


MEMORANDUM

TO: Council, AP and SSC Members

FROM: Clarence G. Pautzke 
Executive Director

DATE: June 20, 1991

SUBJECT: Bycatch Management in the Groundfish Fisheries

ACTION REQUIRED

1. Receive report of IPHC workgroup on halibut and report bycatch by gear type in the Gulf of Alaska.
2. Receive report from Ad Hoc Bycatch Committee and task staff with analysis of bycatch amendment.
3. Review of herring bycatch management and effectiveness of special closed areas.

BACKGROUND

1a. IPHC Bycatch Working Group

The IPHC Bycatch Working group is currently preparing reports that: (1) examine halibut bycatch in the groundfish fisheries; (2) propose and consider measures to control and reduce halibut bycatch and, (3) recommend to the U.S. and Canadian governments a plan to reduce halibut mortality in the groundfish fisheries. The stated goal for the group is to reduce by half the current halibut mortality over the next two years. This information will be presented at a special IPHC meeting on July 22-24 in Seattle. Notice of this meeting is at D-2(a). IPHC Bycatch Working Group Chairman Steven Pennoyer will provide a more detailed overview of the Group's activities. The Group's next meeting will be held at the Commission office, beginning at 10 a.m. on Tuesday, July 2, 1991.

1b. Halibut Bycatch by Gear Type in the Gulf of Alaska

A request was made during the April Council meeting for information on halibut bycatch by gear type in the GOA. Table 1 presents NMFS estimates of the halibut bycatch mortality for the Gulf of Alaska as of June 16, 1991.

Table 1. 1991 Gulf of Alaska Fisheries Halibut Bycatch Mortality.

Week	Hook & Line Allowance 1st & 2nd Trimesters 700 MT Mortality				Trawl Allowance 1st & 2nd Quarters 1200 MT Mortality			
	Mortality MT	% of Allowance	Cum. Mortality	Cum. %	Mortality MT	% of Allowance	Cum. Mortality	Cum. %
01/06/91	17	2.4%	17	2.4%	2	0.1%	2	0.1%
01/13/91	3	0.5	20	2.9	7	0.6	9	0.7
01/20/91	2	0.3	22	3.2	6	0.5	5	1.3
01/27/91	2	0.4	25	3.5	17	1.4	32	2.7
02/03/91	5	0.7	29	4.2	27	2.2	59	4.9
02/10/91	1	0.2	30	4.3	16	1.3	75	6.3
02/17/91	4	0.6	34	4.9	61	5.1	136	11.3
02/24/91	7	1.1	42	6.0	102	8.5	238	19.8
03/03/91	8	1.1	49	7.1	102	8.5	339	28.3
03/10/91	11	1.6	61	8.7	103	8.6	443	36.9
03/17/91	12	1.6	72	10.3	98	8.1	540	45.0
03/24/91	4	2.0	86	12.3	169	14.1	709	59.1
03/31/91	11	1.5	97	3.8	193	16.1	902	75.2
04/07/91	6	0.8	102	14.6	73	6.1	975	81.3
04/14/91	6	0.9	108	15.5	93	7.7	1068	89.0
04/21/91	10	1.4	118	16.9	102	8.5	1170	97.5
04/28/91	6	0.9	125	17.8	176	14.7	1347	112.2
05/05/91	2	0.2	126	18.0	85	7.1	1432	119.3
05/12/91	9	1.3	135	19.3	54	4.5	1486	123.8
05/19/91	53	7.5	188	26.8	0	0.0	1486	123.8
05/26/91	161	23.0	349	49.9	0	0.0	1486	123.9
06/02/91	63	9.1	413	59.0	0	0.0	1486	123.9
06/09/91	61	8.7	473	67.6	0	0.0	1486	123.9
06/16/91	52	7.4	525	75.0	0	0.0	1486	123.9

Data based on observer reports, extrapolated to total groundfish harvest. Estimates for all weeks may change due to incorporation of late or corrected data.

2. Ad Hoc Bycatch Committee Report

The Bycatch Committee met on May 13-14 and June 3-4 to discuss a variety of issues concerning bycatch management including the current Vessel Incentive Program, alternative bycatch management programs and possible elements of the 1991 bycatch amendment (19/24). Minutes of those meetings are included in your notebooks as item D-2(b). Chairman Cotter will provide an overview of the Committee's activities. A written report will be available at the Council meeting.

At this meeting the Council needs to review the Bycatch Committee's report and choose options in order to initiate analysis and staff tasking of the bycatch amendment 19/24. The analysis must be completed over the summer for initial review in September and final action in December.

3. Herring Bycatch Management

During the public comment period on amendment 16a, information was presented indicating that the Winter Herring Savings Area may need adjustment to encompass areas of winter herring concentration. NMFS has reviewed this comment and analyzed the data of historical winter concentrations of herring. Though the 1983-1988 observer data on herring bycatch indicate that the midwater fishing effort for pollock occurred primarily west and north of the Winter Herring Savings Area, an examination of historical foreign directed herring fisheries and 1989 and 1990 herring bycatch data indicates that most of the winter herring bycatch indeed occurred in the Winter Savings Area. NMFS will present additional information on this issue.

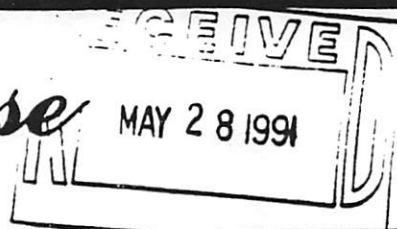
Regarding the Summer Herring Savings Areas, the Council has requested ADF&G to examine alternatives for an extended Summer Savings Area to provide further protection to migrating herring stocks. In addition, the ADF&G has expressed interest in expanding this analysis to examine the adequacy of the Winter Savings Area based on recent domestic observer data and to develop alternative configurations for the Winter Savings Area.

With the information available at this time, the Secretary deems the Winter Savings Area defined under Amendment 16a as adequate for protecting winter concentrations of herring based on long-term historical data and recent (1989 - 1990) distribution patterns of herring bycatch. The Final Rule for Amendment 16a will go into effect sometime in July, 1991. The configurations of the Herring Savings Areas may be revised through a subsequent FMP amendment, pending Council action on the expanded ADF&G analysis of the Herring Savings Areas.

NMFS will present additional information on this issue. A copy of the Federal Register notice of the proposed rule for Amendment 16a, including a map of the Herring Savings Areas, is included in your notebook as item D-2(c).

INTERNATIONAL PACIFIC HALIBUT COMMISSION

News Release



May 23, 1991

P.O. BOX 95009, SEATTLE, WASHINGTON 98145-200

1991 IPHC SPECIAL MEETING ANNOUNCEMENT

A special meeting of the International Pacific Halibut Commission to discuss halibut bycatch will be held in Seattle, Washington, Monday, July 22 through Wednesday July 24, 1991. The sessions will be held in the Building 9 Auditorium at the NOAA Western Administrative Center, 7600 Sand Point Way N.E.

The meeting is in response to a resolution endorsed at the Commission's annual meeting in January, calling for the Commission to review a working group report which assesses each country's efforts to control and reduce bycatch, and consider appropriate levels of bycatch reductions. Recommendations will be forwarded to the Canadian and United States governments following the meeting.

Meeting Schedule

Monday, July 22 from 1:30 p.m. to 5:30 p.m. the Commission will meet in a public session with fishermen, vessel owners, processors, and all other interested parties. At this session the preliminary results of the working group report will be presented.

Tuesday, July 23 from 8:30 a.m. to 5:00 p.m. the Commission will meet privately in an administrative session.

Wednesday, July 24 from 8:30 a.m. to noon the Commission will meet in a public session to finalize recommendations to governments.

-END-

Dr. Donald A. McCaughran, Director
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SUMMARIZED DRAFT MINUTES

Bycatch Committee Meeting

May 13-14, 1991

The Council's Ad Hoc Bycatch Committee met on May 13-14, 1991, at the University of Alaska, Southeast, Juneau, Alaska. Committee members present were Larry Cotter (Chair), Rick Lauber, Steve Pennoyer, Mark Petersen, Bob Alverson, Wally Pereyra and Dave Hanson.

The purpose of the meeting was to examine bycatch management in a broad perspective. This included the presentation and review of two bycatch incentive proposals: a Vessel Incentive Pool (VIP) concept by Larry Cotter and an Individual Bycatch Accounts (IBA) approach by Dave Fraser. The format of the meeting was an informal work session, with the Committee presenting their thoughts and ideas on the proposals and seeking guidance from NMFS staff and NOAA General Counsel regarding the implementation and legality of the proposals.

Individual Bycatch Accounts (IBA)

Dave Fraser presented a bycatch management concept based on allocating PSC to individual vessels or pools of vessels (see attachment). This concept is based on the quantity of bycatch rather than the rate of bycatch. The proposal would address the following constraints of the current bycatch system:

1. Allocation under open access;
2. A statistically valid method of estimating total bycatch needed by NMFS enforcement that will hold up in court;
3. The difficulty of monitoring PSC utilization in real time; and,
4. The need for a mechanism for inseason reallocation that allows for and encourages the most efficient utilization of PSC.

The proposal includes initial allocation of PSC to permit holders and in-season system operation. The Council would continue to set PSC by gear type, but would not apportion the cap by target species. Three alternatives for initial allocation are:

1. Divide PSC by number of permit holders for each gear type and distribute equally;
- 2a. Base the allocation on "threshold of participation" which separates active and minimal fishermen. Active participants would receive greater amounts of PSC than minimal participants;
- 2b. Same as 2a, but the category of "minimal participation" is further differentiated between those with no landings and those with some.

Regarding inseason system operation, the proposal allows for:

1. Vessels to choose whether or not to participate in a pool;
2. A default pool for vessels which choose not to operate in the the IBA sector. NMFS would manage much like the status quo;
3. Criteria for operating in the IBA sector. This includes:
 - a. 100% observer coverage for operational time and 50% of all catch sampled;
 - b. Certain number of vessels per pool (min/max) and accepted by NMFS,
 - c. The vessel or pool agrees to accept the statistical sampling methodology used by NMFS to estimate attainment of individual PSC cap,
 - d. The vessel or pool agrees to a level of penalty for exceeding its IBA; and,
 - e. The vessel or pool registers with NMFS.

The IBA proposal also allows 1) vessels to transfer into a new pool and take with it its individual unutilized PSC, 2) pools may expel members at any time, 3) pools can transfer PSC among themselves, 4) the default pool is open to new entrants and automatically accepts vessels expelled from other pools, and 5) vessels may exit default pool at any time but cannot take PSC from the default pool.

Vessel Incentive Pools

Larry Cotter presented a Vessel Incentive Pools (VIP) concept to the Committee (see attachment). Under the VIP proposal vessels would be required to join pools and then manage bycatch on the basis of pools. This concept is intended to address many of the problems associated with individual vessel incentive programs, including:

1. Statistical variability and sampling error in bycatch accounting;
2. The enforcement role imposed upon an observer;
3. Problems associated with 100% vs 30% observer coverage levels; and,
4. Reduction of management costs.

All vessels would be required to form or join a VIP. If not, they would not be allowed to fish. Each VIP would be certified by NMFS in accordance with the following standards:

1. A minimum and maximum number of vessels;
2. Ability of the VIP to timely monitor catch, bycatch and effort of its member vessels;
3. Ability of a VIP to report daily to NMFS; and,
4. Other operational measures as appropriate.

One alternative is to establish a "default" VIP for vessels that are unable or unwilling to join other VIPs. However, this complicates the pool concept.

Bycatch rates would be monitored on a pool basis. At a predetermined point in the fishery, all pools would have their average bycatch rates checked against the standard. Pools at or below the standard would be allowed to continue fishing; those above would have their certification revoked. Vessels belonging to pools that are decertified would be prohibited from fishing until they join a certified pool.

The clean fishing test has two alternatives: a preseason determined rate or an inseason average rate. Determination of when to apply the clean fishing test should be related to the size of reward given to those who pass. The earlier in the season the test is applied, the greater the reward for those who pass the test.

The reward for clean fishing is either a bycatch credit system which apportions the remaining PSC allowance to clean VIPs inversely proportionate to their VIP bycatch rates, or a bycatch reserve system where the clean VIPs would be allowed to continue fishing until the remaining PSC allowance is used up.

Other Incentive Systems

The Committee discussed variations of the pool concept. One idea presented was to allocate PSC equally into three separate categories. Vessels would be placed into one of the three categories, based on their previous season's bycatch rate.

General Comments on Bycatch Management

The Committee expressed its frustration with the inability of NOAA General Counsel and NMFS to implement any comprehensive incentive program. The Committee considered

whether NMFS Regional staff should concentrate on developing and analyzing the new proposals or on monitoring and finetuning the current bycatch incentive program. The Committee concluded that the incentive system could not be expanded at this time given legal and observer information restraints.

Regarding the newly implemented incentive program, the Committee recommended that vessel names and their bycatch rates be published. According to NMFS Regional staff, this amendment is in final rule review in Washington D.C. and should be published in approximately one month. The decision to publicly identify vessels by name is optional. The Committee agreed to urge the Council in June to request NMFS to publicly identify all vessels by name with their bycatch rates.

The Committee discussed recommending to the Council as part of the bycatch amendment alternatives that vessels be required to have a COMSAT communication system. This would allow the observer and NMFS to maintain fast, reliable two-way communication. This would allow for at-sea debriefing by NMFS. The Committee referred this issue to its June 3-4 meeting.

NOAA General Counsel stated that, under the revised incentive program, NMFS could use its authority to sanction a boat and bring it into port if data suggest it exceeded the established bycatch rate. This would act as a disincentive because of lost fishing time. The Committee questioned General Counsel on how much a vessel's bycatch rate would have to exceed the standard for NMFS to request a vessel to come into harbor or sanction a permit, using real time data.

The Bycatch Committee recommended that the following sentence be included in their report to the Council at the June meeting:

The Bycatch Committee recommends that the Council request NMFS to vigorously use its authorities under the Magnuson Act to enforce the intent of this Council to move towards the real time removal of vessels with excessive bycatch rates operating in the fisheries covered under the recently initiated bycatch incentive program.

Observer Program

The Bycatch Committee discussed the issue of reliability and use of observer data, and requested NMFS to identify, in writing, the items necessary from the observer program to increase the statistical reliability of observer data.

The Committee also requested NMFS to identify the current range of statistical confidence intervals associated with observer data, and the impacts the following would have on those intervals: -

1. Requiring total catch to be weighed or volumetrically measured;
2. Expanded coverage (more observers on high volume vessels);
3. Measuring bycatch rates on the basis of pools or groups of vessels rather than individual vessels;
4. Requiring all PSC to be retained;
5. Requiring all non-PSC to be retained; and,
6. Require everything to be retained.

Hotspot Authority for the Regional Director

The Committee discussed the current definition of the hotspot authority which the Regional Director can use to close a portion of a fishery. Due to its classification as discretionary, rather than directionary, certain standards need to be satisfied to avoid any arbitrary and capricious behavior and meet Administrative Procedures regulations under NEPA and EPA. Due to this classification, implementation of this authority can take up to two months which defeats the original intent of developing a hotspot authority for the RD.

