

# North Pacific Fishery Management Council

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Certified Richard B. Lauber  
Richard B. Lauber, Chairman

Date February 8, 1997

## MINUTES

**124th Plenary Session  
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL  
September 18-22, 1996  
Centennial Building  
Sitka, Alaska**

The North Pacific Fishery Management Council met September 18-22, 1996 at the Centennial Building in Sitka, Alaska. The Advisory Panel met September 16-19, and the Scientific and Statistical Committee met September 16-18 in the same location. The following members of the Council, staff, SSC and AP attended the meetings.

### Council

Richard Lauber, Chairman  
Morris Barker for Robt. Turner  
CAPT Vince O'Shea for RADM Riutta  
Linda Behnken  
David Fluharty  
Dave Hanson  
Bob Mace for R. Rosen

Walter Pereyra, Vice Chair  
Kevin O'Leary  
Steve Pennoyer  
Everett Robinson-Wilson  
H. Robin Samuelsen, Jr.  
Dave Benton for Frank Rue  
Clem Tillion

### NPFMC Staff

Clarence Pautzke, Executive Director  
Jane DiCosimo  
Marcus Hartley  
David Witherell

Chris Oliver, Deputy Director  
Helen Allen  
Gail Bendixen  
Linda Roberts

### Support Staff

Lisa Lindeman, NOAA-GCAK  
Ron Berg, NMFS-AKR  
Earl Krygier, ADFG  
Steve Meyer, NMFS Enforcement  
Seth Macinko, ADFG  
Ken Griffin, ADFG  
Peggy Murphy, ADFG  
Lew Queirolo, NMFS-AFSC  
Loh-lee Low, NMFS-AFSC  
Sandra Lowe, NMFS-AFSC  
Kim Rivera, NMFS-AKR  
Tory O'Connell, ADFG  
Jeff Fujioka, NMFS-Auke Bay  
Mike Sigler, NMFS-Auke Bay

Kent Lind, NMFS-AKR  
Bill Karp, NMFS-AFSC  
Sue Salveson, NMFS-AKR  
Jay Ginter, NMFS-AKR  
Richard Merrick, NMFS-AKR  
John Lepore, NMFS-AKR  
Nick Hindman, NMFS-AKR  
Kurt Schelle, CFEC  
Ben Muse, CFEC  
Kaja Brix, NMFS-AKR  
Tamra Faris, NMFS-AKR  
Andy Grossman, NMFS-AKR  
Jon Heifetz, NMFS-Auke Bay  
Steve Hoag, IPHC

### Scientific and Statistical Committee

Keith Criddle, Chair  
Jim Balsiger  
Doug Eggers  
Sue Hills  
Doug Larson  
Rich Marasco

Jack Tagart, Vice Chair  
Marc Miller  
Terry Quinn  
Phil Rigby  
Al Tyler  
Hal Weeks

### Advisory Panel

John Bruce, Chair  
Ragnar Alstrom  
Dave Benson  
Al Burch  
Bruce Cotton  
Craig Cross  
Dan Falvey  
Kris Fanning

Stephanie Madsen, Vice Chair  
Dave Fraser  
Arne Fuglvog  
Justine Gundersen  
Scott Highleyman  
Spike Jones  
John Lewis

Hazel Nelson  
Dean Paddock  
John Roos  
John Sevier  
Robert Wurm  
Lyle Yeck  
Grant Yutrzenka

### Other Attendees

The following people signed the attendance register:

Arni Thomson  
Steve Hughes  
David Wilson  
Joe Sullivan  
Joe Plesha  
Lennie Gorsuch  
Kris Norosz  
Dave Batker  
Steve Toomey  
Gordon Blue

Joe Kyle  
Melanie Gunderson  
Bill Foster  
Beth Stewart  
Dana Carros  
Norman Cohen  
Margaret Hall  
Chris Blackburn  
Linda Kozak  
John Henderschedt

Shari Gross  
Brian Bigler  
John Maher  
Mike Hyde  
Jeff Stephan  
John Iani  
Vince Curry  
Brent Paine  
Bob Mikol  
Dorothy Childers

Paul MacGregor  
Erin M. Lillie  
Greg Baker  
Sam O. Hjelle  
Carl W. Mercurief  
Barbara Nanbalais  
Keith A. Burton  
Charles Webb  
Thorn Smith  
Anton Bowers

A list of those who gave public testimony during the meeting is found in Appendix I to these minutes.

#### **A. CALL TO ORDER/APPROVAL OF AGENDA/MINUTE(S) OF PREVIOUS MEETING(S)**

Chairman Rick Lauber called the meeting to order at 8:15 a.m. on Wednesday, September 18, 1996. Steve Pennoyer administered the Oath of Office to Wally Pereyra and Robin Samuelsen who were appointed to another 3-year term by the Secretary. Chairman Lauber introduced Capt. Vince O'Shea, USCG, who will replace Capt. Anderson as the Coast Guard representative on the Council.

Agenda. The agenda was approved with the addition of a progress report on the Salmon Foundation, requested by Morris Barker. [It was determined that there was no report from the Foundation.]

Elections. Bob Mace nominated Rick Lauber and Wally Pereyra to serve as chair and vice chair, respectively, for the coming year. No other nominations were received and Mr. Lauber and Dr. Pereyra were unanimously approved.

#### **B. REPORTS**

Written reports included: Executive Director's Report (Agenda item B-1), Domestic Fisheries Report by Alaska Department of Fish and Game (Agenda item B-2), National Marine Fisheries Report on groundfish fisheries, current amendments, and regulations in progress (Agenda item B-3), and Enforcement Reports by the United States Coast Guard and National Marine Fisheries Service (Agenda item B-4). The Council also received overviews of the reports analyzing the first year under the halibut and sablefish IFQ program (Agenda item B-5), and a presentation by Dr. Robert Francis, University of Washington, on the recently released report on the Bering Sea ecosystem. Dick Merrick, NMFS, reported on preliminary findings from the summer survey of Steller sea lions and advised the Council that in December NMFS may be proposing several additional management measures for Council consideration.

#### **DISCUSSION/ACTION RESULTING FROM REPORTS**

Executive Director's Report -- June 1998 Meeting. Under the current meeting cycle, the Council was scheduled to meet in Sitka again in June of 1998. However, it is no longer feasible to meet there in June because of an annual music festival that makes it impossible to get both meeting and sleeping space. Council members discussed the possibility of scheduling the meeting in Dutch Harbor or at the Alyeska resort. Staff will look into the possibilities. It was suggested that perhaps the Council could meet outside the state for their February meeting and keep the summer meetings in the state. However, contracts have been signed with the Hilton for the February 1997, '98 and '99 meetings. Staff pointed out that summer meetings in the Anchorage area are not feasible because accommodations are scarce and expensive during the tourist season.

NMFS Management Report. Steve Pennoyer advised the Council of concerns expressed that those who participate in a personal use halibut fishery, under current IPHC regulations, are evidently operating illegally if they retain personal use halibut along with their IFQ or CDQ halibut. The Council voted to establish a working group to address the issues involved in personal use/subsistence halibut fisheries. Chairman Lauber was tasked with appointing the workgroup. Robin Samuelsen requested that Jude Hensler be appointed to the Committee as a representative familiar with Western Alaska issues.

ADFG Report - Groundfish proposals before the Board of Fish. Earl Krygier provided the Council with a packet of groundfish proposals that will be addressed by the Board of Fish in late October. Council members were concerned with the Board and Council addressing groundfish changes without close coordination and suggested that the Board be asked to hold any action on the proposals until they and the Council meet together in February. However, it was decided that no action would be taken at this time. The issue will be put on the agenda for the joint Council/Board meeting in February after staff has the opportunity to develop background materials and obtain General Counsel opinions on the issue.

ADFG - Request for additional plan team member. Dave Benton submitted a request to add ADF&G biologist Dave Jackson to the Gulf of Alaska groundfish plan team. The Council approved the request without discussion.

**FORMAT FOR COUNCIL MEETING MINUTES:**

Each agenda item requiring Council action will begin with a copy of the original "Action Memo" from the Council meeting notebook. This will provide a "historical" background leading up to the current action. This section will be set in a different type than the actual minutes. Any attachments referred to in the Action Memo (e.g., C-1(a), etc.) will not be attached to the minutes, but will be part of the meeting record and available from the Council office on request. Following the Action Memo will be the reports of the Scientific and Statistical Committee, Advisory Panel, and any other relevant committee or workgroup on the subject. Next will be a section for discussion and motions on the subject. Finally, there will be a brief summary of actions taken, unless there is only one action and it is self-explanatory.

**C. NEW OR CONTINUING BUSINESS**

**C-1 PSC Limits for Bering Sea Tanner Crab and Snow Crab**

**ACTION REQUIRED**

- (a) Final action on PSC limits for Bering Sea Tanner Crab and Snow Crab.**

**BACKGROUND**

**Final Review of Proposed Crab PSC Limits**

In June, the Council adopted revised PSC limits for red king crab taken in trawl fisheries as part of Amendment 37. Specifically, the Council recommended adoption of a stairstep based PSC limit for red king crab in Zone 1. Based on the 1996 abundance estimate (10.2 million mature females and 20.3 million lbs of effective spawning biomass), the PSC limit for 1997 will be 100,000 red king crab.

The Council did not make any recommendations regarding PSC limits for Tanner and snow crabs at

<b>Amendment 37 PSC limits for Zone 1 red king crab.</b>	
<b><u>Abundance</u></b>	<b><u>PSC Limit</u></b>
Below threshold or 14.5 million lbs of effective spawning biomass (ESB)	35,000 crabs
Above threshold, but below 55 million lbs of ESB	100,000 crabs
Above 55 million lbs of ESB	200,000 crabs

the June meeting. Rather, the Council formed an industry group to meet before the September meeting and attempt to arrive at a consensus position on allowable bycatch limits for Tanner and snow crab taken in Bering Sea trawl fisheries. The committee members are listed below:

Dave Hanson, Moderator  
 Vince Curry  
 Kris Fanning  
 Dave Fraser

Teressa Kandianis  
 Brent Paine  
 Gary Painter  
 Jeff Stephan

The Committee met on August 29-30, and agreed upon acceptable PSC limits for C. bairdi Tanner crabs taken incidentally in trawl fisheries. The terms of the negotiated agreement are included as Item C-1(a). The negotiated PSC limits are based on total abundance of bairdi crab as indicated by the NMFS trawl survey. Based on 1996 abundance (185 million crabs), the PSC limit for C. bairdi in 1997 would be 750,000 crabs in Zone 1 and 2,100,000 crab in Zone 2 under the negotiated agreement. The committee was unable to reach an agreement on a preferred alternative for a snow crab (C. opilio) PSC limit. Members did indicate that they would be willing to meet again and attempt to negotiate an agreement, however.

At this meeting, the Council is scheduled to take final action on PSC limits for Tanner and snow crab. An executive summary from the EA/RIR is included as Item C-1(b). In June, the AP recommended adoption of Alternative 1, status quo, for snow crab. The AP was unable to identify a preferred alternative for Tanner crab, however. The crab plan team recommended a stairstep abundance-based PSC limit for Tanner crab and a PSC limit for snow crab of 11 million crab in Zone 2.

