

North Pacific Fishery Management Council

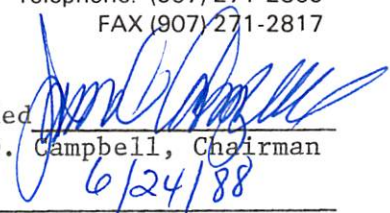
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Certified 
James O. Campbell, Chairman
Date 6/24/88

MINUTES

81st Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
April 13-15, 1988
Sheraton Hotel
Anchorage, Alaska

The North Pacific Fishery Management Council met April 13-15, 1988 at the Sheraton Hotel in Anchorage, Alaska. The Scientific and Statistical Committee and Advisory Panel began meeting on Monday, April 11. Members of the Council, Scientific and Statistical Committee, Advisory Panel, staff and general public in attendance are listed below.

Council

James O. Campbell, Chairman
John Peterson, Vice Chairman
Don Collinsworth
Rudy Petersen
RADM Edward Nelson
Mark Pedersen for Joseph Blum
Oscar Dyson
Ed Wolfe/Robert Ford
John Winther

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

NPFMC Staff

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

Terry Smith
Dick Tremaine
Helen Allen
Peggy Kircher
Dorothy Lowman

Support Staff

Jim Balsiger, NMFS-NWAFRC
Dale Evans, NMFS-AKR
Craig Hammond, NMFS-AKR
Jim Brooks, NMFS-AKR
Craig O'Connor, NOAA-GC

Fred Gaffney, ADF&G
Jay Ginter, NMFS-AKR
Jon Pollard, NOAA-GC
Ron Berg, NMFS-AKR
Loh-Lee Low, NMFS-NWAFRC

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Scientific and Statistical Committee

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

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

Advisory Panel

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

Barry Fisher
Arne Aadland
Ron Peterson
Mark Earnest
Richard White
Daniel O'Hara
Ron Hegge
Fred Zharoff

General Public

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

Robert Miller, Cascade Boats
Henry Friedman, AK Dept. of Env. Cons.
Eric Maisonpierre, AJVS, Inc.
Steve Grabacki, Graystar
James Russell, Key Management Fisheries
Perfenia Pletnikoff, Jr., St. Paul Island
Frank Bohannon, F/V Neahkahnie
Alexander Galanin, Sr., St. Paul Island
Arni Thomson, Alaska Crab Coalition
Woody Knebel, Wards Cove Packing Co.
Adm. Kyung Hwan Oh (Ret) Korea Deep Sea Fisheries
Richard Lowe, Kemp Pacific
Guiga Tornes, Homer
Park Moo Sung, Korea DSFA
Harold & Mary Jones, F/V Arctic J & Mary J
Stephen B. Johnson, Seattle
Linda Kozak, KLVOA
Mary Hobbs, Dep. of Fisheries & Oceans, Canada
David Fraser, Cape Flattery Fisheries
Ted Smits, NPFVOA
Chris Blackburn, AK Groundfish Data Bank
Patrick McCourt, KFMG
Jacqueline Lindauer, Aleutian Eagle
Ted Painter, Jr., Oregon
Dan Zantek, Alaska Team Marine
John Cleveland, Sea Land
Sheila K. Gottehrer, Governor's Office
I. Lestenkof, St. George Fishermen's Assn.
George Anderson, FCA
Connie Sathie, NOAA General Counsel, Juneau

John Wedin, PSPA
Steve Hughes, NRC
Fred Kirkes, APL
Dave Harville, KWT
Fred Yeck, Oregon
Bill Orr, AFTA
Murray Hayes, Seattle
Gregg Williams, IPHC
Ben Stevens, Anchorage
Hugh Reilly, AHSFA
Norm Staden, Anchorage
Shari Gross, Seattle
Ken Larson, NPFVOA
Vern Hall, Kodiak
Rodger Davies, DSFU
Barry Collier, PSPA
Yale Metzger, Anchorage
Phil Chitwood, MRCI
Bill Hall, CFAB
Dave Rogers, CFAB
Clay West, Japan DSTA
Roger Woiderski, Palmer
Charles Jacobsen, AOV
Jeff Stephan, UFMA
LeRoy Cossette, Kodiak
Mel Monsen, AFDF
Jon Zuck, BSFA
Peter Block, NorFish
David Gregory, Unalaska

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

The meeting was called to order at 9:01 a.m. on Wednesday, April 13, by Chairman Jim Campbell. The agenda was approved with the addition of a discussion of the joint venture "Olympic" system under B-3, NMFS Management Report.

Bob Mace moved to approve the minutes of the December 1987 and January 1988 Council meetings. The motion was seconded by John Peterson and carried with no objection.

Chairman Campbell introduced Lt. Beverly Kelly, the Coast Guard representative on the Pacific Council, Craig O'Connor, new NOAA-GC, Juneau, Ed Wolfe from the State Department, and LCDR Carl Crampton, USCG.

B. REPORTS

B-1 Executive Director's Report

Clarence Pautzke reported on staff activities and funding and the upcoming Chairmen's meeting to be hosted by the North Pacific Council.

The following dates were suggested and approved for 1989 Council meetings:

Week of January 16
Week of April 10
Week of June 19
Week of September 25
Week of December 4

While there was no discussion of meeting place, it is assumed they will all be in Anchorage to reduce expenses.

B-2 Domestic Fisheries Report by ADF&G

The 1987/88 winter troll season, which is limited to those areas inside the surf line, began October 1 and will continue through April 14. A total catch of about 70,000 chinook is projected, 42,000 more than last year's winter fishery.

The statewide Tanner crab harvest by early April was approximately 84 million pounds. The Eastern and Western Aleutian districts remain open as well as the Bering Sea C. bairdi fishery.

