

North Pacific Fishery Management Council

Don W. Collinsworth, Chairman
Clarence G. Pautzke, Executive Director

605 West 4th Avenue
Anchorage, Alaska 99501



Mailing Address: P.O. Box 103136
Anchorage, Alaska 99510

Telephone: (907) 271-2809
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October 3, 1990

Donald McCaughran, Executive Director
International Pacific Halibut Commission
P.O. Box 9-5009
University Station
Seattle, Washington 98145-2009

Dear Don:

The North Pacific Fishery Management Council met last week and asked me to pass on to you and the Commission, the following recommendations on next year's halibut fisheries in Areas 4C and 4E.

For Area 4C, the Council requests that the Commission establish seasons concurrent with other fixed gear seasons in the area to encourage wider distribution of fishing effort. The 10,000-lb. trip limits for 1990 did not increase the local share of the catch as intended. Preliminary data indicate that local fishermen caught 188,000 lbs., just 34% of the 548,000 lb. total catch. This decline in local share from 1989 was attributed in part to concentration of fishing effort into 4C for lack of other longline opportunities. The Council hopes to avoid a recurrence in 1991 with this request for concurrent seasons.

For Area 4E, the Council requests that the Commission establish a separate regulatory area in Bristol Bay, independent of the original 4E area around Nelson and Nunivak Island, with its own quota and season for 1991 if there's no conservation problems. You'll recall that last September, the Council forwarded to the Commission for action a proposal by the Bristol Bay Co-op for a small halibut fishery in Bristol Bay if there were no conservation problems. The proposal requested an area between Cape Newenham and Strogonoff Point, extending 20 miles offshore. Two openings were proposed: June 1-15 for 25,000 lbs. and August 1-15 for 25,000 lbs. The Council supported this proposal because it would benefit local communities.

In February, the Commission responded by extending Area 4E past Cape Newenham into Bristol Bay. NMFS then subdivided 4E into northern and southern areas with 70,000 and 30,000-lb. quotas, respectively. Without that division, the extension of 4E could have inadvertently created severe competition between skiff fishermen from Nelson and Nunivak Islands and fishermen from Bristol Bay having larger boats better equipped for high production fishing. Preliminary catch data indicate that local fishermen caught 25,000 lbs. of the 30,000 lb. quota in the southern area, while only 21,000 lbs. were taken from the 70,000 lbs. in the northern area. Local fishermen accounted for only 13,000 lbs. of the northern area catch.

Donald A. McCaughran
October 3, 1990
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Obviously there is considerable fishing power in Bristol Bay and northern communities are just now developing their fisheries. The Council would like to enhance the halibut fishery opportunities for local communities around Bristol Bay and in the Nelson-Nunivak Island areas, but not foster strong competition between the regions. Therefore, we request that the Commission establish separate areas and appropriate quotas if there are no conservation problems.

Sincerely,



Clarence G. Pautzke
Executive Director

cc: Council members

North Pacific Fishery Management Council

Don W. Collinsworth, Chairman
Clarence G. Pautzke, Executive Director



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October 18, 1990


Donald McCaughran, Executive Director
International Pacific Halibut Commission
P.O. Box 9-5009
University Station
Seattle, WA 98145-2009

Dear Don:

In my letter to you, I did not mention Area 4B and the request by the village of Atka that there be no 48 hour openings prior to July 1. I understand that the Commission staff seeks clarification of Council support for short, early season openings in Area 4B as discussed at the joint Commission-Council meeting in January 1989. The Council did not explicitly address this issue at its September meeting due to the press of other business. However, the Halibut Regulatory Amendment Advisory Group (RAAG) consisting of Council, SSC and Advisory Panel members did suggest that the IPHC Conference Board work with the Village of Atka to identify season openings which meet their concerns. Absent any Council direction to the contrary, I believe this is an accurate reflection of its intent.

I hope this provides the clarification you require.

Sincerely,


Clarence G. Pautzke
Executive Director

North Pacific Fishery Management Council

Don W. Collinsworth, Chairman
Clarence G. Pautzke, Executive Director

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MEMORANDUM

TO: Council Members
FROM: *for* Clarence G. Pautzke
Executive Director
DATE: November 13, 1990
SUBJECT: Discussion of emergency rule requests during November 15 teleconference.

