MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke
Executive Director

DATE: September 18, 1992

SUBJECT: Groundfish Regulatory Amendments - Final Review

ACTION REQUIRED

(a) Consider final action establishing a fixed gear halibut PSC limit in the BSAI.

(b) Consider final action on performance based pelagic trawl definition.

(c) Receive NMFS report on regulatory measures to remedy 'fair start' problem in longline fisheries.

(d) Consider IPHC proposal to require gangion cutting to reduce halibut discard mortality.

BACKGROUND

BSAI fixed gear halibut PSC

Last June, in approving Amendment 21, the Council recommended a 3,775 mt halibut mortality limit for trawl gear and an exemption for pot gear from the halibut PSC. The Council deferred consideration of fixed gear PSC until September.

Amendment 19, which the Secretary finally approved this week, established a non-trawl fishery halibut bycatch mortality limit of 750 mt for 1992 only. Alternatives for 1993 and beyond for the non-trawl fishery, as presented in Amendment 21, are as follows:

Alternative 1: status quo - would result in no limit for the non-trawl fishery.

Alternative 2: three options - 50%, 100%, and 150% of the 1992 limits. These are equivalent to mortality of 375 mt, 750 mt, and 1,125 mt for the non-trawl fisheries.

Alternative 3: in addition to Alternative 2, allow PSC limits to be changed by regulatory, rather than plan, amendment.

NMFS staff will provide up-to-date catch and bycatch information for the 1992 Pacific cod fishery, which closed on September 17, 1992. NMFS estimates that through September 13, fixed gear had taken 1,050 mt of halibut mortality. The Council needs to review public comments and take final action on this FMP amendment proposal.

The recently established Bycatch Cap Committee met September 11 and has comments concerning steps that might be taken to help industry operate better within the 750 mt halibut cap, or whatever cap is approved by the Council. Their report will be distributed at meeting time, and we will revisit it under Agenda item D-8(b).

Performance based pelagic trawl definition

At the June meeting the Council received a discussion paper from NMFS Region outlining alternatives for a performance-based definition of pelagic trawls. This paper is included in the notebooks as Item D-6(b)(1). NMFS will provide a more fully developed analysis (EA/RIR/IRFA) at this meeting for possible approval by the Council. If approved, this regulatory amendment could be implemented in early 1993.

Longline fishery 'fair start'

Item D-6(c)(1) is a letter from the Petersburg Vessel Owners Association describing possible violations which occurred prior to this year's sablefish opening. Vessels were observed on the grounds with gear set prior to the opening, ostensibly targeting on miscellaneous finfish. It is likely that at least some of these vessels were in fact targeting on sablefish. NMFS is proposing a regulatory amendment to remedy the situation and is prepared to describe this for the Council at this meeting. The regulation change would create a situation similar to that existing in the halibut fisheries now; deployment of gear during the 72 hour period before the opening would be prohibited for anyone intending a directed fishery for sablefish.

Gangion cutting requirements to reduce halibut mortality

Item D-6(d)(1) is a letter to the Council from the IPHC which proposes a mandatory requirement to release halibut by cutting gangions at the hook. IPHC believes that such a measure, if implemented and enforceable, could reduce the assumed discard mortality rate for longline gear by as much as two-thirds, thereby effectively increasing the PSC cap by a factor of three for these fisheries. If this were implemented, the IPHC recommends that the actual assumed mortality rate be determined after the start of the 1993 fisheries when condition factors of halibut have been analyzed by observers. NMFS will report at this meeting on the feasibility of such a proposal.

Agenda Item
D-6(b)

D R A F T

ENVIRONMENTAL ASSESSMENT/REGULATORY IMPACT REVIEW/ INITIAL REGULATORY FLEXIBILITY ANALYSIS OF A REGULATORY AMENDMENT APPLICABLE TO THE GROUNDFISH FISHERIES OFF ALASKA [Performance-based Pelagic Trawl Definition]

SUMMARY

At its April 22-27, 1992, meeting, the North Pacific Fishery Management Council (Council) adopted a revision to the definition of a pelagic trawl that is currently in groundfish regulations. The Council also requested the National Marine Fisheries Service (NMFS) to prepare a report that would address performance standards to accompany the definition of a pelagic trawl. At the June 23-27, 1992, meeting, the Council recommended that NMFS pursue implementation of the revised definition, but decided to wait until its September 22-27, 1992, meeting to consider what performance standards ought to accompany the definition.

NMFS has continued to examine observer reports to determine whether bottom life forms, other than free swimming fish, were always present or only occasionally present, in groundfish catches by vessels using pelagic trawls.

Information obtained from the 1991 observer reports for the Bering Sea and Aleutian Islands area indicates that, in 5,687 tows using pelagic trawls that resulted in 315,318 metric tons (mt) of groundfish catch, zero kilograms of bottom life forms were caught. In another 3,350 tows resulting in 188,965 mt of groundfish catch, between 0 and 50 kilograms of bottom life forms were caught. No Tanner crab were among the bottom life forms in those catches. These results show that large groundfish catches can occur without catching Tanner crab or other bottom life forms. However, another 1,396 tows resulting in 46,624 mt of groundfish catch in which bottom life forms were less than 50 kg, 77,728 Tanner crab were caught.

Large numbers of Tanner crab in pelagic trawl catches occurred by fishing on the sea bed. These large numbers might have been avoided by adjusting fishing practices. NMFS, therefore, proposes a performance standard, using the presence of crabs in pelagic trawl catches, to accompany the revised pelagic trawl definition.

INTRODUCTION

Pelagic trawls are used by fishermen to fish for groundfish, primarily pollock, off Alaska. Foreign, joint venture, and U.S. fishery data indicate that bycatch rates of prohibited species such as halibut and crab are typically small when fishing with pelagic trawls. NMFS understands that one of the primary reasons for the small bycatch rates is the meshes in a pelagic trawl are very large, starting behind the fishing line and extending aft for several meters. When pelagic trawls are fished as designed, most halibut and crab that might have passed over the fishing line are able to escape through the large meshes. Such escape occurs even when the pelagic trawl is fished in close proximity to the sea bed, because the belly of the pelagic trawl rises obliquely aft of the fishing line, providing room under the belly for halibut and crab to escape.

Fishermen, however, are able to fish a pelagic trawl in such a way that causes the belly not to rise obliquely behind the fishing line. Fishermen targeting Pacific cod, for example, may slow their vessel's fishing speed, causing the mesh sizes of a pelagic trawl to collapse. In such cases, insufficient room under the belly of the trawl will exist for halibut and crab to escape. High bycatch rates of halibut and crab may result.

PURPOSE AND NEED

Major management decisions are focusing on amounts of prohibited species being caught in the groundfish fisheries. Past use of pelagic trawls by U.S. vessels in the pollock fishery resulted in very small bycatches of halibut and crab compared to the use of bottom trawls in which high bycatches of halibut and crab often were caught. Some bycatches of halibut and crab by U.S. vessels using trawl gear, however, continue to be higher than expected in directed fisheries for some of the groundfish target species categories.

NMFS has implemented several recommendations of the Council for management measures that were intended to minimize the catch of halibut and crab by prohibiting the use of bottom trawls while allowing the use of pelagic trawls. Experience has shown, however, that some fishermen have defeated the purpose of a pelagic trawl definition by re-configuring a bottom trawl in such a way that it strictly met the definition of a pelagic trawl, but still functioned as a bottom trawl. Other fishermen apparently have been able to fish a pelagic trawl in such a way that it can be used to target on groundfish species that normally would be taken with bottom trawls. As a result, bycatches of halibut and crab have been higher than anticipated.

NMFS intends to revise the definition of a pelagic trawl in the groundfish regulations. NMFS is not aware, however, of any pelagic trawl definition that could not be defeated by fishermen by re-configuring it or simply fishing it differently than designed for purposes of targeting groundfish species normally caught with bottom trawls. As a result, high bycatch rates of halibut and crab are likely to continue, frustrating the overall objective of maximizing groundfish catches within existing prohibited species catch limits.

DESCRIPTION OF THE ALTERNATIVES

Alternative 1 - Status quo.

Under this alternative, the existing definition of a pelagic trawl would be retained.

This definition reads as follows:

Pelagic trawl means a trawl which does not have discs, bobbins, rollers, or other chafe protection gear attached to the foot rope, but which may have weights on the wing tips and

(1) which has stretched mesh sizes of at least 64 inches, as measured between knots, starting at all points on the fishing line, head rope, and breast lines and extending aft for a distance of at least 10 meshes from the fishing line, head rope, and breast lines and going around the entire circumference of the trawl, and which webbing is tied to the fishing line with no less than 20 inches between knots around the circumference of the net (Figure 3) and which contains no inserts or collars or other configurations intended to reduce the mesh size of the forward section, or

(2) which has parallel lines spaced no closer than 64 inches, or a combination of parallel lines and meshes with stretched mesh sizes of at least 64 inches, measured as described above in paragraph (1) of this

definition, for a distance of at least 33 feet, and starting at all points on the fishing line, head rope, and breast lines and going around the entire circumference of the trawl

Alternative 2 - Implement the definition a pelagic trawl as recommended by the Council at its April 22-26, 1992, meeting.

Under this alternative, the definition of a pelagic trawl would read as follows:

Pelagic trawl means a trawl which:

1. (a) Does not have discs, bobbins, rollers, or other chafe protection gear attached to the foot rope, but which may have weights on the wing tips, and

(b) Has stretched mesh sizes of at least 60 inches, as measured between knots,
(i) Starting at all points on the fishing line, head rope, and breast lines and extending aft from the fishing circle and going around the circumference of the trawl, and
(ii) Which has the webbing tied to the fishing line with no less than 20 inches between knots around the circumference of the net.

