

North Pacific Fishery Management Council

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CERTIFIED:


Chairman

MINUTES

48th Plenary Session NORTH PACIFIC FISHERY MANAGEMENT COUNCIL May 19-20, 1982 Anchorage, Alaska

The North Pacific Fishery Management Council met on Wednesday and Thursday, May 19-20, 1982, in the Trattoria of the Anchorage Westward Hilton.

The Scientific and Statistical Committee met on Monday and Tuesday, May 17-18, 1982, in the Council's headquarters conference room.

The Advisory Panel met from 9 a.m. to 5 p.m. on Tuesday, May 18, 1982, in the Alaska Room of the Westward Hilton Hotel.

Council members, SSC members, Advisory Panel members, and general public in attendance are listed below:

Council

Clement V. Tillion, Chairman
Harold E. Lokken, Vice-Chairman
Robert Mace, for John Donaldson
CDR Peter Busick, for
 RADM Richard Knapp
Don Collinsworth, for Ron Skoog
Leroy Sowl, for Keith Schreiner
Donald E. Bevan

James O. Campbell
John P. Harville
Robert W. McVey
Rolland Schmitt/Gen
 Gene DiDonato
Joe Demmert, Jr.
Ray Arnaudo

Scientific and Statistical Committee

Donald Rosenberg, Chairman
Richard Marasco, Vice-Chairman
Jack Robinson, for Larry Hreha
Jack Lechner
Phil Rigby, for John Clark
Ed Miles

Al Millikan
John Burns
Robert Burgner
Bill Aron
Steve Langdon

Advisory Panel

A. W. "Bud" Boddy, Vice-Chairman
Larry Cotter

Al Burch
Dick Goldsmith

Joe Kurtz
Kristy Long
James O'Connell
Don Rawlinson
Tony Vaska

Ray Lewis
Dan O'Hara
Ken Olsen
Harvey Samuelson

Council Staff

Jim H. Branson, Executive Director
Clarence Pautzke, Deputy Director
Jim Glock
Jeff Povolny
Becky Wetzler

Peggy McCalment
Judy Willoughby
Steve Davis
Peggy Hough

Support Staff

Fred Gaffney, ADF&G
James Brooks, NMFS
Craig Hammond, NMFS
Loh-lee Low, NWAFC
Kirk Beiningen, ODF&W

Phil Chitwood, NMFS
Barry Bracken, ADF&G
LCDR Paul Blayney, USCG
Murray Hayes, NWAFC

General Public

Tsuneo Nishiyama, University of Alaska, Fairbanks
Paul Seguin, U.S. Army Corps of Engineers, Anchorage
H. P. Gazaway, Anchorage
John Schmiedtke, Nordstern, A.G., Seattle
Philip R. Fuller, Fishing Ventures International, Seattle
Lorry M. Nakatsu, Portland
Walter Smith, Alaska Fishermen's Union, Seattle
Jay D. Hastings, Japan Fisheries Association, Seattle
Ryozo Kaminokado, Office of the Consulate of Japan, Anchorage
Bob Wienhold, Minerals Management Service, Anchorage
Henry Mitchell, Bering Sea Fishermen's Association, Anchorage
Kelly Roth, Office of the Consulate of Japan, Anchorage
Sara Hemphill, Trading Company of Alaska, Anchorage
Iliodor Philemonof, St. George Tanaq Corporation, Anchorage
W. H. Bittner, Anchorage
Chris Mitchell, Alaska Fisheries Development Foundation, Anchorage
Charles Meacham, Meacham and Associates, Anchorage
Cass Parsons, Office of the Governor, International Fisheries
and External Affairs, Anchorage
Robert T. Iversen, American Embassy, Tokyo
Stephen B. Johnson, Japan Deep Sea and Hokuten Trawlers
Association
Joseph Gnagey, Westward Trawlers, Seattle
Karen White, University of Alaska, Anchorage
William Graham, Sea Grant, Washington, D.C.
Thomas Peterson, KANA, Kodiak

A. CALL TO ORDER AND APPROVAL OF AGENDA AND MINUTES OF PREVIOUS MEETING

The meeting was called to order by Chairman Clem Tillion on Wednesday, May 19, at 9:06 a.m. On behalf of the Council the Chairman welcomed Rolland Schmitt, Director of the Washington Department of Fisheries, Lorry Nakatsu, former executive director of the Pacific Council, and Bob Iversen from the U.S. Embassy in Tokyo. The Council thanked CDR Peter Busick of the U.S. Coast Guard for his support of Council activities over the past several years and wished him the best in his new assignment to Astoria, Oregon.

Chairman Tillion called for approval of the agenda. *Bob Mace moved the agenda be adopted as presented; seconded by Harold Lokken. There being no objection, it was so ordered.*

Don Collinsworth moved approval of the Minutes of the March Council meeting; seconded by Bob Mace. There being no objection, it was so ordered.

B. SPECIAL REPORTS

B-1 Executive Director's Report

Deputy Director Clarence Pautzke said that Jim Branson and he had attended the Senate Committee on Commerce, Science and Transportation hearing on amendment and reauthorization of the Magnuson Act on April 30 in Washington, D.C. Other councils were also represented, as well as the states of Alaska and Oregon, the Japanese fishing industry, the U.S. industry, the Northwest Indian tribes, and NMFS.

Both the Executive Director and Deputy Director attended a meeting of State Fish and Wildlife Directors in Washington, D.C. on April 27-29. The meeting resulted in reaffirmation of the needs agreed upon at a similar meeting held in 1980. Funding for data collection and management-related research, FMP development and implementation, and enforcement are still of high priority. The need to support international obligations such as INPFC was also emphasized.

Mr. Pautzke said that the Soviet GIFA has been signed by President Reagan, diplomatic notes have been exchanged, and the GIFA is awaiting approval by Congress. Extension of the Soviet GIFA will allow their joint ventures off Alaska to continue. Action on the Polish GIFA is pending.

The Council received the \$194,489 requested for FY 82 programmatic research to fund ADF&G's FMP support activities, the crab observer program, the Southeast Alaska economic profile, and the halibut limited entry study. The Executive Director also committed \$500 of administrative funds for a Pacific cod study being done by Natural Resources Consultants.