A summary of Tanner and snow crab bycatch in groundfish fisheries is provided in the tables below.

**Tanner crab bycatch in the 1992-1995 BSAI groundfish fisheries, by zone (all gears/targets).**

	<u>Zone 1</u>	<u>Zone 2</u>	<u>Other areas</u>	<u>Total</u>
1992	1,144,671	2,699,256	448,106	4,292,033
1993	1,040,166	2,329,840	51,820	3,421,826
1994	<u>765,283</u>	<u>1,736,273</u>	<u>43,426</u>	<u>2,544,982</u>
92-94 Ave	983,373	2,255,123	181,117	3,419,614
93-94 Ave	902,724	2,033,057	47,623	2,983,404
1995	923,088	1,341,894	34,874	2,299,856

**Snow crab bycatch in the 1992-1995 BSAI groundfish fisheries, by zone (all gears/targets).**

	<u>Zone 1</u>	<u>Zone 2</u>	<u>Other areas</u>	<u>Total</u>
1992	10,844	11,996,347	5,51,358	17,662,549
1993	40,611	8,922,155	5,797,957	14,760,722
1994	<u>25,334</u>	<u>11,424,057</u>	<u>1,032,736</u>	<u>12,482,127</u>
92-94 Ave	56,930	10,780,853	4,130,683	14,968,466
1995	94,307	4,338,013	963,469	5,395,789

**Report of the Negotiating Committee**

Members of the negotiating team were as follows: Dave Hanson (Moderator), Vince Curry, Kris Fanning, Dave Fraser, Teressa Kandianis, Brent Paine, Gary Painter, and Jeff Stephan. The team provided the Council with the following negotiated agreement:

The PSC limit for Tanner crab taken in the Bering Sea trawl fisheries will be based on total abundance of C. bairdi as indicated by the NMFS annual bottom trawl survey as follows:

<u>Area</u>	<u>Abundance*</u>	<u>PSC Limit</u>
Zone 1	0 - 150 million crabs	0.5% of abundance
	150 - 270 million crabs	750,000 crabs
	270 - 400 million crabs	850,000 crabs
	over 400 million crabs	1,000,000 crabs
Zone 2	0 - 175 million crabs	1.2% of abundance
	175 - 290 million crabs	2,100,000 crabs
	290 - 400 million crabs	2,550,000 crabs
	over 400 million crabs	3,000,000 crabs

Abundance is the total population index (sum of all size/sex groups) of the Eastern District (east of 173°W) from the NMFS trawl survey.

**Caveats and Recommendations:**

1. These PSC limits will be subject to a 3-year review.
2. In the interim, other approaches to PSC limits will be analyzed. These approaches include basing PSC limits on number of mature crabs, weight of crabs, and mortality of crabs taken in trawl fisheries.

All participants on the negotiating team agreed to support the agreement, contingent upon the Council approving it without substantive change.

**Report of the Scientific and Statistical Committee**

The SSC noted that determining the size or sex composition of bycaught crab would require observer sampling substantially beyond the limited sample counts and average weights presently being taken. If it is determined that biomass (weight) base caps are appropriate, sampling of size, sex and reproductive condition, and partial and whole crab will be necessary; if mortality based caps are desired (as used in determining halibut PSCs) additional sampling will also be required. The SSC recommended that the Crab Plan Team meet with NMFS staff to discuss (1) estimation and sampling issues associated with numbers based management systems for C. bairdi and C. opilio, and (2) the feasibility of alternative systems such as a size based program. The SSC noted that the stair-step method agreed to by the Negotiating Committee for C. bairdi has the advantage of providing stability over the range of each step at the cost of instability at the boundaries between steps.

**Report of the Advisory Panel**

The AP recommended that the Council adopt the recommendation of the Negotiating Committee for the bairdi cap with the Alternative 3 adjustment aligning the caps for Zone 1 and 2 with abundance. The AP also recommended that the Negotiating Committee reconvene to consider an opilio PSC cap for final action at the December Council meeting. In addition, the AP recommended that opilio and bairdi crabs be added to the species for wh the emphasis ich a VIP rate can be set for all Bering Sea trawl fisheries, and that the Council request that the Observer Program put emphasis on gathering data, past and present, to examine the opilio bycatch in all fisheries in the Bering Sea.

## Report of the Crab Plan Team

Peggy Murphy reported on the Plan Team's review of the 1996 status of stocks and guideline harvest levels for Bering Sea king, Tanner, and snow crabs.

### DISCUSSION/ACTION

Bob Mace moved to approve the recommendations of the Advisory Panel, which were: (1) to concur with the Negotiating Committee's recommendations (shown above), with the Alternative 3 adjustment aligning the caps for Zone 1 and 2 with abundance; (2) reconvene the negotiating committee to recommend an opilio PSC cap for final action in December; (3) add opilio and bairdi to the species for which a VIP rate can be set for all Bering Sea trawl fisheries; and (4) request the Observer Program put emphasis on gathering data, past and present, to examine the opilio bycatch in all fisheries in the Bering Sea.

The motion was seconded and carried without objection.

Steve Pennoyer pointed out that the recommendation to add the bairdi and opilio species to the VIP program would have to be taken up at a later time, under staff tasking.

Robin Samuelsen moved to request the Crab Plan Team to do further analysis of crab bycatch in the cod pot fishery and report back to the Council to determine whether additional action is necessary. The motion was seconded and carried without objection.

David Benton pointed out the SSC's recommendations for gathering certain kinds of scientific information in the Observer Program and assumed that those recommendations would be carried forward. Clarence Pautzke said the recommendations will be sent forward.

### SUMMARY

The Council approved the agreement negotiated by affected industry groups regarding PSC limits for C. bairdi Tanner crab taken in BSAI trawl fisheries. Under the agreement, PSC limits for bairdi in Zones 1 and 2 will be based on total abundance of bairdi crab as indicated by the NMFS trawl survey. Based on 1996 abundance (185 million crabs), the PSC limit for C. bairdi in 1997 will be 750,000 crabs in Zone 1 and 2,100,000 crab in Zone 2. Crab bycatch accrued from January 1 until publication of the final rule (expected by April 1997) will be applied to revised bycatch limits established for specified fisheries.

At its first meeting, the committee was unable to reach an agreement on a snow crab (C. opilio) PSC limit. The Council has requested that the committee meet again and attempt to negotiate an agreement for opilio. The Council is scheduled to take final action on opilio PSC limits in December.

#### C-2 Improved Retention and Utilization

### ACTION REQUIRED

Final decision on BSAI IR/IU program.

### BACKGROUND

At the June meeting in Portland the Council reviewed, and released for public review, the analysis (EA/RIR) for the Improved Retention and Utilization initiative. That analysis covers the pollock, Pacific cod, yellowfin sole, and rock sole fisheries in the BSAI. The analysis was released for public comment

in early July, and contains the primary alternatives, elements, and options listed under Item C-2(a). The primary decision points are (1) determination of the fisheries in which retention of the subject species will be mandated, and (2) the disposition (utilization options) for that fish which is retained. A third major decision point is whether to delay, in some manner, the inclusion of the flatfish species in the initial IR/IU program. Item C-2(b) is a revised Executive Summary of the analysis and will be discussed by Dr. Queirolo, the lead analyst for this initiative.

The Council's action in June included direction to its IR/IU Industry Committee to meet prior to a final Council decision, review any written comments received, and to formulate its own comments for Council consideration at this meeting. The Committee met on September 5-6 in Seattle and produced the report contained under Item C-2(c). Committee Chairman Joe Kyle is available to report to the Council at this time. As is mentioned in the report, follow-up analyses still need to be developed for the Gulf of Alaska fisheries and for the proposal to allow limited processing by catcher vessels. It is expected that these analyses can be developed and acted upon by the Council in time for concurrent implementation in 1998.

Written comments received on this issue are under Item C-2(d).

The following options were under consideration by the IR/IU Committee, AP, SSC and Council:

**Retention Option 1 (Target Fishery Based):**

Subject Fisheries (includes all gear types in these fisheries)

1. pollock (bottom and mid-water)
2. rock sole
3. Pacific cod
4. yellowfin sole

Suboption A:

100% retention standard applies only to target species in the respective fisheries.

Suboption B:

100% retention standard applies to all target species (i.e., pollock, rock sole, P. cod, and yellowfin sole) taken in each of the respective fisheries.

**Retention Option 2 (Species Based):**

100% retention of all subject species in all BSAI groundfish fisheries

Subject Species

1. pollock
2. rock sole
3. Pacific cod
4. yellowfin sole



### **Utilization Options:**

**Option 1:** Target species/subject species may be processed into any form. Product form could be meal or any other form, regardless of whether or not product is fit for human consumption.

**Option 2:** Target species/subject species must be processed into human consumptive form, based on a percentage of total round weight of harvest of target/subject species. Options for analysis of the minimum percentage of target species harvest which must be processed for human consumption are:

Suboption A: 50%

Suboption B: 70%

Suboption C: 90%

**Option 3:** Reduction of target/subject species harvests to meal is limited to a maximum meal production rate for each target/subject species. Options for analysis of the maximum meal rate are:

Suboption A: 50%

Suboption B: 30%

Suboption C: 10%

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

The SSC believes the analysis contained in the EA/RIR represents the best information available on the potential impacts of the IR/IU options. However, it does not provide a quantitative basis for choosing among the options. The SSC cautions that, as noted in the EA/RIR, estimates of "discard savings" cannot be interpreted as measures of net benefits. It may be that the net economic benefits of the alternatives will be negative. Consequently, the status quo should be considered as a viable action alternative.

The SSC had more extensive comments regarding quantitative estimates, costs of improved retention alternatives and monitoring and compliance issues (see full text of SSC Minutes in Appendix II to these minutes). The SSC recommended that if an IR/IU option is adopted the results should be evaluated through time to see whether the objectives stated in the Council's problem statement are achieved, particularly the reduction of bycatch.

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

The AP recommended that the Council adopt retention Option 2 (species based) requiring 100% retention of BSAI pollock, Pacific cod, rock sole and yellowfin sole, with retention of pollock and Pacific cod implemented as soon as practical, and implementation of retention of rocksole and yellowfin sole delayed for 5 years, with step-wise targets and monitoring of progress during that time. With respect to utilization, the AP endorsed the IR/IU Committee's recommendation of a 15% minimum PRR, and additionally recommended that no more than 10% round fish by weight be used for meal. This would be applied to species under Improved Retention - Pacific cod and pollock now, yellowfin sole and rock sole when implemented.

Additionally, the AP recommended that the VIP standards should be based on retained weight, and that the IR/IU Committee continue to meet to work out implementation details and develop an IR/IU program for the Gulf of Alaska. Implementation of the BSAI program should be contingent upon parallel regulations being implemented for the Gulf of Alaska and for shoreside processors.

