



**UNITED STATES DEPARTMENT OF COMMERCE
NOAA / National Marine Fisheries Service**

Alaska Enforcement Division

P.O. Box 21767

Juneau, Alaska 99802-1767

January 24, 1998

**National Marine Fisheries Service
Alaska Enforcement Division**

IFQ ENFORCEMENT REPORT FOR 1997

(By Stephen A. Meyer, Special Agent-in-Charge, NMFS)

The recently completed Halibut-Sablefish IFQ (HSIFQ) season is year three in this new management scheme in the Alaska Region. The National Marine Fisheries Service (NMFS) Alaska Enforcement Division (AED) has played an active role in both the development and implementation of the program (Matthews 1997). Each of the past three years have provided new challenges to both the operation of the program and to the staffing and philosophy of the division itself. The Staff Office for Law Enforcement on a national level has embraced and implemented the principles and philosophy of the Community Oriented Policing Program (COPPs). Problem solving has replaced the catch and bust operational mode for all but the most serious offenses. We are dedicated to listening to and working proactively with all stakeholders in the fisheries of North America. Toward this end, our focus has shifted to better communications and seeking to avoid problems before they occur. Even so problems do occur and when they do, a positive solution will be sought seeking a "win-win solution" that will work for all parties involved. But sometimes mediation and consensus cannot solve an issue. In these cases AED has, and will continue to seek prosecutions to correct illegal activity and to provide a deterrent effect to those who may contemplate future violations.

Below you will find an accounting for our activities in the 1997 season. Downsizing continues to create a challenge to our ability to provide adequate levels of law enforcement activity but we continue to seek solutions to this challenge. We have sought support from other partners in the law enforcement arena and have had good success with the United States Coast Guard, the Alaska State Troopers - Division of Fish and Wildlife Protection, and local law enforcement entities in the various coastal ports where our work occurs. Additionally, industry, non-governmental organizations and a variety of local, tribal, state, national and international government organizations have provided support in operational, administrative and political areas. This support has ranged from staffing assistance from other line offices, field law enforcement support, and political support at both the local and national levels.

Any review of the past seasons activities would be incomplete with out a review of the numbers and statistics gathered and generated from fishing and support activities.

The number of Landings/Offloadings (L/O=10,895) and total pounds of halibut landed



(49,262,493 lbs) were increases over the previous two years effort (from 1997 Halibut/Sablefish IFQ Report by NMFS RAM Division). These landings were made by slightly fewer vessels in the same number of ports as in previous years. The average pounds landed by species was; Halibut - 4,900 lbs ($49,262,493 \text{ lbs} \div 10,052 \text{ L/O} = 4,900$) and Sablefish - 12,280 lbs ($28,625,894 \text{ lbs} \div 2,331 \text{ L/O}$)(ibid). There were 1,080 overages in the documented Halibut landings equaling 422,763 lbs and 474 overages in the documented Sablefish landings equaling 336,883 lbs. The average weight of a Halibut overage was 391 lbs ($422,763 \div 1,080 = 391$) and the average weight of a Sablefish overage was 710 lbs ($336,883 \div 474 = 710$)(ibid). This indicates that the average overage for both Halibut and Sablefish were inside the administrative range of 10%. In fact, AED records show that only 179 actual confiscations were made from the total of 1,554 overages indicating that approximately 12% of overages were over the 10% administrative range.

The total number of HSIFQ and HSCDQ cases initiated was 294 cases. This is down from 376 cases in 1996 and 601 in the first year of the program, 1995. Discussion with field supervisors and employees indicate that compliance with the whole gamut of regulations was in fact higher. Confiscation cases were also reduced from 5% and 7% in the first two years respectively, to 1.6% in 1997 (see IFQ season statistics attachment). One area of concern is the 14% inspection rate for the 1997 season. A 20 percent inspection rate, as determined from law enforcement behavioral studies, is believed necessary to achieve adequate levels of compliance. This figure should be viewed as a yearly average with some slight variation as acceptable. A six percent short fall is troubling and will be problematic if continued over time. This viewpoint is supported by other law enforcement personnel and reflected, in writing, in Mr. Dayna Matthews' study for the NMFS completed last year (Matthews 1997). The current drop was predicted as a result of a decline in permanent AED staffing for HSIFQ in the form of 10 vacant Fishery Patrol Officer positions.

The Alaska Enforcement Division (AED) fielded 27 total full time, permanent, commissioned law enforcement personnel which breakdown as follows:

Managemet

- 1 Special Agent-in-Charge (SAC)
- 1 Deputy Special Agent-in-Charge (DSAC)

Supervisors

- 4 Assistant Special Agents-in-Charge (ASAC)

Field Force

- 13 Special Agents (SA)
- 8 Fishery Patrol Officers (FPO)

In addition, forty staff months of temporary duty assignments were performed by SAs and FPOs from other NMFS law enforcement divisions. This supplementation was a stop gap measure for the aforementioned 10 vacant positions in the Fishery Patrol Officer ranks. Approval for 5 new officers has been obtained from the Agency and it is anticipated that all 5 will be working for the 1998 HSIFQ season. This will reduce the need for supplemental support from other enforcement

divisions. Periodic supplementation will be provided on a peak need bases. In addition, United States Coast Guard personnel provided 153 additional shoreside inspections which supports the total effort to validate landings.

Ultimately, some mixture of enforcement officers and a validator or weighmaster program will be needed to maintain adequate levels of monitoring of IFQ landings. An initial review of this matter was developed by staff members of the IPHC and presented to the North Pacific Fisheries Management Council in September of 1997. This model was patterned after the Canadian Validator program currently in effect in the Halibut and Sablefish fisheries of western Canada. The IPHC's initial review assumes 100% monitoring of all landings in the HSIFQ program and indicates the need for 150 to 200 full and part-time employees. This level of coverage would form an ideal program but may not be feasible due to funding restrictions in the NMFS budget.