Therefore the Committee concluded that the current definition of hotspot authority needs to be recrafted. Discussion centered around establishing a framework approach for authorizing hotspot closures. This requires identifying in advance hotspots, and establishing criteria to trigger their closure. This also includes describing the circumstances of the closure (who, what, where and when). This item was referred to the June 3-4 meeting.

Retention

NOAA General Counsel stated that the IPHC has authority to determine who can retain halibut. Regulations would have to be changed, but not the Convention.

Regarding rules that apply to retention of other PSCs, legal counsel stated that retention of chinook salmon could require changes to international treaties. Counsel will research this in more detail and present findings at the June 23rd Bycatch Committee meeting.

SUMMARIZED DRAFT MINUTES

Bycatch Committee Meeting

June 3-4, 1991
Seattle, Washington

The Council's Ad Hoc Bycatch Committee met on June 3-4, 1991 at the Alaska Fisheries Science Center in Seattle, Washington. Committee members present were Larry Cotter (Chair), Rick Lauber, Henry Mitchell, Ron Hegge, Steve Pennoyer, Judy Merchant, Mark Pedersen, Bob Alverson, Wally Pereyra, Earl Krygier, and Dave Hanson. A draft meeting agenda is attached (attachment 1).

Review Minutes of the May 13-14 Bycatch Committee Meeting.

The Committee reviewed the minutes of the previous meeting. Discussion focused on the following items:

1. Bycatch incentive proposals such as a Vessel Incentive Pool concept, an Individual Bycatch Account approach and other incentive systems;
2. Discussion on the newly implemented rate based incentive program;
3. Statistical reliability and use of observer data for enforcement of the incentive program;
4. Use of COMSAT or COMSAT equivalent communication equipment on board vessels for transfer of observer data;
5. NMFS publication of vessel names and bycatch rates;
6. Hotspot authority for the Regional Director; and,
7. Retention of PSCs.

NMFS Response to Bycatch Committee's Request for Information

At the May 13-14 meeting the Bycatch Committee requested NMFS to provide additional information on various bycatch issues. What follows is a summary of the presentation by NMFS staff. Refer to the attached May 31 letter for more detailed information (attachment 2).

Regarding changes that could be made in the observer program to improve accuracy of estimates and PSC accounting, NMFS presented the following possibilities:

1. Accurate measurement of haul weights by observers using weighing technology like in-line conveyer belt scales or ultra-sonic bin sensors to measure the volume of fish in a fish bin or hold.
2. Better and more timely transmission of data and communication between NMFS and observers at sea. One system discussed was a satellite data link. The Committee received a presentation on this technology by a NMFS advisor on COMSAT.

Regarding the Committee's request about changes that would improve the existing Vessel Incentive Program (VIP), NMFS staff stated that the program is now in place, has the potential for success, and should be allowed to work before introducing any substantial changes. Preliminary estimates of vessels' bycatch rates and corresponding confidence intervals from observer data from January - April 1991 indicate the data and sampling would have been sufficient to support prosecution of violations of the VIP (Attachment 3).

In addition, by operating NMFS field stations in Unalaska/Dutch Harbor and Kodiak and improving the communication with observers and transmission of data, NMFS staff believes the lag time in sanctioning vessels will be decreased.

NMFS staff suggested that minor changes, such as sampling a greater number of hauls, increasing the observer coverage or placing more than one observer on board a vessel, would decrease confidence intervals of vessel bycatch rate estimates.

NMFS staff also presented information on possible elements of a refined hotspot authority and determination of legal retention of PSC species. See attachment 2.

Groundfish Weighed and/or Measured Volumetrically

The Committee received a report from its Measurements Subcommittee concerning weighing or volumetrically measuring all groundfish harvests. Chris Blackburn stated that weighing the catch of vessels delivering fish out of a hold shoreside is the optimal method of determining amount and weight of harvest. One problem this method presents is that a higher PSC bycatch rate will be observed if vessels discard non-PSC fish at sea before delivering its catch. Bert Larkin stated that volumetrically measuring catch would be difficult to do because of the conditions present on board a vessel, including space limitations, motion of the vessel and risk to observers on the deck. He felt that estimating harvests using product recovery rates is the best method currently available.

Status of IPHC's Bycatch Working Group

A brief report on the status of the IPHC's bycatch working group was presented by Steve Pennoyer. The charge to this group was threefold: 1) examine the halibut bycatch in the groundfish fisheries, 2) propose and consider measures to control and reduce halibut bycatch, and 3) recommend to the U.S. and Canadian governments a plan to reduce halibut mortality in the groundfish fisheries. The stated goal for the group is to reduce by half the current halibut mortality over the next two years. Reports on these tasks are currently being prepared and will be presented at the July 22-24 IPHC special meeting in Seattle.

1992 Bycatch Amendment Proposals

The Committee reviewed a list of potential bycatch measures to be analyzed by Council and NMFS staff for possible inclusion in a 1991 bycatch amendment. The Committee reviewed each item, accepted bycatch management proposals from industry representatives for review and heard public testimony. (see Attachment 4) The Committee prioritized the list of options and requested a report from staff before the next Bycatch Committee meeting outlining: 1) staff availability, 2) amount of time each item will require for analysis, and 3) which items have existing data available and which will require generation of new data.

There was a fair amount of discussion from Committee members, representatives from the industry/public and NMFS Region staff about the optimal methodology for developing a comprehensive bycatch amendment and utilization of staff time. The Regional Director encouraged the Committee to first direct its energy on the incentive program. He suggested: 1) seeing whether the existing program can stand up to a legal challenge in court; 2) adding additional fisheries to the program including the BS cod fishery and GOA cod and rockfish fisheries; and 3) examining what we can do to further develop the incentive program as more information and experience from the program are acquired. In response to a question, the Regional Director agreed he had the authority to expand the

program to other fisheries without a plan amendment.

The Committee spent considerable time discussing an enhanced incentive program with some members urging that this be the Council's top bycatch priority. Rick Lauber stated that the May Bycatch Committee meeting made it clear that we have gone as far as we can go without new direction from NMFS and NOAA GC. He said he strongly supported a stronger, more comprehensive program but every thing the Committee had suggested has been rejected for one reason or the other. The Committee was in agreement that an improved incentive system is extremely desirable and supports efforts in that direction.

Some members of the Committee suggested that it develop a mission statement to provide direction for Committee actions in developing a bycatch amendment. Larry Cotter suggested that a generic, somewhat neutral mission statement would probably be the most the Committee could reach consensus on. Henry Mitchell then suggested adopting a goal of reducing halibut by half within a certain time. The Committee failed to reach consensus on his proposal.

The following describes the Committee's response to the list of potential bycatch measures.

1. Hotspot Authority in GOA (and revised hotspot authority in BSAI).

**Priority
High**

The Committee and staff noted the absence of any authority on the Gulf and that the authority in the Bering Sea does not provide the regional Director with the appropriate discretion to manage on a real time basis. This does not allow existing hot spot authority to be useful in the way the Council initially intended it to be. Providing the regional Director with real time management ability requires a clear definition in advance of what will happen to who when and where. It should be possible to develop a framework to identify these definitions by having the Council determine the answers on an annual basis.

2. Require all groundfish harvests to be weighed or measured
Suboption 1: could differ by sector, for example, weigh volumetrically onshore, volumetrics at sea.
Suboption 2: Require all groundfish to be quantified by the most accurate method possible.

High

Concerns focused on determining the most accurate method of estimating hauls weights, how observer haul weight information is used for inseason management decisions, the problems associated with estimating total catch weights from recovery rates, and the problem of estimating total catch when vessels discard at sea. The Committee identified this item as one that would contribute to an enhanced incentive program.

3. Close trawling in Eastern GOA east of 140W.

High

The concern expressed was the threat of closing down the halibut and sablefish hook and line fisheries due to meeting and/or exceeding the DSR TAC as result of trawl bycatch, and other associated trawl concerns including ecosystem impacts on coral, salmon and other items.

4. Review effectiveness of all Time/Season/area closures, including:

High

- A) Close Seward Gully to sablefish and Pacific cod longlining to save halibut bycatch.
- B) Depth restrictions on sablefish longlining in GOA to protect halibut -

- include seasonal depth restrictions.
- C) Time/area closure of the Unimak Pass area.
 - D) Close bottom trawling around the Pribilof Islands to protect blue king crab.
 - E) Year round closure of Zone 1 to bottom trawling.
 - F) Delayed openings until January 15, February 1, or February 15 for all fisheries in BSAI and GOA.

Regarding closure of the Seward Gully, the Committee requested information on what percentage of the catch (black cod) comes from this area, how much halibut bycatch is incurred and if the data are currently available from either NMFS or IPHC. IPHC stated it could present something by September. The Committee felt this could be a high priority but to be analyzed on an extended cycle time frame.

Regarding depth restrictions, the Coast Guard is able to enforce fisheries with depth restrictions. The Committee agreed to make this a high priority but on an extended cycle time frame.

Regarding information from the Unimak Pass area, NMFS staff stated the bycatch data will be available by mid July. They need staff time to analyze it. Concern from industry is that this area is heavily fished by many boats early in the season when halibut are moving through the grounds.

The delayed opening should reduce salmon bycatch. The Committee felt that any changes in season opening dates in the Bering Sea should apply to the Gulf as well.

5. Prohibition of night trawling for Pacific cod.

High

IPHC staff stated that they are currently conducting a day/night analysis on 1990 cod fishery data. This will be completed by July, 1991. They have completed this kind of analysis on JV cod fishery data and conclude there is a significant difference between daytime and night time bycatch rates. It was noted that this was only biological analysis. Following the discussion the Committee decided that this proposal should apply only to the Pacific cod fishery at this time since other fisheries apparently encounter lower bycatch rates at night. Wally Pereyra objected to the decision to rank this item as a high priority for analysis.

6. Check-in, check-out for specific fisheries.

High

NMFS regional staff stated that they are having difficulty estimating and determining effort in different fisheries due to the trend of smaller TACs and PSCs. One example of the problem was this year's Greenland turbot fishery where the halibut cap was exceeded by 200 mt due to a very short fishery and greater than anticipated effort.

There was discussion about whether this would require a plan amendment or if it would require a regulatory amendment. NMFS staff stated it would be a regulatory amendment. The Chairman suggested the Committee recommend to the Council that NMFS proceed on its own schedule for developing a regulatory amendment.

7. Require real time (COMSAT or equivalent) communication equipment on vessels.

High

The Committee agreed this could help with in-season management by more timely transfer of observer data and better communication between vessels and NMFS. It also would

provide for quota monitoring and a means for management to get information to the fleet. It also could be used for vessel location. Cost of the equipment is relatively inexpensive (\$6,000 - \$10,000) and operational costs average \$0.01 per byte. The Committee identified this item as one that would contribute to an enhanced incentive program.

- 8. Provide Council the authority to allocate trawl PSC in GOA by fishery. (or"to allocate PSC for all fisheries in GOA by fishery")** Low

The Committee was mixed in deciding the rank of this item. Four members voted for a low ranking, three voted for medium and three voted for a high ranking. NMFS staff suggested a slight change of language to read "Provide the Council the authority (or ability) to allocate PSC for all fisheries in GOA by fishery." The Council would have to initiate regulatory change at the June meeting to go ahead on this at the September meeting.

- 9. Continuation of current Incentive Program.** No rank

This item became more of a reaffirmation to NMFS to keep going with the new program, rather than an issue to be analyzed. The Committee requested NMFS to inform them of what changes should be considered to make it a better program. NMFS staff stated that the evolution of the incentive program is a good example of adaptive management. This includes improving, modifying and adapting what we currently know by utilizing new information and move incrementally toward a goal.

- 10. Apportion outstanding quarterly bycatch to any remaining quarter.** Low

The Committee recommended a low priority because of the allocating nature of this item. A more appropriate time to decide on apportioning any remaining bycatch would be before the full Council at the December meeting. NMFS staff stated that analysis of this item would be fairly complex and require a plan amendment.

- 11. Gear modifications.** No rank

The Committee discussed various experimental modifications to gear to allow non-targeted species to escape. There is currently an SK proposal addressing this item. One member proposed the School of Fisheries to be an appropriate place for this research. The Bycatch Committee Chairman volunteered to seek input about potential modifications and report back to the Committee with his findings.

- 12. Provide authority to apportion PSC by area in GOA and BSAI.** High

The Committee decided to make this a high priority although NMFS stated that this would increase the complexity of managing various fisheries especially if this would entail making sub-areas within the existing statistical areas. To redefine areas would take a regulatory amendment.

- 13. Halibut PSC cap options:** High
- A) IPHC. Base line/floating caps for halibut in BSAI/GOA.
 - B) IPHC. Reduce BSAI PSC cap 10% per year for 5 years.
 - C) Reduce BSAI PSC cap of 5300 mt to 4500 mt.

Discussion included the advantages of using a floating cap as opposed to a fixed cap. A floating cap allows for consideration of the status of the halibut stock as it fluctuates over time. There was also discussion about the historical levels of halibut bycatch by the

foreign and JV operators and the desire to return to halibut bycatch levels from that time period. One member noted that the foreign fishing companies were able to catch their directed fishing quotas without exceeding their bycatch caps because of an effective incentive program.

14. Prohibit longlining 10-14 days before halibut season in the GOA to discourage prospecting. Suboption: limit the prohibition to those that have registered to fish halibut.

High

There was discussion about longline vessels prospecting for halibut while fishing in other directed longline fisheries. The result is very high halibut bycatch rates. The State of Alaska strongly supports analysis of this issue. There was a question as to how many days longlining should be prohibited before a halibut opening and which vessels it should be applied to.

15. Halibut Bycatch by gear types:

High

A) Fixed groundfish gear preference for Pacific cod.

This proposal was presented by the North Pacific Fixed Gear Coalition. Wally Pereyra asked that this item be referred to the Fish Planning Committee rather than by the Bycatch Committee because of its allocative nature. With Wally Pereyra objecting, the Committee decided to rank this alternative high and proceed due to the substantial reduction in halibut mortality and the anticipated increase in TAC attainment that could result. This item is viewed as an alternative to Item C.

B) Include all gears under the bycatch limits, and preferentially allocate PSC to gears or fisheries that demonstrate the lowest bycatch mortality.

This proposal was submitted by the IPHC. Wally Pereyra objected to inclusion and voiced concern that this issue has substantial allocative impacts.

C) Establish halibut PSC limit for longliners in BSAI.

One option discussed would be to analyze a PSC cap of either 500, 1,000 or 1,500 metric tons for the longline gear group which would be taken from the existing halibut PSC amount in the BSAI. If the cap was greater than the needs of this gear group, then the surplus could be given to the other gear group through a process similar to allocation between TALFF, JVP and DAP. NMFS staff stated that analysis of this idea would be difficult. Wally Pereyra stated this action is in fact a reduction in PSC halibut and an effort to allocate Pacific cod to the longline fishery, and objected to the high priority ranking proposed for this item.

16. Change halibut accounting in BSAI from halibut handled to mortality of halibut discarded.

High

The IPHC presented this proposal to provide an incentive for fishermen to increase the survival of halibut caught as bycatch. There was discussion about excluding from the halibut PSC cap halibut returned to the sea before a set time, say 5, 10 or 20 minutes.

