

# North Pacific Fishery Management Council

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## NEWSLETTER

### Council Adjourns Until September

The North Pacific Council met on May 23-25 in Anchorage and a preliminary review of long-range comprehensive fishery management goals highlighted the agenda. The Council also reviewed various provisions of its fishery management plans for crab, herring, and Gulf of Alaska groundfish and an industry workgroup report dealing with efforts to minimize the by-catch of high-valued crab and halibut stocks by the U.S. bottomfish fleet in the southeastern Bering Sea. A review of joint venture policy and an application for Polish vessels to operate off Alaska were also taken up at the meeting. Finally, the Council confirmed several policies that reflect decisions made at its April meeting concerning annual management cycles and the processing of proposals for regulatory changes.

These and other Council actions are described in this newsletter. Please note that the July meeting is cancelled and that the Council will convene again in September.

### Council Will Meet With Board of Fisheries in September

The next scheduled meeting of the North Pacific Fishery Management Council will be held with the Alaska Board of Fisheries at the Sheraton Anchorage Hotel September 26-28. Topics to be discussed include super-exclusive, exclusive and non-exclusive registration areas and season dates for the commercial Tanner crab fisheries in the Southeastern-Yakutat, South Peninsula and Chignik areas, and pot limits for the commercial Tanner crab fishery off Kodiak.

Meeting alone, the Council will consider initial levels of groundfish harvests and allocations for 1985 in the Bering Sea and Gulf of Alaska, a workgroup report on joint venture and foreign fishing vessel permit review policies, and comments received over the summer on the newly drafted comprehensive fishery management goals.

Meeting Schedule Set for 1985

The Council has approved a 1985 meeting schedule which reflects their recent decision to process changes to the fishery plans and regulations on an annual cycle. Following are the dates, locations, and main topics for Council meetings in 1985:

<u>Dates</u>	<u>Location</u>	<u>Main Topics</u>
January 9-11	Sitka (w/Board of Fisheries)	Salmon, groundfish, initial review
March 27-29	Anchorage (w/Board of Fisheries)	Salmon (final action); crab, initial consideration
May 22-24	Anchorage	Groundfish, crab (final decisions)
Sept. 25-27	Anchorage	Groundfish harvest & allocation, initial considerations
Dec. 4-6	Anchorage	Groundfish harvest & allocation, final decisions

New Operations Policies Confirmed by Council

In April the Council drafted two policies on Annual Management Cycles and on Processing Proposals for Changes in Fishery Plans or Regulations. The first policy sets an annual schedule for decision making by the Council. The cycles dictate when and how the Council will process proposed changes, when decision documents will be available for public review, and when final decisions will be made by the Council. This will bring more order to the regulatory process and minimize the necessity for persons interested in a subject to repeatedly attend meetings.

The second policy is for handling proposals using an Interim Action Committee between Council meetings to determine if special processing is required. The Committee will determine the urgency of a proposal and recommend whether it should be considered outside the normal annual cycles.

Both of these policies, along with the annual cycles for groundfish, crab and salmon are attached to the end of this newsletter.

### Draft Comprehensive Management Goals Approved for Public Review

The Council reviewed eight comprehensive fisheries management goals drafted by a Council committee following the April policy meeting. The draft goals were refined and approved for public review. When adopted, they will provide direction to the Council in its future decisions on the management of fishery resources in the Alaska Fishery Conservation Zone. More specific goals and objectives will be developed for each of the Council's fishery management plans after the comprehensive goals are adopted.

The eight draft comprehensive goals will be sent to the public the first week of June. The public comment period will run until the September meeting when the Council will make its final decision on adopting the goals. Workgroups will be then named to draft plan-specific goals and objectives.

### Council Puts Herring FMP on "Hold"

#### And Releases an Offshore Herring Research Request for Proposals

The Council decided to take no further action on its Bering/Chukchi Sea Herring FMP until more scientific data become available. The data needed include winter and summer stock distribution and composition as well as offshore biomass estimates. To begin gathering this information, the Council approved for release a Request for Proposals (RFP) for offshore herring research for public consideration and bid. The proposal calls for four vessels between January 1 and March 31, 1985, to conduct scientific research on wintering herring populations in the Bering Sea. Fishermen interested in participating in offshore herring research may submit proposals stating the amount of dollars or herring required to pay for their vessel time. Anyone interested in responding should contact the Council office for further details. The Council is also requesting funds from state and federal agencies to finance the required vessel time and scientific support.