NMFS AED will provide a straw man proposal for a reduced version of this program at the April meeting of the NPFMC. I do not anticipate 100% percent monitoring of landings. While this would be ideal from a law enforcement perspective, the costs in manpower and funding would be immense and outside the norm of United States law enforcement history and practice. Adequate levels of enforcement is usually derived from enough law enforcement presence to deter general wanton violation. This is usually derived from spot checking a portion of any activity under a particular regulatory scheme. This ranges from traffic control in the cities and on the highways, to the airline industry, to occupational health and safety, and to an almost endless list of other regulatory plans in our society. People in the U.S. historically have accepted only the level of law enforcement designed to keep a level playing field for the vast majority of people. A small percent of habitual violators will always keep enforcement busy. Any enforcement regime that appears overbearing or to resemble a "police state" has quickly vanished in the U.S. A smaller workforce has been called for by the people and leaders of the US and a smaller program is envisioned for the IFQ program. In the end a forty to sixty person weighmaster program, with AED oversight, seems to fit the concepts of lean but balanced, deterrence versus total inspection, adequate but not an overpowering enforcement presence. But why 40 to 60 personnel and not 20 or 100? In 1990, my predecessor, David Flannagan and a select group of supervisors and senior special agents conducted an evaluation of the personnel needs (a workload analysis) for the various regulatory enforcement responsibilities the AED had before it at that time. That analysis indicated that AED would need 60 people to conduct one boarding per year of every vessel that was fishing for halibut at that time. In 1996, I asked a select group of supervisory and field personnel to revisit that report and rework the numbers to more accurately reflect the current status of regulations now in effect. In particular we now had the HSIFQ program implemented and running and this seemed likely to bring a difference in personnel needs. For this portion of the study several assumptions were necessary and require clarification. One assumption was that we would not be doing 100% boarding of all off loadings. As stated above, a sub-sample of landings was identified (25%) that would provide enough law enforcement presence that potential violators should feel enough of a threat that they maybe boarded as to keep the "honest folks honest". We still wanted to board all fishing vessels at least once a year but only do full offload monitorings for 25% of the landings. This means that routine records checks are made 100% of all boardings but that only 25% are fully audited at landing. A variety of factors are used to

determine which landings to fully audit such as familiarity with the vessel and crew, number of past audits, other landings, and other workload requirements, as just a few examples among numerous other factors. Once again the analysis indicated 60 people to achieve 25% boardings. Under the current system it is anticipated that 40 "weighmasters" with oversight from 13 Fishery Patrol Officers in Alaska and 4 FPOs in the Washington - Oregon - California area, that will also conduct boardings will come very close to the 60 person total identified in the study and get the 20% boarding rate we believe will provide for adequate levels of enforcement presence.

For the 1998 season, the AED will have supplemented it's ten FPO short fall with five replacement personnel, with the possibility of two additional officers to follow in during the season. Outside support, not in the form of the massive rotational program that seriously impacted other divisional operations, but a pared down surgical insertion of support teams in high density locations during peak needs has been agreed to by NMFS Headquarter and field management personnel.

By 1999 or 2000, it is anticipated that a weighmaster/validator program will be on line. New efforts will be extended in the realm of COPPS and the IFQ program will continue to run in a balanced and secure system.

LITERATURE CITED

Matthews, Dayna 1997. Beyond IFQ Implementation: A Study of Enforcement Issues in the Alaska Individual Quota Program. National Marine Fisheries Service. 97 pages.

RAM Division, National Marine Fisheries Service, 1997. 1997 Halibut/Sablefish IFQ Report. National marine Fisheries Service. 17 pages.



UNITED STATES DEPARTMENT OF COMMERCE
NOAA / National Marine Fisheries Service -
Alaska Enforcement Division
P.O. Box 21767
Juneau, Alaska 99802-1767

DATE: November 24, 1997

MEMORANDUM FOR: Stephen A. Meyer, SAC

FROM: John C. Kingeter, ASAC *John Kingeter*

SUBJECT: IFQ Enforcement Report
For the 1997 Fishing Season

ATTACHMENTS:

- 1) 1997 IFQ Enforcement Statistics thru 11/21
- 2) 1997 FPO/SA Inspection Statistics thru 11/21
- 3) 1997 FPO/SA Case Numbers thru 11/21

Attached are three reports of IFQ Enforcement activity from March thru November 21



1997 IFQ Enforcement Statistics
(For the 1997 IFQ fishing season)
Alaska Region

bold print = 1997 data
 regular print = past data

1)	a. Percentage of IFQ Season Completed: b. Percent of IFQ Harvested: c. Percent of CDQ Harvested:	 	100% Halibut: 96% Sablefish: 95% Halibut: 99% Sablefish: 77%
2)	a. 1997 Number of IFQ & CDQ Offloads: b. 1997 Offloads as a percent of 1996 Total (10,894÷9,009):	 	10,895 121%
3)	a. 1997 Number of IFQ Processor Inspections: b. 1996 Total Number of Processor Inspections:	 	39 39
4)	a. 1997 Number of IFQ & CDQ Vessel Inspections: b. 1997 Vessel Inspection Rate by Offload (1,561÷10,895): c. 1996 Total IFQ Vessel Inspections: d. 1996 Total IFQ Vessel Inspection Rate (1,540÷9,009): e. 1995 Total IFQ Vessel Inspection: f. 1995 Total IFQ Vessel Inspection Rate (2,262÷9,652):	 	1,561 14% ← 1,540 17% 2,262 23%
5)	a. 1997 Number of IFQ & CDQ Cases Initiated: b. 1996 Total Number of IFQ Cases Initiated: c. 1995 Total Number of IFQ Cases Initiated:	 	294 376 601
6)	a. 1997 Number of Confiscations: b. 1997 Confiscation Rate (179÷10,895): c. 1996 Season Confiscation Rate (612÷9,009): d. 1995 Season Confiscation Rate (436÷9,652):	 	179 1.6% 7% 5%

U.S. Department
of Transportation

United States
Coast Guard



Commander
Seventeenth Coast Guard
District

P.O. Box 25517
Juneau, AK 99802-5517
Staff Symbol: mpo
Phone: (907) 463-2227
FAX: (907) 463-2216

16240

JAN 22 1998

Mr. Donald A. McCaughran, Director
International Pacific Halibut Commission
P.O. Box 95009
Seattle, WA 98145-2009

Dear Mr. McCaughran,

Thank you for the opportunity to provide our annual report on Coast Guard IFQ enforcement efforts and safety issues.

Enforcement:

Enclosure (1) shows the number of cutter days dedicated to Halibut enforcement since 1993. Major Cutters are vessels that are 210 to 378 feet long. The Patrol Boat category contains days for the 110 foot coastal patrol boats and 180 foot buoy tenders stationed throughout Alaska.

Enclosure (2) shows aircraft hours dedicated to Halibut enforcement over the last five years. The increase in hours between 1994 and 1995 correlates to the transition from the short derby openings to the eight month IFQ season. Coast Guard aircraft are used to extend the detection range of the cutters and to provide a law enforcement presence.