B-2 Report on Domestic Fisheries by the Alaska Department of Fish and Game

Fred Gaffney of the Alaska Department of Fish and Game reported that the winter troll fishery in the Southeastern-Yakutat Region ran from October 1 through April 15 with a preliminary harvest of 12,300 chinook salmon. The summer troll fishery opened on May 15, but early harvest figures were not available.

A test fishery for herring was conducted at Togiak on Monday, May 10, but due to an overall roe maturity of only 1%, the fishery was not opened. Roe maturity was still quite low when the test fishery was again conducted on May 14, and the fishery was again postponed awaiting proper roe maturity.

B-3 Report on Foreign Fisheries by National Marine Fisheries Service

Phil Chitwood reported that through the end of April, 25% (195,568 mt) of the 792,510 mt Bering Sea groundfish TALFF had been taken. At the same time last year, 21% of the TALFF had been utilized. Pollock comprised over 78% of the catch; flounders 15.2%; Pacific cod 2.1%; and all other species 4.3%.

By the end of April only 11% (12,916 mt) of the 113,612 mt Gulf of Alaska TALFF had been taken. Approximately 20% of the Gulf TALFF had been utilized at the same time last year. Seventy-two percent of the 1982 catch was Pacific cod; 22.5% pollock; 3.1% sablefish; and 2.4% other species.

Craig Hammond said that although the number of foreign vessels off Alaska has continued its normal decline for this time of year, a dramatic increase is expected in late May/early June with the arrival of the Japanese mothership fleets.

On Monday, May 17, forty observers were working aboard vessels off Alaska: four in joint ventures; 21 on Japanese vessels in the eastern and central Bering Sea; 10 on Korean vessels in the Bering Sea; and one on the West German FRIEDRICH BUSSE.

Ray Arnaudo, Council representative from the U.S. Department of State, presented tables showing mid-year foreign allocations for the Gulf of Alaska and Bering Sea. Copies are made a part of these Minutes as Appendix I.

B-3 Report on Enforcement and Surveillance by the U.S. Coast Guard

CDR Peter Busick reported that since the March Council meeting the Coast Guard has issued 23 reports of violation and ten citations for various MFCMA infractions to 24 Japanese and four South Korean vessels. The Japanese stern trawler DAIEI MARU NO. 2 was seized on April 28, 1982 in the central Bering Sea for underlogging its total catch by 30 mt or 12%.

Council member Bob Mace asked CDR Busick if future Coast Guard reports could include a comparison of the number of vessel days with the frequency of violations. CDR Busick said the Coast Guard should be able to obtain that information on a regular basis from the State Department.

B-5 Joint Venture Update

As of April 30, joint ventures had harvested 10,113 mt in the Bering Sea and 77,508 mt in the central Gulf of Alaska.

Joe Gnagey of Westward Trawlers said that their venture with Taiyo Fishery Company reached its first 10,000 mt quota on April 4 and they have begun to fish on a second 10,000 mt in the Bering Sea. As of May 15 the catch totaled 15,060 mt of pollock, 95% food grade fish. Operations have continued without loss of codends, damage to vessels, or injury to personnel. The partners expect to reach their goal of 20,000 mt by June 5.

Mick Stevens reported that the Marine Resources yellowfin sole fishery began on April 17 and is now operating with five processors and seven catcher vessels in Bristol Bay. Their Atka mackerel fishery with the mothership SULAK began on May 12 and is working in the Segum Pass area of the Aleutians. Both fisheries are expected to continue into September.

Philip R. Fuller reported that the Polish joint venture with Mrs. Paul's Kitchen began with three to four trawlers on March 20 and will end in June. A fifth trawler is expected to join the operation at Unimak.

The West German FRIEDRICH BUSSE and four U.S. trawlers have taken 2,500 mt of cod and 1,100 mt of pollock since February 27. They are fishing in the Unimak Pass area.

The joint venture between Fish Producers Associates and Korea Wonyang Fisheries ended on April 25 with a total catch of 32,000 mt, mostly pollock. Their original target was 30,000 mt.

Universal Seafoods and Nippon Suisan concluded their first operation on April 27 after 47 days of fishing near Unimak Pass and Shelikof Straits. The AMERICAN NO. 1 and STARWARD delivered 9,908 mt, mostly pollock, to the Japanese factoryship KONGO MARU. The second operation, which hopes to catch and process another 10,000 mt, will begin on June 7 in the Bering Sea.

On April 20 Joint Venture Fisheries, Ltd. and their Korean partner, the North Pacific Joint Fishing Operating Committee of the Korea Deep Sea Fishing Association, successfully concluded their operation with a total catch of 16,321 mt of pollock, primarily from the Shelikof Straits area.

Mike Jones of Pribilof-Highly SeaProducts, Inc. presented a written report to the Council on the status of the Highly/St. George Tanaq joint venture. Highly Enterprise lost its

fishing vessel permits in early 1982 due to charges by the Justice Department that it had engaged in illegal fishing activities in its Florida shrimping operations. The permits were restored during the first week of May as part of an agreement involving the Commerce and Justice Departments. Highly maintains its innocence and expects to be vindicated in Florida court proceedings.

Despite the interruption of its fishing privileges, Highly made payments into the St. George program account during the first quarter of 1982 and reaffirmed its intent to maintain its role in the program. At the time of the meeting Highly had one vessel, the GOLDEN DRAGON, on the fishing grounds, with two more enroute.

St. George and Highly have begun discussions for a training program in the Bering Sea this summer. Despite the past problems encountered, St. George Tanag Corporation expects the venture to go forward and will present a detailed progress report at the July meeting.

C. NEW OR CONTINUING BUSINESS

C-1 Council Policy for Joint Venture Permit Review

On March 11 the Council's Policy and Planning Workgroup met in Juneau to discuss criteria for joint venture permit review. The draft policy resulting from that meeting was referred to the Advisory Panel at the March meeting, a copy of which is made a part of these Minutes as Appendix II.

The Advisory Panel reviewed the Policy at its May meeting and provided the following recommendations to the Council:

1. Paragraph 1, page 1: to the end of the last sentence add, "... and the intent of the MFCMA."
2. Paragraph 2, page 1: to the end of the second sentence add, "..., provided that such joint ventures will not adversely affect the development of totally domestic harvesting/processing operations focused on the same underutilized species."
3. Item 2(c), page 3: add to the end of the last sentence, "..., and reasons for failure, if available."
4. Last paragraph, page 3: add to the end of the last sentence, "..., and with the intent of the MFCMA."