### Council Requests Extension of Emergency Rules

#### And Approves Domestic Observer Regulations for Gulf of Alaska

The Council asked the Secretary of Commerce to extend two emergency regulations. The first increased the pollock OY in the combined Western and Central areas to 400,000 mt for 1984 and will expire on June 21, 1984. Amendment 13 to the Gulf of Alaska Fisheries Management Plan will permanently establish the 400,000 mt OY but won't take effect until August 16. Without further action, the OY would drop to 143,000 mt between June 21 and August 16, thus closing the pollock fishery which has already harvested 180,000 mt. Extending the emergency rule will keep the 400,000 mt pollock ceiling and prevent disruption of the ongoing fishery.

The second emergency rule extension is needed for sablefish in the FCZ cul-de-sac areas in Southeast Alaska. On January 1, 1984, the federal cul-de-sac areas in the Southeast Alaska archipelago, which include much of Chatham Straits and Frederick Sound, opened for sablefish along with all other FCZ waters off Alaska. Historically, adjacent State waters in Southeast Alaska have not opened until March 15 (southern areas) or September 1 (northern areas) and the cul-de-sac areas have been managed on the same basis as State waters. The resources in these areas are included in the State's guideline harvest levels and not in the FCZ OY.

At the February 1984 meeting the Council voted to close the four cul-de-sacs by emergency rule until the traditional State opening dates. That closure solved the problem for the southern area (Iphegnia Bay - Sumner Strait), which opened March 15, but the emergency rule for the northern areas (lower Chatham Strait - Frederick Sound, Sitka Sound, Cross Sound) will expire on June 4, 1984, three months before the State season opens. By extending the emergency rule the northern federal cul-de-sacs will open with surrounding State waters on September 1.

The Council also approved a revised set of observer regulations for the domestic Gulf of Alaska groundfish fishery. The FMP and the regulations now require that when requested, domestic vessels must take aboard a fishery observer. The revised regulation describes the role of the observer and the information required from the vessels more clearly and will be submitted as a regulatory amendment to the FMP. It is the Council's intention that an observer aboard a U.S. vessel will be at no cost to the vessel.

#### Review of 1984-85 Tanner Crab Regulations

Following the shellfish meeting between the Council and Alaska Board of Fisheries last March, the Council reviewed the decisions made at that meeting to determine if there was any need to revise federal tanner crab regulations. At its May meeting the Council agreed with its Tanner Crab Plan Maintenance Team that new regulations passed by the Board in March do not require a change in the current regulatory regime. The Council also asked the Regional Director to withdraw part of a regulatory amendment which would have moved the Tanner crab pot storage area into Bristol Bay. That request was consistent with recent Board actions and a request by industry to keep the current pot storage area west of Cape Newenham.

#### Tanner Crab Exclusive Registration Area and Pot Limit Proposals

The North Pacific Council and the Alaska Board of Fisheries will hold a special joint meeting in Anchorage September 24-26, 1984, to discuss exclusive registration areas and pot limit regulations in the Tanner crab fishery. In preparation for that meeting, the Board is accepting public proposals for changes in regulations governing super-exclusive, exclusive, or non-exclusive registration and season dates for the commercial Tanner crab fisheries in Southeastern-Yakutat, South Peninsula, and Chignik districts; and pot limits for the commercial tanner crab fishery in Kodiak.

Proposals submitted to the Board must be written in precise terms, cite the specific Alaska Administrative Code number of the existing regulations, if any, and include a brief statement justifying the proposed change. For those who wish to use them, proposal forms are available at all Alaska Department of Fish and Game offices. Department personnel will be happy to assist in preparing proposals. Proposals to the Board must be received by the Department of Fish and Game offices in Juneau, Anchorage or Kodiak by 4:30 p.m., July 16, 1984. The mailing address is: Alaska Dept. of Fish and Game, Division of Boards, Box 3-2000, Juneau, Alaska 99802.

Any proposals that may require Council action in federal waters outside 3 miles must be fully developed regarding the problem addressed by the proposal. Though there is no specific form available now, the proposal must address the following areas: (1) name and affiliation of proposer; (2) specific area affected by the proposal; (3) proposal's objective and problem being addressed; (4) suggested alternative solutions; (5) information on which the proposer is basing his assessment of the problem; and (6) urgency of the problem. The Council staff will be happy to help with the drafting of proposals; they may be contacted by phone, (907) 274-4563.