17. Retention of Halibut.

Low

Discussion centered around the amount and species of fish returned to the sea in the groundfish fisheries, the concept of full utilization of all fish captured vs. minimizing PSCs

and what legal aspects are present with regards to retention. NOAA General Counsel clarified that the IPHC has the authority to determine which gear groups and fisheries can retain halibut. The Committee ranked this item low due to the lack of Council authority and other considerations.

18. Mortality reduction measures.

High, extended

The Regional Director presented information regarding this item. The IPHC bycatch working group is researching ways to reduce halibut mortality and will include their findings in a report to be presented at their July 22-24 meeting. The Committee encouraged the IPHC to continue the studies and will review them and see how their suggestions will blend into an incentive program.

19. Floating caps for crab in BSAI/GOA.

Low

The Committee gave a low priority ranking to this item.

20 GOA rockfish options: delay opening date (to July 15).

High

The Committee ranked this item high and noted that substantially reduced salmon and halibut bycatches should occur if this fishery is delayed.

21 Review BS herring savings area.

Not Necessary

Earl Krygier presented a review of historical herring catch information from the herring savings area. He stated that the present herring savings area does not need any modification at this time as it probably includes the optimal area for herring savings.

22. Modify/limit rocksole fishery in BS. Options:

High

- 1) Eliminate the fishery
- 2) Prohibit discards of finfish.

The Committee discussed the high bycatch experienced in this fishery and presented two options for analysis: eliminate the fishery and prohibit discards. The Committee also requested review of old INPFC closed areas as part of the analysis

23. Controls on salmon bycatch. Suboption: include retention of all salmon caught as bycatch in BSAI and forfeiture to the federal government

Deferred

The Committee deferred any action on this item until the June 23 Bycatch Committee meeting in Anchorage.

24. Require vessels to register for midwater or bottom trawling.

The Committee deleted this proposal since it was unable to determine the benefits.

25. Prohibit all trawling for a species if bottom trawling for that species is closed.

The Committee deleted this proposal since the issue giving rise to the concern (Pacific cod trawling with pelagic gear) has been resolved and doesn't exist elsewhere.

**26. Prohibit trawling in the GOA by vessels with horsepower greater than
-----.**

The Committee deleted this proposal since it was unable to define appropriate horsepower ranges or determine beneficial impacts that would occur from this proposal that wouldn't otherwise occur as a result of higher ranked alternatives.

DRAFT AGENDA

Ad Hoc Bycatch Committee

Alaska Fisheries Science Center
Room 2079
Seattle, Washington

10:00 am June 3-4, 1991

- I. Review minutes/results of the May 13-14 Bycatch Committee meeting held in Juneau.
- II. Receive NMFS report as requested at the May 13-14 Bycatch Committee meeting.
- III. Status report from Measurements Subcommittee. Information on all groundfish harvests to be weighed or measured volumetrically (Chris Blackburn, Bert Larkins, Doug Gordon & Russ Nelson).
- IV. Comprehensive Bycatch Amendment for 1992.
 - A. Review alternatives*
 - B. Establish priority recommendations

*See attachment for listing of possible items to be included in a 1992 comprehensive amendment.

Comprehensive 1992 Bycatch Amendment Items

1. Floating caps for crab and halibut in BSAI/GOA.
2. Hotspot authority in GOA (and revised hotspot authority in BSAI).
3. Close Seward Gully to sablefish and Pacific cod longlining to save halibut bycatch.
4. Prohibit longlining 10-14 days before halibut season to discourage prospecting. Suboption: limit the prohibition to those that have registered to fish halibut.
5. Require all groundfish harvests to be weighed or measured volumetrically. Suboption: could differ by sector, for example, weigh onshore, volumetrics at sea.
6. Establish halibut PSC limit for longliners in BSA.
7. Close bottom trawling around the Pribilof islands to protect king crab.
8. Depth restrictions on sablefish longlining in GOA to protect halibut - include seasonal depth restrictions.
9. Close trawling in Eastern GOA.
10. Controls on salmon bycatch. Suboption: include retention of all salmon caught as bycatch in BSAI and forfeiture to the federal government.
11. Consider retention of halibut.
12. Year round closure of Zone 1 to bottomtrawling.
13. Review effectiveness of present closed areas.
14. Fixed groundfish gear preference.
15. Prohibition of night trawling.
16. Reduction of halibut PSC cap. (IPHC)
17. Change halibut bycatch accounting in BSAI from halibut handled to mortality of halibut discarded. (IPHC)
18. Set base-amount of halibut PSC limits. In context with other IPHC proposals. (IPHC)
19. Include all gears under the bycatch limits, and preferentially allocate PSC to gears or fisheries that demonstrate the lowest bycatch mortality. (IPHC)
20. Check-in, check-out for specific fisheries.
21. Require COMSAT equipment on vessels.
22. GOA rockfish options: a) delay season opening date, and b) prohibit use of trawling by vessels with horsepower greater than _____.
23. Review BS herring savings area.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

May 31, 1991

ATTACHMENT 2

Larry Cotter, Chairman
North Pacific Council Bycatch Committee
P.O. Box 103136
Anchorage, AK 99510

Dear Larry,

When you adjourned the June 3-4 Bycatch Committee meeting in Juneau, you noted several questions or issues that needed additional information for the June 3-4 meeting of the Committee. The questions and our responses are presented below:

1. Identify improvements needed in observer data to meet in-season management needs, e.g. availability of accurate estimates of total catch weight, and PSC accounting.

Observers currently collect data which are used for 1) a number of in-season management tasks, 2) assessment of stock conditions, and 3) development and assessment of fishery management plan and regulatory amendments. The question above relates specifically to in-season management needs and the types of changes or improvements that can be made to the observer program in order to improve the ability of NMFS to meet its in-season management responsibilities. The types of improvements needed are not improvements in the types of data collected, but rather are in the conditions under which data are collected, and in the capability to make those data available for use in the time required by the fishery management process.

A large part of the first 1.5 years of the Domestic Fisheries Observer Program has been devoted to learning how to best collect data aboard the wide variety of domestic vessels in the fishery, and to educating the operators of those vessels as to what observers do and how they do it. Up to this point we have taken the position that observers must adapt their work and sampling needs to the conditions on the vessels, and avoid interfering with vessel operations.

The need for an incentive program, and accurate and timely measures of bycatch and directed catch, have now shown that this approach may no longer be acceptable. We are at the point where the conditions and expectations of what is needed to adequately collect data must be specified to industry. It must also be understood that these requirements may mean that vessels might need to alter their operations to meet the needs of observers and the requirements for fishery management data. A discussion between NMFS and industry has begun on a number of these issues already. These include the accurate measurement of haul weights at sea, and the sampling procedures needed to carry out an effective incentive program. Further guidance from the Council and discussion with industry may be required when specific recommendations are developed.



Transmission of data from observers at sea, and communications with observers at sea to resolve questions or discrepancies in data, continue to be problem areas associated with the use of observer data for in-season management of fisheries. We average about 175 observers at-sea or in the field each week. These observers send, on the average, over 400,000 keystrokes of data weekly which takes about 70 hours of data entry time per week to enter into our computers. Most of these data are transmitted from the vessels and shore plants via facsimile machine, but some of the data are sent by telex and radio-telephone. Presently, under normal circumstances, all data received during a week for the previous reporting week are entered, edited, and made available for use by Friday afternoon of that week or the following Monday morning.

This is the best we can expect with current means of data transmission and this would be marginally acceptable if reports for the previous week's data were received from all the observers on time. We now receive about 90 percent of the reports on time from observers on catcher/processors and motherships. Reports from observers on catcher vessels and from many of the longline catcher/processor vessels are late because these vessels do not have facsimile or telex capability, and observers must therefore wait to send their reports when the vessels make port calls or deliveries. These reports may be further delayed at times because a vessel may unload and depart before the observer has time to complete recording of data and to prepare and transmit the weekly report.

Significant decreases in the time between collection of data, and its transmission, receipt and entry will be dependent upon the use of a satellite data link such as C-Link, and through requirements for standard levels of communications equipment aboard vessels. We may have to review the practicality of this approach as it affects smaller vessels, and perhaps explore and develop alternatives for communication of data with observers aboard these vessels.

2. What would it take to significantly improve the existing Vessel Incentive Program, and move closer to real-time sanctioning of vessels for exceeding bycatch rate parameters?

May, 1991, was the first month of implementation of the Vessel Incentive Program (VIP). Evaluation of data from observers for January through April, 1991, using the two methods which have been developed for estimating a vessel's bycatch rate and the confidence interval associated with the rate, show that the data and sampling in effect during that period provided estimates that we believe would have been sufficient to support prosecution of violations of the VIP in each of those months. The evaluation of the data also showed that we would not only have been able to make cases against vessels for grossly exceeding the bycatch

standards, but that the confidence intervals were small enough to make cases against vessels whose rates were relatively low.

We made changes to observer sampling methods and procedures which went into effect in May that should further improve the quality of the data and our ability to identify vessels that exceed the standards and enable us to pursue cases against them. The VIP system now in place has the potential for success and we should let it work before introducing substantial changes to the program.

The current VIP is one where action is taken after the fact and the lag in time may be considerable. "Real time" sanctioning of vessels under existing legal requirements depends on having sufficient data to be able to clearly prove that a vessel has exceeded a standard. With improved capability for two-way communications with vessels at some point in the future, and with NMFS field stations operating in Unalaska/Dutch Harbor and Kodiak, it will be possible to debrief and verify observer data in the field. This may allow us to act during the period a vessel exceeded a standard.

Even with adequate capability for data communication, there remains the need to sample a sufficient number of hauls in order to establish that a vessel has exceeded a standard. The fewer number of hauls sampled, the larger the confidence intervals will be in general, and the less likely we will be able to prove a standard has been exceeded.

The current VIP is structured on a comparison of a standard with a vessel's monthly rate, and this appears to provide enough samples for vessels that are covered by observers 100 percent of the time. To reduce the time period for vessels with 100 percent coverage would require that the number of hauls sampled per time period be increased. This can only be done by placing more than one observer on each vessel. To improve the ability of the program to be effective for vessels with a requirement for less than 100 percent coverage would also require sampling a greater number of hauls, and this again would require increasing the observer coverage for these vessels.

Finally, for each potential case, time will be required to conduct necessary data analyses after debriefing of the observer has occurred, and for the NMFS Office of Enforcement and NOAA General Counsel to conduct their investigations and order the vessel to port. We should allow a "real time" VIP to evolve, and not force its immediate development at this time.

3. Can a comparison of observer reports of groundfish discard be made with processor reports received via Weekly Production Reports be provided for 1990 and 1991?

It is possible to compare observer reports of discard with those

made in Weekly Production Reports for 1990 and 1991, but this information cannot be provided for this meeting. This is not a trivial project, and given the other work in which the Observer Program is involved, it cannot be completed until late August or early September. We will begin the project now and report on the results at that time.

4. Who determines legal retention of PSC species?

It seems clear that IPHC regulations would govern retention of halibut. Any change in legal gear or season of retention would require a change in IPHC regulations. A legal review of retention of salmon is underway by GCAK, and will be provided for the June 23 Bycatch Committee meeting as you requested.

5. What is needed to framework the "hot spot" authority to specify time and area closures, or to stipulate triggers for such closures?

A discussion of this question is attached.

6. Summarize our data communication requirements for inseason management.

Data communication requirements for improved communication of observer data for inseason management are addressed in the response to Question 2 above, in terms of implementing the VIP. Our need for more timely and accurate data are further shaped by the trend towards allocating small amounts of TAC and PSC by gear, by area, and by quarter or season. This, coupled with an increasing and highly mobile harvest capability, requires accurate, real-time reporting of catches of TAC and PSC. Problems do not derive solely from the mobility and harvest capacity of factory trawlers. Currently, for example, in the Gulf of Alaska longline sablefish fishery, vessels delivering shoreside do not report shifting from one TAC area to another, and the duration of a trip before delivering to a processor may overlap two reporting weeks. The relative harvest capacity of these vessels is substantial, given the small TACs for sablefish. Even with daily reporting from processors, this element of lag time in accounting for all the catch confounds our ability to accurately predict closures in small, fast-moving fisheries.

We have taken the liberty to invite Dr. Bruce Austin, Fisheries Advisor for COMSAT, to attend this Bycatch Committee meeting. He will be prepared to respond to questions about the use of C-Link for data communications.

Sincerely,

Wael R. Evans

For Steven Pennoyer
Regional Director

NMFS
Alaska Region
May 31, 1991

POSSIBLE ELEMENTS OF A REFINED "HOT-SPOT" AUTHORITY

The "hot-spot" closure authority implemented under Amendment 16a would be triggered at the discretion of the Regional Director, pending his determinations on a number of considerations set forth in rulemaking. Because this authority requires discretionary determinations, an impact analysis of a temporary closure must be prepared under NOAA policy guidelines drafted for framework procedures. Based on prohibited species bycatch trends experienced in 1990 and 1991, the time period necessary to prepare adequate documentation and determinations under this authority may preempt effective closure of "hot-spots."

To enable a more effective closure of "hot-spots," inseason closure authority of these areas must be developed that set forth specific threshold criteria in regulations, which when triggered, would close specific areas. This authority would allow the Regional Director to close predetermined areas and would be similar to closure procedures followed upon attainment of TAC or prohibited species bycatch allowances.

Given the above constraints, a timely inseason closure authority could be comprised of the following elements:

1. Preseason specification of threshold bycatch rates:
During the Council's September - December specification process, the Council would review prohibited species bycatch rates, and recommend annual threshold rates by prohibited species (and groundfish fishery?) which would trigger "hot spot" closures." The recommended rates would be published for public comment and implemented with annual fishery specifications.

2. Designation of time-areas closures. Weekly data are reported by the industry and observers by Federal reporting area. Although observer and vessel operators record actual haul positions (Lat & Long), this information is recorded in logbooks or in observer reports that are not submitted until later in the fishing year. As a result, most inseason closures based on weekly data would close whole reporting areas unless the Regional Director had information to support smaller, predetermined area closures. Areas smaller than reporting areas could be published for public comment and implemented with annual fishery specifications.

The duration of hot-spot closures must be specified in regulations. Because hot-spot problems appear to be of short duration, a two-week closure period may be appropriate.

3. Inseason triggers of hot-spot closures: To implement a hot-spot closure within a 1-2 week period, the Regional Director would be forced to base closures on only one week's worth of observed bycatch rates. When the average weekly rate in a reporting area exceeds the Council's threshold rate, the area would be closed for the time period specified in regulations.