Enclosure (3) provides boarding statistics for the last five years. You will note a reduction in boardings from the derby days to the IFQ system and the beginning of the CG dockside monitoring program in 1997 in addition to at sea boardings. Boardings declined between the derby and IFQ years because derby boardings were less detailed, therefore quicker, than dockside boardings and a highly concentrated fleet allowed for a high number of boardings in a short time. Now, under the IFQ system, regulations are more complex and the fleet is dispersed over a larger area for a longer season, both of which makes it more difficult to obtain large numbers of boardings. Additionally, Coast Guard at sea boardings were down in 1997 because major cutters were not available for IFQ patrols. Where possible, we tasked patrol boats and buoy tenders with addressing this shortfall.

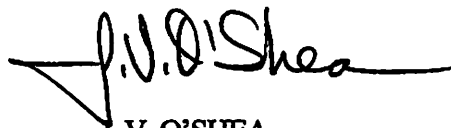
In addition to at sea boardings, Coast Guard units monitored 127 dockside offloads in 17 ports throughout Alaska. At first glance this number may appear low compared to the total number of fishers and landings. We believe, however, that the impact on compliance is greater than that represented by the mere number of monitors conducted. These IFQ offload monitors were performed by Coast Guard units that are frequently in these ports or underway nearby on other Coast Guard missions (such as search and rescue and aids to navigation maintenance). Since the

public does not generally know the specific mission of a Coast Guard vessel at any particular time, any presence in an area may be reasonably anticipated to increase expectations of law enforcement action. It is this 'increased expectation' that we believe will enhance compliance beyond the mere numbers.

Safety:

Enclosure 4 depicts Derby/IFQ Safety Statistics. Prior to 1994 search and rescue statistics were not specifically tracked by fishery. The numbers of such cases for 1992-1994 were arrived at by first identifying vessels that made halibut landings during those years and comparing that list to those requiring some type of Coast Guard assistance during one of the derby openings. The data from 1995 on is more precise. The reduction in the number of search and rescue cases since the inception of the IFQ system for halibut is certainly welcome. However, sinkings and lives lost have remained fairly consistent.

If you have any questions concerning data in the Enclosures, please feel free to contact LT Nancy Nelsen (907)463-2227.