#### Federal Permit Will Be Required to Fish King Crab Outside 3 Miles

The Council approved a regulation requiring a federal permit for fishing for king crab in the federal waters between 3 and 200 miles off Alaska. This requirement will provide information on the number of vessels fishing king crab outside 3 miles and will allow permit sanction as possible punitive action against vessels that violate fishing regulations. The regulation will implement the permit section of the fishery management plan which already has been forwarded for Secretary of Commerce review and approval. In other action on king crab, the Council reviewed regulatory changes made by the Board of Fisheries in March for the 1984-85 season. The Council had no disagreements over changes approved by the Board.

#### Polish Joint Venture Tentatively Approved

The Council tentatively approved a joint venture between Alaska Contact, Ltd. and several Polish vessels to purchase 15,000 mt of pollock in the Bering Sea and Aleutians. In return for those over-the-side sales from U.S. trawlermen, Poland will be able to fish for 45,000 mt of groundfish, mainly pollock. Though the official permit applications have not arrived yet, they will be approved as long as they conform to the 3:1 direct-to-joint-venture ratio. Three or more large stern trawlers would be used and operations will begin about 35 days after allocations and permits are granted.

### ADF&G Reports on Domestic Fisheries

The total 1984 harvest of Tanner crab in the Kodiak area was 14.28 million pounds landed by 302 vessels. Crab averaged 2.5 pounds each and catches averaged 19 crab per pot. The Bering Sea and Aleutian Islands Tanner crab fishery is still going. The catches through May 13 are: 230,000 pounds in the Eastern Aleutians; 320,000 pounds in the Western Aleutians; and 1.22 million pounds of C. bairdi and 7 million pounds of C. opilio in the Bering Sea.

Total catches for the 1983-84 winter troll fishery for chinook salmon, which closed on April 15, were only slightly higher than those of the 1982-83 season. Through May 18, 32,645 chinook, or 457,431 pounds, had been reported in 3,272 landings, compared to 30,238 chinook, or 437,666 pounds, last year.

The first herring off Togiak were sighted on May 3, two to three weeks later than in recent years. An aerial survey of the fleet showed over 600 vessels (tenders, seiners, and gillnetters). The herring are aged 6 to 7 years, as predicted, and harvest is forecast at approximately 18,825 tons, 18-20% of the biomass.

Through May 15, the domestic catch of sablefish was 981.4 mt in the Eastern Gulf of Alaska, 167.8 mt in the Central Gulf, and 9.4 mt in the Western Gulf. ADF&G reports that overall sablefish catches are considerably higher than in previous years.

### Joint Ventures Off Alaska

The total joint venture catch off Alaska through April 28, 1984 was 275,878 mt. In the Gulf of Alaska joint ventures harvested 179,030 mt including 175,916 mt pollock, 1,221 mt Pacific cod, 460 mt flounders, 320 mt Pacific ocean perch, 65 mt sablefish, and 1,048 mt other species. The Bering Sea harvest was 96,848 mt including 72,229 mt pollock, 17,576 mt Pacific cod, 5,765 mt flatfish, 30 mt of Pacific ocean perch, and 1,248 mt other species.

### Foreign Fisheries Update

By April 28 foreign fleets in the Gulf of Alaska harvested 12,427 mt of groundfish, or about 11.6% of the current foreign allocation for that area. The catch included 11,552 mt Pacific cod, 416 mt pollock, 202 mt sablefish and 70 mt of flatfish.

In the Bering Sea and Aleutians they harvested 130,388 mt, about 16.9% of the current foreign allocation. The catch included 103,511 mt pollock, 7,216 mt Pacific cod, 13,525 mt yellowfin sole, 5,022 mt flatfish, and 332 mt sablefish.

There were 36 foreign vessels off Alaska on May 17, 7 from Japan, 19 from South Korea, 8 from the U.S.S.R., and 1 each from Taiwan and West Germany. This is a decrease from the 50 vessels present on March 22.

U.S. Coast Guard Reports on Enforcement Activities

The USCG reported that enforcement effort through May 17, 1984, totalled 225 cutter patrol days and 1,243 aircraft patrol hours covering over 210,000 miles. The Coast Guard also reported that their goal of boarding each foreign fishing vessel at least once during the March-May period was achieved.

