

M E M O R A N D U M

TO: Council, SSC and AP Members  
FROM: Jim H. Branson  
Executive Director  
DATE: May 7, 1984  
SUBJECT: Bering/Chukchi Sea Herring FMP

*ACTION REQUIRED*

- (1) *Decision on what to do with the FMP.*
- (2) *Approval of offshore research RFP or alternative research program.*
- (3) *Set up contract monitor subgroups for herring studies.*

BACKGROUND

(1) THE FMP

At the March meeting the Council voted to rescind their approval of the Herring FMP for Secretary of Commerce review. They requested that the FMP be resurfaced at this May meeting so that the entire concept of federal herring management could be reviewed. Questions that the Council should answer are:

- (a) What specifically does the Council want to accomplish in herring management in the Bering Sea?
- (b) Is an FMP required to attain those goals, or could they be achieved by some other method?

The basic problem identified by Pat Travers in the current FMP is that it does not provide for federal authority to prevent overfishing should the need arise. Other provisions in the FMP are so restrictive they prevent development of an FCZ fishery that the Council could manage. Both problems raise the question of cost effectiveness of the FMP. Travers' memo [Agenda D-1(a)] clearly lays out the problems and shortcomings he sees in the FMP.

In my memo to the Council in the March briefing book [Agenda D-1(b)] I listed five options for further Council action:

- (a) Submit the FMP in its current form, realizing that NMFS rejection is almost certain.
- (b) Change the FMP.
- (c) Include herring in the Bering Sea/Aleutian Islands Groundfish FMP.
- (d) Have no FMP and refrain from herring management.
- (e) Recommend a Secretarial Plan (PMP or FMP).

The Advisory Panel said they believe an FMP is needed and that the current draft should be modified as necessary. They want the management provisions to more closely follow the current state management provisions and policy.

The SSC minutes [Agenda D-1(c)] lay out the SSC's view of the FMP and options. They rejected the option of putting herring into the groundfish FMP. They suggested that if the Council wishes to change the FMP, a workgroup should be set up to reconsider the entire management approach including the objectives, harvest priorities, ABC formulation, etc. The SSC also suggested that the Council consider a sixth alternative:

- (f) Develop a statement of management principles with the Board of Fisheries, providing for annual Council review.

## (2) OFFSHORE HERRING RESEARCH

The herring workgroup reported to the Council at the March meeting and submitted a Request for Proposals (RFP) for Council approval. The RFP provides for offshore herring research to be conducted by commercial vessels. It was edited per SSC recommendations and is included as Agenda D-1(d). The RFP would allow the Council to make a herring allocation to compensate participating vessels for their research efforts. (Additional funding for scientific personnel and equipment would be required). Commissioner Collinsworth indicated the ADF&G may be able to conduct the research program through the use of the department's test fish program and said he would try to have an answer ready before this meeting. NMFS has indicated that federal funds are not available, but that some personnel and equipment may be available for the scientific support. The Council postponed action on the RFP pending a search for alternative funding for the research program.

If agency funding is not available and the Council wants to collect the data sought through the RFP next winter, the RFP must go out to bid at this meeting.

## (3) CONTRACT MONITOR SUBGROUP(S)

The SSC recommended appointing a contract monitor subgroup to follow the herring scale pattern study and the offshore research study (i.e., the RFP). The scale study begins immediately with the Bristol Bay herring fishery, and the monitor for that program should be established now. The offshore research monitor selection should also be made at this time if the Council releases the RFP or approves an alternative program such as the ADF&G test fish program. For the RFP, the Council will need help evaluating proposals/ bids. For the state test fish program, the SSC feels they should review the state's work plan if it differs from the RFP. In either case the subgroups should be ready for action prior to the September meeting. The SSC has been asked for recommendations for membership on the monitoring group.



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
Office of General Counsel  
P.O. Box 1668  
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Telephone (907) 586-7414  
March 11, 1984

TO: F/AKR - Bob McVey  
NPFMC - Jim Branson

FROM: GCAK - Pat Travers

*Pat*

SUBJECT: Legal Considerations Concerning the Herring FMP

As we have discussed previously, our most recent legal review of the herring FMP preparatory to its final submission to the Secretary for approval has led me to raise certain questions for your consideration. The purpose of this memo is to record these issues to assist you in deciding upon a course of action.

During our latest legal review of the FMP, I discovered somewhat belatedly that, for three of the past four years, the State of Alaska has so managed the inshore herring fisheries that they have very substantially exceeded the acceptable biological catch (ABC) prescribed by the plan for the combined inshore and offshore herring fisheries. Of even greater significance is the fact that implementation of the FMP during these years would have had absolutely no necessary impact on these results. The primary reason for this is that the management unit or "fishery" covered by the plan is limited to herring, which is fished "predominately" within State waters, and thus is not subject even to the threat of Federal preemption under Magnuson Act §306(b) should State management interfere with the FMP's implementation as envisioned by the Council.

This situation gives rise to two parallel series of questions about the FMP. The first of these concerns the FMP's necessity under Magnuson Act §302(h)(1) and its cost effectiveness under Executive Order 12291. The second concerns the FMP's compliance with certain of the National Standards of Magnuson Act §301(a).

