

#23  
Jan 78

# HOKUYO HAENAWA SASHIAMI KYOKAI

NORTH PACIFIC LONGLINE-GILLNET ASSOCIATION

January 21, 1978

ADDRESS: ZENKEIREN BLDG.  
2-7, HIRAKAWACHO,  
CHIYODA-KU, TOKYO  
JAPAN.  
CABLE ADDRESS:  
"HAENAWAKYOKAI" TOKYO  
PHONE: 264-5671

Mr. Harald E. Lokken

Chairman

North Pacific Fishery Management Council

P.O. Box 3136 DT

Anchorage, Alaska 99510

Dear Mr. Lokken :

It was with great pleasure that I met you looking very fine as ever last night at the party of the Japan Fisheries Association.

I wish to take this opportunity to express, on behalf of the Association, our sincere appreciation for your kindness and understanding in giving the members of our Association permissions to operate in the Gulf of Alaska.

As was mentioned by Mr. H. Nakamura, our Vice-President, at the same party, we are sending two representatives to the coming Session of North Pacific Council to be held on 26th and 27th of January, 1978.

In this connection, we would like to seek your permission to participate and express our gratitude to you and your Council members for the kindness and understanding in granting us chances to continue fishing within the 200-mile zone, and further to comment on some of the serious problems which will surely confront our membership when the proposed Fishing Plans and quotas on our target species as well as on others incidentally taken become finalized and implemented.

For your information, the following are the two points we wish to bring to your and your Council member's attention for your full consideration.


1. While we are extremely appreciative of your latest decision reached at the 12th Meeting with respect to " the open area landward of the 500 m. isobath and west of 157 W. being designated to longline fishery for Pacific Cod ". We would earnestly request the earliest possible implementation of the decision as recommended.

In this light, your cooperation in expediting the U.S. government agencies involved such as State Department and Department of Commerce. is very much solicited.

2. We would also request regarding the matters on Pacific cod longlining in this area that special provisions including allowable rate of incidental catch and quotas be made particularly for handling of the species incidentally caught exclusive of those prohibited species such as other flounders and other groundfish.

Your cooperation on the above will be highly appreciated.

Respectfully Yours,

  
Y. Okazaki  
Chairman  
North Pacific Longline - Gillnet  
Association.

C.C : Jim Branson  
Executive Director  
North Pacific Regional  
Fisheries Management Council.

JAN 24 1978

JAN. 15, 1978

AGENDA ITEM #23  
January 1978

DEAR MR. LOKKEN AND MR. BRANSON:

BECAUSE OF INCREASED FISHING  
ACTIVITIES AND BECAUSE OF  
THE NEED TO DEVOTE MORE  
TIME TO OTHER BUSINESS, I  
FIND THAT I AM NO LONGER  
ABLE TO DEVOTE ENOUGH TIME  
TO MY RESPONSIBILITIES AS  
AN ADVISOR TO THE NORTH  
PACIFIC FISHERY MANAGEMENT  
COUNCIL. THEREFORE, I SUBMIT  
MY RESIGNATION AS A MEMBER  
OF THE ADVISORY PANEL.

I WISH TO SAY THAT MY  
WORK AND EXPERIENCES OF THE  
PAST YEAR WITH COUNCIL RELATED  
ACTIVITIES HAVE BEEN MOST  
VALUABLE AND REWARDING. I  
HOPE THAT MY CONTRIBUTIONS  
HAVE HELPED IN THEIR SMALL WAY.

SINCERELY,

Bob Starck



*American Fisheries Society*

ORGANIZED 1870 | INCORPORATED 1910

ARTHUR N. WHITNEY  
PRESIDENT 1977-1978

CARL R. SULLIVAN  
EXECUTIVE DIRECTOR

ROBERT L. KENDALL  
EDITOR  
TEL. (301) 596-3458

January 18, 1978

Mr. James Branson, Executive Director  
North Pacific Fishery Management Council  
333 West Fourth Avenue, Suite 32  
Box 3136DT  
Anchorage, Alaska 99510

Dear Mr. Branson:

The American Fisheries Society is an organization of 7,000 fisheries scientists who are dedicated to the study, management, enhancement and conservation of North America's renewable aquatic resources. The society has been active for 108 years and is the largest and oldest group of its kind in the world.

At the 1977 Annual Meeting of the American Fisheries Society the following resolution was unanimously adopted. We are pleased to bring this matter to your attention and to urge your favorable response and support of its thrust.

**OPTIMUM YIELD AND THE FISHERY CONSERVATION  
AND MANAGEMENT ACT OF 1976**

WHEREAS, the United States Fishery Conservation and Management Act (FCMA) of 1976 for the first time gives the United States of America a comprehensive marine fisheries policy with the force of law; and,

WHEREAS, the entire concept of management in the FCMA is predicated on the basis of OPTIMUM YIELD, a concept that was born of the need not only to encourage protein production from various fish stocks but also to consider economic, social, and ecological factors in managing the fisheries; and,

WHEREAS, the American Fisheries Society, in cooperation with the National Oceanic and Atmospheric Administration and the Sport Fishing Institute, in 1973 cosponsored a symposium, "Optimum Sustainable Yield as a Concept in Fisheries Management," which articulated the concept and need for optimum-yield management of fish stocks; and,

WHEREAS, the Preliminary Fishery Management Plans for selected fisheries, developed by the Secretary of Commerce with concurrence of the eight Regional Fishery Management Councils, have failed to consider the ecological functions that various stocks of finfish and shellfish play in the essential life-support systems of many other species of economically valuable carnivorous finfishes and other marine life, although required by the FCMA to take these matters fully into account:

cc: Council



Mr. James Branson  
Page 2

January 18, 1978

NOW, THEREFORE, BE IT RESOLVED, that the American Fisheries Society, assembled in Annual Meeting, September 16, 1977, at Vancouver, British Columbia, hereby request the Secretary of Commerce and the eight Regional Fishery Management Councils, in arriving at the total allowable catch, to adopt as a co-equal partner with economic and social factors the concept of an "ecological reserve," which would fully accommodate the prey or food-base requirements for sustenance of desirable abundance and variety of predacious marine life, thereby contributing to optimality of yield from the fisheries and making viable the word "conservation" in the Fishery Conservation and Management Act of 1976; and,

BE IT FURTHER RESOLVED, that the American Fisheries Society herewith urge the Secretary of Commerce, by means of a Supplemental Budget Request to initiate promptly on a substantial scale an urgently needed ecological study program into the comprehensive area of predator-prey relationships within the marine environment in order to implement the clear Congressional mandate as set forth in Sec. 304(e) of PL 94-265 (FCMA) to carry out "biological research concerning the interdependence of fisheries or stocks of fish."

Sincerely,



Carl R. Sullivan  
Executive Director

CRS/twb



Agenda Item 23  
January 1978  
**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Washington, D.C. 20235

100.02.7

January 17, 1978

Mr. Jim H. Branson  
Executive Director  
North Pacific Fishery Management  
Council  
P.O. Box 3136DT  
Anchorage, Alaska 99510

Dear Jim:

Your letter dated December 9, 1977, to Bob Schoning conveyed the recommendation of the North Pacific Fishery Management Council that we not grant the request from the Gulf States Marine Fisheries Commission (GSMFC) for additional financial support related to the Commission's representation on the Gulf of Mexico Fishery Management Council.

The points you raised were good, Jim, and I appreciate your commenting for the Council. However, the other Councils either supported the request or were neutral, so we made an exception to our earlier guideline on level of funding and increased the GSMFC's funding level to \$20,000 for fiscal year 1978.

Sincerely,

*Bob*  
*for* David H. Wallace  
Acting Assistant Administrator  
for Fisheries

JAN 25 1978



# North Pacific Fishery Management Council

Harold E. Lokken, Chairman  
Jim H. Branson, Executive Director

Suite 32, 333 West 4th Avenue  
Post Office Mall Building



Mailing Address: P.O. Box 3136DT  
Anchorage, Alaska 99510

Telephone: (907) 274-4563  
FTS 265-5435

December 9, 1977

Mr. Robert W. Schoning  
Acting Deputy Assistant Administrator  
for Fisheries  
National Marine Fisheries Service  
3300 Whitehaven Street, Page 2  
Washington, D.C. 20235

Dear Bob:

The North Pacific Fishery Council considered the request from the Gulf States Marine Fisheries Commission (GSMFC), for additional support from NMFS for their service on the Gulf Fishery Council at its meeting last week. The request engendered considerable discussion by the Council, who finally voted unanimously to recommend that you not deviate from your policy of allotting only \$10,000 per year to the Marine Fisheries Commissions for each Council on which they serve.

The Council feels that strong Federal funding of the Marine Fisheries Commissions is poor policy and in the long run would tend to decrease their effectiveness as independent bodies representing their member states. The Council recognizes the funding problem of the Gulf States Marine Fisheries Commission; but recognizing the origin of the Marine Fisheries Commissions, their original purpose and funding, feel that it would be wrong to deviate from the original concept. Additional Federal funding would tend to do this.

I hope that our comments arrive in time to be considered before making your final decision. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Jim H. Branson". The signature is written in dark ink and is positioned above the typed name and title.

Jim H. Branson  
Executive Director

MARINE MAMMAL COMMISSION  
1625 EYE STREET, N. W.  
WASHINGTON, DC 20006

*Aguda 23*  
JAN 1978

5 January 1978

Mr. David H. Wallace  
Acting Associate Administrator  
for Fisheries  
NOAA/DOC, Page Building 2  
Washington, D. C. 20235

Dear Dave:

We are pleased that Bob Schoning's letter of 12 August 1977 and Lee Alverson's letter of 28 September 1977 both recognize the validity of the Commission's concern that development of a commercial clam fishery in the Bering Sea could adversely affect the North Pacific walrus (Odobenus rosmarus) population and/or the ecosystem of which it is a part. However, these responses to our 22 July 1977 recommendations do not describe precisely what the Service intends to do and we therefore request additional information.

We recommended that no commercial clam fishery be established prior to the preparation and critical evaluation of a thorough environmental impact statement on the proposed fishery. However, it is not clear whether the Service is committed to this course. Lee Alverson's letter states that ". . . we are committed to the development of an adequate environmental impact statement . . .", but Bob Schoning's letter states that the Service ". . . will communicate this recommendation to the North Pacific Fishery Management Council" and ". . . will comply with the requirements of the National Environmental Policy Act with regard to federal actions concerning any future commercial clam fishery in the Bering Sea." Because of our uncertainties, we would be grateful if you would identify the actions taken or contemplated to insure that federal actions related to commercial clam fishery development in the Bering Sea will be in compliance with the National Environmental Policy Act.

Since assessment of the Atlantic coast clam fishery, by analogy, might provide useful insight into the possible adverse ecological impacts that could be expected from the development of a similar fishery in the Bering Sea, the Commission recommended that the Service undertake an intensive

JAN 13 1978



review and evaluation of the Atlantic coast clam fishery, paying particular attention to the possible ecological effects of hydraulic dredging. In response to this recommendation, Bob's letter: (1) recognized and acknowledged the need to assess environmental effects; (2) outlined several related projects underway or proposed; and (3) concluded that the Service intends to do as much as possible ". . . subject to fiscal constraints and other high priority commitments." However, the letter does not identify what the Service intends to do and, consequently, we are unable to determine whether the recommendation has been accepted or rejected.

We request, therefore, that you advise us whether you have accepted or rejected our recommendation to undertake an intensive review and evaluation of the ecological effects of hydraulic dredging off the mid-Atlantic states. If, as the letter suggests, financial constraints and other research commitments prevent the Service from doing so, please: (1) let us know what the Service feels needs to be done; (2) identify the fiscal constraints and/or other research commitments that prevent its being done; and (3) indicate what has been or will be done to overcome the problems.

In the third paragraph on page three of Bob's letter, he indicates that the Service believes that on-going surveys of the Bering Sea are applicable to many of the concerns expressed in the report by Mr. S. H. Stoker, and that if ". . . research results indicate potential for a commercial clam fishery in the eastern Bering Sea, the National Marine Fisheries Service will review and evaluate possible effects." However, the letter does not describe the specific kinds of data being collected and it is difficult to determine whether the present survey program will be adequate to provide the kind, quality, and quantity of data needed to "evaluate possible effects." Therefore, we request that the Service provide: (1) a definition as to what would constitute a significant adverse impact on the North Pacific walrus population or the ecosystem of which it is a part; and (2) an assessment of the adequacy of existing data and plans to acquire whatever additional data are needed to insure that the development of a commercial clam fishery will not be to the disadvantage of the walrus population and/or the ecosystem of which it is a part.

Finally, the letter states that: "The recommendation concerning collection of walrus stomach samples should more

appropriately be addressed to the State of Alaska . . . ." While it is true that management authority for walrus has been returned to the State of Alaska, and that a vessel entering a commercial clam fishery offshore Alaska would presumably be under the fishery jurisdiction of the State, jurisdiction may well depend upon the location of the fishery. As we understand it, a management plan for a Bering Sea clam fishery is currently being developed by the North Pacific Fishery Management Council. Therefore, it would seem that the Service has jurisdiction and authority over the fishery to the extent that it is the subject of activities by the Council. It also would seem that the Service has lead agency responsibility to provide for the collection and analysis of whatever data are needed to insure that the fishery will not be to the disadvantage of walrus and other living resources of the Bering Sea.

As you know, the National Environmental Policy Act requires an integrated, interdisciplinary approach to decision-making and the Marine Mammal Protection Act has, as its primary goal, the maintenance of the health and stability of the marine ecosystem. At a minimum, these goals require full consultation with the other governmental agencies that are concerned with the affected species and ecosystem. We therefore recommend that the Service solicit the views of the Alaska Department of Fish and Game and the Fish and Wildlife Service concerning the proposed fishery and consult with them to better identify data needs and, as necessary, request their assistance in collecting needed information.

We look forward to receiving further information on your plans for implementing our recommendations and for a status report on planning related to the fishery.

Sincerely,

  
John R. Twiss, Jr.  
Executive Director

cc: Mr. Robert W. Schoning  
Dr. Dayton L. Alverson  
✓ Mr. Jim H. Branson





STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

December 27, 1977

Mr. William S. Gilbert  
Commissioner, International  
Pacific Halibut Commission  
P. O. Box 5009, University Station  
Seattle, Washington 98105

Dear Mr. Gilbert:

The State of Alaska is becoming increasingly concerned about the status of the halibut resource off our coast. Halibut harvests in the setline fishery have dropped to one third or less of the levels obtained in the 1950's and early 1960's. The Bering Sea fishery has been essentially closed for a number of years. Regulation of the trawl fisheries (primarily foreign) off Alaska has become progressively more restrictive to protect juvenile halibut. Adult halibut quotas have been drastically reduced. Despite these protective measures we see no cause for optimism or the possibility of any relaxation in these restrictions.

In the absence of other definitive data we believe that our initial hypotheses must be that overfishing of adults is the primary cause for the decline in the stocks. While mortality of juveniles induced by the trawl fisheries has been a contributing factor to this decline in recent years, catch per unit effort (CPU) and the total catch levels in the adult fishery had already dropped significantly prior to the period when any effect of the trawling would have been felt. The estimated trawl removal also does not explain the total reduction in harvest from peak levels which as occurred in this fishery.

In our view, the Commission's response to declining harvest and CPUE in the fishery by reducing quotas in Areas 2 and 3, while significant, lagged behind the decline in the stocks. Although quotas are now only 30 to 40 per cent of peak levels, during most of the last 10 to 15 years, the rate of reduction did not match the drop in fishing success.

We understand that there are some apparent improvements in the number of juveniles being indexed in the Gulf of Alaska and Bering Sea and possibly a short-term leveling off of CPUE in the fishery. We hope this does indicate at least a stabilization in the status of these stocks but we are not optimistic that a permanent reversal of the downward trend is occurring. In a long-lived, slow-maturing species such as halibut the results of today's management decisions cannot be adequately evaluated for some time in the future. Certainly, a conservative approach to regulation is warranted.

JAMES



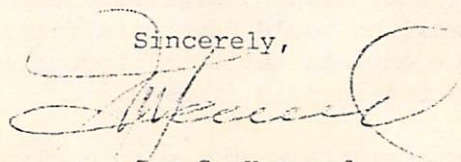
Although the harvest of halibut has not been regulated by the State, many resident commercial fishermen participate in the setline halibut fishery. Since many of these fishermen also participate in blackcod, salmon, and shellfish fisheries, which are under the jurisdiction of either or both the State and North Pacific Fishery Management Council, the economic problems associated with a decline in one fishery are complex and must be considered in the context of coastwide fishery resource management.

The advent of extended jurisdiction has provided an added impetus to the domestic development of groundfish resources off our coast. Initially, a major portion of this development will probably occur in State waters. We desire that this development take place in a manner that will minimally impact the productivity of other resources, particularly halibut.

It is our intention to offer any assistance possible to the North Pacific Fishery Management Council and the International Pacific Halibut Commission in their efforts to rebuild the once-plentiful halibut resource. In this regard, I would like our personnel in the Alaska Department of Fish and Game to become more familiar with the data and resultant management decisions relating to the Pacific halibut stocks. I understand that the International Pacific Halibut Commission staff will present the Commission with a status-of-stocks overview update to include 1977 harvest and research data at the 1978 annual meeting. If possible, we would appreciate the opportunity to review this information prior to the meeting. Would you please send pertinent documents to my office in care of Charles H. Meacham, Director of International Fisheries and External Affairs.

I would welcome recommendations that members of the Commission may have as to the manner in which Alaska can increase its contribution to and participation in the rebuilding of Pacific halibut resources. We would give these our most serious consideration.

Sincerely,



Jay S. Hammond  
Governor

cc: Charles H. Meacham  
Ronald O. Skoog  
Bernard E. Skud  
James Branson  
Harry Rietze

same letter also to: Robert W. Schoning, Commissioner  
Neils M. Evens, Commissioner



# North Pacific Fishery Management Council

Harold E. Lokken, Chairman  
Jim H. Branson, Executive Director

Suite 32, 333 West 4th Avenue  
Post Office Mall Building



Mailing Address: P.O. Box 3136DT  
Anchorage, Alaska 99510

Telephone: (907) 274-4563  
FTS 265-5435

SSC Proposed Response to the Letter of December 22, 1977  
from Harry Rietze concerning the Two Proposals from M.I.T.

The Council's opinion was sought on two sets of questions:

1. Given the concepts summarized from the proposal, was there an immediate need for such studies? If so, what priority would the Council place on them in relation to other needs?
2. Does the Council see any difficulty in accepting unsolicited proposals and entering into sole-source contracts as opposed to soliciting bids for projects?

With respect to the first set of questions, two studies were proposed. The first study concerned decision-making within the eight Regional Councils of the U.S. This would extend over 18 months and cost \$292,000. The design of this study appears to be inadequate because it focuses primarily on the Council in each case and shows no awareness of the diversity of participants in the decision-making process as a whole, e.g., the Management Plan Teams, the Advisory Panels, Scientific and Statistical Committees, etc. Moreover, the amount requested is suprisingly large.

It appears to us that at some stage in the future, a comparative study of Council decision processes, in all their complexity, may well be needed but it is much too early to begin one now. There simply hasn't been enough experience all around. Consequently, we would give this very low priority relative to our other needs, in particular those which relate to the collection and analysis of missing data for our own FMP's. This opinion is heavily reinforced when we look at the total cost proposed compared to what the likely benefits might be.