B-3 NMFS Management Report

Joint Venture Olympic System

Larry Cotter said the Council should review the joint venture "Olympic" system and modify or replace it with a new system. He asked that the subject be added to the June agenda. In the meantime, proposals for change will be solicited from industry for Council consideration. Mr. Cotter will develop a discussion paper to serve as basis for public comment.

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Domestic (DAP) Harvests

By April 2 the U.S. industry had harvested and processed 160,926 mt groundfish off Alaska. The catch in the Gulf of Alaska was 31,596 mt, including 15,232 mt pollock, 9,609 mt Pacific cod, 4,671 mt sablefish, 1,725 mt other rockfish and lesser amounts of other species. The catch in the Bering Sea and Aleutians was 129,329 mt including 84,256 mt pollock, 21,417 mt other flounders, 19,364 mt Pacific cod, 1,684 mt sablefish, 1,143 mt yellowfin sole and lesser amounts of other species.

The sablefish season opened April 1 with 579 vessels registered -- less than last year. In Southeast Outside and W. Yakutat districts catch rates are slower than last year with a closure projected around April 22.

Dale Evans told the Council that NMFS is working with ADF&G on current reporting requirements and looking at methods of simplifying and reducing the number of reports and possibly redesigning state fish tickets.

NMFS has sent the DAP resurvey out and will be reviewing the results in early May to make projections for the rest of the year.

Reapportionments/Early Release of DAP

NMFS has submitted a Federal Register notice on reapportionments from Reserves for joint ventures in the Bering Sea/Aleutian Islands to ensure continued joint venture fishing until the second pollock season begins. The reapportionments were as follows: 8,000 mt yellowfin sole, 10,000 mt other flatfish, and 6,000 mt of Pacific cod.

Public Testimony

Pete Granger, AHSFA. NMFS statistics are already beginning to show that DAP needs were overestimated in the Bering Sea this year. He asked that the Regional Director examine DAP projections later this month and provide for releases at the end of the second, or "B", pollock season.

Steve Hughes, Midwater Trawlers. Reviewed current catch figures and anticipated catches/surpluses in the DAP fisheries. He requested that releases be made as quickly as possible so that JV fisheries can continue uninterrupted. Waiting for the DAP resurvey will be too late.

Peter Block, Northern Deep Sea Fisheries. Without additional releases to JVP their "B" season will be very short - finished by May 15. With the release of unused first quarter DAP the season could be extended another nine days and with the additional release of reserves the "B" season might last another 25 or 30 days. They believe there is ample justification for the releases and urged the Council to consider it. He also urged that the Council consider moving away from the quarterly release concept. It is particularly a problem in the fourth quarter when unused DAP, particularly in the Gulf, would be wasted. They asked that any fish not released during the "B" season be released during a subsequent fishery that they hope would begin sometime after the first of September.

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Mick Stevens, ProFish Int'l. Supports the comments made by Mr. Block and emphasized the importance of the "B" season. He wants as much fish as possible during that period.

Phil Chitwood, Marine Resources Int'l. It is very costly to the fleet every time the fleet has to stop fishing then restart. It also costs the government to redeploy observers.

Hugh Reilly. In order to make business arrangements with processors they must know as far ahead as possible whether the fish will be released and when, otherwise they cannot get the vessels they need.

Fred Yeck, F/V Sea Dawn. The first Bering Sea pollock season lasted only 25 days; the next season is very important to them and their crews. Without release of reserves and excess DAP it is estimated that the second season will only last 25 or 26 days. There is plenty of unused pollock quota, both reserves and first-quarter unused DAP which could extend the season.

Frank Bohannon, F/V NEAHKANIE. The later in the year that fish are released, the more hazardous it is for fishermen.

Cory Swasand, F/V STARFISH. It is important for them to know as soon as possible whether more fish will be available and what date is being considered for the "C" season for planning purposes.

Bill Orr, AFTA. In assessing the situation for reapportionment, first the amount of DAP first quarter harvests should be determined, then DAP needs for the rest of the year should be reassessed, and then a determination made whether any of the DAP or Reserves can be released to joint ventures.

Barry Collier, PSPA. There is a lag period in the reporting system and that should be taken into consideration when assessing DAP performance to date. Processors are pretty much on line with the projections they made for the first quarter.

COUNCIL DISCUSSION AND ACTION

Early release of reserves.

Mr. McVey said they have been working to develop a better plan to assure timely releases of reserves and DAP surplus. They are concerned about covering DAP needs but think there is a good possibility that substantial reserves will be available to extend the "B" season, taking into consideration bycatch needs for other fisheries. When the DAP resurvey is completed more fish may be released to JVP if a DAP surplus exists.

John Peterson moved to recommend that the Regional Director promptly release any DAP surpluses as soon as the industry resurvey is completed, by May 15, subject to any future DAP requirements indicated by the survey. The motion was seconded by Henry Mitchell and carried with no objection.

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John Peterson moved to recommend the Regional Director immediately release 100,000 mt pollock from reserves to JVP, and reserves for the balance of the year will be at the discretion of the Regional Director. The motion was seconded by Rudy Petersen and carried with no objection. Mr. McVey abstained from the vote.

Directed Fishing Definition

The current "directed fishing" definition is not clear on how the 20% rule is to be applied - on a tow-by-tow, daily, or weekly basis. As a result there is confusion in enforcement. Recently a large number of U.S. vessels have been cited for violating this rule.

Public Testimony

Barry Fisher, Midwater Trawlers; Bill Orr, AFTA. Asked Council to recommend to NMFS enforcement that the 20% be calculated on a weekly basis. Bill Orr said AFTA has submitted a proposal, currently on the extended amendment cycle, which would solve this problem but needs something done now to clarify the rule. Mr. Fisher asked for an emergency rule as an interim measure until June when the Council can take further action.

Fred Yeck, F/V Sea Dawn. Something is wrong with a regulation or an interpretation of a regulation when it puts every American fisherman in violation. The interpretation is the problem here - the regulation doesn't specify how the bycatch will be measured. By tow or by day is impossible for fishermen not to be in violation. Suggests that measurement by the week should be the reasonable interpretation.

