

# North Pacific Fishery Management Council

Clement V. Tillion, Chairman  
Jim H. Branson, Executive Director

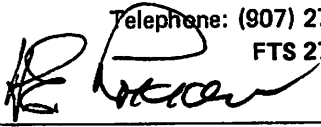
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Clement V. Tillion, Chairman *for*

## MINUTES

Thirty-Second Plenary Session  
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL  
Anchorage/Westward/Hilton Hotel  
Anchorage, Alaska

The monthly meeting of the North Pacific Fishery Management Council was held in Anchorage, Alaska, April 24 and 25, 1980, in the Kenai/Aleutian Room of the Anchorage/Westward/Hilton Hotel, Anchorage, Alaska. The Council met Thursday, April 24, 1980, from 8:30 a.m. to 10:15 p.m. and again on Friday, April 25, 1980, from 9:00 a.m. to 3:00 p.m.

The Scientific and Statistical Committee (SSC) held a three-day meeting (Chairman Steve Pennoyer presiding) in the Council Headquarters Conference Room, Tuesday, April 23, 1980, from 8:30 a.m. to 6:00 p.m.; Wednesday, April 24, from 8:30 a.m. to 5:30 p.m.; and Thursday, April 25, from 7:00 a.m. to 9:00 a.m.

The Advisory Panel (AP) convened (Chairman Robert D. Alverson presiding) in the Kenai Room of the Anchorage/Westward/Hilton Hotel, Anchorage, Alaska, on Wednesday, April 23, 1980, at 9:40 a.m. and recessed at 5:00 p.m. The AP reconvened in the Alaska/Fairbanks Room of the Holiday Inn, Anchorage, Thursday, April 25, at 8:20 a.m. and adjourned at 11:30 a.m.

Council members, Scientific and Statistical Committee, Advisory Panel members, and the general public in attendance are listed in APPENDIX A.

### A. CALL TO ORDER

Chairman Clement V. Tillion presided both days of this meeting. Mr. Tillion introduced Jim Richardson, the newly hired staff economist. Mr. Richardson is completing studies at the Oregon State University and is expected to begin duty in Anchorage in June.

Chairman Tillion announced a luncheon for Friday, April 25, at noon, in the Alaska Room to honor Harry L. Rietze, NMFS Director of the Alaska Region, who is retiring; and Mrs. Irma Nelson, Council staff clerk/secretary, who is transferring to Florida with her family.

Chairman Tillion offered the Council's best wishes to Mr. Kashiwagi, Representative of the Japan Fisheries Association in Anchorage. Mr. Kashiwagi is returning to Japan and introduced his replacement, Mr. Toshio Ueno.

Mr. Tillion announced the Council would hold an evening session on Thursday, April 24, in the Alaska Room.

Chairman Tillion announced the Advisory Panel Nomination Committee would meet during the morning break on Thursday, April 24.

The SSC Chairman Steve Pennoyer presided on the three days of the SSC meeting.

AP Chairman Robert D. Alverson presided over the two-day AP meeting.

B. AGENDA

The agenda for the April 24-25, 1980 Council meeting was approved as submitted.

C. APPROVAL OF MARCH 1980 MINUTES

The March 26-28, 1980 Council minutes were conditionally approved with the caveat if errors were found during the meeting, they would be amended to show a correction.

D. EXECUTIVE DIRECTOR'S REPORT

The Executive Director introduced Jim Richardson to the Council. Mr. Richardson has been hired as an economist for the Council staff and will be reporting for duty approximately June 15. He also announced the imminent retirement of Harry Rietze, Regional Director, National Marine Fisheries Service, Alaska, and the resignation and departure of G. Irma Nelson, Council staff member. This is the last Council meeting for both.

The agenda for the Sixth National Fisheries Policy Conference to be held May 13 thru 15 was outlined briefly and the Council decided not to send a representative.

The agenda material for the West Coast Policy Group for State/Federal Coordination scheduled to meet May 13 in Portland, Oregon, was summarized and the Council recommended attendance by the Executive Director.

The Council directed attendance of the Executive Director and Anthony Vaska, Advisory Panel member, at the Hearing on Northern Fur Seal and Marine Mammals by the Congressional Subcommittee on Fisheries, Wildlife Conservation and the Environment. Their testimony was reviewed by the Council who had no further comments to add.

The first meeting of the North Pacific and Pacific Councils' salmon coordinating group was announced for April 29 in Seattle. North Pacific Council appointees Ron Skoog, Gordon Jensen, and Don Bevan will be meeting with Pacific Council appointees Jack Donaldson, John Martinis, and Herman McDevitt. The North Pacific Council designated Don Bevan as the Chairman of the North Pacific Council group and requested that no public participation be considered for this initial planning meeting. The same request has been made by the Pacific Council.

Because of changes in the scheduling required for Groundfish FMP amendments the Executive Director asked the Council if they wished to reconsider the next meeting date. Following deliberation by the Council during the course of the ED report and on Friday during the Council meeting, the Executive Director was asked to maintain but shorten the original schedule. A public hearing will be scheduled for May 22 and a Council meeting for May 23, all in Kodiak, rather than a full two-day Council meeting.

The ED briefly reviewed the Bill introduced by Congressman Breaux last week amending the FCMA, Saltonstall/Kennedy Act, Capitol Construction Fund and Loan Guarantee Programs and promised an analysis of the legislation at the next Council meeting.

The ED asked the Council to update the membership of the Incidental Species Workgroup and asked them to study and report to the Council on the 1981 groundfish amendments that propose a flat amount for the catch of prohibited species and a provision for economic disincentives for the catch of prohibited species. The members of the Incidental Species Workgroup are: Don Bevan, Ron Skoog/Don Collinsworth, Robert McVey, Lt. Cmdr. Douglas Smith, Herbert A. Larkins, Alvin Burch, and Jeffrey Stephans.

The U.S. Fish & Wildlife Service representative on the Council, Mr. Leroy Sowl, had suggested that the Council follow up on a presentation by FWS representative John Savage at the March meeting with a letter to the FWS Regional Director suggesting that his agency put more emphasis into the tag recovery programs and into the tagging of natural stocks of chinook salmon, particularly in the Upper Columbia River area. The Council directed the Executive Director to write a letter long those lines.