SALVESON:C:\WORD\TEMP\HOT-SPOT

Examples of January - April, 1991, halibut bycatch rates and confidence intervals in Bering Sea fisheries for Pacific cod and rock sole and Gulf of Alaska fisheries for Pacific cod and rockfish. (Undebriefed data)

<u>Month</u>	<u>Region</u>	<u>Bycatch Rate</u>	<u>95% Confidence Interval</u>		
Jan	BSA	0.02025	0.01837,	0.03439	
Jan	BSA	0.05518	0.03862,	0.07740	
Jan	BSA	0.02598	0.01766,	0.04368	
Jan	BSA	0.03263	0.02442,	0.04224	
Jan	BSA	0.02118	0.00837,	0.04386	
Jan	BSA	0.03032	0.02170,	0.04146	*
Jan	BSA	0.02169	0.01681,	0.02617	*
Jan	BSA	0.01766	0.01370,	0.02382	
Jan	BSA	0.03244	0.02438,	0.04418	*
Jan	BSA	0.02045	0.01240,	0.04331	
Feb	BSA	0.03281	0.02491,	0.04167	*
Feb	BSA	0.02694	0.02173,	0.03341	
Feb	BSA	0.01982	0.01601,	0.02422	
Feb	BSA	0.01644	0.01228,	0.02041	
Feb	BSA	0.01918	0.01358,	0.02754	*
Feb	BSA	0.02074	0.01553,	0.03176	
Feb	BSA	0.03094	0.02259,	0.04204	
Feb	BSA	0.02323	0.01327,	0.03798	
Feb	GOA	0.03241	0.00896,	0.08311	
Feb	GOA	0.02599	0.01344,	0.04466	
Mar	BSA	0.02787	0.01828,	0.03890	*
Mar	BSA	0.02302	0.01645,	0.03053	*
Mar	BSA	0.02004	0.01651,	0.02351	
Mar	BSA	0.04456	0.03677,	0.05380	
Mar	BSA	0.04304	0.03424,	0.05614	*
Mar	BSA	0.02688	0.02052,	0.03613	*
Mar	BSA	0.01879	0.01389,	0.02496	
Mar	GOA	0.29876	0.18800,	0.47856	*
Mar	GOA	0.04109	0.02280,	0.07309	
Mar	GOA	0.11581	0.05842,	0.21526	
Mar	GOA	0.03939	0.02685,	0.05653	
Apr	BSA	0.02776	0.02171,	0.03511	*
Apr	BSA	0.02082	0.01499,	0.02862	
Apr	BSA	0.02468	0.01451,	0.04031	*
Apr	BSA	0.04304	0.02494,	0.06824	
Apr	BSA	0.01846	0.01439,	0.02316	*
Apr	BSA	0.03250	0.01834,	0.06263	*
Apr	BSA	0.02048	0.00879,	0.03698	*
Apr	BSA	0.02062	0.01259,	0.03096	*
Apr	BSA	0.02358	0.01462,	0.03667	*
Apr	GOA	0.06697	0.03644,	0.13844	
Apr	GOA	0.08860	0.04938,	0.14288	
Apr	GOA	0.07949	0.04998,	0.12228	

* indicates only basket sampling conducted

<u>Priority</u>	<u>1992 Bycatch Amendment Items</u>	<u>Category</u>
High	1. Hotspot Authority in GOA (and revised hotspot authority in BSAI).	General
High	2. Require all groundfish harvests to be weighed or measured volumetrically. Suboption1: could differ by sector, for example, weigh onshore, volumetrics at sea. Suboption 2: Require all groundfish to be quantified by the most accurate method possible.	General
High	3. Close trawling in Eastern GOA east of 140W.	General
High	4. Review effectiveness of all Time/Season/area closures, including:	General
High ext. cycle	A) Close Seward Gully to sablefish and Pacific cod longlining to save halibut bycatch.	Halibut
High ext. cycle	B) Depth restrictions on sablefish longlining in GOA to protect halibut -include seasonal depth restrictions.	Halibut
High	C) Time/area closure of the Unimak Pass area.	Halibut
High	D) Close bottom trawling around the Pribilof Islands to protect king crab.	Crab
High	E) Year round closure of Zone 1 to bottom trawling.	Crab
High	5. Prohibition of night trawling for Pacific cod.	General
High	6. Check-in, check-out for specific fisheries.	
High	7. Require real time (COMSAT) communication equipment on vessels.	General
Low	8. Provide Council the authority to allocate trawl PSC in GOA by fishery. (or "to allocate PSC for all fisheries in GOA by fishery")	General
-	9. Continuation of current Incentive Program.	
Low	10. Apportion outstanding quarterly bycatch to any remaining quarter.	General
Low	11. Gear modifications.	General
High	12. Provide authority to apportion PSC by area in GOA and BSAI.	General
High	13. Review Halibut PSC cap options:	Halibut
	A) Base line/floating caps for halibut in BSAI/GOA.	
	B) Reduce BSAI PSC cap 10% per year (5300mt to 4800mt)	
	C) Reduce BSAI PSC cap of 5300mt to 4500 mt	
High	14. Prohibit longlining 10-14 days before halibut season in GOA to discourage prospecting. Suboption: limit the prohibition to those that have registered to fish halibut	Halibut
	15. Halibut bycatch by gear types:	
High	A) Fixed groundfish gear preference for Pacific cod.	General
High	B) Include all gears under the bycatch limits, and preferentially allocate PSC to gears or fisheries that demonstrate the lowest bycatch mortality (IPHC).	Halibut
High	C) Establish halibut PSC limit for longliners in BSAI.	Halibut
High	16. Change halibut accounting in BSAI from halibut handled to mortality of halibut discarded.(IPHC)	Halibut
low	17. Retention of Halibut.	Halibut
High, ext	18. Mortality reduction measures.	General
Low	19. Floating caps for crab in BSAI/GOA.	Crab
High	20. GOA rockfish options: delay opening date (to July 15).	Rockfish
low	21. Review BS herring savings area.	Herring
High	22. Modify/limit rocksole fishery in BS. Options: 1) Eliminate the fishery, or 2) prohibit discards.	Rocksole
deferred	23. Controls on salmon bycatch. Suboption: include retention of all salmon caught as bycatch in BSAI and forfeiture to the federal government.	Salmon
deleted	24. Require vessels to register for midwater or bottom trawling.	General
deleted	25. Prohibit all trawling for a species if bottom trawling for that species is closed.	General
deleted	26. Prohibit trawling in the GOA by vessels with hb greater than ____.	General

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 675**

[Docket No. 910483-1083]

RIN 0648-AD49

Groundfish Fishery of the Bering Sea and Aleutian Islands Area**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.**ACTION:** Proposed rule; request for comments.

SUMMARY: NOAA proposes a rule that would implement Amendment 16a to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands (FMP). This proposed rule would: (1) Establish Pacific herring bycatch management measures for the groundfish trawl fisheries; (2) authorize the NMFS Regional Director, Alaska Region (Regional Director), to temporarily prohibit directed fishing for specified groundfish species in all or part of a Federal statistical area to reduce high bycatch rates of prohibited species; and (3) authorize the Regional Director to limit the amount of pollock that may be taken in the directed trawl fishery for pollock using other than pelagic trawl gear. These actions are necessary to promote management and conservation of groundfish and other fish resources. They are intended to further the goals and objectives contained in the FMP that govern these fisheries.

DATES: Comments are invited through May 28, 1991.

ADDRESSES: Comments may be sent to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802. Individual copies of Amendment 16a and the environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA) may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510. Comments on the environmental assessment are particularly requested.

FOR FURTHER INFORMATION CONTACT: Susan J. Salvesson, Fishery Management Biologist, NMFS, (907)586-7230.

SUPPLEMENTARY INFORMATION:**Background**

The domestic and foreign groundfish fisheries in the Exclusive Economic Zone (EEZ) of the Bering Sea and Aleutian Islands Area (BSAI) are managed by the Secretary of Commerce

(Secretary) according to the FMP prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMP is implemented by regulations for the foreign fishery at 50 CFR part 611 and for the U.S. fishery at 50 CFR part 675. General regulations that also pertain to the U.S. fishery appear at 50 CFR part 620.

Groundfish trawl fisheries use non-selective harvesting techniques resulting in incidental catches (bycatch) of prohibited species such as crab, halibut, and herring. Although prohibited species are required to be immediately returned to the sea, the rigor of groundfish trawl operations on species caught in standard trawl gear results in high bycatch mortality. The level of bycatch varies as a function of a number of factors, including time and area, target species, gear, fishing strategies, and oceanographic conditions. Conflicts arise when bycatch in one fishery is perceived to reduce the resources available to another fishery. Bycatch of crab, halibut, and herring in the groundfish fisheries is particularly contentious because fishermen value the use of these species very differently, depending on the fishery they pursue.

During 1990, the Council adopted the following three FMP amendments that address prohibited species bycatch in the BSAI groundfish fisheries:

(1) Amendment 16 was implemented January 18, 1991 (56 FR 2700, January 24, 1991), and continues the bycatch management regime for Pacific halibut, red king crab, and *C. bairdi* Tanner crab that had expired December 31, 1990, under Amendment 12a (54 FR 34642, August 9, 1989). A portion of Amendment 16 that would have authorized a vessel incentive program to reduce crab and halibut bycatch rates was disapproved by the Secretary. During a November 15, 1990, teleconference call, the Council adopted a revised vessel incentive program for Secretarial review.

(2) Revised Amendment 16 was approved February 1, 1991, and establishes the authority to implement incentive programs to reduce prohibited species bycatch rates in the groundfish trawl fisheries. An interim final rule to implement this amendment is undergoing Secretarial review.

(3) At its September 25-29, 1990, meeting, the Council adopted Amendment 16a for submission to the Secretary for review and approval under section 304(b) of the Magnuson Act. The proposed rule to implement this

amendment is the subject of this action. If approved, Amendment 16a would:

(a) Implement management measures to limit Pacific herring bycatch in the groundfish trawl fisheries;

(b) Authorize the Regional Director to temporarily prohibit directed fishing for specified species in all or part of a Federal statistical area to reduce high bycatch rates of prohibited species ("hot-spot closure authority"); and

(c) Authorize the Regional Director to limit the amount of pollock that may be harvested in the directed trawl fishery for pollock using other than pelagic trawl gear.

A description of, and the reasons for, each of the management measures proposed under Amendment 16a follow.

(1) Implement Management Measures to Reduce Pacific Herring Bycatch In the Groundfish Trawl Fisheries

The Council has adopted measures to control the bycatch of herring in the BSAI groundfish trawl fisheries after considering recent declines in eastern Bering Sea herring stocks, reduced or eliminated inshore herring fisheries, and the issue of maintaining traditional subsistence herring fisheries. These measures include a frameworked prohibited species catch (PSC) limit and a series of timed area closures that would be triggered by the attainment of the PSC limit.

Herring that spawn along the eastern shore of the Bering Sea migrate to wintering areas near the western edge of the Bering Sea continental shelf, north and west of the Pribilof Islands. During this annual migration, an aggregate of nine Bering Sea herring stocks pass through areas in which groundfish vessels are trawling; herring from these stocks are incidentally caught during trawl operations. Because herring are easily damaged when they come into contact with trawl nets, trawl mortality approaches 100 percent.

The nine herring stocks, as identified by their spawning grounds, are from Port Moller, Togiak, Security Cove, Goodnews Bay, Cape Avinof, Nelsen Island, Nunivak Island, Cape Romanzof, and Norton Sound. Herring bycatch exploitation fractions (the percentage of the herring population taken annually by trawlers) have increased from less than 2 percent in 1983 to 4 to 7 percent in 1989. Although herring caught by domestic and joint venture groundfish trawlers are a designated prohibited species and may not be retained, the amount of herring that may be incidentally taken is not limited.

The inshore herring fisheries are managed by the State of Alaska under

harvest policies established by the Alaska Board of Fisheries. State management of eastern Bering Sea herring stocks provides for full utilization of these stocks in the inshore sac roe, food/bait, and traditional subsistence fisheries. Alaska state harvest policies establish a maximum exploitation fraction of 20 percent on each distinct spawning stock, and specify that exploitation be reduced when herring stock abundance is low or when commercial fisheries occur in areas traditionally exploited by herring subsistence fisheries. Abundance thresholds also are established below which no commercial harvests are allowed. When the Alaska Board of Fisheries reviewed the increases in herring bycatch exploitation fractions for trawl gear at its November 1989 meeting, it found the maximum allowable herring bycatch exploitation fractions stated in its herring harvest policy had been exceeded.

Herring stocks are declining in all Bering Sea areas except Norton Sound. The very strong 1977-78 year classes sustained most eastern Bering Sea herring stocks through the 1980s. These year classes were aged 12 and 13 in 1990 and are rapidly approaching senescence. Except in Norton Sound, no substantial year classes have recruited to eastern Bering Sea herring stocks since the 1977-78 year classes. Herring biomass was below the threshold for a commercial harvest at Nunivak Island in 1990 and was only very slightly above threshold at Nelson Island. Nelson Island and Nunivak Island herring stocks are projected to be below threshold biomass levels in 1991.

Recent declines in the abundance of Bering Sea herring stocks have prompted additional concern over the effect of herring bycatch in the groundfish trawl fisheries on the western Alaska subsistence fisheries. Subsistence utilization of herring is an important part of the culture of the residents of many western Alaskan coastal villages, particularly at Nelson Island. The importance of herring to the traditional culture and economy of the central Yup'ik Eskimo of the Nelson Island area is described in the appendix to the EA/RIR/IRFA prepared for Amendment 16a. The small commercial harvests from these stocks comprise the basis of the cash economies in the coastal villages. While transfer payments from the Government also are an important source of income, the payments consist primarily of payments in kind rather than cash payments.

Given the declines in eastern Bering Sea herring stocks, the reduced or

eliminated inshore herring fisheries, and the concern for maintaining traditional subsistence herring fisheries, the Council adopted measures to control the bycatch of herring in the BSAI groundfish trawl fisheries. These measures include a frameworked PSC limit and a series of timed area closures that would be triggered by the attainment of the PSC limit. Only areas along the herring migration route would be closed if the PSC limit is attained and only for the period of time that herring are present.

Frameworked PSC Limits for Herring

A flexible or "frameworked" herring PSC limit is proposed to address anticipated fluctuations in the Bering Sea herring biomass. The PSC limit would be based on 1 percent of the annual eastern Bering Sea herring stock biomass. This proposal would accommodate infrequent periods of very strong recruitment that have resulted in dramatic stock fluctuations over the last decade. The frameworked procedure would require an annual determination of the eastern Bering Sea herring stock biomass and an annual establishment of the PSC limit as 1 percent of the herring stock size. This procedure would result in higher herring PSC limits when herring are abundant, and would reduce PSC limits when herring are scarce.

Initial herring bycatch rates in the groundfish fishery of 1 percent of the herring biomass for a given fishing year would likely approach historical herring bycatch exploitation fractions of 2 to 3 percent by the end of a fishing year. This would occur because even though the proposed Herring Savings Areas would be closed once the 1 percent herring bycatch limit was reached, additional herring bycatch would occur outside of the Herring Savings Areas.

Although a herring PSC limit equal to 1 percent of the eastern Bering Sea herring biomass is proposed, the Council considered alternative PSC limits of 2 and 4 percent of the annual herring biomass. The results of the bycatch simulation model used for the analysis presented in the EA/RIR/IRFA, however, indicated that a 1 percent herring PSC limit is superior to the status quo or to PSC limits of 2 or 4 percent in terms of estimated herring bycatch, total bycatch impact cost, and net revenue from the groundfish trawl catch minus bycatch impact costs. The Secretary, after consultation with the Council, would establish the herring PSC limit for an upcoming fishing year based on annual estimates of herring stock biomass. A source of biomass estimates based on aerial surveys of spawning stocks and other abundance index

parameters is the Alaska Department of Fish and Game (ADF&G); the estimates are available in the fall of each year. A preliminary notice of the herring bycatch limit for an upcoming year would be made available for public review and comment concurrently with the notice of preliminary initial specifications of the harvestable amount of groundfish required to be published by the Secretary in the Federal Register under § 675.20(a)(7). A final notice of the herring PSC limit for a fishing year also would be published in the Federal Register concurrent with the final notice of initial specifications.