J. V. O'SHEA

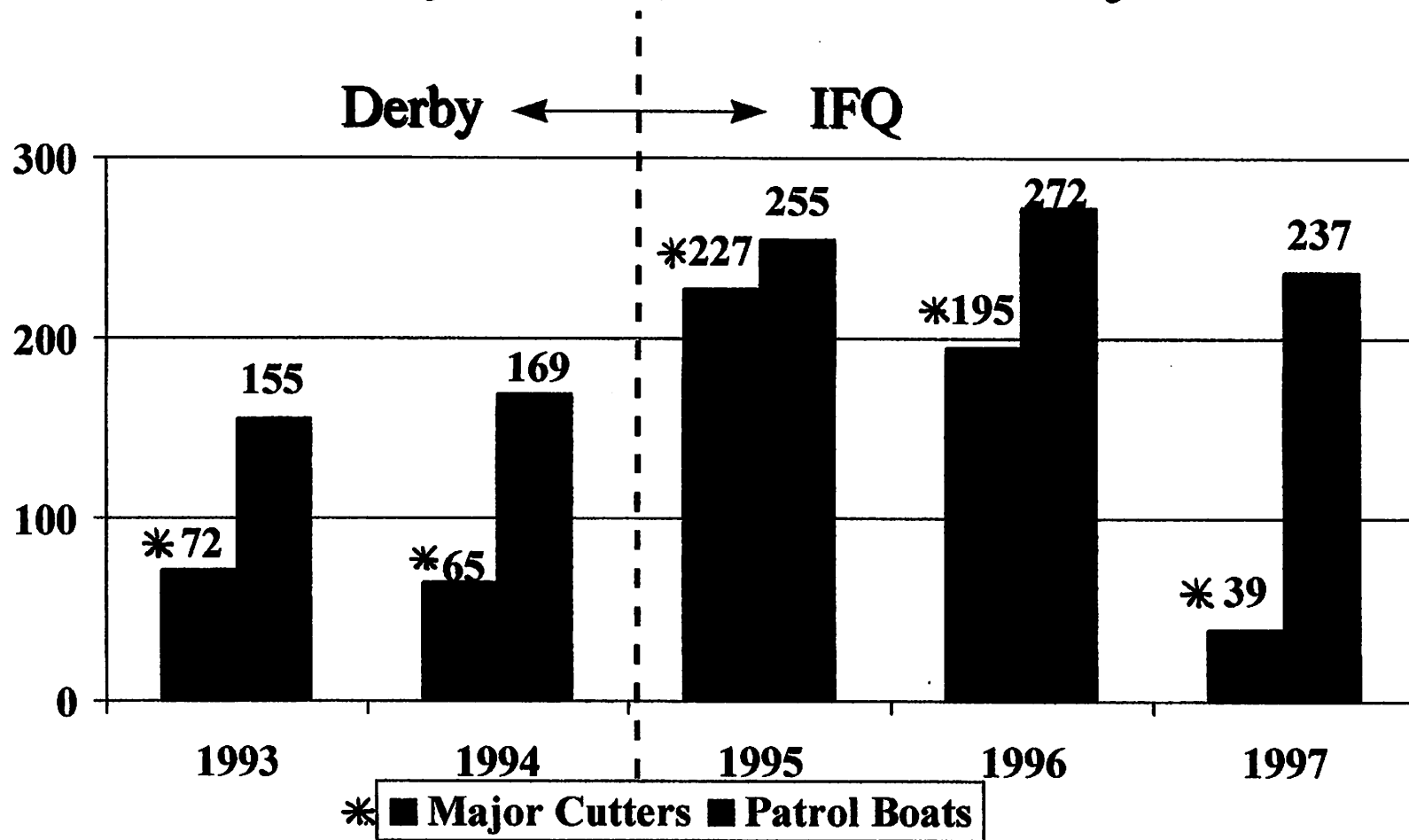
Captain, U. S. Coast Guard

Chief, Maritime Operations Plans and Policy Branch

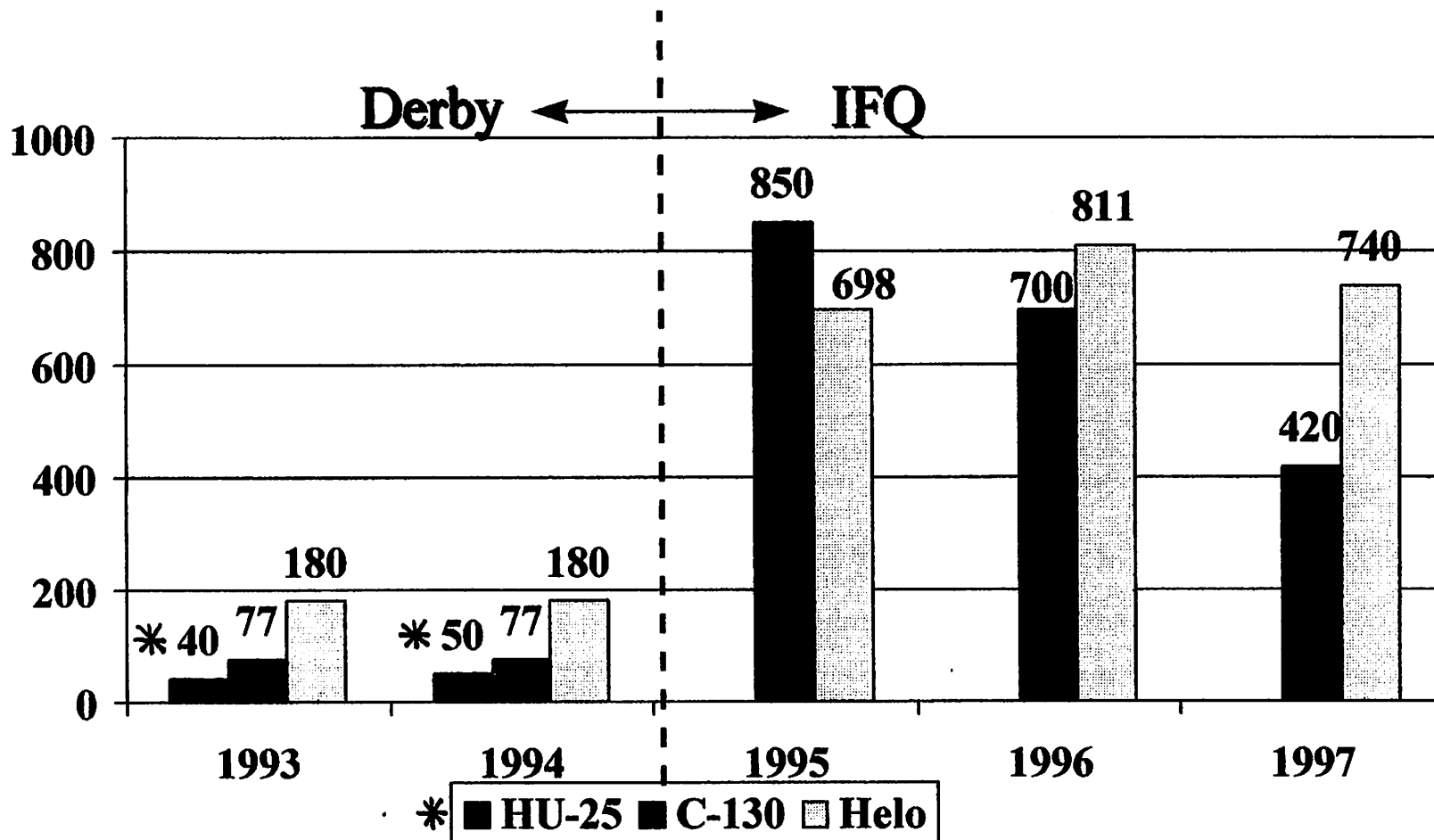
Seventeenth Coast Guard District

By direction of the District Commander

Derby/IFQ Cutter Days

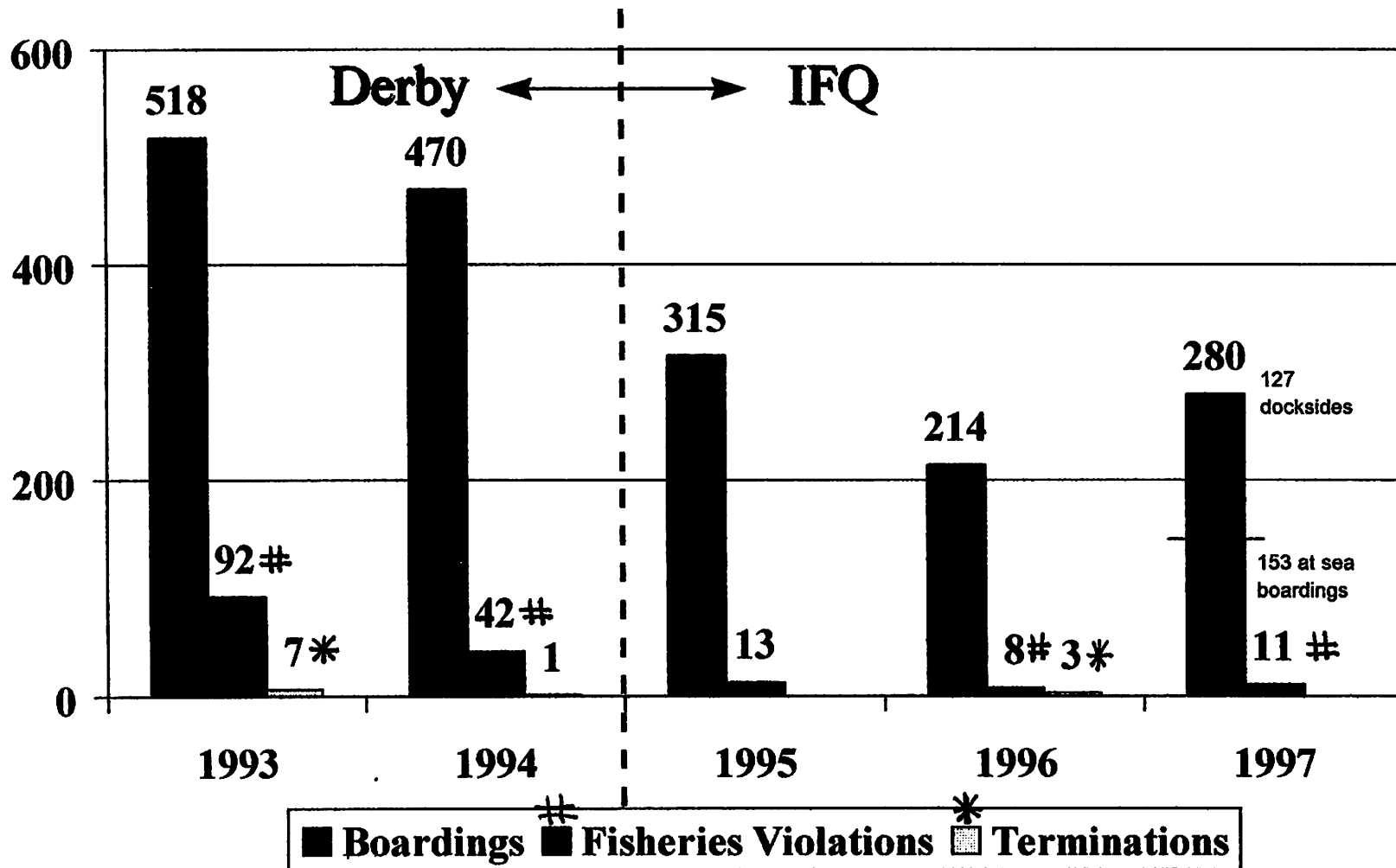


Derby/IFQ Aircraft Hours



ENCLOSURE(2)

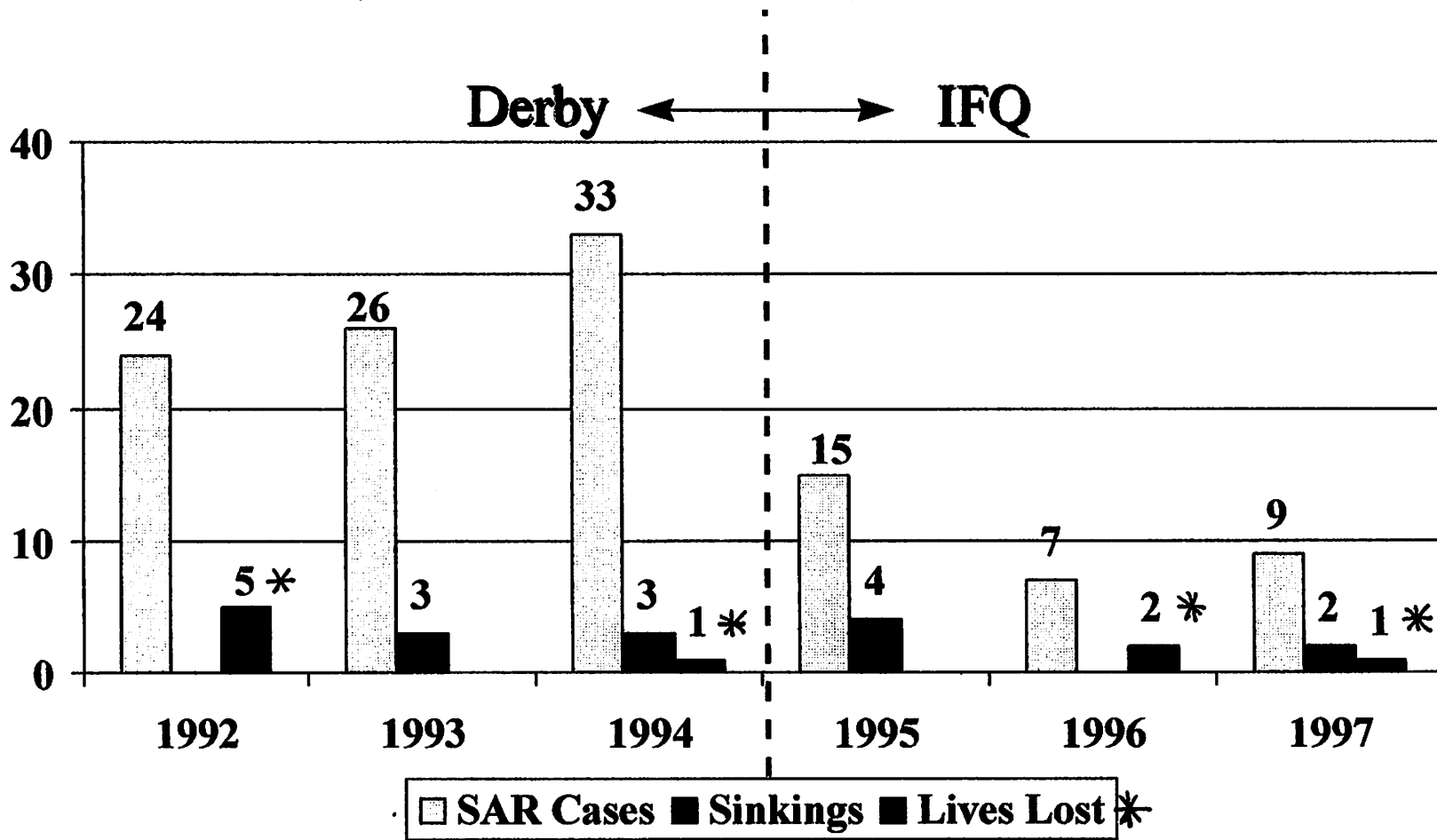
Derby/IFQ Boarding Statistics



FOR SAFETY REG
VIOLATIONS

ENCLOSURE(3)

Derby/IFQ Safety Statistics



ENCLOSURE(4)



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

AGENDA B-2
FEBRUARY 1998
Supplemental

January 23, 1998

RECEIVED

JAN 28 1998

N.P.F.M.C.

Mr. Richard Lauber, Chairman
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252

Dear Mr. Lauber *Rich*

I was pleased to receive a copy of John Gauvin's letter (January 16, 1998) describing the Groundfish Forum's interest and concern about localized depletions of Atka mackerel. As you know, we have been concerned about that possibility for some years, and recent work by Dr. Lowell Fritz and Richard Ferrero of the Alaska Fisheries Center provide evidence that such depletions are occurring. The extent of the depletions in time and space, their impact on local stocks of Atka mackerel, and the possibility of indirect impact on Steller sea lions are not yet clear, but are under review. As I am sure you know, we are concerned about the potential impact on the foraging success of Steller sea lions, and particularly young sea lions attempting to make the critical post-weaning transition to nutritional independence.

Pending the outcome of their review, my staff will also consider possible management proposals to reduce or prevent these depletions. In his letter, Mr. Gauvin mentions several possible remedial actions. We will consider these and other options and, in April, will provide the Council with the results of our analysis and recommendations. While it might be premature to discuss these different options in any detail at the February Council meeting, we will take that opportunity to inform the Council that such analyses and deliberations are underway.