The Director asked the Council to appoint a working group to analyze Council procedures, particularly the interrelationship of plan development teams, the SSC, the Advisory Panel, and work scheduling, including FMP's and amendments. The Council directed the Committee to Establish Priorities for the Development of FMP's, consisting of Ron Skoog, John Harville, Don Bevan, Don Collinsworth, Sig Jaeger, Jack Lechner, and Ed Miles to attack this program, supported by the working group appointed for the same purpose from the SSC composed of Steve Pennoyer, Al Millikan and Bert Larkins.

The Executive Director noted that Council staff had done very little traveling since the last meeting. Staff Assistant Margaret Duff had made one trip to Seattle, the Executive Director had made a three-day trip to Washington, D.C. Visitors to the Council office since the last meeting included the Shipping and Fishing Committee of the Norwegian Parliament, and the Danish Advisory Group to the State of Alaska.

E. SPECIAL REPORTS

E-1. Alaska Department of Fish and Game Report on  
Domestic Fisheries

Mr. Fred Gaffney, ADF&G, told the Council the three or four vessels fishing groundfish in the Shelikof Straits area had ceased operations, although some Pacific cod was being processed in a small cannery there.

Another processing vessel was joining the joint venture operation which will now have one vessel in the Gulf of Alaska and one in the Bering Sea.

Some reports of a salting operation by seven vessels are circulating Gaffney said, but he has received no definite word on the actual start-up. Chairman Tillion told the Council a vessel came through Juneau with salting equipment aboard and he was told that operation would begin after a stint of fishing for crab bait. Another vessel planned salting operations after the halibut season.

Sablefish prices in Southeast Alaska are 35¢ a pound now as compared to 90¢ last year said Mr. Gaffney. The sablefish catches are 12 times higher during the first quarter of the year with 12 vessels fishing than last year.

There is a small inshore rockfish jig fishery currently in operation in Sitka and 60-80 thousand pounds have been taken by a couple of vessels.

The pollock fishery in Southeast has ceased with the catch level similar to last year.

As of April 18, eighteen and a half million pounds of Tanner crab have been landed in the Kodiak area where some fishing is still going on, although most of the area has been closed. In the Bering Sea, the C. bairdi catch is 2.9 million pounds and the C. opilio catch is 5.8 million pounds. In the Pribilofs, the C. bairdi catch is about a half million pounds with no C. opilio landings. The strike at Dutch Harbor was settled on 21¢ a pound for C. opilio, lower than last year's 30¢ a pound. The CPUE figures vary considerably because of the long soaks during the strike.

Cook Inlet closes April 5th. The catch is now 3.8 million pounds with 15 vessels still fishing. Prince William Sound closes May 31, four million pounds have been taken from a guideline harvest level of 37 million. Yakutat was closed by Emergency Field Order April 20 when projections indicated the three million pound guideline harvest level would be achieved.

Bristol Bay is ice-free but still has poor weather for the 30 companies interested in fishing for herring. About 86 tenders, 29 processing ships, in excess of 600 gillnetters and 100 purse seiners, 38 aircraft, and 14 foreign vessels are expected to take part in the herring fishery this year. Harvest guideline is 40,000 short tons.

Mr. Gaffney said the fishery will probably last three weeks after start up. In response to Dr. Bevan's question, he said he did not have catch figures by species for the joint venture operations because Federal confidentiality regulations prohibit his receiving them. Rear Admiral Duin questioned the number of vessels and aircraft expected in the area and was told FAA has been working on the air situation and ADF&G Deputy Ken Parker has discussed vessel traffic with Coast Guard Commander Busick.

Mr. Branson pointed out that large incidental catches of halibut in the Tanner crab fishery off Yakutat had been reported. Mr. Gaffney said that ADF&G does not have a dockside sampling program there but does in Cordova to monitor catches. With a heavy concentration of halibut in the Yakutat area the problem is a continuing one. Mr. Branson said IPHC had asked if the Council was interested in a research program to determine the incidental catch of halibut in crab pots. Mr. Tillion said the Council was definitely interested in supporting such a program.

Testimony on the U.S./Korean joint ventures was offered by Ed Naughton, consultant to KMIDC, who said the SOO GONG 51 arrived north of Unimak Pass in the Bering Sea on April 18. U. S. boats working with it are the MORNING STAR, PELAGOS, PARAGON II, with the CORNUCOPIA on its way to join the fleet. He has not received any catch reports as yet. The BOOK NEUNG HO is off Cape Ikolik south of Kodiak Island working with the MISTY, CAPTAIN BANJO, LINDA JEAN, MARGARET LIND, VANGUARD, and the ARSCO II. The pollock are reported to be spawned out but still in fine shape. The following vessels are also planning to fish for KMIDC: TONQUIN, WILD MARY, PIONEER, TANRAN, and NORTHERN DAUGHTER. Pressure is being put on the Korean government to identify additional processing ships and the date they can be expected on the grounds. Mr. Naughton was told by the Koreans three more processing ships would be diverted to the KMIDC operation. Upon arrival of those processors, the following vessels would begin fishing for KMIDC: KIMBERLY B, SABRINA B, and WILLAPAW BAY. The DAWN, DUSK and HEIDI J had asked to be put on the waiting list. Mr. Naughton said he would inform the Executive Director when these vessels begin fishing. The catch to date of 700 mt. has been disappointing; they were plagued with bad weather and vessel breakdowns. In response to Dr. Bevan's question, Mr. Naughton said the BOOK NEUNG was capable of processing 160 tons per day, with some hand operation and the SOO GONG 51 could process 200 tons per day.

E-2. National Marine Fisheries Service Report on Foreign Fishing, including Joint Ventures

Mr. Ron Naab, NMFS, told the Council 210 foreign vessels fished off Alaska during March; 10 were USSR vessels and the increase from 1979 was made up by Japan and Poland. There were no Mexican vessels in the FCZ.

As of April 18th, Japan had 101 vessels in the FCZ; 8 longliners in the Gulf of Alaska targeting on Pacific cod, 49 sterntrawlers in the Bering Sea fishing pollock, and flounders, 44 sterntrawlers fished along the Aleutians for Greenland turbot, arrowtooth flounder, some rockfishes and Atka mackerel. In the central Bering Sea there were two longliners, the crab factoryship fleet, and seven independent pot vessels.