Violations by foreign fishing vessels in the Alaska FCZ during April included citations to two Japanese vessels for not submitting the required activity message 24 hours before ceasing fishing while checked into the FCZ; a Japanese transport vessel was cited for not properly displaying its International Radio Call Sign; another Japanese transport vessel was cited for not maintaining the readability of its International Radio Call Sign; a Taiwanese stern trawler was cited for not displaying its 1984 foreign fishing vessel permit form in the wheelhouse; and reports of violation to a South Korean stern trawler for not immediately returning its catch of a prohibited species (halibut) to the sea; and to a Japanese longliner for not accurately maintaining its daily cumulative catch log and underlogging 7 mt of groundfish.

Social-Cultural Halibut Study Available

The Council approved for public release a report entitled, "Social and Cultural Characteristics of North Pacific Halibut Fishermen." The purpose of the research was to gather social, cultural and demographic information descriptive of the contemporary Pacific halibut fishery important to management decisions. An executive summary or full report may be requested by calling the Council office.

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June 1, 1984

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

Policy on Annual Management Cycles\*

The Council has adopted annual schedules for decision making on its fishery plans for groundfish, salmon and crab. One for the herring plan will be added when the plan is finalized. These cycles will dictate how the Council gathers and processes proposed changes to its plans and regulations, when decision documents will be available for public review, and when final decisions will be made by the Council concerning the various fisheries. The cycles are displayed in Attachment A. Further explanation of certain steps in the cycles is given below. In addition, the Council's Policy on Processing Proposals for Changes in Fishery Plans or Regulations (approved in April 1984) should be referenced when a rapid response to an emergency is requested.

Gathering and Processing Proposals. All proposals except those determined to require a rapid response will be processed according to the relevant annual cycle. Cutoff dates have been established for each fishery and this applies to all proposals regardless of source. The deadlines for proposals will be announced in the Council's Newsletter.

All proposals will be reviewed initially by the Council staff for structural completeness using the following four criteria:

1. Is the objective clearly evident and stated?
2. Is a preferred solution offered?
3. Is supporting documentation presented to explain the problem and need?
4. Does it affect the FCZ?

The staff will attempt to gather additional information if required.

The relevant plan team will then perform an initial review, assessing the technical merits of proposals against Council goals and FMP objectives. A preliminary legal review also may be desirable. Team recommendations will be given to the SSC and AP who will review the proposals in light of their particular expertise and will refer all proposals to the Council with recommendations on adoption or rejection. The Council will retain sole authority to determine final disposition of the proposals. All proposals will be reviewed by the Council before being sent to public review.

Decision Documents. The Council will have before it all documents required for review when making its final decisions. These documents should be made available to both the Council and the public, before Council approval. The analyses will be as final as possible given time constraints. Late arriving comments may be incorporated as necessary. The Council may delegate authority to its staff to finalize all documents after the Council makes its final decision. Any substantive changes outside the original range of alternatives presented to the Council must be re-sent to public review with the appropriate supplemental analyses. Draft regulations should be prepared for each significant alternative, time permitting. Should these regulations not be available

\*Approved by the Council in May 1984.



when the Council makes its final decision as shown in the appropriate plan schedule, the Council will delegate authority to write the regulations to its staff with advice from NOAA-GC and NMFS.

The decision documents should be based upon the best information available to the team. On rare occasion data may be received late which will have significant bearing on a fishery. Every attempt will be made to incorporate this information and information presented to the Board of Fisheries into the Council's decision process where relevant. The Council will attempt to allow for adequate public review of its proposals and supporting documentation. Thirty days is expected to be the minimum for public review.

It is anticipated that all data and analyses used for decision documents must be reviewed by the appropriate team and the SSC prior to Council action. Cut off dates based on the annual management cycles must be established for receipt of the above data and analyses consistent with permitting these reviews. The SSC will make a recommendation to the Council as to what constitutes the best scientific information available.

It is assumed that peer review will take place within individual agencies. All analyses should be reviewed by the SSC, AP and appropriate plan team. The one exception may be salmon data which become available very late in the management cycle. Products of special Council workgroups will undergo the same review criteria.

A preferred alternative is not required for analyses presented to the Council.

