

North Pacific Fishery Management Council

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#1-92

NEWSLETTER

01/31/92

Council Holds 100th Plenary Session in Portland

The North Pacific Fishery Management Council met in Portland, Oregon, January 15-17. The Council took emergency action to delay the opening of the second quarter pollock fishery in the Gulf of Alaska to June 1, 1992, approved analysis of several bycatch management measures, reviewed the elements of the North Pacific Fisheries Research Plan and the proposed moratorium, and requested the opportunity to review the final sablefish and halibut individual fishery quota plan before it is submitted to the Secretary of Commerce. Details of these items and other Council actions at their January meeting are provided in this newsletter.

The Council will meet next in Anchorage at the Hilton Hotel. The meeting is scheduled to begin on Wednesday, April 22, and may continue into Sunday, April 26. Major items scheduled for that meeting include review of the North Pacific Fisheries Research Plan, the moratorium on groundfish and crab fisheries, and bycatch management measures. A draft agenda and meeting details should be available in early April.

Scientific and Statistical Committee Elects Officers

The SSC has re-elected Drs. William Clark and Terrance Quinn to serve as Chairman and Vice Chairman, respectively, of the Committee. Drs. Clark and Quinn have served in those positions for the past year. Dr. Clark is the staff biometrician for the International Pacific Halibut Commission in Seattle, Washington, and has been a member of the SSC since 1987. Dr. Quinn, a Professor of Population Dynamics at the Juneau Center for Ocean Sciences, University of Alaska, has served on the SSC the past five years.

Council Announces Appointments to Pacific Northwest Crab Industry Advisory Committee

The Pacific Northwest Crab Industry Advisory Committee (PNCIAC) was formed two years ago to provide the Bering Sea crab industry from the Pacific Northwest access to the Alaska regulatory process, similar to that of Alaskan residents. Expanding the original committee from nine members to ten, the Council announced the following two-year appointments to the PNCIAC, effective January 1992:

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

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Crab Committee Will Meet Again in February

The Pacific Northwest Crab Industry Advisory Committee met January 29 to review a report on State of Alaska management of hybrid Tanner crab, develop shellfish proposals for the March, 1993 Alaska Board of Fisheries meeting, and to review a pot limit proposal for the Bering Sea/Aleutian Islands crab fisheries. The Committee requested additional information on the pot limit proposal and will continue discussion of the subject when their meeting reconvenes on Wednesday, February 19, at the Alaska Fisheries Science Center in Seattle. The agenda for the meeting also includes further review of industry proposals on crab management to the Alaska Board of Fisheries. The meeting is scheduled to begin at 8:30 a.m. in Room 2039, Building 4, at the Center. For more information, contact Brent Paine at the Council office, 907-271-2809.

Marine Mammals

The Council was advised that the Revised Proposal to Govern Interactions Between Marine Mammals and Commercial Fishing Operations (as part of the amendment to the Marine Mammal Protection Act) is being redrafted to address comments received during the latest public comment period. There will be a delay of 30 to 60 days before final filing to accomplish this revision. The final version will likely go directly to Congress in March.

Regarding the Walrus Islands groundfish fishing closures, the Council reaffirmed their action from the August 1991 meeting which was to recommend to the Secretary of Commerce that the 12-mile buffer zones be reestablished for an indefinite time period. Final Secretarial action is scheduled to occur by January 31, 1992. This closure would apply to all groundfish fishing activities, including transit through the closed areas, from three to 12 miles from the shoreline. The area inside three miles falls under the jurisdiction of the State of Alaska.

The Council reviewed the regulations that will implement the marine mammal protective measures contained in Amendments 20/25 to the Bering Sea/Aleutian Islands and Gulf of Alaska Groundfish Fishery Management Plans. In addition to the 10-mile no-trawl zones around designated sea lion rookeries, the final rule prescribes 20-mile no-trawl zones around the following five rookeries during the pollock roe season that began January 20: Akun Island, Akutan Island, Agligadak Island, Seguam Island, and Sea Lion Rock. These expanded trawl closure areas were deemed necessary due to an expected increase in fishing activity near these areas because of the closure of the Bogoslof District to directed pollock fishing.