At its December 3-7, 1990, meeting, the Council received a report from the ADF&G on the status of eastern Bering Sea herring stocks and associated biomass estimates. Based on spawn deposition surveys, aerial surveys of spawning stocks, and other age and abundance index parameters, ADF&G estimated current herring biomass to be 83,406 metric tons (mt). The Secretary determines that this estimate is derived from the best available scientific information. Under the proposed rule, therefore, the Secretary would establish a herring PSC limit for 1991 equal to 1 percent of the 1991 biomass estimate, or 834 mt.

Fishery Apportionments of the Herring PSC Limit

The annual herring PSC limit would be apportioned to domestic annual processing (DAP) and joint venture processing (JVP) trawl fisheries as prohibited species bycatch allowances. When a fishery attains its herring bycatch allowance, further directed fishing would be prohibited in the Herring Savings Areas described below. The establishment of fisheries eligible for separate herring bycatch allowances and the annual specification of those allowances would follow the same procedure as set forth for establishing and specifying halibut and crab bycatch allowances under the final rule implementing Amendment 16. As such, herring bycatch allowances would be apportioned to and monitored by the fishery definitions set forth in § 675.21(b) for purposes of PSC limit apportionments.

At times, in areas along the herring migration routes, herring bycatch in the midwater and non-pelagic trawl pollock fisheries and other fisheries may be significant and warrant separate herring bycatch allowances for the different fisheries. For purposes of monitoring prohibited species bycatch, the nonpelagic trawl pollock fishery is considered part of the "DAP other

fishery" category under § 675.21(b)(4) and would share the herring bycatch allowance apportioned to that fishery category. The Council recommended that the midwater pollock fishery be held accountable for its herring bycatch and receive a separate bycatch allowance of herring, attainment of which would close the Herring Savings Areas to further directed fishing for pollock by trawl vessels using pelagic trawl gear. Therefore, at the end of each weekly reporting period, a trawl vessel's catch of groundfish and associated herring bycatch during a weekly reporting period would be assigned to the midwater pollock fishery if pollock comprised 95 percent or more of the reported retained catch and discard amounts of groundfish species for which a total allowable catch (TAC) has been specified under § 675.20.

At its December meeting, the Council adopted the following fishery apportionments (annual herring bycatch allowances) of the 834 mt herring PSC limit based on each fishery's anticipated 1991 bycatch of herring:

Fishery category as defined in § 675.4(b)	1991 herring bycatch allowance (mt)
Midwater pollock.....	584
DAP Greenland turbot.....	8
DAP Rocksole.....	0
DAP Flatfish.....	83
DAP other fishery.....	159
Total.....	834

If the Secretary approves Amendment 16a, a fishery's herring bycatch since the beginning of the 1991 fishing year will be credited against its apportionment of the 1991 herring PSC limit. Fisheries that are apportioned a zero amount of the 1991 herring PSC limit would be prohibited from fishing in the Herring Savings Areas during the time periods specified in the definitions of those areas.

Herring Savings Areas

Two Summer Herring Savings Areas and one Winter Herring Savings Area are proposed to protect seasonal concentrations of herring from those fisheries that have attained their annual apportionment of the herring PSC limit. A description of these areas is as follows (See Figure 3 under § 675.2):

(1) *Summer Herring Savings Area 1* means that part of the Bering Sea subarea that is south of 57° N. latitude and between 162° and 164° W. longitude from 12:00 noon Alaska Local Time (ALT) June 15 through 12:00 noon ALT July 1 of a fishing year.

(2) *Summer Herring Savings Area 2* means that part of the Bering Sea subarea that is south of 56°30' N. latitude and between 164° and 167° W. longitude from 12:00 noon ALT July 1 through 12:00 noon ALT August 15 of a fishing year.

(3) *Winter Herring Savings Area* means that part of the Bering Sea subarea that is between 58° and 60° N. latitude and between 172° and 175° W. longitude from 12:00 noon ALT September 1 of the current year through 12:00 noon ALT March 1 of the succeeding fishing year.

The proposed Herring Savings Areas involve closures only for those areas and time periods where herring concentrations occur along the herring migration route. Based on the analysis presented in the EA/RIR/IRFA, closure of additional areas off the main migration route would not appreciably reduce herring bycatch compared to the smaller proposed closures.

When a fishery reaches its herring bycatch allowance, the Herring Savings Areas would be closed to that fishery. Consistent with existing crab and halibut bycatch management under § 675.21(c), only directed fishing for pollock and Pacific cod; in the aggregate, by trawl vessels using other than pelagic trawl gear would be prohibited in the Herring Savings Areas when the "DAP other fishery" reaches its herring bycatch allowance.

A fishery would be held accountable for its herring bycatch on the basis of a fishing year (January 1–December 31) because fishery apportionments of the annual herring PSC limits are based on a fishing year. Once a fishery reached its annual herring bycatch allowance during a fishing year, further fishing in the Summer and Winter Herring Savings Areas would be prohibited during that fishing year, and the Winter Herring Savings Area would remain closed to that fishery until March 1 of the following year to protect concentrations of herring during winter months. For example, if a fishery reached its herring bycatch allowance on June 25 of a fishing year, Summer Herring Savings Area 1 would be closed to further directed fishing for that fishery through July 1, Summer Savings Area 2 would be closed from July 1 through August 15, and the Winter Herring Savings Area would be closed for the 6-month period of September 1 of the current fishing year until March 1 of the following fishing year.

Under the provision for the Winter Herring Savings Area adopted by the Council, if a fishery reached its annual herring bycatch allowance prior to March 1 of a fishing year, the Winter

Herring Savings Area would not be closed to that fishery until September 1 of that fishing year and would remain closed until March 1 of the following fishing year. However, the probability that a fishery would attain its annual herring bycatch allowance prior to March 1 is small based on an examination of historic herring bycatch amounts in groundfish trawl fisheries. Historic data suggest only small amounts of herring are taken during January and February. During this period, trawl vessels typically do not operate in areas of high herring abundance (i.e., the area defined as the Winter Herring Savings Area) because ice cover and other logistic considerations often inhibit fishing operations.

(2) "Hot-spot Closure Authority"

The proposed "hot-spot closure authority" would allow the Regional Director to temporarily close areas to directed groundfish fisheries to avoid relatively high bycatch rates of prohibited species specified under § 675.20(c). If the best available scientific information indicates that groundfish operations in an area exhibit relatively high bycatch rates of one or more prohibited species, the Regional Director would have the authority to temporarily close that area to the fisheries that are shown to be responsible for the high bycatch rates. The closure would be in effect for a period of up to 60 days unless NMFS data indicate that either prohibited species distribution or fishing effort for groundfish requires an extended closure beyond 60 days. The procedures for "hot-spot" closures would be the same as the procedures set forth for inseason actions under § 675.20(g). An EA/RIR/IRFA generally would be prepared for public review and comment.

The Regional Director would make the determination that an interim closure is necessary based on information available from: (1) inseason observer reports, (2) estimates of fishing effort in an area, and (3) historical observer data that provide an index of seasonal distribution patterns of prohibited species and areas in which bycatch "hot spots" traditionally have occurred.

Inseason closures would be based primarily on observer reports of bycatch rates that are submitted on a weekly basis. These reports currently are aggregated by 3-digit Federal statistical areas. The existing information and communication systems employed by NMFS at this time do not allow for more refined weekly reports (e.g., latitude/longitude information on daily

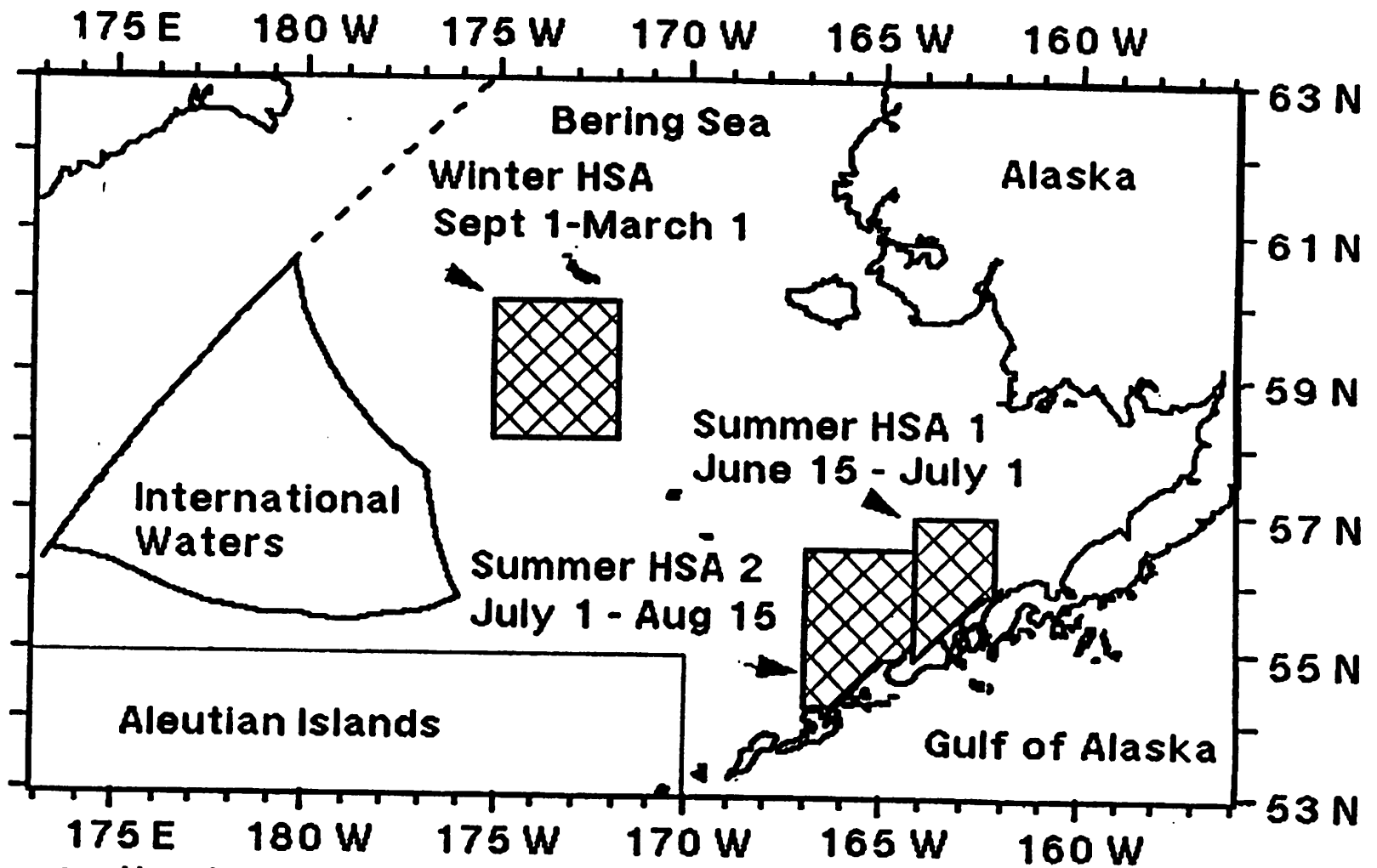


Figure 3. Herring Savings Areas (HSAs) in the Bering Sea and Aleutian Islands Area.

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INTERNATIONAL PACIFIC HALIBUT COMMISSION

ESTABLISHED BY A CONVENTION BETWEEN CANADA
AND THE UNITED STATES OF AMERICA

August 7, 1991

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Pennoyer
COPY

The Honourable John C. Crosbie
Minister of Fisheries and Oceans
Ottawa, Ontario K1A 0E6
Canada

Dear Sir:

At the January 1991 annual meeting of the International Pacific Halibut Commission, the Commission passed a resolution to address halibut mortality in non-directed fisheries throughout the Commission's jurisdiction. It created a bilateral technical group, hereby referred to as the Halibut Bycatch Working Group, to review scientific issues pertaining to:

- management measures being implemented in each country to control and reduce bycatch, and advise the Commission on their adequacy;
- appropriate target levels for bycatch mortality reduction; and
- to recommend additional measures which could be taken to reduce bycatch.

The resolution also called for a special meeting of the Commission to review the results of the working group and to:

"Consider an appropriate agreed level for bycatch mortality reduction, based on biological requirements for stock rebuilding, realization of optimum yield from the fishery, and maintenance of the stock at that level."

The extraordinary meeting was held July 22-24 in Seattle, Washington. The Commission took public testimony on July 22 and received the report of the bycatch working group. After review of all pertinent information the Commission agrees that due to:

- the low recruitment to the halibut stock in recent years;
- the potential for bycatch to equal or exceed the directed fishery harvest in the near future with dramatic impacts on the viability of this fishery; and
- the uncertainties regarding the bycatch mortality compensation procedures currently utilized by the Commission staff,

immediate action to reduce halibut bycatch mortality levels is warranted.

Specific recommendations are made for both United States and Canadian fisheries as follows:

United States Fisheries

The Commission recommends the Government of the United States reduce halibut bycatch mortality as follows:

1. For 1991, the United States should maintain the existing package of regulations which are aimed at reducing overages in the Prohibited Species Catch (PSC) limits. It is anticipated that implementation of these measures will start the decline in bycatch mortality and achieve an approximate four percent reduction.
2. For 1992, bring all groundfish fisheries off Alaska under existing caps and ensure that all fisheries adhere to specified bycatch controls. In addition, the Government of the United States should support development and expansion of incentive programs to further reduce bycatch mortality. It is anticipated that these actions should provide an additional reduction in bycatch mortality of a minimum of 10% in 1992.
3. In 1993, implement a program to reduce the bycatch caps by a minimum of 10% per year based on a rate or vessel ;quota incentive program. The goals would be to reduce mortality as far as possible over time consistent with the need to reasonably harvest the groundfish resources. The foreign fishery bycatch levels achieved in the mid-1980s shall provide an initial yardstick for monitoring success. It is anticipated that bycatch mortality will be reduced by approximately 25% by the end of 1993. Additional increases in survival will be used to increase the setline quotas.
4. Measures to address the estimation and control of bycatch off the Washington-Oregon coast should be developed, but as of this time, no data exist on which to base bycatch management measures. We therefore recommend that the International Pacific Halibut Commission develop procedures for estimation of bycatch in this area using the best available information, and incorporate these estimates into 1992 yield estimation.
5. The Commission staff will conduct an analysis of the 1990 observer data to estimate halibut mortality rates for each gear type in the United States groundfish fishery. These mortality rates will be used in establishing the 1992 commercial halibut catch limits.