Dave Fraser, Cape Flattery Fisheries. Would like to support rewriting the directed fishing definition on a fast-track basis to include it with Amendment 12.

COUNCIL DISCUSSION AND ACTION

Craig O'Connor, NOAA-GC, told the Council that NMFS enforcement officials are interpreting and applying the regulation based on the desire of the Council and the Secretary as stated through the regulation and its administrative record. The stated intent of the Council is to discourage fishermen from directing their fishing effort at prohibited species. Anything that may tend to show that the fishermen are targeting on prohibited species can serve as the basis for prosecution. This policy has put enforcement officials into an awkward position of determining what a particular fisherman's intentions are, which has required a system to evaluate cases objectively based on the circumstances. If the council or Secretary wish to change the way the regulation reads or is interpreted, that is their decision; enforcement cannot make that decision on their own. They must continue to enforce the current regulation and cannot pick and choose how that can be done.

After Council discussion and discussion with industry members, Mr. O'Connor indicated NOAA-GC would be willing to take a close look at cases pending as a result of this regulation and any arising between now and when the regulation is changed to ensure that enforcement and prosecutorial action does not ignore the concerns expressed by the Council during this meeting. A regulatory

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amendment was drafted by NMFS and reviewed by a small group of Council members. It was decided the issue would require more analysis. The Bycatch Committee was asked to examine it and develop recommendations.

John Peterson moved to defer any action on this issue until the June Council meeting. The motion was seconded by Henry Mitchell and carried, 6 to 4, with Mark Pedersen, Bob Mace, Bob McVey, and Rudy Petersen voting against.

Request to reopen BS/AI Zone 1 for DAP yellowfin sole fishery.

NMFS has received a request to reopen Zone 1 for a DAP yellowfin sole fishery. Doing so would require an additional amount of crab bycatch. The proposed operation involves a mothership and two catcher boats and will provide an observer for one of the two tender boats.

Public Testimony

Arni Thomson, Alaska Crab Coalition. They are very concerned about any further crab bycatch in Zone 1. They would prefer not to have the zone reopened, but if it is they request strict mechanisms for minimizing crab bycatch.

Bill Orr, Alaska Factory Trawlers Assn. The criteria the Regional Director must use to determine whether to reopen the zone include the risks of biological and/or economic harm to the fisheries and he would prefer to have the biologists and economists advise the Council on what the risks might be. AFTA has been working with NMFS to design a system to monitor the harvest to the degree of accuracy needed and believes that something less than 100% observer coverage is needed. On this first operation they would have 100% coverage of the vessels and 50% of the tows. They suggest the Regional Director open the fishery contingent upon the vessels agreeing to participate in an approved data-gathering program.

Tom Casey. ADF&G will not allow a directed C. bairdi fishery anywhere in the Bering Sea during the next 90 days or so because the crab are molting. If crab fishermen can't fish, then other fishermen should not be able to take crab as bycatch.

COUNCIL DISCUSSION AND ACTION

Council members were concerned about the bycatch of C. bairdi in Zone 1. Larry Cotter said that if the zone were reopened 100% observer coverage should be required to gather important data and provide a careful watch over the crab bycatch. It was pointed out that there may be more than one company planning to fish in the area because DAP operators were taken by surprise when the zone was closed because of JV bycatch. They feel that DAP interests were not provided for. Mr. McVey said that considering the bycatch figures Larry Cotter mentioned it would be difficult for him to consider reopening the zone despite the fact that DAP fisheries were closed prematurely. However, the Bycatch Committee's bycatch guideline was 1% of the survey biomass estimate and the 150,000 to 200,000 crabs being considered is an extremely small part of that. With that guideline he would have to look favorably on an additional release of C. bairdi to allow the operation to go ahead. Henry Mitchell said

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that he would also like to have more information on halibut bycatches in such an operation.

John Peterson moved to recommend that the Regional Director allow a DAP fishery for yellowfin sole in Zone 1 to commence with all due regard to the total bycatch of C. bairdi, king crab and halibut and the molting condition of the crabs. The motion was seconded by Rudy Petersen and carried, 6 to 4, with Cotter, Dyson, Mitchell, and Winther voting against and Bob McVey abstaining.

Larry Cotter mentioned two items that the Regional Director might want to consider if the zone is reopened: One is the information from a recent S-K project which indicates that there is a substantially higher bycatch rate of C. bairdi during the night; and the second, the issue of observers. He feels very strongly that in this case there should be 100% observer coverage. Henry Mitchell pointed out that the projected halibut bycatch in the area will result in a loss of halibut possibly 30 to 40 times that allowed to be harvested in Area 4E in the Bering Sea.

Later in the meeting there was further discussion on observer coverage, the need for data in these fisheries, and whether or not the data gathered would be statistically significant or available to the Council because of confidentiality guidelines. Don Collinsworth said that if the data are not usable, then he would not have voted in favor of the motion. Mr. McVey said that before making a decision to reopen the area they would have to consider whether the observer coverage would provide reliable data about bycatch. Because of the size of the operation, release of the data could be a problem as it will be subject to confidentiality restrictions. However, it is possible for the Council to request voluntary submission of data from the participants. Several Council members felt that some assurance of accessibility to the data should be required before the zone is reopened. Both Bill Orr (Alaska Factory Trawlers Assn) and George Anderson (Fishing Company of Alaska) assured the Council they will submit letters of intent to release the bycatch data for Council use.

B-4 Enforcement & Surveillance Report by U.S. Coast Guard

From January 1 through March 31, four Coast Guard cutters spent 119 days and Coast Guard aircraft flew 26 missions in fisheries enforcement patrols off Alaska. They were involved in six significant search and rescue cases involving fishing vessels.