North Pacific Fisheries Research Plan

The Council reviewed the status of the North Pacific Fisheries Research Plan (Research Plan) which would establish a funding mechanism to replace the current pay-as-you-go program under the existing Observer Program. The analytical team is analyzing appropriate levels of observer coverage necessary to carry out the goals of the Observer Program. Detailed budgets for the groundfish and shellfish portions of the program are also being developed. The analysis will examine the estimated funds available under the 1% ex-vessel value cap, the estimated costs of administering the program, and the methods available to cover any shortfalls which may exist. Options will include a supplemental program and a restructuring of the coverage patterns to accomplish the goals of the program with the available funds. The analysis with all of the options will be available for Council review at the April 1992 meeting. After being released for a public review period, the document would come back to the Council for final action at the June meeting. The new program could be implemented sometime next year.

Sablefish and Halibut IFQ Management

At the December 1991 meeting the Council approved an Individual Fishing Quota (IFQ) program to manage the sablefish and halibut fisheries off Alaska. Details of the approved program were contained in the December Council newsletter. At the January meeting last week the Council voted to withhold submission of this amendment package to the Secretary of Commerce until after the April 1992 meeting. The original schedule from the December meeting

was to complete some additional analyses of the Council's specific Preferred Alternative. This supplemental analysis would then be forwarded for a National Environmental Protection Act (NEPA) review prior to being forwarded for Secretarial review. This schedule remains unchanged except that submission for Secretarial review will be delayed until after the April 1992 meeting so that the Council will have another opportunity to fully review the additional analysis before submission to the Secretary. The NEPA review of the supplemental analysis is scheduled to begin by early March, allowing public, industry, and the Council family an opportunity to fully review the document before the April meeting. Public testimony will be accepted at the April meeting in a public hearing the week of April 20 when the Council meets in Anchorage. Further details of the exact meeting place and time will be available in early April.

Revised Moratorium Elements and Options

Based on the initial assessment of the proposed moratorium, and recommendations of the Advisory Panel and Scientific and Statistical Committee, the Council endeavored to narrow the statement of the objective, simplify certain elements of the analysis, and clarify the options to be addressed under each element. The results of the analysis are scheduled for presentation at the April 1992 Council meeting in Anchorage. An industry/technical committee will be designated by the Council Chairman and NMFS Regional Director to assist the analytical team and provide guidance on an implementation plan for the proposed moratorium amendment.

At this stage, the moratorium proposal has several elements and options that are being analyzed. The results of this study will provide the Council with information on the moratorium alternatives, and how the various features impact attainment of the Council's objectives for the Alaska groundfish and crab fisheries. The answers to many industry questions about moratorium implications on their operations depend upon the preferred alternative ultimately developed by the Council. The proposed moratorium has the following objective statement, elements, and options.

Objective: In an effort to help achieve Optimum Yield (OY), the objective of the proposed moratorium is to freeze the number of vessels in the groundfish, crab, and halibut fisheries under the Council's jurisdiction, with appropriate restrictions on allowable changes to those vessels which are permitted in these fisheries.

Moratorium Elements and Options:

1. Qualifying Period

- a. January 1, 1976 through the applicable control date
- b. January 1, 1980 through the applicable control date
- c. January 1, 1988 through the applicable control date

These three options define alternative periods of eligibility that would qualify vessels under the moratorium. The applicable control date is that defined in the September 5, 1990 *Federal Register* notice, as modified by the Council (i.e., September 15, 1990, with extensions to January 15, 1992 and February 9, 1992). For purposes of analysis, any vessel making a landing by the extension date will be assumed as a valid, eligible entrant, although it is recognized that this will likely overstate the bona fide qualifiers under the extension criteria. The problems and issues raised in implementing the control date language will be noted in the analysis.

2. Length of Moratorium

- a. Until Council rescinds or replaces; not to exceed 3 years from date of implementation, but Council may extend for 2 years if a permanent limited access program is imminent
- b. Until Council rescinds or replaces; not to exceed 4 years from date of implementation, but Council may extend for 2 years if a permanent limited access program is imminent
- c. Until Council rescinds or replaces; not to exceed 4 years from date of implementation

3. Crossovers During Moratorium

- a. No restrictions are specified regarding the ability of a vessel to cross over from one fishery to another (groundfish, crab, or halibut) during the moratorium, regardless of past participation.

4. Replacement or Reconstruction of Vessels During the Moratorium

- a. A vessel may be replaced with a vessel of similar capacity, but the replaced vessel must leave the fishery. Reconstruction of vessels is allowed to upgrade safety, stability, or processing equipment, but not to increase fishing capacity. The intent of the Council is to freeze the number of vessels participating in the designated groundfish, crab, and halibut fisheries, and to allow for no increase in the capacity of existing vessels. The analysis will examine the alternative procedures for measuring and managing vessel capacity, and how appropriate restrictions might be implemented.