(c) Has stretched mesh sizes of at least 60 inches continuing from the fishing circle,
(i) For a distance equal to or greater than one-half the vessel's length, and
(ii) For an additional distance equal to or greater than one-half the vessel's length has webbing, which shall be stretched measure larger than 15 (possibly 30-inch or 60- inch stretched mesh) inches, and
(iii) Contains no configuration intended to reduce the mesh size of the forward section.

(d) May have parallel lines spaced no closer than 64 inches in the forward section ahead of the required minimum length of large mesh, but such parallel lines shall not substitute for the required length of large mesh.

(2) Shall be permitted to have small mesh
(a) Within 10 feet of the head rope and breast lines for the purpose of attaching instrumentation (and/or lifting devices, e.g. kites or floats.) delete.

(b) Within 32 feet of the center of the head rope for the purpose of attaching of instrumentation, e.g. net-sounders.

(3) Shall have no more than one each fishing line and/or foot rope, for a total of no more than two (one) weighted lines on the bottom of the trawl between the wing tip and the fishing circle.

(4) Shall have no metallic components except for connectors, i.e., hammerlocks or swivels, aft of the fishing circle and forward of any mesh greater than 5.5 inches stretched measure.

See Attachment for a redline/strikeout comparison of the two definitions.

Alternative 3 -- Implement a pelagic trawl definition and include a performance standard.

Option 1. Maintain the current pelagic trawl definition and include a performance standard.

Under this option the current definition would be maintained in regulations, but a performance standard would be included. During times when observers were not onboard vessels to provide information about the actual performance of the pelagic trawl, enforcement would focus only on the physical characteristics of the trawl. Because fishermen are able to defeat the current definition of a pelagic trawl by reconfiguring a bottom trawl to meet the definition, this option would only be useful when observers were on board a vessel.

Option 2. Implement the revised definition and include the performance based standard.

Under this option, the Council's recommended definition of a pelagic trawl would be proposed in rulemaking. The performance standard would accompany the definition, which would make the presence of any crab in pelagic trawl catches to be a violation if fishing with non-pelagic trawls were prohibited.

DISCUSSION OF ALTERNATIVES.

Alternative 1. The existing definition of a pelagic trawl reasonably depicts a pelagic trawl configuration. Associated with this definition, however, is the definition of a fishing line, which reads:

> "Fishing line means a length of chain or wire rope in the bottom front end of a trawl to which the webbing or lead ropes are attached."

Fishermen have been able to defeat this definition merely by attaching parallel lines in front of an existing bottom trawl, resulting in a configuration that meets the definition of a pelagic trawl with parallel lines. Once the fishing line is no longer in front, it is no longer a fishing line by definition.

Associated with the fishing line is the foot rope, which is defined as follows:

> "chain or wire rope attached to the bottom front end of a trawl and attached the fishing line."

Again, once the foot rope is further back in the belly of a reconfigured bottom trawl, it is no longer a foot rope by definition. Fishermen have been able to use these reconfigured trawls, which strictly met the definition of a pelagic trawl, to trawl for groundfish species, e.g. Pacific cod, which normally are caught with bottom trawls, in areas where the use of bottom trawls was prohibited. High bycatch rates of Pacific halibut and crab continued as a result, defeating the purpose of regulations intended to prohibit bottom trawling for purposes of minimizing bycatches of halibut and crab while still allowing pelagic trawling for pollock.

Alternative 2. The Council's recommended definition of a pelagic trawl may address the weaknesses identified with the existing definition. Prohibiting the use metallic components except for connectors aft of the fishing circle ought to solve the problem discussed above in which fishermen are able to attach inserts in front of bottom trawls for purposes of meeting the pelagic trawl definition.

NMFS is not certain, however, whether fishermen would not be able to fish a pelagic trawl in such a way that it still could function as a bottom trawl. NMFS also is not certain whether fishermen would not be able to attach heavy, non-metallic components aft of the fishing circle in such a way to cause a pelagic trawl to function as a bottom trawl. If fishermen are able to use a pelagic trawl, as defined by the Council, for groundfish species that normally are caught with bottom trawls, the purpose of regulations that are intended to minimize high bycatch rates of halibut and crab would be defeated.

Alternative 3. Fishermen, who use pelagic trawls in the midwater

directed pollock fishery, catch very small amounts of bottom dwelling life forms, except free swimming fish. Fishermen using bottom trawls, or cause pelagic trawls to fish for groundfish species that normally are caught with bottom trawls, catch large amounts of such bottom dwelling life forms. NMFS proposes, therefore, to implement a performance standard to accompany the Council's definition of a pelagic trawl.

NMFS has examined the composition of bottom dwelling life forms caught in pelagic trawls. When bottom dwelling life forms are caught, observer information shows that Tanner crabs generally are present. The presence of crabs, therefore, ought to be an indicator that the pelagic trawl was fishing on the sea bed.

Information obtained from the 1991 observer reports for the Bering Sea and Aleutian Islands area indicates that, in 5,687 tows using pelagic trawls that resulted in 315,318 metric tons (mt) of groundfish catch, zero kilograms of bottom life forms were caught (Table 1). In another 3,350 tows resulting in 188,964 mt of groundfish catch, between 0 and 50 kilograms of bottom life forms were caught. No Tanner crab were among the bottom life forms. These results show that large groundfish catches can occur without catching Tanner crab. However, another 1,396 tows resulting in 46,625 mt of groundfish catch in which bottom life forms were less than 50 kg, 77,728 Tanner crab were caught.

Large numbers of Tanner crab in pelagic trawl catches occurred by fishing on the sea bed. These large numbers might have been avoided by adjusting fishing practices. NMFS, therefore, proposes a performance standard, using the presence of crabs in pelagic trawl catches, to accompany the revised pelagic trawl definition.

For enforcement purposes, NMFS proposes that only the presence of crabs from the codend of a trawl be used. Sources for this information would include observer reports and observations by boarding parties. Any crabs that might have tangled in the wings or webbing of the trawl, including any on the outside of the trawl would not be counted. NMFS notes that some fish species, e.g. Pacific cod, will regurgitate food after the fish species has been caught. Some of this food might include small crabs. These crabs would not be counted as being caught in the codend.

Even a pelagic trawl will, at times, catch crabs. Data show, however, that such catches are rare events and occur in very small amounts. Enforcement discretion is needed, therefore, such that very small amounts would not constitute a violation. NMFS would prepare enforcement guidelines, as it does with all regulations. These guidelines would serve to assist enforcement officers in their determinations about what numbers of crab ought to constitute a violation.

Table 1. Summary of 1991 observer reports showing catches with pelagic trawl gear in the Bering Sea and Aleutian Islands area.

1991 BSA PELAGIC TRAWL PERFORMANCE---ALL YEAR						
KG-BOT	0/+	HAULS	TOTAL TONS	HALIBUT(T)	TANNER C(No)	KING C(No
0	1	5687	315317.70	146.86	0.00	0.00
0	2	0	0.00	0.00	0.00	0.00
50	1	3350	188964.60	22.11	0.00	75.60
50	2	1396	46624.65	118.66	77728.79	93.43
100	1	510	31650.63	3.31	0.00	6.03
100	2	417	14322.48	56.34	97503.59	135.79
250	1	587	36024.80	11.51	0.00	259.66
250	2	560	18442.45	99.56	260700.97	524.72
500	1	339	21742.38	3.66	0.00	958.39
500	2	374	15253.38	68.84	355859.35	614.49
999	1	873	48541.47	9.81	0.00	2527.61
999	2	498	27121.36	78.89	1654514.96	8997.93

1991 BSA PELAGIC TRAWL PERFORMANCE---PELAGIC SEASON (08MAR91-31DEC91)						
KG-BOT	0/+	HAULS	TOTAL TONS	HALIBUT(T)	TANNER C(No)	KING C(No)
0	1	4181	203171.17	136.38	0.00	0.00
0	2	0	0.00	0.00	0.00	0.00
50	1	1880	79645.32	19.82	0.00	75.60
50	2	1279	44683.18	85.21	63831.90	92.43
100	1	300	14123.73	2.91	0.00	6.03
100	2	382	13751.46	40.69	81040.43	135.79
250	1	358	16440.48	10.69	0.00	257.66
250	2	532	17743.74	84.22	236981.69	524.72
500	1	229	11713.13	3.24	0.00	957.39
500	2	348	14596.10	52.45	321486.84	614.49
999	1	388	19059.19	5.98	0.00	2527.61
999	2	476	25933.79	68.39	1626614.66	8996.93

NMFS believes that the accompanying performance standard must be simple and therefore, recommends only that the presence of crabs in pelagic trawl catches would constitute a violation when bottom trawling is prohibited. NMFS does not recommend a rate-based standard that would rely on amounts of groundfish caught. The estimation of a bycatch rate would be based on observer sampling procedures and thus be implemented with the same restrictions and enforcement/prosecution requirements as the present Vessel Incentive Program. NMFS anticipates that a rate-based standard administratively would be too cumbersome to implement.

ENVIRONMENTAL IMPACTS OF THE ALTERNATIVES

Physical and biological impacts

The types of environmental impacts that are generally associated with fishery management actions concern effects resulting from (1) overharvesting groundfish stocks, which might involve changes in predator-prey relationships among invertebrates and vertebrates, including marine mammals and birds, (2) physical changes as a direct

result fishing practices affecting the sea bed, and (3) nutrient change due to fish processing and discarding fish wastes into the sea. The effects of revising the definition are related to these types of impacts.
[to be completed]

Socioeconomic impacts

[to be completed]

Administrative and Enforcement Costs

[to be completed]

FINDINGS OF NO SIGNIFICANT ENVIRONMENTAL IMPACT

For the reasons discussed above, neither implementation of the final action nor any of the alternatives to that action would significantly affect the quality of the human environment, and the preparation of an environmental impact statement on the preferred actio is not required by Section 102(2)(C) of the National Environmental Policy Act or its implementing regulations.