Canadian Fisheries

The Commission recommends that the Government of Canada expand the Canadian observer program to cover all bottom-trawl fisheries, and that Fisheries and Oceans undertake research to examine the viability of trawl caught halibut in Canadian waters. Further, that the results of the

The Honourable John C. Crosbie
August 7, 1991
Page 3

observer program, and relevant United States experience, be used to develop and implement a bycatch control and reduction program for Canadian waters. A proposed program should be presented at the 1992 annual meeting of the International Pacific Halibut Commission.

General

The Commission will continue the Halibut Bycatch Working Group and tasks the group to develop a schedule, with review and check points, to track progress on these recommendations and their implementation. The progress would then be reported to the Commission during its "interim" and "annual" meetings and other meetings as necessary. In addition, the Commission will undertake, in conjunction with agencies of the national sections, the research recommendations of the Halibut Bycatch Working Group.

The Commission recognizes the uncertainties associated with present bycatch compensation procedures. It directs the Commission staff to continue its research into the adequacy of present procedures and develop alternative methodology, where necessary.

The Commission acknowledges a debt of gratitude to the staffs of the United States National Marine Fisheries Service, the Canadian Department of Fisheries and Oceans, and the International Pacific Halibut Commission for their contributions to the Halibut Bycatch Working Group Report and their participation in the many discussions concerning bycatch.

Sincerely yours,



Steven Pennoyer
Chairman



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service AGENDA D-2

P.O. Box 21668

Juneau, Alaska 99802-1668

6/91 SUPPLEMENTA

June 7, 1991

RECEIVED

JUN 17 1991

Richard B. Lauber, Chairman
North Pacific Fishery Management Council
P.O. Box 103136
Anchorage, AK 99510

Dear Mr. Lauber:

This letter is to notify you of my decision to approve Amendment 16a to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. The North Pacific Fishery Management Council adopted this amendment at its September 25-29, 1990, meeting.

Amendment 16a accomplishes the following:

(1) Management measures are implemented to reduce Pacific herring bycatch in the groundfish trawl fisheries. These measures include a prohibited species catch (PSC) limit framework and a series of timed area closures (Herring Savings Areas) that are triggered by the attainment of the herring PSC limit. The PSC limit is established at one percent of the estimated herring biomass. For the 1991 fishing year, the herring PSC limit is 834 mt. The 1991 herring PSC limit is apportioned to the following domestic trawl fisheries based on each fishery's anticipated bycatch of herring:

Fishery category	1991 herring bycatch allowance (mt)
Midwater pollock	584
DAP Greenland turbot	8
DAP Rocksole	0
DAP Flatfish	83
DAP other fishery	159
Total	834

A fishery's herring bycatch since the beginning of the 1991 fishing year is credited against its apportionment of the 1991 herring PSC limit. Fisheries that are apportioned a zero amount of the 1991 herring PSC limit are prohibited from fishing in the Herring Savings Areas.

Two Summer Herring Savings Areas and one Winter Herring Savings Area are established to protect seasonal concentrations of herring from those fisheries that have attained their annual apportionment of the herring PSC limit.



(2) "Hot-spot closure authority" is established that will allow the Regional Director to temporarily close areas to directed groundfish fishing to avoid high bycatch rates of prohibited species.

(3) Regulatory authority is established that will allow the Regional Director to limit the amount of pollock total allowable catch (TAC) that may be taken in the directed trawl fishery for pollock using non-pelagic trawl gear to reduce the amount of prohibited species taken in this fishery.

At its April 23-27, 1991, meeting, the Council noted that additional pollock harvests with non-pelagic trawl gear are expected to be minimal, because of 1991 halibut bycatch constraints imposed on the directed fishery for pollock with non-pelagic trawl gear. The Council recommended, therefore, that quota constraints on the 1991 directed fishery for pollock using non-pelagic trawl gear are unnecessary for purposes of limiting halibut and crab bycatch in this fishery. I concur in the Council's recommendation and have not implemented a 1991 limitation of the amount of pollock that may be harvested in the directed fishery for pollock using non-pelagic trawl gear.

The portion of Amendment 16a that authorizes herring bycatch management measures is scheduled to be effective on date of filing of the final rule with the Office of the Federal Register, currently scheduled for June 24, 1991. The remaining management measures under Amendment 16a are scheduled to be effective the end of July 1991, following a 30-day delayed effectiveness period under the Administrative Procedure Act.

Sincerely,



SPK Steven Pennoyer
Director, Alaska Region

DAN FALVEY
D-2

RATIONALE FOR THE EMERGENCY RULE
TO PROHIBIT ALL FORMS OF TRAWLING IN THE EASTERN GULF
EAST OF 140 WEST LONGITUDE

Prepared by the
Alaska Longline Fishermen's Association

At the April meeting in Kodiak, the Council recommended an Emergency Rule to prohibit all forms of trawling in the Eastern Gulf, east of 140. To date no emergency rule has been written, hence the trawl fisheries will reopen on July 1 with no additional restrictions. ALFA, and the organizations and individuals supporting the requested Emergency Rule, consider the National Marine Fisheries Service's inaction on this issue unacceptable. Our fisheries are still at risk; immediate action is needed.

The National Marine Fisheries Service (NMFS) maintains that the trawl fisheries scheduled to open on July 1 east of 140 will have an insignificant bycatch of DSR. They also maintain that they can not close the trawl fisheries while allowing the traditional hook and line DSR fishery to remain open. ALFA would like to take this opportunity to substantiate our concern that the DSR bycatch in the trawl fisheries will be significant and our claim that leaving the hook and line DSR fishery open is justified for both socioeconomic and conservation reasons.

DSR BYCATCH RATES IN THE TRAWL FISHERIES

After reviewing the rockfish reports in the 1990 SAFE Document and discussing the issue at length with both NMFS and ADF&G, ALFA has concluded that NMFS is basing its prediction of trawl DSR bycatch rates on erroneous assumptions. This issue is complicated, involving many rockfish species, however, ALFA believes that the best available information support our concerns.

In 1991, the slope rockfish assemblage was reclassified into three separate complexes: Pacific ocean perch (POP), roughey/shorthead (RE/SR), and "other" rockfish. Each complex has an area specific TAC and a Gulf-wide ABC.

The ABC for each species is equal to the overfishing definition. Currently POP and RE/SR are both listed as Prohibited Species in the Eastern Gulf, leaving only the "other" rockfish and pelagic shelf rockfish fisheries open. The "other" rockfish complex is composed predominately of three species: northern, sharpchin and harlequin rockfish. According to the 1990 SAFE Document, these three species are predominately found in depths ranging from 50-100 fathoms. According to ADF&G, demersal shelf rockfish are predominately found in depths ranging from 20-120 fathoms. Clearly DSR on the "other" rockfish complex intermingle; re-opening the rockfish trawl fishery will result in high DSR bycatch rates.

As stated earlier, NMFS maintains that the DSR bycatch by trawlers prosecuting the "other" rockfish fishery will be insignificant. However, because the slope rockfish assemblage was so recently reclassified, historic bycatch rates are not predictive of this year's bycatch rates. According to the SAFE Document, POP and RE/SR, which previously were part of the slope assemblage, have historically been the two highest value species within the assemblage. Both POP and RE/SR are found in depths greater than 100 fathoms, hence trawl vessels prosecuting the slope rockfish fishery prior to 1991 likely operated in depths greater than 100 fathoms. Information provided by NMFS on species composition of the commercial harvest taken during the 1989 and '90 slope rockfish trawl fishery confirm that 75% of the harvest in '89, and 85% of the harvest in '90 were either POP or RE/SR. These figures indicate that historically these fisheries occurred in deeper water than they will this year. Since POP and RE/SR are no longer part of the this complex, trawl vessels targeting "other" rockfish this year will no longer be operating in deep water; rather, they will be operating in shallow water (50-100F) where, according to the SAFE Document, the majority of the species that make up the current "other" rockfish complex are most abundant. As indicated above, DSR are also most abundant in 50-100 fathoms. It is clear from these facts that the DSR bycatch rates will not be insignificant.

At this point, only 154 mt of DSR remain in the Southeast Outside area before the TAC is reached. This figure includes the trawl bycatch of DSR that NMFS has reclassified to date. ADF&G estimates that 150 mt will be required for the traditional longline fisheries in Southeast to go to completion this year. This leaves a margin of error of less than 4 mt. Clearly re-opening the trawl fisheries with no accurate or reliable information on

potential bycatch of DSR will jeopardize the traditional longline fisheries.

Again, the Emergency Rule passed by the Council was based on the need to prevent trawl bycatch of DSR from preempting the traditional longline fisheries of Southeast Alaska. The fisheries at risk are the directed longline fishery for DSR and the longline halibut fishery. In April the Council determined that preemption of either fishery would have unacceptable socioeconomic impacts on the longline fishermen and the coastal communities in Southeast. NMFS' decision to delay implementation of an Emergency Rule prohibiting trawling until trawl DSR bycatch has closed the traditional longline DSR fishery defeats the purpose of the Emergency Rule recommended by the Council. If NMFS waits until the trawlers have preempted the longline fishery, the Emergency Rule is meaningless.

CONSERVATION RATIONALE

There are also conservation reasons for closing the trawl fisheries east of 140 without closing the DSR longline fishery. The directed DSR hook and line fishery is carefully micro-managed by ADF&G. In 1984, the Council recognized the need for conservative micromanagement of the DSR complex, and further realized that this type of management was not possible at the federal level. As a result, ADF&G was given the lead management role for the DSR complex, and full management authority in 1990. Since given this lead management role in 1984, ADF&G has worked closely with industry, instituting conservation measures such as: weekly trip limits of 7500 lbs, sub-area by sub-area management, mandatory log books, and an intensive dock side sampling program. ADF&G also has "hot spot" authority to close down areas to prevent localized depletion, and uses its dock side sampling program to ensure timely availability of information on species composition and fishing effort

The trawl fisheries impacting DSR, on the other hand, are macro-managed by NMFS. NMFS does not have "hot spot" authority, nor does it have access to timely, reliable species composition data. The trawl fisheries are fast-paced, high volume fisheries that can quickly overfish sub areas, individual species within the DSR complex, and the DSR complex as a whole. Information from trawl fisheries is not passed on in a timely fashion to ADF&G which has the infrastructure and responsibility to manage this complex. Since 2/3 of the DSR TAC has already been taken, and only 154 remain, ALFA feels that careful micro-management,

of which only the state is equipped to provide, will prevent the DSR complex from being overfished.

NMFS has proposed writing an alternative emergency rule to the requested complete trawl closure that would allow all trawl fisheries to re-open but would reduce the allowed DSR bycatch in the rockfish trawl fisheries to 1%. The above information demonstrates that the bycatch of DSR in the "Other Rockfish" fishery will exceed 1% and, since discards count against the ABC, for both socioeconomic and conservation reasons the 1% rate is not a viable alternative. Only the closure of all trawl fisheries east of 140 will protect the traditional fisheries and the DSR resource.

ADDITIONAL CONSERVATION RATIONALE

TRAWL BYCATCH OF RE/SR.

As mentioned previously, the RE/SR complex is predominately found in depths greater than 100 fathoms. The 1990 rockfish trawl survey found that RE/SR comprised 23.8% of the catch in depths greater than 100 fathoms. This catch rate was 62% higher than the proportional abundance of RE/SR in the exploitable biomass. The SAFE document further states that preliminary 1989 observer data shows that the relative abundance of RE/SR in the commercial catch was 2.5-5 times higher than it was in the trawl survey, and that the greatest abundance of RE/SR occurs in the Eastern Gulf. Therefore any trawl vessels operating in depths greater than 100 fathoms will have a high bycatch of RE/SR.

On June 21, the RE/SR assemblage were designated a prohibited species. NMFS news release announcing the status change reads "because of its high value and presence as bycatch in other groundfish fisheries, the RE/SR species category is in danger of being overfished. Should this or any species group reach a level of harvest defined as overfishing, other Gulf of Alaska fisheries may be curtailed. Therefore, as a conservative measure, and to prevent overfishing" RE/SR was designated as a prohibited species. As with all rockfish species, the discard mortality of RE/SR is 100% and counts against the ABC.

Any trawl fisheries re-opened in this part of the Eastern Gulf can impact fisheries in the entire Gulf through their bycatch of RE/SR. If trawl vessels attempt to fish shallower water to avoid RE/SR, the bycatch of DSR will be high causing the socioeconomic and conservation problems outlined in the first part of this rationale.

TRAWL CATCH OF PACIFIC COD

According to ADF&G, pollock intermingle with the pacific cod in this part of the Eastern Gulf. The 1991 pollock TAC in the Eastern Gulf has already been exceeded by 316%. At the April Council meeting, testimony was given to the fact that this excessive amount of pollock was taken by one factory trawler fishing for about two weeks. Even with the additional allocation recently released by NMFS, the Eastern Gulf pollock TAC remains full exploited. As 2793 mt of pacific cod remain in the Eastern Gulf, and as it is our understanding that the Eastern Gulf p. cod fishery is the only Gulf p.cod fishery still open, effort could be high and the amount of pollock taken significant. This is substantiated by the fact that one trawl company test fished this area in 1990, and expressed an intent to exploit the p. cod resource east of 140 this year. Since DSR inhabit the same depth as pacific cod in this area, the trawl bycatch of DSR will also be high.

FLATFISH TRAWL CATCHES.

According to NMFS, in 1990 only 3% of the Eastern Gulf TAC for Deep water flatfish was taken from the area east of 140. For shallow water flatfish and arrowtooth flounder, (which inhabit the same depth strata as DSR), approx. 21% and 10% respectively of the Eastern Gulf TAC was taken from this area. Therefore, closing these trawl fisheries will ensure that no DSR is taken and, as these fisheries have not traditionally been extensively prosecuted in this part of the Eastern Gulf, would not cause unprecedented amounts of the TAC to remain unexploited.

To: easygate@information@nmfs[Hilton\fax:8 907 265 7140]
 From: Galen Tromble@Fish Management@NMFS
 Subject: Fax for Dan Falvey, ALFA
 Date: Wednesday, June 26, 1991 at 11:29:46 am AKD
 Attach:
 Certify: N

-----[Message Follows]-----
 Dan Falvey -- ALFA

I hope this information is what you wanted. I had another priority project come up this morning, and have been unable to get to the 1988 data.

Slope Rockfish
 Trawl Gear
 Zone 65

SPEC	SPEC->DESC	1989 mt	1990 mt
135	GREENSTRIPE ROCKFISH	0.0005	none reported
136	NORTHERN ROCKFISH	0.0079	none reported
141	PACIFIC OCEAN PERCH	~869.3723	705.13
144	UNSPECIFIED SLOPE ROCKFISH	~364.9522	200.89
151	ROUGHEYE ROCKFISH	~182.5268	157.65
152	SHORTRAKER ROCKFISH	~104.2938	324.03
153	REDBANDED ROCKFISH	4.4062	2.70
159	DARKBLOTCHED ROCKFISH	0.0005	none reported
175	YELLOWMOUTH	0.0036	none reported
<i>TOTAL</i>		<i>1525</i>	<i>1389</i>
<i>POP SR/RE =</i>		<i>1155</i>	<i>1188</i>
		<i>75%</i>	<i>85%</i>

SUMMARY OF 1990 FLATFISH CATCHES BY TRAWL GEAR IN THE EASTERN REGULATORY AREA

	Zone	Catch	TAC	% of TAC
Deep water flatfish	64	405.72	3,050	13.3
	65	86.50		2.8
	68	12.07		0.4
	Total	504.29		16.5
Shallow water flatfish	64	80.22	250	32.1
	65	53.88		21.5
	68	00.00		00.0
	Total	134.10		53.6
Arrowtooth flounder	64	1,023.47	4,380	23.4
	65	467.60		10.7
	68	37.12		0.8
	Total	1,528.19		34.9

] SE0/EY

Please let us know if you need more information.