The questions about the FMP's necessity and cost effectiveness are quite straightforward: if, as a practical matter, the FMP will have no effect on the management of herring, can the herring fisheries truly be said to "require conservation and management" by the Federal Government? Do any benefits outweigh the substantial administrative costs of the FMP's approval and implementation under such circumstances? In the past, some of us have tended to assume that the FMP was necessary to permit and limit an offshore herring trawl fishery in those rare years when the



ABC was not fully taken by the inshore fisheries. This might indeed have been true before the January 1983 amendments to the Magnuson Act, when an approved FMP was necessary before even emergency regulations could be adopted for a fishery. Now, however, approval of an FMP is not a prerequisite for emergency regulations. Thus, in years when the Council and NOAA concluded that an offshore fishery was appropriate, it would now be possible for them to prescribe the conditions under which that fishery might take place by emergency regulation without first adopting an FMP. Emergency regulations might be similarly adopted to limit or forbid an offshore fishery in years when the ABC was fully taken by the inshore fisheries. I understand that the latter situation has thus far been precluded by the fact that the vessels that would take part in an offshore fishery are all arguably registered under the laws of the State of Alaska, which has imposed a ban on offshore herring fisheries north of 56° North latitude.

Assuming that the FMP were submitted for approval, the fact that it would have no effect on State management of the inshore fisheries at levels well above the ABC it prescribes would subject it to criticism under three requirements of the National Standards set forth in Magnuson Act §301(a). These are the requirement that FMP measures prevent overfishing (National Standard 1); the requirement that, to the extent practicable, an individual stock of fish be managed as a unit throughout its range (National Standard 3); and the requirement that allocation of fishing privileges among United States fishermen be fair and equitable to all such fishermen (National Standard 4). The objection under the third of these requirements, that of "fairness and equity", could probably be addressed adequately by strengthening the social and economic arguments in the FMP and its underlying record that support the preferential allocation of herring to the inshore fisheries. I have relied exclusively on biological arguments in my own past evaluation of this allocation. These tend to be undercut by the FMP's inability to assure that the herring saved by stringent limitations on offshore mixed-stock fisheries will not be taken by similar fisheries within three miles, especially the Aleutian summer fishery. They thus need to be supplemented by social and economic considerations that may be significant, but have not until now been articulated fully in the FMP and its record.

The other two objections, concerning prevention of overfishing and management throughout the range, could probably be put to rest fully only if herring were included in some larger management unit, such as one combining herring with all groundfish, that is fished "predominately" in and beyond the FCZ, making preemption of inconsistent State management possible under Magnuson Act §306(b). I am, of course, aware

FILE NO. 502-10.8(14)

cc: Thorn Smith  
Dick Marshall  
Jim Glock

that the Council would, in all likelihood, find such a change to be inconsistent with its policy of general favor towards the status quo of the herring fisheries as currently managed by the State of Alaska. I raise the suggestion here mainly to suggest the possibility that this policy might be carried out most effectively without an FMP.

Please let me know if I can be of any help as you decide how to proceed in light of these considerations.

## OPTIONS FOR COUNCIL INVOLVEMENT IN HERRING MANAGEMENT

General Counsel (GC) has provided the Council with a memo (Appendix I) outlining several concerns they have with the current Bering/Chukchi Sea Herring FMP and with our approach to herring management in general. The primary problems are (1) the FMP will manage the fisheries on the resource only in the FCZ and not throughout the range of the resource, and, related to this, (2) the FMP does not empower the Secretary to prevent overfishing if it occurs within State waters. These two concerns have arisen because in three of the past four years the harvest in State waters has substantially exceeded the total harvest allowed by the FMP's ABC formula (Appendix II). This has led GC to the conclusion that either (1) an FMP is not needed because State management is adequate, or (2) the FMP is not cost effective for what it might accomplish. In either case, the chances of Secretarial approval are extremely slim. In the memo, Travers briefly discusses optional approaches which we have expanded and analyzed.

### OPTIONS

The Council has two major options, each of which has sub-options. These options are:

1. Take an active role in herring management
  - (a) submit the FMP as currently written;
  - (b) change the FMP; and
  - (c) include herring in the BS/AI Groundfish FMP.
  
2. Have a greatly restricted or no role in herring management
  - (a) have no FMP and don't manage herring; and
  - (b) recommend a Secretarial plan (PMP or FMP).

1. Submit the FMP as currently written.

Travers provides a fairly compelling argument that submitting the FMP "as is" is futile, and that NMFS will reject it. Therefore, this does not appear to be a viable option.

2. Change the FMP.

Although the memo does not state it clearly, Travers has advised us that a "herring only" FMP could be acceptable (although no one can guarantee acceptability, of course). For example, an FMP authorizing an experimental fishery on an annual basis could be acceptable. An annual commercial quota offshore might be acceptable as well if the arguments were developed. And, an approach similar to the current one may be acceptable if a substantial economic analysis is included in the FMP. This approach may be less likely to succeed, however, because a major concern is that the FMP says that offshore fishing is allowed but makes it nearly impossible to occur, thereby raising the "cost effective" flag. However, restricting offshore herring fishing can be justified on socio-economic as well as biological grounds so there is no need to guarantee equal access to the resource by offshore fishermen. A somewhat more liberal approach may therefore be acceptable.