On Friday, November 9, I received four letters (attached) from industry calling for Council consideration of seven emergency rules at the December 3-7 meeting. The requested emergency actions are summarized below:

<u>Author</u>	<u>Emergency Request</u>
1. Aleutian Dragon Fisheries	Allocate GOA trawl PSC by fishery (i.e., P. cod, rockfish, etc.)
2. Consortium	Prohibit the longlining of groundfish pots in the BSAI and GOA.
3. Consortium	a. Allocate P. cod TAC in BSAI by quarters. b. Allocate halibut PSC in BSAI by quarters. c. Begin all BSAI trawl fisheries on same date as pollock non-roe season.
4. Groundfish Data Bank	a. Set GOA pollock season (1st qtr) to coincide with BS roe season start. b. Set GOA pollock season (2nd qtr) to coincide with BS non-roe season start.

I have reviewed each request and determined that each action would require an emergency rule or regulatory amendment to implement. Request #2 was identified as a regulatory amendment by the Council in September and you could take final action in December with implementation in March 1991. All other issues would necessitate the preparation of regulatory amendments.

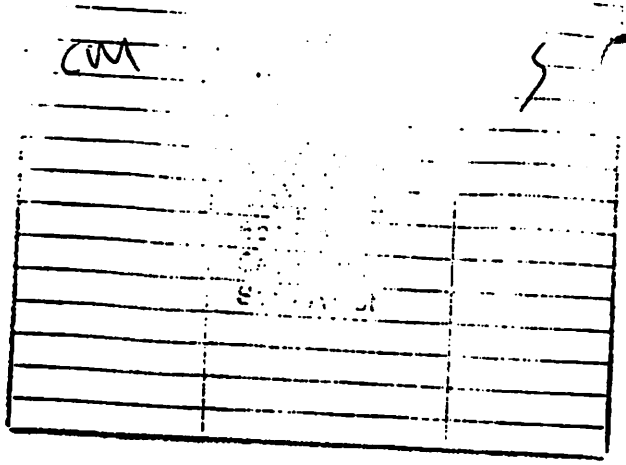
The Council policy on emergency action requests that arise between meetings is to convene the Interim Action Committee (Collinsworth, Marasco, Monroe, Low, Balsiger, Pennoyer) and have them recommend an approach for handling the request. A copy of the policy is provided as Attachment #5. The Committee could consult with the full Council during its November 15 teleconference. The December meeting agenda will be finalized at that time and the addition of one or more emergency action issues could be listed prior to sending the agenda to the public on the 16th.

Attachment 6 is an expanded agenda for our teleconference.

ALEUTIAN DRAGON FISHERIES

NOV - 6 1990

October 30, 1990



Mr. Don W. Collinsworth
Chairman
North Pacific Fishery Management Council
P O Box 103136
Anchorage, AK 99510

Dear Don,

After having spoken with Dale Evans last week regarding GOA bycatch issues, I have decided to send this letter in an effort to heighten awareness about a very serious problem that is fast approaching.

It is apparent that we may very well have a serious halibut bycatch problem arise in the GOA next year, primarily due to high observed bycatch rates in the Rockfish and Arrowtooth flounder trawl fisheries.

Observed data shows that through October 6, 1990, the Rockfish trawl fishery had a halibut mortality rate of 2.03% while the Arrowtooth fishery experienced a 3.85% rate. Applying these rates to those two target species 1990 gulfwide TAC's, would result in 1668 MT of halibut mortality, or 83% of the 2000 MT mortality cap for GOA trawl fisheries, while their TAC's combined only represent 19.4% of the total GOA groundfish TAC for trawls (1).

Clearly, the council must address this imbalance as a situation may very well arise where these two trawl fisheries will preempt the harvest of Pacific Cod, Black Cod and other species through their rapid attainment of PSC goals in any one quarter.

The only method of avoiding this potentially major problem is to allocate PSC between target species as subsets of the trawl fisheries, in direct relation to their respective percentage of the groundfish harvest.