The USSR had 10 sterntrawlers fishing in the western Gulf of Alaska for pollock. There were four vessels in the joint venture with Marine Resources, Inc. in the Bering Sea but that number is now two sterntrawlers receiving fish from six U.S. vessels. About 35 Soviet vessels fished the Bering Sea in 1979.

South Korea had seven sterntrawlers and two transport vessels fishing pollock and Pacific cod in the central Bering Sea. The KMIDC joint venture began off Kodiak with the BOOK NEUNG receiving fish from 10 U.S. catcher vessels.

Poland had 12 sterntrawlers and one transport vessel fishing pollock near the Pribilofs.

Taiwan had one sterntrawler in the central Bering Sea fishing pollock.

Mr. Phil Chitwood, NMFS, reported on percentages of allocations taken by foreign vessels as follows: Japan has taken 17,961 tons of her 105,373 Gulf of Alaska allocation, predominant species is Pacific cod and some pollock. In the Bering Sea Japan has taken almost 130,000 tons of its one million m.t. allocation, principally pollock.

South Korea has taken 2,759 tons of the 35,480 m.t. allocation in the Gulf of Alaska, mostly pollock and in the Bering Sea has taken 39,245 tons of the 110,851 m.t. allocation, again, mostly pollock.

Poland is concentrating on the 39,279 m.t. allocation in the Bering Sea and has taken 15,108 tons. Their Gulf of Alaska quota has been taken.

The USSR has taken 8.785 m.t. of its Gulf of Alaska allocation of 73,337 m.t., mostly pollock. They have no allocation in the Bering Sea.

Taiwan has taken 2,353 m.t. of its 6,646 m.t. allocation in the Bering Sea. The predominant species is pollock with some Pacific cod.

Japan had seven crab vessels in the Bering Sea and it's estimated the quota will be taken by October 5, as it was in 1979.

After the March Council meeting, the Regional Director released 25% of the reserves in the Gulf of Alaska. No sablefish were included in this release. No releases of reserves were made for the Bering Sea.

E-3. U.S. Coast Guard Report of Enforcement and Surveillance

Commander Pete Busick said only one violation of the FMCA had been apprehended since the last Council meeting and that was by the Soviet vessel PAUDZA; three salmon were found aboard. Funds have been made available for continued patrol at the previous levels, which has partially solved the problem of continuing increases of fuel costs. Weather in the Bering Sea has hampered patrols but the Coast Guard had accomplished their scheduled boardings on the Japanese crab vessels. The Coast Guard Report is APPENDIX B-1.

E4. Special SSC and AP Reports on Matters not on the Agenda

The SSC and AP discussed only the topics listed in the agenda during their meetings in April. The SSC report is APPENDIX B-2. The AP report is APPENDIX B-3.

E-5. A Status Report on U.S./Canada Negotiations presented by Dr. Dayton L. Alverson

Dr. Dayton L. Alverson, of Natural Resources Consultants, presented a brief history of the U.S./Canada fisheries interception negotiations. Both sides are moving toward joint management of the transboundary stocks he said and the present negotiations are attempting to solve problems faced by both governments before this can become reality. Five issue papers have been exchanged and will be considered at the next meeting of the two groups May 6-9, 1980, in Juneau, Alaska. Enhancement of fisheries by both governments has increased the difficulty of determining allowable levels of interception limitation. Dr. Alverson promised to keep the Council abreast of the status of the negotiations.

F. OLD BUSINESS

F-1. Appointment of New Advisory Panel Members

The Advisory Panel Nominating Committee selected two nominees, Erik Jordan and Weaver Ivanoff for vacancies on the Advisory Panel. The selection was made from a list of 26 nominees.

The Council discussed the qualities needed by members to balance the Panel's fields of expertise generally agreeing that more expertise with the herring and troll salmon fisheries was needed. The Council directed that the present nominating list, added to over a number of months, be dropped and a new list started for future vacancies on the AP. A majority of the Advisory Panel appointments will expire at the end of the year when the Council will review the composition of the Advisory Panel.

Mr. Lokken moved to approve Erik Jordan and Weaver Ivanoff to fill the existing vacancies. He commented that the mix of interests between the two (herring for Ivanoff, of Unalakleet, and salmon hand trolling for Jordan, of Sitka) accommodated two areas of critical interest. The motion was seconded by Gordon Jensen. The motion passed with one dissenting vote by Robert Mace. Mr. Mace commented that the appointment overloaded the Panel with representatives of user groups and recommended Paula Easley, a representative of a general industry coalition. Harry Rietze concurred in principle but agreed with the majority so far as the two nominees were concerned.

G-1. High Seas Salmon Off the Coast of Alaska East of 175°  
East Longitude

The Council had been asked by the State of Alaska to amend the FMP for High Seas Salmon Off the Coast of Alaska East of 175° East Longitude to allow foreign processors to buy salmon from American processors and fishermen within the FCZ in Bristol Bay during the summer of 1980. The returning run of red salmon in 1980 is expected to be larger than can be handled by U.S. processors, by three million or more fish. An estimated 200 to 400 fishermen do not have markets with U.S. processors but would be able to sell, either directly or thru U.S. processors, to foreign processors near the fishing grounds within the FCZ. The State of Alaska had surveyed the U.S. processing and fishing industry and prepared a report of the expected problem entitled, "Final Summary Report of the Fishery Harvest Planning Group on the 1980 Bristol Bay Salmon Harvest." (APPENDIX C-1).

Council staff had drafted an amendment to the FMP for consideration at this meeting entitled, "11.4 Appendix IV, Temporary Emergency Provisions, authorizing receipts by foreign fishing vessels of United States harvested salmon in the FCZ off the Bristol Bay area during 1980." (APPENDIX C-2).

The Scientific and Statistical Committee and the Advisory Panel had considered this issue prior to the Council meeting. The SSC regarded the issue to be one of Council policy and not one of the adequacy of scientific and statistical information and reasoning and therefore declined to comment.

The Advisory Panel discussed the issue at length (Pages 2 and 3 of the Advisory Panel report, April 23, 1980) and made the following recommendation on an 8 to 6 vote. "The AP recommends that foreign tenders be allowed to enter Alaska State waters to receive U.S-caught fish for transport to processors at other U.S. locations or in Canada."