_____
DATE

COORDINATION WITH OTHERS

North Pacific Fishery Management Council
P.O. Box 103136
Anchorage, Alaska 99510

LIST OF PREPARERS

Fisheries Management Division
NMFS, Alaska Region
P.O. Box 21668
Juneau, Alaska 99802

Attachment. Redline/strikeout comparison between the current definitio of a pelagic trawl and definition as revised by the industry. Strikeouts represent text deleted by the revise definition. Redline (stippled) represents text added by the revised definition.

Pelagic trawl means a trawl which ~~does~~

1. ~~(a) Does~~ not have discs, bobbins, rollers, or other chafe protection gear attached to the foot rope, but which may have weights on the wing tips; and

~~(1) which has~~(b) has stretched mesh sizes of at least ~~64~~ 60 inches, as measured between knots, ~~starting~~(i) Starting at all points on the fishing line, head rope, and breast lines and extending aft ~~for a distance of at least 10 meshes~~ from the fishing ~~line, head rope, and breast lines~~ circle and going around the ~~entire~~ circumference of the trawl and ~~which~~(ii) which has the webbing ~~is~~ tied to the fishing line with no less than 20 inches between knots around the circumference of the net ~~and which contains no inserts or collars or other configurations intended to reduce the mesh size of the forward section, or~~;

~~(2) Which has parallel lines spaced no closer than 64 inches, or a combination of parallel lines and meshes with~~(c) has stretched mesh sizes of at least ~~64 inches, measured as described above in paragraph (1) of this definition for a distance of at least 33 feet,~~ 60 inches continuing from the fishing circle;

(i) for a distance equal to or greater than one-half the vessel's length; and ~~starting at all points on the fishing line, head rope, and breast lines and going around the entire circumference of the trawl~~ (ii) for an additional distance equal to or greater than one-half the vessel's length has webbing, which shall be stretched measure larger the 15 (possibly 30-inch or 60- inch stretched mesh) inches; and

(iii) Contains no configuration intended to reduce the mesh size of the forward section.

(d) May have parallel lines spaced no closer than 64 inches in the forward section ahead of the required minimum length of large mesh, but such parallel lines shall not substitute for the required length of large mesh.

(2) Shall be permitted to have small mesh

(a) Within 10 feet of the head rope and breast lines for the purpose of attaching instrumentation and/or lifting devices, e.g. kites or floats.

(b) Within 32 feet of the center of the head rope for the purpose of attaching of instrumentation, e.g. net sounders.

(3) Shall have no more than one each fishing line and/or foot rope, for a total of no more than two (one) weighted lines on the bottom of the trawl between the wing tip and the fishing circle.

(4) Shall have no metallic components except for connectors, i.e., hammerlocks or swivels, aft of the fishing circle and forward of any mesh greater than 5.5 inches stretched measure.

National Marine Fisheries Service
Alaska Region
Juneau, Alaska
June 22, 1992

--DISCUSSION PAPER--
A PERFORMANCE-BASED DEFINITION OF A PELAGIC TRAWL

SUMMARY

At its April 22-27, 1992, meeting, the North Pacific Fishery Management Council (Council) adopted a revision to the definition of a pelagic trawl that is currently in groundfish regulations. The Council also requested the National Marine Fisheries Service (NMFS) to prepare a report that would address performance standards to accompany the definition of a pelagic trawl. In responding to the Council's request, NMFS examined 1991 observer reports to determine whether bottom life forms, other than free swimming fish, were always present or only occasionally present, in groundfish catches by vessels using pelagic trawls. **Information reported by observers shows that, in 14,484 tows using pelagic trawls that resulted in 760,253 metric tons of catch, zero kilograms of bottom life forms were caught. This result suggests that the presence of bottom life forms in pelagic trawl catches rarely occurs. Presence, therefore, of bottom life forms in the cod end of a trawl might be used as a performance standard to accompany a pelagic trawl definition.**

INTRODUCTION

Pelagic trawls are used by fishermen to fish for groundfish, primarily pollock, off Alaska. Foreign, joint venture, and U.S. fishery data indicate that bycatch rates of prohibited species such as halibut and crab are typically small when fishing with pelagic trawls. NMFS understands that the primary reason for the small bycatch rates is because meshes in a pelagic trawl are very large, starting behind the fishing line and extending aft for several meters. When pelagic trawls are fished as designed, most halibut and crab that might have passed over the fishing line are able to escape through the large meshes. Such escape occurs even when the pelagic trawl is fished in close proximity to the sea bed, because the belly of the pelagic trawl rises obliquely aft of the fishing line, providing room under the belly for halibut and crab to escape.

Fishermen are able to fish a pelagic trawl in such a way that causes the belly not to rise obliquely behind the fishing line. Fishermen targeting Pacific cod, for example, may slow their vessel's fishing speed, causing the mesh sizes of a pelagic trawl to collapse. In such cases, insufficient room under the belly of the trawl will exist for halibut and crab to escape. High bycatch

rates of halibut and crab may result.

PURPOSE AND NEED

Major management decisions are focusing on amounts of prohibited species being caught in the groundfish fisheries. Past use of pelagic trawls by U.S. vessels in the pollock fishery resulted in very small bycatches of halibut and crab compared to the use of bottom trawls in which high bycatches of halibut and crab often were caught. Some bycatches of halibut and crab by U.S. vessels using trawl gear, however, continue to be higher than expected in directed fisheries for some of the groundfish target species categories.

NMFS has implemented several recommendations of the Council for management measures that were intended to minimize the catch of halibut and crab by prohibiting the use of bottom trawls while allowing the use of pelagic trawls. Experience has shown, however, that some fishermen have defeated the purpose of a pelagic trawl definition by reconfiguring a bottom trawl in such a way that it strictly met the definition of a pelagic trawl, but still functioned as a bottom trawl. Other fishermen apparently have been able to fish a pelagic trawl in such a way that it can be used to target on groundfish species that normally would be taken with bottom trawls. As a result, bycatches of halibut and crab have been higher than anticipated.

NMFS intends to revise the definition of a pelagic trawl in the groundfish regulations. NMFS is not aware, however, of any pelagic trawl definition that could not be defeated by fishermen by reconfiguring it or simply fishing it differently than designed for purposes of targeting groundfish species normally caught with bottom trawls. As a result, high bycatch rates of halibut and crab are likely to continue, frustrating the overall objective of maximizing groundfish catches within existing prohibited species catch limits.

DESCRIPTION OF THE ALTERNATIVES

Alternative 1 - Status quo.

Under this alternative, the existing definition of a pelagic trawl would be retained.

This definition reads as follows:

> Pelagic trawl means a trawl which does not have discs, bobbins, rollers, or other chafe protection gear attached to the foot rope, but which may have weights on the wing tips and
>
> (1) which has stretched mesh sizes of at least 64 inches,

as measured between knots, starting at all points on the fishing line, head rope, and breast lines and extending aft for a distance of at least 10 meshes from the fishing line, head rope, and breast lines and going around the entire circumference of the trawl, and which webbing is tied to the fishing line with no less than 20 inches between knots around the circumference of the net (Figure 3) and which contains no inserts or collars or other configurations intended to reduce the mesh size of the forward section, or

(2) Which has parallel lines spaced no closer than 64 inches, or a combination of parallel lines and meshes with stretched mesh sizes of at least 64 inches, measured as described above in paragraph (1) of this definition, for a distance of at least 33 feet, and starting at all points on the fishing line, head rope, and breast lines and going around the entire circumference of the trawl

Alternative 2 - Implement the definition a pelagic trawl as recommended by the Council at its April 22-26, 1992, meeting.

Under this alternative, the definition of a pelagic trawl would read as follows:

Pelagic trawl means a trawl which:

1. (a) Does not have discs, bobbins, rollers, or other chafe protection gear attached to the foot rope, but which may have weights on the wing tips, and

(b) Has stretched mesh sizes of at least 60 inches, as measured between knots,

(i) Starting at all points on the fishing line, head rope, and breast lines and extending aft from the fishing circle and going around the circumference of the trawl, and

(ii) Which has the webbing tied to the fishing line with no less than 20 inches between knots around the circumference of the net.

(c) Has stretched mesh sizes of at least 60 inches continuing from the fishing circle,

(i) For a distance equal to or greater than one-half the vessel's length, and

(ii) For an additional distance equal to or greater than one-half the vessel's length has webbing, which shall be stretched measure larger than 15 (possibly 30-inch or 60- inch stretched mesh) inches, and

(iii) Contains no configuration intended to reduce the mesh size of the forward section.

(d) May have parallel lines spaced no closer than 64 inches in the forward section ahead of the required minimum length

of large mesh, but such parallel lines shall not substitute for the required length of large mesh.

(2) Shall be permitted to have small mesh

(a) Within 10 feet of the head rope and breast lines for the purpose of attaching instrumentation and/or lifting devices, e.g. kites or floats.

(b) Within 32 feet of the center of the head rope for the purpose of attaching of instrumentation, e.g. netsounders.

(3) Shall have no more than one each fishing line and/or foot rope, for a total of no more than two (one) weighted lines on the bottom of the trawl between the wing tip and the fishing circle.