It is interesting to note that the council either has or shortly will have the authority to use this tool in virtually all the other groundfish fisheries under its jurisdiction (2). Several NMFS staff members have expressed dismay as to why the trawl fisheries in the GOA were not included in 16A/21. The only explanation anyone could come up with was that these aforementioned high bycatch rates in certain target fisheries went unobserved prior to the implementation of the observer program. The data now shows that extremely high rates exist, and they could cripple the much larger Pacific Cod fishery in 1991 and beyond.

Action must be taken as soon as possible to arrest this problem before it befalls us.

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October 30, 1990
Mr. Don W. Collinsworth
North Pacific Fishery Management Council

As far as I can tell the only method of dealing with this would be to enact an Emergency Rule at the December meeting which would be in force sometime early in 1991, followed by an extension of the Rule for an additional 90 days. Hopefully by that time, an Amendment package could be constructed to give the council permanent authority to use this management tool if it finds its use necessary. If a faster track is possible, it would, of course, be preferable.

We are convinced that had the council had the bycatch data available from the observer program earlier, the ability to allocate between target trawl fisheries in the GOA would have been rolled into 16A/21. That not being the case, we feel that the action described above is warranted, indeed necessary.

If the council chooses to act on this issue, it will show that the observer program has succeeded in doing the job it was created to fulfill. It allows the council to make informed decisions based on hard numbers in an effort to manage the fisheries in a fair and equitable manner for the highest benefit to the nation, and the attainment of the Optimum Yield.

Respectfully,


Brad A. Resnick
President

BAR/jpg

- (1) See addendums 1 and 2.
- (2) Assuming the Secretary of Commerce signs off on Amendment 16A/21.

cc: Mr. Don W. Collinsworth
Mr. John Iani
file

ADDENDUM 1

NMFS/AKR
10/19/90

Trawl Gear
Halibut Bycatch in the Gulf of Alaska
by zone and target fishery
1990 Year to Date

ble 1. Kilograms of Halibut Bycatch per Metric Ton of Groundfish*

ZONE	Target Fishery **							
	A	B	F	K	O	P	S	T
610	4.4	6.3	16.3	20.4	8.9	0.0	20.4	77.1
620		6.3	36.5	21.1	40.5	0.0	45.1	77.1
621			29.0		50.8	0.1		
630		1.7	26.3	85.1	19.8	0.0	33.0	77.1
631		6.3	37.2		21.3	0.0		77.1
640				25.4			25.6	
650			37.2	9.9	27.1		39.0	
680		6.3		137.2			28.9	

* rates calculated from observer data or substituted from appropriate fishery if no observer data are available

Table 2. Amount of Halibut Mortality in Metric Tons
Mortality rate: 50%

ZONE	Target Fishery **								GRAND TOTALS
	A	B	F	K	O	P	S	T	
610	0.2	0.0	0.7	86.3	127.2	0.0	2.2	5.2	
620		0.0	125.9	62.2	232.6	0.0	9.0	45.6	
621			1.3		45.5	0.0			
630		14.2	89.1	416.0	235.0	0.3	12.5	26.0	
631		0.0	0.0		7.2	0.0		0.2	
640				87.6			8.0		
650			1.1	10.9	0.3		3.2		
680		0.0		14.8			1.3		
TOT	0.2	14.3	218.1	675.8	647.8	0.3	36.2	75.0	1668
% TOT HAL	0.01	0.86	13.08	40.52	38.85	0.02	2.17	4.50	100
GF TOT	93	16775	14461	33251	66422	34961	2269	1946	170158
% TOT GF	0.05	9.86	8.50	19.54	39.04	20.55	1.32	1.14	100
RATE KG/MT	2.22	0.85	15.08	20.32	9.75	0.01	16.08	38.35	

- ** TARGETS:
- F = FLATS (FLAT/YCOL/RSOL)
 - A = Atka Mackerel
 - B = Pollock (bottom trawl)
 - K = Rockfishes, incl. thornyheads
 - O = Pacific cod
 - P = Pollock (pelagic trawl)
 - S = Sablefish
 - T = Greenland turbot/Arrowtooth Flounder

Brad, this report is for halibut mortality in the GOA trawl fisheries through October 6, 1990. The letter "K" for rockfish denotes all rockfish, i.e., slopes, pelagics, demersals, and thornyheads. Nonetheless, when mortality bycatch data are calculated, the gear type is considered. For example, halibut bycatch attributed to pelagic rockfish caught with pelagic trawls results in a different bycatch rate than if pelagic rockfish were caught with bottom trawls. If you wanted to calculate expected halibut bycatch just for slope rockfish, you would only get an approximation, because these tables only show a generalized rate for rockfish and not a rate specific to slope rockfish.