Sincerely,
 D

GARY CADD
D-26

KENAI PENINSULA SPORTSMENS ASSOCIATION
P.O. Box 1995
Kenai, Alaska 99611
Phone (907) 283-3331

DATE: June 28, 1991
TO: NPFMC MEMBERS
FROM: Gary Cadd, Director
RE: King Salmon Bycatch Testimony

Mr. Chairman, Council members, I am here to testify on behalf of Kenai Peninsula Sportsmen's Association.

RECOMMENDATIONS:

1. Develop a plan amendment to reduce king salmon bycatch in the BERING SEA/ALUTIAN ISLANDS and GULF OF ALASKA, including bycatch rates and overall area caps. With a future goal of .004 king salmon per metric ton of groundfish, and a area wide cap of 12,000 fish for both the BS/AI and GOA.

You have before you a letter from Alaska Department of Fish and Game, Deputy Commissioner Ron Summerville, to NMFS Director Steve Pennoyer. I would like to read the second paragraph of the second page, and I quote.

Area wide caps for BS/AI and GOA of 12,000 is obtainable. The 1990 and 1991 GOA figures are under 9,000 if the bycatch for the groundfisheries are subtracted. We have added 3,000 to show good faith in working toward a level playing field for all of us. We believe these two measures must be implemented before Jan. 1, 1992, or face an unacceptable bycatch, such as 1991.

2. Refine HOT-SHOT closure authority as implemented under Amendment 16a. To enable a more effective closure of "hot-spot" areas.

Again, please find before you a copy of NMFS Possible Elements of a Refined "Hot-Shot" Authority, which I would like to read.

We believe these above recommendations will greatly reduce the bycatch problems for 1992.

Other future recommendations:

1. NMFS publication of vessel names and bycatch rates.
2. Require real time Comsat (or equivalent) communication equipment.
3. Bycatch incentive proposals.
4. Delay opening of the GOA rockfish fishery until July 1992.
5. Close trawling in Eastern GOA east of 140W.
6. Hot-spot authority in GOA and revised hot-spot authority in both BS/AI and GOA.

King Salmon Bycatch:

1990 GOA	15,714	<i>Rock</i>	1991 GOA	35,240	<i>Rock</i>
	<u>7,639</u>	Groundfishery		<u>26,256</u>	Groundfishery
	8,175			8,984	

Thank You for your time.

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 3-2000
JUNEAU, ALASKA 99802-2000
PHONE: (907) 485-4100

February 13, 1991

Steve Pennoyer
Director
Alaska Region
National Marine Fisheries Service
P.O. Box 1668
Juneau, Alaska 99802

Dear Mr. Pennoyer:

As you are aware, the Bering Sea trawl fishery has exhibited some startlingly high bycatch rates for chinook salmon during the first several weeks of 1991. The incidental harvest of some 20,000 chinook by February 3 has fishermen, biologists, and the Alaska Board of Fisheries very alarmed. Past reports of chinook bycatch in the Gulf of Alaska and in the "donut hole" of international waters of the central Bering Sea are also of great concern.

The Department of Fish and Game has developed a summary of the 1991 bycatch to date, based upon initial observer reports, and comparisons to past levels of chinook catches, both as bycatch and as directed harvest in state waters (enclosed). The few stock identification studies available indicate that the majority of chinook taken in Bering Sea trawl fisheries are likely from western and central Alaska stocks. Most of these stocks are already fully allocated to commercial, sport, and/or subsistence fisheries, and several of them are suffering declines in run strength.

The additional pressure of bycatch on these stocks may, in at least a few instances, constitute a conservation problem; it certainly constitutes a reallocation of state-managed resources. Given the obvious disputes between our own fishermen over even small numbers of kings in many systems, I am sure you understand our concern for yet another source of mortality, let alone one that is truly incidental and of no apparent benefit.

I believe that this problem warrants your immediate attention. We encourage the National Marine Fisheries Service (NMFS) to monitor the salmon bycatch very closely and make projections of any additional take expected during the 1991 groundfish fisheries. In addition, I ask that you review your authorities to institute time/area ("hot spot") closures or other emergency measures to protect Alaskan chinook stocks. Because of the importance of these

Steve Pennoyer

- 2 -

February 13, 1991

stocks to our traditional fisheries, we are urging you to consider emergency action as requested by the Board of Fisheries.

As a potential point of reference, we note that foreign and joint-venture fishermen were able to control their annual chinook bycatch rates from 115,100 chinook salmon per 1.33 million mt of groundfish (0.087 chinook/mt) in 1980 down to about 0.004 chinook/mt in 1986. Presumably we should expect our own domestic fishermen to exhibit the same, if not better, control of their impacts on the resources upon which other domestic fishermen depend. I suggest that NMFS, in the short term, and perhaps the North Pacific Fishery Management Council, consider a bycatch management program that would limit chinook take to, at maximum, a commensurate 0.004 chinook/mt. For 1990, this rate would have restricted bycatch to approximately 6,600 chinook for the 1.65 million mt of groundfish taken, rather than the 14,000 chinook reported by observers. Similar protection may also need be afforded in the Gulf of Alaska and the donut hole.

Steve, I know that this is not a simple issue. On the other hand, it is not an issue easily dismissed. The burden of responsibility lies properly with the newly exploding groundfish fishery rather than with the established and traditional users of chinook salmon. I look forward to your consideration of the control of this bycatch and offer the assistance of ADF&G staff for any further data analysis which may be necessary. Please keep us apprised of your actions. Thanks.

Sincerely,



Ron Somerville
Deputy Commissioner

Enclosure

cc: Michael Martin
Clem Tillion
Clarence Pautzke
Denby Lloyd

NMFS
Alaska Region
May 31, 1991

POSSIBLE ELEMENTS OF A REFINED "HOT-SPOT" AUTHORITY

DISCRETIONARY
The "hot-spot" closure authority implemented under Amendment 16a would be triggered at the discretion of the Regional Director, pending his determinations on a number of considerations set forth in rulemaking. Because this authority requires discretionary determinations, an impact analysis of a temporary closure must be prepared under NOAA policy guidelines drafted for framework procedures. Based on prohibited species bycatch trends experienced in 1990 and 1991, the time period necessary to prepare adequate documentation and determinations under this authority may preempt effective closure of "hot-spots."

MANDATORY
To enable a more effective closure of "hot-spots," inseason closure authority of these areas must be developed that set forth specific threshold criteria in regulations, which when triggered, would close specific areas. This authority would allow the Regional Director to close predetermined areas and would be similar to closure procedures followed upon attainment of TAC or prohibited species bycatch allowances.

Given the above constraints, a timely inseason closure authority could be comprised of the following elements:

1. Preseason specification of threshold bycatch rates:
During the Council's September - December specification process, the Council would review prohibited species bycatch rates, and recommend annual threshold rates by prohibited species (and groundfish fishery?) which would trigger "hot spot" closures." The recommended rates would be published for public comment and implemented with annual fishery specifications.

2. Designation of time-areas closures. Weekly data are reported by the industry and observers by Federal reporting area. Although observer and vessel operators record actual haul positions (Lat & Long), this information is recorded in logbooks or in observer reports that are not submitted until later in the fishing year. As a result, most inseason closures based on weekly data would close whole reporting areas unless the Regional Director had information to support smaller, predetermined area closures. Areas smaller than reporting areas could be published for public comment and implemented with annual fishery specifications.

The duration of hot-spot closures must be specified in regulations. Because hot-spot problems appear to be of short duration, a two-week closure period may be appropriate.

3. Inseason triggers of hot-spot closures: To implement a hot-spot closure within a 1-2 week period, the Regional Director would be forced to base closures on only one week's worth of observed bycatch rates. When the average weekly rate in a reporting area exceeds the Council's threshold rate, the area would be closed for the time period specified in regulations.

SALVESON:C:\WORD\TEMP\HOT-SPOT

TALKING POINTS FOR CANADIAN REPRESENTATION
TO THE NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL
ON THE HALIBUT BYCATCH REDUCTION PROCESS
JUNE 24-28, 1991, ANCHORAGE, ALASKA

THANK YOU FOR GIVING ME THIS OPPORTUNITY TO
SPEAK TO YOU AGAIN ABOUT THE QUESTION OF HALIBUT BYCATCH
MORTALITY.

SINCE I SPOKE TO YOU LAST SEPTEMBER, THERE HAVE
BEEN IMPORTANT DEVELOPMENTS THAT GIVE US GOOD REASON TO BELIEVE
THAT A SOLUTION TO THIS PROBLEM CAN BE WITHIN OUR REACH IN THE
NEAR FUTURE.

ONE OF THESE DEVELOPMENTS IS THE RESOLUTION ON
HALIBUT BYCATCH REDUCTION, WHICH THE INTERNATIONAL PACIFIC
HALIBUT COMMISSION ADOPTED AT ITS ANNUAL MEETING IN VANCOUVER
LAST JANUARY.

CANADA IS A STRONG SUPPORTER OF THIS RESOLUTION
AND ITS PROCESS OF CONSIDERING WAYS TO REDUCE BYCATCH. WE ARE
GLAD THAT THE UNITED STATES IS ALSO FULLY INVOLVED AND HIGHLY
SUPPORTIVE.

THIS RESOLUTION IS CLEARLY AN IMPORTANT STEP
FORWARD. THROUGH IT, THE NEED TO REDUCE HALIBUT BYCATCHES HAS
BEEN RECOGNIZED AS A TOP PRIORITY FOR THE COMMISSION AND FOR THE

TWO PARTIES- CANADA AND THE UNITED STATES - WHICH CONSTITUTE THE COMMISSION.

AS YOU ARE AWARE, IT CALLS FOR THE CONVENING OF A SPECIAL SESSION OF THE COMMISSION TO ADVISE ON THE ADEQUACY OF CURRENT HALIBUT BYCATCH CONTROL AND REDUCTION MEASURES, AND TO MAKE RECOMMENDATIONS TO OUR TWO GOVERNMENTS ON ADDITIONAL AND CONCRETE MEASURES FOR THE REDUCTION OF HALIBUT BYCATCH MORTALITY. THE SPECIAL SESSION WILL BE HELD NEXT MONTH IN SEATTLE, FROM JULY 22 TO JULY 24.

CANADA ALSO IS PLEASED WITH THE SPIRIT OF COOPERATION DEMONSTRATED IN THE CANADA/USA WORKING GROUP WHICH HAS BEEN ASKED BY THE COMMISSIONERS TO PREPARE PROPOSALS FOR THEIR CONSIDERATION AT THE SPECIAL SESSION NEXT MONTH.

CANADA IS LOOKING FORWARD TO THE SPECIAL SESSION OF THE COMMISSION. FOR CANADA, IT IS IMPORTANT THAT THIS SESSION COMES UP WITH A PLAN OF ACTION THAT WILL EFFECTIVELY ADDRESS WITHOUT ANY FURTHER DELAY THE BYCATCH PROBLEM. THIS PLAN SHOULD INCORPORATE SPECIFIC MEASURES AIMED AT SUBSTANTIALLY REDUCING HALIBUT BYCATCHES NOW. THE TASK OF REDUCING BYCATCHES MUST BEGIN THIS YEAR. IT CANNOT BE POSTPONED TO ANOTHER YEAR.

AS YOU ARE FULLY AWARE, CANADA HAS BEEN URGING THE UNITED STATES TO REDUCE ITS HALIBUT BYCATCHES BY 50 PERCENT.

WE CONTINUE TO BELIEVE THAT THIS IS A REASONABLE GOAL.

AS I INDICATED TO YOU LAST SEPTEMBER, CANADA IS CONVINCED THAT THE COUNCIL IS A KEY PLAYER IN THE BYCATCH REDUCTION PROCESS AND CAN DO MUCH THROUGH ITS BYCATCH PLAN TO ADDRESS IN A VERY SIGNIFICANT WAY THIS IMPORTANT PROBLEM.

THE MEASURES PUT IN PLACE BY THE UNITED STATES TO DATE TO DEAL WITH THE HALIBUT BYCATCH PROBLEM IN ALASKAN WATERS ARE A GOOD START. HOWEVER THEY DO NOT REDUCE BYCATCHES AND, THEREFORE, REMAIN INSUFFICIENT TO DEAL WITH THE MAGNITUDE OF THE PROBLEM. I THINK THAT YOU ALL RECOGNIZE THAT AND THIS IS WHY YOU ARE SPENDING A SIGNIFICANT AMOUNT OF TIME AND EFFORT TO SEARCH FOR APPROPRIATE SOLUTIONS.

IN THIS REGARD, I WOULD LIKE TO DRAW YOUR ATTENTION TO THE PROPOSALS ADVANCED THIS YEAR BY THE STAFF OF THE IPHC. THEY MERIT YOUR FULL CONSIDERATION AS THEY PROVIDE A REASONABLE APPROACH TO ACHIEVE SIGNIFICANT HALIBUT BYCATCH REDUCTION.

CANADA HAS BEGUN TO ADDRESS ITS SMALLER HALIBUT BYCATCH PROBLEM AS WELL. A PILOT OBSERVER PROGRAM IN THE CANADIAN GROUND FISH FISHERIES WILL BE ESTABLISHED THIS YEAR. MANAGERS IN CONSULTATION WITH IND. REPS WILL BE EVALUATING OPTIONS TO REDUCE HALIBUT BYCATCH MORTALITY IN CANADA. HOWEVER, THE COUNCIL MUST RECOGNIZE THAT 92% OF THE BYCATCH PROBLEM OCCURS IN U.S. WATERS.

ONLY MAJOR REDUCTIONS IN BYCATCH MORTALITY BY U.S. FISHERIES WILL ADDRESS THIS PROBLEM.

IN ADDITION, BEGINNING IN MAY 1991, CANADA HAS IMPLEMENTED AN INDIVIDUAL VESSEL QUOTA (IVQ) PROGRAM IN ITS HALIBUT FISHERY WHICH WE BELIEVE WILL HELP IMPROVE CONSERVATION AND IMPROVE THIS FISHERY IN CANADA.

I KNOW THAT AN EQUIVALENT APPROACH IS UNDER ACTIVE CONSIDERATION BY THE COUNCIL. I WANT TO TAKE THIS OPPORTUNITY TO PASS ON TO YOU ON AN INVITATION TO MEET WITH CANADIAN FISHERIES MANAGERS TO DISCUSS OUR EXPERIENCE IN THE IMPLEMENTATION OF THE IVQ PROGRAMME IN CANADA.

CANADA IS CONVINCED THAT SUBSTANTIAL REDUCTIONS IN HALIBUT BYCATCHES ARE ESSENTIAL FOR THE CONTINUED VIABILITY OF THE HALIBUT FISHERY ON THE WEST COAST. WE BELIEVE THAT THESE REDUCTIONS ARE NOW POSSIBLE AND FEASIBLE. THE TIME TO ACT IS NOW.