## **Report of the Improved Retention and Utilization Committee**

A summary of the Committee's extensive comments was provided to the Council by Committee chair Joe Kyle. Mr. Kyle outlined several issues which the Committee feels must be resolved prior to initial implementation of an improved utilization/retention program. (See Appendix III for the full committee report.) With one exception, the Committee unanimously supported implementation of some form of the IR/IU program. They continue to support Retention Option 1 - retention of pollock and Pacific cod whenever and wherever they occur and also recommend Utilization Option 1, which they feel is the least restrictive and allows for processing into any product form, subject to the overriding 15% minimum product recovery rate. The Committee also pointed out the following: (1) the need for concurrent implementation of a similar program for the Gulf of Alaska in order to mitigate potential diverse impacts to the GOA fisheries; (2) the need to reconcile the accounting of mealed fish as discards; and (3) the need to examine the proposal for limited processing allowances for catcher vessels. The Committee also stressed that it is essential to move forward at this time with an IR/IU program, recognizing that an optimal program may not be achieved right away. Steps to optimize the program can be taken as they become necessary.

### **DISCUSSION/ACTION**

During Council discussion, NOAA General Counsel Lisa Lindeman reaffirmed an earlier General Counsel opinion that the Council does not have the authority to regulate onshore processing. Dave Benton, representing the Alaska Department of Fish and Game, assured the Council that the State is willing and able to provide regulations onshore that will parallel Council action for offshore processors.

**Bob Mace moved to approve the following AP recommendations with respect to the improved retention/utilization issue:**

**For Pacific cod and pollock, 100% retention for all gears and size classes, implemented immediately, and for yellowfin sole and rock sole,, 100% retention would be delayed 5 years (from date of implementation of the cod and pollock program). With regard to utilization, there would be a minimum 15% PRR and no limits on the amount of fish going to meal. The motion was seconded by Morris Barker.**

Mr. Mace pointed out that it would be his intent that the five-year delay in implementing a program for rocksole and yellowfin sole would be included in the original regulations for automatic implementation in five years with no further Council action required at that time.

Linda Behnken moved to amend the motion to framework the product recovery rate so it could be changed as necessary; however the motion was withdrawn after discussion. It was pointed out that the rate can be changed by regulatory amendment at any time the Council feels it is warranted.

**Dave Benton moved to amend to implement 100% retention for the yellowfin sole and rocksole fisheries on January 1, 2000. The motion was seconded by Linda Behnken and failed, 8 to 3, with Behnken, Benton and Lauber voting in favor.**

Steve Pennoyer expressed concern over assigning a specific implementation date only two years after the expected implementation of the pollock and Pacific cod program. He suggested that the first program should be implemented and time allowed to monitor it and make adjustments as needed before implementing a program for the flatfish fisheries. Uncertainty about markets for those species is also a concern.

**Dave Fluharty moved to amend as follows: With regard to retention:**

**For Pacific cod: 100% retention for all gears and all size classes implemented immediately (i.e., 1998).**

**For Pollock: 100% retention by tier of vessel class:  
For vessels less than 125 ft : 5-year delay  
For vessels 126-159 ft: 3-year delay;  
For vessels 160-194 ft: 1-year delay  
For vessels 195 ft and over: immediate implementation.**

**For Flatfish: 100% retention would be delayed for 5 years from date of implementation of cod and pollock, for all fisheries and all gears (i.e., 2003). There would be step-wise targets and monitoring of progress during that time.**

**With regard to utilization, there would be a minimum 15% PRR and no limits on the amount of fish going to meal.**

The motion was seconded by Robin Samuelsen.

At the suggestion of Wally Pereyra, the motion was changed by friendly amendment to include only three "tiers," as follows:

**For vessels less than 125 ft : 5-year delay  
For vessels 126-159 ft: 3-year delay;  
For vessels 160 ft and over: immediate implementation.**

**Robin Samuelsen moved to amend the motion, with regard to Pacific cod, to have only two "tiers," as follows: For vessels less than 159 ft, there would be a 3-year delay;  
For vessels 160 ft and over, immediate implementation.**

**This would apply only to trawl vessels.**

**The amendment was seconded by Kevin O'Leary and carried, 6 to 5, with Barker, Behnken, Benton, Mace, and Lauber voting against. This carried the previous motion submitted by Dave Fluharty.**

**After the lunch break, Steve Pennoyer moved to reconsider the vote on the motion. Mr. Pennoyer said that he felt that the information the Council had on the table regarding catcher processor discards did not give enough information to determine the effects of the action as it would now apply to all vessels. There was no objection to reconsidering the previous vote.**

**On reconsideration, Mr. Samuelsen's amendment failed, 9 to 1, with Fluharty voting in favor. Mr. Tillion was out of the room for the discussion and abstained from the vote.**

**The main motion by Mr. Mace carried unanimously. The final motion is as follows:**

**For Pacific cod and pollock, 100% retention for all gears and size classes, implemented immediately and for yellowfin sole and rock sole,, 100% retention would be delayed 5 years (from date of implementation of the cod and pollock program). With regard to utilization, there would be a minimum 15% PRR and no limits on the amount of fish going to meal. Council intends that the flatfish program would be included in original regulations with automatic implementation in 5 years with no further action required by the Council.**

Steve Pennoyer moved to commit to the remaining AP recommendations: Reconvene the IR/IU committee and task them with working through implementation details and developing an IR/IU program for the Gulf of Alaska; NMFS staff will be tasked to work with the Committee. Council Chair will have the authority of the Council to make adjustments to the committee as necessary, including adding a representative of the H&G fleet and appropriate members to consider the Gulf of Alaska fisheries. The motion was seconded by Bob Mace and carried without objection.

Council members heard testimony regarding the possible dumping of fish frozen into blocks (considered as processed product) in order to avoid counting those fish as discarded. Currently, there is a regulation prohibiting this practice in the pollock fishery and Council members felt that for the IR/IU program to be as effective as possible, it will be important to have a similar regulation in place for the cod and flatfish fisheries.

Linda Behnken moved to ask NMFS to initiate a regulatory amendment for flatfish and cod that mirrors the current regulations for pollock to prevent deep ocean blocks. The motion was seconded by Dave Benton and carried without objection.

## SUMMARY

The Council approved a retention and utilization (IR/IU) program for Bering Sea and Aleutian Island groundfish fisheries. The program would require 100% retention of pollock and Pacific cod in all BSAI fisheries. Rock sole and yellowfin sole retention requirements will follow, but will be delayed for a period of five years - the delay for these two species, which are not yet fully utilized, is to allow for development of markets and gear technological responses by the vessels engaged in these fisheries. The Council addressed the utilization side of the program by not mandating specific product forms, but by allowing individual operations the flexibility to process pollock and Pacific cod into whatever product forms they wish, subject to a minimum required product recovery rate of 15%. The Council's target date for implementation of this program is January 1, 1998. It is also expected that a similar program for Gulf of Alaska fisheries will be developed and implemented on a parallel track. State regulations to extend these requirements to onshore processing plants will also be developed on a parallel schedule. The Council's action included specific provisions for monitoring and assessing the program's goals and objectives.

### C-3 Observer Program

## ACTION REQUIRED

- (a) Receive status report on modified pay-as-you-go observer program.
- (b) Initial review of regulatory amendment to require additional observer coverage on shore plants and motherships during pollock 'A' season.

## BACKGROUND

### (a) Modified pay-as-you-go Observer Program

In December of 1995 the Council voted to repeal the North Pacific Fisheries Research Plan (fee plan) and pursue development of a modified pay-as-you-go observer program, which would utilize a third party contractor as an interface between fishing operations and observer contracting companies. Included in the Council's action was the desire to examine alternatives which could alleviate the disproportionate cost burden to vessels in the 30% coverage category which occurs under the pay-as-you-go system. In April 1996 the Council reviewed an initial analysis of the modified, third party program, but did not take action on this program due to continuing uncertainties over the overall potential costs of that program; rather, the Council voted to keep in place, through 1997, the existing observer program. Following the April meeting, NMFS also put on hold development of a Request for Proposals (RFP) to solicit third party bids.

At that time staff identified costs as being considerably higher than the current program, likely at the same overall level as under the fee plan (though the distribution of those costs differs significantly between the two programs). However, there was still uncertainty over a few key aspects of the cost equation, particularly the issue of observer salaries and overhead costs of the third party (Prime) contractor. NMFS also advised the Council that provisions of the Services Contract Act (SCA) could be invoked if the agency enters into a contractual arrangement with a third party. Item C-3(a)(1) is a letter from NMFS which describes the SCA determinations received thus far, and how these determinations might affect development of the modified program. Due to these uncertainties, it was felt that the most prudent course of action would be to attempt to further define the cost parameters of the modified pay-as-you-go alternative, prior to final action by the Council.

It is expected that a more detailed analysis will be available for initial review by the Council in December, with final action possible in February of 1997. If approved by the Council, NMFS would re-initiate the RFP process for selection of a third party contractor. Under this schedule, the new system could be implemented sometime in 1998. An additional amendment may be required to extend the existing observer requirements beyond the end of 1997 in this case.

Part of the Council's discussions back in April included further potential consideration of some type of fee system, perhaps 'blended' in some manner with a basic pay-as-you-go program. While that type of program may ultimately be the desire of the industry and Council, it would likely require Magnuson Act amendment and would likely be subject to some of the same cost uncertainties identified above. Such an alternative will not be included in the analyses planned for review in December 1996, but would have to be further developed subsequent to that meeting, if the Council elects not to go forward with the modified pay-as-you-go program.

The Council may wish to provide further direction to staff at this meeting regarding (1) the expectations for the December meeting, and (2) the role of the Observer Advisory Committee (OAC) between now and the December meeting. We would expect at least one meeting of the OAC prior to the December meeting to review the new analyses of the modified pay-as-you-go program, prior to Council review.

**(b) Regulatory amendment for additional observer during pollock 'A' season**

A draft analysis (EA/RIR) was mailed to you on August 30 for a regulatory amendment which would require additional observer coverage on motherships and some shore plants during the BSAI pollock 'A' season. NMFS staff are available at this time to summarize that analysis, and the perceived necessity of that additional coverage. Though this item is scheduled for initial review at this meeting, final action will likely be required at this time in order to have the regulatory amendment in place in time for the 1997 'A' season.

There was no SSC report on this agenda item.

**Report of the Advisory Panel**

The AP recommended that the Council request that the Observer Advisory Committee revisit the fee-based observer program. The AP believes the intent of the observer program versus current operations, i.e., data collection versus compliance and enforcement, should be re-examined. The audit should provide recommendations on sampling design of the observer program as well as observer coverage levels. The AP took no action on the regulatory amendment to require additional observer coverage on shore plants and motherships during the pollock "A" season as they had no opportunity to review the document prior to their meeting.

**DISCUSSION/ACTION**

The Council received a status report on development of the modified pay-as-you-go observer program which was initiated late last year with the repeal of the North Pacific Fisheries Research Plan (fee plan). The new program structure would utilize a third party contractor as an interface between fishing/processing operations and the

private observer contracting companies. The Council was advised by NMFS that provisions of the Services Contract Act (SCA) would apply to this program structure (as well as a fee plan structure), and that determination of a minimum wage schedule for observers is expected from the Department of Labor, hopefully in the next few weeks. NMFS and Council staff will then bring back to the Council a more detailed cost analysis of the third party program for review in December. Council members expressed great concern that requirements under the SCA will raise the cost of observers out of range for small fishing operations.