There were two seizures and 26 reports of violation issued. A Japanese transport vessel and a U.S. catcher/processor were seized for conducting a transfer in a closed area; the Japanese vessel also did not have a proper permit. As a result of the evidence provided in January by the Alaska Factory Trawlers Assn., the Coast Guard issued reports of violation to five Japanese stern trawlers for conducting directed fishing without a permit in the U.S. EEZ on January 13, 1988. During February and March several U.S. fishing vessels were issued reports of violation for having more than the allowed 20% bycatch of pollock or sablefish aboard, and the master of a Soviet stern trawler was issued a report of violation for the assault of a NMFS observer by a member of his crew. Other violations included infractions of catch reporting requirements and failure to have required permits.

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Since January the Coast Guard has conducted 14 surveillance flights and three cutter patrols into the international waters of the Bering Sea. Vessels from Japan, Korea, the U.S.S.R., and Poland were sighted. Permission to board a Japanese and two South Korean vessels was denied; however the Polish stern trawler WALEN allowed Coast Guard personnel to board and voluntarily provided information on catch and effort and other Polish vessels fishing in the area. The information was forwarded to the Northwest and Alaska Fisheries Center in Seattle.

Budget cuts for FY88 have forced a reduction in Coast Guard fisheries enforcement efforts, reducing projected cutter patrol days for the period March 1 through September 30, 1988 by about 35% and aircraft surveillance flights by 55% compared to the same period during 1987. The Coast Guard reports these reductions will significantly affect their ability to detect and deter violations in the EEZ and monitor foreign fishing activity in the international waters of the Bering Sea, as well as enforce IPHC halibut openings, INPFC regulations, and monitor foreign high seas squid driftnet fleets.

Council member Bob Mace complimented CDR White on the report and suggested that it should also include ways the Council could assist the Coast Guard in maintaining effective enforcement programs.

B-5 Joint Venture Operations

The total joint venture catch off Alaska as reported on April 21 by NMFS was 599,551 mt, all from the Bering Sea and Aleutians. The catch included 332,639 mt pollock, 111,634 mt yellowfin sole, 77,637 mt Pacific cod, 71,079 mt flatfish, and 5,860 mt of other species. There were 99 U.S. catchers delivering to 87 joint venture processors during the week of March 14. The number of active boats has not varied greatly since the beginning of the pollock season in mid-January.

Bob McVey explained why the Council's request for joint venture permit conditions to control bycatch in the Gulf of Alaska was denied by NMFS-Central Office. After review, NMFS determined there were too many unanswered questions and that public discussion was insufficient. Also, the conditions would involve data collection which would require OMB approval and be subject to the Paperwork Reduction Act. NMFS suggests the use of PSC limits or a voluntary industry agreement similar to the crab bycatch plan in the sole-flounder fishery in the Bering Sea.

B-6 Special Reports

(a) Pacific Salmon Commission Meetings. Don Collinsworth reported that negotiations for 1988 salmon fisheries were concluded in February. An agreement was reached on salmon enhancement in the transboundary rivers. Negotiations will begin this fall on the Chinook Annex which expires this year.

(b) Industry trip to U.S.S.R. Jim Campbell deferred reporting on the trip because of the full Council agenda and lack of time.

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C. NEW OR CONTINUING BUSINESS

C-1 Legislative Report

Following are descriptions of Congressional actions on the fisheries and ocean-related issues since the January Council meeting.

Vessel Safety

On February 24 and April 14, 1988 the House Merchant Marine and Fisheries Committee held mark-up sessions on H.R. 1841, the Commercial Fishing Industry Vessel Safety and Compensation Act. Title I relates to compensation limits for injuries suffered in the course of employment on fishing, fish processing, or fish tender vessels, and Title II sets safety standards and equipment requirements for commercial fishing, fish processing and fish tender vessels. The bill was reported out of committee on April 14 with substantial amendments. Floor action in the House is expected this summer.

Seafood Inspection

On March 24, 1988 the House Committee on Agriculture, the Subcommittee on Livestock, Dairy and Poultry, held a hearing on H.R. 3735, a bill providing for research on microbiological contamination of agricultural products, including seafood products. A Subcommittee mark-up on the bill is expected sometime in May.

There has been no action, as yet, this year on S. 1813, the Safe Foods Standards Act introduced by Senator Leahy on October 23, 1987. The bill requires the Secretary of Commerce to develop and administer a program of testing for the presence of pathogenic micro-organisms in fish or fish products intended for human consumption. Committee hearings may be held on S. 1813 in May.

Marine Mammal Protection Act

The MMPA is up for reauthorization this year but no substantive legislative changes have surfaced yet; however, on March 16, 1988 Representatives Studts, Don Young, Jones and Davis introduced H.R. 4189 which is a straight reauthorization through FY 1993. A hearing on this bill is scheduled for May 10 by the House Fisheries & Wildlife Subcommittee.

The Advisory Panel commented that they are very concerned about the implications for the fishing industry if Northern Fur Seals and Northern Sea Lions are declared depleted species under the MMPA. They encouraged the Council to provide staff time to follow this issue, and where appropriate, to support the fishing industry negotiations on this issue.

Mr. Pautzke assured Council members that staff would track this situation closely. John Harville said that Guy Thornburgh will testify before Congress in May on this subject and will convey these same concerns.

Marine Research Centers

On February 17, 1988 Senator Mitchell introduced S. 2068, the Marine Research Act of 1988, to create ten multi-state regional marine research centers. The centers are to consist of existing marine research institutions in each region

and are to provide a regional focus for planning, coordinating and conducting marine scientific research. The legislation authorizes \$29.5 million for each fiscal year, 1989-1993. A hearing on the bill is scheduled for April 28 by the Senate Environment and Public Works Committee, Subcommittee on Environmental Protection.