5. Replacement of Vessels Lost or Destroyed During the Moratorium

- a. Can be replaced with vessels of similar capacity. Replaced vessels cannot be salvaged and come back into the fishery.

6. Replacement of Vessels Lost or Destroyed Before the Moratorium

- a. Vessels lost since January 1, 1990 can be replaced with vessels of similar capacity. Replaced vessels cannot be salvaged and come back into the fishery
- b. Vessels lost since June 15, 1989 can be replaced with vessels of similar capacity. Replaced vessels cannot be salvaged and come back into the fishery

7. Small Vessel Exemption

- a. No specific provision are made that would exempt categorically small vessels from the moratorium. The analysis will assess the impacts of a moratorium on small vessel operators and their fishing activities.

8. Disadvantaged Communities

- a. There will be no exemption for disadvantaged communities from the vessel moratorium
- b. Disadvantaged communities, as defined by the Council, will be exempt from the vessel moratorium. For purposes of analysis, the Council considers disadvantaged communities to include those communities qualifying for community development quota (CDQ) under the Council's proposed Inshore/Offshore Amendment and/or Individual Fishing Quota (IFQ) Amendment. The moratorium would not apply to vessels fishing these CDQ's.

9. Minimum Qualifying Poundage

- a. No minimum qualifying poundage, all that is required is a legal landing or processing from one of the applicable groundfish, crab, or halibut fisheries in any qualifying year.

10. Applicable Sectors of the Industry

- a. The moratorium will be applied to the harvesting sector only, including catcher vessels and catcher/processor vessels in the designated groundfish, crab, and halibut fisheries
- b. The moratorium will be applied to catcher vessels, catcher/processor vessels, and mothership/processing vessels in the designated groundfish, crab, and halibut fisheries

11. Appeals

- a. The appeals procedure will consist of an adjudication board of government persons and non-voting industry representatives

12. Halibut and Sablefish Fixed Gear Vessels

- a. There will be no exemption for halibut and sablefish fixed gear vessels
- b. Halibut and sablefish fixed gear operators that would come under the provisions of the proposed IFQ Amendment will be exempted from the vessel moratorium as it affects halibut and sablefish operations

The Status Quo Alternative. In addition to the moratorium elements and options under consideration, the analysis will also examine the status quo, or "do nothing" alternative, as required by law. This alternative also serves as the reference against which directed action to limit the number of vessels with a moratorium can be assessed.

Other Alternatives. The Council has directed that all reasonable management alternatives for resolving the stated problem be assessed as a part of the analysis. The analysis will examine qualitatively the applicability of other approaches, past Council experience with such alternatives, and reasons for not including other such alternatives in the analysis.

Capital Construction Fund. The Council has requested NOAA General Counsel to review provisions of the Capital Construction Fund and whether they conflict with the intent of the proposed moratorium. The Council does not believe that having a CCF arrangement is equivalent to having a contract that would qualify for entry under the moratorium. NOAA GC will explore that issue as well as other interactions that may need resolution in developing the proposed moratorium. The Council also is urging the Secretary of Commerce to take action to allow a CCF fund to be terminated without penalties.

Groundfish Issues

Pollock Fisheries

During its past two meetings the Council has discussed the option of changing the current June 1 opening date of the Bering Sea and Aleutian Islands pollock non-roe ("B") season. At its January meeting, after reviewing comments it requested from the public, the Council recommended that an analysis of this proposal begin. The Council will initiate a regulatory amendment that could modify the "B" season opening date for the 1993 season. Possible opening dates that will be considered in the amendment analysis range from July 1 through September 15. In addition, the analysis of this amendment will consider establishing exclusive registration for trawlers fishing pollock and/or all groundfish species in the Gulf of Alaska and Bering Sea and Aleutian Islands for 1993. Staff will begin working on this project and the Council will initially review the analysis at its June 1992 meeting.

Regarding the 1992 Gulf of Alaska pollock fishery, the Council has requested NMFS to prepare an emergency rule to delay the second quarter Gulf of Alaska pollock trawl fishery from April 1 to June 1, concurrent with the BSAI "B" season opener, so that fishing effort idled in the Bering Sea will not surge into the Gulf of Alaska to fish the much smaller pollock stocks and possibly overrun the quarterly harvest limit.