The second study proposes to use operations research techniques to determine optimum levels of fishing effort and vessel configuration for the Georges Bank fisheries. We hesitate to offer a definitive judgement on the basis of only a brief



summary of this study since the justification for choosing certain variables rather than others is missing. However, we are troubled about certain ingredients of this study; for example, the desire to optimize over boat size, since we are not certain what links are being assumed to exist between these variables and management decisions. We wonder, therefore, whether the investigators are likely to find themselves analyzing largely hypothetical situations imposed as a result of gaps in the data base and inadequate knowledge of the links between the biology and the physics of the ocean. We fail to see how this study would provide output of immediate utility to the Council relative to any of the pressing needs which we face.

With respect to the second set of questions, the Council sees no difficulty in principle in accepting unsolicited proposals and entering into sole-source contracts. We have, in fact, done this already ourselves. It is unlikely that there would be an excessively large number of such proposals and, in the event other difficulties arise, the Council could simple take the idea proposed and put it out for bid.

Edward L. Miles  
1/25/78



JAPAN-PROVISIONAL CATCH REPORT THROUGH NOVEMBER, 1977

Species/ Area	Through November	Allocation	Balance
<b>Pollock:</b>			
Bering Sea/Aleut.	771,162.9	792,300	21,137.1
Gulf of Alaska	24,966.4	44,100	19,133.6
<b>Sablefish:</b>			
Bering Sea	2,348.3	3,600	1,251.7
Aleutians	1,736.4	2,000	263.6
Gulf-SE	3,491.8 (58.3)	3,750	258.2
Gulf-C&W	9,440.2 (405.2) <sup>1/</sup>	10,150	709.8
<b>Pacific Cod:</b>			
Bering Sea/Aleut.	34,175.6	38,100	3,924.4
Gulf of Alaska	1,024.5	1,600	575.5
<b>Flatfish:</b>			
Bering Sea/Aleut.	100,886.4	123,600 <sup>2/</sup>	22,713.6
Gulf of Alaska	15,473.7	18,700	3,226.3
<b>Herring:</b>			
Bering Sea/Aleut.	5,006.6	5,800	793.4
<b>Squid:</b>			
Bering Sea/Aleut.	8,018.6	10,000	1,981.4
<b>Snails:</b>			
Bering Sea/Aleut.	404.0	2,700	2,296.0
<b>Pacific Ocean Perch:</b>			
Bering Sea	3,105.8	2,800	> -305.8 <sup>3/</sup>
Aleutians	5,128.8	6,500	1,371.2
<b>Rockfish:</b>			
Gulf of Alaska	18,143.5	22,500	4,356.5
<b>Other Groundfish:</b>			
Bering Sea	32,078.5	40,400	< 8,321.5 <sup>4/</sup>
Aleutians	5,852.8	6,500	647.2
Gulf of Alaska	2,845.7	4,200	1,354.3
<b>Tanner Crab:</b>			
Bering Sea/Aleut.	12,471.3	12,500	28.7

<sup>1/</sup> Figures in parentheses represent incidental trawl catch.

<sup>2/</sup> Includes 61,500 m.t. of yellowfin sole and 62,100 m.t. of "other" flounders.

<sup>3/</sup> Catch includes "other" rockfish while allocation of 2,800 m.t. is for Pacific Ocean perch only.

<sup>4/</sup> Catch does not include "other" rockfish while 40,400 m.t. allocation includes both "other" groundfish and "other" rockfish.

*Reserve 20%*  
*Reduction 10%*  
*07 Black Cod*

Prepared by: National Marine Fisheries Service  
Alaska Region  
January 16, 1978

SOVIET-PROVISIONAL CATCH REPORT THROUGH NOVEMBER, 1977

Species/ Area	Through November	Allocation	Balance
Pollock:			
Bering Sea/Aleut.	59,560.8	112,700	53,139.2
Gulf of Alaska	36,348.1	63,100	26,751.9
Pacific Cod:			
Bering Sea/Aleut.	277.7	17,200	16,922.3
Gulf of Alaska	1,010.0	600	- 410.0 *
Yellowfin Sole:			
Bering Sea/Aleut.	283.7	40,800	40,516.3
Other Flounder:			
Bering Sea/Aleut.	5,922.2	40,400	34,477.8
Flounder:			
Gulf of Alaska	437.7	1,800	1,362.3
Herring:			
Bering Sea/Aleut.	10,829.4	13,600	2,770.6
Rockfish:			
Bering Sea	90.4	3,500	3,409.6
Aleutians	785.9	8,100	7,314.1
Gulf of Alaska	1,737.0	9,900 <u>1/</u>	8,163.0
Atka Mackerel:			
Gulf of Alaska	13,505.5	21,000	7,494.5
Other Groundfish:			
Bering Sea	613.7	17,400	16,786.3
Aleutians	25,631.9	9,900	-15,731.9 *
Gulf of Alaska	1,053.3	11,800	10,746.7
Sablefish:			
Gulf of Alaska	4.0	0	0

1/ Includes 8,700 m.t. of Pacific Ocean Perch and 1,200 m.t. of "other" rockfish.

\*The Gulf of Alaska was closed to Soviet trawling on December 15. Based on U.S. estimates, the 600 m.t. allocation of Pacific Cod was exceeded by 400 m.t.

\*The Aleutian Island area was closed to Soviet trawling in August, 1977.

Prepared by: National Marine Fisheries Service  
Alaska Region  
January 23, 1978

REPUBLIC OF KOREA - PROVISIONAL CATCH REPORT THROUGH NOVEMBER, 1977

Species/ Area	Through November	Allocation	Balance
<b>Pollock:</b>			
Bering Sea/Aleut.	34,426.7	40,000	5,573.3
Gulf of Alaska	28,534.4	35,800	7,265.6
<b>Sablefish:</b>			
Bering Sea	4.1	400	395.9
Aleutians	60.3	200	139.7
Gulf-SE	0	0	0
Gulf-C&W	1,435.2	1,600	164.8
<b>Pacific Ocean Perch:</b>			
Bering Sea	0	0	0
Aleutians	0	0	0
Gulf of Alaska	421.2	500	78.8
<b>Other Groundfish:</b>			
Bering Sea	261.3	1,600	1,338.7
Aleutians	95.0	890	795.0
Gulf of Alaska	17.3	100	82.7

Prepared by: National Marine Fisheries Service  
 Alaska Region  
 January 16, 1978

POLAND - PROVISIONAL CATCH REPORT THROUGH NOVEMBER, 1977

<u>Species/ Area</u>	<u>Through November</u>	<u>Allocation</u>	<u>Balance</u>
Pollock:			
Bering Sea/Aleut.	0	0	0
Gulf of Alaska	1,190.0	6,000	4,810.0

Prepared by: National Marine Fisheries Service  
Alaska Region  
January 16, 1978



REPUBLIC OF CHINA - PROVISIONAL CATCH REPORT THROUGH OCTOBER, 1977

Species/ Area	Through October	Allocation	Balance
Pollock:			
Bering Sea/Aleut.	944.6	5,000	4,055.4
Gulf of Alaska	0	0	0
Sablefish:			
Bering Sea	53.4	200	146.6
Aleutians	0	0	0
Gulf of Alaska	0	0	0
Other Groundfish:			
Bering Sea	102.7	200	97.3
Aleutians	0	110	110.0
Gulf of Alaska	0	0	0

Prepared by: National Marine Fisheries Service  
 Alaska Region  
 January 16, 1978

# North Pacific Fishery Management Council

Harold E. Lokken, Chairman  
 Jim H. Branson, Executive Director

Mailing Address: P.O. Box 3136DT  
 Anchorage, Alaska 99510

Suite 32, 333 West 4th Avenue  
 Post Office Mall Building



Telephone: (907) 274-4563  
 FTS 265-5435

Date: Feb 24, 1978

Time: 11:00 a.m.

MOTION: To allow for mother ship crab flk to fish 171°W west to and north of 56°N in March & April - & not retain bairdi.

BY: Wendler

SECONDED BY: Mace

Voter	YEA	NAY	A M E N D M E N T	
			YEA	NAY
Eaton, D.		✓	✗	✗
Jensen, G.		✓	✗	✗
Lokken		✓	✗	✗
McKernan			✗	✗
Meacham		✓	✗	✗
Campbell		✓	✗	✗
Tillion		✓	✗	✗
Skoog/Huizer		✓	✗	✗
Donaldson/Mace		✓	✗	✗
Sandison/Wendler	✓		✗	✗
Rietze/McVey		✓	✗	✗

AMENDMENT: \_\_\_\_\_

by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

MOTION ACTION: passed failed

February 27, 1978

MEMORANDUM

TO: Messrs. McKernan, Miles, Rosenberg, Rosier, Beaton, Burch, Cotant,  
Lauber, O'Hara, Olsen, Specking, and  
Ms. Welfelt

FROM: Jim H. Branson  
Executive Director

Subject: February 1978 Meeting

Enclosed are the materials from the packets for the February meeting. We'd like you to keep abreast of the items discussed, and will send a copy of the highlights of the meeting as soon as it is completed.

Enclosures

# North Pacific Fishery Management Council

## CHAIRMAN

Mr. Elmer Rasmuson  
P.O. Box 600  
Anchorage, Alaska 99501

## EXECUTIVE OFFICE

Suite 32, 333 West 4th Avenue  
Post Office Mall Building  
Phone: 907-274-4563  
Mailing Address: P.O. Box 3136DT  
Anchorage, Alaska 99510

February 1978, Anchorage/Westward/Hilton Hotel

~~Feb 23~~ Feb 24

- ✓ Lokken
- ✓ Tillion
- ✓ Eaton
- ✓ Jensen, G.
- McKernan
- ✓ Campbell

- ✓ Skoog/Huizer
- Donaldson/Mace ✓
- ✓ Sandison/Wendler ✓
- ✓ Rietze/McVey ✓
- ✓ Harville/Goldsmith ✓
- Watson/Hales ✓
- Hayes/Giffin ✓
- ✓ Price/

~~Feb 23~~ Feb 24

- ✓ R. Alverson
- Beaton
- Burch ✓
- ✓ Boddy
- Cotant
- ✓ Emberg

- Huntington
- ✓ Jaeger
- ✓ C. Jensen
- ✓ Jacobson
- ✓ Johnson
- ✓ Kurtz
- Lauber
- ✓ Lewis
- ✓ Moss
- O'Hara
- Olsen
- Otness
- ✓ Rawlinson
- Specking
- ✓ Wilde
- Welfelt
- ✓ Szabo

~~Feb 23~~ Feb 24

- D. Alverson
- Bevan
- ✓ Robinson
- Miles
- ✓ Pennoyer
- Rogers
- Rosenberg
- Rosier
- ✓ Collinsworth
- Woelke

Thursday lunch is in the  
Portage Room - same floor as  
meeting.  
no Friday lunch formally.

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- Hayes/Giffin
- Price/

*Feb 22*

- R. Alverson
- Beaton
- Burch
- Boddy
- Cotant
- Emberg

- Huntington
- Jaeger
- C. Jensen
- Jacobson
- Johnson
- Kurtz
- Lauber
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- Welfelt
- Szabo

*Feb 23*

- D. Alverson
- Bevan
- Robinson
- Miles
- Pennoyer
- Rogers
- Rosenberg
- Rosier
- Collinsworth
- Woelke

*Thursday lunch is in the  
Portage Room - 2nd floor. as  
meeting.*



January meeting, January 26, 1978, Rooms 808/809, Hill Bldg.

- ✓ Lokken
- ✓ Tillion
- ✓ Eaton
- ✓ Jensen 1
- ✓ McKernan
- ✓ Meacham
- ✓ Campbell
- ✓ Skook / Huizer
- ✓ Donaldson / Mace
- ✓ Sandison / Wendler
- ✓ Rietze / McVey
- ✓ Harville / Goldsmith
- ✓ Watson / Hales
- ✓ Hayes / Giffin
- ✓ Price ) Ray Arnoudo
- ✓ D.L. Alverson
- ✓ Bevan
- ✓ Robinson
- ✓ Miles
- ✓ Penoyer 2
- ✓ Rogers 3
- ✓ Rosenberg
- ✓ Rosier 4
- ✓ Collinsworth
- ✓ Woelke

- ✓ R. Alverson
- ✓ Beaton
- ✓ Burch
- ✓ Boddy
- ✓ Cotant 5
- ✓ Emberg
- ✓ Guy 6
- ✓ Huntington 7
- ✓ Jaeger
- ✓ C. Jensen 8
- ✓ Jacobson 9
- ✓ Johnson
- ✓ Kurtz
- ✓ Lauber 10
- ✓ Lewis
- ✓ Moss
- ✓ O'Hara 11
- ✓ Olsen
- ✓ Otness
- ✓ Rawlinson
- ✓ Specking
- ✓ Starek
- ✓ Wilde
- ✓ Welfelt
- ✓ Szabo

~~265-4864~~  
 FAW  
 Watson  
 265 4808

Jim Mantle

ALSO

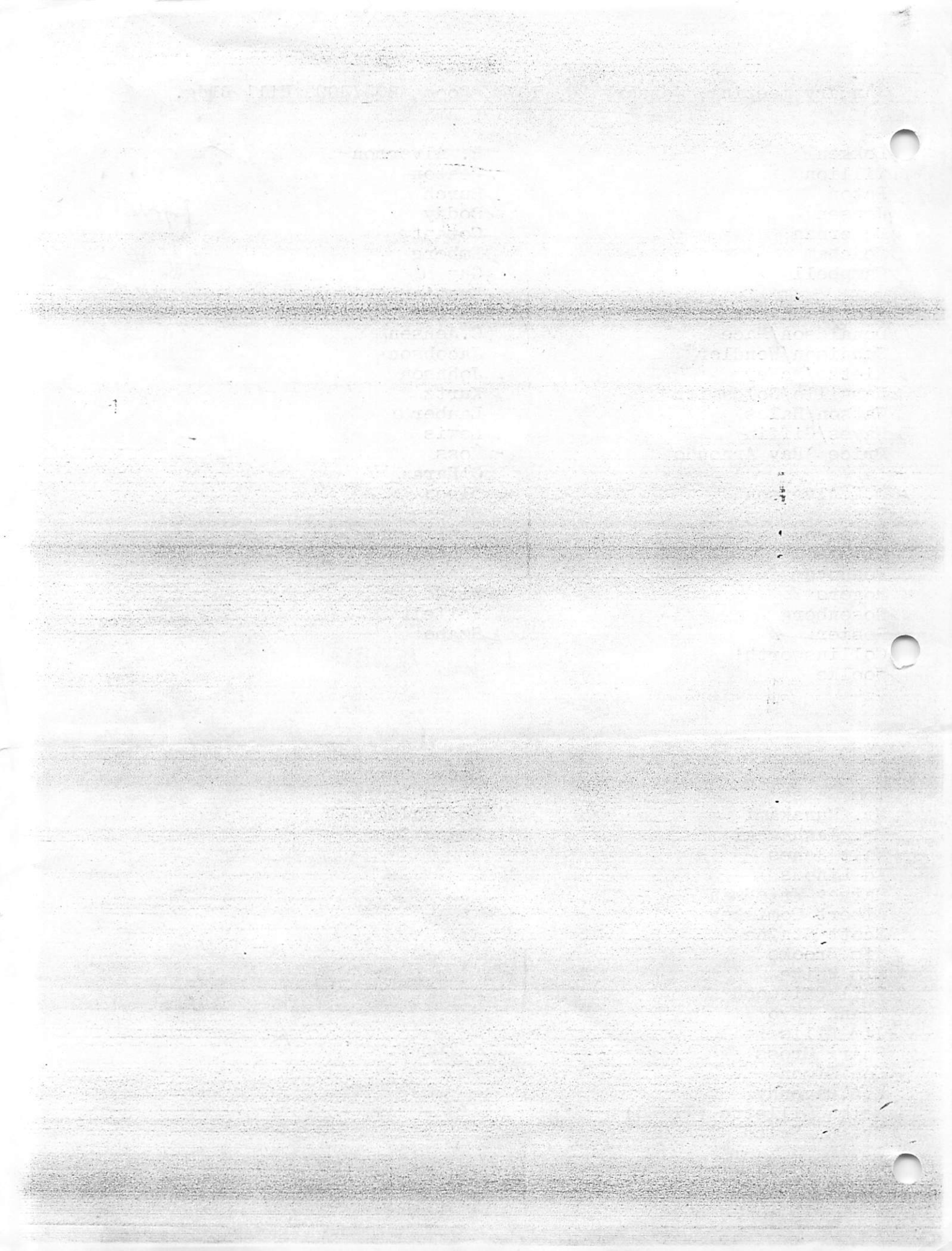
- ✓ Tom Casey
- ✓ Mr. Murakami
- ✓ Mr. Kashawagi
- ✓ Walt Jones
- ✓ Ed Linous
- ✓ Harvey Friedman
- ✓ Albert Comiskey
- ✓ Scott Stafne
- ✓ Jim Brooks
- ✓ Kim White
- ✓ Phil Whitwood
- ✓ Frank Mayo
- ✓ Jim Ellis
- ✓ Shari Gross
- ✓ Bob Simon
- ✓ R.A. Davenny
- ✓ Helen Gillette (TIMES)
- ✓ Mr. S. Saito
- ✓ Sara Kempfhill
- ✓ Ron Mack
- ✓ Al Burch
- ✓ H. Ostrosky

Jerry.

- ✓ Dave Wallace
- ✓ Bud Walsh
- ✓ Steve Hughes
- ✓ Lloyd Lowry
- ✓ Rod Kaiser
- ✓ Kwang Im

David Dwan  
 Sea Grant  
 UConn

- ✓ E. Rasmussen
- ✓ Ed Furia
- ✓ Bert Harkin
- ✓ Jay Thornberg
- ✓ Alan Adasink
- ✓ Jay Hastings
- ✓ Hank Pennington
- ✓ ~~Kwang Im~~
- ✓ Frank Fukuhara





January meeting, January 27, 1978, Rooms 808/809, Hill Bldg.