Budgets

To date, several hearings have been held in Washington on the NOAA and Coast Guard budgets for FY 1989. At this time it does not appear that there will be any increases for either budget although there is some support for supplementing the Coast Guard's FY 1988 appropriation. The Senate Committee on Appropriations, Subcommittee on Transportation, will hold a hearing April 28 on FY 1989 Coast Guard appropriations.

Diesel Fuel Taxes

Several bills have been introduced in both the House and Senate to reinstate the excise tax exemption for certain users of diesel fuel. Until April 1, off-highway users of diesel fuel, such as farmers and fishermen, were exempt from the 15¢ per gallon excise tax. The Omnibus Budget Reconciliation Act of 1987, enacted in December, changed the collection of the diesel excise tax from the retail level to the wholesale level. By implementing this change, the Reconciliation Act removed the excise tax exemption for off-highway users. Although no legislation was enacted prior to the April 1 effective date for the tax change, there will be an attempt to reinstate the exemption by October 1, 1988.

C-2 MARPOL ANNEX V Proposed Regulations

LCDR Carl Crampton, USCG, briefed the Council on the development of regulations implementing Annex V. An Advanced Notice of Proposed Rule Making will be published in the Federal Register this month and a Notice of Proposed Rule Making will be published in July. A 60-day public comment period will be provided and the effective date of the regulations should be on or before December 31, 1988. A summary of key provisions of Annex V follows:

- The disposal into the sea of plastics (including ropes and net) is prohibited.
- Dunnage, lining and packing materials which will float may only be discharged beyond 25 nautical miles from the nearest land.
- Food wastes and other garbage may be discharged beyond 12 nautical miles from the nearest land except if those items have been ground so that they can pass through a 25 mm screen, they may be discharged beyond 3 nautical miles from the nearest land.
- The Government shall ensure that port facilities provide for reception of garbage.

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C-3 Non-profit Fishery Research Foundation

The Council heard a status report on efforts by some industry organizations to form a non-profit fishery foundation that would fund various research and data gathering projects. There appears to be general agreement that the interested associations could serve as channels for funds provided by their members. For that reason, a separate foundation may not be needed. A meeting of representatives from the relevant fisheries associations will be held in conjunction with the June Council meeting to pursue this project.

C-4 Bering Sea International Waters

Ed Wolfe briefed the Council on issues surrounding the high seas fisheries in the international waters (donut) of the Bering Sea. The State Department has initiated bilateral talks with the Soviet Union on management and conservation strategies for the area. These could include a moratorium on fishing, multilateral discussions to develop an international management regime, and scientific meetings on the groundfish stocks and their interrelationships with resources in the U.S. and Soviet EEZs. An interagency task force has been established to review legal principles and customary international law and initiate discussions with the Soviets.

The Council endorsed efforts by NMFS to improve their ability to monitor fisheries activities in the international waters. These measures will include requiring federal permits on all foreign processors that process within the U.S. EEZ even if the fish are solely from international waters. In addition, NMFS is exploring better ways to monitor the fisheries including: (1) requiring foreign fishing vessels carrying U.S. observers within the EEZ to continue carrying them into the donut hole, (2) allowing processing and support activities in the EEZ only for fish harvested inside the U.S. waters, and (3) requiring inspection of foreign fishing vessels entering and leaving the EEZ in the Bering Sea.

John Peterson reported on recent meetings in Washington, D.C. with Senate Commerce Committee and House Merchant Marine and Fisheries Committee staff members. He also reported on his testimony before the Senate Commerce Committee on the recent illegal fishing activities in the Alaska EEZ and the need for some type of management regime in the Bering Sea international waters.

Jim Traynor, NWAFC, briefed the Council on the recent NMFS/NWAFC pollock survey in the Aleutian Basin and the international waters of the Bering Sea. It was undertaken because of reported catches exceeding one million metric tons and the uncertainty of pollock stock status in the area. The objective was to develop a baseline for future stock assessment because of the increasing interest in the area by foreign fleets. Future research plans include the 1988 triennial survey of the eastern Bering Sea shelf and in 1989 a U.S./Japan cooperative survey of the Aleutian Basin area and a possible cooperative effort with the Soviet Union to survey west of the Convention Line during the same period.

Jon Pollard reviewed a proposed emergency rule to redefine "fishing" in the foreign fishing regulations, making it less restrictive and encompassing. All foreign processors that process within the U.S. EEZ would need a foreign

vessel permit and would have to comply with all federal reporting, observer, and enforcement requirements regardless of whether the fish came from outside or inside the U.S. EEZ.

COUNCIL DISCUSSION AND ACTION

Although some Council members felt that the proposed emergency rule and Notice of Proposed Rule Making should be carefully reviewed before being implemented, they agreed to endorse the concept and offer positive comments on the Notice.

C-5 Domestic Observers

Ron Dearborn reported that after a winter break, observers from the Council's pilot program are back on the grounds. By early February two observers were in Kodiak and two in Dutch Harbor. They've taken 17 trips on 15 vessels since that time and the program will continue through Spring. Many of the earlier problems with boarding agreements and insurance seem to be resolved. The University of Alaska continues to reimburse vessel owners for insurance riders if required to carry an observer, but to date only six vessels have required additional riders.

The Council discussed the draft NMFS observer policy. They agreed that observer coverage continues to be essential to accomplish fishery management goals but that the NMFS policy is very negative and could be a hindrance to the Council's management of the fisheries.

C-6 Sablefish Management

John Harville presented an overview of the recent sablefish workshops held in Seattle, Homer, Kodiak, Petersburg and Sitka. Based on the results of the workshops, Dr. Harville suggested the Council direct staff to develop specifications and analyze impacts of selected alternatives for access management in the sablefish longline fishery off Alaska. He suggested the following four strategies be analyzed for the Council to review at their June meeting before sending them out for public comment:

1. Individual fishing quotas (IFQs)
2. License limitation
3. Two-tier system
4. Improved management without access controls

Report of the Advisory Panel

The Advisory Panel did not receive the sablefish briefing until after their meeting officially adjourned so they did not have comments on this agenda item.