CANADA IS CONFIDENT THAT WE WILL BE ABLE TO WORK TOGETHER TO IMPROVE THE CONSERVATION AND MANAGEMENT REGIME FOR THE HALIBUT RESOURCE. WE BELIEVE WE CAN TACKLE THE BYCATCH MORTALITY PROBLEM WITH THE SAME COOPERATIVE SPIRIT OUR TWO COUNTRIES HAVE BEEN JOINTLY MANAGING THIS RESOURCE SINCE 1923 IN THE CONTEXT OF THE INTERNATIONAL PACIFIC HALIBUT COMMISSION.

Chris Chavasse
P.O. Box 15003
Fritz Creek,
Alaska 99603

June 29, 1991

Mr. Rick Lauber
Chairman, NPFMC
Anchorage Hilton Hotel

Mr. Chairman and Distinguished Members of the Council:

I would like to address the waste of PSC and co-link that waste with both bycatch and target specie discards. The waste, gentlemen, is unacceptable, wanton and an international disgrace.

The current discard of PSC game fish falls, I believe, under federal and state law, prohibiting and defining it as wanton, and as such is criminal. The discard of other non-target species and target species in current quantities is in the broader sense of the definition also wanton.

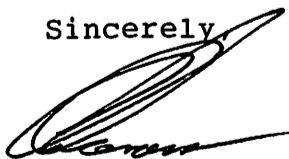
The continued abuse of this food source cannot continue, and I am recommending an immediate closure of the trawl fisheries in the North Pacific, Gulf of Alaska and Bering Sea until such time that effective measures are in place to prevent further waste.

This affords an appropriate vehicle for the parties concerned in these fisheries under your jurisdiction to come to grips with the overall problem and forge multi-lateral agreements all participants can live with. It will also facilitate the implementation and fine tuning of regulatory measures. Regulatory tools should include mandatory hotspot closures, time/area closures, caps, increased observer coverage, accurate weighing and measuring of target, non-target and PSC's, reduction in gear size, and the retention of all protein-base resources typically discarded. The retained PSC's would become property of the USDA food commodity bank for use in the National program which currently assists over 12 million Americans, and is also utilized in worldwide aid programs.

Look ahead, gentlemen. Consider the burgeoning world population; consider the effects of drought and global warming, the anticipated crop failures due to the oil fires of Kuwait, the refugees of war and natural disasters. It is our responsibility to conserve and maintain sustained biologically diverse fisheries resources for this and future generations.

Thank you for your consideration. I am of course at your service to entertain any questions you may have.

Sincerely



Chris Chavasse

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Fisheries Conservation Action Group
41685 Redoubt Circle
Homer, Alaska 99603

June 27, 1991

Mr. Steven Pennoyer, Director
NMFS/Alaska Region
P.O. Box 21668
Juneau, AK 99802

Dear Mr. Pennoyer:

There is strong support in the United States and Canada to increase bycatch constraints on factory trawl fisheries in the Bering Sea and Aleutian Islands, in order to ensure adequate protection for halibut stocks. The Fisheries Conservation Action Group (FCAG), is comprised of commercial, sport, and processor representatives of both nations, who find the present bycatch limitation regime virtually ineffective.

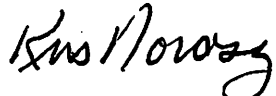
Halibut stocks are declining; a trend that is expected to continue over the next few years. This situation creates a conservation issue that cannot be adequately addressed without a significant reduction in bycatch.

The FCAG supports efforts, initiated under the auspices of the International Pacific Halibut Commission (IPHC), to address the halibut bycatch issue. Therefore, we are disappointed to learn that the U.S. has not yet endorsed the Canadian proposal to gradually reduce halibut bycatch mortality by 50% over a five year period. In addition, our members are concerned with Canada's present lack of observer and bycatch reduction programs. We are committed to the concept that bilateral cooperation is tantamount to the success of achieving a reduced bycatch level.

Over the years, halibut fishermen in the United States and Canada have borne the hardship of conservation management, while the factory trawlers have not carried a proportionate share of the burden. Our governments must find the means to correct this inequity; the Canadian proposal is an honest effort in this direction.

Constructive and responsible approaches for reducing halibut bycatch are imperative. The FCAG urges the NMFS to support Canada's bycatch proposal and also to encourage the implementation of observer and bycatch reduction programs in the Canadian trawl fisheries.

Sincerely,



Kris Norosz, President

cc: Governor Walter J. Hickel
Alaska Congressional Delegation
Senator Dick Eliason
Senator Lloyd Jones
Senator Fred Zharoff
Rep. Cliff Davidson
Rick Lauber, NPFMC
David Colson, U.S. State Dept.
Don McCaughran, IPHC
Carl Rosier, ADF & G

MEMO: TO CBJ ASSEMBLY
THRU: KEVIN RITCHIE, BOROUGH MANAGER
FROM: GERON BRUCE, FISHERIES DEVELOPMENT COMMITTEE
May 30, 1991

We hope you have recently heard thru the news media about the changing situation in the eastern Gulf of Alaska, the waters adjacent to Southeast Alaska. Factory trawlers have been increasing their fishing operations in these waters, because of closures in the more lucrative fishing grounds in the Bering Sea and remainder of the Gulf of Alaska.

These closures have been made because of the so called "bycatch" of non-target species in the trawl fishery. The size of these factory trawl operations is very large: vessels several hundred feet long, nets as big as a football stadium. Naturally, such massive, industrial fishing operations can catch extremely large numbers of fish very rapidly.

Since there is no form of limited entry for the trawl fisheries, more and more capital is being invested in vessels, improved nets, and equipment, as each fishing company tries to outdo the competition in the shorter and shorter seasons. This is a proven prescription for overfishing and environmental disaster.

There are also social concerns inherent in the threat posed by large scale trawling off the waters of Southeast Alaska. It is likely to reduce stocks upon which the residents of our local coastal communities depend. The trawl fishery has a minimal benefit for the Alaskan communities and the economies upon which they are built, but the longline, salmon, herring, and crab fisheries are dominated by Alaskan fishermen and women.

The CBJ Fisheries Development Committee discussed this issue at several meetings. We also received a briefing by Larry Cotter, a Juneau fisheries consultant, who serves on the North Pacific Fisheries Management Council. It is the unanimous decision of this committee to recommend that the City and Borough of Juneau should go on record in support of the proposed trawl closure.

We have provided a draft resolution on this issue for the Assembly's consideration. Attached to this resolution you will find similar resolutions already passed by other communities. Please schedule this issue for action as soon as possible. If the Assembly would like more information, members of the committee are available to come to a meeting and answer questions, or provide any additional information we can.

City of Juneau

Proposed resolution of the City Council of the City and Borough of Juneau, Alaska, requesting closure of the Eastern Gulf of Alaska to pelagic and on-bottom trawling.

WHEREAS, the long line and salmon (commercial & sports) fleets of Juneau totally depend upon the fish stocks in the Eastern Gulf of Alaska and an increasing trawl fishing effort will place undue pressure on these fish stocks and displace the traditional users; and,

WHEREAS, the foreign trawl fleet decimated slope rockfish stocks during the 1960s, from which stocks in the Eastern Gulf have not yet recovered. Rougheye and Shortraker rockfish stocks also remain depressed. Now the American trawl fleet is threatening the same rockfish stocks. In the Eastern Gulf, the trawl fleet is rapidly approaching the 1991 allowable biological catch (ABC) for the rougheye/shortraker rockfish complex and, according to the new federal definition of "over fishing", if the ABC is reached or exceeded all fisheries having an impact on the "over fished" stock will be closed; in other words, the Eastern Gulf longline sablefish fisheries for 1991 and the September halibut opening could be cancelled; and,

WHEREAS, at the recommendation of the international Pacific Halibut Commission, the North Pacific Fishery Management Council postponed the longline sablefish fishery until May 15, 1991 to reduce halibut bycatch. Trawlers, with a 100% halibut bycatch mortality rate, intend to target grey cod this summer in the Eastern Gulf (retaining their allowed 15% sablefish bycatch), working the same grounds closed to longliners in order to protect halibut stocks. Only by prohibiting trawling will the halibut stocks actually gain the intended protection; and,

WHEREAS, the bottom habitat in the Eastern Gulf is particularly vulnerable to on-bottom trawling due to the nature of the benthic community. The vulnerability is compounded by the narrowness of the shelf/slope region which concentrates effort, preventing damaged area from recovering. Increased trawl effort could permanently impoverish Eastern Gulf ecosystems; and,

WHEREAS, the Steller sea lion populations in the Eastern Gulf are stable and possibly increasing. Evidence suggests that trawling may be implicated in the precipitous decline of Steller populations in all other parts of their range. The Steller Sea Lion Recovery Team has indicated the critical importance of comparing the effects of various fisheries on sea lion populations. Designating the Eastern Gulf a trawl-free zone will provide an ideal laboratory for

researchers to conduct comparison studies; it will also provide maximum protection to the one area in which Steller populations remain healthy.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Juneau, Alaska, that:

Emergency closure of the Eastern Gulf of Alaska to pelagic and on-bottom trawling east of 140 degrees West longitude as requested by the North Pacific Fishery Management Council be approved by the United States Secretary of Commerce.

BE IT FURTHER RESOLVED THAT: The North Pacific Fishery Management Council include the emergency closure of the Eastern Gulf of Alaska to pelagic and on-bottom trawling East of 140 degrees West longitude as part of its 1991 by-catch amendment package, forward the closure proposal as part of the amendment package to the United States Secretary of Commerce, and that the Secretary of Commerce approve the closure at the earliest possible time.

The undersigned people support the Alaska Longline Fishermen's Association's request to the North Pacific Fishery Management Council that the Eastern Gulf of Alaska (federal waters east of 140 degrees West longitude) be closed to both on-bottom and pelagic trawling.

Name (please print)	Signature	Address
1. MIRA L. OSBORNE	<i>Mira L. Osborne</i>	PO Box 240755 Juneau
2. JAMES SILVER	<i>James Silver</i>	9378 Rivercourt Way Juneau, AK 99801
3. Janet Dunbar	<i>Janet Dunbar</i>	Box 33504 / JPOU, AK 99803
4. Shari Abel	<i>Shari Abel</i>	P.O. Box 33465 Juneau, AK 99803
5. Roxanne Drake-Burkhart	<i>Roxanne Drake-Burkhart</i>	Box 32462 Juneau, AK 99803
6. Penny Melnick	<i>Penny Melnick</i>	P.O. Box 34014, Chukotka Regional 99801
7. William Thomas	<i>William Thomas</i>	P.O. Box 942 Healy, AK 99827
8. GEORGE DANNER III	<i>George Danner III</i>	1028 Arctic Circle, JUNEAU, AK 99801
9. RUTH DANNER	<i>Ruth Danner</i>	1028 ARCTIC CIRCLE, JUNEAU, AK 99801
10. Thomas P. Blanton	<i>Thomas P. Blanton</i>	P.O. Box 33554 Juneau AK 99803; Thomas P. Blanton
11. BRUCE H. PEAKS	<i>Bruce H. Peaks</i>	1013 CLEBURNE DR JUNEAU, AK 99801
12. Kevin M. Johnson	<i>Kevin M. Johnson</i>	3039 Woodcock Ave Juneau AK 99801
13. Debbie Krantz	<i>Debbie Krantz</i>	P.O. Box 34194, JUNEAU AK 99803
14. James W. Akins	<i>James W. Akins</i>	P.O. Box 253, Douglas AK 99824
15. Paul J. Vandor	<i>Paul Vandor</i>	P.O. Box 240-102 Douglas AK 99824
16. Rose Vandor	<i>Rose Vandor</i>	P.O. Box 240502 Douglas AK 99824
17. Gary Rosenberger	<i>Gary Rosenberger</i>	2760 Douglas Hwy Juneau AK 99801
18. Wendell Thorne	<i>Wendell Thorne</i>	Box 65 Douglas AK 99824
19. PATTI LEWIS	<i>Patti Lewis</i>	Box 67 Effin Cove AK 99801
20. CHARLES KNOWLES	<i>Charles Knowles</i>	P.O. B. 240863 DOUGLAS, AK 99824
21. Wm. Hartsoek	<i>William Hartsoek</i>	Box 585 Douglas AK, 99824
22. Edward S Foster	<i>Edward S Foster</i>	P.O. Box 106 Douglas AK 99824
23. Thomas H. Whalen Jr	<i>Thomas Whalen Jr</i>	Box 323 Douglas AK 99824

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ADDRESS

- 24. Arthur B. Osborne ~~Arthur B. Osborne~~ PO Box 925 Douglas, AK 9982
- 25. Randy B. Bason RANDY BEASON 20 Box 872 Douglas, AK 9982
- 26. Jagulyz M. Lee Jagulyz M. Lee 1108 UCC BURN DRIVE JUNEAU 99801
- 27. James S. Bason JAMES S. BASON PO Box 402 Douglas, AK 9982
- 28. Catherine McKenzie Catherine McKenzie 2760 Douglas Hwy JUNEAU AK 99801
- 29. Robert Sliter2 Robert Sliter 1410 2nd St JUNEAU AK 99801
- 30. Beth Sliter Betha Sliter PO Box 24543 Douglas AK 9982
- 31. JOHN MURRIGAN John Murrigan Box 335 Douglas AK 9982
- 32. Steve Griffin STEVE GRIFFIN 5690 THAYER RD JUNEAU 99801
- 33. John Bueck John Bueck 1220 Glacier Ave JUNEAU AK 99801
- 34. Stuart CRAMER Stuart Cramer PO Box 1st July 99 AK 99801
- 35. Maura Maura MARIL HAWKAY 1017 BONNIE JUNEAU AK 99801
- 36. STUART J. SLITER Stuart J. Sliter 1410 2nd. St. JUNEAU AK 99801
- 37. Phyllis M. Lewis Phyllis M. Lewis Box 240352 Anchorage AK 99522
- 38. Phyllis M. Lewis Phyllis M. Lewis Box 210348 Anchorage AK 99522
- 39. Peter McDowell Peter McDowell Box 210348 ANCHORAGE AK 99821
- 40. KATY SMITH Katy Smith PO Box 33431 JUNEAU AK 99801
- 41. _____
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The undersigned people support the Alaska Longline Fishermen's Association's request to the North Pacific Fishery Management Council that the Eastern Gulf of Alaska (federal waters east of 140 degrees West longitude) be closed to both on-bottom and pelagic trawling.

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8. James Hill	J. Hill	1035 1/2 PAWH 98360
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18. WAYNE WESTON	Wayne Weston	302 MONASTRY
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41. ~~Mark Sch~~ Box 34155 Juneau, AK
42. ~~Phil Phillips~~ Box 2212 SITKA, AK
43. ~~David Sherman~~ Bx 2884 SITKA AK (DAVID) SHARMAN
44. Linda Waller Bx 1254 SITKA AK Linda Waller
45. David Donahue 1717 MPR #2 Sitka, AK. 99835
46. ~~FAT JARSON~~ Fat Jarson Box 11 - Sitka, AK
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49. _____
50. _____