(4) Shall have no metallic components except for connectors, i.e., hammerlocks or swivels, aft of the fishing circle and forward of any mesh greater than 5.5 inches stretched measure.

Alternative 3 -- Implement the pelagic trawl definition contained in Alternative 2 and include a performance standard.

Under this alternative, the Council's recommended definition of a pelagic trawl would be proposed in rulemaking. The following performance standard would accompany the definition. The presence of bottom life forms other than free swimming fish in pelagic trawl catches would be used to determine whether the pelagic trawl was fished on the bottom. The presence of such bottom life forms in the trawl catches would be a violation.

DISCUSSION OF ALTERNATIVES.

Alternative 1. The existing definition of a pelagic trawl reasonably depicts a pelagic trawl configuration. Associated with this definition, however, is the definition of a fishing line, which reads:

> "Fishing line means a length of chain or wire rope in the bottom front end of a trawl to which the webbing or lead ropes are attached."

Fishermen have been able to defeat this definition merely by attaching parallel lines in front of an existing bottom trawl, resulting in a configuration that meets the definition of a pelagic trawl with parallel lines. Once the fishing line is no longer in front, it is no longer a fishing line by definition.

Associated with the fishing line is the foot rope, which is defined as follows:

"chain or wire rope attached to the bottom front end of a trawl and attached the fishing line."

Again, once the foot rope is further back in the belly of a reconfigured bottom trawl, it is no longer a foot rope by definition. Fishermen have been able to use these reconfigured trawls, which strictly met the definition of a pelagic trawl, to trawl for groundfish species, e.g. Pacific cod, which normally are caught with bottom trawls, in areas where the use of bottom trawls was prohibited. High bycatch rates of Pacific halibut and crab continued as a result, defeating the purpose of regulations intended to prohibit bottom trawling for purposes of minimizing bycatches of halibut and crab while still allowing pelagic trawling for pollock.

Alternative 2. The Council's recommended definition of a pelagic trawl may address the weaknesses identified with the existing definition. Prohibiting the use metallic components except for connectors aft of the fishing circle ought to solve the problem discussed above in which fishermen are able to attach inserts in front of bottom trawls for purposes of meeting the pelagic trawl definition.

NMFS is not certain, however, whether fishermen would not be able to fish a pelagic trawl in such a way that it still could function as a bottom trawl. NMFS also is not certain whether fishermen would not be able to attach heavy, non-metallic components aft of the fishing circle in such a way to cause a pelagic trawl to function as a bottom trawl. If fishermen are able to use a pelagic trawl, as defined by the Council, for groundfish species that normally are caught with bottom trawls, the purpose of regulations that are intended to minimize high bycatch rates of halibut and crab would be defeated.

Alternative 3. Fishermen, who use pelagic trawls in the midwater directed pollock fishery, catch very small amounts of bottom dwelling life forms, except free swimming fish. Fishermen using bottom trawls, or cause pelagic trawls to fish for groundfish species that normally are caught with bottom trawls, catch large amounts of such bottom dwelling life forms. NMFS proposes, therefore, to implement a performance standard to accompany the Council's definition of a pelagic trawl. The presence of bottom dwelling life forms in trawl catches when bottom trawling is prohibited would be a violation.

NMFS proposes this performance standard after reviewing 1991 information about pelagic trawl catches contained in NMFS observer reports. This information is summarized in the table below. Out of a total of 14,591 tows with pelagic gear, 99 percent, or 14,484 tows, resulted in catches of zero amounts of bottom dwelling life forms. The total catch reported by observers in ~~14,220~~ 14,484 tows was

763,985 mt.

Summary of 1991 observer reports showing catches with pelagic trawl gear in the Bering Sea and Aleutian Islands area.

No. of tows (pelagic trawls)	Total catch (mt)	Total bottom catch (kilograms)	Halibut bycatch bycatch (mt)
14,484	760,253	0	609
61	1,487	< 50	5
14	383	50 < 100	1
15	745	100 < 250	3
8	538	250 < 500	<1
9	579	> 500	<1

NMFS believes that available information indicates that a performance-based definition of a pelagic trawl has merit. The vast majority of tows with pelagic trawls results in no bottom dwelling life forms, and therefore, fishermen ought to be able to prosecute the midwater pollock fishery without violating the performance standard that would accompany the definition.

NMFS believes that the accompanying performance standard must be simple, and therefore, recommends only that the presence of bottom dwelling life forms in pelagic trawl catches would constitute a violation when bottom trawling is prohibited. NMFS does not recommend a rate-based standard that would rely on amounts of groundfish caught. Such a standard would require observers to partially sample whole hauls for purposes of obtaining proportions that would be statistically valid. NMFS anticipates that a rate-based standard administratively would be too cumbersome to implement.

At the same time, NMFS believes that a performance-based definition should not result in "instant bandits". When thousands of tows are made with pelagic trawls while fishing for pollock, an occasional bottom dwelling life form may be caught. For example, the data in the above table shows that the presence of bottom dwelling life forms occurred in only 2.5 percent of the total hauls when using pelagic trawls.

The Council might consider, therefore, providing a small allowance to account for the frequency of the presence of bottom dwelling life forms in the codends. The Council, for example, could recommend that a violation would take place only if 5 percent or more of the total number of observed hauls during a reporting week resulted in the presence of bottom dwelling life forms. The presence of fewer than 5 percent of the hauls during a reporting week would not constitute a violation. Vessel operators, therefore, would have opportunity to adjust their fishing methods when using pelagic trawls and avoid being in violation at end of a reporting week.

Petersburg Vessel Owners Association
P.O. Box 232
Petersburg, Alaska 99833
Phone (907) 772-9323 Voice and Fax

July 10, 1992

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

Dear Rick,

Now that the 1992 sablefish season has come to a close it has become apparent that some regulatory changes need to be made.

The June 28th sablefish opening in West Yakutat and the Central Gulf was riddled with more than the usual chaos found on the grounds. Vessels which waited until noon (when the sablefish season opened) to deploy gear, found the grounds pre-empted by vessels fishing under the guise of targeting on miscellaneous finfish. It was obvious to all of us involved in the fishery that these vessels were in fact targeting on sablefish. We firmly believe these vessels were in violation if they delivered more than 4% of their catch as sablefish. We hope that the vessels in violation will be fully prosecuted, however, we have not received that assurance.

Many vessels which waited until noon on June 28th to deploy their gear were at an obvious disadvantage and their landings reflected it. Presently, we have an uneven playing field that also creates management difficulties. Allowing vessels to set early makes it extremely difficult to predict how much the fleet may be expected to harvest in a 24 hour fishing period. We want to see this loophole closed before the start of the 1993 sablefish season. After talking to Steve Pennoyer earlier this week, it is my understanding that NMFS would like to see this changed also.

One possible way of accomplishing this would be to adopt similar regulations which are found in the halibut fishery. That is, anyone that intends to conduct directed fishing on sablefish may not have longline gear deployed during the 72 hour period immediately before the opening of a sablefish season.

We would like to respectfully request that the Council include this issue for discussion at the September meeting. We believe this issue warrants action due to conservation and management concerns.

Thank you for your time and attention.

Sincerely,

Kris Norosz

Kris Norosz

COMMISSIONERS:

LINDA ALEXANDER
PARKSVILLE, B.C.
RICHARD J. BEAMISH
NANAIMO, B.C.
RICHARD ELIASON
SITKA, AK
STEVEN PENNOYER
JUNEAU, AK
ALLAN T. SHEPPARD
PRINCE RUPERT, B.C.
GEORGE A. WADE
SEATTLE, WA

INTERNATIONAL PACIFIC HALIBUT COMMISSION

P.O. BOX 95009
SEATTLE, WA 98145-2009

TELEPHONE
(206) 634-1838

FAX:
(206) 632-2983

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

SEP 14 1992

September 8, 1992

Dr. Clarence Pautzke
North Pacific Fishery Managment Council
PO Box 103136
Anchorage, AK 99510

Dear Clarence:

Halibut bycatch and bycatch limits in the groundfish fisheries seem to have reached a new level of controversy. We have heard increasing dissatisfaction with the current limits, and requests for raising the limits. An agreement between the U.S. and Canada at a special meeting on the Halibut Commission recommended a 10% per year bycatch cap reduction, starting in 1993. The Halibut Commission staff continues to believe that open access management and the Olympic system cause fishermen to fish in ways that drive bycatch to much higher levels than necessary to harvest the groundfish resource. An effective in-season management program such as an individual incentive program will allow increased groundfish harvest for less halibut bycatch.

Until such an incentive program can be developed that would encourage voluntary reductions in bycatch rates and discard mortality rates, we propose changes in regulations that would move to accomplish the reductions. We have previously avoided recommending mandatory actions in the belief that fishermen can get around them too easily if it is in their individual best interest to do so. However, the need for measures to reduce halibut mortality rates is clear.

Our proposal has two parts: 1) would focus on discard mortality rates and could go into effect in 1993; 2) would focus on bycatch rates and could go into effect in 1994 if analysis shows adequate benefits.

Part 1. Research by IPHC shows that halibut discard mortality decreases when the fish are quickly put back into the sea. Survival also increases as handling decreases. Part 1 of our proposal emphasizes these concepts.

For longline vessels, we propose a mandatory requirement to release halibut by cutting gangions at the hook. Gangion-cutting could reduce discard mortality from 16% (the recently revised discard mortality rate, as estimated from 1991 observer data, is approximately 20%) to between 5-11%, depending on how fishermen react. **A 5% discard mortality rate would be the equivalent of increasing the PSC cap by a factor of three from the current cap, or a factor of four from the recommended new rate.** However, discard mortality rates under a gangion cutting rule should not be set in advance of the fishing year. We recommend setting a 1993 discard mortality rate for cut gangions by obtaining preliminary condition factor data from

observers for the first several months of 1993. Analysis of the condition factor data would set a new rate to be applied retroactively to the beginning of the year. Carefully releasing the halibut by rolling out the hook offers excellent survival potential, but we did not include this in our proposal because "careful release" requires subjective judgement from the observer.