ADDENDUM 2

For the purposes of computing halibut mortality fairly in the rockfish fishery, NMFS staff has advised me that the harvests of Demersal Shelf Rockfish and Delagic Rockfish probably result in negligible halibut mortality. Therefore I have factored them out, resulting in the following equation:

<u>Species</u>	<u>1990 TAC</u>	<u>Mortality Rate</u>	<u>Dead Halibut</u>	<u>GOA PSC Quota</u>	<u>Percentage of PSC Quota</u>
Other - Rockfish	17,700	2.03%	359.31 MT		
Thornyheads	3,800	2.03%	77.14 MT		
Turbot, Arrowtooth	32,000	3.85%	<u>1232.00</u> MT	_____	_____
TOTALS			1668.45 MT	2000 MT	83.4%

To reach a fair representation of these species percentage of Gulfwide Trawl TAC:

<u>Total GOA TAC</u>	<u>Longline Sablefish</u>	=	<u>GOA Trawl TAC</u>	<u>Rockfish Thornyhead Arrowtooth TAC's</u>	<u>Percentage of GOA Trawl TAC</u>
297,749	(22,380)		275,369	53,500 MT	19.4%

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PETITION FOR EMERGENCY RULEMAKING

November 9, 1990

Dr. Don W. Collinsworth, Chairman
North Pacific Fishery Management Council
P.O. Box 1031136
Anchorage, AK 99501

Dear Dr. Collinsworth:

The undersigned respectfully request that that the Council consider and act on an emergency rule for implementation by January 1, 1991, which would require that groundfish pots be fished with single lines and buoys in both the Bering Sea/Aleutian Islands and Gulf of Alaska Areas.

An imminent crisis can be averted easily and equitably through implementation of this measure. Please consider the reasoning behind our request.

I. Problem Statement

It has recently become apparent that a large number of vessels will fish for Pacific cod for the first time in 1991, using pots. Many of these operators apparently intend to use pots on heavy longlines. The gear would be deployed in both the Gulf and the Bering Sea.

The serious difficulties presented by longlining with pots are familiar and easily understood. Pot longline gear is absolutely incompatible with traditional trawl and hook-and-longline gear, causing gear conflicts and grounds preemption. Lost pots ghost fish, and could create a substantial long-term biological problem. There was considerable industry testimony on these issues at the June and September Council meetings. For a more complete description of the problems posed by longlining with pots, please see the attached letter of October 12, 1990, addressed to Mr. Steve Pennoyer, and comments of the FVOA on Amendment 14 to the Gulf Groundfish Plan. See also the preamble and regulations implementing Amendment 14.

II. Precedent and Notice

Pot longlining ignited the firestorm of controversy leading to the adoption of Amendment 14, which among other things banned the use of pots in the Gulf sablefish fishery. The administrative record and regulations implementing Amendment 14 establish a clear policy precedent. The

current potential problem in the Pacific cod fishery is much the same as that of the sablefish fishery in 1985 - but it is of far greater magnitude, encompassing both the Gulf and the Bering Sea/Aleutian Islands Areas. This circumstance calls for action consistent with well-established precedent.

A prohibition against fishing for groundfish with pots on longlines was discussed at the June Council meeting, and was on the agenda for the September meeting. Considerable industry testimony was heard on the issue. The September Council Newsletter clearly states, "The council voted to proceed with development of regulatory amendments on...a ban on longlining of groundfish pots in the Gulf and Bering Sea...The Council's final decision will be in December." Anyone who might have forgotten the lesson of Amendment 14 has certainly been put on notice of impending Council action.