Council discussion began with an explanation by NOAA Attorney Patrick Travers of the action requested and the possible options by which that action could be taken. He pointed out that Council endorsement of the request could have an impact on other fisheries under the Council's jurisdiction, for example, a request by American fishermen to allow the sale of Chionoecetes opilio to foreign processors if U.S. processors were unable or unwilling to buy all of that species of Tanner crab that American fishermen could take. That introductory explanation was followed by testimony from 23 witnesses; their names, affiliations, and short summary of their testimony is included in APPENDIX C-3. Testimony continued thru Thursday evening. The Council began discussion of the issue at 9:10 a.m. Friday morning. All eleven voting Council members were present and all but one of the non-voting members, the representative from the U.S. State Department.



Council discussion began with the question of the FMP's ability to discriminate among nations allowed to send processors to buy salmon. Following opinions from NOAA Attorney Patrick Travers and State Assistant Attorney General John Gissberg, as well as telephone communication with the U.S. State Department, it was determined that the FMP would probably not be able to discriminate among qualified nations.

Mr. Skoog restated the State of Alaska's position on allowing sale to foreign processors only thru U.S. processors and only to countries who would put the finished product into new world markets, rather than competing directly in markets already utilized by U.S. processors.

Mr. Lokken moved that the proposed amendment to the FMP be disapproved, Mr. Mace seconding, Mr. Bevan moved to amend the motion to "Disapprove the concept of processing by foreign ships of salmon in the FCZ." That amendment was approved and discussion followed.

Mr. Skoog and Mr. Meacham argued that it was unlikely U.S. industry would be able to process all of the salmon that could be taken by American fishermen in Bristol Bay in 1980 and therefore foreign processors should be allowed in the FCZ to buy fish surplus to the U.S. processing industry's needs. That if this were not done, there would be some fishermen in Bristol Bay, perhaps as many as 200 to 400, who would not have markets for their catch and that wastage and loss of the resource would occur if more than 17.5 million fish were allowed for escapement. Mr. Mace conjectured on why the subject was before the Council at all since the State of Alaska could allow foreign processors within State internal waters to buy salmon without having to amend the FMP. He sympathized with the fishermen without a market and would favor action that would alleviate their problem.

Mr. Lokken agreed that it should be a totally State operated fishery and that an emergency of the nature under discussion could be handled more quickly thru the State system than it could thru the Council/FMP/Federal system. He pointed out that the long run affect on fishermen would be bad if they became dependent on floaters and that the U.S. industry should be protected from unfair competition. He believed that the price that would be paid to the fishermen would probably have the greatest influence on what happens in the fishery and castigated both the processing industry and the fishermen for not reaching a price settlement prior to this date.

Mr. Harville recommended that control of the fishery, including the use of foreign processors to buy fish, should be a matter left within State jurisdiction. Mr. Bevan concurred with that philosophy and believed that better control could be maintained if the entire process occurred within State waters and within their exclusive jurisdiction.

Mr. Eaton did not believe the problem before the Council constituted a conservation emergency. He believed it was strictly a social, economic and political problem and that Council action set a dangerous precedent, citing the possible effects on the C. opilio fishery as an example. He felt that the request did not reflect any appreciation of the present industry crises brought about by oversupplied markets, expensive money, and consumer resistance to high priced fish.

Mr. Campbell said that after listening to the testimony before the Council and the Council's discussion that he could not believe that either the State or the fishermen really wanted the Council involved in this fishery.

The question was called for and the motion passed on a vote of 6 to 5. Those voting year were: Mr. Campbell, Mr. Eaton, Mr. Mace, Mr. Lokken, Mr. Rietze, Mr. Bevan. Those voting nay were: Mr. Meacham, Mr. Skoog, Mr. DiDonato, Mr. Jensen, Mr. Tillion.

Mr. Meacham asked the Council if they would go on record supporting current Congressional action waiving the Nickolson Act to allow foreign tenders to carry salmon from Bristol Bay to other U.S. ports during the 1980 season. The Council declined to consider the question.

#### G-2. Tanner Crab FMP - Proposed 1981 Amendments

Mr. Branson introduced Agenda Item G-2; an eight-part Tanner crab amendment. He told the Council that the Alaska Board of Fisheries at their December 1979 and March 1980 meetings had adopted several proposals which applied to the Tanner crab fishery in the Fishery Conservation Zone off Alaska. At the Council's December/January meeting, the Council approved proposals which had been adopted by the Alaska Board of Fisheries at their December meeting. The proposals adopted by the Alaska Board of Fisheries at their March 1980 meeting must be considered by the Council at this time. The eight-part proposal contained six relatively minor regulatory changes plus a pot limit for the Kodiak district and changes in opening dates for the Bering Sea districts.

The Scientific and Statistical Committee Report was given by Chairman Steve Pennoyer, who told the Council the SSC had reviewed the eight proposed amendments and believed only proposals #1 and #8 had a scientific basis for SSC comment; the remainder were socio-economic changes which did not require scientific analysis by the Ccommittee.

The Advisory Panel Report was presented by Chairman Bob Alverson who told the Council they had considered all of the amendments and with the SSC had the following comments.

Regarding proposal #1, to establish new fishing section descriptions for the Kodiak Tanner crab fishery, both the AP and the SSC supported this

amendment because of a management need to geographically describe sections of a Kodiak management area to facilitate Field Order closures which had been used the past two seasons.

Proposal #2, to change the Bering Sea Tanner crab season opening date, was supported by the Advisory Panel. The SSC believed the change posed no problem from a biological standpoint and further noted that the proposed delayed opening date would still allow ample time for harvesting C. bairdi Tanner crab and C. opilio crab.

Proposal #3, establishing a 250 pot limit for Tanner crab in the Kodiak district, was approved by the Advisory Panel and reviewed by the Scientific and Statistical Committee with no comment. Mr. Pennoyer told the Council the SSC believed an evaluation of the proposal required a formal economic review and since no economic impact analysis had been prepared it was impossible to judge the affect the proposal might have on large and small boat fishermen.

Proposals #4, #5, #6, and #7, were approved by the Advisory Panel. The SSC made no comment on these proposals which dealt with fair or equal starts (proposals #4, and #5) and clarifications and simplifications of regulations (proposals #6 and #7).