If the discrepancy between ABC and the inshore harvest were reduced the problem might not be so great. The Council could change the ABC formula or exploitation rate based on the Weststad-Fried analysis, for example. Or the Council could establish an OY range or exploitation rate range.

3. Include herring in the BS/AI Groundfish FMP.

Under this approach an annual commercial or experimental fishery quota would be established as for other groundfish species. Because the majority of the harvest of the groundfish complex occurs in FCZ waters, the Secretary would have a legal basis for preemption if overharvest occurs in inside fisheries. Thus the FMP would manage the resource throughout its range and prevent overfishing.

4. Have no FMP and don't manage herring.

If the Council believes that there is not a great enough need to allow off-shore fishing, or that the State's management program is sufficient, they could accept this option. Offshore fishing on an occasional basis by domestic operations could be allowed (or prevented) by Emergency Regulations (ER). However, ERs in the absence of a PMP or FMP are a NMFS function, not a Council function, and the Council would not necessarily have any role in herring management. Another shortcoming of this approach is that ERs could address domestic fishing only and joint ventures could not be permitted with this method.

5. Recommend a Secretarial Plan (PMP or FMP).

This option is contrary to the Council's philosophy of managing Alaskan fisheries. Any Secretarial plan would be along the lines of at least one option considered by the Council. However, with either type of plan in place the Council could request the Secretary to promulgate an ER to allow a domestic or joint venture fishery.

CONCLUSIONS

The main problem Travers has identified seems to be that the State does not feel any pressure to manage along the lines of the FMP. Many of the conservation constraints in the FMP were incorporated primarily to address the State's concerns and would not otherwise be there. However, even though they voted for the FMP, the State has chosen not to manage in accordance with the FMP's provisions, leading to the large discrepancy between ABC and the inside harvest. There are four ways to address this discrepancy:

1. convince the State to manage in accordance with the FMP as written and keep the same ABC approach;
2. change the ABC approach to echo State management more closely (i.e., liberalize the management approach);



3. table the issue of federal herring management until a greater need arises;
4. tell the Secretary to make the decision and manage the fishery himself.

D-1 Herring FMP

Status of the FMP

The SSC reviewed the memo from the General Counsel which outlines concerns with the current Draft Bering/Chukchi Sea Herring Fishery Management Plan (FMP). These concerns relate primarily to the fact that the FMP will manage herring only in the Fisheries Conservation Zone (FCZ) and has no control of harvest throughout the range of the resource. The current FMP does not empower the Secretary to prevent overfishing if it occurs in state waters. In addition, the inshore (subsistence and commercial) fisheries, which the current FMP gives highest priority, have fully harvested the resource in recent years. Under these conditions the General Counsel questions the need for an FMP and implies that the current FMP would not be approved by the Secretary.

In consideration of these factors, the Council staff has a herring management option paper [Agenda item D-1(b)] which outlines alternatives which could be considered by the Council. These alternatives range from submission of the current FMP to that of a less active role in herring management by letting the state manage the resource.

The SSC provides the following comment with regard to these alternatives:

(1) Change the FMP (alternative 2).

If the Council wishes to continue with plan development, the SSC recommends a workgroup be established to reconsider the plan objectives, harvest priorities, ABC formulation, management of herring throughout its range, and other issues. Subsequently, the plan should be redrafted to reflect Council intent on the above issues and current status of the resource.

(2) Include herring in the Bering Sea/Aleutian Islands Groundfish FMP (alternative 3).

The SSC cannot support this alternative. Herring are not a groundfish, are not harvested by the same users, and data collection, analyses and stock assessment procedures are different.

In addition, the SSC would like to recommend an additional alternative for consideration by the Council. This alternative would be to develop a statement of management principles in concert with the Alaska Board of Fisheries, allow management to be carried out by the Board of Fisheries in accordance with those management principles, and for the Council to annually review the performance of management and the status of the resource through a Council committee.

The SSC would like to clarify for the Council the issue of overfishing, as determined by the current FMP ABC formula and the Alaska Department of Fish and Game management policy. This issue is raised in the options paper and in the March 11 memo from Pat Travers. Harvest of herring in state waters in three out of the past four years was substantially greater than what would be permitted if the FMP's ABC formula was followed. The Council should be aware

that the current harvest levels do not constitute overfishing from the conservation standpoint. The state management policy is to carefully monitor spawning stocks to insure adequate spawning and to allow a harvest of 10 to 20 percent of the spawning stock. This is approximately an equilibrium level of harvest. Conversely, the FMP procedure has a rebuilding component in the formula. Thus, under the FMP, harvest levels would be held lower than under current state management at times of low stock abundance in an attempt to rebuild stocks to MSY levels.