- ✓ Lokken
- ✓ Tillion
- ✓ Eaton
- ✓ Jensen
- ✓ McKernan
- ✓ Meacham
- ✓ Campbell
  
- ✓ Skook / Huizer
- ✓ Donaldson/Mace
- ✓ Sandison/Wendler
- ✓ Rietze/McVery
- ✓ Harville/Goldsmith
- ✓ Watson/Hales
- ✓ Hayes/Giffin
- Price ) Ray Arnoudo
  
- ✓ D.L. Alverson
- ✓ Bevan
- ✓ Robinson
- Miles
- Pennoyer
- Rogers
- ✓ Rosenberg
- Roszer
- ✓ Collinsworth
- ✓ Voelke

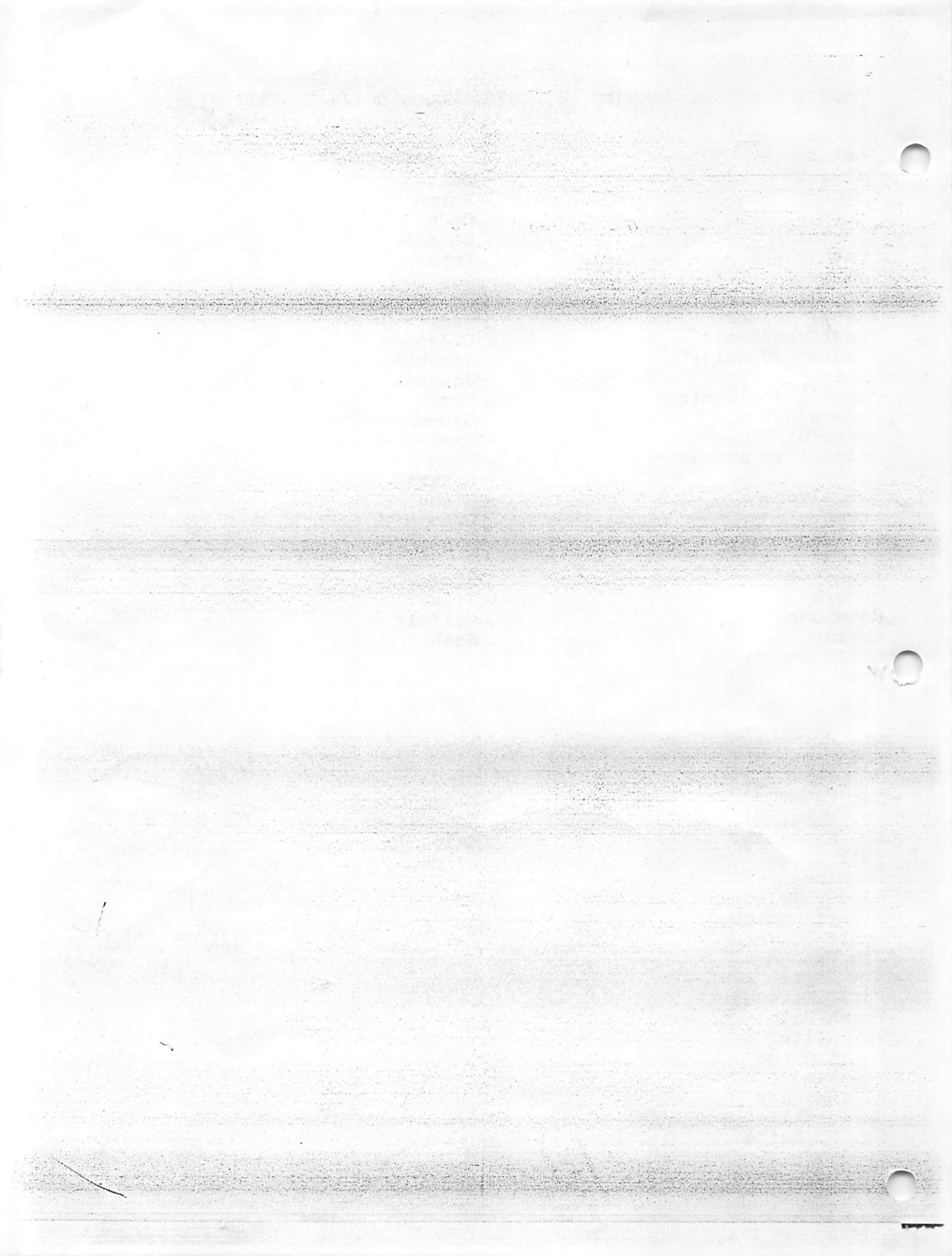
- ~~R. Alverson~~
- ~~Beaton~~
- ✓ Burch
- ✓ Boddy
- ~~Cotant~~
- ✓ Emberg
- ~~Guy~~
- ~~Huntington~~
- ✓ Jaeger
- C. Jensen
- Jacobson
- ✓ Johnson
- ✓ Kurtz
- ~~Lauber~~
- ✓ Lewis
- ✓ Moss
- ~~O'Hara~~
- ~~Olsen~~
- ✓ Otness
- ✓ Rawlinson
- ✓ Specking
- ~~Starck~~
- ✓ Wilde
- ✓ Welfelt
- ✓ Szabo

ALSO

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- Frank Mayo
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- Bob Simon
- R.A. Davenny
- Helen Gillette (TIMES)
- ✓ Mr. S. Saito
- ✓ Ron Nash

- Steve Hughes
- Lloyd Lowry
- Rod Kaiser
- ✓ Kwim Im

~~Staff~~  
 Brauson  
 Hutton  
 Muznarski  
 Herskenger  
 Willoughby



Ed Fugolug

Need total landings

Year	Month	Trips	Fish	Hooks	W.	
1972		2 - TRIPS	CHATHAM ST.			
1.90	Sept.	11,900	fish <sup>71,400</sup>	79,865 hooks	6.7	
1.22 <sup>82</sup>	Oct.	11,639	69834	85,100 hooks	7.3	
1973	0.63	Sept.	9,921	59,526	94,700	9.5
	0.56	Oct.	7,337	44,022	79,180	8.0
1977	0.25	Sept.	2,216	13,296	54,020	20.6

JOHN DEBOER

1976 17 fish / 225 hooks 6.5 av. size

1977 8-10 fish / 225 hooks 7.1 av. size

26,000# (10 10 6) CHATHAM ST.

good average in port 34 fish / skate

HAROLD MEDALEN

9-19 10-6

.36 # / hook

1977 UPPER CHATHAM ST. 27.4 # / skate (75 hooks)

ANDY MURWATH CROSS SOUND

75-80 fish 300 hooks / skate

not valuable

Ed Fugody

# North Pacific Fishery

# Management Council

Einar Rasmuson, Chairman  
Jim Branson, Executive Director

State St. 333 West 4th Avenue  
Post Office Mail Building



Mailing Address: P.O. Box 3136DT  
Anchorage, Alaska 99510

Telephone: (907) 274-4563  
FTS 265-5435

2725 Montlake Boulevard E.  
Seattle, Washington 98112

January 9, 1978

TO: All Members, SSC, North Pacific Fishery Management Council

FROM: Dayton L. Alverson  
Chairman, Scientific & Statistical Committee

SUBJECT: January meeting

The January meeting of the Scientific & Statistical Committee, NPFMC, is scheduled to convene at 10:30 a.m. on Tuesday, January 24, in the Council rooms in Anchorage, Alaska. A tentative agenda is as follows:

1. Review of blackcod situation.
2. Discussion of possible development of a separate management plan for the Bering Sea Herring Fishery.
3. Progress on RFP's.
4. Future operational procedures
5. Other

I understand that the SSC is scheduled to meet with the Advisory Council on Wednesday, January 25. Full council meetings will follow on January 26 and 27.

**DISTRIBUTION:**

Bevan  
Collinsworth  
Miles  
Pennoyer  
Robinson  
Rogers  
Rosenberg  
Rosier  
Woelke

cc:  
Branson  
Schoning  
FAK (Brooks)



## STATE OF ALASKA

TILGION  
JAY S. HAMMOND, GOVERNOR

## COMMERCIAL FISHERIES ENTRY COMMISSION

POUCH KB - JUNEAU 9901

January 24, 1978

Mr. Harold Lokken, Chairman  
c/o Jim Branson, Executive Director  
North Pacific Fishery Management  
Council  
P.O. Box 3136 DT  
Anchorage, Alaska 99510

Dear Harold:

This follows up earlier commission correspondence with you concerning the need for amendments to State of Alaska's Limited Entry law to provide for a greater diversity of entry limitation methods for fisheries such as shellfish and groundfish off the Coast of Alaska. A copy of that letter is attached.

Enclosed is a first working draft bill for your review and comment. For various reasons, we have had to abandon our original target of having legislation passed this session and will focus instead on obtaining funding for a study group and other appropriate means as necessary to conduct research and prepare legislation for introduction in the 1979 session. Consequently, in conjunction with your comments on the substance of this draft, we would also appreciate receiving any suggestions you might have concerning research that might be undertaken as a part of the work of the interim group. Please explain any suggestions, put them in priority order and attach estimated cost figures.

In approaching legislatively the matter of limiting entry in future fisheries, we have felt it best to write an entire new chapter, AS 16.44, which will stand alone as a logically cohesive unit, rather than interpolating a series of amendments into AS 16.43. Since a few references are made to AS 16.43., however, a copy is included for your information.

This draft has been prepared by Commission staff attorney David George in conjunction with discussions with the three Entry commissioners on various issues. He has done a commendable job of making the amorphous concrete.

The draft represents the results of a free and open exchange of ideas and is offered as a vehicle for discussion. It is not a statement of policy by the Entry Commission at this time. The views expressed in the left hand narrative facing pages of the text are those of Mr. George.

In your review of this draft, your attention is drawn especially to AS 16.44.110(b) (6), on page 4, which defines the term "fishery" in a far broader, more flexible way than the term is defined in AS 16.43. AS 16.43.380(3) defines fishery as "the commercial taking of a specific fishery resource in a specific administrative area with a specific type of gear." The redefinition in this draft gives the Commission the option of defining fishery more broadly in terms of multiple resources, multiple areas and/or multiple gear types where appropriate. This should be cross-read with AS 16.44.430(b) on page 25 and the discussion on the facing page. The two sections are at variance on the surface and need to be reconciled, but I believe the underlying notion is the same; that is, either by issuing permits for different specific "fisheries" or by issuing different classes of permits for a fishery the Commission would have the ability to recognize the diverse history and nature of the participants, and to (perhaps) issue "something for everybody" in the way of a permit.

"Durational permits" discussed elsewhere are another means of possibly providing "something for everybody." The need for this flexibility appears to be two-fold: (1) equity in permit issuance; and (2) the avoidance of buy-back programs, especially in specialized, expensive fleets.

A few other observations, more on what might be in the draft but is not: There is no discussion of non-transferable permits; no discussion on a "use it or lose it" option; insufficient consideration of vessels under contract or construction; no clear discussion of conditions under which permits might revert to the Commission and the means through which they might be issued. The "maximum number" definition that is set forth at AS 16.44.230(b) on page 12 in connection with permits to individuals and under AS 16.44.400(b) on page 23 may be too restrictive. It depends in part on the definition of "optimum number". There may be circumstances in which it would be desirable to issue permits in excess of the estimated optimum number and employ a "use it or lose it" provision so that attrition would reduce the fleet to the optimum level. The "optimum number" notion might also be more closely equated to the idea of optimum yield so that



Harold Lokken

-3-

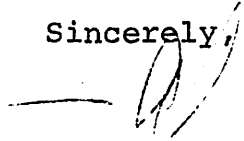
January 24, 1978

the issuance of permits in excess of a more stringently defined optimum number might be justified through the avoidance of social and economic dislocations. There is also no discussion of issuing vessel permits by length category, tonnage category, or some other means of classification. Consideration should be given to avoiding British Columbia's initial system, which allowed a large modern vessel to replace a small ancient one. Yet at the same time any limitation on licenses by vessel category should be considered carefully so that it does not stifle economic growth and diversification of the fleet into other fisheries. Finally, it appears that an effort might still be made advantageously to bring the Alaska law on Limited Entry into more explicit conformity with the National standards and the limited entry criteria of the FCMA of 1976. [16 USC 1801 et. seq.]

Your comments and those of your organization on this draft will be appreciated. We will handle comments as they arrive, drawing a cutoff at the end of February, at which time we will produce a revised discussion draft.

Thank you for your efforts.

Sincerely,



Allan Adasiak  
Chairman

Enclosures

99  
November 22, 1977

Mr. Harold Lokken, Chairman  
c/o Jim Branson, Executive Director  
North Pacific Fishery Management  
Council  
P.O. Box 3136 DT  
Anchorage, AK 99510

Dear Harold:

Please advise the members of the North Pacific Fishery Management Council, its Scientific and Statistical Committee, and its Advisory Panel that the Commercial Fisheries Entry Commission is preparing a set of revisions to Alaska's limited entry law for introduction shortly after the State Legislature convenes in January of 1978.

The purpose of these amendments is to provide greater flexibility in the State statutes for devising the most appropriate limited entry systems for fisheries such as shellfish that may require a significantly different approach than that used with the salmon and herring fisheries currently under entry limitation. Action by the 1978 session of the Alaska Legislature is necessary so that the State may be able to provide the most timely and effective response to indicate needs for entry limitation.

The Commission believes that this legislation is also necessary to coordinate our efforts more effectively with any by the North Pacific Fishery Management Council to limit entry in fisheries occurring primarily in the Fishery Conservation Zone. We want to be certain that the State is in a position to act in a timely manner so that single, integrated limited entry systems may be developed in partnership with the Federal government. In addition, fisheries under state jurisdiction such as the salmon hand troll fishery may contain unique characteristics that call for the use of limited entry methods different from those possible with the present law.

The Commission has contacted a number of organizations and individuals in order to draw upon a broad base of knowledge in formulating limited entry options. We would appreciate whatever degree of participation, formal or informal, might be appropriate by the Council, the Scientific and Statistical Committee, the Advisory Panel, or individual members, in bringing the widest range of experience and expertise to bear on this project.

Generally, we are seeking, as soon as possible, a preliminary statement of what are believed to be relevant considerations and relationships that we should be aware of while drafting. We plan to circulate a draft or drafts back for review and comment as time allows.

Specifically, we have requested thoughts and comments on any of the following, along with other related issues that come to mind:

- Permits to vessels
- Permits for multiple areas
- Permits for multiple species
- Ways to allow or encourage diversification
- Restrictions on permits (transferable or not; certain areas, species; only to another vessel of the same size, etc.)
- Ranking standards to determine who receives a permit, or who receives what kind of permit (number of landings, pounds landed, value of catch, areas fished, vessel length, capability of diversification, investment participation, etc.)
- Treatment of vessels under construction
- Effect on participants in the Vessel Capital Construction Fund
- Provisions to handle significant long-term changes in a fishery or complex of fisheries (technological innovations, stock size(s), economics, etc.)

The Commission looks forward to working jointly with the Council in the development of management plans wherever our

Harold Lokken

-3-

November 22, 1977

participation is appropriate, whether on matters of limited entry or in other areas where we have data and expertise deriving from our work in limited entry.

Sincerely,

Allan Adasiak  
Chairman

AA:dw



WORKING  
DRAFT

Chapter 44. Continuing Regulation by the  
Commercial Fisheries Entry Commission

(Proposed)

January 24, 1978

WORKING  
DRAFT

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Article 8. General Provisions

## NARRATIVE INTERFACING

Section 16.44.010: This section recites legislative purposes and findings and establishes a rational basis in support of the departure of Chapter 44 from the existing Chapter 43 of title 16. The recital of legislative findings, adds considerations of fishery development and diversification which do not appear specifically in the recital of findings of Chapter 43. If hardship is not to be the central purpose of this legislation, it should clearly be reflected here.  
[cf 16 USC 1851(a); 1853(b)(6)]



Chapter 44. Continuing Regulation by the  
Commercial Fisheries Entry Commission

Article 1. Continuing Regulation of Entry into Alaska's  
Commercial Fisheries

Sec. 16.44.010. Purpose and findings of fact. (a) It is the purpose of this chapter to provide for flexibility to promote the continuing conservation and sustained yield management of Alaska's fishery resource and the economic health, development and stability of commercial fishing in Alaska by regulation and controlling entry into the commercial fisheries in the public interest without unreasonable discrimination.

(b) The legislature finds that the powers delegated to the Commercial Fisheries Entry Commission under AS 16.43 may be insufficient to limit fisheries heretofore unlimited in a manner which is effective and yet consistent with the purpose of AS 16.43 considering the singular social, conservation developmental and economic natures, of presently unlimited Alaskan fisheries.

(c) The legislature further finds that levels of commercial fishing participation for fishery resources in heretofore unlimited fisheries may reach levels, on both a statewide and area basis, that have impaired or threatened to impair the economic welfare of the fisheries of the State, the overall efficiency of the harvest, the development of new fisheries and diversification, and the maximum sustained yield management of the fishery resource.

Section 16.44.020: Establishes the relative applicabilities of Chapters 43 and 44. Chapter 43 continues as the statutory authority under which existing limited fisheries are governed. Chapter 44 applies to all fisheries remaining unlimited as of the effective date of the legislation provided that certain sections of Chapter 43 are applicable in the administration of Chapter 44, to wit: sections 20 through 80 (relating to the establishment and constitution of the Commercial Fisheries Entry Commission), 110 (relating to the adoption of regulations and hearing procedures), 120 (delineating the applicability of the Administrative Procedure Act) and 310 through 370 (dealing with buy-back, conflicts with the board of fisheries, penalties and annual report to the legislature). It should be noted that sections 310 through 370 of Chapter 43, while applicable to the administration of Chapter 44, employ a subtly different nomenclature than do the substantive provisions of Chapter 44 as appears herein.

Section 16.44.100: Section 100 acts as a prefatory statement defining the types of permits the commission may issue in order to limit a fishery under the authority of Chapter 44. Subsection (b) should be considered in that it establishes for each type of permit three equal subclasses, namely: permanent, durational and interim-use permits. The three subtypes were established due to the distinct nature of the rights conferred by each subcategory of permits. It may be however, that the commission wishes to equate permanent and durational permits for the purposes of statutory nomenclature specifically identifying the disparities between the two. Subsection (c) preserves the commission's right to limit a fishery by the issuance of either permits to operators, or permits to vessels, or a combination of both types of permits. Subsection (d) is a relocation of what now appears as section 16.43.140 and is designed in such a manner to apply to permits whether they be issued to vessels or operators.

AS 16.44.020. Applicability of this Chapter. The provisions of this chapter are exclusively applicable to the limitation of fisheries which remain unlimited as of this chapter's effective date. AS 16.43 continues as the exclusive statutory authority applicable to the limitation of fisheries limited before the effective date of this chapter, provided that Sections 20 through 80, 110, 120 and 310 through 370 of Chapter 43 are applicable to the administration of this chapter.

Article 2. Powers and Duties of the Commission.

Sec. 16.44.100. Type of permits the Commission may issue.

(a) Entry permits issued by the commission may be of two types:

- (1) entry permits issued to gear operators; or
- (2) entry permits issued to vessels.

(b) Within each type of permit that the commission may issue specified in (a), the commission shall issue permits that are of a permanent nature and may in addition thereto, issue permits of a finite durational nature and interim-use permits as more specifically provided in this chapter.

(c) In the exercise of its powers and obligations under this chapter, the commission may issue in a given fishery, either type of permit specified in (a) or a combination thereof.

(d) No person may operate gear, nor may a vessel be employed, in a commercial fishery without a valid entry permit having first been issued to the operator and/or vessel as required by the commission.

Section 16.44.110: The nomenclature of section 110 is couched in reference to "entry permits". Since section 100 indicates that entry permits may be of two types, either issued to vessels or operators, the nomenclature of "entry permit", as it relates to a statement of general powers, indicates that these general powers extend to permits whether issued to vessels or operators. This generic reference is abandoned beginning with section 44. 125. It would seem that since the commission has the alternative power to issue permits to vessels or operators, the mandatory wording of section (a) would only bind the commission to so act where it has anticipatorily determined the type or types of permits it wishes to issue in each fishery.

As relates to subsection (b), it has been suggested that item (6) thereunder be expressed in a separate section. This is probably a good idea inasmuch as the definition of the term "fishery" is central to effective limitation under the terms of Chapter 44.