The Council asked NMFS to more specifically outline observer duties (compliance related versus data gathering for fisheries management), and to separate the costs associated with each for review and discussion at the December meeting. Related to this is a current NMFS initiative to more accurately determine necessary observer coverage levels to accomplish specific program objectives by each of the major groundfish fisheries. This information is expected to help the Council and industry develop more appropriate coverage levels for each fishery, and to define the costs associated with that coverage. Some of this information may be available for Council review in December as well. This was an information item; no action was taken.

#### **D. FISHERY MANAGEMENT PLANS**

D-1(a,b,c) Bering Sea/Aleutian Islands Initial Groundfish Specifications for 1997

##### **ACTION REQUIRED**

- (a) Review Preliminary 1997 BSAI Final Stock Assessment and Fishery Evaluation (SAFE) document.**
- (b) Approve preliminary BSAI groundfish specifications for 1997:**
  - 1. Acceptable Biological Catch (ABC), and Annual Total Allowable Catch (TAC)**
  - 2. Division of the pollock ITAC into the January 1-April 15 ('A' Season) and September 1-December 31 ('B' Season) allowances;**
  - 3. Seasonal apportionment of the fixed gear Pacific cod TAC; and**
  - 4. Bycatch allowances, and seasonal apportionments of Pacific halibut, red king crab, Tanner crab, and herring to target fishery (PSC) categories.**
- (c) Recommend bycatch rate standards for the Vessel Incentive Program.**

##### **BACKGROUND**

At this meeting, the Council sets initial recommendations of groundfish and bycatch specifications as listed above. The preliminary SAFE report, groundfish ABCs and TACs, and bycatch apportionments need to be approved and made available for public review and comment. These initial specifications will be used for management of the 1997 groundfish fisheries until superseded by publication of the Council's final specifications. On the basis of comments and new information, the Council will adopt final recommendations for the 1997 fishing year at its December 1996 meeting.

##### **(a) BSAI SAFE Document**

The groundfish Plan Teams met in Seattle during the week of August 26-30, to prepare the preliminary SAFE documents provided at this meeting. This SAFE forms the basis for preliminary groundfish specifications for the 1997 fishing year.

The preliminary BSAI SAFE contains the Plan Team's estimates of biomass and ABCs for all groundfish species covered under the FMP and information concerning PSC bycatch to provide guidance to the Council in establishing PSC apportionments. The attached tables from the SAFE lists the Plan Team's recommended 1997 ABCs and corresponding overfishing levels for each of the species or species complexes. Draft minutes of the BSAI plan team are also attached (Item D-1(a)(1)).

**(b) Preliminary ABCs, TACs, and Apportionments**

During the week of this Council meeting the SSC and AP recommendations will be provided to the Council. Attached as Item D-1(b)(1) are Tables 6 - 8 from the SAFE summary chapter indicating ABCs and biomass levels. The Plan Team's sum of recommended ABCs for 1997 is 2.67 million mt. Overall, the status of the stocks continues to appear relatively favorable. The Council will establish preliminary catch specifications for 1997 based on this information.

**Adopt Seasonal Allowances for the Pollock Seasons**

The FMP requires the Council to apportion pollock in the BSAI between the roe (January 1 - April 15) and non-roe (September 1 - December 31) seasons. For the 1991 and 1992 fisheries, the Council recommended a 40/60 percent split between the roe and non-roe seasons, and a 45/55 percent split for the 1993-1996 pollock fishery. In recommending seasonal allowances of the BSAI pollock TAC, the Council will need to consider the following factors as outlined in the FMP:

1. Estimated monthly catch and effort.
2. Expected changes in harvesting and processing capacity.
3. Current estimates of and expected changes in pollock biomass, and conditions of other fish and marine mammal stocks.
4. Potential impacts of seasonal fishing on pollock stocks, marine mammals, and other fish stocks.
5. The need to obtain fishery related data throughout the year.
6. Effects on operating costs and gross revenue.
7. The need to spread fishing effort over the year.
8. Potential allocative effects among users and indirect effects on coastal communities.
9. Other biological and socioeconomic information.

The Council can also set a limit on the amount of pollock that can be taken in the bottom trawl pollock fishery to control the bycatch of crab and halibut (Amendment 16a). However, for the past 6 years, the Council did not recommend a specific apportionment between pelagic and bottom gears, noting that additional pollock harvests with non-pelagic trawl gear likely would be constrained by halibut bycatch. In recommending apportionment of pollock between gears, the Council would need to consider PSC limits, projected bycatch, costs, and other factors consistent with goals of the FMP (675.24).

**Adopt Seasonal Apportionments of the Pacific Cod TAC Allocated to Fixed Gear**

Amendment 24 regulations allow seasonal apportionment of the Pacific cod TAC allocated to vessels using hook-and-line or pot gear. Seasonal apportionments will be divided among trimesters and established through the annual specifications process. In recommending seasonal apportionments, regulations require the Council to base its decision on the following information:

1. Seasonal distribution of Pacific cod relative to PSC distribution;
2. Expected variations in PSC bycatch rates in the Pacific cod fishery throughout the fishing year; and
3. Economic effects of any seasonal apportionment of Pacific cod on the hook-and-line and pot gear fisheries.

Under Amendment 46, two percent of the TAC is reserved for jig gear, 51 percent for fixed gear, and 47 percent for trawl gear. The trawl apportionment will be split between catcher vessels and catcher processors 50/50. Any unused TAC from the jig gear quota will become available to fixed gear on September 15.

For the 1996 fisheries, the Council recommended that 79% of the fixed gear's allocation be released during the first trimester (January 1 - April 30), 18% be released for the second trimester (May 1 - August 31), and 3% for the third trimester.

**Adopt bycatch allowances of Pacific halibut, red king crab, Tanner crab (*C. bairdi*), and herring, and seasonal allowances**

**Halibut PSCs**

**For the Trawl Fisheries: Amendment 21 established a 3,775 mt limit on halibut mortality for trawl gear. This limit can be apportioned to the following trawl fishery categories:**

1. Greenland turbot, arrowtooth flounder and sablefish;
2. rock sole and "other flatfish;"
3. yellowfin sole;
4. rockfish;
5. Pacific cod; and,
6. pollock, Atka mackerel and "other species."

<b>Amendment 37 PSC limits for Zone 1 red king crab.</b>	
<b><u>Abundance</u></b>	<b><u>PSC Limit</u></b>
Below threshold or 14.5 million lbs of effective spawning biomass (ESB)	35,000 crabs
Above threshold, but below 55 million lbs of ESB	100,000 crabs
Above 55 million lbs of ESB	200,000 crabs

**Note that under Amendment 46, the trawl halibut PSC mortality cap for Pacific cod will be no greater than 1,600 mt.**

**For Fixed Gear Fisheries: A 900 mt non-trawl gear halibut mortality can be apportioned to the following fishery categories:**

1. Pacific cod;
2. Other non-trawl (includes hook-and-line sablefish, rockfish and jig gear); and
3. Groundfish pot (recommended exempt for 1996).

**Note that under Amendment 46, the hook-and-line halibut PSC mortality cap for Pacific cod will be no greater than 900 mt. Item D-1(b)(2) is a table indicating 1996 PSC allocations and seasonal apportionments for the trawl and non-trawl fisheries. Item D-1(b)(3) is a current summary of PSC bycatch accounting for the 1997 BSAI fisheries.**

**Crab PSCs**

**In June 1996, the Council approved a stairstep procedure for determining PSC limits for red king crab taken in Zone 1 trawl fisheries. Amendment 37 specified PSC limits based on abundance of Bristol Bay red king crab as shown in the adjacent table. Given NMFS and ADF&G's 1996 abundance estimate for Bristol Bay red king crab, a Zone 1 PSC limit will be established at 100,000 red king crabs for 1997 (pending approval by the Secretary of Commerce).**

**Tanner crab PSC limits for the BS trawl fisheries under Amendment 16 are:**

- C. bairdi:                    1,000,000 crabs in Zone 1 for a Zone 1 closure  
                                     3,000,000 crabs in Zone 2 for a Zone 2 closure**

**These limits for Tanner crab would be in effect until mid-1997, even if revised limits are recommended under proposed Amendment 41. The Council is scheduled to take final action on Amendment 41 at this meeting. Any recommendations regarding PSC limits for Tanner and snow crabs would be implemented during the 1997 fishing year.**

**Herring PSCs**

**Amendment 16a established an overall herring PSC bycatch cap of 1 percent of the EBS biomass of herring. This cap is to be apportioned to the same six PSC fishery categories listed above, plus a seventh group, mid-water pollock. The Alaska Department of Fish and Game has not completed its forecast for 1997 herring biomass, so interim specifications will be based on the 1996 estimate**



(1,697,000 mt). The PSC limit is set at 1 percent of the biomass in metric tons. A revised herring assessment should be available for the December Council meeting.

**Seasonal Apportionment of PSC**

The Council may also seasonally apportion the bycatch allowances. Regulations require that seasonal apportionments of bycatch allowances be based on the following types of information:

1. Seasonal distribution of prohibited species;
2. Seasonal distribution of target groundfish species relative to prohibited species distribution;
3. Expected prohibited species bycatch needs on a seasonal basis relevant to change in prohibited species biomass and expected catches of target groundfish species;
4. Expected variations in bycatch rates throughout the fishing year;
5. Expected changes in directed groundfish fishing seasons;
6. Expected start of fishing efforts; and
7. Economic effects of establishing seasonal prohibited species apportionments on segments of the target groundfish industry.

*NOTE: Additional information on PSC limits and apportionments is presented in BSAI SAFE Appendix D.*

Staff will present a worksheet with SSC and AP recommendations for ABCs, TACs, PSC and seasonal apportionments when the Council addresses this Action Item.

**(c) Bycatch rate standards for the Vessel Incentive Program**

The Vessel Incentive Program (VIP) rate for halibut and crab Prohibited Species Catch (PSC) includes all trawl fisheries in both the BSAI and GOA. The grouping for VIP fishing categories is:

	<u>Fishery</u>	<u>PSC Species</u>
BSAI	midwater pollock	halibut*
BSAI	bottom pollock	halibut
BSAI	yellowfin sole	halibut; red king crab**
BSAI	other trawl	halibut; red king crab
GOA	midwater pollock	halibut
GOA	other trawl	halibut

\* % of groundfish

\*\*number of crabs per ton of groundfish

Note that regulations specify that the vessel incentive program for the midwater pollock fishery becomes effective after the directed fishery for pollock by trawl vessels using non-pelagic gear is closed.

Item D-1(c)(1) is a letter from the Regional Director containing the VIP rate standards used in 1996 and catch rates observed during past years for these fishery categories. The Council will need to recommend to the Regional Director the bycatch rate standards for these categories for the first two quarters of the 1997 fishery.