#### Herring Research Request for Proposals

The SSC reviewed the report on Bering Sea Herring research and the Request for Proposals (RFP) as developed by the Council's workgroup. This workgroup was formed by the Council to undertake four tasks:

- (1) Identify knowledge gaps, particularly in offshore stocks.
- (2) Look at experimental designs to fill these gaps.
- (3) Consider the utility of the North Pacific Fishing Vessel Owner's Association proposal in light of the above, including costs of obtaining data.
- (4) Make recommendations concerning the proposal, or a modification thereof, considering phasing of research and the need for a multi-year project.

The workgroup's report was provided the Council at the December meeting. The workgroup in their report identify the primary objectives for offshore research and discuss means of collecting that information. They concluded that a combination of commercial and research vessels had the greatest potential for success, but that if funding and scheduling problems preclude the use of a research vessel, a project using only commercial fishing vessels is a viable option.

The workgroup recommended, therefore, that a RFP be developed for carrying out herring research using commercial vessels.

The SSC reviewed the workgroup's report and concur with the general direction of research being proposed. The SSC believes that the long range goals of offshore herring research in the Bering Sea should be directed at obtaining biomass estimates and information on stock composition and distribution. We believe that the research objectives outlined in the workgroup report and RFP are directed at these goals.

With regard to the RFP, the SSC recommends modifications as follows:

- (1) Page 1, fourth line from the bottom, strike "to obtain a reliable research vessel time may be needed."
- (2) Page 2, strike last sentence in first full paragraph.
- (3) Appendix A, Page 1, add to the Payment paragraph after "(approximately January 28, 1985);" "The allocation will be limited in that no more than 1,000 mt may be taken from any one degree latitude by two degrees

longitude area." The SSC recommends that a figure be included in the RFP indicating these 1° by 2° areas. The SSC believes that this limitation should be included to provide additional protection in the event discrete stocks are encountered.

The SSC in its review of the RFP did discuss the costs associated with the providing of this vessel time. Our best estimate is that the cost of the charter for these four vessels for the period would be around \$400,000. Information provided the SSC indicates that the Council would receive bids in the range of 6,000 to 7,000 mt of herring in response to the RFP.

The SSC discussed the biological risk associated with a harvest of herring of this magnitude from the offshore fisheries. A majority of the SSC felt that there was little biological risk associated with a one time harvest of up to 5% (8,400 mt) of the current spawning biomass estimate.

The SSC reviewed the scientific support budget for this research. Indications were that a majority of the scientific personnel could be provided by federal and state agencies, but that approximately \$50,000 would be required for temporary personnel, supplies and travel.

In addition, the second year of the herring scale pattern analysis research will need to be funded and may require some additional funds to handle the increasing number of samples. The contractor has been asked to review their budget and make recommendations, if necessary, to the Council.

#### D-2 King and Tanner Crab FMPs

The SSC received a presentation by the Council staff on the status of the FMP and a review of the proposals that are of mutual concern to the Council and Board. The SSC did not address these proposals in detail but instead in three general areas: changes in management strategies, exclusive registration area/pot limits and trawl restrictions.

#### Management Strategies

The SSC did not receive any analysis of the implication of the adoption of 3-S management strategy. Therefore, the SSC examined this in concept only.

The SSC finds acceptable the concept of a 3-S management strategy for all species of crab when stocks are not at low levels of abundance and when recruitment is stable or increasing. 3-S management has increased risks of handling mortalities and should not be applied at present in the areas that were closed last year due to extremely low population levels.

#### Exclusive Registration/Pot Limits

The SSC received and reviewed a report entitled "An Analysis of Proposed Exclusive Registration Areas and Pot Limits in the Alaska Tanner Crab Fishery," by Gunnar Knapp and Al Didier. The SSC was provided an oral summary of the report by the authors.

DRAFT  
REQUEST FOR PROPOSALS  
RESEARCH VESSELS - HERRING SURVEY

INTRODUCTION

Pacific herring in the eastern Bering Sea have been fished continuously since 1959 first by Soviet and Japanese trawlers on the herring winter grounds northwest of the Pribilof Islands and in more recent years by domestic fishermen in coastal waters during the spawning season. While the trawl fishery was extant, monitoring of the resource was through the trawl catch per unit effort (CPUE). The CPUE series showed an increasing trend through the 1960s followed by a severe downward trend through the early 1970s and then signs of stock increase evident when directed herring trawl fisheries were ended in the late 1970s. As offshore trawl fisheries were restricted, inshore roe fisheries developed and a new monitoring methodology was established for fisheries located on the spawning grounds. This monitoring of herring abundance during the spawning season is accomplished by aerial enumeration of the total surface area of herring schools present with biomass obtained using estimates of the tons of herring per unit surface area. The method has been employed for only a few years, and the validity of the method as a measure of absolute abundance cannot be clearly established at this time. It is likely that the inshore fisheries during the spawning period will continue to be the dominant herring fishery in the eastern Bering Sea, and aerial assessment of the resource will be the primary stock monitoring tool.

It has been proposed that alternative assessment methods be examined. Of the various alternative methods, the North Pacific Fishery Management Council (NPFMC) has chosen to pursue hydroacoustic-trawl assessment on the winter grounds. However, previous attempts to survey herring on the winter grounds have indicated that an inordinant amount of research vessel time may be needed to obtain a reliable biomass estimate. Consequently, better knowledge of the distribution and behavior of the resource is required before it will be possible to realistically evaluate the potential for implementing a hydroacoustic-trawl survey.