Sec. 16.44.110. General powers. (a) To accomplish the purposes set forth in § 10 of this chapter the commission shall:

JAN 24 1978

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- (1) regulate entry into the commercial fisheries heretofore unlimited for all fishery resources in the State;
- (2) establish priorities for the application of the provisions of this chapter to the various commercial fisheries of the State;
- (3) establish administrative areas suitable for regulating and controlling entry into the commercial fisheries;
- (4) establish for each fishery, the optimum number and type of entry permit to be issued for that fishery;
- (5) establish qualifications for the issuance of entry permits;
- (6) issue entry permits to qualified applicants and/or vessels;
- (7) provide for the transfer and/or reissuance of permanent entry permits;
- (8) provide for the transfer and/or reissuance of permanent entry permits for alternative fisheries, in a manner consistent with the proposes of this chapter;
- (9) administer the collection of fees, as applicable, for annual renewal and initial issuance of entry permits;
- (10) administer the issuance of and collection of fees for fishing vessel licenses under AS 16.05.490.

Notice that (b)(6) allows for multiple combinations of resource, area and gear as a consideration of "fishery" definition. Since permits are issued by fishery, this will promote diversification and new "fishery" development. [For example Bering Sea Bottomfish development ancilliary to Bering Sea Crab could be encouraged by including both resources under one "fishery" requiring only one permit]. Compare 16.43.150(a) which speaks of singular areas and types of gear as elements of "fishery" definition.

Section 16.44.115: This section appears as section 16.43.200 in Chapter 43. It has been relocated in this generically defined article inasmuch as the definition of administrative areas is equally applicable to permits issued to operators or vessels.

(b) In addition to those powers specified in (a) the commission may, in the exercise of its powers under this chapter:

- (1) establish the maximum number of entry permits to be issued for each fishery;
- (2) issue interim-use permits;
- (3) issue entry permits of a finite durational period;
- (4) provide for the transfer and/or reissuance of interim-use permits and durational permits;
- (5) provide for the transfer and/or reissuance of interim-use permits and durational permits for alternative fisheries, in a manner consistent with the purposes of this chapter;
- (6) define the term "fishery" with regard to the gear employed, the administrative area, fished and the fishery resource harvested or any singular or multiple combinations thereof as is reasonably necessary to accomplish the purposes of this chapter;
- (7) do all things reasonably necessary to the exercise of the commission's powers under this chapter, whether or not specifically designated herein.

Sec. 16.44.115. Administrative Areas. (a) The commission shall establish administrative areas suitable for regulating and controlling entry into commercial fisheries. The Commission

Section 16.44.125: Section 125 acts as a reaffirmation and specific delineation of the commission's authority to limit entry into a fishery by the issuance of entry permits to vessels or operators. As a matter of statutory interpretation, should any vagueness occur in this general provision of Chapter 44, specific delineation of power will govern in the interpretations of that vaguence. Therefore this specific section was included to prevent a misinterpretation of Chapter 44 as a whole. Section 125 also specifies the sections which are applicable to entry permits issued to operators. Having stated the commission's alternative authority as to permit issuance type, and having stated the applicability of sections 125 through 275 as relating to entry permits issued to operators, the substantive portions of sections 125 through 275 reflect that the apparently manatory requirements come into play only after the commission has determined which type of permits is to issue in a given fishery. Thus you will note that in the following sections, the substantive portion thereof refer to entry permits to operators only as a "permit". Reference for clarification should also be made to the definition section appearing at section 275. These are basically problems of nomenclature.

Section 16.44.130: Assuming that entry permits to operators are to be issued by the commission, section 130 specifies that a permit is not required of a crewman or person assisting another in the operation of a unit of gear who holds a permit from the commission. Subsection (b) is a restatement of what is currently contained in section 16.43.140(c).



shall make administrative areas reasonably compatible with the geographic areas for which specific commercial fishing regulations are adopted by The Board of Fisheries.

(b) The Commission may modify the boundaries of administrative areas when reasonably necessary and consistent with the purposes of this chapter.

### Article 3. Requirements for Entry Permits to Operators.

Sec. 16.44.125. Applicability of Sections 125 through 275 of this chapter. Sections 125 through 275 shall not affect the Commission's power to limit entry into a commercial fishery by issuance of entry permits to vessels or operators or through a combination thereof. Where the commission finds that entry permits to operators shall be issued, the terms and conditions thereof shall be governed by sections 130 through 275 of this Chapter. Where the commission finds that entry permits to vessel shall be issued, the terms and conditions thereof shall be governed by sections 280 through 470 of this Chapter.

Sec. 16.44.130. Entry permits to operator. (a) A permit is not required of a crewman or other person assisting in the operation of a unit of gear engaged in the commercial taking of fishery resources as long as the holder of the permit for that particular gear is at all times present and actively engaged in the operation of the gear.

Section 16.44.140: Notice that the word permit, rather than entry permit, is used in subsections of 140. The word "permit" refers to a permit issued to an operator which may be of the permanent, durational or interim-use subcategory unless the appropriate modifier appears in the language immediately preceding the word "permit". As such, language which refers only to the word "permit" is equally applicable to all three subtypes of permits to operators.

Subsection (f) refers to permanently transferrable permits inasmuch as a durational permit may or may not be permanently transferrable depending upon the type of regulations adopted by the commission.

Subsection (h) has been modified from the existing provision in Chapter 143(150(h)) inasmuch as it requires the surviving spouse to be cohabitating with the decedent spouse as a condition to transfer by operation of law under right of survivorship. It would seem that if this cohabitation provision is not included, the commission is just asking that an entry permit be tied up in potential divorce litigation.

It has been suggested that "continuing economic dependence upon the fishery" be considered as a criteria necessary to avoid forfeiture of a permit. This is intended, in effect, as a "use it or lose it" provision through which "natural" attrition would be encouraged as method of reducing effort to optimum levels.

(b) A person may hold more than one permit issued or transferred under this chapter except that a person may hold only one permit for each fishery.

Sec 16.44.140. Terms and conditions of entry permit to operator.

(a) Each permit authorizes the permit holder to operate gear in the fishery as the commission specifies.

(b) The permit holder shall have the permit in his possession at all times when engaged in the operation of gear for which it was issued.

(c) Each permanent permit is issued for a term of one year and is renewable annually.

(d) The Commission shall establish regulations for the forfeiture of a durational or permanent permit upon non-renewal but in no event may a permit be renewed after the end of the second full consecutive calendar year of non-renewal, unless waived by the Commission for good cause shown.

(e) A permit constitutes a use privilege which may be modified or revoked by the legislature without compensation.

(f) A permanently transferable permit survives the death of the holder

(g) except as provided in AS 16.10.333-16.10.337, a permit may not be:

(1) pledged, mortgaged, leased or encumbered  
in any way;

Section 16.44.150: Subsection (a) allows a single fee for permits which are of a durational nature. [cf potential conflicts with federal legislation re: duration permits]

Subsection (b) retains the requirement that renewal fees reasonably reflect the different rate of economic return for different fisheries but has excluded fees as a function of the cost of administration of Chapter 44. I am not sure that this is legally sound, but Chapter 43 was amended during the last legislative session to similarly exclude such a consideration.



- (2) transferred with any retained right of repossession or foreclosure; or
- (3) attached or sold on execution of judgement or under any other process or order of any court.

[re-draft AS 16.10]

(h) upon the death of the permit holder, the entry permit shall be transferred by the Commission to the surviving co-habiting spouse by right of survivorship unless the permit is not permanently transferable or a contrary intent is manifested. When no such spouse survives, the rights of the decedent pass as part of his estate.

Sec. 16.44.150. Fees for entry permits to operators. (a) The Commission shall establish annual fees for the issuance and annual renewal of permanent permits or interim-use permits. Fees for permits of a finite durational nature may be in the form of a single issuance fee or may require annual renewal for the life of the permit in addition to an initial issuance fee.

(b) Annual fees established under this section shall be no less than \$\_\_\_\_\_ and no more than \$\_\_\_\_\_ and shall reasonably reflect the different rate of economic return for different fisheries.

(c) The holder of a permit who has a net family income falling within the Federal Community Services Administration poverty guidelines, adjusted by the Commission to reflect appropriate cost-of-living differentials, is subject to a maximum annual renewal fee of \$15.

Section 16.44.160: Section (a) provides the method of access through either transfer or reissuance and allows the commission discretion to chose the method of access by adoption of regulations. The remainder of section 160 dictates how the commission must approach transfers in the event it determines to provide access through the transfer mechanism. Under section (c) a permanent transfer retains the 60 day notice of intent waiting period prior to the effective date of actual transfer. The qualifications of the purposed transferee are similiar to that appearing in Chapter 43.

The mechanism of reissuance has not been determined and should be considered for ifnal inclusion.

Subsection (e) excludes transfers of permits provided for in our commercial fishing loan legislation from the provisions of this section.

Notice that subsection (f) provides for the possibility that durational permits may be permanently transferred but requires precedent commission action by regulation adoption before such a result may obtain. Notice also, that this restriction upon durational permits apparently applies only to reissuance or permanent transfer due to the last phrase of subsection (f).

Also notice that section 160 as drawn, may not allow for transfer of a portion of a permit originally issued for muliple areas, gears and resources. [i.e. may a person holding a permit for King Crab and Bottomfish transfer only the right to take Bottomfish yet retain the right to fish King Crab?]

(d) Fees collected under this section shall be paid into the general fund, except for an amount equal to 60 per cent of the fee each permit holder would otherwise be obligated to pay for a crewmember fishing license under AS 16.05.480 which shall be paid into the fisherman's fund under AS 23.35.060.

Sec. 16.44.160. Transfer and reissuance of entry permits to operators.

(a) permits are subject to transfer and reissuance only through the Commission as provided in this section and § 170 of this chapter and under regulations adopted by the Commission.

(b) The Commission shall establish regulations providing for the permanent transfer or reissuance of permanent permits to allow access to limited fisheries which are consistent with the general purposes of this chapter.

(c) Where permanent transfer of a permit is allowed by Commission regulation, the holder of a permit may transfer his permit to another person or to the commission upon 60 days notice of intent to transfer under regulations adopted by the Commission. The Commission by regulation may designate itself as the exclusive transferee of a permit. No sooner than 60 days nor later than 12 months from the date of notice to the commission, the holder of a permit may transfer his permit. If the proposed transferee, other than the commission, can establish present ability to participate actively in the fishery, the commission shall transfer the permit to the transferee.

In (d) it is most important that "management" or some goal other than "hardship" be the bottom-line "purpose" of Chapter 44. See Comments to AS 16.44.010.

Section 16.44.170: The statutory provisions in 170 are pretty much the same that appear in Chapter of 43 with the exception that subsection (a) mandatorially requires the commission to adopt regulations providing of the emergency transfer of durational permits. While the commission may have justification for prohibiting the permanent transfer of durational permits, I could not think of any reason why a temporary emergency should be equally prohibited.

Subsection (c) provides for a discretionary provision for transfer upon the death of a permit holder as to all three subcatagories of permits.

(d) Previously issued permanently transferrable permits held by the commission may in such numbers as are consistent with the purposes of this chapter, be reissued to qualified persons under regulations adopted by the commission.

(e) The transfer of permits under AS 16.10.333-16.10.337 are not subject to (c) of this section.

(f) The commission may establish regulations providing for the transfer or reissuance of durational permits, but in the absence of such regulations, durational permits are not permanently transferable.

Sec 16.44.170. Emergency transfers of entry permits to operators. (a) The commission shall adopt regulations providing for the temporary emergency transfer of permits when disability, illness, death or other unavoidable hardship prevents the permit holder from participating in the fishery.

(b) The Commission shall adopt regulations providing for the temporary emergency transfer of an interim-use permit to alleviate hardship pending a final determination of the interim-use permit holder's eligibility for a permanent [or durational] permit in the fishery for which the interim-use permit was issued.

(c) The Commission may adopt regulations providing for the temporary transfer of a permit upon the death of the permittee.



Section 16.44.175: This section is reasonably self explanatory with the possible exception of subsection (c). It might be possible that subsection (c) would act as authority for the specific enforcement of contracts for the transfer of a permit in contravention to 16.44.140 subsection (g). Subsection (c) of section 175 was designed to affect only the amount of damages a person could recover in court when he had transferred his permit and the transferee had failed to pay a contract price in excess of the predetermined price for the transfer fixed by the commission.

Section 16.44.180: Section 180 is written in terms of a permanently transferable permit, because it is not determinable from the statutes whether a durational entry permit is a permanently transferable permit. Unless the commission by regulation, allows a durational permit to be permanently transferable, section 180 only refers to permanent permits issued to operators.

Sec. 16.44.175. Pre-determined transfer prices of entry permits to operators; Penalties

(a) The Commission may adopt regulations fixing transfer prices of permanently transferable permits to promote access of non-permit holders into the fishery when free market transfer prices of permits unreasonably exceed the expected economic rate of return for the fishery.

(b) A person who transfers a permit at a price in excess of that fixed by the Commission under (a) of this section, is guilty of a misdemeanor and is punishable by a fine of not more than \$5,000 and shall forfeit any monies received in excess of the fixed price.

(c) A contract to transfer a permit for an amount in excess of the price fixed by the Commission under (a) of this section is unenforceable to the extent the contract price exceeds the pre-determined price fixed by the Commission and as provided in section 140(g) of this Chapter.

(d) Transfer prices fixed by the commission under (a) of this section, shall be adjusted annually by the Commission.

Sec. 16.44.180. Cost of Entry permit to operator deductible as business expense. A permanently transferrable permit purchased under this chapter is deductible by the transferee as a business expense as provided in AS 43.20.031 (h).

Section 16.44.210: Section (a) provides for the issuance of interim-use permits prior to the establishment of maximum or optimum numbers provided that the applicant can demonstrate present ability to participate in the fishery.

Section (b) provides for the issuance of interim-use permits after the establishment of maximum or optimum numbers, and after the submission of an application which may reasonably demonstrate the applicants eligibility for a permit in that fishery. Thus section 210 establishes circumstances under which an initial issuance of interim-use permits may take place.

Section 16.44.220: Section (a) provides for flexibility regarding the commission's determination of the date of the renewal of an interim-use permit. This should be sufficient to accomodate winter fishery permit renewal. It is possible that the last sentence of section (a) may be in conflict with section 260(c) (infra). We may also want to take a look at exactly what the term "final determination" means in regard to section (a).

Sec. 16.44.210. Interim-use permits issued to operators; qualifications. (a) Pending the establishment of maximum numbers or, in the absence of maximum numbers, optimum numbers of permanent permits, the commission may issue interim-use permits under regulations promulgated by the commission for specific fisheries to all participants who can establish their present ability to participate actively in the fishery for which they are making application.

(b) Before the issuance of the maximum number or, in the absence of a maximum number the optimum number of permanent permits for a fishery, the commission may issue an interim-use permit to an applicant who may reasonably become eligible for the initial issuance of a permanent permit in that fishery.

(c) The commission may grant an interim-use permit to a person who has received an authorization from the commissioner of fish and game for the commercial taking of a fishery resource on an experimental basis.

Sec. 16.44.220. Terms and conditions of interim-use permits to operators. (a) The commission shall adopt regulations specifying the dates and places of application, the procedure to be followed in renewal of the interim-use permit, including the time, place of its renewal, and for any other purpose incident to the administration of interim-use permits for that fishery. An interim-use permit shall expire upon the final determination of the holder's eligibility for a permanent permit in that fishery.

Section 16.44.230: section (a) provides the commission with flexibility to issue permits to a level established by either a maximum number or optimum number. Notice that maximum and optimum numbers refer only to permanent permits and excludes considerations of interim-use or durational permits.

Subsection (b) the determination of the maximum number is based upon an estimate of the optimum number, and therefore, reference should be made to section 500 and the criteria by which optimum numbers are determined. Question: How closely must the optimum number criteria be followed as a basis of determining maximum numbers?

Subsection (c) this section may be of little legal effect in light of recent State Supreme Court decisions requiring that non-suspect class regulation be reviewed upon a standard of reasonableness.

Section 16.44.240: Again, permit issuance refers only to the issuance of permanent entry permits and excludes considerations of interim-use and durational permits.

Subsection (a) refers to a "reasonable balance" of the delineated standards in an attempt to conform to recent state supreme court decisions. Notice also that the standards are not classified as "hardship" standards. Section (a) (1) indicates that percentage income derived from the fishery as a criteria of economic dependence may not be desirable in light in past problems with that criteria. Subsection (a) (3) provides for an omnibus criteria provision.



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(b) The holder of an interim-use permit must have the permit in his possession at all times when engaged in the operation of the gear for which it was issued.

Sec. 16.44.230. Maximum number of entry permits to operators.

(a) When the commission finds that a fishery has reached levels of participation which require the limitation of entry by the issuance of permanent permits to operators, in order to achieve the purposes of this chapter, the commission shall establish the maximum number or optimum number of permanent permits in that fishery.

(b) The maximum number of permanent permits for a fishery required to be limited under (a), is the estimated optimum number of units of gear the fishery can support in order to achieve the purposes of this chapter.

(c) Estimates of optimum numbers of permanent permits under this section which are made in good faith are conclusively presumed accurate except as modified in the commission's discretion or by a final determination of optimum numbers.

Sec. 16.44.240. Standards for initial issuance of entry permits to operators. (a) Following the establishment of the maximum number, or, in the absence of the maximum number, the optimum number of entry permits, the commission shall adopt regulations establishing qualifications for ranking applicants for permanent permit issuance. The commission

subsection (b) retains the notion of a significant hardship classification. However, the determination of significant hardship, and such an applicants right to permit issuance, has been tempered by the proviso that issuance under that classification may not contravene general considerations contained in Chapter 44. The seven criteria listed under section (b) are, in effect, reflections of the optimum numbers criteria. This was adopted in order to promote harmony between the issuance of permits based upon a signifcant hardship classification, and the purposes to be achieved by the use of optimum numbers.

No provisions for minor hardship cases has been included in section 240. Cf AS 16.43.250(c).

shall define priority classifications of similarly situated applicants based upon a reasonable balance of the following standards:

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- 1) degree of economic dependence upon the fishery, including but not limited to [percentage of income derived from the fishery], reliance on and availability of alternative occupations, investments in vessels and gear.
- 2) extent of past participation within the fishery, including but not limited to the number of years of participation in the fishery. The consistency and extent of participation during each year; and
- 3) such other criteria the commission by regulation considers appropriate to reasonably promote the purposes of this chapter and accomodate peculiarities of individual fisheries.

(b) The commission shall designate by regulation those priority classification of applicants who would suffer significant hardship by exclusion from the fishery. Provided that such classification shall not contravene general consideration of:

- 1) The maintenance of an economically healthy fishery that will result in a reasonable average rate of economic return to the fishermen participating in the fishery;

Section 16.44.250: Subsection (a) mandates that the commission adopt regulations specifying eligibility requirements for permit application submission. These criteria are based upon the participation of the applicant in the fishery prior to the application date, but the extent of past participation necessary for application eligibility is not included. A much closer look should be given to section (a).

Subsection (d) provides that the commission may indicate the date upon which qualifications are to be determined provided that the date is within one year prior to the date of adoption of the regulations establishing maximum or optimum numbers of permits. We may be subject to some litigation in this area if a qualification date chosen within the immediately preceding year, excludes a fishing season accruing after the qualification date but prior to the date upon which the qualification date is determined. I would assume that the attack would be based upon an assertion of arbitrary and capricious action on behalf of the commission or upon an assertion of due process infirmities. As I understand it we currently have the issue of the qualification date established in one of the fisheries already limited before the courts.