**Report of the Scientific and Statistical Committee**

The SSC noted that this is the first year that the BSAI and GOA groundfish specifications have been developed under the guidelines of Amendment 44, which revises the overfishing definition to provide a buffer between ABC and OFL and to reflect current scientific knowledge about conservative fishing levels. The SSC also noted that

even though the six tiers defined in Amendment 44 impose increasingly conservative rules for specifying ABC for less well understood populations, even these ABCs are above the 1996 TACs for most species. The SSC stressed that these initial groundfish specifications are preliminary and may change as data from the 1996 stock surveys are incorporated into the stock assessments. The SSC agreed with Plan Team recommendations for ABC for most species. For Eastern Bering Sea pollock, however, the SSC proposed an ABC of 1.19 mt, rather than 1.29 million mt recommended by the Plan Team. The SSC also proposed an ABC of 13,700 mt for Greenland turbot (the Plan Team recommended 17,000); and for Atka mackerel, the SSC recommended a range of 90.6 to 66.7 thousand mt. Please see the SSC Minutes (Appendix II to these minutes) for detailed comments on each species.

The SSC was unable to take up the agenda item concerning initial VIP standards.

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

The AP recommended that the Council set the TACs equal to the lesser of either last year's TACs or the SSC's recommended 1997 ABCs. They also recommended that the Council adopt the 1996 A season/B season split and the 1996 fixed gear Pacific cod apportionments for 1997.

The AP recommended that the Council rollover the 1996 BSAI trawl fisheries PSC caps. They will address seasonal apportionments at the December meeting. The AP also recommended that the Council rollover the 1996 BSAI non-trawl fisheries PSC bycatch allowances. With regard to VIP standards, the AP recommended that the Council adopt the VIP Standards for quarters 1 and 2 as laid out in the table provided by the Region dated 9/11/96.

The AP expressed concern over problems in accounting of the Aleutian Islands sablefish between the IFQ fishery and the state waters fishery. The AP requested that the SSC, NMFS and ADF&G discuss this matter and attempt to resolve these enforcement and accounting problems.

### **DISCUSSION/ACTION**

**Bob Mace moved to (1) send the preliminary BSAI Stock Assessment and Fishery Evaluation document out for public comment; (2) adopt the preliminary 1997 BSAI ABCs as recommended by the SSC; (3) adopt the preliminary 1997 BSAI TACs as recommended by the Advisory Panel; (4) adopt the 1996 split for the "A" and "B" pollock seasons (45%/55%); (5) roll over the 1996 PSCs bycatch allowances and fixed gear Pacific cod seasonal apportionments; (6) roll over the 1996 BSAI trawl fisheries PSC apportionments; and (7) retain current Vessel Incentive Program standards for the first half of 1997. The motion was seconded by Linda Behnken and carried without objection.**

Referring to a report earlier in the meeting of a research activity conducted by Japanese research vessels, Council member Wally Pereyra requested that in the future the Council be apprised of plans for foreign research activities in Alaskan waters and given an opportunity to comment. NMFS indicated that they would do so.

### **SUMMARY**

The Council adopted for public review the preliminary SAFE document for the 1997 BSAI fisheries, containing information on the current status of stocks for each groundfish species, including biomass estimates and recommended ABC levels. The Council approved preliminary levels of ABC and TAC. These recommendations are shown in Appendix IV to these minutes. Twenty-five percent of the initial specifications will go forward as interim specifications for management of the 1997 groundfish fisheries until superseded by publication of final specifications. Because current stock assessments do not include information from this past summer's trawl and hydroacoustic surveys, biomass estimates and subsequent catch specifications are subject to revision when the

1996 survey data are incorporated. These assessments will be finalized by the groundfish plan team in November. On the basis of comments and new information, the Council will adopt final recommendations for the 1997 fishing year at its December meeting.

Regarding apportionment of PSCs in the BSAI groundfish fisheries, the Council recommended the same bycatch allowances for Pacific halibut, herring, red king crab, and Tanner crab as for 1996 (Appendix IV). These apportionments will only be in place until the final recommendations of the Council in December are adopted by the Secretary of Commerce. Note that the Council has adopted reduced PSC limits for  Bairdi  Tanner crab, which will become effective early in 1997. Standards for the Vessel Incentive Program (VIP) for the first two quarters of the 1997 Gulf and BSAI trawl fisheries will be the same as last year's standards.

#### D-1(d,e,f) Initial GOA Groundfish Specifications for 1997

#### **ACTION REQUIRED**

- (d) **Initial review of Amendment 46 to separate the pelagic shelf rockfish (PSR) assemblage into a nearshore and offshore component and transfer management authority of nearshore species to the State of Alaska**
- (e) **Approve Preliminary 1997 Stock Assessment and Fishery Evaluation (SAFE) report for Gulf of Alaska (GOA) groundfish fisheries for 1997 for public review**
- (f) **Approve preliminary GOA groundfish specifications for 1997:**
  - 1. **Acceptable Biological Catch (ABC) and Annual Total Allowable Catch (TAC)**
  - 2. **Initial PSC Limits for Halibut by Gear**

#### **BACKGROUND**

At this meeting, the Council begins the annual groundfish cycle in which it adopts proposed specifications of groundfish quotas and bycatch allowances. The preliminary SAFE report, groundfish specifications, and bycatch allowances need to be adopted and made available for public review. Twenty-five percent of the initial specifications will go forward as interim specifications for management of the 1997 groundfish fisheries until superseded by publication of the Council's final specifications. On the basis of public comment and new information, the Council will adopt final recommendations for the 1997 fishing year in December 1996.

A related action involves initial review of a plan amendment to separate the pelagic shelf rockfish (PSR) assemblage into a nearshore and offshore component and transfer management authority of nearshore species (black and blue rockfishes) to the State of Alaska. If the Council approves separation of the PSR assemblage, separate ABCs and TACs would be set for the nearshore and offshore components of PSR.

#### **(d) Initial Review of PSR Amendment 46**

In December 1995, the Council requested staff to initiate a plan amendment from a groundfish proposal submitted by the Gulf of Alaska Groundfish Plan Team. Since 1991 the Plan Team has recommended separating either black rockfish or dusky rockfish from the pelagic shelf rockfish (PSR) assemblage to prevent localized depletion of black rockfish in the Central Gulf while allowing controlled development of the black rockfish fishery in the Eastern and Western Gulf. The Plan Team's original proposal was to remove black, blue, widow, and yellowtail rockfishes from the PSR assemblage and the FMP, and transfer management of these species to the State of Alaska. The SSC concurred with prompt development of an analysis to address potential overfishing of PSR species for the 1997 groundfish season.

The EA/RIR/IRFA for Amendment 46 to the GOA FMP revises the original proposal from the Plan Team and analyzes two management issues for PSR in the Gulf of Alaska. The first issue is whether to

separate PSR into a nearshore component (black and blue rockfishes) and an offshore component (dusky, widow, and yellowtail rockfishes). A developing jig fishery for black rockfish occurs in both State and Federal waters, while a directed trawl fishery for dusky rockfish occurs primarily in offshore waters of the Central Gulf. The Plan Team has recommended that separate ABCs and TACs be assigned to these two groups to enhance achievement of optimum yield to the fishery and management efforts to monitor their harvest. This issue can be resolved by the Council in the final specification process and does not require further analysis or action by the Secretary (Alternative 2).

The second issue of management authority does require a plan amendment. The recommended ABC for nearshore PSR totals 315 mt; area ABCs range between 25 mt in the Western GOA and 240 mt in the Central GOA. The Plan Team has recommended that the Alaska Department of Fish and Game would be the best management agency to monitor the harvest of the nearshore PSR species in the GOA. NMFS has expressed reservations about their ability to monitor in-season harvests to prevent the fishery from exceeding the overfishing levels of the nearshore component. The majority of the current PSR harvest, except for dusky rockfish, occurs in State waters, and a significant portion of PSR harvest reported from Federal waters may actually be occurring in State waters.

Alternative 3 would transfer management authority to the State of Alaska, similar to action under Amendment 14 for demersal shelf rockfish. State harvest guidelines allow additional management controls (e.g., trip limits) that are not currently available under the GOA FMP.

Alternative 4 would withdraw black and blue rockfishes from the GOA FMP entirely, and transfer management of these species to the State of Alaska for the same reasons stated above. ADF&G regional biologists have expressed reservations about their ability to monitor in-season harvests of these species across management area boundaries (DSR management occurs entirely within the Southeast Outside Management District). Landings data are not reconciled across ADF&G management districts until the end of the fishing season and may not prevent overfishing of black rockfish as defined by the Council.

ADF&G authority over black and blue rockfishes is likely to result in enhanced stock assessment methodology for these species. Further, the new ABC and overfishing guidelines may exercise unnecessary restrictions on the developing black rockfish jig fishery in the Eastern Gulf.

The analysis, which was mailed to you on September 9, 1996, includes the following alternatives:

Alternative 1: No action.

Alternative 2: Separate the Pelagic Shelf Rockfish Assemblage into two complexes: (1) nearshore PSR (black and blue rockfishes) and (2) offshore PSR (dusky, widow, and yellowtail rockfishes).

Alternative 3: Separate the Pelagic Shelf Rockfish Assemblage into two complexes: (1) nearshore PSR (black and blue rockfishes) and (2) offshore PSR (dusky, widow, and yellowtail rockfishes), and transfer management authority of nearshore PSR in both State and Federal waters to the State of Alaska.

Alternative 4: Remove black and blue rockfishes from the Gulf of Alaska FMP and transfer management authority for those two species to the State of Alaska.

**(e) Approve GOA SAFE Document for Public Review**

The Gulf of Alaska (GOA) Groundfish Plan Team met August 26-30, 1996 in Seattle to prepare the preliminary 1997 SAFE documents provided at this meeting for Council review. Minutes from the Plan Team meeting will be available at the Council meeting. The SAFE forms the basis for the preliminary groundfish specifications for 1997. The preliminary SAFE contains the Plan Team's estimates of ABCs for all groundfish species covered under the FMP and information concerning halibut bycatch to provide guidance to the Council in establishing PSC apportionments. Tables 1, 2, and 3 from the SAFE summary chapter (Items D-1(d)(1), D-1(d)(2), and D-1(d)(3)) list the 1996 ABCs, TACs, and catches

through August 1996, and the Plan Team's recommended 1997 ABCs and corresponding overfishing levels for each of the species or species complexes. None of the Plan Team's recommended ABCs exceeds its corresponding overfishing level.

**(f) Initial ABCs, TACs, and Apportionments for the 1997 GOA Fisheries**

Tables 1 - 3 compare the 1996 and preliminary 1997 ABCs, overfishing levels, and stock status of 16 GOA groundfish management groups. The Plan Team's recommended ABCs for 1997 total 549,960 mt. The sum of 1996 ABCs is 475,170 mt and TACs were set at 259,867 mt. Groundfish catch through August 30, 1996 totaled 161,903 mt. The SSC and AP recommendations will be provided to the Council during the week of the Council meeting.

**Initial PSC Limits for Halibut**

The PSC limits for halibut in the Gulf of Alaska are set by gear type and may be apportioned seasonally over the fishing year (Amendment 21). In recommending seasonal allocations, the Council will consider its objective to promote harvest of as much of the groundfish optimum yield as possible with a given amount of halibut PSC.