III. Alternatives and Equity

It should be emphasized that the requested emergency action would not eliminate pot fishing for Pacific cod. It would simply require that each pot have its own line and buoy. The red king crab and Tanner crab fisheries are prosecuted in this manner, largely to avoid the difficulties involved in pot longlining. Any crab fishermen wishing to fish for Pacific cod with modified crab pots could use the same lines and buoys. It should also be recognized that the Pacific cod fishery occurs in relatively shallow water where single pots can be pulled quickly and efficiently. Another alternative is the use of hook-and-longline gear, which is inexpensive and effective.

Imposition of the single line and buoy requirement would not greatly burden fishermen who wish to fish for Pacific cod with pots - but it would minimize the substantial burdens imposed on other gear types by pot longlining.

IV. An Emergency Rule Is Necessary

In December the council will make a final decision on a ban on longlining of groundfish pots in the Gulf and Bering Sea. We are advised that a regulation implementing this action could not get through the federal review process before mid-May if the Council acts in December, mid-June if the Council acts in January. Given the huge workload now faced by Council and NMFS staff, it must be asked whether these timetables could be met. An emergency rule appears necessary to implement this critical policy until a permanent regulation goes into force.

Thank you for your attention to this important matter.

R. Barry Paul

Midwater Trawlers' Assoc.

Thom Smith

Freezer-Longliner Group

Respectfully Submitted,

Eric Olsen F/V LORELEI II

President, FVOA

Douglas B. Jardo

AHSFA

Attachments.

3

November 9, 1990

Dr. Don Collinsworth, Chairman
North Pacific Fishery Management Council
P.O. Box 1031136
Anchorage, AK 99501

RE: Emergency Rule - 1991 Trawl Management

Dear Dr. Collinsworth:

The undersigned associations represent fishermen and processors who are are heavily dependent upon the Pacific cod fishery in the Bering Sea.

Recent actions of the North Pacific Fishery Management Council with respect to the 1991 flatfish and pollock fisheries in the Bering Sea, and further actions which will be taken in December, may have severe unintended impacts on the fishery for Pacific cod. These possibilities give rise to serious concerns.

The Council has determined that the flatfish fishery in the Bering Sea should be delayed in 1991, to minimize bycatch of prohibited species. The Council also plans an apportionment of pollock between the roe and non-roe fisheries. It is the potential impact of these actions on the fishery for Pacific cod and the possible PSC bycatch implications of that fishery which prompt us to ask for emergency action.

The harvesting capacity of the trawl fleet is huge. It has been estimated that the fleet will be able to harvest as much as 70,000 mt of pollock weekly at the beginning of 1991. If - as seems likely - only 25 to 40 per cent of the pollock TAC in the Bering Sea is apportioned to the roe season for 1991, the roe fishery will last only four to seven weeks. Pollock fishermen who concentrate on the roe fishery will likely ask for a postponement of the roe season so that the pollock can be harvested when the roe is mature. Since flatfish will not be available, we anticipate that a significant portion of the trawl fleet may concentrate its effort on Pacific cod at the beginning of the year. This unprecedented early effort on the cod stocks could have several undesirable consequences.

First, the markets for Pacific cod pay a considerable premium for high quality product, supplied steadily throughout the year. If there are gluts or variations in supply or quality, returns diminish substantially. Selective markets may even disappear. Trawlers, longliners, pot vessels, factory trawlers, and shoreside processors are all capable of producing high quality cod product if they

are careful - but in order to take advantage of the realities of the marketplace, they must do so at a controlled and steady rate, throughout the year. If there is uncontrolled effort in the cod fishery early in the year there could be a glut of cod product - of varying quality - dumped on the market. The negative market consequences could be serious.

A second concern is that if the TAC for Pacific cod is taken early in the year, the small trawlers, longliners, and pot fishermen who rely on a steady cod fishery would be put out of business.

Bycatch in this fishery could also be a problem. Testimony at the September council meeting suggested that if no preventive measures are taken, displaced vessels inexperienced in trawling for cod could decimate the halibut PSC. The result could be the early closure of bottom trawling to vessels which depend upon it.

It is difficult to accurately monitor any fishery which experiences a sudden surge of effort. Uncontrolled effort on Pacific cod in the first half of 1991 would pose the additional risk of exceeding the cod TAC, and PSC for halibut.