For trawl vessels, we propose a regulation change to allow sorting of halibut on deck of factory trawlers, under supervision of an observer, for quick return to the sea. Forcing the vessel to send halibut through the factory before discard greatly increases mortality. The decrease in discard mortality rate from on-deck sorting is hard to predict, and will depend on the type of fishery and the diligence of the fishermen. We expect to have more idea of benefits from on-deck sorting after the IPHC-NMFS-industry bycatch sorting experiment scheduled for October 1992. However, the 75% discard mortality rate in the Bering Sea might well be reduced. **Reduction to a 50% rate, for example, would be equivalent increasing the PSC by one-third compared to the current rate.** We recommend setting the 1993 discard mortality rate from the first several months of observer data applied retroactively to the beginning of the year, as was recommended for the longline vessels.

Part 2. Recent analyses by IPHC and others indicate that bycatch rates change with time and area. Reduction of bycatch rates will occur if fishing occurs during the lowest bycatch periods or area.

For the 1994 fishing year, we plan to complete in 1993 the time-area analysis and to propose times and areas for trawl and longline fishing. The proposal could include a prohibition on night-time trawling. We cannot yet predict what improvements will result from time-area management, but predict substantial bycatch rate reductions and correspondingly higher groundfish harvest. Implementing these changes may require a plan amendment, and may be done through a regulatory amendment, or may be achieved by apportioning PSC, depending on what form the Council wishes the changes to take. Our staff will be pleased to work with NMFS and Council staffs to better define this concept, and to help prepare the EA/RIR should that be necessary.

The staff of the IPHC continues to support our previous recommendations to allocate groundfish (or halibut PSC) to gears with the lowest mortality rates and to schedule a 10% per year reduction in halibut bycatch mortality limits. We are pleased to see preferential allocation on the agenda for the September Council meeting. We believe that the actions we have proposed to reduce discard mortality rates for 1993 will benefit the groundfish fishery, and allow the scheduled PSC limit reduction.

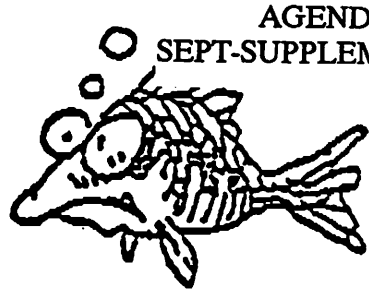
Sincerely,

Donald A. McCaughran
Director

cc. Commissioners

AGENDA D-6(a)
SEPT-SUPPLEMENTAL

North Pacific Longline Association



September 22, 1992

Mr. Richard B. Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue
Anchorage, AK

RE: BSAI Longline Halibut PSC Cap - Amendment 21

Dear Rick:

Longline interests have repeatedly asked for fair and equitable treatment in the selection of a halibut PSC cap for the BSAI region. We are sincerely hopeful that an adequate and realistic cap will be selected for 1993 and beyond.

I. The 750 MT Cap Is Inappropriate

Last December the Council declared its intention to establish a 1992 fixed gear halibut PSC cap which would prevent unlimited halibut mortality, but which would not curtail the hook-and-line fishery. The 750 mt cap - selected in a manner which appeared arbitrary, and imposed on the fixed gear fleet without negotiation - would have limited the fishery seriously had it been implemented. It would have bankrupted several companies in the process. Clearly the cap does not meet the Council's goals, and it should be scrapped.

II. Parity with Trawlers

Fixed gear operators should be given the same amount of BSAI halibut PSC for their cod fishery as trawlers are allowed for theirs. There is no justification for a double standard.

For 1992 the Council approved an apportionment of 2,359 mt of halibut PSC for the BSAI trawl fishery for cod alone, while allowing only 750 mt for all fixed gear fisheries in the region. No justification was offered for this grossly unfair discrepancy, which constiutes a *de facto* preferential allocation of cod to the trawl fleet. Only extraordinarily high halibut bycatch in the pollock "A" season prevented trawlers from harvesting most of the cod TAC during the

4209 21st Avenue West, Suite 300, Seattle, Washington 98199
TEL: 206-282-4639; FAX: 206-282-4684

spawning period and eliminating the longline fleet from the fishery upon which it is entirely dependent. Note further that the 1991 trawl halibut PSC overrun - 779 mt above the 5,333 mt trawl cap - exceeded the entire 1992 fixed gear cap!

Considerations of fairness and equity require that the longline fleet be granted parity with the trawl fleet in BSAI halibut PSC - ton for ton. Nothing like the absurd disparity created in 1992 should be repeated in 1993.

III. Future of the Fishery

Wherever cod are managed with an eye to the future - Norway, Iceland, Canada - the use of hook-and-line gear is encouraged. Despite increased halibut bycatch during the summer months, hook-and-line gear took 2.66 times as much cod per unit of halibut during the 1992 BSAI cod fishery as did trawl gear (see attached table by FIS). This is to say nothing of savings of crab, salmon, herring and other discards, including cod (again refer to FIS table).

The longline industry is taking steps to reduce halibut bycatch and associated mortality - improvements in handling techniques such as gangion-cutting and careful "shaking", as well as analysis of observer data on individual vessel bycatch. Combined with seasonal adjustments such as a summer closure, these measures will reduce halibut bycatch and mortality to acceptable levels. Reductions in the fixed gear halibut cap should not be made before these measures have been tried and proven, however.

The longline fleet promises to provide the conservation-oriented harvesting capacity necessary to maximize returns from the cod resource in the long run. It should not be stifled in its infancy, but should be encouraged to maximize its efforts. Constraining limitations like a halibut PSC cap should be applied and refined only as the fishery matures - just as in the trawl fishery, which was encouraged to develop unconstrained for many years.

We thank you for your attention, and hope that a sense of fairness and equity will prevail in the process of selecting a BSAI fixed gear halibut PSC cap for 1993 and beyond.

Sincerely,

Thorn

Thorn Smith

FIS
9/16/92

BERING SEA/ALEUTIAN ISLANDS PACIFIC COD TARGET FISHERIES

	1990			1991			1992*		
	H & L	POTS	TRAWL	H & L	POTS	TRAWL	H & L	POTS	TRAWL
GROUNDFISH MT	51,007	1418	178,075	69,792	4,361	94,287	99,070	7,530	65,905
PACIFIC COD %	92.6%	N/A	53.9%	88.1%	N/A	76.0%	86.7%	96.2%	60.7%
PACIFIC COD MT	47,232	N/A	95,982	61,511	N/A	71,661	85,902	7,241	39,979
HALIBUT MT	1,723	22	3,135	2,559	38	1,838	6,229	70	1,647
HALIBUT MORT %	16%	10%	100%	16%	10%	100%	16%	10%	75%
HALIBUT MORT. MT	276	2	3,135	409	4	1,838	997	7	1,235
CHINOOK SALMON NO.	7	N/A	4,466	41	0	3,675	53	0	4,328
RED KING CRAB NO.	N/A	N/A	N/A	76	2,713	178	5	N/A	122
B. TANNER CRAB NO.	N/A	N/A	N/A	8,286	52,482	364,851	11,272	N/A	158,992

* THROUGH 9/6

NOTES: CATEGORIES USED ARE DEFINED AS FOLLOWS:

1990 "O" - Pollock and Pacific cod >= 50%, Pacific cod >= 5% of retained catch
1991 "C" - Pacific cod is >= 45% of groundfish catch.
1992 "C" - Pacific cod is dominant species in retained catch

BYCATCH NUMBERS ARE EXTRAPOLATED NUMBERS USED BY NMFS FOR INSEASON MANAGEMENT
SOME NMFS REPORTS ARE INCOMPLETE OR UNAVAILABLE

RATE CALCULATIONS
(HALIBUT MORTALITY MT / MT COD)

1990

H & L	TRAWL	TRL/H&L
0.0058	0.0327	5.60

1991

H & L	TRAWL	TRL/H&L
0.0067	0.0256	3.85

1992*

H & L	TRAWL	TRL/H&L
0.0116	0.0309	2.66

FIS 9/16/92

REPORTED GROUNDFISH DISCARDS

1990

	H & L	TRAWL	TRL/H&L
CATCH	51007	178075	
DISCARD	2754	45935	
RATE	5.4%	25.8%	4.78

1991

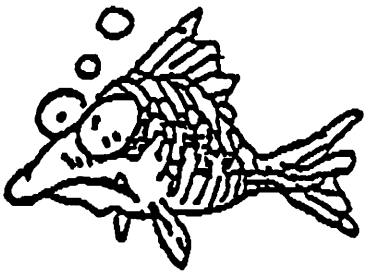
	H & L	TRAWL	TRL/H&L
CATCH	69792	94287	
DISCARD	6749	17463	
RATE	9.7%	18.5%	1.92

1992*

	H & L	TRAWL	TRL/H&L
CATCH	99070	65905	
DISCARD	12166	23672	
RATE	12.3%	31.3%	2.55

* provided by NMFS 9/16/92

North
Pacific
Longline
Association



September 22, 1992

Mr. Richard B. Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue
Anchorage, AK

RE: Seasonal Apportionment of BSAI Longline Halibut PSC Cap

Dear Rick:

Attached is a proposal prepared by LGL Alaska Research Associates for the seasonal apportionment of the BSAI longline halibut PSC cap in 1993, pursuant to authority contained in Amendment 21.