We are responsible for the development and analysis of such options, but if the Council wishes to appoint a committee for this purpose, we would be very interested in working with industry representatives to do so. A cooperative approach would be not only expedient, but also more likely to achieve the objective of preventing such depletions with minimal impact on the fishery.

In the meantime, should you have any questions about the nature of these localized depletions or their potential impacts on Steller sea lions, please don't hesitate to contact me.

Sincerely,

Steve

Steven Pennoyer
Administrator, Alaska Region



GROUNDFISH FORUM, INC.

Mr. Richard B. Lauber
Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

4215 21st Avenue W. Suite #201
Seattle, WA 98199
(206) 301-9504 FAX (206) 301-9508

RECEIVED

JAN 16 1998

N.P.F.M.C

January 16, 1998

RE: Guidance from Council on industry proposal to adjust Atka mackerel seasons to prevent localized depletion

Dear Chairman Lauber:

At the last Council meeting, potential for localized depletion of pollock was discussed. Somewhere in the discussion of ways to spread out pollock catches over time and area, it became apparent that any actions to address localized depletion would require a plan amendment and could not be made through the annual TAC setting process. Groundfish Forum is aware that some of these concerns also extend to the Atka mackerel fishery, a fishery of great importance to H&G vessels. Although the Atka mackerel fishery is already divided into three sub-areas in the Aleutian Islands, concerns have been raised as to the potential for localized depletion of Atka mackerel given the pace of fishing in some of the sub-areas. For instance, the fishery took roughly 1,200 MT per day during the fishery in the Eastern Aleutian area last year.

A recent discussion paper by Drs. Fritz and Ferrero of the NMFS Alaska Fisheries Science Center entitled "Options for Steller sea lion recovery and groundfish management" (unpublished paper available from NMFS RACE/REFM Division) analyzes evidence of potential for localized depletion of Atka mackerel based on fishery data. The paper also outlines an approach for extending the fishery over time and area or alternatively, expanded rookery closure areas. From our perspective, the later approach would likely amount to the demise of the Atka mackerel fishery because virtually all fishing areas are proximate to existing rookery closure lines.

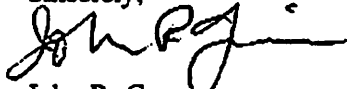
After reviewing this paper, Groundfish Forum has decided to request that the industry be afforded the opportunity to work with Drs. Fritz and Ferraro and other NMFS or Council staff to develop proposals to modify the Atka mackerel seasons to reduce potential for localized depletion. Our intent would be to have these proposals before the Council in April of 1998, so that they can be in place for the 1999 fishing year. One approach would be an A/B season split of Atka mackerel sub-area TACs. Any modifications will increase fishing costs to Atka mackerel vessels but these costs may be necessary if we are to avoid potential for localized depletion. We have discussed the need to spread the fishery out over time among fishery participants and we feel there is a very good chance that we can come up with a proposal supported by the core fishermen impacted by any seasonal changes. Let's face it, avoiding enlarged rookery areas is a strong incentive for achievement of an agreement.

Our goal is to develop consensus proposals between the core fishermen that would be affected by modifications in the Atka mackerel sub-area fisheries. For instance, the discussions would include flatfish fishermen who would be impacted by the Atka mackerel vessels entering flatfish fisheries if

mackerel seasons are modified. We would also include representatives of trawl fisheries in the Gulf of Alaska to ensure minimization of ripple effects caused by changes in Atka mackerel seasons.

This letter is mainly informational at this point, Mr. Chairman, but we feel it may be necessary for the Council to take this issue up briefly in February and would like feedback as to whether the Council is interested in adjusting Atka mackerel seasons and whether the Council concurs with the industry taking the lead to develop a proposal with the guidance of Atka mackerel stock assessment, marine mammal management, and other appropriate staff. Guidance from the Council would allow us to begin the development of proposals in earnest. We would then plan to come back to the Council with a list of proposals in April along with a description of what we feel are the advantages of different proposals. Thanks in advance for considering our request. We will be ready to answer any questions the Council might have on this matter at the February meeting.

Sincerely,



John R. Gauvin
Director

cc: Steve Pennoyer, NMFS/ AKR
Jim Balsiger, NMFS/ AFSC
Dave Benton, ADF/G
Dennis Austin, WDF/W



UNITED STATES DEPARTMENT
National Oceanic and Atmospheric
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

January 28, 1998

RECEIVED

JAN 29 1998

N.P.F.M.C.

Mr. Richard B. Lauber
Chairman, North Pacific
Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252

Dear Rick:

We plan to withdraw the proposed regulatory amendment, published in the Federal Register on November 6, 1997 (62 FR 60060), that would have extended survivorship transfer privileges in the Individual Fishing Quota Program to heirs of deceased quota share (QS) holders. On further review of the proposed action, we find a conflict exists between the proposed regulatory amendment and the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMPs).

All leasing of IFQ in QS categories B, C, and D is prohibited by existing regulations. However, the FMPs provide for emergency transfer of QS and IFQ. On the authority of the FMPs' emergency transfer provisions, a surviving spouse of a deceased QS holder is granted relief from the general prohibition on leasing of IFQ in categories B, C, and D on an emergency basis for a period of three years following the QS holder's death. The potential emergency upon which such transfer privileges are predicated and, hence, authorized by the FMPs is the temporary indisposition of QS while the deceased QS holder's estate remains in probate. NMFS implemented the surviving spouse provision expressly to allow a spouse, who may not be otherwise eligible to fish an IFQ allocation, to benefit from a deceased QS holder's fishing business pending the final disposition of the QS. These privileges are temporary, because once a deceased QS holder's estate is probated and an heir to the QS determined, that heir is free to transfer the QS to an individual eligible to fish an IFQ allocation.

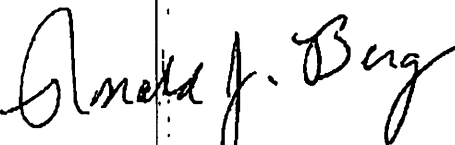
In June 1997, the North Pacific Fishery Management Council (Council) recommended a regulatory amendment to extend the survivorship transfer privileges to heirs of deceased QS holders. For the benefit of such an action to take effect, the QS must first be disposed through the legal determination of an heir. Implementation of this proposed action would not extend the benefit of the existing surviving spouse transfer privileges to



other surviving family members in addition to or in the absence of a spouse. Rather, it would nullify the benefit of the existing rule, which is to allow a surviving spouse to lease the deceased QS holder's IFQ for up to three years between the date of the QS holder's death and the time when the legal beneficiary of the QS may transfer the QS to an eligible individual. Moreover, no authority exists in the FMPs for implementing this action. Extending to heirs the emergency transfer privileges presently in place for surviving spouses would not provide for an emergency situation and would consequently be in conflict with the FMPs' prohibition of leasing. NMFS intends, therefore, to withdraw the proposed rule.