Proposal #8, to require floating processors to report their intended processing location, was discussed in detail by the Advisory Panel and the Scientific and Statistical Committee. Mr. Alverson reported the AP had considered this proposed amendment and had some concern that it did not distinguish between floating processors and catcher/processors for reporting purposes. The Panel felt that if reporting requirements applied to floating catcher/processors it would discriminate in favor of other fishing boats which did not have to report their locations. The Advisory Panel, Alverson said, therefore recommended the following: "to require floating processors (not catcher/processors) to report their intended processing location to the local biologists within the area of intended operations as follows, etc...."

The Scientific and Statistical Committee, Pennoyer reported, also felt the amendment was not clear in its effect on catcher/processor vessels. The SSC felt that catcher/processors should not be subject to the proposal since catcher vessels (fishing vessels) were already required to register and obtain a tank inspection prior to fishing or having crab aboard. They felt the required information concerning area of fishing, processing capabilities and other information could be obtained without notification of the exact latitude and longitude of processing location. The SSC believed the intent should be clarified in final regulations.

The Council after hearing the SSC and AP reports spoke mostly to proposal #3 (250 pot limit in Kodiak) and proposal #8 (the proposal to require floating processors to report their locations). Concerning the pot limit, the Council expressed concern over the adoption of an unenforceable

regulation and its ensuing enforcement cost. An explanation was offered by Nick Szabo, Chairman of Alaska Board of Fisheries, who said the pot limit had been a compromise proposal between large and small boat Tanner crab fishermen in the Kodiak area and had been adopted by the Board of Fisheries principally because it represented an industry proposed compromise. The Council also questioned the intent of proposal #8 which would require all floating processors to report their location of operation. Chief among the Council concerns was the impact this might have on catcher/processors who could be disadvantaged in their fishing operations over those fishing vessels that did not have to report their locations. John Gissberg, Assistant Attorney General for the State of Alaska, told the Council he believed the Board of Fisheries and the Council's desires on this proposal were the same and that the intent was not to require catcher/processors to report in the same manner as floating processors.

The Council unanimously adopted proposals #2, #4, #5, #6, and #7.

In a separate motion, the Council also adopted proposal #8, expecting however a clarification from the State of the intent.

The Council abstained from approving or disapproving proposal #3 (pot limit proposal), and instead expressed its intent to allow that State regulation to be enforced in Federal waters and to convey this idea to NMFS with the proposed amendments.

### G-3. Herring FMP

The Executive Director announced that the Council had received numerous public comments on the draft plan. The Plan Development Team had responded to these comments by developing additional options to those already in the plan. They were requesting guidance from the Council on some of these options before going ahead and finalizing the plan to present to the Council in September, 1980.

The Scientific & Statistical Committee supported the postponement of the plan due to the lack of time to incorporate the proposed options.

The Chairman of the SSC reported that the SSC conducted a preliminary review of "The Assessment of Herring and Capelin Stocks on Selected Coastal Areas in the Eastern Bering Sea." They provisionally approved the report prior to a comprehensive review by the SSC Subgroup. ADF&G were highly commended for the excellent execution of the project under extreme weather and logistic difficulties.

The following members of the public testified before the Council:

Steve Johnson, representing the Japanese Trawlers Association, was concerned that unnecessary regulations and restrictions be avoided. He supported the recommendations of the SSC and AP on the proposed options.

Norm Cohen, representing the villages of the Yukon-Kuskokwim Area, participated in the suit against Luther Hodges and Cyrus Vance. His testimony is attached as APPENDIX D-1.

David Hoffman representing the Bering Sea Fishermen's Association. His testimony is attached as APPENDIX D-2.

Each option was introduced by the Plan Drafting Team and followed by the AP and the SSC reports. The Council discussed the issue and took appropriate action as follows:

(The numbering scheme refers to that of the decision paper (APPENDIX D-3), and the issue paper (APPENDIX D-4).

2. Incidental Catch - The PDT stated that in order to allow the offshore groundfisheries to harvest their quota of groundfish species, a certain amount of incidentally caught herring must be recognized as a loss. As this is a long term loss not available for allocation to the directed fishery, an Allowable Incidental Catch (AIC) is subtracted from the Acceptable Biological Catch (ABC) rather than the Optimum Yield (OY) as originally proposed in the plan.

There are two options for regulating the incidental catch of herring; Option 1 - consider herring as a prohibited species and Option 2 - establish an allowable incidental catch quota.

Under Option 1 there are two suboptions, either have no quota or a quota as in the mechanism proposed for the groundfish plan for prohibited species (TAC). Under Option 2 there are three suboptions (a) AIC quota would be calculated as a fixed amount from the formula in the plan, (b) would be AIC calculated as a percentage and (c) AIC would be calculated as a fixed amount from historic catch level. These suboptions are discussed at length in the issue paper (APPENDIX D-4). The PDT recommended Option 2 (a) and mentioned that the periodic adjustment which would be made to the percentage to include the consideration of the changing relationship between herring stock status and the groundfish stock and fishery has not yet been finalized.

AP Comments: After extended discussion the Advisory Panel chose Option 2(a).

SSC Comments: The SSC agreed that under the current stock conditions, herring should not be considered a prohibited species and Option 1 was rejected as being without scientific merit or justification. Allowable incidental catch, Option 2(b), seemed to provide adequate protection for herring stocks by allowing the foreign groundfish fishery to operate within reasonable conservation guidelines. The SSC recommended that the AIC be determined by calculating the percentage of incidentally caught herring the last year of record and that this percentage be applied to the projected current year's catch.

Council Action: The Council chose Option 2(a), adding in a recommendation that the plan contain a means of accommodating the changing relationships to avoid annual amendments.

3. Offshore Allocations - After the estimation of the available surplus in September of each year, all or part of the amount can be allocated to the offshore domestic and foreign fisheries.

There are two options, allocation of all the surplus, or, partial allocation of the surplus. These are discussed in greater length in the issue paper. The PDT recommended Option 2, although they did not specify which suboption they preferred.

Chairman Tillion remarked that there was no doubt that a lower exploitation rate on the offshore stocks would be more appropriate if one could determine the right figure. The Team replied that there was no good data on which to base a decision.

Bevan stated that the Council might wish to include "fudge" factors and requested the team to continue looking into possible mechanisms of controlling the offshore fishery. He stated that the mechanism might be needed in the future. However, he remarked that the methods currently proposed made biological nonsense. He also added that there were conservation factors included in the plan, (for example, the selection of the low end of the ranges).