To provide needed background information, the Council is exploring the merits of using commercial fishing vessels to obtain data on the distribution, availability, and behavior of herring in the Bering Sea wintering grounds located northwest of the Pribilof Islands (Figure 1).

Because of limited financial resources the Council is considering providing a domestic allocation of herring in exchange for the required vessel time. This document was developed to solicit proposals from parties interested in participating in the survey in exchange for an allocation of herring. Receipt of proposals by the Council does not obligate the Council to proceed with the survey.

#### PROGRAM OBJECTIVES

The objectives of the survey and subsequent observer program are to collect data required to:

1. Estimate the location and range of herring on the winter grounds.
2. Estimate the distribution of herring within the grounds.
3. Estimate the general size and age-length composition of herring schools.
4. Investigate the distribution and schooling behavior of herring schools within the water column during day and night.
5. Assess the amount of mixing with other species.
6. Collect data for studies of stock composition/origin, age composition, and sexual maturation.
7. Evaluate the feasibility of using standard research vessel survey techniques for assessing herring abundance including assessment of the vulnerability of herring to acoustic detection and trawl sampling.

#### SURVEY PROGRAM

The survey is not intended to produce an estimate of herring abundance, rather its primary purpose is to locate, delineate, and sample concentrations of herring on the winter grounds.

The survey will be conducted in a 21,000 square nautical mile area northwest of the Pribilof Islands (Figure 1). The area extends from 57°00'N to 60°00'N between the 100 m and 200 m isobaths. Survey operations will be carried out by four (4) vessels along a 3,350 nautical mile zig-zag trackline which has an average distance between adjacent transects of 7.0 miles (14 miles between consecutive transect end points on each side of the trackline).

Each of the vessels will be assigned to cover approximately one-fourth of the trackline during an 18-day period (approximately January 10-27). The basic vessel work day will be about 13 hours (0700 to 2000 hrs). The total of 18 vessel days specified for each vessel's survey work is based on the following: (1) 8 days (13 hour days) required to run an 837 (= .25 x 3,350) nautical mile trackline at 8 knots; (2) 4 days (13 hour days) required to complete trawl sampling while running trackline (assumes approximately 6 hours of trawl sampling and associated activities for each 13 hours spent running transects); and (3) 6 days for weather related and operational problems and to allow for possible opportunities for special sampling efforts.

Standardized echo sounder records will be collected continuously along the trackline. When fish echo sign is detected, midwater trawl sampling will be conducted to determine its species/biological composition. Previous experience suggests this sampling will be limited to between 2 and 3 hauls per day, except when major concentrations of fish are encountered.

Sampling outside the 0600-2000 hour time period will be conducted intermittently to obtain information on diel changes in the behavior and availability of herring. Some sampling will be done using bottom trawls, mainly in areas where off-bottom echo sign is infrequently observed. Because herring are likely to be very patchily distributed within most of the survey area, the amount of time devoted to trawl sampling is expected to vary significantly between and within vessels. Sampling is likely to be most intensive near the shelf break where mixed schools of pollock and herring are expected to occur.

Completion of the echo sounder/trawl sampling survey of the pre-determined trackline is the first priority of the survey research. It is reasonable to expect that the trackline survey may be completed by one or more of the vessels in less than 18 days, particularly if herring are concentrated at only

a few locations and/or if ice covers parts of the area. The use of vessel time in excess of that needed to complete the trackline survey will depend largely on the observed distribution of herring and subsequent judgment made by the scientific personnel in consultation with vessel captains. However, the entire 72 vessel days of survey research will be completed prior to beginning commercial fishing operations. It should be noted that although herring caught during the survey's research trawl sampling may be retained by the vessels as part of their allocation, this may only be done if it does not impede the survey operations.

#### OBSERVER PROGRAM

Upon completion of the survey program, vessels used in the survey will be allowed to fish commercially for herring. During this period one or more scientific observers will remain aboard the vessel. Data on effort, composition of catch, and location will be recorded. Scientific sampling of catch will occur.

#### PROGRAM TERMINATION

All fishing will terminate when the herring allocation is reached or on April 1, 1985, whichever comes first.

#### PREPARATION AND SUBMISSION OF PROPOSALS

The NPFMC wishes to engage four (4) U.S. fishing vessels between January 1 and March 31, 1985. The Council will consider an allocation of herring to those vessels in exchange for vessel time dedicated to herring research as specified in this document (see sections on survey program and observer program).

Owners or operators of vessels wishing to participate in this fishery should submit to the North Pacific Fishery Management Council a written proposal stating the amount of herring in metric tons required to fish within the terms specified in this document. Vessels must conform to the basic vessel and crew requirements listed in Appendix A. Proposals will not be accepted from individual vessels. Only those jointly submitted by four (4) vessels will be considered.



Proposals should be submitted using the format provided in Appendix B.