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

COUNCIL DISCUSSION AND ACTION

Larry Cotter suggested that the alternatives include the concept of a multispecies longline plan which is expressed in a proposal submitted by Nick Delaney. During discussion it was pointed out that industry has requested

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that the Council move quickly on this issue and that including this particular plan may delay progress. Don Collinworth suggested the concept could be included as an example under the "modified status quo" alternative. It was agreed that staff would try to accommodate this request. John Peterson said it is important to have a clear problem statement and the analyses should show how the problem will be solved by a particular management action.

John Winther moved to adopt the alternatives suggested by John Harville for further analysis and Council review in June. The motion was seconded by Henry Mitchell and carried with Rudy Petersen objecting.

C-7 Halibut Management

The Council was briefed on regulations adopted by the IPHC for the 1988 season and a status report on the allocational regulations adopted by the Council last December for Regulatory Areas 4C and 4E. Two other proposals received by the IPHC, to establish a fishery inside Bristol Bay, and to establish a small regulatory area around Atka Island, were considered allocative by the Commission and denied.

Public Testimony

Bob Alverson, FVOA. The Council must determine where these special allocations should end and should be exploring ways to bring these communities into the mainstream of the fishing industry rather than perpetuating their isolation.

Rodger Davies, DSFU. Agrees with Bob Alverson. By continuing to make special allocations to these communities the Council is setting a precedent which will lead to more and more special requests.

Jon Rowley, Fish Works!. Mr. Rowley stressed the need to develop management measures which will alleviate the derby-style fisheries which lead to improper handling and poor quality products.

C-8 Future of Groundfish Management Committee

Dorothy Lowman reported that the FOG Committee has met approximately monthly since January to continue analyzing the implications of alternative management measures for the Alaska groundfish fisheries and the impacts. Several sample proposals have been developed to help the Committee in their analysis. The Committee is scheduled to have recommendations for the Council at the June meeting.

C-9 U.S. Service Support Industry Proposal

In January the Council reviewed a proposal submitted by Paul Fuhs to give U.S. transport and bulk fuel carriers preferential treatment over foreign vessels that now provide those services to foreign fish processors operating off Alaska. At that time the Council requested a legal opinion from NOAA General Counsel on whether such preferential treatment of the U.S. support industry is mandated or even allowed under the MFCMA and recommended that an industry workgroup be established to carefully examine the issues involved and recommend solutions.

The draft General Counsel opinion indicates that a separate Support Industry FMP, as originally envisioned by Mr. Fuhs, would not be authorized by the Magnuson Act and that an amendment to the groundfish plans also probably would not be approved unless it could be tied to conservation and management or enforcement and monitoring.

Dick Knapp, Chairman of the Maritime Support Group formed as a result of the Council recommendation, reported that the group has conducted surveys of the support industry operating off Alaska to determine their ability to handle the additional workload such a proposal would create, their current capacities and plans for future expansion. The group will continue to work on this issue and make recommendations to the Council in June.

D. FISHERY MANAGEMENT PLANS

D-1 Salmon FMP

Denby Lloyd reported that the Salmon Plan Team needs clarification of several issues before proceeding with the plan revision. An issues paper will be distributed to the Council family in May, outlining progress on the FMP and alternative management measures the Council may wish to discuss in June.

Don Collinsworth said that the salmon fishery is already intensely managed by the Pacific Salmon Treaty and the Alaska Board of Fisheries and that the Council's plan should be simple and straightforward and take into consideration the dictates of the Salmon Commission and the role of the Board of Fisheries.

D-2 King and Tanner Crab FMP

Steve Davis reported on the joint Council/Alaska Board of Fisheries public hearing on shellfish proposals held in Seattle on March 25.

Larry Cotter reported that the Crab Management Committee is requesting a delay in Council review of a draft FMP until the June Council meeting to allow revisions which could gain widespread industry support for the plan.

Public Testimony

Arni Thomson, Alaska Crab Coalition. They would like to reserve comment on the draft plan until after the Alaska Board of Fisheries has a chance to review it. Suggested that the Council's interim action committee could act on the plan after that review.

COUNCIL DISCUSSION AND ACTION

Larry Cotter moved to adopt the recommendation of the Crab Management Committee to delay the crab FMP development schedule by one Council meeting. The motion was seconded by John Peterson and carried with no objection.

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D-3 Gulf of Alaska Groundfish FMP

(a) Amendment 17

In January the Council approved two amendment proposals for the Gulf of Alaska Groundfish FMP for further analysis:

- (1) Delay the opening of the longline sablefish season by either a plan amendment or a framework procedure; and
- (2) Require all vessels receiving groundfish caught in the U.S. EEZ to have federal permits.

The draft Amendment 17 Environmental Assessment and Regulatory Impact Review were mailed to Council members prior to the meeting.

Report of the Scientific and Statistical Committee

The SSC had the following comments on Amendment 17 issues:

Delay sablefish opening. There is a critical need to collect data on halibut bycatch in the sablefish fishery. An observer program would make this possible. The SSC recommended this portion of amendment go out for public review taking into account the following comments: In reference to Alternative 4, analysis suggests that other depth restrictions could also be considered; in Alternative 5, discussion should be strengthened and the description should state that split seasons could be allowed and concurrent halibut/sablefish seasons should be examined.

Federal permit requirements. The SSC recommended this proposal go out for public review.

Report of the Advisory Panel

Delay sablefish opening. The AP recommended this proposal be sent out for public review but requested that the proposal be expanded to analyze possible allocative impacts of changing the opening date.

Federal permit requirements. The AP recommended this proposal be sent out for public review.

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

COUNCIL DISCUSSION AND ACTION

Henry Mitchell moved to send Amendment 17 out for public review after incorporating AP and SSC comments. The motion was seconded by Bob Mace and carried with no objection.