AP Comments: The AP chose Option 1. The motion was passed on a vote of 9 to 4.

SSC Comments: The SSC majority opinion favored Option 1, allocation of all the surplus. They noted that there is no scientific evidence to support or suggest an appropriate downward adjustment. They noted that major herring stocks are generally in good condition and most are increasing throughout the Bering Sea. If stock conditions change, then other options should be reconsidered. Some members expressed concern regarding the potential for overharvest of small discrete stocks by the offshore mixed stock fishery and the current inability of the resource agencies to evaluate this problem.

Council discussion centered around the problem of protection of the stocks either through a reduced exploitation rate for the offshore stocks emergency provisions in the plan, or partial allocation to the offshore fishery.

Steve Pennoyer discussed the issue of a fishery on a mixed stock and compared the situation to the salmon fisheries.

Bevan alerted the Council to the problems inherent to the suggestion to implement emergency management measures. Specific guidelines and mechanisms would have to be prepared for the Regional Director to implement these measures. He requested the scientists to prepare further advice on the best means of doing this and cautioned the use of arbitrary figures.

Steve Pennoyer further elaborated the issue of a mixed-stock fishery. On a point of clarification, Pat Travers elaborated that if a mechanism for establishing a new exploitation rate was included in the plan with Regional Director authority, a discretionary set of standards for his decision should be included based on the assessment of stocks. Bevan stressed the necessity for an annual update of OY which would not need to be implemented through the amendment process. He made the motion to proceed with the recommendations of the SSC with the understanding that the team would keep working on the issue. The motion to adopt option 1 was carried 7 to 4.

#### 10. TALFF

The Plan Drafting Team introduced the option of either (1) no TALFF or (2) TALFF. The option to have no TALFF was included in response to the request to consider no allocations to the foreign fisheries because of market considerations.

AP Comments: The AP moved to adopt Option 2 with the understanding that the OY will be reassessed after the inshore fishery is conducted. That motion was unanimously passed.

SSC Comments: The SSC noted that any reduction of TALFF must be a result of no surplus OY and not simply a preferential statement against the allocation to foreigners. They went on to say that since foreign fleets may be competing with the same markets as the U.S. industry, the Council may wish to have economic and marketing studies to evaluate this and other OY issues for future Council consideration.

Council Action: The Council unanimously approved the motion to adopt Option 2.

#### 11. Time/Area closures during the inshore roe season.

During the inshore roe season, the plan proposes that the FCZ be closed to herring fishing from April 1 to July 1 south of 60° N. latitude and to August 1 north of 60° N. latitude. This is further discussed in the issue paper. There are three options for management under this issue: Option 1 - close the FCZ to the food and bait fishery, Option 2 - open the FCZ in all areas, Option 3 - open the FCZ either west of 168° West longitude or south of 56° North latitude. These are discussed in greater detail in the issue paper.

AP Comment: On the matter of the inshore roe fishery - April 1 to July 1  
- the offshore domestic food and bait fishery - the Panel chose option 1, to close the FCZ to the food and bait fishery. The motion passed unanimously.

SSC Comment: The SSC recommended that the FCZ be closed to herring fishing during the inshore roe fishing period to prevent potential conflicts between inshore and offshore domestic fisheries and in consideration of plan priorities.

Council Action: The motion passed unanimously to adopt Option 1.

12. Domestic food and bait fishery; harvest of any remaining initial allocation after September 30th.

The PDT explained if only the initial allocation remained for the winter food and bait fishery (i.e. no allocation of surplus from the inshore roe fishery), then the amount of initial allocation remaining could be harvested, either, Option 1, unrestricted or Option 2, South of 56° North latitude until the quota is taken, or, Option 3, unrestricted until quota taken except in the herring savings area.

AP Comment: If any part of the initial offshore food and bait allocation remains after September 30, the AP recommended Option 1.

SSC Comment: Except for the previously noted closure of the FCZ during the roe fishery, the SSC supports Option 1, which is unrestricted fishing for any allocated quota. There was no evidence presented to justify restrictions on the winter harvest of the initial allocation.

COUNCIL ACTION; The Council approved Option 1 unanimously with no comment on the issue.

14/13. Implementation and configuration of the Herring Savings Area.

The Plan Drafting Team introduced the issue, (further discussed in the issue paper) and outlined the Options for the implementation of a herring savings area: Option 1, close all fishing when there is no TALFF or when TALFF does not exceed AIC; or Option 2, when observer coverage is below a minimum level during November to March in Statistical Area 2 whether TALFF is available or not; and/or Option 3 allow individual vessels with observers to fish; and/or Option 4, exempt longlining from the closure.

These options are discussed in greater detail in the issue paper.

AP Comment: The AP endorsed the concept of establishing a herring savings area to protect herring when stock biomass is down. However, there appears to be no problem for the 1980-81 fishing year and a closed area seems to be unnecessary. The AP supported the SSC recommendation. The minority opinion supported a mechanism whereby an area closure could be implemented but not necessarily limited to the areas described.

SSC Comments: The SSC endorsed the concept of establishing a herring savings area to protect the herring when stock biomass is down. However, there seems to be no problem for the 1980-81 fishing year. They suggested that discussion of a closed area remain in the plan but that no regulations be promulgated at present. They requested further evaluation of the herring savings area concept to determine which areas should be considered under various conditions, the potential impacts to the groundfisheries and how such a closure should be implemented. The SSC recommended increased Coast Guard surveillance in the proposed savings area to prevent any direct targeting on herring stocks when there is no TALFF.



The SSC also recommended that the longline fishery be exempt from any closure.

Council Action: A motion was proposed to adopt Options 1 and 4 with the understanding that flexible procedures be included in the plan which would allow the implementation of a herring savings area if necessary and that the PDT would continue to study this issue.

The PDT recommended Area C because this area included the greatest concentrations of herring over a number of winters. They also elaborated on the catch of pollock in these areas and the percentage of herring in the catch. They recommended Area C in conjunction with Regional Director in season authority to close areas within Area C, if necessary (i.e., Option 5 of issue 13).

In response to the query of whether the herring were likely to go beyond Area C, the Plan Development Team responded that most of the herring are generally found within Area C. The AP Chairman noted that pots should also be considered exempt from closures.