Public Testimony

Richard Goldsmith, executive director of the North Pacific Fishing Vessel Owners Association and member of the Advisory Panel, objected to the inclusion of item 2(h) (impact of the joint venture operation on other U.S. fisheries) in the policy for joint venture permit review. He said that these factors will

have already been taken into consideration when JVP is established. He alleged that the Council's ability to reject a joint venture based on high prohibited species catches would constitute "back-door" regulation of domestic fishing vessels.

Mick Stevens of Marine Resources Company said he felt it was inappropriate to infer that if there is no TALFF there will be no joint ventures (page 1, paragraph 2). He suggested that the wording be changed to read, "As long as U.S. processing facilities are unable to offer a market for the total OY of the species under consideration, the Council will encourage joint ventures"

Council Action

The Council discussed at length the various aspects of the proposed policy, particularly the question of whether the Council should have the authority to "monitor" business arrangements between private businesses.

Chairman Tillion appointed John Harville and Don Bevan to redraft the joint venture policy, incorporating the suggestions of the Council and public.

On Thursday, the Council reviewed the revised Council policy on allocations and joint ventures. *Bob Mace moved adoption of the revised policy; seconded by Rolland Schmitt. The policy was unanimously approved, and is restated for the record as follows:*

COUNCIL POLICY ON ALLOCATIONS AND JOINT VENTURES

The North Pacific Fishery Management Council has responsibility under the law for assuring the conservation and wise use of fishery stocks in its area of jurisdiction and to foster the development of the United States fishery for those stocks currently underutilized by this country, though they may be fully exploited by other nations. The equitable allocation of harvest privileges in accordance with the principles established by the Magnuson Fishery Conservation and Management Act is an element of the Council's management responsibility. The Council will use its ability to allocate harvest privileges to increase American participation in underutilized fisheries consistent with the wise use of the resource and the intent of the MFCMA.

The Council believes that it is in the greatest national interest for the resource to be both harvested and processed by U.S. industry. However, until the domestic industry can both harvest and process the total allowable catch (TAC), the Council will encourage joint ventures between Americans and foreigners that will increase U.S. participation in the utilization of these resources, provided that such joint ventures will not adversely affect development of totally domestic harvesting and processing operations focused upon the same species. Joint ventures are generally considered to be operations in which U.S. fishermen deliver raw fish to foreign processors at sea. Ownership of the

finished product may remain in foreign hands or be retained by a United States company, usually working in conjunction with a foreign partner. Other forms of joint ventures are possible and will be appraised on their individual merits as they are formulated.

The Council believes that the best foundation for a successful joint venture is mutual profitability to the concerned partners. The Council will consider the performance record of joint ventures and future allocation levels will depend upon the degree to which those operations demonstrate good faith satisfaction of commitments to U.S. fishermen and the U.S. fishing industry.

Joint venture projects are expected to make realistic requests for allocations that lie within their capability for harvesting and processing. The Council will scrutinize performance records of joint venture projects in relation to requested allocations and will not continue to make allocations significantly in excess of those performance records.

When reviewing permit applications from foreign processors asking to accept deliveries of raw or semi-processed fish from U.S. fishermen and requesting (or submitting) an amount of fish they expect to receive, the Council will consider the following criteria:

1. The applicant's history of participation in fisheries off Alaska and the rest of United States.
 - a. Length of participation.
 - b. Species and volume taken.
 - c. Compliance with U.S. laws and treaty agreements.
 - d. Cooperation in scientific studies of the resource off Alaska.
 - e. Exchange of fishing and processing technology with U.S. industry.
 - f. Extent to which they purchase finished fishery products from U.S.
 - g. Trade barriers, both tariff and non-tariff, to U.S. fishery products by applicant country.
2. The applicant's history in joint ventures with U.S. fishermen or companies.
 - a. Record of reporting of fishery statistics from individual fishing vessels, domestic and foreign.
 - b. Willingness of domestic partners to cooperate in observer programs.
 - c. Length of participation.
 - d. Species and volume purchased/processed in past.
 - e. Degree to which past ventures have attained their targets, and reasons for failure, if available (was JVP estimate reached?).
 - f. Record of dealing with U.S. fishermen or partners: price/weight disputes?, availability of processors, payment delays.

- g. Does finished product return to U.S.? (Can be a disadvantage or an advantage).
- h. Does finished product compete directly or indirectly with U.S. fisheries products?
- i. Degree of technology transfer to U.S. fishermen.
- j. Impact JV fishing operation has on other U.S. fisheries, particularly those delivering to U.S. processors, including direct competition for resource and indirect impact through incidental catches of such species as crab, halibut and salmon.
- k. Ratio of joint venture harvest to directed fishing harvest by the foreign partner.

Joint ventures, in whatever form, will only be considered for species and resources that are not being fully utilized by U.S. industry. The Council will continue to give priority to fishery operations that are wholly American through whatever management measures are reasonable and equitable. When a resource no longer has a surplus for a foreign allocation, the Council intends to phase out joint ventures involving foreign processing as rapidly as is consonant with good management and with the intent of the MFCMA.

C-2 Halibut Moratorium

The Northern Pacific Halibut Act of 1982 (S. 2244) containing the enabling legislation for the halibut moratorium passed the Senate on April 22 after being amended by Senator Stevens to allow the rural coastal villages of Alaska a three-year period to establish a commercial halibut fishery in areas in the Bering Sea north of 56°N latitude. This three-year period presumably would start in 1982. The House passed the Senate version on May 4 and the bill will become law upon signature by President Reagan.

This legislation was passed too late to allow the moratorium to placed be in effect before the beginning of the 1982 halibut season on May 11. NOAA General Counsel Patrick Travers briefed the Council on the legal ramifications of the various methods for qualifying fishermen for limited entry permits.

Clarence Pautzke told the Council that the review group for the Limited Entry RFP met on Monday to select their preferred contractor for the study. The review group's recommendation was reviewed by the Finance Committee. Action on the contract award is addressed in agenda item E-1, Contracts and RFPs.