Proposals are due at the offices of the North Pacific Fishery Management Council in Anchorage, Alaska by 1200 noon on \_\_\_\_\_, 1984. Proposals sent by U.S. postal service should be mailed in time to arrive by that date. The mailing address is as follows:

North Pacific Fishery Management Council  
P.O. Box 103136  
Anchorage, AK 99510  
Attn: Herring Survey

PROPOSAL ACCEPTANCE OR REJECTION

Proposals will be accepted or rejected within \_\_\_\_\_ days of the due date. The Council reserves the right to reject any and all proposals.

EVALUATION FOR AWARD

The offer schedule, vessel specification, and any other pertinent information provided by the offeror will be considered in the evaluation. The following factors and their relative weights will be used to evaluate the proposals:

- |   |     |
|---|-----|
| 1. Amount of herring requested                                      | 65% |
| 2. Qualification of vessels in excess of minimum requirements       | 30% |
| 3. Optional items -- vessel possesses one or more of the following: | 5%  |

Sonar - either "searchlight" sonar or electronic scanning sonar.  
Cable type netsounder (as opposed to acoustic-link type).  
Color scope interfaced to echo sounder.  
Loran-C plotter.  
Codend catch indicator system.

In the event the Council determines that the overall level of herring being requested is acceptable, the award will be made to the offeror whose proposal receives the highest overall score.

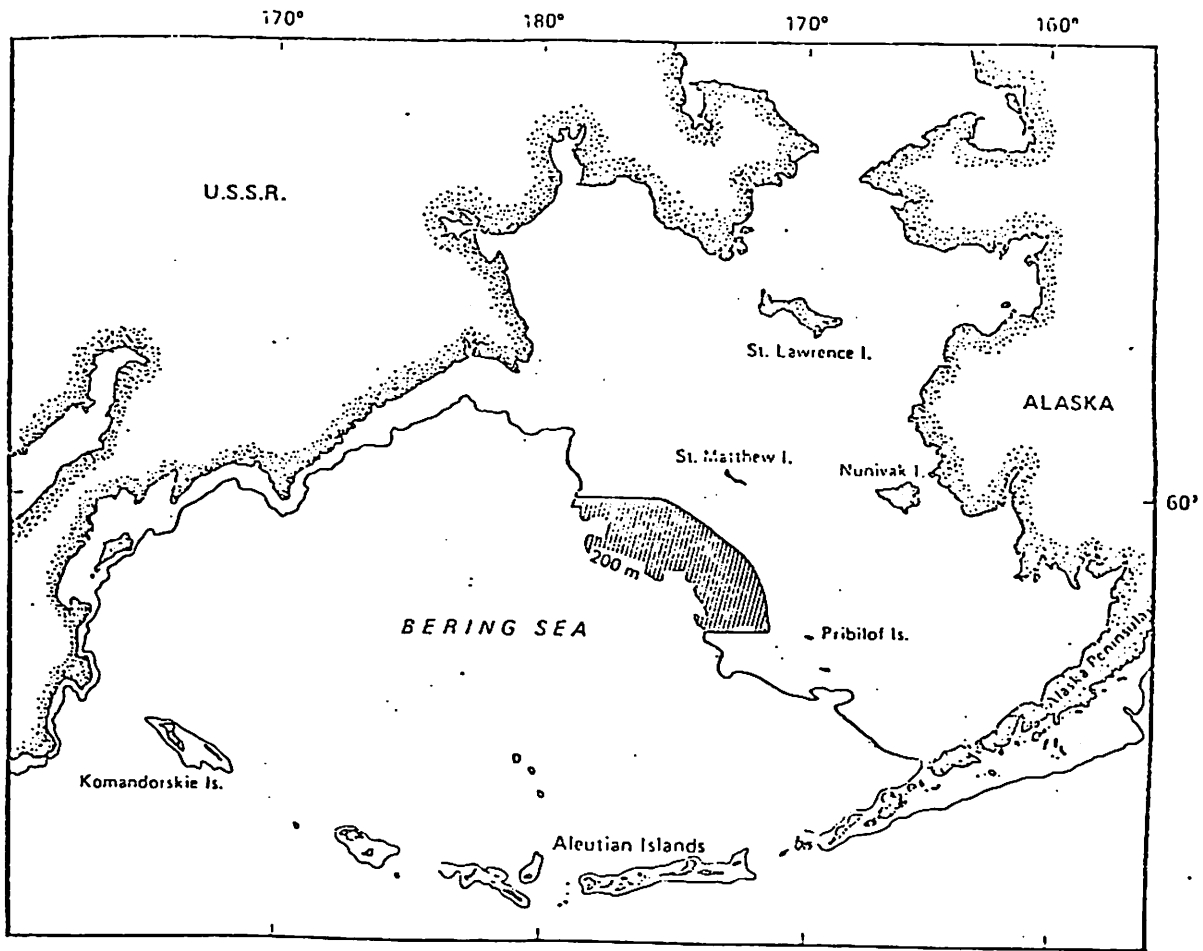
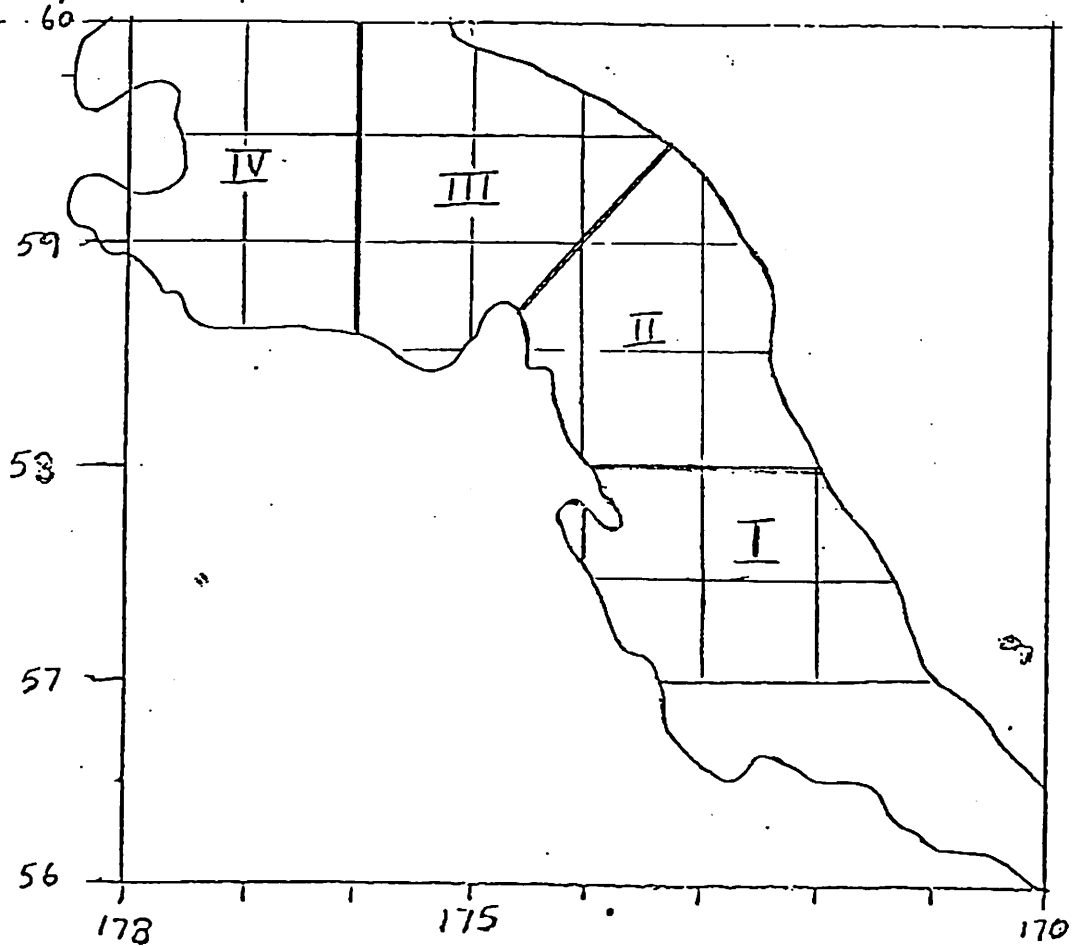