During 1996, halibut PSC mortality applied only to the bottom trawl fisheries and to the hook-and-line fisheries. The sablefish hook-and-line fishery, the pot fishery (primarily Pacific cod), and the midwater trawl fishery (primarily pollock) have all been exempted from bycatch-related closures. The following halibut PSC apportionments were approved by the Council for 1996:

Trawl gear			Hook and Line		
1st quarter	600 mt	(30%)	1st trimester	250 mt	(86%)
2nd quarter	400 mt	(20%)	2nd trimester	15 mt	( 5%)
3rd quarter	600 mt	(30%)	3rd trimester	25 mt	( 9%)
4th quarter	400 mt	(20%)	DSR	10 mt	
<hr/>			<hr/>		
2,000 mt			300 mt		

Beginning in 1994, PSC limits for trawl gear were further apportioned by specific fishery. The Council may apportion PSC limits by fishery during the annual specification process. Apportionments of the overall cap may be made to a 'Shallow water complex' and a 'Deep water complex.' Species in the shallow water complex are: pollock, Pacific cod, shallow water flatfish, Atka mackerel, and other species. Deep water complex species include: deep water flatfish, rockfish, flathead sole, sablefish, and arrowtooth flounder. The following apportionments were made for 1996:

Quarter	Shallow water Complex	Deep water Complex	Total
1	500 mt	100 mt	600 mt
2	100 mt	300 mt	400 mt
3	200 mt	400 mt	600 mt
4	No apportionment		400 mt

**Report of the Scientific and Statistical Committee**

Amendment 46. The SSC believes that additional thought should be given to how dark and light dusky rockfish will be managed if the complex is split as proposed under alternatives 2, 3, and 4. The SSC noted that Alternatives 2 and 3 create very small ABCs which may be difficult to manage and Alternative 4 requires a means to regulate harvests outside stage-managed waters. The SSC recommended the EA/RIR be released for public review and comment.

Groundfish Apportionments. The SSC agreed with the Plan Team's recommendations for ABCs for all species except Atka mackerel. The SSC remains concerned about the lack of recruitment for this species. Because it may be particularly sensitive to fishing pressure and its importance as a prey species for Steller sea lions, the SSC

recommended a conservative exploitation rate be used, resulting in a preliminary ABC of 3,240 mt. The SSC noted that the ABC will be recalculated using the results of the 1996 survey. The SSC had several comments specific to individual species and preparation of the SAFE documents. Please see their minutes (Appendix II) for specific comments.

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

Amendment 46. The AP recommended that the Council send the EA/RIR out for public review with the following additions:

1. a description of affected fisheries and areas if overfishing is realized;
2. a description of the State's goals in managing this fishery, including the process of setting TACs; and
3. an explanation of the differences between Alternative 3 and 4 relative to federal jurisdiction on effort limitations.

TACs. The AP recommended that the Draft SAFE be sent out for public review and that the Council adopt the SSC's ABCs as initial 1997 TACs for all species except POP, deep water flats, flathead sole, shallow water flats and arrowtooth. With respect to POP, the AP recommended that the TAC set by the rebuilding plan be sent out as the initial 1997 TAC. Further, the AP recommended that deep water flats, flathead sole, shallow water flats and arrowtooth be set at 1996 TAC levels.

PSC Limits for Halibut. The AP recommended that the 1996 Halibut PSC limits and apportionments (includes both tables on page 3 of Action Memo) be used in 1997 and sent out for public review.

### **DISCUSSION/ACTION**

#### Amendment 46.

**Bob Mace moved to send Amendment 46 out for public review, including the additions recommended by the AP and taking into consideration the suggestions of the SSC. The motion was seconded by Wally Pereyra and carried without objection.**

#### Groundfish Allocations.

**Bob Mace moved to send out the GOA SAFE document for public review, to send out the SSC's recommended ABCs for GOA groundfish, the Advisory Panel's recommendations for preliminary 1997 TACs and halibut PSC limits and apportionments as shown in page 3 of the Action Memo (1996 levels). The motion was seconded.**

**Linda Behnken moved to amend to set the preliminary 1997 TAC for Other slope rockfish at the 1996 level and ask NMFS to bring back to the Council the estimated background bycatch of Other slope rockfish in other fisheries. The motion was seconded and carried without objection.**

Ms. Behnken pointed out that the O. slope rockfish fishery continues to have excessively high discard rates and that NMFS has indicated that it is not a result of directed fishing standards or other regulatory reasons, but more than likely economic discards. For that reason, Ms. Behnken recommended the fishery go back to a bycatch only fishery.

Wally Pereyra suggested that both TAC levels for Other slope rockfish be sent out for public comment. Ron Berg advised the Council that if a range is sent out for public review, NMFS would use 25% of the lower TAC to begin the 1997 fishing year. The Council decided not to use a range.

**Ms. Behnken's amendment carried without objection.**

**The amended motion carried without objection.**

### Sablefish Longline Survey

Members of industry had expressed concern to the Council over the possibility that the sablefish longline survey results are being affected by fishing operations just prior to and during station sampling and the disparity in survey results with the industry's experience on the fishing grounds. Although industry cooperation improved during the 1996 survey, some were still concerned about activity in the West Yakutat area. Survey scientists advised the Council they will examine observer reports of fishing in the area to determine if a valid adjustment of survey results can be obtained.

### **SUMMARY**

The Council set preliminary ABCs and apportionments for the 1997 Gulf of Alaska groundfish fisheries (see Appendix IV for final tables of apportionments). One quarter of the interim 1997 TACs will be released for the first quarter of the 1997 fishing year until the final apportionments are determined in December. Results of the 1996 triennial Gulf of Alaska survey had not yet been incorporated into the preliminary stock assessments for all species and complexes, therefore interim 1997 quotas were unchanged for most of the species. Staff indicated that after the results have been incorporated it is likely that final apportionments will change for all species except demersal shelf rockfish and sablefish which do not rely on the survey. The Council also approved for public review a plan amendment which would modify the GOA pelagic shelf rockfish complex. A final decision is scheduled for December.

#### D-2 Amendments - Final Action

### **ACTION REQUIRED**

- (a) **Final review of a regulatory amendment to require groundfish processors to utilize electronic recordkeeping and reporting.**
- (b) **Clarification of a regulatory amendment that would require transponders on Federally permitted vessels that fished seaward of the EEZ.**
- (c) **Final review of a regulatory amendment that would adjust the directed fishing standards for groundfish.**

### **BACKGROUND**

#### (a) Electronic Reporting for Processors

The proposed regulatory amendment prepared by NMFS staff would require groundfish processors in the Bering Sea, Aleutian Islands, and Gulf of Alaska to utilize an electronic recordkeeping and reporting system for NMFS-required documents. The analysis was mailed to you on July 30.

In June 1996, the Council recommended that the initial review draft of the EA/RIR be revised to address a number of technical concerns raised by the SSC and AP (these are listed in the June 1996 SSC and AP minutes included under Agenda Item A). The Council further recommended that NMFS meet with industry to address software and implementation issues. That meeting occurred in mid-August at NMFS AFSC in Seattle. The EA has been revised to address industry concerns and implementation has been delayed until January 1, 1998. Industry, however, has continued to express reservations concerning the recommended hardware and software requirements for processor reporting (Item D-2(a)).

The analysis includes the following two alternatives:

**Alternative 1:** No Action: This would continue the current system of recordkeeping and reporting in which processors maintain paper logbooks and submit NMFS reports via conventional methods (i.e., fax and telex transmissions).

**Alternative 2:** Require groundfish processors that are subject to observer coverage to use NMFS-supplied software to electronically record harvest and processing activities on computer equipment. Conventional logbooks and associated NMFS reports would be replaced by electronic versions. At-sea processors would be required to transmit in-season NMFS reports using Inmarsat satellite equipment and shore-based processors would be required to use modems and phone systems. All processors using the electronic reporting system would be required to have a computer-operated printer to make paper copies of electronic logbook pages and transmitted reports at the processing site.

The NMFS electronic reporting system would be implemented in two stages. Phase 1 would consist of electronic versions of the daily production, weekly production, and check-in/check-out reports and would be distributed to the groundfish processing industry for voluntary use in early 1997. Legal implementation of Phase 1 would take place on January 1, 1998. Phase 2 would consist of electronic logbooks, vessel activity reports, and product transfer reports. These will be developed in 1997 and 1998 with full legal implementation in 1999.

The amendment before the Council for final action is the second for electronic reporting requirements for North Pacific groundfish data. The Council approved a separate electronic reporting program for observer data in June 1995. The final rule for hardware requirements for the observer program is currently undergoing NMFS Regional review. If approved by the Secretary of Commerce, requirements for observer data could be implemented by January 1, 1997.

**(b) Clarification of seamount fishing proposed rule**

In January 1995, the Council approved a regulatory amendment to require transponders on Federally permitted vessels that fished seaward of the EEZ. Item D-2(b) is a letter from the NMFS Regional Director informing the Council that NMFS will not be able to provide the transponders to vessel owners who wish to fish seaward of the EEZ, as was originally included in the Council's motion to forward the amendment to the Secretary.

**(c) Directed Fishing Standards**

At its December 1995 meeting, industry representatives and individual members of the Council requested NMFS to explore several changes to existing maximum retainable bycatch (MRB) percentages. This request responded to specific concerns about "topping off" activity and industry assertions that a limited fishery for arrowtooth flounder exists and that this species should be allowed as a basis species for the retention of pollock and Pacific cod. Current regulations prohibit the use of arrowtooth flounder as a basis species for retention of bycatch of other groundfish species. Industry representatives and NMFS in-season managers also have recommended that a reduction of the GOA sablefish MRB percentage be considered to respond to apparent "topping off" activities in the 1996 trawl fisheries. The EA/RIR, which will be distributed at the meeting, contains the following four adjustments.

Reduce the MRB established for BSAI Greenland Turbot. The current MRB percentages for BSAI Greenland turbot are set at 35% relative to sablefish, flathead sole, and rockfish; and 1% relative to all other species. The 35% MRB was implemented in 1995 to allow for a "topping off" fishery for Greenland turbot by trawl vessels instead of a fast paced directed fishery that experiences unacceptably high halibut bycatch rates. Flathead sole was established as a separate TAC category to make better use of this species as a basis for retaining Greenland turbot up to the 35% MRB allowance. Prior to 1995,



the MRB percentage for Greenland turbot was 15% relative to sablefish and rockfish and 1% relative to all other species.

In December 1995, the Council heard requests from industry representatives to reduce the MRB for Greenland turbot to 10% relative to sablefish and rockfish and 1% relative to all other species. This request stemmed from concern that halibut bycatch associated with "topping off" activity for Greenland turbot would be credited against the halibut bycatch allowances specified for other trawl fisheries, specifically the flathead sole/rock sole/other flatfish fishery category, and result in an attainment of these bycatch allowances before the available TACs for other groundfish species could be harvested.

**Allow the use of GOA arrowtooth flounder as a basis species.** In 1994, the Council recommended that arrowtooth flounder be prohibited as a basis species for the retention of other groundfish species on bycatch status. Target operations for arrowtooth flounder simply for the purpose of topping off with other, higher-valued species resulted in unacceptably high halibut bycatch rates. Little or no market existed for arrowtooth, which subsequently was discarded, but the halibut bycatch amounts associated with the arrowtooth flounder fishery were credited against the overall halibut bycatch limits available to other fisheries. This situation increased the rate at which respective halibut bycatch limits or allowances were reached and limited the opportunity of other groundfish fisheries to harvest available TAC amounts before halibut bycatch restrictions closed the fisheries.