If the Council's intent is to give other members of a deceased QS holder's family the same privileges currently afforded to surviving spouses, an alternative measure might be to recommend allowing a QS holder to designate an individual to whom NMFS might grant emergency transfer privileges in the event of the QS holder's death and in the absence of a spouse. This alternative may implement the Council's intent in a manner consistent with the FMPs and without nullifying the current transfer privileges afforded to surviving spouses of QS holders.

Sincerely,


For Steven Penoyer
Regional Administrator

ALASKA MARINE CONSERVATION COUNCIL

Box 101145 Anchorage, Alaska 99510
(907) 277-5357; 277-5975 (fax); amcc@alaska.net

Agenda B-2

MEMORANDUM

TO: Rick Lauber, Chair
North Pacific Fishery Management Council

FR: Dorothy Childers *DC*

DT: February 2, 1998

RE: Alleviating impacts of groundfish fisheries on Steller sea lions

NMFS has announced plans to present possible management actions to reduce or prevent localized depletions of Atka mackerel and impacts on Steller sea lions at the Council's April meeting. Attached are AMCC's recommendations which we proposed to the North Pacific Fishery Management Council last December. Please see pages 3-4.

We request that the Council include AMCC's recommendations at your April meeting.

Alaska Marine Conservation Council

P.O. Box 101145, Anchorage, Alaska 99510

Ph: 907-277-5357, fax: 907-277-5975

e-mail: amcc@alaska.net

December 9, 1997

Rick Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501

RE: Bering Sea Pollock and Atka Mackerel

Bering Sea Pollock

The 1998 stock assessment for Eastern Bering Sea pollock has shown that the biomass is roughly the same as last year's assessment at about 6 million metric tons. This represents a decline from high biomass of 13 to 15 million metric tons in the mid-1980's. Our harvest levels in the EBS have been maintained at about the same level since 1990: we average between 1.1 and 1.4 million metric tons. As AMCC pointed out last year, EBS pollock harvests have been maintained despite a declining population, and despite the fact that surrounding pollock stocks have collapsed or are otherwise declining. The Aleutian Basin (Donut Hole) fishery collapsed and closed to fishing in 1991, the Bogoslof fishery thought to be associated with the Aleutian Basin pollock, closed to fishing in 1992 and is experiencing a significant decline. The Aleutian Islands pollock relationship to the EBS pollock is poorly understood, and while the 1997 survey showed a slight upturn, may be in a continued decline. Pollock stocks on the Russian side of the Bering Sea are not faring well: the Western stock is in decline. The status of the Navarin, or northern Bering Sea pollock is not well known, while harvest rate in that particular area may be as high as 60%.

The 1997 survey for the EBS pollock indicates an above average 1996-year class, but this year class so far stands alone in terms of other year class strength or overall age structure diversity for the population. As AMCC pointed out in 1996, the dependency of the fishery on a single year class belies the resiliency of that population in the face of environmental adversity. If conditions environmental conditions become unfavorable to the survival of young fish, a single strong year class could be wiped out with nothing to replace it. In addition, according to this year's assessment, the age 3+ biomass still hovers in the neighborhood of previously determined B_{msy} , or 6 million metric tons.

The assessment does not take into account the effects of pollock harvests on the Russian side of the Bering Sea. The Navarin stock of pollock is thought to be related to EBS pollock, but that relationship is poorly understood. We do know that the Navarin stock is experiencing high levels of exploitation. There may be an increased susceptibility of EBS

pollock in this Russian harvest, as they are thought to be moving in a more northwesterly direction (from the Pribilof Islands) in response to warmer water temperatures.

There is growing concern about the merit of intensive harvest on spawning aggregations of a fish population in decline. Prior to 1980, most of the pollock harvested in the Bering Sea was taken by the Japanese. Their season lasted from June to September, outside the roe-bearing season (EA/RIR for Amendments 19 and 14 to GOA and BS/AI FMPs, 1990). Increased and intensive harvests of pollock in the Donut Hole in the late 1980's eventually drove that fishery into collapse. That fishery made an increasing shift in effort on the spawning aggregations of the Bogoslof area directly prior to the collapse of Aleutian Basin stock and the subsequent significant decline of Bogoslof fish in recent years. Bogoslof fish are considered to be closely related to Aleutian Basin "stock", and may contribute anywhere from 60% to 100% of mature fish to that biomass. While there is little quantitative measure of the effects of fishing heavily on spawning aggregations, intensive harvests on spawning aggregations of cod and haddock on the East Coast coincided with the collapse of those fisheries. Despite a five-year moratorium on fishing in the Donut Hole, there has been no recovery of the fishery. This may be an ominous signal of the effects of aggressive fishing during an important part of the pollock life cycle. There is further concern about the disruption of spawning by our fishing practices on the health of major pollock predators.

Looking at it from a broader perspective, one that includes marine mammals and seabirds as other pollock predators, the picture grows darker. Catches of pollock in steller sea lion critical habitat have increased multifold. According to NMFS scientists, the pollock fishery has increasingly extracted more and more of its annual quota from critical sea lion habitat. In fact, pollock catches in these areas increased from 10% of the total pollock quota in 1977 to almost 70% in 1995 (Fritz and Ferraro, 1997). In 1989, when the listing of sea lions as a threatened species under the ESA, food stress had been listed as a possible cause of the sea lion decline. Further research has shown that winter foraging for juvenile and lactating females demands high quality and diverse prey in accessible quantities. The food requirements for adult females with pups and are greater in the winter than in summer. Young of the year pups just learning how to forage could be more easily limited by changes in prey distribution (Merrick and Loughlin, 1997). Also, prey diversity and declines in sea lions have been linked in the Gulf of Alaska and Aleutian Islands: declines have been greatest where diet diversity is the least (Merrick, Chumbley, and Byrd, 1997). Food stress is now considered as a primary factor in the continuing sea lion decline.