Also, the Council is greatly concerned that pollock roe-stripping may be occurring in violation of federal regulations and provisions of the Magnuson Act. The Council has urged NMFS to pay particular attention to enforcing the ban on roe-stripping.

Proposed Trawl Testing Zone

The Council approved formation of an industry/staff working group to formulate a proposal for a trawl testing zone. An amendment would be prepared to allow for an area(s) to be utilized as a trawl test zone when trawl fisheries are otherwise closed for quota or bycatch reasons. The intent is to have such a provision in place by the fall of 1992.

Status of Fishery Management Plan and Regulatory Amendments

In addition to the items mentioned above, the Council directed staff to continue work and initiate analyses to support additional management measures, most of which pertain to bycatch management. The following is a list of measures that the Council has approved for analysis.

1. Establishment of 1993 halibut bycatch limits for trawl and fixed gear fisheries for groundfish in the BSAI. The 5,033 mt trawl cap and the 750 mt mortality limit for non-trawl gear will revert to a single trawl cap of 5,333 at the end of 1992, unless extended. An analysis of using halibut mortality to account for bycatch will be included.
2. Extend the sunset date for the king crab protection zones near Kodiak Island.
3. Improve chinook salmon bycatch management measures in the BSAI. Options include establishing a PSC cap for chinook or possible time/area closures.
4. Prohibit bottom trawling adjacent to the Pribilof Islands.
5. Close the Eastern Gulf of Alaska east of 140 degrees West Longitude to trawl gear.
6. Preferential allocation of Pacific cod in the BSAI to fixed gear fisheries.

Items 1 - 4, and possibly 5, are scheduled for initial Council review at the April, 1992 meeting. Time required for item 6 may require that the Council consider it later, possibly in June.

In addition, a Bycatch Team, comprised of staff from the NMFS Alaska Region, Alaska Fisheries Science Center, Council, IPHC, and state agencies, has prepared a summary report, available for the Council office, which discusses the justification for intervention, the goals and objectives of bycatch management, the Bycatch Team's recommendations for 1992 bycatch amendment analysis, and an introduction to an individual bycatch quota program. The Council received a brief overview of this report but due to time constraints, was unable to address most of the issues presented. Therefore the Council requested that additional information on various implementation issues be presented at the April meeting. At that meeting, the Council is expected to provide direction to staff on whether or not to proceed on the analytical development of this approach to bycatch management.

Improvements to NMFS Data Collection

During the past year the Council requested NMFS to review its data collection and analytical programs and propose changes that will enhance NMFS' capability to monitor quotas, project fishery closures, and provide for more timely monitoring and enforcement of the vessel incentive program. At the January meeting, NMFS staff presented possible programs that would achieve this request. NMFS is proposing the development of a reporting system that requires weighing of all groundfish, either by scales or other means such as volumetric measurement, and the development of communication systems capable of daily interactive reporting of harvest and observer data. The Council recommended that NMFS prepare an advance notice of proposed rulemaking, which would outline the Council's intent to develop regulations that would require accurate estimation and reporting of total catch by species and installation of daily interactive communication systems. For further information on the status of these proposed changes by NMFS, please contact Dave Cormany at the NMFS Alaska Region office in Juneau, (907) 586-7229.

NMFS Preparing Regulations to Monitor Influx of Russian Halibut

During the January meeting, a representative of the Halibut Association of North America told the Council of their concerns over halibut being delivered into the United States without adequate monitoring and catch reporting.

American-flagged vessels are legally operating in the Russian territorial waters and returning their catch at U.S. ports. U.S. regulations would prohibit such catches in U.S. waters, but do not restrict the current practice. Both NMFS and enforcement officials are concerned about how such landings can be distinguished from catches resulting from illegal fishing in U.S. waters. Steve Pennoyer, Director of the Alaska Regional Office of the National Marine Fisheries Service, advised that they are in the process of developing regulations to monitor the landings. Regulations under consideration include check-in/check-out procedures, reporting requirements, and requiring returning vessels to offload prior to fishing in the U.S. EEZ. Mr. Pennoyer stressed that this is not just a halibut issue, it involves groundfish species as well, and that NMFS is anxious to resolve the issue. The Council also was concerned and will encourage the Secretary of Commerce to approve regulations as quickly as possible, by emergency action if necessary.