(b) Regulatory Amendment to Reduce Percentage of Sablefish as Incidental Catch

In January the Council took emergency action to address a problem with the "directed fishing" definition. Fishing regulations allowed up to 20% of the

vessel's longline catch to be sablefish before the directed sablefish season opened April 1. There was concern that excessive bycatch taken before the season would sharply curtail the directed fishery. After the emergency action the Council asked NMFS to prepare a regulatory amendment to permanently implement this rule following a more thorough analysis of bycatch data.

Report of the Scientific and Statistical Committee

The SSC did not have a recommendation but noted they could not find any scientific justification for the 4% bycatch allocation proposed in the amendment.

Report of the Advisory Panel

The AP recommended approval of the amendment.

COUNCIL DISCUSSION AND ACTION

Henry Mitchell moved to approve the regulatory amendment. The motion was seconded by Mark Pedersen and carried with no objection.

(c) Preliminary Results of the Shelikof Hydroacoustic Survey

The survey included 26 midwater trawl hauls over 1700 nautical miles of track line. Pollock were distributed throughout Shelikof Strait with the highest concentration occurring off Raspberry Point and to the west of Kodiak. Indications are that the Shelikof pollock stock is recovering from the low levels observed in the last two years. Complete analysis of the survey data should be completed in June.

D-4 Bering Sea/Aleutian Islands Groundfish FMP

In January the Council asked the plan team to develop the following amendment proposals for further review:

- (1) Implement the Bycatch Committee's management program for red king crab, Tanner crab and halibut bycatch.
- (2) Require all vessels receiving groundfish caught in the U.S. EEZ to have federal permits.
- (3) Establish non-retainable groundfish bycatch limits that are outside the groundfish OY.
- (4) Remove July 1 deadline for Resource Assessment Document.
- (5) Prohibit joint venture targeting on roe-bearing rock sole.
- (6) Revise upper limit of optimum yield (OY) range.

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Report of the Scientific and Statistical Committee

(1) Implement the Bycatch Committee's management program for red king crab, Tanner crab and halibut bycatch. The SSC made some suggested modifications (see SSC Minutes, Appendix II, for full text) and recommended approval of the proposal for public review.

(2) Require all vessels receiving groundfish caught in the U.S. EEZ to have federal permits. Recommended approval for public review.

(3) Establish non-retainable groundfish bycatch limits that are outside the groundfish OY. Recommended approval for public review and made some editorial comments (see Appendix II).

(4) Remove July 1 deadline for Resource Assessment Document. Recommended approval for public review.

(5) Prohibit joint venture targeting on roe-bearing rock sole. Prior to releasing this proposal for public review the SSC suggested the problem statement be refined and alternatives further developed and analyzed. See Appendix II for complete text of comments.

(6) Revise upper limit of optimum yield (OY) range. The SSC made numerous technical and editorial suggestions to the plan team and recommended that the proposal be sent out for public review after modification.

Report of the Advisory Panel

(1) Implement the Bycatch Committee's management program for red king crab, Tanner crab and halibut bycatch. The AP had extensive discussions on this proposal. Before sending it out for public review, they suggested two additions:

- (a) As a subset of Alt. 3, redefine the target fisheries as DAP trawl, JVP trawl, DAP longline, and JVP longline and incorporate the plan team's concerns; and
- (b) Add a fourth alternative, involving a closed area and bycatch caps reduced from those in Amendment 10.

(2) Require all vessels receiving groundfish caught in the U.S. EEZ to have federal permits. The AP recommended this proposal be sent out for public review but is still concerned about the reporting system and suggested the Council create a group to examine reporting problems, particularly timeliness of data from fish tickets.

(3) Establish non-retainable groundfish bycatch limits that are outside the groundfish OY. The AP recommended this proposal be sent out for public review.

(4) Remove July 1 deadline for Resource Assessment Document. The AP recommended this proposal be sent out for public review.

(5) Prohibit joint venture targeting on roe-bearing rock sole. Before sending the proposal out for public review, the AP recommended that Alternative 2 be amended to specify "retention" on a weekly basis.

(6) Revise upper limit of optimum yield (OY) range. The AP recommended this proposal be sent out for public review but suggested the Council be particularly sensitive to implications of public comment on certain options under Alternatives 2 and 3 (Option C) which some members felt were not substantially different from the status quo.

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

COUNCIL DISCUSSION AND ACTION

Larry Cotter moved to send Proposal #1 (bycatch measures), as amended by the Advisory Panel, out for public review. The motion was seconded by John Winther and carried with no objection.

During discussion Mr. Cotter noted there may be other alternatives that may be of value, i.e., other methods of determining the 1% figure in the proposal, and he suggested that they be incorporated into the proposal.

Bob Mace moved to send Proposal #2 (federal permits) out for public review. The motion was seconded by Bob McVey and carried with no objection.

Bob McVey moved to send Proposal #3 (non-retainable groundfish catch limits) out for public review. The motion was seconded by Mark Pedersen and carried with no objection.

Bob Mace moved to send Proposal #4 (RAD deadline) out for public review. The motion was seconded by Mark Pedersen and carried with no objection. John Peterson reminded the Council that they should develop a policy statement by the June Council meeting regarding the preparation of the RAD.

Henry Mitchell moved to send Proposal #5 (JV prohibition/roe rock sole), with AP recommendations, out for public review. The motion was seconded by Bob Mace and carried with no objection.

Bob Mace moved to send Proposal #6 (OY range) out for public review. The motion was seconded by Rudy Petersen. The motion carried with John Peterson objecting.

John Peterson objected to several statements made in the analysis and believes it is flawed because there is no clear definition of ABC. He also feels the document should have some discussion of the fisheries in the "donut" and why the cap was developed in the first place.