Finally there is the question of the impact of heavy fishing on spawning stocks, which may affect the reproductive capacity of any species (the well-known "bedroom effect"). This was one of the considerations which prompted the Council and the Secretary to split the pollock season. Pacific cod spawn at about the same time as pollock, and biological concerns for one species certainly should apply to the other.

In order to avert the undesirable consequences noted above, we respectfully request that the Council adopt an emergency rule effective January 1, 1990, to implement the following measures:

1. Apportion the Pacific cod TAC in the Bering Sea/Aleutian Islands Area between the first two quarters of 1991, 35% in the first quarter, 25% in the second:

(This would require a renewal of the rule after 90 days, for an effective period of 180 days - the maximum effective period for an emergency rule. Note that fishing is slower in the second half of the year, and quarterly apportionments may not be necessary. Note also that an anticipated increase in pot fishing for Pacific cod will help to assure that TAC [OY] is achieved.)

2. Apportion halibut PSC in the Bering Sea/Aleutian Islands Area between the first two quarters of 1991, 35% in the first quarter, 25% in the second; and

(This would also require a renewal of the rule after 90 days.)

3. Synchronise the opening of all groundfish trawl fisheries in the Bering Sea/Aleutian Islands Area until the opening date of the roe pollock fishery.

These measures would prevent the adverse market impacts of a cod rush, and would assure that the nation maximizes its economic return from the valuable cod resource. They would augment the trawl bycatch incentive program, and help prevent the trawl fleet from putting itself out of the bottom trawl business by taking or exceeding halibut bycatch limits. Possible overfishing of Pacific cod would be avoided. Virtually every sector of the groundfish industry would be able to produce high quality cod products throughout the year, to the benefit of all concerned.

Thank you for your help in this matter.

Yours Very Truly,

R. Barry Beach
Midwater Trawlers' Assoc.

Eric Olson F/V LORELEI II
President, FVOA

Henriette Peterson
NPFVOA

Thom Smith
Freezer-Longliner Group

Alaska Groundfish Data Bank

October 7, 1990

Clarence Pautzke, Executive Director
North Pacific Fishery Management Council



Sent by fax

- RE: ADDITION TO THE DECEMBER AGENDA OF THE FOLLOWING TWO ITEMS:
1. Delay start of 1991 Gulf of Alaska second quarter pollock fishery until June, by emergency rule, to synchronize with the opening of the Bering Sea non-roe pollock season.
 2. Simultaneous opening of 1991 Gulf of Alaska first quarter pollock fishery and Bering Sea roe-pollock season.

Dear Clarence:

To conserve the Gulf of Alaska pollock stocks and prevent overfishing, the members of the Alaska Groundfish Data Bank request that the North Pacific Fishery Management Council add the following two items to its agenda for consideration at the December Council meeting.

1. Delay the opening of the second quarter directed fishery for Gulf of Alaska pollock until June to synchronize with the opening of the Bering Sea non-roe pollock season.

During the period that the Gulf of Alaska target pollock fishery is closed, pollock would be a bycatch only species and up to 20% of a vessel's retained catch could be pollock.

We understand from National Marine Fisheries Service that this can be done by regulatory amendment through an emergency rule. We feel this is a high priority issue.

2. Synchronize the opening of the first quarter Gulf of Alaska directed pollock fishery with the opening of the Bering Sea roe-pollock season should the opening of the Bering Sea roe-pollock season be changed by emergency rule to a date other than January 1.

Were a change in the opening date made, Gulf of Alaska pollock would retainable bycatch not to exceed 20% of a vessel's retained catch during the time the target fishery was closed.

We also request that NMFS develop management measures to assure that the Gulf of Alaska quarterly quotas are not overharvested should there be a sudden intense fishing effort on Gulf stocks.

3. Prevent Overfishing

The above section assumes that National Marine Fisheries will be able to manage the Gulf pollock fishery to assure that the quota each quarter is not exceeded and that the target pollock fishery is closed in time to allow enough quota for retainable bycatch.

However, considering the amount of effort which could be expected in the Gulf of Alaska after the Bering Sea roe-pollock fishery closes, this assumption is probably optimistic.