Fig. 1. Location of Proposed eastern Bering Sea herring winter survey  
 Fig. 2. Survey Area subdivided for 4 vessels



## APPENDIX A

### CONTRACT SPECIFICATIONS

#### A. Period of Contract

The Council intends that the survey and subsequent fishery will begin on or about January 10, 1985, and continue not later than March 31, 1985. Although each Offeror is required to specify a proposed Starting Date, the actual Starting Date is a negotiable time, subject to some adjustment (approximately 5 days) if deemed significant to the Contract and/or the Council. Details regarding the division of the vessel time into survey and commercial fishing periods are described in the Request for Proposals under sections entitled "Survey Program" and "Observer Program".

#### B. Departure and Return Point

Point of departure and return for scientific party will be Dutch Harbor, Alaska. Travel times from Dutch Harbor to survey site (Figure 1) and return are not included in the 18-day survey period.

#### C. Payment

Payment under this contract shall be in the form of an allocation of herring within the eastern Bering Sea. This allocation shall be available for harvest by vessels participating in the program after the completion of the survey program (approximately January 28, 1985). The allocation will be limited in that no more than 1,000 mt may be taken from any 1 degree latitude by 2 degrees longitude area. All fishing must stop by April 1, 1985 regardless of the level of harvest. No guarantee of the harvest of the allocation is made. No carryover into future years of the allocation is allowed.