The Council moved and carried a motion to approve Options 1 and 4. The PDT proposed an area to be defined within Statistical Area 2 giving specific criteria and a mechanism for seasonal adjustment.

#### G-4. Gulf of Alaska Groundfish FMP

The Scientific and Statistical Committee presented the groundfish subgroup review of proposed amendments for both the Gulf of Alaska and the Bering Sea/Aleutian Islands Groundfish FMP's. The subcommittee directed their review to the BS/AI plan and no comments were made on the Gulf of Alaska plan.

The Advisory Panel presented a report to the Council recommending a joint venture policy statement to be included in both groundfish plans. The language approved by the AP is:

"The Council finds that one method of implementing provisions of the processor amendment (P.L. 95-354) requires that ocean areas in the vicinity of U.S. processing facilities be designated as closed areas to joint venture processing operations.

"The Fishery Management Plan therefore provides that the Regional Director, NMFS, Alaska Region, upon the recommendation of the Council, designate such areas within which foreign fishing vessels may not receive U.S. harvested fish."

The Advisory Panel also approved the idea of specific time/area closures for the Kodiak king crab district to prohibit foreign trawling to avoid gear conflicts and ground preemption.

In addition, the AP left the date for the public hearing on the amendments to Gulf of Alaska Groundfish FMP to the discretion of the Executive Director.

The SSC groundfish subgroup will meet with the groundfish PDT prior to the next (May) meeting. The Council will act at the June meeting on final approval of proposed amendments.

Council consideration of the release of reserves scheduled for May 2, 1980, commenced with public testimony from the following:

Ed Naughton, representing Korea Marine Industrial Development Corporation, asked the Council not to release the reserve amount at this time. He explained that the KMIDC joint venture has the catching and processing capacity for the JVP portion of the DAH and needs the fish.

Mr. Naughton was questioned by Council member Douglas Eaton on the possibility of having the joint venture operations post some form of performance bond in return for making JVP amounts available from DAH.

John Harville asked how the joint venture could be assured of having the necessary number of processing essels to accommodate catches. Mr. Naughton assured him the ships were committed to the venture by responsible officials in the Korean government.

The Council then called upon Mr. Phil Chitwood, NMFS, Juneau, for an overview of the reserve situation in the Gulf of Alaska. Mr. Chitwood said the reserve amount in the GOA totaled 38,000 mt; the Gulf DAH totals 50,063, m.t., of which 26,325 mt is the JVP portion.

Council member Don Bevan asked if foreign fishing permits are locked in to the calendar year system (plan year). Council member Harry Rietze and NMFS attorney Patrick Travers replied that the permits can be amended for any period of time. Mr. Bevan said the system needs flexibility for the granting of permits and allocations on other than a calendar year basis.

Public comment continued:

S. Johnson, representing the Hokutan and Japan Deep Sea Trawlers, expressed his concern about the proposed limitation on the prohibited species listed in the plan. Mr. Johnson said the incidental catch can vary from 5-45,000 salmon for any consecutive year period, and to strike an average poses risks to foreign nations if they have to cease fishing for all species in a year when the incidental catch would be above the established total allowable catch.

Council member Meacham interposed to remark that he hopes the plan development team achieves the FMP goals in the amendments it has drafted.

Mr. Greg Oczkus, representing KMIDC, said he supported the testimony of Mr. Naughton. Mr. Oczkus and Council member Harville traded remarks to the effect that cooperation from the Council (in the matter of reserves) is well received from joint venture operators.

Paul MacGregor, representing the North Pacific Longline/Gillnet Association, expressed criticism of the KMIDC presentation and request for reserves, basing this on the past performance of the joint venture. He noted that their catch to date amounted to only 770 mt, and asked that the available reserves be released to TALFF.

Council member Meacham remarked that the winter months (November, December, January) cannot be used as a measure of the ability of the U.S. fisherman to harvest the DAH.

Council member Rietze told the Council that there is a 'buffer' in the unused OY amount, there are plenty of fish in the ocean, and that it looks now as if NMFS has the opportunity to make a reserve release on the scheduled May 2 date.

Council member Harold Lokken moved to release 25% of the reserves on May 2. Council member Bevan asked to amend the motion to release reserves in two portions during June and July and not to give it away on May 2.

A motion was made and passed to give the Regional Director, NMFS, the discretion to make the appropriate reserve release. It was moved and seconded to include the joint venture policy statement and some form of fixed gear area (foreign trawl closure in the Kodiak king crab district) to the material prepared for the public hearing on the GOA groundfish amendments. The motion passed unanimously.

The date for the hearing was left to the discretion of the Executive Director.

#### G-5. Bering Sea/Aleutian Islands Groundfish FMP

The Council considered the possibility of raising the OY/ABC for Pacific cod for the 1980 fishing year based on testimony from NMFS that there are strong year classes entering the fishery and ABC could safely be raised to 111,000 m.t. from the present 58,700 m.t. Mr. Phil Chitwood, NMFS, told the Council that there is an estimated shortage of 6,000 mt of Pacific cod in OY to support TALFF.

The Advisory Panel told the Council that it had recommended against an increase in Pacific cod OY based on the advice of the SSC which had cautioned against raising the OY and subsequently TALFF in view of the possible effect such a move would have on market conditions.

Comments on the Bering Sea/Aleutian Islands Groundfish proposed amendments are contained in the SSC Attachment #1 (Report of the SSC Groundfish Subgroup).

Mr. Hastings, representing the Japan Fisheries Association, quoted from a letter from JFA, citing operational difficulties in the fishery which are posed by the high catches of Pacific cod incidental to the pollock fishery.

A motion was made to set the ABC for Pacific cod at 111,000 mt; the motion passed.

A motion was made to set the OY for Pacific cod at 88,000 mt; the motion passed.

#### H. NEW BUSINESS

##### H-1. Consideration of a Policy on the Management Plan Development Process

Mr. Branson introduced the agenda item and told the Council of the pressing need to develop a working policy for the management plan drafting teams. He went on to say that the Scientific and Statistical Committee had discussed the matter and had expanded their comments on the subject to include the Council's operations as well.