This year the Bering Sea closed October 13. A small number of Bering Sea vessels (small number compared to the total Bering Sea pollock fleet) moved into the Gulf of Alaska. The catch for the week October 13 through October 19 was triple the previous week's catch and the fourth quarter harvest of 17,500 MT was exceeded by 9,580 MT -- a 55% overharvest.

Or, looked at another way, 15,621 MT of a 17,500 MT quota was taken in six days. The influx of effort from the Bering Sea appears to have been only a small portion of the potential effort as about two-thirds of the pollock fleet appear to have gone to the Aleutians -- an option which will not be available in 1991 during the closure between the roe and non-roe seasons.

4. Economic Concerns

According to local processors Gulf pollock in April are over-ripe and watery, which means a low recovery rate for all processing operations. Economically April and May are probably the worst months to take pollock in the Gulf of Alaska.

Further, if the recovery rate is lower than that estimated by NMFS' Product Recovery Rates, which are used to back calculate round weight, the actual harvest may end up greater than the estimated harvested. This only exacerbates the problem of conserving the stocks and avoiding overfishing.

5. Management of Intense Effort

Even if the second quarter opening of the Gulf of Alaska pollock season is delayed until June, there may still be times when the Gulf pollock fishery is open and the Bering Sea pollock fishery closed. During these times a surge of effort can be expected in the Gulf of Alaska as happened in October 1990.

When a fleet believed capable of taking in one week the entire Gulf of Alaska pollock quota moves into the Gulf, we feel it is imperative that NMFS be prepared to take whatever measures are necessary to assure that the quarterly quotas are not exceeded.

June 1, 1984

(b)

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

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

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

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

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

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

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

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

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

*Approved by the Council in May 1984.

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

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

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

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

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

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

AGENDA

North Pacific Fishery Management Council
Teleconference
November 15, 1990
1 PM, Alaska Standard Time

- I. Opening Remarks
Review of Agenda
- II. Review and Approval of Revised Bycatch Program
- III. Salmon Overfishing Definition
- IV. Halibut Area 4E
- V. Emergency Action Requests

ProFish International, Inc.



November 15, 1990

Dr. Donald W. Collingsworth
Chairman
North Pacific Fishery Management Council
605 West 4th Avenue
Anchorage, Alaska 99501

Re: November 15th Teleconference

Dear Don:

Due to an emergency which came up yesterday, I am going to be travelling out of town today and thus, will be unable to participate in the teleconference -- my apologies.

Although I will not be present to vote on the various issues, I wanted to give you my thoughts on them for the record.

1. Bycatch Management Proposal

While I am still quite concerned about the effectiveness of a program which will be geared to assessing penalties after the fact and the elimination of certain important fisheries from the program, I feel the proposed NMFS program is all we can hope for under the circumstances. I consider this a "good first effort" and herewith support tentative approval of the revised program.

2. Salmon Overfishing Definition

I support the proposal to go forward with alternative 3 as recommended by the SSC.

3. Halibut Area 4E

I concur with the IPHC conclusion that there is no biological justification for dividing the 4E area. This is clearly a Council allocative issue and if it is going to be considered at all for the 1991 season, should be reviewed in December with final action in January.

North Pacific Fishery Management Council
Dr. Donald W. Collingsworth

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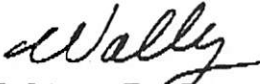
4. Emergency Rule Requests

I have strong reservations about consideration of the seven emergency rule requests at the December meeting. In reviewing the requests against the policy criteria by which we are to judge emergency rule proposals, I have difficulty finding that a real emergency exists with any of the proposals. With the exception of the prohibition of longlining of groundfish pots, these proposals should be put on the normal amendment cycle for consideration. The longlining prohibition proposal is addressing a potentially severe gear conflict issue and may be deserving of accelerated implementation.

If there was one message which came through loud and clear in September was that the staff and NMFS are overloaded with work, particularly as it relates to onshore-offshore. You will recall that we approved a very light load of amendments for the 1991 cycle. For this reason, plus the fact that we may have to revisit some previously decided issues, I strongly recommend that we use discretion in putting any of the proposed amendments on the December agenda for further consideration.

Good luck with the teleconference. Again, I apologize for not being able to attend.

Sincerely,


Walter T. Pereyra
Chairman

WTP:eb