C-3 Other Business

Polish Joint Venture Permit Approval

Philip R. Fuller of Fishing Ventures International, Seattle, agent for the Polish joint venture with Mrs. Paul's Kitchens of Philadelphia, asked the Council to conditionally approve a vessel permit for the Polish vessel SAGITTA. The vessel, which will act

as a replacement vessel in the joint venture operation, was already enroute to the fishing grounds; however, the Council had not received the formal application from the State Department at the time of the meeting.

Rolland Schmitten moved that the Council grant the Executive Director authority to approve the permit for the vessel SAGITTA upon receipt of the formal application from the State Department if it meets the normal requirements for approval; seconded by Harold Lokken. There being no objection, it was so ordered.

Request for Direct Allocation for Poland and USSR

Philip Fuller asked the Council to send a letter to the State Department in support of a small direct allocation for Poland to be used only in the event that American fishermen are unable to supply raw fish for processing due to weather, mechanical failure, or other factors beyond their control.

Chairman Tillion suggested that the Council also consider similar action in support of a small direct allocation for the Soviets in view of their support of joint ventures with American fishermen.

The Council instructed the Executive Director to write a letter to the Department of State in support of granting small direct allocations to Poland and the USSR to be used in the event that U.S. deliveries are insufficient to maintain profitable operation in joint venture activities.

Study of Statewide Harbor Facilities

Paul Seguin of the Army Corps of Engineers reported to both the Council and Advisory Panel on a proposed statewide study of harbor facilities and the need for various port developments as they relate to fisheries. He said the Corps is studying such ports as Adak, Akutan, Dutch Harbor, King Cove, Cold Bay, Sand Point, and Chignik and asked the Council and AP for input on priorities for harbor development throughout the state.

D. FISHERY MANAGEMENT PLANS

D-1 Salmon FMP

1982 Troll Fishery Regulations

Plan Coordinator Jim Glock reported that the proposed rule modification required to establish the authority of the Regional Director to manage the troll fishery toward achieving a harvest level within the OY range, not just at the upper end, was scheduled to be published in the Federal Register by May 14.

1982 Coastwide Management Programs

Jim Glock provided the Council with a synopsis of the various management measures to be employed for the 1982 season for the

Southeast Alaska troll fishery, the Washington/Oregon commercial salmon fisheries, and the British Columbia troll fisheries.

U.S./Canada Interception Talks

Harold Lokken said that the latest round of salmon negotiations was held April 19-23. The discussions were quite involved, particularly relating to the problem of "entitlements." Negotiations will continue in October in Seattle.

Net Marked Salmon

The Council staff distributed a memo on scarred salmon to various U.S. and Canadian resource agencies and user groups. The intent of the memo was to generate an awareness of the problem in Southeast Alaska and determine if the problem exists elsewhere. Responses to the inquiry are being compiled by the staff and a summary should be available for the July meeting.

D-2 Bering-Chukchi Sea Herring FMP

The Bering-Chukchi Sea Herring FMP was submitted for Secretarial review on March 17, 1982. Commencement of Secretarial review was delayed pending submission of the Regulatory Impact Review (RIR) and draft regulations. Jim Branson, Clarence Pautzke, and Jim Glock met with NMFS Plan Review staff in Washington, D.C. on April 26 to brief the Central Office on the FMP, how it is designed to work, and the Council's feelings on various aspects of the intended management regime.

At the March meeting the Council discussed the State's position on the Herring FMP. At that time Don Collinsworth asked that the Council resume these discussions at the May meeting.

The Advisory Panel reviewed the State's position on the FMP and recommended that the Council support the position of the State.

The State's Position

Don Collinsworth said that the Board of Fisheries, Alaska Department of Fish and Game, and both houses of the State Legislature have said that they do not believe the Herring FMP is necessary. They feel it is inconsistent with the Administration's policy to avoid unnecessary and/or duplicative regulations and they maintain that the inshore fishery can, on a continuing basis, harvest the available resource.

Mr. Collinsworth said that the State would not oppose an offshore fishery if a true surplus did exist, but stressed the need to allow the inshore and subsistence fisheries to develop. He said the FMP is deficient in specifying the conditions under which an offshore fishery may take place and should specifically identify the conditions under which an offshore fishery may be conducted. He contended that an offshore fishery on mixed stocks can reduce availability of the resource inshore and urged the Council to be

cautious in this respect. The State believes that underharvesting in any particular year as a result of stock assessment, environmental, or other problems does not justify an offshore fishery that cannot target accurately on specific age classes or stocks.

Mr. Collinsworth felt that the best way to accomplish this would be to suspend the plan from Secretarial review, make the revisions required to specify the conditions under which an offshore fishery may take place, and resubmit the plan to Secretarial review. A second possibility, less desirable in the view of Mr. Collinsworth but one which would be more likely to receive Council concurrence, would be to develop an amendment package to accomplish this and send it to the Secretary as soon as possible.

Don Collinsworth moved that the Council instruct the Herring PDT to develop an amendment to specify the conditions under which an offshore fishery will be allowed and make other technical corrections to the Plan as needed. The motion was seconded for discussion by Don Bevan.

Public Testimony on the Motion

Norman Cohen, representing the villages of western Alaska, testified in favor of the motion. He felt that an offshore fishery should not be based on the Togiak catch and agreed that the current version of the plan is deficient in this area.

Mick Stevens, representing the Coalition for Open Ocean Fisheries, testified against the motion, stating he feared such action may "kill" the Herring Plan entirely. Mr. Stevens read from a position paper by the Coalition, made a part of these Minutes as Appendix III, which urged the Council "not to be swayed by the weak arguments presented [by the State] and to support your present position of continued review and implementation of the FMP."

Council Action

Mr. Collinsworth said that considering the testimony presented by Mr. Stevens for the Coalition for Open Ocean Fisheries, there seems to be a strong interest in a regular offshore fishery. He urged the Council to move rapidly to develop an amendment package to specify the conditions under which an offshore fishery may occur without detriment to the developing inshore and subsistence fisheries.

Upon call for the question, the motion was unanimously adopted.

D-3 Bering Sea/Aleutian Islands King Crab FMP

In October 1982 the Council and Board of Fisheries formally adopted the Joint Statement of Principles for the Management of Domestic King Crab Fisheries in the Bering Sea/Aleutian Islands

area. As a requirement of that document the Board is required to provide a written "finding" explaining the basis for any change in regulation. Copies of the Board's findings for regulation changes adopted at the spring shellfish meeting were distributed to the Council family in the May 7 Council mailing. The Council reviewed the procedures used and regulations adopted by the Board for compliance with the Joint Statement and the FMP.