Steve Pennoyer, Chairman of the Scientific and Statistical Committee, told the Council they had become increasingly aware that the SSC had been unable to properly fulfill their obligations to provide the Council with the appropriate technical review of plans, contracts, reports and other items. Pennoyer went on to tell the Council that the SSC had several concerns as follows:

- a. The requirement for SSC opinions with no advance notice or opportunity for preparation for comments,
- b. The inclusion of a variety of unrelated topics in SSC agendas,
- c. Receipt of reports and planning documents with no time for review, and
- d. A lack of clear understanding of the roles and makeup of plan development teams as opposed to plan maintenance, amendment and special problem teams; how agencies function in this process and how all these players relate to the Council staff and advisory bodies.

The SSC report (APPENDIX B-2) concludes that the basic method of Council operation and the way in which various advisors and resource people interact with the Council should be reexamined. The SSC formed a subgroup of Pennoyer, Millikan, and Larkins to review this issue sometime in May and prepare a report to the SSC prior to the June meeting. Part of the recommendations include:

- a. Meet less frequently but for longer periods,
- b. Attempt to use subgroups for interim problems and special studies,
- c. Meet only as required for short periods to handle emergency or housekeeping problems, and
- d. More firmly scheduled plan amendments coordinated with realities of fisheries data, management, public input, agency workload, advisory review, and schedules of other regulatory entities.

Mr. Bob Alverson gave the Advisory Panel Report and told the Council they had considered the request to develop and adopt a policy on the management plan development process and had appointed Sig Jaeger to be the Advisory Panel representative to any Council steering group. Alverson said they would nominate a second panel member at a later date.

The Council, upon the recommendations of the Advisory Panel and the Scientific and Statistical Committee, agreed to reactivate the Committee to Establish Priorities for the Development of FMP's and add those SSC and AP members noted to work on the policy statement.

H-2. An Evaluation of the Environmental Defense Fund Petition for Changes in the Guidelines for Developing the Fishery Management Plans

The agenda item was introduced by the Executive Director. He recommended that the Council adopt the recommendations of the SSC in the preparation of the response to the NMFS request for comments on the EDT petition and the National Standard guidelines.

Council member Bevan suggested that the response include a reference to the delay in the amendment process that would be caused by the proposed changes to the guidelines. He also suggested that the points discussed under proposed changes to MSY could be included in the consideration of OY.

It was left to the discretion of the Executive Director to modify the report as appropriate, due to the lack of time for SSC review.

The Council unanimously passed the motion.

H-3. Proposed modified policy for routine approval of foreign permit applications with minor violations

The Executive Director requested the Council consider an amendment to their guidelines for review of foreign permit applications by the Executive

Director. Currently those guidelines allow the Director to review and approve foreign permit applications unless they are for: (1) vessels to be used in support of vessels of a different flag, (2) vessels with a record of violations and a record of gear conflicts, (3) vessels of a country which do not have a traditional fishery in the area, (4) vessels planning to employ unusual or unaccustomed species, and (5) such other applications deemed nonroutine by the Executive Director. The Executive Director asked that the Council consider allowing review by him of applications from vessels that had committed violations of a minor nature. Such things as poorly placed call signs, routine irregularities in location of permits or log entries, unsafe boarding ladders, etc., should be included in this category with an upper limit on any fines or penalties assessed not to exceed \$10,000. After deliberation the Council amended their policy to allow such review. The Advisory Panel had requested, after considering the matter and recommending approval of the Executive Director's request, that they be given a report of all such permits approved by the Director at their regular meetings. The Council directed the staff to comply with that request.

#### I. REPORTS, CONTRACTS, PROPOSALS

combined with

#### J. FINANCE REPORT

Mr. Jim Campbell, Chairman of the Finance Committee, reported on the Finance Committee meeting of April 25, 1980, and recommended approval of the following items:

- I-1. "A Study of the Offshore Chinook and Coho Salmon Fishery off Alaska" (RFP 80-2) - Three proposals were received and the Committee recommended award of the contract to Natural Resources Consultants, Inc., for \$48,000 and travel up to \$10,000.

Contract 78-4 "The Development and Enhancement of a Computerized Fisheries Information System." Final report be approved.

Contract 78-5 "Assessment of Spawning Herring and Capelin Stocks at Selected Coastal Areas in the Eastern Bering Sea." - Extension of contract billing until September 30, 1980 and final report due by October 30, 1980.

Contract 79-3 "A Coded Wire Tag Recovery Program on Chinook and Coho Salmon in Southeastern Alaska - 1979." Approval of purchase of computer terminal for \$5,165 from the balance of this contract.

Mr. Campbell stated Dr. Bevan had requested an update on Alaska S.B. 346, "Confidentiality of Statistics" and requested a copy of the bill. Mr. Tillion stated this Bill was in the House Rules Committee. A copy will be obtained and distributed to the Council members.

Mr. Campbell then stated the Committee had reviewed the mid-year administrative expenditures and stated the Council had requested from NMFS an additional \$26,000.

Dr. Bevan had requested a status report on the clam leasing study the Council had requested of the NOAA legal staff. Mr. Travers stated it was under review by the Fishery Policy Group in the NMFS Central Office.

A status report of the Council's programmatic funding for FY80 was given by Mr. Campbell. He stated that of the \$510K budgeted, approximately \$100K remained unobligated. The SSC is to make recommendations for these funds and the FY81 programmatic funds at the next Council meeting.

Dr. Donald Rosenberg then reported the SSC had received a request for joint funding with the State of Alaska and others on a Bering Sea herring stock study being proposed by Natural Resources Consults, Inc. He stated the SSC did not recommend funding this project at this time. Mr. Campbell moved to support the SSC recommendation and it passed with no objection.

The Finance Committee Report is APPENDIX E.

#### I-3. Other Business as Necessary

Dr. Dayton L. Alverson presented a proposal to the Council for Natural Resources Consultants to review the biological basis of the herring plan. Funding would be provided by eight contributing participants, each supplying \$2,000 for a total cost of \$16,000. The Council concurred with the recommendations of the SSC. (See SSC minutes, APPENDIX B-2)

#### K. PUBLIC COMMENTS

No comments were offered to the Council by the general public.

#### L. CHAIRMAN'S CLOSING REMARKS

Chairman Tillion reminded the Council the next meeting would be held in Kodiak.

#### M. ADJOURNMENT

The thirty-second plenary session of the North Pacific Fishery Management Council adjourned April 25, 1980, at 3:00 p.m.