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- 2) the promotion of the allowable commercial take of the fishery resource during all years in an orderly, efficient manner, and consist with sound fishery management techniques;
- 3) the avoidance of serious economic hardship to those persons currently engaged in the fishery considering other economic opportunities;
- 4) the promotion of the continuing optimum yield from the fishery;
- 5) the promotion of the maximum development of the fishery;
- 6) technological achievements applicable to the fishery; and
- 7) such other factors reasonably necessary to achieve the above stated standards considering the peculiar aspects of the fishery.

Sec. 16.44.250. Application for initial issuance of entry permits to operators. (a) The Commission shall adopt regulations specifying the time within which an applicant must have participated in the fishery to be eligible to apply for the corresponding permanent permit and establish criteria by which the applicant may demonstrate participation.

(b) The commission shall establish the opening and closing dates, places and form of application for permanent permits for each fishery limited. The commission may require the submission of specific verified evidence establishing the applicants' qualifications under section 240 of this chapter.



Section 16.44.260: Subsection (a) provides that hardship classifications are to receive first issuance of permits. Notice that any conflicts with optimum numbers are to be resolved by the commission's determination of what a hardship classification is rather than through the mechanism of permit issuance. Specific attention should be directed to the last sentence of section (a).

Subsection (b) provides that if there are more applicants within the lowest classification level than there are permits remaining, the commission may in its discretion issue permanent permits by lottery or issue all such applicants durational permits.

Subsection (c) provides that if the lowest level of classification necessary for permit issuance is uncertain due to pending appeals or administrative adjudications, a person who would otherwise hold an interim-use permit until all such appeals were determined and then be granted or denied a permanent permit, may relinquish his interim-use permit, and any right to a permanent permit he would otherwise have, for the alternative of immediately receiving a durational permit of a specified period. I would suggest that we draw up a formal written waiver which the applicant must sign before he can receive a durational permit under this section. Notice also, that the ability to opt out for a durational permit has been couched in such terms that its applicability is limited to a situation where an applicant applies for a permanent permit at the outset. This mechanism may substantially aid in reduction of participation levels in the fishery to the optimum number. It is also socially acceptable in that everyone can get something.

(c) An applicant who is unable to establish his qualifications for a permanent permit by submitting the specific evidence required in the application by the commission may request and obtain an administrative adjudication of his application according to procedures established under AS 16.43.110(b). At the hearing he may present alternative evidence of his qualifications for the permit of application.

(d) When the commission establishes the maximum number, or in its absence the optimum number, of permanent permits for a fishery, an applicant shall be assigned to a priority classification based solely upon his qualifications as of a date established by the commission which shall be within one year prior to the date of adoption of the regulation establishing the maximum or optimum number for the fishery of application.

Sec 16.44.260. Initial issuance of entry permits to operators.

(a) The commission shall issue permanent permits for each fishery first to all qualified applicants in the priority classification designated under section 240 (b) of this chapter and then to qualified applicants in order of descending priority classification, until the number of permanent permits issued equals the optimum number of permits, or in its absence, the maximum number of permits. No person within a priority classification under section 240 (b) of this chapter may be denied a permanent permit.

(b) If within the lowest priority classification of qualified applicants to which some permanent permits may be

issued, there are more applicants than there are permanent permits to be issued, then the allocation of permanent permits within that priority classification shall be by lottery or all such applicants may in the commission's discretion, be issued entry permits of a finite durational period specified by the commission.

(c) If, at the time permanent permits are issued, some applicants are appealing the findings of an administrative adjudication under section 250 of this chapter, a sufficient number of permanent permits shall be reserved out of the permits to be issued to protect the rights of those applicants, assuming all appeals will be resolved in favor of the applicants. Applicants of a specific priority classification who are not issued permanent permits as a result of uncertainty of the level of priority classification required for permanent permit issuance caused by such pending administrative adjudications or appeals shall be issued interim-use permits pending such resolution or may if such applicants consent, instead be issued permits of a finite duration specified by the commission. In the event that all administrative adjudications or appeals are not resolved in favor of the applicants, the remaining reserved permanent permits shall be allocated to the next most qualified applicants as provided in (a) and (b) of this section who have not accepted a permit of finite duration under (c) of this section.

Section 16.44.270: Subsection (a) (1) is reasonably specific. Subsection (a) (2), however, might be subject to inappropriate construction. The purpose of (a) (2) was to provide the commission the authority to issue durational permits beyond the maximum or optimum number in order to do equity to past fishing participants. As anticipated, permanent permits would be issued up to the predetermined maximum or optimum number (unless the mechanisms of section 260 were employed) and then the commission could also, upon a sufficient finding, issue durational permits to persons whose qualifications level exceeded the maximum or optimum number. I am not too sure, that (a) (2) accomplishes this goal. While it says that durational permits may be issued in excess of the maximum or optimum number, it does indicate an initial threshold below which durational permits may not issued. I think that we should further consider this durational permit idea anyway.

Please notice the restrictions of subsection (b) relating to significant hardship classifications.

Section 16.44.275: The definitions specified therein or for the purposes of consistent nomenclature throughout the indicated sections, and to avoid confusion regarding the applicability of permit to vessel sections and permit to operator sections.

The commission may, in its discretion, issue permits which expire upon a finite date under the following conditions:

- 1) as provided in section 260 of this chapter;
- 2) in excess of the maximum or optimum number where the commission finds that such issuance is necessary to insure a smooth transition to a limited fishery considering the peculiarities of the fishery and the purposes of this chapter.

(b) A durational entry permit shall not be issued to an applicant designated under section 240 (b) of this chapter.

Sec. 16.44.275. Definitions. For the purpose of sections 125 through 275 of this chapter the terms:

- 1) "permit" means a permanent, durational or interim-use permit issued to an operator;
- 2) "permanent permit" means a permit issued to an operator for a term of one year and which is renewable annually.
- 3) "durational permit" means a permit issued to an operator which naturally expires after a finite period from initial issuance and which may be renewable annually until expiration.
- 4) "permanently transferrable" means a transfer other than a temporary emergency transfer.
- 5) "interim-use permit" means a permit issued to an operator which expires upon a contingency other than a stated period of time and is not a "permanent permit".



Section 16.44.280: Again, this section is inserted as specific statutory authority and reaffirmation of the commission's ability to limit entry into a commercial fishery by issuance of permits to operators or vessels or through a combination of the issuance of both types of permits.

Section 16.44.285: Section (a) specifies that a person may hold more than one permit issued to a vessel in a given fishery by virtue of its ownership of multiple vessels and is in direct contradiction to the terms regarding multiple ownership of permits to operators.

Subsection (b) defines a vessel owner as not only natural persons but any other legally recognized entity.

Section 16.44.290: Subsection (a) indicates that a permit issued to a vessel authorizes the operation of a vessel in a fishery and thus is specific as to gear, resource and area.

Subsection (d) reflects the corresponding section relating to permits to operators.

Subsection (f) we need a basic policy decision on what we are going to do with transferability of permits to vessels. This section has been inserted in the event that we determine that vessel permits are permanently transferable rather than transferable on an emergency basis only.

Subsection (g) indicates that permits issued to vessels may be given as security in contradiction to the corresponding section relating to entry permits issued to operators. Since limiting entry into a fishery based solely upon vessel permits presents the possibility of concentration of fishing capabilities by acquisition of fishing vessels, there appears to be no reason why a permit issued to a vessel should not be able to be given as security. Notice however that I have bracketed the word leased, as I am not sure this practice has also been acknowledged in our previous discussions.

6) "entry permit" means a permit of any sub-  
category which may be issued to operators  
or vessels unless qualified by the  
appropriate modifiers.

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Article 5. Requirements for Vessel Permits.

Sec. 16.44.280. Applicability of sections 280 through 470.  
Sections 280 through 470 of this chapter shall not affect  
the commission's power to limit entry into a commercial  
fishery by issuance of entry permits to operators or vessels  
or through a combination thereof.

Sec 16.44.285. Entry permit issued to vessel. (a) A vessel  
owner may own more than one vessel for which a permit has  
been issued in a given fishery. A vessel issued a permit  
may be operated by any person holding all other required  
licenses or entry permits.

(b) The term "Vessel Owner" as used in sections 280  
through 470 of this chapter means an individual or legal  
entity not prohibited by law from owning a commercial  
fishing vessel and who hold legal title to vessel, or equitable  
title where legal title has been severed for the purpose of  
securing a note or other indebtedness.

Sec. 16.44.290. Terms and conditions of entry permits  
issued to vessels. (a) Each permit authorizes the commercial  
use of a fishing vessel in the fishery for which the permit  
is issued.

.Section 16.44.300: This is a parallel of section relating to fees for permits to operators. However notice that subsection (b) speaks of rate of economic return in terms of the operation of the general type of vessel for which the permit is issued in light of the fishery for which it will be employed. The language is therefore slightly different than the language relating to permits issued to operators. As such, conflicts may occur in fisheries where limitation is achieved by the issuance of permits both to operators and vessels. It is realistically arguable, that we have established different criteria for establishing fees for permits to operators than we have for permits to vessels. And, quite frankly, I am not so sure that they should not be different.

If a fishery is to be limited only by the issuance of permits to vessels, a section covering transmittal of Fisherman Fund monies will have to be included. [cf sec. 150(d)(supra)]

(b) The permit shall permanently be affixed to the vessel at all times when the vessel is engaged in commercial fishing activities.

(c) Each permanent entry permit is issued for a term of one year and is renewable annually upon the date specified by the Commission.

(d) The commission shall establish regulations for the forfeiture of a permanent or durational permit upon non-renewal but in no event may an annually renewable permit be renewed after the end of the second full consecutive calendar year of non-renewal, unless waived by the commission for good cause shown.

(e) A permit constitutes a use privilege which may be modified or revoked by the legislature without compensation.

(f) A permanently transferable permit survives the death of the owner of the vessel for which the permit is issued.

(g) A permit may be pledged, mortgaged, [leased], encumbered, transferred with the retained right of repossession or foreclosure, or attached or sold on execution of judgement or under any other process or order of any court.

Sec. 16.44.300. Fees for entry permit issued to vessels.

(a) The commission shall establish fees for the issuance and annual renewal of permanent permits or interim-use permits. Fees for permits of a finite durational nature may be in the form of a single issuance fee or may require annual renewal for the life of the permit in addition to an initial issuance fee.

Section 16.44.310: Subsection (b) requires mandatory access mechanisms for permanent permits. Notice that transfers must be conducted in such a manner as to preserve the integrity of the overall fleet and individual considerations are relevant only when they do not contravene central purposes. Notice that subsection (b), while mandating access mechanisms, vests the commission with the discretion to approve or disapprove transfers on an individual basis depending upon the affect of the transfer on the stated criteria.

Subsection (c) provides for a hearing at the discretion of the commission, unless mandated by vessel size, and this mechanism seems consistent with the notion that the commission has the discretion to approve or disapprove a transfer under subsection (b).

Subsection (d) maintains a 60 day notice of intent prior to actual transfer.

Subsection (e) is an exculpatory clause.

Subsection (g) provides the commission with the discretionary authority of declaring durational permits transferable or nontransferable. In the event durational permits are transferable, they would seem to be subject to the same restrictions as are permanents imposed under section (b) above.

No exclusion from these transfer provisions has been made as regards to the fishing loan act.

- (b) Conflict with optimum or maximum number determination?  
[cf Sections 400, 430 and 505]

(b) Annual fees established under this section shall be no less than \$\_\_\_\_\_ and no more than \$\_\_\_\_\_ and shall reasonably reflect the different rate of economic return based upon the operation of the general type of vessel for which the permit is issued in light of the fishery of permit issuance.

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Sec. 16.44.310. Transfer and reissuance of entry permits to vessels. (a) Permits are subject to transfer or reissuance only through the commission as provided in this section and regulations adopted by the commission.

(b) The commission shall adopt regulations providing for the permanent transfer or reissuance of permanent permits. Transfers or reissuance shall be conducted in such a manner as to maintain the stability of the fleet subject to permit issuance, allow for technological advancement and fishing diversification and promote the sustained optimum yield of the fishery resource. When consistent with the purposes of this chapter, the commission may allow transfers or reissuance which increase or decrease the total number of vessels and permits in the fishery.

(c) When the permanent transfer or reissuance involves a vessel in excess of 200 net tons, or when the commission finds a hearing would be appropriate, a hearing shall be had prior to transfer or reissuance by the commission.

(d) Where transfer of a permit is allowed by commission regulation, the permit may be transferred to another vessel or to the commission, in a manner consistent with this section, upon 60 days notice of intent to transfer under regulations adopted by the commission. The commission by

Section 16.44.315: Standards and circumstances of emergency transfer of vessel permits will have to be discussed for specification in the legislation.



(c) The transfer or reissuance of a permit does not affect the ownership of vessels involved, nor does the transfer warrant the seaworthiness, safety or other characteristic of the vessels not specifically delineated herein. The commission is not liable for any breach of duty arising from the use of the vessel or vessels to or from whom the permit transfer or reissuance is made.

(f) Previously issued permits held by the commission may, in such numbers as are consistent with the purposes of this chapter, be reissued to qualified vessels under regulations adopted by the commission.

(g) The commission may establish regulations providing for the transfer or reissuance of durational permits, but in the absence of such regulations, durational permits are non-transferable except as provided in section 315 of this chapter.

Sec. 16.44.315. Emergency transfers of entry permits to vessels.

Section 16.44.320: Section 320 is a restatement of the provisions of predetermined transfer prices appearing in section 175 relating to the transfer of entry permits to operators.

Sec. 16.44.320. Pre-determined transfer prices of entry permits to vessels; penalties. (a) The commission may adopt regulations fixing transfer prices of permanently transferable permits to promote access of non-permit holders into the fishery when free market transfer prices of permits unreasonably exceed the rate of economic return for vessel operation in the fishery.

(b) A person who transfers a permit for a price in excess of that fixed by the commission under (a) of this section, is guilty of a misdemeanor and is punishable by a fine of not more than \$5,000 and shall forfeit any monies received in excess of the fixed price.

(c) A contract to transfer a permit for an amount in excess of the price fixed by the commission under (a) of this section is unenforceable to the extent it exceeds the pre-determined price fixed by the commission.

(d) Transfer prices fixed by the commission under (a) of this section, shall be adjusted annually by the commission.

Sec. 16.44.330. Cost of Entry permit to vessel deductible as business expense. A permit issued to a vessel which is purchased is deductible by the transferee as a business expense as provided in AS 43.20.031 (h).

[ Note: AS 43.20.031 (h) will have to be amended to provide for deductions specified in proposed AS 16.44]

Section 16.44.400: Subsection (a) requires that the commission find a fishery to be "vessel saturated" prior to the promulgation of optimum or maximum numbers.

Again, subsection (c) will probable afford little legal protection.

Section 16.44.410: Subsection (a) requires that the applicant for an interim-use permit should demonstrate the ability to actively operate his vessel in the fishery prior to issuance. Subsection (a) of course relates to the issuance of interim-use permits prior to the establishment of maximum or optimum numbers.

Subsection (b) relates to the issuance of interim-use permits after the establishment of the optimum or maximum number, and requires that the person seeking the interim-use permit must have submitted an application for a permanent permit under which he may be reasonably expected to become eligible for ultimate permanent permit issuance. As an aside, it should be noted that issuance of durational permits in excess of maximum or optimum numbers under the appropriate durational permits sections, is anticipated as a mechanism ancillary to permanent permit application rather than pursuant to an indepent durational permit application mechanism. That is why all sections refer to application for permanent permits.

Sec. 16.44.400. Maximum number of entry permits to vessels

(a) When the commission finds that a fishery has reached levels of vessel participation which require the limitation of vessel entry in order to achieve the purposes of this chapter, the commission shall establish the maximum number or optimum number of permanent permits in that fishery and the fishery shall be designated as " Vessel Saturated".

(b) The maximum number of permanent permits for a fishery required to be limited under (a), is the estimated optimum number of permanent permits the fishery can support in order to achieve the purposes of this chapter.

(c) Estimates of optimum numbers under this section which are made in good faith are conclusively presumed accurate except as modified in the commission's discretion or by final determination of optimum numbers.

[Note: problem is one of harvest capacity of vessels not their number]

Sec. 16.44.410. Interim-use permits to vessels; qualifications.

(a) Pending the establishment of maximum numbers or, in the absence of maximum numbers, optimum numbers of permanent permits, the commission may issue interim-use permits under regulations promulgated by the commission for specific fisheries to vessels of all vessel owners who can establish the ability to actively operate their vessel in the fishery for which they are making application.

Section 16.44.420: Again compare potential conflict between the last sentence of section 420 and the waiver provision of section 450(c).

Section 16.44.430: Subsection (a) contains a laundry list which we should boil down to more generic categories when we have the available input.

(b) Before issuance of the maximum number or, in the absence of a maximum number, the optimum number of permanent permits for a fishery, the commission may issue an interim-use permit to the vessel of an applicant which may reasonably become eligible for initial issuance of a permanent permit in the fishery.

(c) The commission may grant an interim-use permit to a person who has received an authorization from the Commissioner of Fish and Game for the commercial taking of a fishery resource from a vessel on an experimental basis.

Sec. 16.44.420. Terms and conditions of interim-use permit issued to vessel. The commission shall adopt regulations specifying the dates and places of application, the procedure to be followed in renewal of the interim-use permit, including time and place of renewal and for any other purpose incident to the administration of interim-use permits for that fishery. An interim-use permit shall expire upon the final determination of the holder's eligibility for an entry permit in that fishery.

Sec. 16.44.430. Standards for initial issuance of entry permit to vessels. (a) Following the establishment of a "Vessel Saturated" fishery, the commission shall adopt regulations establishing qualifications for ranking applicants for permanent permit issuance. The commission shall define priority classifications of similarly situated applicants based upon a reasonable balance of the following criteria:

- 1) size of vessels;
- 2) number of vessels;



Subsection (b) is a reiteration of the commission's power to issue more than one class of permits in any given fishery which inheretly appears in the sections relating to durational permits. A corollary of subsection (b) does not appear in the articles relating to entry permits to operators and if we have the desire to maintain subsection (b) here, we should include it in the entry permit to operator articles. Of further importance, subsection (b) indicates that while the commission may issue permits of different classes within the same fishery, classifications, and hence ultimate permit issuance, must be conducted in such a manner as to afford similarly situated applicants equivalant consideration. This seems to mean, that where permanent permits have been issued up to the optimum or maximum number, and the commission desires to issue durational permits beyond the optimum or maximum number, durational permits should be issued to each person in the next lowest classification level or levels to insure equal treatment regarding durational permit issuance. Therefore, if the cutoff for permanent permit issuance is 20 points, and the commission wishes to issue durational permits to additional people, all persons within the 19 point, 18 point and above, 17 point and above, etc. should be issued permits. Durational permit issuance to only a portion of those applicants classified at the 19, 18, or 17 point level, would seem to violate the provisions of subsection (b) of this section.