Larry Cotter said he has some of the same concerns but wants the proposal to go out for public review. He would like to see some discussion of the impact of the "donut" fisheries and other of Mr. Peterson's concerns incorporated before sending it out. Mark Pedersen agreed with these points.

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E. FINANCIAL REPORT

The Finance Committee met to discuss ways of cutting costs in light of possible funding cuts for Calendar Year 1988. The Committee suggested the following possible actions if budget reduction becomes necessary:

	<u>Savings</u>
Waive the Audit	\$ 8,500
Delay filling staff position for 3 months	12,000
Delay Salmon FMP	5,800
Limit moving expenses for new hire	3,500
Reduce Pass-thru Funds 6.3%	5,800
Allow per diem to Council family members for only the days serving on assigned committees	8,000

The Committee recommended budget reductions be left to the discretion of the Executive Director with guidelines from the Council. The Finance Committee also recommended that when a new committee is formed a budget for the group should be submitted to and approved by the Council.

Don Collinsworth moved to approve the recommendations of the Finance Committee. The motion was seconded by Bob Mace and carried with no objection.

F. PUBLIC COMMENTS

John Jemewouk and Craig Walloya, KEG Fishery Co-op. Mr. Jemewouk reviewed for the Council the contributions of the North Pacific Longline Association to Western Alaskan communities in exchange for the privilege of fishing in the U.S. EEZ. When the Council phased out TALFF they indicated they would do everything possible to help Western Alaska communities find markets for their products. Mr. Jemewouk said they have not been successful in finding new markets and asked the Council for some assistance in this area.

Chairman Campbell said that he has talked to various State legislators about the need to get domestic industry involved; he also asked the Governor to talk to the processing industry at a meeting in San Diego. Don Collinsworth said that people from the Governor's office and ADF&G have been sent to Western Alaska to identify the problems and the Governor has encouraged domestic processors to get involved, but ultimately industry must make their decisions through business negotiations.

G. CHAIRMAN'S COMMENTS AND ADJOURNMENT

Chairman Campbell adjourned the meeting at 2:10 p.m. on Friday, April 15.

Public Testimony on Groundfish Agenda Items

Bob Alverson, FVOA. Their association does not favor a change in the April 1 opening date for sablefish but if the Council wants to consider it, they would suggest that the amendment be put on the same amendment schedule as any limited access program for sablefish the Council may consider. With regard to sablefish limited entry, they are opposed to IFQs, but if the Council should consider them, he suggested the following:

- a. The concept should be clearly presented to the public to gather input as to their preference for ownership of permits.
- b. There should be a cap but no fixed amount until a data base is created.
- c. Shares should be allocated on historical regulatory areas fished. 100% of a share should not be given to one area.

For a license or permit system,

- a. Who will get the permit needs to be clearly presented to the public.
- b. Additional options should be considered for amounts of shares and eligibility years.
- c. Licensed areas should be dropped.

Jon Rowley, Fish Works!. Stressed the importance of developing management measures which will alleviate the problem of improper handling of product which leads to poor quality. Council should be getting information from marketing entities, both U.S. and foreign, to help in their decisions on sablefish seasons. Suggested alternatives for the sablefish opening date of August 1, and September 1.

Murray Hayes, ACC. Dr. Hayes has been retained by the Alaska Crab Coalition to review the bycatch proposal which he will comment on during the public comment period. The new method of determining bycatch recommended by the Bycatch Committee is allocative and would increase the bycatch amount considerably compared to the historical method. Mr. Hayes pointed out several other areas of concern but will submit his comments in written form.

Arni Thomson, ACC. They are particularly concerned that the bycatch proposal provides relief for the trawl fisheries rather than incentives to minimize bycatch. They are developing some suggestions they would like to see included in any new bycatch regime.

Chris Blackburn, AGDB. She urged that the bycatch proposal be released for public review. It will force people to look at the elements required in setting bycatch caps. Accountability problems will exist no matter what kind

of regime is adopted; there has never been a regulation that forced fishermen to "fish clean."

Dave Fraser, Cape Flattery Fisheries. The bycatch proposal will not be exactly what everyone wants, but it was arrived at by a consensus of the committee.

Harold Sparck, Bethel. Fishermen in his area are involved in fully-utilized inshore herring and salmon fisheries and could be affected by bycatch issues. They were not asked to be involved in the Bycatch Committee and their interests are not reflected in the current bycatch proposal. These issues should be discussed and made a part of the package before it goes out for public review.

Dennis Petersen, Pacific Independent Trawlers Assn. Raising the OY cap is extremely important to their segment of the fleet (joint venture). He urged the Council to send the amendment out for public review.

Bill Orr, AFTA. Submitted a written summary of their rock sole amendment proposal. There are a number of points in the OY proposal that need to be addressed before it is sent out for public review; if they are not addressed the whole process could be delayed.

Dave Woodruff, Alaska Fresh Seafoods. Crab is very important to Kodiak processors and if much larger numbers are allowed to be taken as bycatch it will affect their industry.

Tom Casey, Louie Lowenberg, Carey & Ted Painter, Crab Fishermen. They cannot support the proposal submitted by the Bycatch Committee because it will increase the allowable bycatch of crab considerably. They are opposed to reopening Zone 1 of the Bering Sea.

Perfenia Pletnikoff, St. Paul Island. Supports bycatch proposal. In reference to the OY cap proposal, there has been no consideration of the possible affects on marine mammals.

Steve Hughes, Midwater Trawlers Co-op. Supports sending the OY proposal out for public comment but suggests that options 2C and 3C be excluded as they are not worthy of public comment. He had several comments on the bycatch proposal but supported sending it out for public review.

Pete Granger, American High Seas Fisheries Assn. Supports Alternative 3 of the bycatch proposal. Also supports sending the OY cap amendment out for public review but feels that options (c) under Alts. 3 and 4 should be eliminated because the intent of the proposal is to give the Council flexibility, not provide an automatic mechanism.