Public Testimony

Richard Goldsmith, executive director of the North Pacific Fishing Vessel Owners Association, said that the Board of Fisheries had violated the Joint Statement of Principles in six specific areas in the development of regulations for the 1982 king crab fishery. He said that NPFVOA does not feel that a review of Board actions after-the-fact, as provided in the Joint Statement of Principles, offers sufficient protection to non-resident fishermen.

Mr. Goldsmith also expressed dismay at the Board's action which decreased the area of the Bristol Bay Pot Sanctuary, contrary to the recommendation of the Ad Hoc Pot Storage Workgroup.

Council Action

The Council reviewed the Board's regulations for the 1982 king crab fishery and its written findings supporting regulatory changes. The Council noted that the Joint Statement of Principles was designed as a guideline under which the Board would function and was not intended to be followed in detail.

The Council reviewed a letter from Guy Thornburgh to both the Council and Board executive directors, outlining the need to streamline the Council/Board function. Mr. Thornburgh suggested that the Council maintain its posture of oversight while the Board remains active in promulgating the specific regulations used in day-to-day management of the fishery. Also included in Mr. Thornburgh's letter were procedural suggestions for the format of the annual Seattle hearing and spring joint meeting in Anchorage. A copy of his letter is made a part of these Minutes as Appendix IV.

The Council commended the Alaska Board of Fisheries for its positive efforts to comply with the Joint Statement of Principles and the Bering Sea/Aleutian Islands King Crab Framework in setting regulations for the 1982 king crab season. The Council also instructed the Executive Director to form a workgroup composed of one Council member, one Board member, and the Council and Board executive directors to work toward streamlining Council/Board interaction in managing the king crab fishery.

D-4 Tanner Crab Off Alaska FMP

At the March joint meeting the Council and Board discussed proposed regulatory changes for the 1982-83 Tanner crab fishery.

Of the sixteen proposals considered by the Board, eleven were adopted. These regulatory changes created new inconsistencies between State regulations and the FMP and will require either a field order or a plan amendment to eliminate. The Plan Maintenance Team asked the Council for direction on amending the FMP to remove these inconsistencies.

Bob McVey said that Tanner crab management under the State/Federal process using field orders, etc., is working well now. He agreed that there are some inconsistencies which should be removed, but felt that major amendments to the plan should be postponed until the Council is ready to restructure the plan into a framework document.

Dr. Bevan suggested that the Council postpone rewriting the Tanner Crab Plan as a framework until after the outcome of the King Crab Plan review is known.

The Council instructed the Tanner Crab Plan Maintenance Team to draft a "housekeeping" amendment for Council review at the July meeting to eliminate inconsistencies between State and Federal regulations and to incorporate the framework approach where such modifications will improve the performance of the Plan.

D-5 Gulf of Alaska Groundfish FMP

Amendment #11

At the March meeting the Council took action on some parts of Amendment #11, but having lost its quorum, did not act on five parts of the proposed amendment. Those were:

1. The determination of DAH and reapportionment of reserve and unutilized DAH;
2. The ALFA proposal to make sablefish an exclusive hook and line fishery east of 140°W;
3. The ALFA proposal to close the sablefish fishery from December 15 to March 15;
4. Domestic reporting requirements;
5. Field order authority for the NMFS Regional Director to adjust time and/or area restrictions on foreign fisheries for conservation reasons.

The Plan Maintenance Team made specific recommendations on the unresolved sections of Amendment #11 as follows:

1. Determination of DAH and Reapportionment of Reserve and Unutilized DAH. The Team recommended that the Council adopt the procedure suggested by National Marine Fisheries Service, which was included in the text of the March 1982 Minutes and is included as Appendix V to these Minutes.

2. ALFA Proposal for Exclusive Longline Sablefish Fishery East of 140°W. The PMT had not received enough information properly evaluate the proposal and did not take a position on it.
3. ALFA Proposal for December 15 to March 15 Closure

The Team received no new information on the biology of sablefish which indicated that there are winter spawning concentrations which should be protected and, therefore, did not recommend the winter closure at this time.
4. Domestic Reporting Requirements. Based on public testimony received and the desire to minimize the regulatory burden on domestic fishermen, the Team recommended that domestic fishing vessels report their catch or advise the management agencies by radio or telephone of their departure before leaving Alaskan waters.
5. Field Order Authority for Regional Director to Adjust Time and/or Area Restrictions on Foreign Fisheries. The Team suggested that the Council consider adding a provision to Amendment #11 for the NMFS Regional Director to issue field orders to adjust time and/or area restrictions on foreign fisheries for conservation reasons. This provision is currently included in the FMP, but applies only to domestic fisheries.

At the request of Council member Don Bevan, the SSC reviewed the Council's actions from the March meeting on sablefish OY in the area east of 140°W. The SSC was unable to provide the Council with a specific recommendation on dividing the OY into the two areas or leaving it as one OY for the total area, but did note that leaving the OY at 1,810 mt would allow the domestic fishery to maintain catches in their traditional fishing areas at near current levels. This would have a favorable short-term impact on the economic health of the industry. On the negative side, however, leaving the OY at 1,810 mt would increase the possibility that the harvest in the Southeastern management area may exceed the EY, thus creating the potential for adverse effects to the stock and possible deterioration of the industry's long-term economic viability. The SSC advised that in the event the Council chose to leave the OY combined, it should ask the Regional Director to monitor the progress of the fishery and take necessary action in the event that the potential for a conservation problem becomes evident.

The Advisory Panel briefly discussed Amendment #11 and reaffirmed its recommendation from the March meeting that pot fishing be prohibited between Cape Addington and 140°W based on historical deployment of pot gear in the Southeast Alaska region and gear conflict problems.

Council Action

Don Bevan moved that the Council adopt the objective to manage the Gulf of Alaska sablefish resource to develop the domestic fishery Gulf-wide; seconded by Harold Lokken.