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- 3) horsepower of vessel;
- 4) holding capacity of vessel and nature thereof;
- 5) status of vessel owner as permit holder;
- 6) number of operators commonly employed on the vessel;
- 7) effect upon the crewmembers of the fishery if the vessel is excluded;
- 8) efficiency of vessel both including and excluding consideration of gear;
- 9) extent of past participation (of whom? what?)
- 10) extent of vessel construction if not currently employed in fishing activities;
- 11) commitment of vessel owner to future sale or vessel construction or modification;
- 12) degree of economic dependence upon vessel operation (whose?);
- 13) availability of alternative vessel uses;
- 14) diversification potential of the vessel;
- 15) extent of incorporation of recent technological advances; and
- 16) such other considerations the commission applies which are consistent with the Purposes of this chapter.

(b) A single class of permits need not be issued in each fishery if the commission in its discretion determines there is a reasonable basis for multiple class permits for

Section 16.44.440: Subsection (a) gives the commission the discretion to determine the period within which an applicant must have operated a vessel in the fishery to be eligible to apply for a permanent permit. Notice that subsection (a) does not require that the applicant have operated the vessel for which the permit application is being submitted, rather, subsection (a) only requires that the applicant must have operated a vessel in the fishery. This section was drawn this way to provide for past participation credit despite new vessel investment by the owner. However, since an owner of multiple vessels, who otherwise qualifies, may receive permits for all vessels though they are to be employed in a single fishery, we should make sure that the wording does not present the possibility of one vessel's participation being used in support of multiple applications.

Subsection (d) provides for a flexible qualification date to be established by the commission provided it is within one year prior to the adoption of the regulation establishing the qualification date. We have the same potential problems with this qualification date as we do with the qualification date referring to initial issuance of entry permits to operators.

receive a classification based upon an equivalent consideration of the criteria specified in this section.

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Sec. 16.44.440. Application for initial issuance of entry permits to vessels. (a) The commission shall adopt regulations specifying the time within which a vessel owned by the applicant must have been operated in the fishery to be eligible to apply for the corresponding permanent permit and establish criteria by which the applicant may establish vessel operation.

(b) The commission shall establish the opening and closing dates, places and form of application for permanent permits for each fishery limited. The commission may require the submission of verified evidence establishing the applicants qualifications under section 430 of this chapter.

(c) An applicant who is unable to establish qualifications for an permanent permit by submitting the specific evidence required in the application by the commission, may request and obtain an administrative adjudication of his application according to the procedures established under AS 16.43.110(b). At the hearing he may present alternative evidence of qualification for the permit of application.

(d) When the commission establishes the maximum number or, in the absence of maximum numbers, the optimum number of permanent permits for a fishery, an applicant shall be assigned to a priority classification based solely upon qualifications as of a date established by the commission which shall be within one year prior to the date of adoption of the regulation establishing the maximum or optimum number for the fishery of application.

Section 16.44.450: Subsection (a) is notably thoughtworthy in that it does not include a requirement that the commission establish a significant hardship classification. Rather, permits are issued solely upon the basis of descending priority classification levels until the optimum or maximum numbers have been reached.

Sec. 16.44.450. Initial issuance of entry permits to vessels.

(a) The commission shall issue permanent permits for each fishery to all qualified applicants in order of descending priority classification until the number of permits issued equals the determined optimum or maximum number.

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[No person within an entry permit classification under section 240(b) of this chapter may be denied a permanent permit in the same fishery.]

(b) If within the lowest priority classification of qualified applicants to which some permanent permits may be issued, there are more applicants than there are permanent permits to be issued, then the allocation of permanent permits within that priority classification shall be by lottery or all such applicants may in the commission's discretion, be issued permits of a finite durational period specified by the commission.

(c) If, at the time permanent permits are issued, some applicants are appealing the findings of an administrative adjudication under section 440 of this chapter, a sufficient number of permanent permits shall be reserved out of the permanent permits to be issued to protect the rights of those applicants, assuming all appeals are resolved in favor of the applicants. Applicants of a specific priority classification who are not issued permanent permits as a result of uncertainty of the level of priority classification required for permanent permit issuance caused by such pending administrative adjudications or appeals shall be issued interim-use permits pending such resolution or may if such applicants consent, instead be issued permits of a finite duration

Section 16.44.460: Subsection (b) attempts to impose some standards upon the commission by which it may determine the length of time for which a durational entry permit shall be valid. I would suggest that we consider this seriously and attempt to include standards which are reasonable. Modern court cases have acknowledged the fact that in complicated society, standards by which administrative agencies may exercise their delegated authority are often over burdensome for efficient governmental action. Of late, the courts seem to be directing their attention to the mechanism by which the individual rights of the persons affected are determined (i.e. hearing and due process considerations) rather than standards under which the general delegation of authority is accomplished. However, it is nice to be safe when ever possible and if we can come up with some standards for determining lengths of durational permit issuance, then I would suggest that we do so.



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specified by the commission: In the event that all administrative adjudications and appeals are not resolved in favor of the applicants, the remaining reserved permanent permits shall be allocated to the next most qualified applicants as provided in (a) and (b) of this section who have not accepted a entry permit of a finite duration under (c) of this section.

Sec. 16.44.460. Durational entry permits issued to vessels.

(a) The commission may, in its discretion, issue permits which expire upon a finite date under the following conditions:

- 1) as provided in section 450 of this chapter;
- 2) in excess of the maximum or optimum number where the commission finds that such issuance is necessary to insure a smooth transition to a limited fishery considering the peculiarities of the fishery and the purpose of this chapter.

(b) The commission shall, in determining the period for which a durational entry permit is issued, consider:

- 1) the purposes of this chapter;
- 2) the necessity of immediate imposition of optimum numbers; and
- 3) the depreciation life of the vessel for which the durational entry permit is to be issued when not in conflict with other considerations.

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Sec. 16.44.470. Definitions. For the purposes of sections 280 through 470 of this chapter, the terms:

- 1) "permit" means a permanent, durational or interim-use permit issued to a vessel;
- 2) "permanent permit" means a permit issued to a vessel for a term of one year and which is renewable annually;
- 3) "durational permit" means a permit issued to a vessel which naturally expires after a finite period from initial issuance and which may be renewable annually.
- 4) "interim-use permit" means a permit issued to a vessel which expires upon a contingency other than a stated period of time and is not a "permanent permit".
- 5) "entry permit" means a permit of any sub-category which may be issued to operators or vessels unless qualified by the appropriate modifiers.

Section 16.44.500: The criteria for optimum numbers appearing in 16.43.290, have been expanded by section 500 to include considerations of development of the fishery and technological advances and inclusion of those considerations which are germane to federal law. Therefore, the optimum numbers criteria recitation, may be overinclusive in light of federal standards. These of course will have to be reviewed anyway for over or under inclusiveness and to determine if generic categories can be substituted for the rather specific seven presently delineated.

## Article 7. Optimum Numbers of Entry Permits.

Sec. 16.44.500. Optimum numbers of entry permits issued to operators.

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The commission shall establish the optimum number of permanent permits to operators for each fishery for which they are or will be issued upon a reasonable balance of the following general standards:

- 1) the number of permanent permits sufficient to maintain an economically healthy fishery that will result in a reasonable average rate of economic return to the permittees participating in that fishery, considering time fished and necessary investments in gear and vessels;
- 2) the number of permanent permits necessary to harvest the allowable commercial take of the fishery resource during all years in an orderly, efficient manner, and consistent with sound fishery management techniques;
- 3) the number of permanent permits sufficient to avoid serious economic hardship to those currently engaged in the fishery, considering other economic opportunities;
- 4) the number of permanent permits that will promote the continuing optimum yield from each fishery;
- 5) the number of permanent permits that promote the maximum development of the fishery;

Section 16.44.505: The same considerations of section 500 apply to section 505. Additionally, it is interesting to note that the criteria listed under 505 are slightly different from the criteria of section 500. We may run into problems if we have optimum number criteria which are different depending upon whether we are examining permits to operators or permits to vessels. This is especially true in fisheries which may be subject to limitation under both types of permits.

- 6) the number of permanent permits that, in a manner consistent with other stated standards, consider technological achievements applicable to the fishery;
- 7) the number of permanent permits that achieve the above stated standards considering the peculiar aspects of the fishery.

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Sec. 16.44.505. Optimum number of entry permits issued to vessels.

The commission shall establish the optimum number of permanent permits to vessels for each fishery for which they are or will be issued upon a reasonable balance of the following general standards:

- 1) the number of permanent permits sufficient to maintain an economically healthy fishery that will result in a reasonable average rate of economic return to the vessel owners whose vessels are participating in that fishery, considering time fished and necessary investments in gear and vessels;
- 2) the number of permanent permits necessary to harvest the allowable commercial take of the fishery resource during all years in an orderly, efficient manner, and consistent with sound fishery management techniques;

Section 16.44.510: Section 510 has been drafted in such a manner that it is equally applicable to permits issued to operators and permits issued to vessels. A collateral problem exists regarding the mechanism whereby permits once issued to maximum or optimum numbers are found to be in excess of the latest determined optimum number. Currently, the only mechanism for reducing the number of permanent permits in a fishery is pursuant to a buy-back program.

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- 3) the number of permanent permits sufficient to avoid serious economic hardship to those currently engaged in the fishery, considering other economic opportunities;
- 4) the number of permanent permits that will promote the continuing optimum yield from each fishery;
- 5) the number of permanent permits that promote the maximum development of the fishery;
- 6) the number of permanent permits that, in a manner consistent with other stated standards, consider technological achievements applicable to the fishery;
- 7) the number of permanent permits that reasonably reflect and consider the total number and type of vessels employed or reasonably anticipated to be employed in the fishery;
- 8) the number of permanent permits that achieve the above stated standards considering the peculiar aspects of the fishery.

Sec. 16.44.510. Revisions of optimum numbers of entry permits issued to operators or vessels. (a) The commission may increase or decrease the optimum number of permanent permits, whether issued to operators, vessels or both, for a fishery, when one or more of the following conditions makes a change desirable considering the purposes of this chapter:



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- 1) an established long-term change in the biological condition of the fishery has occurred which substantially alters the optimum number of permanent permits issued to operators or vessels applying the standards set forth in sections 500 or 505 of this chapter, respectively.
- 2) an established long-term change in economic conditions has occurred, directly affecting the fishery, which substantially alters the number of permanent permits, whether issued to operators or vessel, under the standards set forth in section 500 or 505 of this chapter, respectively;
- 3) a substantial change in the technology employed in the fishery, or capable of being employed in the fishery, which substantially alters the optimum number of permanent permits, whether issued to an operator or a vessel, permissible under the standards set forth in sections 500 and 505 of this chapter, respectively.

Article 8. General Provisions.

JAPAN-PROVISIONAL CATCH REPORT THROUGH NOVEMBER, 1977

Species/ Area	Through November	Allocation	Balance
<b>Pollock:</b>			
Bering Sea/Aleut.	771,162.9	792,300	21,137.1
Gulf of Alaska	24,966.4	44,100	19,133.6
<b>Sablefish:</b>			
Bering Sea	2,348.3	3,600	1,251.7
Aleutians	1,736.4	2,000	263.6
Gulf-SE	3,491.8 (58.3)	3,750	258.2
Gulf-C&W	9,440.2 (405.2) <sup>1/</sup>	10,150	709.8
<b>Pacific Cod:</b>			
Bering Sea/Aleut.	34,175.6	38,100	3,924.4
Gulf of Alaska	1,024.5	1,600	575.5
<b>Flatfish:</b>			
Bering Sea/Aleut.	100,886.4	123,600 <sup>2/</sup>	22,713.6
Gulf of Alaska	15,473.7	18,700	3,226.3
<b>Herring:</b>			
Bering Sea/Aleut.	5,006.6	5,800	793.4
<b>Squid:</b>			
Bering Sea/Aleut.	8,018.6	10,000	1,981.4
<b>Snails:</b>			
Bering Sea/Aleut.	404.0	2,700	2,296.0
<b>Pacific Ocean Perch:</b>			
Bering Sea	3,105.8	2,800	> -305.8 <sup>3/</sup>
Aleutians	5,128.8	6,500	1,371.2
<b>Rockfish:</b>			
Gulf of Alaska	18,143.5	22,500	4,356.5
<b>Other Groundfish:</b>			
Bering Sea	32,078.5	40,400	< 8,321.5 <sup>4/</sup>
Aleutians	5,852.8	6,500	647.2
Gulf of Alaska	2,845.7	4,200	1,354.3
<b>Tanner Crab:</b>			
Bering Sea/Aleut.	12,471.3	12,500	28.7

<sup>1/</sup> Figures in parentheses represent incidental trawl catch.

<sup>2/</sup> Includes 61,500 m.t. of yellowfin sole and 62,100 m.t. of "other" flounders.

<sup>3/</sup> Catch includes "other" rockfish while allocation of 2,800 m.t. is for Pacific Ocean perch only.

<sup>4/</sup> Catch does not include "other" rockfish while 40,400 m.t. allocation includes both "other" groundfish and "other" rockfish.

Prepared by: National Marine Fisheries Service  
Alaska Region  
January 16, 1978

SOVIET-PROVISIONAL CATCH REPORT THROUGH NOVEMBER, 1977

Species/ Area	Through November	Allocation	Balance
<b>Pollock:</b>			
Bering Sea/Aleut.	59,560.8	112,700	53,139.2
Gulf of Alaska	36,348.1	63,100	26,751.9
<b>Pacific Cod:</b>			
Bering Sea/Aleut.	277.7	17,200	16,922.3
Gulf of Alaska	1,010.0	600	- 410.0 *
<b>Yellowfin Sole:</b>			
Bering Sea/Aleut.	283.7	40,800	40,516.3
<b>Other Flounder:</b>			
Bering Sea/Aleut.	5,922.2	40,400	34,477.8
<b>Flounder:</b>			
Gulf of Alaska	437.7	1,800	1,362.3
<b>Herring:</b>			
Bering Sea/Aleut.	10,829.4	13,600	2,770.6
<b>Rockfish:</b>			
Bering Sea	90.4	3,500	3,409.6
Aleutians	785.9	8,100	7,314.1
Gulf of Alaska	1,737.0	9,900 <u>1/</u>	8,163.0
<b>Atka Mackerel:</b>			
Gulf of Alaska	13,505.5	21,000	7,494.5
<b>Other Groundfish:</b>			
Bering Sea	613.7	17,400	16,786.3
Aleutians	25,631.9	9,900	-15,731.9 *
Gulf of Alaska	1,053.3	11,800	10,746.7
<b>Sablefish:</b>			
Gulf of Alaska	4.0	0	0

1/ Includes 8,700 m.t. of Pacific Ocean Perch and 1,200 m.t. of "other" rockfish.

\*The Gulf of Alaska was closed to Soviet trawling on December 15. Based on U.S. estimates, the 600 m.t. allocation of Pacific Cod was exceeded by 400 m.t.

\*The Aleutian Island area was closed to Soviet trawling in August, 1977.

Prepared by: National Marine Fisheries Service  
Alaska Region  
January 23, 1978

REPUBLIC OF KOREA - PROVISIONAL CATCH REPORT THROUGH NOVEMBER, 1977

Species/ Area	Through November	Allocation	Balance
<b>Pollock:</b>			
Bering Sea/Aleut.	34,426.7	40,000	5,573.3
Gulf of Alaska	28,534.4	35,800	7,265.6
<b>Sablefish:</b>			
Bering Sea	4.1	400	395.9
Aleutians	60.3	200	139.7
Gulf-SE	0	0	0
Gulf-C&W	1,435.2	1,600	164.8
<b>Pacific Ocean Perch:</b>			
Bering Sea	0	0	0
Aleutians	0	0	0
Gulf of Alaska	421.2	500	78.8
<b>Other Groundfish:</b>			
Bering Sea	261.3	1,600	1,338.7
Aleutians	95.0	890	795.0
Gulf of Alaska	17.3	100	82.7

Prepared by: National Marine Fisheries Service  
 Alaska Region  
 January 16, 1978

POLAND - PROVISIONAL CATCH REPORT THROUGH NOVEMBER, 1977

<u>Species/ Area</u>	<u>Through November</u>	<u>Allocation</u>	<u>Balance</u>
Pollock:			
Bering Sea/Aleut.	0	0	0
Gulf of Alaska	1,190.0	6,000	4,810.0

Prepared by: National Marine Fisheries Service  
Alaska Region  
January 16, 1978

REPUBLIC OF CHINA - PROVISIONAL CATCH REPORT THROUGH OCTOBER, 1977

Species/ Area	Through October	Allocation	Balance
Pollock:			
Bering Sea/Aleut.	944.6	5,000	4,055.4
Gulf of Alaska	0	0	0
Sablefish:			
Bering Sea	53.4	200	146.6
Aleutians	0	0	0
Gulf of Alaska	0	0	0
Other Groundfish:			
Bering Sea	102.7	200	97.3
Aleutians	0	110	110.0
Gulf of Alaska	0	0	0

Prepared by: National Marine Fisheries Service  
Alaska Region  
January 16, 1978

TO: Kim White

From: Roland Smith

Summary of comments on Alaska Troll Fisheries FMP

1. MSY - West of Cape Suckling - not specified.  
East of Cape Suckling - not specified in terms of troll fisheries covered by the plan.  
Until there is a specification of OY with respect to the fishery involved, the legal adequacy of the MSY statement cannot be evaluated due to the fact that it may relate to a fishery much greater than that covered by the OY.
2. OY - not specified for the fishery East or West of the Cape. *Kim Fishery not needed*
3. U.S. capacity - not specified for either area. *Status quo*
4. TALFF - the fishery discussed is different than that discussed under MSY. TALFF cannot be determined without an OY determination.
5. Specification of data - not in accordance with the Act.  
No reporting requirement for sport fishermen.
6. No open season West of Cape Suckling - Lacks evidence to support Council action.
7. No hand trolling - There is no evidence on the record to support regulation of this fishery. *mixed stock*
8. Restriction on sport gear - Lacks evidence. *can be caught in shore*
9. The plan is unclear as to the fisheries it proposed to manage. The plan indicates that the unit is the commercial power troll fishery. However, hand trolling and sport fishing are also to be regulated. The plan (title, objectives etc.) really addresses all forms of salmon trolling in the FCZ.
10. Allocation - The EIS summary sheet states a purpose of the plan is domestic - foreign allocation whereas a contentious issue is domestic allocation (power trollers - hand trollers - net fishermen).
11. Environmental Impact Statement - Basic EIS defects still exist that are, in large part, rooted in the plan itself;
  - (a) The impacts of the proposed action, including social and economic impacts, are inadequately discussed.
  - (b) The alternatives section indicates that an objective evaluation of alternatives were made but there is no discussion of the evaluation.

(c) The DEIS presented two alternative management strategies as Options I and II with the statement that "either is preferred to the status quo." The FEID/FMP recommend neither Option I or Option II but selected a third option, the "status quo" without providing a rationale.

12. Limited Entry - It is unclear from a reading of the FMP whether it is mandatory that the Secretary implement the limited entry proposal set forth at this time. If implementation is mandatory, there appear to be several legal problems. From this standpoint, the limited entry proposal required further detailed analyses. Among the problems noted are: 1) whether the 950 maximum adopted is appropriate 2) potential exclusion of out of state vessels 3) possible exclusion of corporations 4) improper delegation of federal authority to the State of Alaska (including the requirement of prior State approval for issuance of federal permits in excess of 950.



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  - (a) The impacts of the proposed action, including social and economic impacts, are inadequately discussed.
  - (b) The alternatives section indicates that an objective evaluation of alternatives were made but there is no discussion of the evaluation.