In December 1995, testimony was presented to the Council that legitimate GOA target operations and markets do exist for arrowtooth flounder and that this species should be allowed as a basis species for purposes of retaining pollock and Pacific cod when these two species are on bycatch status. An MRB percentage of up to 5% was proposed for pollock and Pacific cod relative to arrowtooth flounder.

**Prohibit the use of GOA northern rockfish as a basis for retention of shortraker/rougheye rockfish.** In December 1995, the Council requested NMFS to prohibit any opportunity to top off retained catch of northern rockfish with rougheye/shortraker rockfish in the GOA. Current MRB percentages for shortraker/rougheye allow up to 15% retention relative to other rockfish species that are open to directed fishing, including northern rockfish. This initiative was proposed to address concerns that a "topping off" fishery for shortraker/rougheye by trawl vessels could result in premature attainment of TAC and jeopardize the ability of vessels using hook-and-line gear to retain high valued bycatch of shortraker/rougheye.

**Reduce the MRB percentage for GOA sablefish.** The current MRB percentage for GOA sablefish is 15% relative to deep water flatfish, flathead sole, rex sole, and rockfish and 1% relative to all other species. Sablefish typically is a bycatch species for the GOA trawl fisheries and trawl vessels maximize allowable retention of sablefish through "topping off" activity. In 1996, in-season monitoring and management of trawl fisheries was frustrated by unanticipated high harvest rates of Pacific ocean perch (POP) for purposes of topping off with sablefish, as well as unprecedented high harvest rates of sablefish through topping off activity. These higher than anticipated harvest rates resulted in several TACs for sablefish and POP being exceeded, these species being put on prohibited species status, and mandatory discard of these species for the remainder of the year. NMFS proposes, therefore, that the MRB percentage for GOA sablefish be reduced from 15% to 7% to reduce the harvest rates of this species as well as that for POP.

**Alternative 1: Status quo.**

**Alternative 2: Revise certain MRB percentages to respond to fishery operation or management concerns. Any or all of the following proposed changes could be adopted:**

**Gulf of Alaska - Proposed changes to MRB percentages - current MRB percentages are shown in brackets.**

**BYCATCH SPECIES**

	<b><u>Pacific cod</u></b>	<b><u>pollock</u></b>	<b><u>sablefish</u></b>	<b><u>shortraker/rougheye</u></b>
<b><u>BASIS SPECIES</u></b>				
Deep flatfish			7 [15]	
Rex sole			7 [15]	
Flathead sole			7 [15]	
Arrowtooth flounder	5 [0]	5 [0]		
Pacific Ocean Perch			7 [15]	
Shortraker/rougheye			7 [15]	
Other rockfish			7 [15]	
Northern rockfish			7 [15]	0 [15]
Pelagic rockfish			7 [15]	
DSR - Southeast/outside			7 [15]	
Thornyhead			7 [15]	

**BSAI - Proposed changes to MRB percentages -- current MRB percentages are shown in brackets.**

**BYCATCH SPECIES**

**Greenland turbot**

**BASIS SPECIES**

Flathead sole	1 [35]
Sablefish	10 [35]
Other rockfish	10 [35]
Other red rock fish -BS	10 [35]
Pacific ocean perch	10 [35]
Sharpchin/Northern - AI	10 [35]
Shortraker/Rougheye - AI	10 [35]

The Scientific and Statistical Committee did not address any of the amendments under this agenda item.

**Report of the Advisory Panel**

Electronic Reporting Requirements. The AP recommended that the Council adopt Alternative 2 with the clarification that modem-to-modem and Standard C equipment would be allowed. The AP reiterated the need for a Development Committee working with NMFS and the Observer Program to continue to flesh out programming details. To address concerns on transmission costs, the AP would like the Council to limit the transmission reporting requirements to no more than 800 characters per day. Additionally, the AP requested that the Council require NMFS to make reports available electronically to authorized agents of the sending party on a same day basis.

The AP did not address Agenda item D-2(b), Clarification of Seamount Restrictions.

Directed Fishing Standards. The AP recommended that the Council take final action and adopt the GOA portion of Alternative 2 with the following change:

MRB for Northern Rockfish to remain at 15% for aggregated rockfish (status quo). The AP requests that the Council ask NMFS to examine the background bycatch rate for shortraker/rougheye in all GOA fisheries and that this information be brought back to the Council as soon as possible for final action and implementation in 1997.

Additionally, NMFS should examine the background bycatch of rockfish against other rockfish species in all GOA fisheries.

The AP also recommended that the Council release the BSAI portion of Alternative 2 for public comment and delay final action on the BSAI and GOA rockfish portions until after public comment has been received.

The AP recommended that the Council request NMFS to begin work on an amendment to framework directed fishing standards in the GOA. As stock biomass change, directed fishing standards will need to be adjusted to prevent discards.

## **DISCUSSION/ACTION**

### **(a) Electronic Reporting Requirements**

Linda Behnken moved to delay action on this item until December. In the interim, NMFS and the Observer Program staff would work with industry to address problems raised during public comment. The motion was seconded by Earl Krygier and carried without objection.

Steve Pennoyer expressed concern over a delay in getting the program implemented as soon as possible for in-season management. Because some fisheries are prosecuted so quickly now and quotas are often exceeded, he feels that a system that will allow electronic transfer of data which are received in a readily usable form will immeasurably improve in-season management. He stated that NMFS is committed to work with industry to work out any problems. Wally Pereyra moved a substitute motion to approve a modified Alternative 2, but subsequently withdrew it. In December the Council will consider appointing a committee composed of technical personnel from industry to work with NMFS to facilitate the program.

### **(b) Seamount Proposed Rule**

Last year the Council approved a regulatory amendment to require transponders on federally permitted vessels that fish seaward of the Alaska EEZ. At the time of the action, the Council included a provision for NMFS to provide the transponders; however, NMFS has determined that vessel owners must be responsible for obtaining their own transponders. NMFS notified the Council of this change and requested their concurrence. Council members agreed with the change.

### **(c) Directed Fishing Standards**

Linda Behnken moved to adopt the AP recommendation:

#### **(1) Adopt the GOA portion of Alternative 2 with the following change:**

**MRB for Northern Rockfish to remain at 15% for aggregated rockfish (status quo).**

#### **(2) Ask NMFS to examine the background bycatch rate for shortraker/rougheye in all GOA fisheries and request this information be brought back to the Council as soon as possible for final action and implementation in 1997. Additionally, NMFS should examine the background bycatch of rockfish against other rockfish species in all GOA fisheries.**

#### **(3) Release the BSAI portion of Alternative 2 for public review and schedule final action on the BSAI and GOA rockfish portions after public comment has been received.**

- (4) Request NMFS begin work on an amendment to framework directed fishing standards in the GOA. As stock biomasses change, directed fishing standards will need to be adjusted to prevent discards.**

**The motion was seconded by Bob Mace and carried without objection.**

The Council asked if there is some way to require that fish taken in excess of the directed fishing standard be brought to shore and then forfeited; this would help gather better data on how much fish is being caught. NMFS and NOAA General Counsel do not believe this would be legal.

## **SUMMARY**

The Council delayed action on a regulatory amendment to require groundfish processors in the BSAI and GOA to utilize an electronic recordkeeping and reporting system for NMFS-required documents. The delay will allow NMFS staff to work further with industry members to address concerns addressed by industry on the recommended hardware and software requirements. The Council approved of a change in the proposed rule for a regulation that will require federally-permitted vessels fishing seaward of the Alaska EEZ to use transponders; under the revised rule, vessels must provide their own transponders. The Council also approved a regulatory amendment that would implement changes to the directed fishing standards in the Gulf of Alaska for the 1997 fishing season to allow the use of GOA arrowtooth flounder as a basis species for Pacific cod and pollock retention at 5% and to reduce the Maximum Retainable Bycatch (MRB) percentage for GOA sablefish from 15% to 7%.

The Council scheduled final action for changes to the directed fishing standards for GOA rockfish and Bering Sea/Aleutian Islands groundfish for December 1996. Proposed changes would prohibit the use of GOA northern rockfish as a basis for retention of shortraker/rougheye rockfish, and reduce the MRB established for BSAI Greenland Turbot. The Council also recommended that NMFS initiate an analysis to framework future DFS changes.

### **D-3 Amendments - Initial Review**

## **ACTION REQUIRED**

- (a) Review of night trawling analysis.**
- (b) Review regulatory amendment to: (1) create a standard deduction for "slime and ice" for halibut and sablefish and (2) revise the procedure for adjusting the annual allocation of IFQ (overages).**

## **BACKGROUND**

- (a) Night Trawling Analysis**

In January, the Council indicated that it wished to re-examine the issue of a ban on night trawling for cod as a means to reduce halibut bycatch in that fishery. A proposal to ban night trawling was discussed by the Council in 1993, and they decided not to proceed with such a ban. Although studies based on 1990 data indicated that halibut bycatch rates in the cod fisheries may be higher at night, and some savings could be expected, the Council did not proceed with the proposal, primarily because of enforcement concerns.

In June, the Council requested that NMFS re-examine observer data for information regarding day/night differences in bycatch rates of crab and halibut in the Pacific cod trawl fishery, and develop an EA/RIR analysis if possible prior to the September meeting. The NMFS report summarizing day/night bycatch rates is attached as Item D-3(a)(1). Their report indicates that nighttime halibut bycatch rates in bottom groundfish catches were generally higher than day rates during the directed fisheries for Pacific

cod in 1990 and 1995, but not in 1994. NMFS has estimated that overall halibut bycatch mortality could be reduced by about 100- 250 tons under a night bottom trawling prohibition.

At this meeting, the Council will review the analysis, and provide additional direction as necessary. Based on the NMFS analysis, the following Alternatives could be considered in an EA/RIR:

**Alternative 1: No Action.** Trawl vessels could continue to fish day and night periods.

**Alternative 2: Prohibit bottom trawling for Pacific cod at night in the Bering Sea.** Vessels targeting Pacific cod would be prohibited from fishing at night (defined as 11 p.m. to 5:00 a.m.). Vessels that don't check-in, yet fall into a Pacific cod target fishery defined by directed fishing standards, may be subject to penalty.

**Alternative 3: Prohibit bottom trawling in the area north of Unimak Island during the period 11 p.m. to 5:00 a.m. from January 1 through May 31.** This alternative addresses concerns about switching back and forth among the Pacific cod and other target fisheries to allow for continued night trawling. The North Unimak area is the area enclosed by 163° W to 166°W, south of 56°N to the Aleutian Islands.

**Alternative 4: Prohibit ALL trawling at night in the area north of Unimak Island during the period 11 p.m. to 5:00 a.m. from January 1 through May 31.** This alternative would address enforcement concerns as it may be difficult to determine if a vessel is bottom trawling or pelagic trawling.