Dr. Bevan said that the Magnuson Act requires the Council to encourage the growth of domestic industry whenever possible, and the Council does intend to do that, but not without sound biological and economic reasons. He suggested that the Council formally express its concern for the Gulf of Alaska sablefish resource and the well-being of the fishery and ask NMFS and ADF&G to monitor the EY's in the Southeast Area and Yakutat Area east of 140°W to to avoid creation of a conservation problem. Because the possibility of a conservation issue does exist, Dr. Bevan suggested that the Council may wish to withhold the amendment from submission to Secretarial review until July after the new pot survey data are available and also withhold foreign allocations of sablefish in the Yakutat Area east of 140°W.

Public Testimony

Steve Johnson, speaking on behalf of the Japan Deep Sea Trawlers Association and Hokuten Trawlers Association, said that he has asked the Japanese trawlers whether withholding further foreign allocations for sablefish until July would affect their ability to target on other species, but had not yet received their response.

Paul MacGregor, representing the Japanese North Pacific Longline and Gillnet Association, was concerned that the Council may be planning to eliminate the foreign fishery to form a vacuum for the development of the domestic fishery. He noted that the foreign fleet was moved out of the Davidson Bank area three years ago, yet there is still no domestic fishery there.

Mr. MacGregor opposed withholding foreign allocations of sablefish until after the July meeting and was dismayed that this meeting was the seventh at which the sablefish OY issue has been addressed. He said there are Japanese fishing vessels currently in the Gulf fishing on their 1982 allocations; yet if further allocations are withheld until after July, those fishermen will have no idea what their allocations are going to be and whether they can afford to wait to find out. Mr. MacGregor suggested that the Council manage the 1982 fishery based on the decisions it made at the March Council meeting and review the performance of the 1982 fishery when it is time to plan for the 1983 fishery.

Council Action on the Motion

Dr. Bevan said he appreciated Mr. MacGregor's comments and understood the problem faced by the Japanese fleet; however, the Council may be dealing with a serious conservation problem in a localized area. He said he hopes the pot survey data will indicate that this is not the case, but felt the Council should postpone action until this very important data is available.

The motion was then restated for the record: Don Bevan moved that the Council adopt the objective to manage the Gulf of Alaska sablefish resource to develop the domestic fishery Gulf-wide; seconded by Harold Lokken. Upon call for the question, the motion was unanimously adopted.

Don Bevan then moved that the Council withhold submission of Amendment #11 to Secretarial review until after the July meeting; that it ask the Regional Director to inform the foreign fleets of the new OY's in the areas westward and to make those westward foreign allocations so they may continue to fish; that foreign allocations in the Yakutat Area west of 140°W be withheld until July; that the Council ask the Regional Director and ADF&G's Commissioner to give notice to the domestic fleet that there are new OY's across the Gulf, that the Eastern Regulatory Area will be managed taking into account the indicated EYS, new information from current resource assessments and fishery performance, and that the EYS and OYS may be reconsidered at the July meeting; and that the Council instruct the PMT to investigate the sablefish issues and questions still unresolved among the scientific community and report to the SSC at the July meeting. The motion was seconded by Joe Demmert.

Don Collinsworth asked permission of the mover to include in the motion instructions to the PDT to evaluate the possibility of extending the area closed to foreign fishing to 147°W, and that this evaluation be presented to the Council in July. Permission to amend the motion was granted.

Don Collinsworth spoke in favor of the motion, noting that the CPUE in this area has declined over 60% since 1977. He said this action may represent a positive step to buffer the Southeast sablefish fishery and start a program of rebuilding the stocks.

Dr. Harville also supported the motion and favored building in the flexibility needed to respond to a possible conservation problem.

Upon call for the question, the motion was unanimously adopted.

Don Collinsworth moved that the Council adopt the PMT's recommendation for the determination of DAH and reapportionment of reserve and unutilized DAH; seconded by Bob Mace. There being no objection, it was so ordered.

Don Collinsworth moved that the Council adopt the Alaska Longline Fishermen's Association proposal to make sablefish an exclusive hook and line fishery east of 140°W; seconded by Jim Campbell.

Bob McVey suggested that rather than adopting this proposal at the May meeting, the Council give notice to the pot and longline gear groups that they will have only one more opportunity to come to a compromise in this situation to avoid the Council's having to take action to establish a gear restricted fishery. Mr. McVey said he would prefer to come to an agreement which will have the backing of both gear groups.

Don Collinsworth moved to table his motion until the July meeting and give notice to the pot and longline gear groups that they have another opportunity to come to agreement on this problem before the Council is required to take action as it sees fit; seconded by Bevan. There being no objection, it was so ordered.

The Council chose not to take action on the ALFA proposal to close the sablefish fishery from Decmeber 15 to March 15, thereby rejecting the proposal.

Don Collinsworth moved that the Council adopt the recommendation of the PMT that domestic vessels be required to report their catch or advise the management agencies of their departure by radio or telephone before leaving Alaskan waters; seconded by Harold Lokken. The motion was unanimously adopted.

Harold Lokken moved that the Council add a provision to Amendment #11 for the NMFS Regional Director to issue field orders to adjust time and/or area restrictions on foreign fisheries for conservation reasons; seconded by Bob Mace. There being no objection, it was so ordered.

Amendment #12 to Increase Pollock DAH in the Central Gulf

The joint venture fisheries in the central Gulf of Alaska were highly successful during the first quarter of 1982. As of April 3, joint venture pollock catches totaled 66,531 mt. The current FMP allocates only 7,940 mt of pollock for joint ventures in the Central Gulf and only 19,040 for reserves, or a total of 26,980 mt. Unless the FMP is amended to increase DAH, there will be a shortfall of at least 39,551 mt in 1982.

At the time of the meeting, unallocated pollock TALFF totaled 40,490 mt. NMFS and the State Department agreed to withhold further pollock allocations pending Council action to amend the FMP. To insure that enough pollock will be available for the domestic fishery, NMFS recommended that the 40,490 mt of unallocated TALFF be designated for DAH for the 1982 fishing year. To provide sufficient pollock DAH in 1983, the Council considered reallocating all or part of the allocated TALFF to DAH for 1983 and the foreseeable future. As of April 23, foreign pollock allocations in the Central Gulf of Alaska were: Japan -16,320 mt; Korea - 5,610 mt; and West Germany - 420 mt, for a total of 22,350 mt.