#### D. Minimum Vessel Requirements

1. Minimum overall length of 100 feet.
2. Minimum main engine continuous horsepower: 850.

3. Completely rigged and ready to fish midwater and bottom trawls, including dual net reels (or split net reel). Preference will be given to vessels able to utilize same doors for midwater and bottom trawling, or have the ability to rapidly interchange midwater and bottom trawl doors. Contractor will supply all trawl gear. This includes midwater trawls, net sounder, bottom trawls, and all accessory gear/equipment (doors, dandylines, rigging, hardware, web, twine, etc.) in sufficient quantity to be able to conduct survey without causing significant loss of time due to lack of spare gear/equipment. The Council will provide webbing material for small mesh (1-1/2 inch stretched measure) codend liners which will be used in all trawls throughout both the survey and commercial fishing periods.
4. Appropriate modern electronic navigation, communication, and fish detection equipment, including but not limited to: SSB and VHF radios, two automatic Loran-C's, two radars, and one or more echo sounders. An echo sounder with a paper recorder must be available for operation by the scientific party at all times during survey operations. The frequency of this echo sounder must be between 25 kHz and 75 kHz. Radio facilities/frequencies must be such as to enable contracts with coastal radio stations and efficient communication among the 4 survey vessels.
5. Clean flush deck area, including space for dumping (deck bin), sorting, and processing trawl catches. This includes space for a Council-owned catch sorting table (approximately 4' x 8').
6. Dry storage area of approximately 75 cubic feet in deck house for holding scientific equipment and supplies; desk counter or table space of about 15 square feet for data recording and analysis.
7. Potable fresh water supply adequate for vessel and personal use of about three weeks; laundry facilities; i.e., automatic washer and dryer.

8. Vessel must be ballasted to maintain sea-kindliness; if crab tanks are used to ballast or trim the vessel, overboard (not on-deck) discharge must be provided.

E. Crew Requirements

The crew shall be experienced in midwater and bottom trawl fishing. The minimum crew shall consist of (a) a Captain, (b) two fishermen, (c) cook-fisherman, and (d) engineer-fisherman. The Captain shall be competent in the use of modern electronic navigational and fish-detecting equipment. The Captain shall have a minimum of three (3) years fishing experience as a master of a comparable-sized trawler and at least five (5) years fishing experience as a master (not necessarily of a trawler) in Alaska coast waters. At least two crewmen shall have competent knowledge of a trawl construction and repair. The crew, when not required by the Captain for vessel operations, will assist the scientific staff in sorting the catch and obtaining biological data.

F. Coast Guard Inspection

The issuance of a notice to proceed will depend on the vessels passing a Coast Guard fire and safety inspection. Unless the Coast Guard inspection is performed earlier than two weeks before the vessel's scheduled departure and Coast Guard certification obtained no more than one week before scheduled departure, the Council may terminate this contract without any payment to the Contractor under this contract. Furthermore, the Contractor, in the event of such termination, may be liable to the Council for excess procurement costs.

G. Scientific Accommodations

The scientific party will consist of a minimum of two (2) people per vessel and may include females. Preference will be given to vessels which can accommodate up to three (3) scientific personnel. Suitable sanitary accommodations must be available. One double berth, private stateroom must be available for female employees if needed. The scientific party will provide its own bedding. Clean fitted mattresses and covers will be provided by the Contractor. Meals

shall be provided by the Contractor and will include three meals per day plus a between meal snack. Meals should be well balanced with a proper variety of nutritious foods.

F. Special Provisions

1. Although the overall conduct of the survey will follow pre-determined plan, the details of vessel operations during the survey program will be determined each day by the Chief Scientist in consultation with the vessel Captain. Trawl sampling done outside the basic (approximately 0600-2000 hr.) work day will be done in such a manner as to minimize work schedule problems for the crew.
2. The Chief Scientist has final authority during the survey program except for work stoppage resulting from uncontrollables such as unsafe weather and sea conditions and other safety-of-life-at-sea considerations as determined by the vessel Captain.
3. The Contractor shall provide all operating expenses of the vessel (including fuel) exclusive of echo sounder paper supplied by the scientific party.
4. The Contractor shall provide arctic-type survival suits for all vessel crewmen. Adequate dry storage space for all survival suits, including those belonging to Government personnel, will be provided.
5. Failure of a vessel to be available to begin work on its agreed on starting date and time may result in a reduction of the total herring allocation. The reduction would be equal to the fraction that the delay in station time represents of the total survey time. Also, vessel/equipment problems which cause survey operations to be terminated for more than one day may result in extension of the survey period.

6. The Contractor shall provide safe, efficient working conditions and accommodations to the scientific personnel working on board. The Contractor, its agents, subcontractors, and employees, including the Captain, and crews of the vessels, shall not harass, assault, oppose, impede, intimidate, interfere with, or make unwelcome advances toward any member of the scientific party. Violation of the Contractor's obligation under this Special Provision may result in termination of the contract and in consequent liability of the Contractor to the Council for any costs incurred. Violation of the Contractor's obligation under this provision may result in the criminal and/or civil prosecution of the person involved by either the Council or affected Scientific personnel, as provided by applicable law.



APPENDIX B  
PROPOSAL FORMAT

The following general format should be used in the submission of proposals.

I. SCHEDULE

- A. Name and Address of Offeror
- B. Allocation of Herring Required in Metric Tons
- C. Proposed Departure Date from Dutch Harbor
- D. Special Conditions

II. VESSEL SPECIFICATIONS

A. Vessel 1

- 1. Vessel name
- 2. Owner
- 3. Length
- 4. Main engine horsepower
- 5. Rigging (see item D-3, Appendix A)
- 6. Navigation, communication, and fish detection equipment (list)
- 7. Special item (see Evaluation of Award)

B. Vessel 2

(same as above)

C. Vessel 3

(same as above)

D. Vessel 4

(same as above)