(c) The DEIS presented two alternative management strategies as Options I and II with the statement that "either is preferred to the status quo." The FEID/FMP recommend neither Option I or Option II but selected a third option, the "status quo" without providing a rationale.

12. Limited Entry - It is unclear from a reading of the FMP whether it is mandatory that the Secretary implement the limited entry proposal set forth at this time. If implementation is mandatory, there appear to be several legal problems. From this standpoint, the limited entry proposal required further detailed analyses. Among the problems noted are: 1) whether the 950 maximum adopted is appropriate 2) potential exclusion of out of state vessels 3) possible exclusion of corporations 4) improper delegation of federal authority to the State of Alaska (including the requirement of prior State approval for issuance of federal permits in excess of 950.

*D. Alverson*

UNIVERSITY OF WASHINGTON  
SEATTLE, WASHINGTON 98195

College of Fisheries  
Fisheries Research Institute

10 January 1978

Mr. Jim H. Branson  
Executive Director  
North Pacific Fishery Management  
Council  
P. O. Box 3136DT  
Anchorage, Alaska 99510

Dear Mr. Branson:

I enclose two copies of our first quarterly report in accordance with the provisions of our contract "Investigations on the Continental Origin of Sockeye and Coho Salmon in the Area of the Japanese Land-Based Fishery."

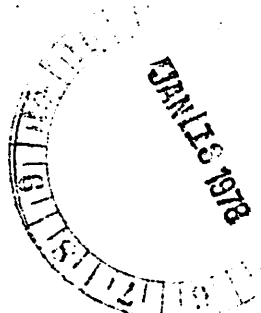
In regard to the project review and conference with the scientific and statistical subcommittee, Mr. Scott Marshall will be in Anchorage on January 24 to answer any questions you or Dr. Alverson's Committee may have.

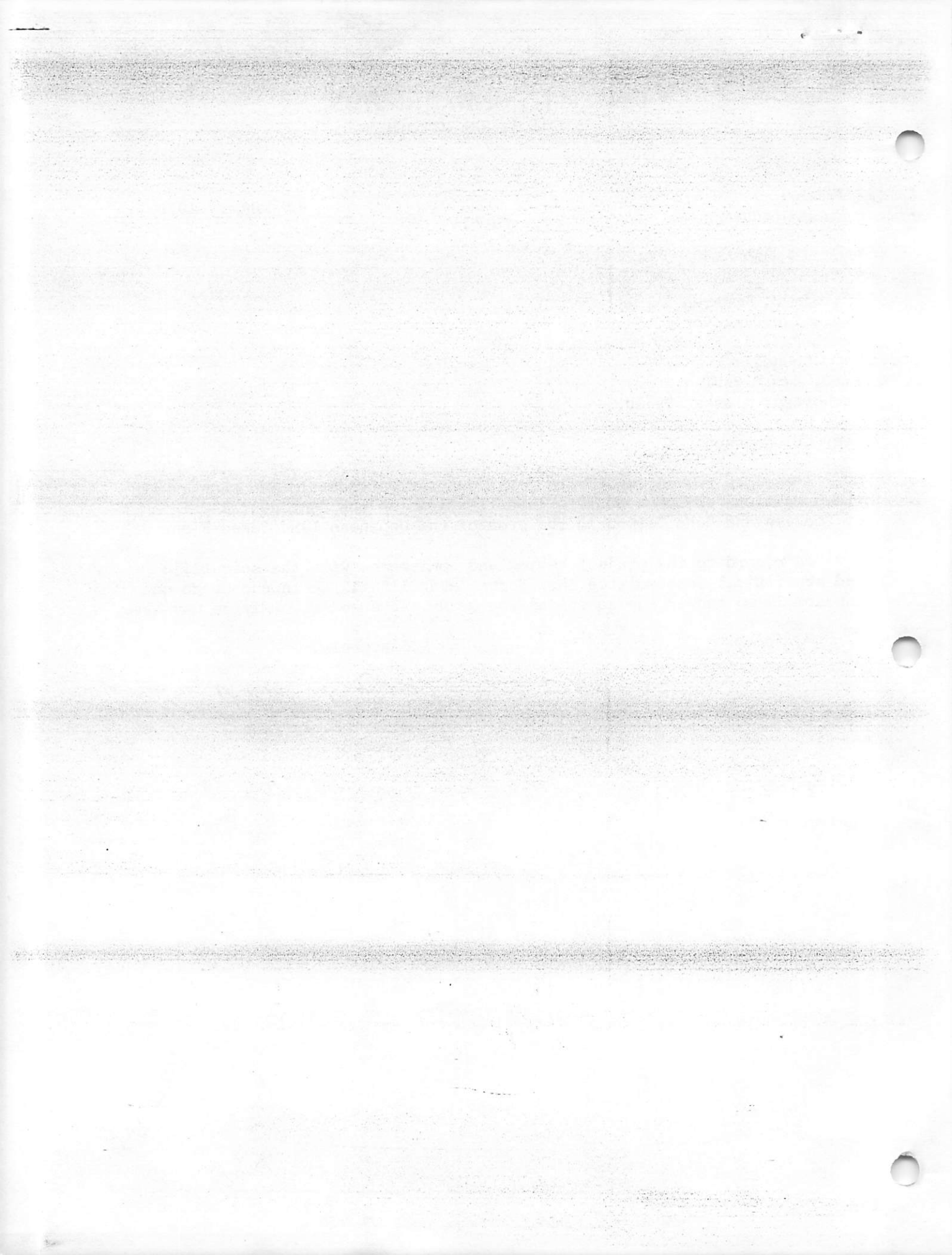
Sincerely,

*Robert L. Burgner*  
Robert L. Burgner  
Director

RLB:SLM:ikp

Enclosure (2)





FISHERIES RESEARCH INSTITUTE  
College of Fisheries  
University of Washington  
Seattle, Washington 98195

INVESTIGATIONS ON THE CONTINENTAL ORIGIN OF SOCKEYE  
AND COHO SALMON IN THE AREA OF THE JAPANESE LAND-BASED  
FISHERY

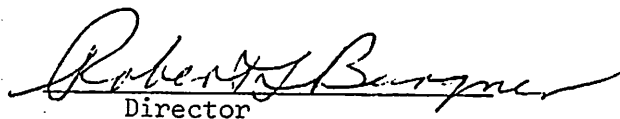
by

Scott L. Marshall, Colin K. Harris, Donald E. Rogers  
and Rodney C. Cook

Quarterly Report No. 1 due January 15, 1978  
North Pacific Fisheries Management Council

Approved:

Submitted: 10 January 1978

  
Director

## INTRODUCTION

This report summarizes progress to date on identifying the continental origin of sockeye and coho salmon in the area of the Japanese land-based fishery. Five specific tasks comprise this project and progress in each is reported separately.

During the first quarter we contacted fisheries agencies of the Soviet Union, Japan, Canada and Alaska to obtain scale samples, age composition and run size data for the major sockeye and coho salmon stocks of the North Pacific Ocean, Bering Sea and Sea of Okhotsk. Literature reviews pertaining to the history of this fishery and to historic methods of identifying races of sockeye salmon using scale characters were initiated. Theoretical work to determine sample sizes required when employing the polynomial discriminant function method was completed. Preliminary discussions with Japanese scientists were made in regard to conducting tagging experiments from Fisheries Agency of Japan (F.A.J.) research vessels.

### TASK 1: COMPREHENSIVE REPORT ON THE FISHERY

A bibliography of reports being reviewed is presented in attachment A. We are projecting completion of this task by April 28.

### TASK 2: POLYNOMIAL DISCRIMINANT FUNCTION ANALYSIS OF SOCKEYE SALMON SCALES

A comprehensive literature survey has been made of historic methods used to identify the origins of sockeye salmon captured on the high seas. A bibliography of reports reviewed is presented in attachment B.

The majority of our effort was directed at obtaining scale samples and associated biological data for sockeye captured on the high seas and for fish of known origin to serve as standards.

## Développement of the Asian Standard

Two avenues are being pursued in regard to obtaining scale samples from sockeye salmon of Asiatic origin. The first is to obtain scales for the major stocks of Kamchatka directly from biologists of the Soviet Union. Dr. S. M. Konovalov, T.I.N.R.O., Vladivostok, has indicated that the Soviet Union will initiate a scale-collecting program for us starting in 1978. Scales from years prior to this are being sought through F.A.J., Shimizu. The latter will include scales furnished to Japan by the Soviet Union from coastal areas of Kamchatka and scales collected aboard Japanese research and fishing vessels for areas further offshore.

## Development of the North American Standard

The North American standard will include all major Alaskan stocks, depending upon availability, and those of the Nass River, Skeena River and Rivers Inlet of British Columbia. A biologist will travel to the regional offices of the Alaska Department of Fish and Game (ADF&G) in January of 1978 to make impressions of scales for the major stocks of Bristol Bay, the Alaskan Peninsula and Kodiak Island. Impressions of scales from the stocks north of Bristol Bay and east of Kodiak Island including those of Canada will be obtained through the mail. Correspondence has been initiated with various offices of ADF&G and the Dept. of the Environment, Fisheries and Marine Service at Nanaimo, B.C. to obtain these data.

## Unknowns

The F.A.J. has, through the National Marine Fisheries Service (NMFS), provided us with sockeye and coho scales taken by the mothership fishery in the years 1972-1975. An additional request for scales from research vessels and motherships in and around the land-based fishing area has been made to the F.A.J.

TASK 3: FEASIBILITY OF APPLYING THE POLYNOMIAL DISCRIMINANT FUNCTION METHOD TO COHO SALMON

Coho scales and associated biological data have been requested from the same agencies listed under Task 2.

TASK 4: REANALYSIS OF OSAKO'S RAW DATA

A formal request has been submitted to F.A.J. to obtain Osako's raw age data for reanalysis.

TASK 5: FEASIBILITY OF TAGGING

The possibility of conducting tagging experiments from F.A.J. research vessels in and around the area of the land-based fishery was discussed with Mr. K. Takagi, F.A.J. in Seattle, Washington on November 9, 1977. He indicated that no purse seine vessels were available for charter in Japan, but that U.S. scientists were welcome aboard F.A.J. vessels which employ longlines. Furthermore he indicated that while F.A.J. wanted to retain the present general pattern of deployment, some adjustments could be made to meet specific research goals.

TRAVEL TO JAPAN

F.A.J. scientists have informed us that they will make impressions of scales requested as part of this contract. We have therefore cancelled our plans to send two biologists to Japan. Dr. R. L. Burgner will, however, travel to Japan during January, 1978 to attend the renegotiation meetings of I.N.P.F.C. At this time he will gather and ship scale samples and associated data that we have requested. He will also explore in greater detail the feasibility of conducting tagging experiments from F.A.J. vessels.



Attachment A. Bibliography of sockeye and coho salmon stocks in and around the area of the Japanese land-based driftnet fishery

Birman, I. B. 1958. On the occurrence and migration of Kamchatka salmon in the northwestern part of the Pacific Ocean. From: Materialy po biologii morskova perioda zhizni dalnevostochnykh losoei, pp. 31-51, VNIRO. English translation by Fish. Res. Bd. Can., Translation Series No. 180. 15 pp + figures.

Fishery Agency of Japan. 1963. The 1962 catch of the Japanese land-based driftnet salmon fishery in the Pacific Ocean (south of 48° north latitude, by species, by area (2-5 degree) and by month). Unpublished data. In Univ. Wash. Fish. Res. Inst. Archives.

1972-1977. Data records of Japanese salmon research vessels, 1972-1976. Int. N. Pac. Fish. Comm., Docs. 1552, 1799, 1754, 1934, and 1953, resp.

1975-1977. Catch statistics of Japanese land-based driftnet fishery, 1972-1976, appearing under various titles in Int. N. Pac. Fish. Comm. Docs. 2023, 2035, 1835, 1935, and 1967, resp.

1977a. Age composition of sockeye salmon caught by Japanese research vessels in the land-based fishery area, 1972-1976. Unpublished data. In Univ. Wash. Fish. Res. Inst. Archives.

1977b. Preliminary age compositions of coho salmon caught by the gillnets of the Japanese research vessels in the waters south of lat. 48°N, 1972-1976. Unpublished data. In Univ. Wash. Fish. Res. Inst. Archives.

1977c. Miscellaneous tabular data on land-based driftnet fishery provided for Historical Salmon Statistics Bulletin. Unpublished data. In Univ. Wash. Fish. Res. Inst. Archives.

French, Robert R., R. G. Bakkala, and D. F. Sutherland. 1975. Ocean distribution of stocks of Pacific salmon, Oncorhynchus spp., and steelhead trout, Salmo gairdnerii, as shown by tagging experiments. NOAA Technical Report NMFS SSRF-689. 89 pp.

Fukuhara, F. M., S. Murai, J. J. LaLanne, and A. Sribhibhadh. 1962. Continental origin of red salmon as determined from morphological characters. Int. N. Pac. Fish. Comm., Bull. 8:15-109.

Godfrey, H. 1965. Coho salmon in offshore waters. Pp. 1-39. In: Salmon of the North Pacific Ocean-Part IX: Coho, chinook and masu salmon in offshore waters. Int. N. Pac. Fish. Comm., Bull. 16.

Godfrey, H., K. A. Henry, and S. Machidori. 1975. Distribution and abundance of coho salmon in offshore waters of the North Pacific Ocean. Int. N. Pac. Fish. Comm., Bull. 31:1-80.

- Hanamura, N. 1966. Sockeye salmon in the Far East. Pp. 1-27. In: Salmon of the North Pacific Ocean-Part III: A review of the life history of North Pacific salmon. Int. N. Pac. Fish. Comm., Bull. 18.
1967. Sockeye salmon in the Far East. Pp. 1-7. In: Salmon of the North Pacific Ocean-Part IV: Spawning populations of North Pacific salmon. Int. N. Pac. Fish. Comm., Bull. 23.
- Harris, Colin K. 1977. 1977 western Alaskan recoveries of Pacific salmon released during Japanese high seas tagging experiments. Int. N. Pac. Fish. Comm., Doc. 2036. 2 pp.
- Hartt, Allan C. 1966. Migrations of salmon in the North Pacific Ocean and Bering Sea as determined by seining and tagging, 1959-1960. Int. N. Pac. Fish. Comm., Bull. 19:1-141.
1975. Continent of origin of sockeye salmon in the area of the Japanese land-based gillnet fishery. Int. N. Pac. Fish. Comm., Doc. 1781. 18 pp.
- Hartt, Allan C. and R. C. Cook. 1976. Means of identifying the origin of salmon in the area of the Japanese land-based fishery. Int. N. Pac. Fish. Comm., Doc. 1928. 8 pp.
- Ishida, R., K. Takagi and S. Arita. 1961. Criteria for the differentiation of mature and immature forms of chum and sockeye salmon in northern seas. Int. N. Pac. Fish. Comm., Bull. 5:27-48.
- Landrum, B. J. and T. A. Dark. 1968. The distribution of mature western Alaskan and Kamchatkan sockeye salmon (Oncorhynchus nerka) in the North Pacific and Bering Sea. Int. N. Pac. Fish. Comm., Bull. 24:1-110.
- Manzer, J. I., T. Ishida, A. E. Peterson, and M. G. Hanavan. 1965. Salmon of the North Pacific Ocean-Part V: Offshore distribution of salmon. Int. N. Pac. Fish. Comm., Bull. 15:1-452.
- Matsushita, T. 1965. Pacific salmon in the northern waters. III. Conditions of stocks. Japan Fisheries Resource Conservation Association, Fisheries Research Series 6-3, pp. 108-150. English transl. in: Transl. Series No. 20, U.S. Bureau Comm. Fish. 1966. 45 pp.
- Margolis, L. 1975. The geographic origin of sockeye salmon occurring in the Japanese land-based driftnet fishery area in the North Pacific Ocean: A review of evidence from parasite "tags." Int. N. Pac. Fish. Comm., Doc. 1795. 4 pp.
- Moiseev, P. A. 1956. High seas salmon fisheries in the North Pacific. Rybnoe khozyaistvo, 32(4):54-59. English transl. in: Pacific salmon-selected articles from Soviet periodicals. 1961. Israel Prog. Sci. Transl., pp. 55-63.

Moiseev, P. A. 1964. The Soviet-Japanese convention on high seas fishing in the Northwest Pacific Ocean and some research aims. In: E. N. Pavlovskii (ed.) *Lososevoe Khozyaistvo Dal'nevo Vostoka* (Moscow: Ichthyological Comm.) English transl. in: Bevan, Donald E. and Ole A. Mathisen (eds.) 1965. Notes from Soviet fisheries journals. Fish. Res. Inst. Circ. No. 227, University of Washington. Pp. 10-11.

National Marine Fisheries Service. 1977. Environmental impact statement/ preliminary fishery management plan - High seas salmon fisheries of Japan. NOAA, U.S. Dept. Commerce. 169 pp. (Unpublished.)

Osako, M. 1973. Differentiation of mature and immature sockeye salmon caught by research vessels in May. Int. N. Pac. Fish. Comm., Doc. 1586. 19 pp. (in Japanese, with English transl.)

1975. Sockeye salmon (*Oncorhynchus nerka* Walbaum) distributed in the Northwest Pacific--(I). Int. N. Pac. Fish. Comm., Doc. 1796. 31 pp. (in Japanese, with English transl.)

1976. Sockeye salmon (*Oncorhynchus nerka* Walbaum) in the northwestern area of the North Pacific-Part II. Int. N. Pac. Fish. Comm., Doc. 1932. 52 pp. (in Japanese, with English transl.)

1977. Sockeye salmon (*Oncorhynchus nerka* Walbaum) in northwestern waters of the North Pacific Ocean-Part III. Int. N. Pac. Fish. Comm., Doc. 2030. 37 pp. (in Japanese, with English transl.)

Peterson, A. E. 1974. Atlas of catch and fishing effort. Japanese mothership salmon fishery, 1956-70. Int. N. Pac. Fish. Comm., Bull. 30:81-107.

Attachment B: Bibliography on the use of scale characters for identifying the origin of sockeye salmon captured at sea.