The Council heard a report prepared by Miles Alton and Russ Nelson of the Northwest and Alaska Fisheries Center on the status of the Gulf of Alaska pollock resource. Evidence contained in the report suggested that the Equilibrium Yield (EY) in the Western and Central areas of the Gulf may now exceed the Maximum Sustainable Yield (MSY).

The SSC agreed that the need for an immediate adjustment to pollock DAH for the Central Gulf does exist. The SSC was unable to make a thorough evaluation of the report on the status of the

Gulf pollock resource and the request from the Japan Deep Sea Trawlers Association for an increase in the pollock OY because the issue was raised only shortly before the meeting.

The SSC examined the MSY ranges for pollock contained in the current FMP, 169,000-338,000 mt Gulf-wide. The status of stocks report prepared by NWAFC indicated that these ranges are still valid.

The SSC recommended that the Plan Maintenance Team review current biological and other appropriate information to determine if the ABCs and OYs for these species should be modified and report to the Council at the July meeting.

The Advisory Panel recommended that the Council go forward with an amendment to provide sufficient pollock DAH in the Central Gulf to meet the requirements of joint venture and domestic fisheries, consistent with conservation needs.

Public Testimony

Steve Johnson, representing the Japan Deep Sea Trawlers Association, called to the attention of the Council his letter of May 12 asking that OY for pollock in the Central Gulf be increased to 155,200 mt, an increase of 60,000 mt, to avoid shutting down the foreign fishery after a catch of only 11,000 mt. Mr. Johnson felt it inappropriate to punish the foreign fisheries, particularly Japanese, for the 1982 increase in Japanese joint venture operations in the Gulf of Alaska. He suggested that the ability of Japanese companies to increase their future joint venture purchases will be enhanced if U.S. management authorities are flexible in accommodating the directed fishing activities of these companies and their co-nationals.

Richard Goldsmith, executive director of the North Pacific Fishing Vessel Owners Association, questioned whether an increase of 40,490 mt for DAH in the Central Gulf would be adequate for the needs of the domestic fishery in the immediate future and asked the Council to investigate whether the directed foreign fishery for pollock in the Central Gulf should be continued. He also suggested that the Council review the relationship of migratory pollock stocks in the Central and Western Gulf to determine whether the OYs and TALFFs for these regions should be adjusted.

Council Action

The Council instructed the Plan Development Team to reexamine the MSY for pollock in the Gulf of Alaska and determine if there is sufficient biological information to support an ABC higher than the current OY in the fishery management plan and report back to the Council at the July meeting.

Resolution of Gear Conflicts

Part 5 of Amendment #8, which would have given the NMFS Regional Director authority to resolve gear conflicts using time and area adjustments, was officially disapproved by the Assistant Administrator for Fisheries on January 11. Specific deficiencies cited in the disapproval letter were that the amendment contained no criteria for reopening an area after it had been closed to foreign fishing; lacked a procedure to selectively enforce a closure on different foreign nations and/or different gear types; failed to specify the status of joint venture foreign processing vessels under such a closure; contained no specification of limits to areas which could be closed and the determination of such limits; listed no criteria to determine the length of a closure; made no provision to allow for affected vessels to leave a closed area; failed to allow affected parties to comment on proposed closures; and contained no provisions to assure that OY would be achieved.

The Advisory Panel recommended that the Council instruct the PDT to develop an amendment that would allow the Regional Director to use time and/or area restrictions to resolve gear conflicts.

Council Action

The Council instructed the Plan Development Team to develop wording to replace Part 5 of Amendment #8 to give the Regional Director authority to issue field orders to resolve gear conflicts between foreign and domestic fishermen.

D-6 Bering Sea/Aleutian Islands Groundfish FMP

Amendment #1

Amendment #1, which would initiate a multi-species, ecosystem optimum yield management regime for groundfish in the Bering Sea, began Secretarial review on September 2, 1981. The review process was suspended because of problems with some of the operational concepts in Sections 11 and 14, which now have been rewritten by the Plan Development Team. The revised amendment was mailed to the public after the March meeting and the comment period extended until May 7. Council approval was required to resume Secretarial review of Amendment #1.

The SSC reviewed the revised amendment and expressed concern over the two-tiered approach to the establishment of the final Total Allowable Catch. They felt that this approach would add an additional administrative burden and create operational problems in the foreign industry as DAH approaches the initial TAC. As a result of the SSC's discussion with the Team, the Team modified the TAC approach so that the TAC for the groundfish complex and its component species groups will be determined by the end of the preceding fishing year. Resource assessment documents will be prepared for the Council's review by July 1. The Team

recommended that reserves be increased from 10 percent to 15 percent of TAC as an additional safeguard; the SSC concurred with that recommendation.

The SSC concurred with the designation of reserves for the groundfish complex as a whole rather than on a species-by-species basis to provide management flexibility to the Regional Director. A copy of the second revision to Amendment #1 is made a part of these Minutes as Appendix VI.

The SSC recommended that the second revision of Amendment #1 be approved to resume Secretarial review. The Advisory Panel recommended that the Council adopt the revisions to Amendment #1 made by the PDT and SSC.

Council Action

Bob Mace moved that the Council approve the second revision of Amendment #1 to the Bering Sea/Aleutian Islands Groundfish FMP to resume Secretarial review; seconded by Joe Demmert. The motion was unanimously adopted.

Amendment #5

Proposed Amendment #5 is a continuation of Amendments #1a and #3, already approved by the Council to protect prohibited species. Because Amendment #3 may not be implemented by January 1, 1983, the National Marine Fisheries Service drafted Amendment #5 to further limit the foreign incidental catch of chinook salmon to 45,500 fish in 1983 in accordance with the reduction schedule already approved by the Council. Council approval was required to submit Amendment #5 to Secretarial review.

The Advisory Panel recommended that the Council approve Amendment #5 for Secretarial review.

Council Action

Bob Mace moved that the Council approve Amendment #5 to the Bering Sea/Aleutian Islands Groundfish FMP for submission to Secretarial review; seconded by Don Collinsworth. Upon call for the question, the motion was unanimously adopted.

Proposed Fishery Development Zone

At the December 1981 meeting Council member Bart Eaton proposed the development of a "Fishery Development Zone" (FDZ) north of Unimak Pass to protect areas of heavy fish concentrations traditionally favored by domestic trawl and pot fishermen. Dr. Loh-lee Low of the Northwest and Alaska Fisheries Center sent the Council a written report on this concept for the March meeting and since that time has analyzed a third possible area for an FDZ. He revised his report accordingly for review at the May meeting. A copy of the revised report is made a part of these Minutes as Appendix VII.

