("Options for Rebuilding Rockfish Stocks in the Gulf of Alaska") to the full Plan Team for review. The AP would like the Plan Team to review and develop a full range of suggested options and alternatives into the draft document. (See AP minutes, Appendix IV, for specific suggestions.)

**COUNCIL DISCUSSION AND ACTION**

**Wally Pereyra moved that the Gulf rockfish plan be sent forward to the plan teams for further development into a plan amendment, taking into consideration the comments of the Advisory Panel and Scientific and Statistical Committee, and including an option for a rebuilding schedule with a 100% probability of achieving the goal. The motion carried without objection.**

(b) Request for Experimental Fishing Permit - Terra Marine

In September the Council reviewed a draft request for an experimental fishing permit from Terra Marine Research and Education. The Council provided comments to the representative of Terra Marine and indicated they would consider the application after it had been formally submitted and to the National Marine Fisheries Service. The proposal is for a limited pilot study to retain PSC species for distribution to needy persons through a network established by Terra Marine.

There was no SSC comment on this agenda item.

**Report of the Advisory Panel**

Although some AP members expressed concern that such a program could be abused, most felt that the project was a worthy one and recommended the Council approve the request. The AP also recommended the Council request the Secretary of Commerce to provide clarification of the issues which need resolution by the IPHC.



## COUNCIL DISCUSSION AND ACTION

In general, the Council felt the project worthy of consideration. However, several expressed concern over the possible abuse of the use of PSC, particularly halibut, and suggested that other groundfish species be considered in the proposal. There was also discussion regarding the fact that retention of trawl-caught halibut is prohibited under IPHC regulations and if that cannot be waived or changed, halibut could not be included in the project.

**Henry Mitchell moved that the Council support the proposal and notify NMFS and the IPHC of their support. The motion was seconded by Wally Pereyra.**

**Bob Alverson moved to amend to delete halibut from the recommendation and provide the option of working with NMFS Enforcement to gain access to overages and seized halibut. The motion was seconded by Linda Behnken.**

**The motion failed, 6 to 5, with Alverson, Behnken, Hegge, Berg, and Tillion voting in favor.**

**Bob Alverson moved to amend the recommendation to require that for every pound of halibut used in the project, one pound of other groundfish species would also be utilized. The motion was seconded by Wally Pereyra. The motion failed, 7 to 4, with Alverson, Dyson, Pereyra, and Tillion voting in favor.**

**The main motion, unamended, carried, 8 to 3, with Alverson, Behnken, and Hegge voting no.**

### (c) Trawl Mesh Regulations

In December the Council received a request from the Highliners Association to consider implementing trawl mesh regulations in the Alaska pollock fisheries. The request was put on the January agenda for discussion of staff availability, industry comment, and a decision on whether or not to proceed with an analysis of the proposal.

There was no SSC report on this agenda item.

The Advisory Panel unanimously recommended the Council direct staff to proceed with an analysis of trawl mesh regulations.

## COUNCIL DISCUSSION AND ACTION

**Bob Mace moved to request staff to proceed with an analysis of trawl mesh regulations, with a draft analysis available for review in April and a final decision scheduled for the June meeting. The motion was seconded and carried without objection.**

### (d) Bycatch Management Planning

This was an information-only item with no Council action necessary. Staff recapped the Bycatch Cap Committee's December 1992 report and recommendations. Because of time constraints the Council had received only a written Committee report at their December meeting. The Council did agree that the Bycatch Cap Committee would continue and be asked to meet on specific bycatch issues as needed.

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(e) Cod Allocation by Gear and Season

At the September 1992 meeting the Council delayed review of the analysis for cod allocation by gear and season until April 1993. However, they requested a status report at this meeting. Staff provided a status report of the analysis, including the alternatives being considered. The draft analysis should be available for Council review prior to the April meeting.

**COUNCIL DISCUSSION AND ACTION**

Council members discussed the possibility of adding new alternatives to the analysis. However, because the agenda item was advertised as a status report only with no action indicated, a motion to add a CDQ alternative was ruled out of order. Another motion, to table consideration of this proposal until after the Comprehensive Rationalization Program is developed, was also ruled out of order. The analysis will be available in April for initial review by the Council.

(f) Proposal to Open All Gear Seasons Simultaneously in the GOA

In September, as a result of an industry request, the Council discussed possible regulatory changes to implement simultaneous season openings for trawl and non-trawl fisheries in the Gulf of Alaska. Industry testified at this meeting that they would prefer the Council not pursue the change any longer since the issue has been expanded beyond their original intent. The Advisory Panel recommended the Council retain the status quo and not request further analysis.

**COUNCIL DISCUSSION AND ACTION**

Originally, the request was to consider an amendment to open the GOA Pacific cod trawl fishery to January 1. After discussion during the September meeting, it was determined that this amendment could not be finished in time for the 1993 fishing year anyway, and as a result of a Council request, the issue was put on the January agenda for inclusion in the amendment process.

**Oscar Dyson moved to adopt the AP's recommendation to retain status quo. The motion was seconded by Al Millikan and carried without objection.**

D-5 Staff Tasking

In previous meetings, the Council had been advised by NMFS that the directed fishing definition for rockfish may be inappropriate and could be negatively impacting other fisheries. NMFS had suggested that they should begin studying the definition and various alternatives.

**Linda Behnken moved to request NMFS to continue development of the directed fishing definition for rockfish for Council review in April. The motion was seconded by Ron Hegge and carried without objection.**

Request for Ban on Night Trawling for Cod

Steve Hughes, on behalf of Midwater Trawlers Co-op, submitted a request for a plan amendment to ban night trawling for cod. Even though the Council did not issue a call for new proposals, his association feels that a regulation banning night trawling for cod will significantly reduce bycatch rates. They believe there has already been some analysis by IPHC on this issue.

**COUNCIL DISCUSSION AND ACTION**

Staff was requested to put together some preliminary information for Council discussion in April. At that time, the Council will review information and staff availability before deciding whether to initiate a plan amendment.

Pollock 'A' Season Framework

Council member Wally Pereyra requested that the staff begin development of a framework amendment which would allow the opening date for the pollock 'A' (roe) seasons in the Bering Sea/Aleutian Islands to be set during the September-December annual specifications process.

**COUNCIL DISCUSSION AND ACTION**

Council members concurred with this request and asked staff to begin development of a draft amendment for Council review in April, if possible.

**E. FINANCE REPORT**

Rick Lauber reported that the Finance Committee met during the December 1992 Council meeting to receive the Audit Report from Price Waterhouse. There were no significant problems and the Council books are in excellent shape.

**F. ADJOURNMENT**

The meeting was adjourned at approximately 3:42 p.m. on Wednesday, January 20, 1993.