It is our hope that the Council will move forward promptly in adopting authority for the seasonal apportionment of BSAI cod TAC, for implementation as early as possible in 1993. We have suggested for consideration and public comment a trimester fishery for 1993, with a 65/10/25 split of cod TAC. This apportionment is meant to reflect recent historical catch levels, with freezer-longline effort shifted from the summer to the fall/winter trimester. If such an apportionment is adopted, it will be necessary to similarly divide longline halibut PSC. It is not clear that the PSC apportionment would have to parallel the TAC apportionment precisely - this question should be examined in light of historic PSC usage. The attached LGL analysis should be of use in this regard.

We respectfully request that the Council put the public on notice that it will consider apportionment of BSAI longline halibut PSC for 1993, and request public comment in connection with the 1993 groundfish catch and bycatch specification process.

Thank you for your attention.

Sincerely,

Thorn Smith

4209 21st Avenue West, Suite 300, Seattle, Washington 98199
TEL: 206-282-4639; FAX: 206-282-4684

Proposal to Distribute Longline Halibut PSC on a Trimester-Basis in the Bering Sea/Aleutian Islands Groundfish Fishery

Name of Proposer: North Pacific Longline Association **Date:** September 15, 1992

Address: 4209 21st Ave. West, Suite 300, Seattle, WA 98199

Telephone: (206) 282-4639

Fishery Management Plan: Groundfish of the Bering Sea/Aleutian Islands.

Brief Statement of Proposal: Consider apportioning the longline halibut PSC cap over the year as a part of the annual TAC specification process.

Objectives of the Proposal: To spread out the halibut PSC allocation recognizing current fishery needs, while reducing the amount of halibut bycatch taken during the summer. Recently obtained fishery data indicate that longline fishermen experience a high halibut bycatch in the summer compared to fishing at other times of the year. Allocating PSC to the fall-winter-spring months will allow for greater target catch to bycatch ratios, as well as increased revenues from the directed fisheries.

For purposes of discussion and to solicit public comment, the following apportionment schemes are recommended for consideration:

> As in the Gulf of Alaska, the BSAI longline halibut PSC will be managed using the same trimester calendar. The fishing periods are:

	Alternative 1	Alternative 2
January 1-May 14	65%	34%
May 15-August 31	10%	33%
and September 1-December 31	25%	33%

> The NPLA recommends that halibut savings earned in the first period be rolled-over into the third period so as not to "waste" the halibut PSC allocation during the summer.

Foreseeable Impacts of Proposal: While not guaranteeing that target TAC will be available to longline fishermen in the fall (that would require a specific TAC allocation to gear types), the proposal does reflect a desire among longline fishermen to manage their assigned PSC limit in a manner most beneficial to their interests. The proposal is focused on seasonally apportioning the halibut PSC limit as is described in Amendment 21 to the BSAI Groundfish FMP. Trawl, pot, and other gear types not constrained by the longline PSC limit are unaffected by this proposal. The apportionment scheme described as Alternative 1 reflects an attempt to manage the PSC

to support the Pacific cod fishery during the winter-spring months while still providing all the halibut necessary to support the summer sablefish fishery and some longline effort on other species. It also reflects changes in the fisheries over the last two years.

Longline fishermen are attempting to get "more bang from their buck" by prosecuting their fisheries at times when the bycatch of halibut is lowest and the prices paid for their cod fish the highest.

Need and Justification for Council Action: An objective of Amendment 21 is to permit the Council to apportion longline PSC in the same manner as it manages trawl PSC limits. Similarly, the Gulf of Alaska FMP has divided the calendar year into three fishing periods and the Council has apportioned halibut PSC among the periods. For the Council to utilize this measure in 1993, it needs to alert the industry that it may choose to apportion longline halibut PSC during its final TAC setting process in December. Public testimony can be submitted to the Council during the fall in support or against particular apportionment schemes. NMFS has indicated that Amendment 21 will not be effective until February or March of 1993, thus, PSC apportionment regulations will not be in place (unless implemented earlier by Emergency Rule). However, NMFS is prepared to monitor longline halibut bycatch from the beginning of the year and implement the Council's 1993 PSC recommendations as soon as the amendment is effective.

Possible Alternative Solutions: There are no alternative methods available for apportioning longline PSC. An alternative method for managing the activities of the longline fishery exist with quick implementation of the "Seasonal Apportionment of Pacific cod Amendment" currently undergoing analysis. This latter approach would distribute TAC over periods of the year which could have similar effects in scheduling fisheries when bycatch is lower and profits higher.

Supportive Data and Other Information: The North Pacific Longline Association has contracted with LGL Alaska Research Associates to prepare the attached supporting documentation and analysis.

Background Information and Supporting Rationale for the Seasonal Apportionment of Longline Halibut PSC in the Bering Sea/Aleutian Islands

Prepared by:
Steve Davis, LGL Alaska Research Associates
September 15, 1992

Introduction

At its December 1991 meeting, the North Pacific Fishery Management Council stated its intention to place a mortality limit upon fixed-gear fisheries. This action resulted in final approval of Amendment 19 and the development of Amendment 21 for the Bering Sea/ Aleutian Islands (BSAI) Groundfish FMP; the latter action intended to extend the Council's bycatch measures into 1993 and beyond.

Draft regulations accompanying the Amendment 21 package will provide the Council and NMFS with the authority to apportion the fixed-gear PSC limit over the year. This authority already exists in the Gulf of Alaska FMP. *[It should be noted that for purposes of this discussion, I will assume that pot gear remains exempt from PSC limits].*

Final Council action on Amendment 21 is scheduled for its September 21-27, 1992 meeting. At this point in time, it is unclear as to what the PSC limit will be for 1993 fixed-gear fisheries. The proposal to consider distributing the longline halibut PSC limit in 1993 is being submitted by the North Pacific Longline Association under the assumption that a final decision will be made on a PSC limit and that the amendment package will be forwarded on to the Secretary of Commerce for review. The regional office of the National Marine Fisheries Service estimates that Amendment 21 could be in place by February or March 1993.

In the past when the Council's amendments have fallen out of synch with the calendar year and annual TAC specification process, the Council has worked on the assumption that its amendments will be approved and begin basing their fishery recommendations on the "amended plans". When time of implementation is critical, the Council often uses emergency rules to fast-track the amendment.

The NPLA proposal has been submitted on similar assumptions with regard to Amendment 21 and its accompanying regulations.. For the Council to use its anticipated PSC authority, they must provide notice to the public at its September 1992 meeting that it may recommend to the Secretary apportioning the 1993 BSAI longline PSC limit at its December meeting and that they wish to solicit public comment on the issue. The NPLA proposal is intended to serve the Council for this purpose.

Review of Halibut Bycatch Over Time in the BSAI Longline Fishery

Table 1 presents information on the performance of the longline fleet in BSAI groundfish fisheries during the period 1990 to August 1992. Information pertaining to the total amount of groundfish harvested in the directed Pacific cod fishery, the directed sablefish fishery, and the other directed longline fisheries is presented. Also shown are estimates on bycatch and bycatch mortality (assuming a 16% mortality rate) associated with each directed fishery by month. Table 2 presents the same information aggregated by trimester fishing periods. This data is from observer data summarized on the NMFS Bulletin Board.

This information clearly shows that most of the longline halibut bycatch is taken in conjunction with the Pacific cod fishery. In the last three years, halibut mortality in this fishery has increased from 277 mt to 972 mt. This increase can be partially explained by the similar increase in directed groundfish catch from 51,008 mt in 1990 to 99,180 mt in 1992. Increases are also likely attributable to the significant increase in the number of vessels joining this fishery in 1991 and 1992 (NMFS staff, personal communication). During this same period the halibut mortality in the sablefish fishery has experienced some variation, but averages only 38 mt. Halibut bycatch associated with the longline fisheries for rockfish, turbot, and other species has dropped significantly as longline fishermen chose to more fully develop the Pacific cod fishery.

These data show that in 1992, 61% of the groundfish taken in the directed Pacific cod fishery occurred during the January-May period. During this same period, 55% of the total sablefish harvest was taken. This data also shows that of the total halibut mortality attributed to the longline fisheries in 1992, only 31% occurred during the January-May period. Approximately 69% of the mortality occurred during the summer months.

Discussion of Supporting Rationale

The groundfish regulations describe how the Council will base seasonal apportionment of halibut PSC limits on a variety of criteria ranging from seasonal distribution of halibut, to economic effects on establishing seasonal allocations on segments of the target groundfish industry (Appendix 1). Information on each of these factors will need to be prepared for the Council in December.

The NPLA proposal offers two apportionment schemes for discussion purposes. Undoubtedly, other apportionment schemes exist and can be presented to the Council during the public comment period. Both alternatives utilize the same fishing periods as currently used in the Gulf of Alaska. Consistency in regulations wherever possible is a goal of the proposal.

Alternative 1 proposes distributing the PSC limit 65%, 10%, and 25%. The rationale for this recommendation is based on the desire to place, in the first period, sufficient bycatch allocation to support all longline fisheries which compete with other gear types in the open access fishery for groundfish. The second period allocation reflects the needs of the longline fisheries for sablefish, turbot, and rockfish. It is likely that this percentage will

be more than necessary to support these summer fisheries and that some limited cod fishing can still occur. The suggested fall allocation is intended to support longlining for cod when quality improves and the fish command a higher price. It is the stated desire of NPLA that halibut in excess to that required in the spring fishery be rolled-over to the third period so as not to "waste" any savings during the summer period when halibut bycatch is the highest. NMFS staff has informed me that such a roll-over into the third period is not possible given current regulations. NMFS policy is that for inseason accounting purposes, any PSC surplus (or PSC overage) will be added (or subtracted) from the second period allocation. Likewise, an accounting adjustment may again be necessary at the beginning of the third period. NMFS staff recommends that given existing policy and regulations, that industry carefully determine their bycatch needs in the first and second fishing periods so as to reduce the probability of excessive accounting adjustments between periods.