**(b) Review regulatory amendment to: (1) create a standard deduction for "slime and ice" for halibut and sablefish and (2) revise the procedure for adjusting the annual allocation of IFQ (overages).**

## **BACKGROUND**

The EA/RIR for a regulatory amendment under initial review is provided as Item D-3(b)(1). It addresses two management issues related to the halibut and sablefish IFQ program. The first issue, a standard deduction for ice and slime for halibut and sablefish, is being proposed to prevent inaccurate accounting of harvests caused by the lack of such standards. The IFQ regulations currently require that the initial accurate scale weight at the time of landing should be reported. Numerous reports from the fishing industry have pointed to widespread violations of this provision, primarily under the guise of deductions for ice and slime. Deductions varying between 0 - 9 % have been reported.

The second issue addressed by this analysis, revising the procedure for adjusting the annual allocation of IFQ, is proposed to clarify the current process and allow for total deductions for all overages or alternatively, eliminating any adjustment. The IFQ regulations currently provide that an administrative adjustment for an overage will occur if a person lands (or harvests) a greater amount of IFQ species (in pounds) than is available in that person's account and the amount of IFQ species landed that exceeded the IFQ account does not exceed 10 percent of the amount available in the IFQ account at the time of landing. The regulation was designed in this manner because the administrative adjustment was considered to be in lieu of a penalty for exceeding an IFQ account. Therefore, if there was an administrative adjustment, then there could be no penalty, and *vice versa*. The following alternatives are included in the analysis:

### **Standard Deductions for Ice and Slime**

**Alternative 1: No Action--no provision for standard deductions for ice and slime.**

**Alternative 2: 2 percent allowance for ice and slime for halibut [and sablefish].**

### **Revision of the Adjustment Policy**

**Alternative 1: No Action--adjustment policy would remain as currently provided in § 679.40(d).**

**Alternative 2: Adjustment policy would be revised so that any amount of IFQ species harvested above the amount in an IFQ account would be deducted from the formula used to determine the next year's annual allocation of IFQ.**

**Alternative 3: Revising the regulations to eliminate the adjustment policy.**

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

The SSC was unable to take up a discussion of item (a), the proposed ban on night trawling.

Slime and Ice/IFQ Overages. The SSC is concerned that failure to standardize and enforce slime and ice deductions could lead to underestimation of catches. Deductions of 0-2% have historical precedence. Larger deductions might require downward adjustments to the TAC. The practice of carrying over up to 10% of underages from one year creates the possibility of exceeding TAC in the subsequent year. The SSC suggested that the analysts develop a simple numerical example, demonstrating the effects of the alternatives on TAC and IFQs for individuals who have underages, overages or exact catches, before the document is released for public review.

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

Ban on Night Trawling. The AP recommended the Council take no action to initiate a ban on night trawling.

Slime and Ice Amendment. The AP reaffirms its intent that the IFQ overages greater than the allowed 10% be subject to both a fine and subsequent deduction in the following year. The AP recommend provisions for a step-wise fine to be added to Alternative 2 and the EA/RIR be sent out to the public and the IFQ Implementation Committee for review.

### **DISCUSSION/ACTION**

#### **(a) Ban on Night Trawling**

Clem Tillion moved to adopt the AP recommendation (i.e., no further action to ban night trawling). The motion was seconded by Wally Pereyra.

Linda Behnken moved a substitute motion to take no action at this meeting but to not preclude further action at a later time, and to encourage Dr. Karp (Observer Program), the International Pacific Halibut Commission, and industry to continue to work on the issue as time permits. If information is developed that the Council could act on, then the Council could take it back up. The motion was seconded by Earl Krygier and carried with Bob Mace objecting.

#### **(b) Standard Deduction for Slime and Ice in the IFO Fisheries/Adjusting Allocation of IFO Overages**

NMFS withdrew the action to consider revising the procedure for adjusting the annual allocation of IFQ overages from the agenda.

Linda Behnken moved to send the EA/RIR out for public review, clarifying that Alternative 2 would provide 0% (washed) and 2% (slime and ice) for halibut and 0% for sablefish.

The motion was seconded by Robin Samuelsen and carried without objection.

## SUMMARY

The Council did not initiate a formal analysis for a ban on trawling at night. However, staff from the Observer Program, NMFS, and the IPHC were encouraged to continue to work on the issue and gather appropriate data as time permits. The Council approved sending to public review a regulatory amendment to create standard deductions for ice and slime for halibut and sablefish to prevent inaccurate accounting of harvests. The Council will take final action in December.

### D-4 Staff Tasking

#### ACTION REQUIRED

- (a) Update on current tasking.
- (b) Review groundfish amendment proposals/task staff.
- (c) Forward IFQ proposals to IFQ Industry Implementation Team.
- (d) Magnuson Act Tasking

#### BACKGROUND

##### (a) Staff tasking

Item D-4(a)(1) summarizes the status of current plan/regulatory amendments, committee meetings, and other Council initiatives. Many are in the analytical stage or are being processed into rulemaking. These tasks, already initiated, are going to consume most of the Council staff's time well into January. The largest new item on the horizon is the halibut charter study. While much of the data gathering on the charter side is being contracted out, our staff will be busy completing the commercial impacts side of the analysis. NMFS staff also is likely to be occupied with tasks already assigned, particularly the application of improved retention and utilization standards to the Gulf of Alaska, and the proposal to allow limited processing on catcher vessels under the license limitation program. There also is the skipper licensing program proposed by Skippers for Equitable Access. That has been on the back burner since early 1995, and I could use some indication from the Council on whether we should move it forward as time allows.

As far as the new proposals received this summer, I would like the Council to indicate which ones are of highest priority, and then let me work with NMFS and State staff to determine when we can get to them and who might provide assistance. Then I can report back to you in December on which ones will be available for initial review in April and which ones may have to be placed on an off cycle.

##### (b) Review groundfish amendment proposals/task staff

The attached Item D-4(b)(1) summarizes the 42 groundfish proposals (Item D-4(b)(2)) received by the Council's August 15 deadline and one received by the BSAI and GOA Groundfish Plan Teams' review. Three late groundfish proposals were not reviewed by the Plan Team (Item D-4(b)(3)).

Two proposals reviewed by the Teams were identified as highest priority. Proposal #32 submitted by NMFS would initiate a GOA plan amendment to separate West Yakutat and Southeast Outside regulatory areas to address an inconsistency with proposed changes to GOA groundfish management under the License Limitation Program. Proposal #34 submitted by NMFS would initiate BSAI and GOA plan amendments to require fishing vessels and processors to provide an observer sampling station. Eighteen additional proposals were ranked as high priority; these would result in fewer amendments since some proposals address the same management issues.

Eleven proposals were ranked as low priority. Twelve proposals were not rated as they were identified as being either currently in progress (P) or not applicable (NA) because they were not groundfish amendment proposals.

**(c) Forward IFQ proposals to IFQ Industry Implementation**

Six IFQ proposals were submitted by the Council's August 15 deadline (Item D-4(c)(1)). Under the Council's IFQ amendment cycle, the Council will forward these proposals to the IFQ Industry Implementation Team for their review. The Team is currently scheduled to meet in late October/early November 1996.

**(d) Magnuson Act Tasking**

It may be a little early to determine the new provisions of the Magnuson Act, but if S. 39 is adopted, the Council will be required to do the following:

1. Describe and identify essential fish habitat for the fisheries within 24 months, based on guidelines that the Secretary of Commerce must establish within six months.
2. Establish fee programs for IFQ and CDQ holders, and submit to the Secretary by September 1, 1997, a program to have up to 25% of fees collected used to underwrite small vessel and entry level fishermen.
3. Establish a central registry system for limited access permits within six months of passage of the bill.
4. By June 1, 1997, the Council shall submit conservation and management measures to ensure total catch measurement in each fishery under its jurisdiction. Such measures shall ensure the accurate enumeration, at a minimum, of target species, economic discards, and regulatory discards. By January 1, 1998, the Council needs to submit a plan for weighing fish if that is not included already, if such weighing is necessary to meet requirements for enumeration of the catch.
5. By June 1, 1998, the Council shall submit a report on the advisability of requiring full retention by fishing vessels and full utilization by U.S. fish processors of economic discards.

Neither the SSC nor the AP addressed this agenda item.

**Report of the Groundfish Plan Teams**

The GOA and BSAI groundfish plan teams reviewed 43 proposals received for amendments to the groundfish fishery management plans. Three proposals arrived after the plan teams met. Two proposals submitted by NMFS were identified as highest priority, one to initiate a GOA plan amendment to separate West Yakutat and Southeast Outside regulatory areas, and another to initiate GOA and BSAI plan amendments to require fishing vessels and processors to provide an observer sampling station. For priorities on the remaining proposals, please see Appendix V to these minutes.

**COUNCIL DISCUSSION/ACTION**

Executive Director Pautzke reviewed ongoing projects and projects which the Council has previously approved but have not yet been addressed because of staff limitations, including a skipper licensing program. The halibut charter issue will also be taking up most of the available staff time between now and early next year. Dr. Pautzke suggested the Council review the Plan Teams' recommendations on amendments and give staff direction on the highest priority issues, leaving discussion on the majority of the amendment proposals until December. Dr. Pautzke also advised the Council that with regard to the halibut charter issue, staff will also be looking into jurisdictional issues involved in micro-managing halibut personal-use fisheries in and around Sitka Sound.



**Linda Behnken moved to request a scoping document for the Gulf of Alaska pollock and cod amendment issues. The document should take a comprehensive look at the problems being experienced because of the fast-paced, high-volume fisheries, i.e., safety, quota overages, lack of a buffer to cover bycatch in other fisheries, and a discussion of some of the proposed alternatives (i.e., amendment proposals) such as trip limits, gear limits, seasonal apportionments, and with regard to cod, apportionment by gear type. On the basis of that document, the Council could then decide whether to move ahead with an EA/RIR. The motion was seconded by Robin Samuelsen.**

**Clem Tillion moved to amend the motion to include a proposal received for a license limitation program on scallops. The motion was seconded by Wally Pereyra. This amendment was not voted on after clarification that staff will provide a tasking document by December.**

During discussion it was clarified that staff would come back in December with a "thematic" approach to the amendment proposals, including the ones in Ms. Behnken's motion. The staff would also provide a tasking document for the scallop proposal, and any others that can be grouped together for a particular fishery.

**Ms. Behnken's motion carried without objection.**

The Council also received six proposals for amendments to the halibut and sablefish IFQ fishery. Those proposals will be forwarded to the Industry IFQ Implementation Team for review. Their recommendations will be forwarded to the Council at the December meeting.

Clem Tillion pointed out that the current process for setting preliminary groundfish allocations in September should be revised. Most of the updated information needed to make allocations is not available until after the September meeting and it would save time if the Council did not address preliminary allocations based on outdated information.

## **SUMMARY**

Council staff will group amendment proposals by theme or fishery and provide the Council with a scoping, or tasking document, for Council consideration. The Industry IFQ Implementation Team will review the amendment proposals for the IFQ fisheries and provide recommendations for Council consideration in December.

### **E. FINANCIAL REPORT**

There was no financial report at this meeting.

### **F. ADJOURNMENT**

Chairman Lauber adjourned the meeting at 10:30 a.m. on Sunday, September 22, 1996.