ANNUAL MANAGEMENT CYCLES

	<u>Groundfish</u>	<u>Salmon</u>	<u>Crab</u>
JAN	<u>*Council:</u> Issues identified <u>Team:</u> work schedule and assignments	<u>*Council:</u> preferred alternative <u>Team:</u> draft final dec- ision document	<u>START:</u> Proposal deadline 1/7 <u>Board</u> sends to public 1/21 <u>Team:</u> issues identified, work schedules and work assignments <u>Team:</u> development of draft decision document
FEB	<u>Team:</u> development of draft decision documents	<u>Staff:</u> final decision documents to public 2/15	<u>Staff:</u> draft decision docu- ments to public 2/27
MAR	<u>Staff:</u> draft decision documents to SSC & AP	<u>*Council:</u> final decision 3/29	<u>*Council:</u> preferred alternative 3/27
APR	<u>Public:</u> document review	Submit to S.O.C. 4/15	<u>Team:</u> draft final decision documents <u>Staff:</u> documents available for public 4/20
MAY	<u>*Council:</u> Final Decision 5/22		<u>*Council:</u> Final Decision 5/22
JUNE	Submit to S.O.C. 6/1		Submit package to S.O.C. 6/15
JULY	<u>NMFS:</u> Draft resource assessment document available		
SEPT	<u>*Council:</u> Allocation and harvest level consideration		
OCT		<u>START:</u> Proposal deadline 9/26 <u>Team:</u> Issue identification, work schedule and assignments	
NOV		<u>Team:</u> Draft decision document	
DEC	<u>*Council:</u> Final allocation and harvest level determination	<u>Staff:</u> Draft decision document to public 12/10	
	<u>START:</u> Proposal deadline		

\*Council action required.

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NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

Policy on Processing Proposals for Changes in Fishery Plans or Regulations\*

Proposals for changes in fishery management plans or regulations may be placed in three major categories:

1. Proposals which can be handled through the annual management cycle;
2. Proposals which are true emergencies and require immediate relief; and,
3. Proposals which require relief before the next annual cycle but can be processed through the normal amendment or framework procedure, whichever applies.

These categories of proposals will be reviewed and processed by the Council as follows:

Category 1 Proposals. The majority of proposals will be in this category and fit into the annual management cycle established for the relevant fishery management plan. No rapid response would be necessary.

Categories 2 and 3 Proposals. Some proposals will require relief outside the annual management cycle. To determine if rapid response is required, an Interim Action Committee has been established to evaluate proposals of an emergency nature. The Committee is composed of the Chairmen of the Council, SSC, AP, and plan team for the relevant fishery management plan, the NMFS Alaska Regional Director, and the Commissioner of the Alaska Department of Fish and Game. After an emergency request is received, the Committee would convene, most likely by teleconference, to clarify the issues involved and recommend alternative courses of action. Emergency requests should be submitted in writing to the Executive Director at least 7-10 days before the Council meets.

The Interim Action Committee would recommend how to handle the proposal. First, they could recommend that it be placed in Category 1 and acted on during the appropriate annual cycle. Second, they could assign the proposal to Category 2 requiring immediate relief. Third, they could assign the proposal to Category 3 requiring relief outside the annual management cycle but through the normal amendment or framework procedure, whichever applies.

Categories 2 and 3 proposals would then be forwarded through the usual Council channels (AP, SSC, PT) for review and comment before the Council took action. At the following Council meeting, the Council would hear the results of the Interim Action Committee's evaluation, and AP, SSC and plan team comments on the proposal.

\*Approved by the Council in May 1984.

A motion appropriate for a Category 2 proposal would be as follows:

"I move that the Secretary be petitioned to promulgate emergency regulations under Section 305(e)." (A unanimous vote compels the Secretary; a majority mixed vote permits him to use his discretion; motion fails without a majority.)

A motion appropriate for a Category 3 proposal would be as follows:

"I move to begin the amendment process for this proposal now rather than when the annual cycle for the FMP begins." (A majority vote would be required.)

Proposals requiring immediate relief for extreme emergencies before the Council is scheduled to meet could go directly to the NMFS Regional Director since the Secretary of Commerce can initiate emergency regulations independently of the Council.

The above Interim Action Committee review procedure was established to avoid the problem of a person coming before the Council at a meeting and stating that an emergency existed, thereby bypassing SSC, AP and PT review. If this is not avoided, the whole Council decision-making process will be weakened. Accordingly, any person who, without prior notice, claims before the Council that an emergency exists, will have to be told by the Council Chairman that his request can not be considered by the Council at that time. The individual can then take his case to the Regional Director, or, failing that, submit his request to the Executive Director for consideration by the Interim Action Committee or during the normal annual cycle.