Alternative 2 proposes distributing the PSC limit into roughly three equal amounts. This alternative is based on discussions with NMFS staff who do not want the net effect of a PSC management measure to greatly influence the timing of the directed fishery. On the surface, an equal distribution of PSC seems to accomplish that goal. However, longline fishermen that I have surveyed inform me that should unanticipated bycatch or fishing effort increase during the year, then a likely result will be a premature closure of longline fishing prior to the opening of the next fishing period. These "stop-starts" would create real logistic and financial problems for the fleet. For this reason, a larger PSC apportionment in the first period would provide sufficient "buffer" to prevent this situation from occurring.

Table 1. Total groundfish harvested and halibut bycatch by hook-and-line in BSAI directed fisheres.

Month	Pacific Cod Directed Fishery			Sablefish Directed Fishery			Other Species Directed Fishery			All H&L Directed Fisheries
	Total Groundfish Harvest (mt)	Total Halibut Bycatch (mt)	Halibut Bycatch Mortality (mt)	Total Groundfish Harvest (mt)	Total Halibut Bycatch (mt)	Halibut Bycatch Mortality (mt)	Total Groundfish Harvest (mt)	Total Halibut Bycatch (mt)	Halibut Bycatch Mortality (mt)	Halibut Mortality (mt)
1990										
Jan	1,847	17	3	214	60	10	39	5	1	13
Feb	3,568	44	7	261	41	7	27	2	0	14
Mar	2,769	20	3	127	25	4	117	22	4	11
Apr	1,887	9	2	0	0	0	46	5	1	2
May	2,806	53	8	185	20	3	107	18	3	14
Jun	5,402	356	57	749	36	6	152	23	4	66
Jul	5,738	309	49	1,135	65	10	186	4	1	61
Aug	6,002	231	37	342	36	6	595	6	1	44
Sep	7,283	232	37	199	4	1	10	1	0	38
Oct	5,478	177	28	158	5	1	0	0	0	29
Nov	4,181	96	15	138	4	1	0	0	0	16
Dec	4,047	186	30	41	1	0	0	0	0	30
Total	51,008	1,731	277	3,550	298	48	1,279	87	14	338
1991										
Jan	2,800	53	9	110	8	1	21	2	0	10
Feb	4,559	83	13	186	14	2	86	17	3	18
Mar	5,804	106	17	445	15	2	19	1	0	19
Apr	6,285	46	7	399	15	2	12	0	0	10
May	5,209	79	13	139	3	0	44	1	0	13
Jun	7,937	346	55	66	2	0	5	1	0	56
Jul	5,938	360	58	944	93	15	605	50	8	80
Aug	6,895	323	52	447	32	5	161	16	3	59
Sep	8,068	216	35	124	9	1	68	6	1	37
Oct	5,978	328	53	184	4	1	72	5	1	54
Nov	5,152	337	54	297	10	2	39	2	0	56
Dec	3,589	221	35	202	25	4	48	2	0	40
Total	68,214	2,497	400	3,542	230	37	1,181	103	17	453
1992										
Jan	6,659	200	32	87	7	1				33
Feb	12,556	217	35	161	13	2				37
Mar	11,377	197	32	274	10	2	4	0	0	33
Apr	14,023	529	85	539	54	9	5	0	0	93
May	16,223	708	113	283	26	4	9	0	0	117
Jun	11,062	1,349	216	78	14	2	16	0	0	218
Jul	12,316	1,428	228	442	34	6	12	2	0	234
Aug	14,964	1,447	232	563	31	5	71	9	1	238
Total	99,180	6,076	972	2,427	189	30	117	12	2	1004

Compiled by LGL Alaska Research Associates from observer data summarized on the NMFS Bulletin Board.

Table 2. Total groundfish harvested and halibut bycatch by hook-and-line in BSAI directed fisheres.

Trimester	Pacific Cod Directed Fishery			Sablefish Directed Fishery			Other Species Directed Fishery			All H&L Directed Fisheries	
	Total Groundfish Harvest (mt)	Total Halibut Bycatch (mt)	Halibut Bycatch Mortality (mt)	Total Groundfish Harvest (mt)	Total Halibut Bycatch (mt)	Halibut Bycatch Mortality (mt)	Total Groundfish Harvest (mt)	Total Halibut Bycatch (mt)	Halibut Bycatch Mortality (mt)	Halibut Mortality (mt)	Percent of Total Mortality
1990											
Jan-May	12,877	143	23	788	147	23	336	51	8	55	16%
Jun-Aug	17,142	896	143	2,226	137	22	933	34	5	171	50%
Sept-Dec	20,989	691	111	537	14	2	10	1	0	113	33%
Total	51,008	1,731	277	3,550	298	48	1,279	87	14	338	
1991											
Jan-May	24,657	366	59	1,279	55	9	182	22	3	71	16%
Jun-Aug	20,770	1,028	165	1,458	127	20	771	67	11	196	43%
Sept-Dec	22,787	1,103	176	806	48	8	228	15	2	186	41%
Total	68,214	2,497	400	3,542	230	37	1,181	103	17	453	
1992											
Jan-May	60,838	1,852	296	1,344	110	18	18	1	0	314	31%
Jun-Aug	38,342	4,224	676	1,083	79	13	99	11	2	690	69%
Sept-Dec	?	?	?	?	?	?	?	?	?	?	
Total	99,180	6,076	972	2,427	189	30	117	12	2	1,004	

Compiled by LGL Alaska Research Associates from observer data summarized on the NMFS Bulletin Board.

Taken from 1992 BSAI Groundfish Regulations

675.21 **Prohibited species catch (PSC) limitations.**

(b) Apportionment of PSC limits.

(2) Seasonal apportionments of bycatch allowances. The secretary, after consultation with the Council, may apportion fishery bycatch allowances on a seasonal basis. The secretary will base any seasonal apportionment of a bycatch allowance on the following types of information:

(i) seasonal distribution of prohibited species;

(ii) seasonal distribution of target groundfish species relative to prohibited species distribution;

(iii) expected prohibited species bycatch needs on a seasonal basis relevant to change in prohibited species biomass and expected catches of target groundfish species;

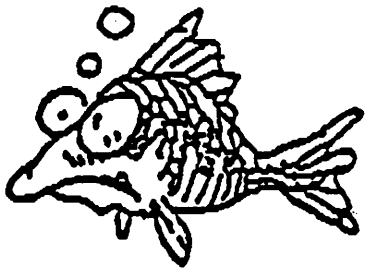
(iv) expected variations in bycatch rates throughout the year;

(v) expected changes in directed groundfish fishing seasons;

(vi) expected start of fishing effort;

(vii) economic effects of establishing seasonal prohibited species apportionments on segments of the target groundfish industry.

North
Pacific
Longline
Association



September 22, 1992

Mr. Richard B. Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Avlenue
Anchorage, AK

RE: Management of 1993 BSAI Pacific Cod Season

Dear Rick:

As you know the Council has repeatedly called for analysis of a plan amendment which would authorize seasonal apportionment of BSAI cod TAC. Much of the analytical work in support of such an amendment has now been done by LGL Alaska Research, Inc. Their analysis, revised in response to Plan Team comments, will appear in your September Council notebook under Agenda D-9, Staff Tasking.

In order to manage the 1993 BSAI cod fishery in a rational manner, we are hopeful that the Council will approve the following actions for implementation as early as possible; they are addressed in short letters from the NPLA at the Agenda items indicated:

I. Task Completion of Analysis for Decision in December; Adopt for Public Comment a 65/10/25 Trimester Apportionment of BSAI Cod TAC for 1993

The LGL document contains alternatives for analysis selected by the Council last June. We have suggested publication for public comment of a proposed 65/10/25 trimester apportionment of BSAI cod TAC for 1993, described in that document. The idea is to set forth for industry comment an apportionment which reflects the seasonal harvest of cod by all gear groups in the recent past, but which moves freezer-longliner effort from the summer fishery to the fall/winter trimester to avoid halibut bycatch. This particular apportionment could be adjusted in response to public comments. It is just one possibility between the extremes of (1) the status quo, apportioning all TAC to the fishery as of January 1, and (2) apportioning all TAC to the third trimester (this latter approach could imply a change

4209 21st Avenue West, Suite 300, Seattle, Washington 98199
TEL: 206-282-4639; FAX: 206-282-4684

in the opening date of the season, from January 1 to September 1 - an approach which makes a great deal of sense in terms of product quality, market demand, price). See Agenda D-9.

II. Seasonal Apportionment of BSAI Longline Halibut PSC

Seasonal apportionment of BSAI cod TAC would require seasonal apportionment of longline halibut PSC, though the seasonal apportionments would not necessarily have to be identical. A proposal for apportionment of longline halibut PSC for 1993, under authority contained in Amendment 21, is at Agenda D-6(a) with supporting analysis.

III. BSAI Longline Halibut PSC Cap

Our request for fair and equitable treatment with regard to BSAI halibut bycatch limitations is at Agenda D-6(a).

IV. Gangion-Cutting (Careful Release Requirements)

We have suggested development and adoption of a regulatory requirement that halibut be released by the cutting of gangions or by careful "shaking" - rolling out the hook with the curve of a gaff. Our support for this requirement is conditioned on inclusion of the "shaking" alternative, a fixed assumed halibut mortality rate for the first year of such a requirement, and extrapolation of observer data. We are prepared to help NMFS and the IPHC in development and implementation of this program, which should reduce halibut mortality substantially. See Agenda D-6(c).