- Anas, R. E. 1964. Sockeye salmon scale studies. In: Report on the investigations by the United States for the International North Pacific Fisheries Commission-1963. Int. N. Pac. Fish. Comm., Annu. Rep. 1963, p. 158-162.
- Anas, R. E., and S. Murai. 1969. Use of scale characters and a discriminant function for classifying sockeye salmon. (Oncorhynchus nerka) by continent of origin. Int. N. Pac. Fish. Comm., Bull. 26:157-179.
- Bilton, H. T., and H. B. Messinger. 1975. Identification of major British Columbia and Alaska runs of age 1.2 and 1.3 sockeye from their scale characteristics. In: Evaluation of methods of estimating the abundances and biological attributes of salmon on the high seas. Int. N. Pac. Fish. Comm., Bull. 32:109-129.
- Fredin, R. A., D. D. Worlund. 1974. Catches of sockeye salmon of Bristol Bay origin by the Japanese mothership salmon fishery, 1956-70. Int. N. Pac. Fish. Comm., Bull. 30:1-80.
- French, R., H. Bilton, M. Osako, and A. Hartt. 1976. Distribution and origin of sockeye salmon (Oncorhynchus nerka) in offshore waters of the North Pacific Ocean. Int. N. Pac. Fish. Comm., Bull. 34:57-60.
- Gilbert, C. H. 1914-1916; 1918-1920. Contributions to the life-history of the sockeye salmon (No. 1-6). Province of British Columbia, Report of the Commissioner of Fisheries for the years 1913-1915 and 1917-1919: various pagination.
- Krogus, F. V. 1958. On the scale pattern of Kamchatka sockeye of different local populations, p. 52-63. In: P. A. Moiseev (ed.) Materialy po biologii morskogo perioda zhizni dal'nevostochnykh lososei. Vsesoiuznyi Nauchno-issledovatel'skii Institut Morskogo Rybnogo Khoziaistva i Okeanografii (VNIRO), Moscow, (Transl. from Russian by Fish. Res. Bd. Can. Transl. Ser. No. 181).
- Kubo, T. 1958. Study of sockeye salmon stocks by means of the growth pattern of scales (preliminary report). In Japanese, with English figure captions. Unpublished manuscript, Fisheries Agency of Japan, Tokyo.
- Kubo, T., and J. Kosaka. 1959. Study of sockeye salmon stocks by means of the growth pattern of scales. In Japanese, with English summary. Unpublished manuscript, Fisheries Agency of Japan, Tokyo.
- LaLanne, J. 1973. Scale studies to determine area of origin of immature sockeye salmon, p. 109-119. In: Report on the investigations by the United States for the International North Pacific Fisheries Commission-1971, Int. N. Pac. Fish. Comm., Annu. Rep. 1971, p. 109-119.
- Major, R. L., S. Murai, and J. E. Mason. 1970. Maturity and continental origin of sockeye salmon caught by the Japanese mothership fishery, 1964 and 1965. In: Investigations by the United States for the International North Pacific Fishery Commission-1968. Int. N. Pac. Fish. Comm., Annu. Rep. 1968, p. 103-108.

- Manzer, J. I., T. H. Bilton and K. H. Mosher. 1960. The ocean distribution of sockeye salmon originating in Rivers and Smith inlets. Fisheries Research Board of Canada, Manuscript Report Series (Biological), No. 702. Nanaimo, B.C.
- Margolis, L., F. C. Cleaver, Y. Fukuda and H. Godfrey. 1966. Salmon of the North Pacific Ocean Part VI. Sockeye salmon in offshore waters. Int. N. Pac. Fish. Comm., Bull. 20:51-57.
- Mason, J. E. 1966. Sockeye salmon scale studies. In: Report on the investigations by the United States for the International North Pacific Fisheries Commission-1964. Int. N. Pac. Fish. Comm., Annu. Rep. 1964, p. 117-124.
1967. Sockeye salmon scale studies. In: Report on the investigations by the United States for the International North Pacific Fisheries Commission-1965. Int. N. Pac. Fish. Comm., Annu. Rep. 1965, p. 108-116.
- Messinger, H. and H. Bilton. 1974. Factor analysis in discriminating the racial origin of sockeye salmon (Oncorhynchus nerka). J. Fish. Res. Board Can., 31:1-10.
- Mosher, K. H. 1963. Racial analysis of red salmon by means of scales. Int. N. Pac. Fish. Comm., Bull. 11:31-56.
- Mosher, K. H., R. E. Anas, and K. L. Liscom. 1961. Study on scales. In: Report on the investigations by the United States for the International North Pacific Fisheries Commission-1960. Int. N. Pac. Fish. Comm., Annu. Rep. 1960. p. 88-95.
- Murai, S., and R. Major. 1971. Maturity and continental origin of sockeye salmon caught by the Japanese mothership fishery, 1966-67. In: Investigations by the United States for the International North Pacific Fisheries Commission-1969. Int. N. Pac. Fish. Comm. Annu. Rep. 1969, p. 113-119.



National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
P. O. BOX 1668 - JUNEAU, ALASKA 99801

January 13, 1978

*D. Alverson*

Mr. Jim Branson, Executive Director  
North Pacific Fishery Management Council  
P.O. Box 3136 DT  
Anchorage, Alaska 99510

Dear Jim:

Your letter of December 16, 1977 discussed the possibility that the Secretary's regulations implementing the Council's FMP for the Gulf of Alaska Groundfish Fishery could require foreign weekly catch reports without having that specific requirement in the plan. As pointed out in my letter of November 23, 1977 we have concluded that such a reporting requirement is necessary to monitor foreign quotas. We did establish that reporting requirement in the regulations implementing the 1978 preliminary management plans. We concur that the Secretary has the prerogative to establish that requirement in the regulations implementing the Council's FMP and will not ask the Council to add that requirement to the FMP for 1978.

Sincerely,

Harry L. Rietze  
Director, Alaska Region

1-19-78 *Subken*  
cc: *D. Alverson*





# North Pacific Fishery Management Council

Harold E. Lokken, Chairman  
Jim H. Branson, Executive Director

Mailing Address: P.O. Box 3136DT  
Anchorage, Alaska 99510

Suite 32, 333 West 4th Avenue  
Post Office Mall Building



Telephone: (907) 274-4563  
FTS 265-5435

December 16, 1977

Mr. Harry L. Rietze, Director, Alaska Region  
National Marine Fisheries Service  
P. O. Box 1668  
Juneau, Alaska 99802

Dear Harry:

As you are aware, the changes in Section 8.5.2. of the Council's FMP for Gulf of Alaska Groundfish Fishery suggested in your letter of November 23, 1977, were not acted on at the last Council meeting. I would presume that regulations implementing the plan, however, could require reports on that basis by Secretarial mandate without having the specific provision in the plan. Hopefully, on that basis, we may not need to change the FMP until 1979.

Rather than ask the Council to act on this at its January meeting, and then amend the plan at that late date, I would like to put this in the file for 1979 amendments. We'll draft some proper language, as we will for all other suggested changes for the plan, in the next few months prior to putting it through the amendment process for 1979.

If you feel that action is required immediately we can move to that end, although I am not sure of the machinery involved at the moment. Please let me know your wishes.

Sincerely,

Jim H. Branson  
Executive Director

JHBransonFMM 12/16/87

1-19-78 - cc: Lokken  
D. Alverson

GROUNDFISH MANAGEMENT TEAM  
GULF OF ALASKA SABLEFISH PROPOSAL

EY = ABC = 17,400 mt for Gulf of Alaska

	<u>SH</u>	<u>CH</u>	<u>KO</u>	<u>YA</u>	<u>SE</u>	<u>Total</u>	<u>(3rd draft FMP)</u>
%	15.9	10.9	18.2	26.8	28.2	100.0	(100.0)
ABC	2,767	1,897	3,167	4,663	4,907	17,401	( 17,400)
OY	2,767	1,897	3,167	4,663	4,000*	16,494	( 10,000)
30% reserve	830	569	950	1,399	1,200	4,948	( 2,200)
DAH	100	trace	100	1,000	2,800	4,000	( 4,000)
Initial FAC	1,837	1,328	2,117	2,264	0	7,546	( 3,800)
Possible total FAC	2,667	1,897	3,067	3,663	1,200	12,494	( 6,000)
Possible total DAH	930	569	1,050	2,399	4,000	8,948	( 6,200)

\*OY set below ABC for social and economic reasons having to do with deterioration of traditional domestic inside fishing grounds and used to provide maximum incentive and opportunity for expansion to outside waters.



GROUNDFISH MANAGEMENT TEAM  
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STATEMENT OF

MR. H. NAKAMURA, Vice-President,  
NORTH PACIFIC LONGLINE GILL-NET ASSOCIATION, JAPAN

PREPARED FOR PUBLIC HEARINGS BEFORE THE  
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL  
ON THE FISHERY MANAGEMENT PLAN FOR  
"GULF OF ALASKA GROUND FISH DURING 1978"

---

Mr. Chairman, distinguished members of the Council, Ladies  
and Gentlemen.

My name is Hajime Nakamura and I represent Japanese longliners.

I feel it certainly is a privilege and pleasure to be able to  
participate in the 13th Regional Council meeting, coming across the  
Pacific Ocean to this lovely City of Anchorage.

This time I should like to ask your understanding and cooperation  
on two points:

1. While we are extremely appreciative of your latest decision  
reached at the 12th Meeting with respect to "the open area  
landward of the 500 m. isobath and west of 157 W. being  
designated to longline fishery for Pacific Cod" - we would  
earnestly request the earliest possible implementation of  
the decision as recommended.

In this light, your cooperation in expediting the U.S.  
government agencies involved such as State Department and  
Department of Commerce is very much solicited.

2. We would also request regarding the matters on Pacific  
cod longlining in this area that special provisions including  
allowable rate of incidental catch and quotas be made  
particularly for handling of the species incidentally  
caught, such as other founders and other groundfish,  
exclusive of those prohibited.

*Rock fish to not include over x % of Catch*

Thank you.

*(OK) but  
No Halibut*



Comment of the Japanese Tanner Crab Industry  
Submitted on 26 January, 1978 at the Public Hearing of the 13th Plenary  
Session of the North Pacific Management Council

Chairman, Members of the Council, Ladies and Gentlemen:

My name is Sadayuki Kashiwagi speaking on behalf of the Japanese Tanner crab industry. I deeply thank you for this opportunity given us to once more express our opinion for consideration regarding the Tanner Crab Plan for 1978. Since the Council meeting of August, 1977, we of the Japanese Tanner Crab Industry have been given several opportunities to comment upon the following points:

- 一 1. The Tanner crab resources of the eastern Bering Sea are exceedingly abundant.
- 二 2. OY must be set based upon a sufficiently rational basis.
- 三 3. In order to maintain the development of the C. bairdi market in Japan, it is necessary that Japanese fishermen supply C. bairdi.
- 四 4. That the Japanese fishery be allowed to operate in the same fishery area for C. bairdi in the future as it did in 1977.

Today we would like to say there is a necessity to bring to your attention a few points of the Japanese scientists and others concerning the establishment of MSY. Japanese scientists point out that the MSY for C. bairdi within the revised Tanner crab management plan for the eastern Bering Sea is much too low. It is also noted that using 0.4 applied in King crab as the exploitation rate for the catch greater than 135 mm (140 mm) legal size is a greatly underestimated utilization rate for C. bairdi. We understand that the MSY is something which must be set considering sufficient scientific information. We sincerely wish that the MSY be impartially and rationally decided based upon the articles and purpose of the G.I.F.A. between the U.S. and Japan, which prescribes to consider the necessity to protect against economic dislocation and recognize the historical achievement of our fishery.

I thank you for your kind attention.



Comment of the Japanese Tanner Crab Industry  
Submitted on 26 January, 1978 at the Public Hearing of the 13th Plenary  
Session of the North Pacific Management Council

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I thank you for your kind attention.

For Japan Tanner crab Industry

  
SADAYUKI KASHIWAGI

Representative of the  
Japan Fisheries Association

Statement of North Pacific Fishery Management Council  
on Dec. 1st 1977 by Mr. Shoji Ono  
representing Tanner Crab Fishery Industry of Japan

Mr. Chairman, the Members of the Council, my name is Shoji Ono.

I deeply appreciate that today we are given the opportunity for the third time to speak on our views regarding the Tanner crab fishery of Japan.

Our representatives have already stated our comments to your Council at the meetings of Aug. 24th and Sept. 22nd 1977 and I would like to summarize our statement of Aug. 24th.

1. The tanner crab resources in the eastern Bering Sea are rich.
2. This O.Y. should be determined on a rational basis.
3. The Japanese fishery should be allowed to operate in the same areas of water as last year, and also be permitted an allocation of C. bairdi.
4. In order to maintain a high market price for C. bairdi in Japan, it is necessary for us to continue producing and supplying our own products of C. bairdi.

And, on Sept. 22nd, furthermore, we expressed to you the following with additional points.

If you adopt severe regulations for Japanese fishery, it is likely to deal a fatal blow, not only to our own fishery, but also it would ruin the C. bairdi market which you are expecting.

For that reason, we hoped you would reconsider and increase the catch quota.

Today, what I wish to say, among mentioned points, is our comment about the market which was mentioned as No. 4 point on Aug. 24th and Sept. 22nd meeting. I believe it should be paid attention.

And I would like to stress the following point.  
S.S.C. and A.P. were held here before the R/C meeting.

We heard you had discussions about new regulations of fishing ground for us, which content is that the south boundary is 57.10° North latitude in the area between 164° and 168.45°W.

Our comment for this is as follows:

Firstly, this area used to be covered with drifting ice early and during the essential stage of our operation period.  
Secondly, the crab distribution in this fishing ground is uneven, and the quality of the crab is not good, so that we cannot expect effective operation in the area.

Under these facts, we hope you understand enough that this area scarcely brings any merit to our operation.

In order to manage our operation and maintain the market, we hope to be allowed to operate in the water north of 56° N. In this case, in the area between 56° and 58" N. which has been used as our important fishing ground. I consider a certain kind of regulation will happen to our operation in the east area which is the highly concentrated area of *C. bairdi* and in our important fishing ground.

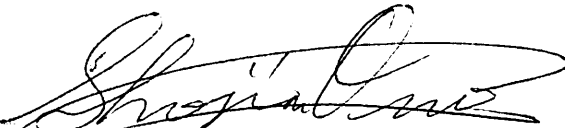
However, regarding that west area between 56° and 58° North latitude, we wish to be recognized as needing the area north of 56°N. for escaping from drifting ice and icebergs and continuing our operation.

According to P.M.P. plan, in the area west of 173° West longitude it is stated to allow to operate north of 56° N, but actually this water area west of 173° W. is too deep and narrow to operate as a fishing ground.

Therefore, the P.M.P. plan will not assist us in the difficulty of our operation.

Finally, I should like to request again that in order to survive our traditional fishery which has been developing and managing for many years and to expand the market which you are looking forward to, you allow us to allocate *C. bairdi* and operate our boats in the area of the water North of 56° N.

Thanks for sparing your precious time and your attention.



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Mr. Shoji Ono

On Behalf of,  
Mr. N. Hayashi

JAPAN TANNER CRAB INDUSTRY

Institute for Marine Studies HA-35  
UNIVERSITY OF WASHINGTON  
SEATTLE, WASHINGTON 98195

M E M O

To: SSC Members  
From: Ed Miles  
Subject: NMFS Report on Economic and Allied Data Needs for Fisheries Management  
Date: January 23, 1978

At our last meeting Lee Alverson asked me to lead a discussion on this item at our next meeting and prepare a draft response for the Council's consideration. I enclose the latter.

Also at our last meeting, I tried to shame you into a response on our own Fifth Revision of Socioeconomic Procedures and Data Needs for Determining Optimum Yield but I find that once again I was unsuccessful. I shall therefore assume that you have no changes to suggest and incorporate only those changes suggested by other people (not on the SSC) who have taken the time to respond. I would also request that this item be put on the agenda at our next meeting (after January 24/25) and hope at this time that we can officially forward the Report to the Council.

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The Hon. Richard A. Frank, Administrator  
National Oceanic and Atmospheric Administration  
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Dear Mr. Frank:

We are pleased to respond to your invitation to comment on the report Economic and Allied Data Needs for Fisheries Management. We apologise for the delay in responding but the press of business at our meetings in the fall was such that we were unable to evaluate this report with the care it deserves.

From the Council's perspective, this report raises two kinds of questions. First, it raises questions of conceptualization and whether the approach adopted is fully responsive to the optimum yield requirements of the Act. Secondly, it raises questions of procedure, strategies and the opportunity costs incurred by proceeding down this route rather than others which could be identified.

With respect to questions of conceptualization, we find the quality of analysis in Part II (Sectoral Analysis), which is the heart of the report, to be of a very high order but, in marked contrast, we find Appendix B (A Descriptive Model of the Fisheries System) to be extremely simplistic and not useful. The Sectoral Analysis deals with problems of consumption, international trade, recreational fishing, processing and marketing, and production or harvesting. We think that the first two items are susceptible of being treated in the centralized fashion implied by the report but we do not agree that this is true of the last three items. In particular, we find the section on recreational fishing to be as unsatisfactory as anything else written on this subject but we sympathize since we are familiar with the difficulties and they are indeed great.



We agree that the Consumption Sector is very important since this is the source of crucial information about market fluctuations but we foresee some organizational difficulties between NMFS and the U. S. Department of Agriculture where much relevant data may already be collected. We also think that the International Trade Sector should be expanded to include foreign catches and market prices as determinants of foreign fee schedules. So far, the establishment of the foreign fee schedule has been determined by an almost completely arbitrary ex-vessel price. We suspect that this price may in fact be quite low compared to the actual market conditions in the foreign fishing countries. Data on the foreign cost structure, especially when joint ventures are not involved, are also required on a priority basis.

As a whole, however, we find that the approach adopted in this report is not fully responsive to the optimum yield requirements of the Act. The approach is narrowly economic. No sociocultural problems of the fisheries are even identified, much less treated. If this system were institutionalized nationally and research monies allocated to collect the data identified in the report, we still could not be in compliance with both the FCMA and NEPA since we would not have the capability of identifying and evaluating the probable sociocultural effects of different management decisions. This consideration raises in turn questions of procedure, strategies and opportunity costs.

The approach adopted in the report suggests a procedure for centralizing within NMFS a national data collection, storage and retrieval system applicable to the U. S. as a whole. The priorities identified quite clearly reflect this intent. We infer that the major uses to which such a

system are likely to be put are twofold: a) to facilitate evaluation and review of the FMP's by the Secretary; and b) to facilitate forecasts and recommendations by the Secretary relative to the development of U. S. harvesting and processing capabilities.

We appreciate that from your point of view there needs to be developed a more effective system for reviewing the FMP's submitted by a diverse collection of Regional Councils. On the other hand, from our point of view, we must ask how is the approach recommended in the report going to help the North Pacific Council make specific decisions? More particularly, given our experience to date with the drafting of specific management plans, how is this approach going to help us solve some very serious problems of missing data?

In answering these two questions we find that while it makes sense to centralize a data collection effort on questions of consumption and international trade, it does not make sense to attempt this with respect to recreational fishing, processing and marketing and production or harvesting. In order to do this in a way that would be fully responsive to the specific conditions faced by each Regional Council, the scale of effort required would be so vast as to consume more than your entire budget. Furthermore, as indicated previously, we disagree with the data collection priorities established in the report since they take no account whatever of the socio-cultural dimensions required by the FCMA and NEPA. These data have to be based on the units of socioeconomic life observable in particular regions and subregions. Patterns that can be observed in Alaska will not necessarily hold for Massachusetts and vice-versa. The scale of effort required to centralize the system described on a national basis would also be so great as virtually to preclude a major data collection effort on the relevant

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sociocultural dimensions. Given our needs, the opportunity cost of doing so is simply too high.

On the other hand, we realize that there is a need for a more effective system of review of FMP's at the national level and for a better capability in devising strategies for fisheries development in the U. S. We think that it is possible to design a system which optimizes across your needs as well as ours. This system would allow centralized data collection on questions of consumption and international trade but, for the other items, would resort to guidelines which Regional Councils must follow in preparing FMP's. These guidelines would specify the kinds of analyses which should be done and the types of data on which they should be based but no more than that. However, the scope of those guidelines would be expanded to include the sociocultural dimensions of the fisheries.

We thank you for the opportunity to comment on these issues and look forward to continuing these exchanges as we all move forward in trying to implement the FCMA.

Sincerely yours,

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