The PMT had no quantified information on the benefits of establishing an FDZ, and asked the Council members for guidance in developing the amendment.

The Advisory Panel recommended that the proposed amendment be developed using the following points of consideration:

1. Designate Area B in Low's report as the zone of interest;
2. Decrease TALFF in the Bering Sea by an amount equal to the current level of foreign harvest in Area B;
3. Provide first preference in harvesting rights to the domestic industry that both processes and harvests in that area;
4. Make available to joint ventures any surplus beyond that harvest taken under #3 above;
5. Manage the resource to aid development of a totally domestic bottomfish industry in that area without adversely affecting the existing domestic fisheries.

The AP also requested that Mr. Eaton, sponsor of the Fishery Development Zone concept, address the next AP meeting.

The SSC reviewed Dr. Low's report and found that the objective for the establishment of such a zone has not been fully developed. They suggested that before the Team can develop an amendment, the Council should set forth those objectives. The SSC felt it could not evaluate the concept until the objectives have been defined and the impact analysis completed.

Public Testimony

Norman Cohen, representing the villages of western Alaska, expressed concern that establishment of the FDZ may result in an increase of incidental catches of salmon in surrounding areas.

Mick Stevens, speaking on behalf of the Coalition for Open Ocean Fisheries which opposes the establishment of special interest zones, gear restrictions, or limited entry, said he really doesn't understand what will be accomplished by the proposed FDZ. He suggested that the proposal be thoroughly analyzed to determine its effects on U.S. trawlers and joint venture participants.

Richard Goldsmith, executive director of the North Pacific Fishing Vessel Owners Association, said that more information is needed on the proposal. He feared that establishment of an FDZ may eventually lead to the exclusion of domestic trawling in that area.

Paul MacGregor, representing the Japanese North Pacific Longline and Gillnet Association, asked the Council to exclude foreign

longliners from being banned from the proposed FDZ because the longliners would not be able to make up their loss of catch in other areas. Mr. MacGregor also suggested that the Council ask the PDT to look into the need for the Winter Halibut Savings Area insofar as foreign longliners are concerned.

Council Action

The Council instructed the Plan Maintenance Team to develop an amendment to establish a U.S. Fishery Development Zone north of Unimak Pass for Council review at the July meeting.

Domestic Restrictions in the Bristol Bay Pot Sanctuary

The restriction on domestic species ventures was dropped from Amendment #1. In January the Advisory Panel suggested that two proposals for revisions to the species venture section be sent to public review. Those proposals were that trawling would be permitted in the Pot Sanctuary with pelagic gear only and that pelagic gear restrictions would be enforced if the incidental catch of halibut exceeds .6% or the incidental catch of king or Tanner crab exceeds .8%.

At the May meeting the AP recommended that domestic trawling be allowed to continue in the Bering Sea on an experimental basis.

Public Testimony

Mick Stevens, representing Marine Resources Company, said he was somewhat confused about the AP's proposals since there had been no industry deliberations on them.

Council Action

The Council instructed the staff to look at the proposals for restrictions on trawling in the Bristol Bay Pot Sanctuary to see if it can be done in the form of draft regulations. The Council suggested that the staff meet with members of the group which originally developed the species venture section of Amendment #1 to determine the intent of the original proposal and for advice and background information.

E. CONTRACTS, PROPOSALS AND FINANCIAL REPORTS

E-1 Status of Contracts and RFP's

The Finance Committee met on May 19, 1982 to consider results of an audit of the 1979 programmatic grant for \$54,604 and 1981 grant for \$925,849. The Committee recommended acceptance of the audit report and complimented the staff for the resulting favorable conclusions.

The Committee reviewed the SSC's recommendations for FY 83 programmatic funding and recommended approval of the following projects (not listed in priority order):

Rapid Response	\$ 80,000
FMP Development - ADF&G	60,000
Sablefish Symposium	4,000
Domestic Trawl Logbook Program (1 year)	167,300
Feasibility of Using Scale Analysis to Identify Bering Sea Herring Stocks	60,000
High Seas Tagging of Salmon	60,000
Golden King Crab Study	<u>20,000</u>
Total	<u>\$351,300</u>

The Finance Committee recommended that the Council approve Contract 81-2, ADF&G Fisheries Data, for final payment of up to \$23,691.80 upon receipt of final billing. The Committee recommended that authority for final approval of Contract 81-4, Marine Mammal Feeding Habits, be delegated to the SSC subgroup for the Marine Mammal contract.

The Finance Committee reviewed the four proposals received in response to the RFP for a study of Hook and Line Limited Entry for the Alaska Halibut Fishery and recommended that the contract be awarded to Northwest Resources Analysis in the amount of \$73,000.

A copy of the Finance Committee's minutes are made a part of these Minutes as Appendix VIII.

Don Collinsworth moved that the Council accept the recommendations of the Finance Committee; seconded by Bob Mace. The motion was unanimously adopted.

E-2 Financial Status Reports

Information only.

F. PUBLIC COMMENTS

No further public testimony was brought before the Council.

G. CHAIRMAN'S CLOSING COMMENTS AND ADJOURNMENT

There being no further business to come before the Council, the 48th plenary session of the North Pacific Fishery Management Council adjourned on Thursday, May 20, 1982, at 12:20 p.m.

LIST OF APPENDICES

- APPENDIX I: Mid-Year Foreign Allocations
- APPENDIX II: March 11, 1982 Policy and Planning Workgroup's Version of Policy on Allocations and Joint Ventures
- APPENDIX III: Statement by Coalition for Open Ocean Fisheries on the Bering-Chukchi Sea Herring FMP
- APPENDIX IV: Letter from Guy Thornburgh to Branson and Zahn Regarding Council/Board Interaction
- APPENDIX V: NMFS Suggested Method for the Determination of DAH and Reapportionment of Reserve and Unutilized DAH
- APPENDIX VI: Second Revision, Amendment #1 to the Bering Sea/Aleutian Islands Groundfish FMP
- APPENDIX VII: Report by Dr. Loh-lee Low on the Fishery Development Zone Concept, May 1982
- APPENDIX VIII: Minutes of the Finance Committee