V. Retention of Cod Bycatch

Since BSAI cod TAC has been achieved in 1992, we feel that it is time for NMFS and the Council to consider realistic cod bycatch requirements in other fisheries, particularly the yellowfin sole/flatfish fishery. See Agenda D-3(d).

This five-point program is designed to provide for rational management of the 1993 BSAI cod fishery, taking into account the needs of various gear groups and the overall goal of maximizing returns from the cod resource. It could be amended in response to public comment. The objective is implementation of these measures as early as possible in 1993, through regulation or emergency rule.

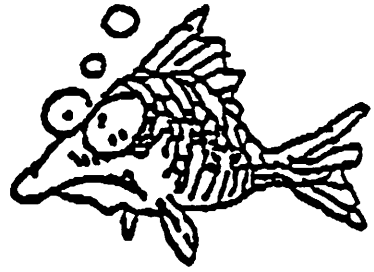
Thank you for your attention. We sincerely hope that the Council will respond positively to these recommendations.

Sincerely,

Thorn

Thorn Smith

North
Pacific
Longline
Association



September 22, 1992

Mr. Richard B. Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue
Anchorage, AK

RE: Cod Retention Rates/Directed Fishing Definitions

Dear Rick:

For the first time in a number of years, TAC has been achieved in the BSAI cod fishery. Where a fishery is fully utilized, it has been customary for the Council and NMFS to consider the actual bycatch needs for that species, in other fisheries.

A retention rate of 20% cod is now allowed in the yellowfin sole/flatfish fishery - a figure which likely exceeds actual bycatch needs.

We feel that it would be appropriate for NMFS and the Council to reexamine cod retention rates in the other groundfish fisheries at this time, to be sure that they refelct acutal needs. The directed fisheries for cod are now able to harvest the entire TAC.

Thank you for your attention.

Sincerely,

Thorn

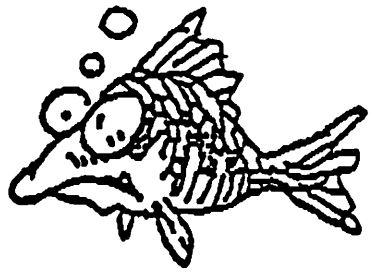
Thorn Smith

4209 21st Avenue West, Suite 300, Seattle, Washington 98199
TEL: 206-282-4639; FAX: 206-282-4684

AGENDA D-6(d)
SEPT-SUPPLEMENTAL

North
Pacific
Longline
Association

SEP 16 1992



September 22, 1992

Mr. Rick Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue
Anchorage, AK

RE: Careful Release of Halibut Bycatch in Longline Fisheries

Dear Rick:

The IPHC estimates that gangion-cutting could substantially reduce halibut bycatch mortality in longline fisheries, and has proposed that it be made mandatory (see letter from Don McCaughran to Clarence Pautzke, dated September 8, 1992). The NPLA requested that such a requirement be included in Amendment 21, with certain conditions. We still favor the proposal, and believe that it should be implemented by regulation as soon as possible - again, with certain conditions. We are hopeful that the Council will request initial analysis, for decision in December and implementation as soon as possible in 1993.

First and foremost, any such requirement should include as an alternative the option of "shaking" halibut by rolling out the hook with the curve of a gaff. Our members are unanimous in the view that careful shaking is less likely to harm halibut than is gangion-cutting, which leaves the hook in the fish. The IPHC agrees in principle, but has reservations about the ability of observers to make a "subjective judgment" as to whether the fish has been released carefully. We have discussed this issue at length, and feel that it is easier for observers to judge the effectiveness of "shaking" than it is to estimate the condition of halibut brought aboard. Shaken halibut occasionally incur damage to their mouths, but this does not seem to bother them. We have discussed observer training in this regard with Russ Nelson of the NMFS Observer Program, who agrees with us that observers can be trained to judge the effectiveness of "shaking". We intend to get together with Russ to discuss this training and the general support of observers aboard our vessels.

4209 21st Avenue West, Suite 300, Seattle, Washington 98199
TEL: 206-282-4639; FAX: 206-282-4684

Second, a "careful release" requirement should be subject to a rule of reason. It is not possible to cut every gangion or to "shake" every halibut without damage - mistakes will inevitably occur. We would suggest an initial requirement that 75% of the halibut be "carefully released" - and that sanctions apply only if that level is not achieved.

Third, we would prefer that a fixed assumed mortality rate be employed thorughout the first year of a "careful release" requirement - to be refined with experience. We are not comfortable with the idea of retroactively applying a rate derived during the first season.

Finally, observer data on careful release would have to be extrapolated to account for those periods of time when the observer is asleep or away from his post.

We believe that a "careful release" requirement has significant potential for reducing halibut handling mortality, and that such a provision must be mandatory to be effective. We are prepared to assist the NMFS Observer Program and the IPHC in developing and implementing such a program. Our sector of the industry could support this approach only with the conditions outlined above, however.

Sincerely,

Thorn

Thorn Smith

INTERNATIONAL PACIFIC HALIBUT COMMISSION

P.O. BOX 95009
SEATTLE, WA 98145-2009

TELEPHONE
(206) 634-1838

FAX:
(206) 632-2983

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

September 18, 1992

Dr. Clarence Pautzke
North Pacific Fishery Management Council
P.O. Box 103136
Anchorage, Alaska 99510

Dear Clarence:

As the Council decides on a prohibited species limit for halibut in the Bering Sea-Aleutian Islands longline fishery, we wish to reiterate our position for a movement toward lower bycatch mortality limits. An agreement between the U.S. and Canada at a special meeting of the Halibut Commission recommended a 10% per year decrease in halibut bycatch limits, starting in 1993.

The Council made progress in this direction by putting all gears with significant bycatch under the limits in 1992 (unfortunately, the longline cap for the Bering Sea was not implemented). We are pleased that bycatch will be lower in 1992 than in 1991. We hope that the Council will build on that progress by reconsidering the trawl limits, and lowering the 1993 total BSAI halibut bycatch mortality limit to 4070 mt. We arrived at 4070 mt by adding the 750 mt of longline mortality to the mortality from the trawl limit (5033 times 0.75 = 3775) for a total of 4525 mt in 1992 and taking a 10% reduction.

Our recommendation for lowering the limits does not mean that the longline limit cannot go up; only that increases in one limit be balanced by decreases in another. We continue to support preferential allocation of groundfish to gears with low bycatch mortality, and allocation of sufficient quantities of bycatch mortality for those clean fisheries.

In our letter of September 8, 1992, we recommended to the Council some actions (gangion cutting, on-deck sorting) for 1993 to decrease discard mortality rates in the trawl and longline fisheries that should allow substantially more groundfish harvest for the same amount of halibut bycatch mortality. We believe that the potential bycatch mortality savings could also be used to decrease the BSAI halibut bycatch limits. If longliners can reduce discard mortality to 8% with mandatory gangion cutting, they would require only about half the bycatch mortality taken

continued. . . . . .

in 1992, or about 600 mt in 1993 to take the same amount of groundfish (750 mt at a 10% discard mortality rate). The bottom trawl fisheries killed over 3500 mt of halibut bycatch in 1992, and would need only 10% improvement in discard mortality rate to save about 350 mt of halibut in 1993.

A management system based on the Olympic System and concomitant high bycatch rates does not justify halibut bycatch limits twice as high as the mortality achieved in the mid 1980's by fleets that operated with individual responsibility for their bycatch actions.

Sincerely,

Donald A. McCaughran
Director

cc: Commissioners

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

September 16, 1992

Mr. Richard B. Lauber
Director, North Pacific
Fishery Management Council
P.O. Box 103136
Anchorage, Alaska 99510

Dear Rick,

At its September 22-27, 1992, meeting, the North Pacific Fishery Management Council will consider the need for a "fair start" regulation that would be applicable to hook-and-line and pot gear fisheries. This issue will be under agenda item D-6(c). For the Council's information, we intend to develop this regulation, unless we receive advice to the contrary. If approved, an implementing regulation would require vessels in any hook-and-line and pot gear fishery to remove their gear from the water 72 hours prior to the start of the fishery, including any cleanup openings.

Seventy-two hours would make the "fair start" provision the same as that contained in the halibut regulations. This provision, therefore, would be consistent whenever a hook-and-line opening occurred simultaneously with a halibut opening; e.g., the June 28, 1992, sablefish cleanup openings in the West Yakutat District and Central Regulatory Area, which occurred during the halibut opening on the same date.

If a vessel does not participate in an opening (e.g., sablefish), it may still continue to catch other groundfish species if directed fisheries for those species are open (e.g., Pacific cod). In this example, a fisherman targeting cod may land sablefish during the sablefish opening, but only within the specified amounts that do not constitute directed fishing.

At this time, only the Gulf of Alaska sablefish fishery would be affected, because it starts during mid-year and may include additional cleanup openings. Fisheries for other species (e.g., Pacific cod) may involve cleanup openings. We believe, therefore, that a "fair start" regulation should include all species targeted by hook-and-line and pot gear. A "fair start" regulation, therefore, would need to be in place by May 12, 1993, i.e., 72 hours prior to the May 15 opening of the 1993 sablefish season in the Gulf of Alaska by hook-and-line gear.

We suggest that the Council take final action on this agenda item at its September meeting. The Council may wish to consider other alternatives, including a preferred action different from our proposal.

Sincerely,

Steven Pennoyer
Director, Alaska Region