Local observations from False Pass indicate an annual exodus of sea lions through the Pass during the "A" season fishery (pers. comm, Buck Laukitis). National Marine Fisheries Service should investigate this. Could there be behavioral displacement of sea lions from the activity of the fishery?

Along with significant impacts to the higher nutritive value of roe-bearing pollock, we have had huge localized impacts on spawning aggregations of atka mackerel in the last 5

AMCC wishes to remind the Council of the list of factors that "WILL be considered when setting a seasonal allowance of the pollock TAC", according to section 14.4.10 of the Bering Sea/Aleutian Islands FMP, as amended when the Council banned roe-stripping of pollock in 1991. Included in this list are the following:

- **Current estimates of and expected changes in pollock biomass and stock conditions; conditions of marine mammal stocks, and biomass and stock conditions of species taken as bycatch in directed pollock fisheries;**
- **Potential impacts of expected seasonal fishing for pollock on pollock stocks, marine mammals, and stocks of species taken as bycatch in directed pollock fisheries.**

In order to meet the imperative to address the marine system as a whole as we conduct our fisheries, the Alaska Marine Conservation Council has the following recommendations:

1. **The entire Eastern Bering Sea pollock fishery must be reconstructed to as to reduce fishing pressure during the "A", or roe-bearing pollock season. Temporal and spatial compression of the fishery has increased catches of important forage for steller sea lions. This can be addressed in the following ways:**
 - **Reduce the pollock harvest in the "A" season to no more than 10, 20, 22.5 or 30% of the total quota, combined with-**
 - **Break up the "A" season in time: The Council should consider redistributing the fishery in time through temporal closures to allow for greater prey availability for marine mammals. Options are: 1) open the fishery for one week, then close for one week, 2) 10 days on/off, 3) 14 days on/off).**
 - **Reduce levels of pollock catches in designated sea lion winter foraging grounds. Without closing out the entire 60 nm radius determined to encompass winter forage grounds, we suggest that there be a maximum tonnage of pollock allowed to be extracted from these areas. The suggested maximum for the "A" season pollock harvest in critical sea lion habitat is the percentage of total of the pollock harvest removed in 1977, 10% or roughly 100,000 mt of pollock. The remainder of the quota could still be taken from outside of sea lion winter foraging range.**
 - **Extend the trawl closure zones to all rookeries to 20 nm in the winter months for both pollock and atka mackerel fisheries (currently only 6 rookeries in the Eastern Aleutian Islands have a 20 nm buffer during the pollock season, all others are 10 nm including those near the atka mackerel fishery)**

Additionally, in an effort to gain more accurate information in the fishery during the period of important winter foraging, require the following for any vessel wishing to harvest pollock inside the 60 nm radius of sea lion critical habitat previously described by NMFS (EA/RIR for trawl closures in the GOA and BS/AI, 1992):

1. two observers
2. daily reporting of catch
3. accurate weight and measure of catch

Also, the Council should begin an analysis to restrict cod end size of pollock trawl nets to less than 100 metric tons, especially during "A" season. We do not know what effects there are from extracting 200 mt or more of spawning pollock in one tow of a net. Smaller nets can make catches more manageable, create the ability to fish elsewhere in the event a codend full of fish is all juvenile pollock. Discards may be minimized in this way.

2. For atka mackerel, mitigate the intensity of the localized depletions in the following manner:

- **Break up the season in place and time by apportioning each statistical area's quota (areas 541, 542, and 543). For example, begin with a 5-day season in area 541 for 1/3 of the 1998 quota, or roughly 5,000 mt. The next 5-day opening would be in area 542, for 1/3 of that area's quota, or roughly 7,000 mt. Close this area, then open area 543 for 7 - 10 days to take 1/3 the quota, or roughly 9,000 mt. Close this area and begin the process again.**

Habitat disruption from bottom trawling remains a concern in this fishery. In the above recommendations, we need to insure that bottom-trawling effort is not displaced to a wider and perhaps currently non-impacted habitat.

We offer these recommendations to help mitigate the effects of our fisheries on marine mammals, especially sea lions. If the sea lion can be called the barometer of change in the Bering Sea from human influences, we must act decisively today and alter our fishing approaches now. We must move beyond the singular approaches of the past, which have not bode well for either fisheries or other marine life in oceans around the world.

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December 9, 1997

Buck Lauktis
Stonewall Place
False Pass, AK 99583

Mr. Rick Lauber
Chairman, North Pacific Fisheries Management Council

Dear Mr. Lauber,

I am writing because I am unable to make it to Anchorage for the current NPFMC meeting. I would like to point out an unusual phenomenon that occurs annually in False Pass.

False Pass, as you know, separates Unimak Island from the Alaska Peninsula and is the first marine pass between the Gulf of Alaska and the Bering Sea. The north Unimak Island area is an important area for sea lions. It is also the epicenter of the pollock trawl A season. Every year in January approximately one week after the A season opens we observe an influx of Stellar sea lions in False Pass. False Pass is a productive marine area and sea lions and other large marine mammals are present at most times of the year. There is, however, a pronounced increase in abundance of sea lions in the Pass after mid-January, and these animals are definitely traveling southward through the Pass. In other words, they are coming from the north Unimak area.

This has been a recent phenomenon. It has been observed the past four or five years but not before. My friend Stanley Kristensen, who was born on Unimak 75 years ago, has observed this with me from our homestead at the narrows of False Pass. He has told me he has never seen so many sea lions in his entire life as he sees in January and February in the Pass in recent years. He can't figure out how they are an endangered species! As you know, however, sea lion populations are in a sharp state of decline in this area, so this seeming abundance can not be explained by an over-all population trend.

I explained my observations to NMFS personnel several years ago. I believe that it can be reasonably explained by the intense and condensed harvest of pollock in both time and place around north Unimak. I believe that sea lions are being abruptly displaced from their traditional foraging areas and are migrating through the Pass to forage in other areas. I have no way of knowing if these areas in the Gulf are as productive for these sea lions. I can conjecture that

because of their state of decline that these areas may not be as beneficial as the areas where they seem to be leaving. The area they are leaving does maintain a tremendous biomass of pollock. Why would they leave?

Of course, I don't expect you to be able to answer that question. I would like to have you direct the NMFS to look into this. I believe that it would be wise to look for different ways to conduct the A season. It might be necessary to reduce the roe season allocation. It may be necessary to break up the harvest by time and area.

I am concerned that we are witnessing animals in stress. Using precaution in these matters for the long term health of our resources is essential to me as a coastal resident and as a commercial fisherman.

Sincerely,

Buck Santori