

North Pacific Fishery Management Council

Clement V. Tillion, 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



CERTIFIED: Telephone: (907) 274-4563
FTS 271-4064

for
H. G. F. Tillion
Clement V. Tillion, Chairman

MINUTES

Twenty-eighth Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
Centennial Building, Sitka, Alaska
October 4-5, 1979

The monthly meeting of the North Pacific Fishery Management Council was held in the Centennial Building, Sitka, Alaska, on October 4 and 5, 1979. The meeting was conducted by Council Chairman Clement V. Tillion.

The Scientific and Statistical Committee met at the Centennial Building on October 2 and 3, 1979, with Chairman Steve Pennoyer presiding. They also met jointly with the Advisory Panel.

The Advisory Panel met at the Centennial Building on October 2 and 3, 1979, with Vice Chairman A.W. 'Bud' Boddy presiding.

Council members, Scientific & Statistical Committee (SSC) and Advisory Panel (AP) members and the general public in attendance are listed in APPENDIX A.

A. CALL TO ORDER

Chairman Tillion called the meeting to order and welcomed Mr. Dick Cashdollar in attendance for the U.S. State Department.

B. AGENDA

The agenda was approved as presented.

C. MINUTES OF AUGUST MEETING

The minutes of the August 1979 meeting were approved as submitted.

D. EXECUTIVE DIRECTOR'S REPORT

Jim H. Branson, Executive Director, presented his report and reviewed some of the important points. Branson told the Council the FY 80 budget had been approved as submitted except in some categories relating to travel. He said, however, that NMFS had promised to reinstate funds if needed and also indicated the economist position, which had earlier been removed from the budget, would probably be approved.

Branson next reported that he and Chairman Clement V. Tillion had attended a bottomfish meeting on St. Paul Island on September 5-7, 1979, sponsored by the Alaska Native Foundation and the State of Alaska Bottomfish Coordinator Jim Edenso. The chairman remarked it was an excellent opportunity to confer with people who would be impacted by this fishery and to consider questions regarding future problems.

Mr. Branson next asked for Council advice regarding joint venture applications for transport vessels in support of joint venture fishing ships. Pat Travers, NOAA General Counsel, told the Council they could consider the transport vessels as part of the joint venture operation and, approve the application or consider the transport as a separate operation. Mr. Bud Boddy, Vice Chairman of the Advisory Panel, told the Council the panel had considered the matter and believed the Executive Director should continue approving routine permits and, where a joint venture had already been approved by the Council, all associated permits such as this one. The Council adopted the Advisory Panel's recommendation and approved the procedure whereby the Executive Director continue approving routine permit applications including those associated with joint ventures already approved by the Council.

Highlighting other parts of the Executive Director's Report, Branson told the Council that the clam leasing study being conducted jointly by the Alaska Dept. of Fish & Game and NOAA General Counsel was proceeding on schedule. He also said Advisory Panel vacancies had been advertised and that nominations would close at this meeting with selection to occur at the next meeting. He introduced the 1980 Council schedule and noted April and July might be cancelled.

Branson also told the Council he had been asked to serve on a monitoring committee for the study entitled, "A System Level Plan for Alaska Fisheries Development." The Council authorized Branson to attend on behalf of the Council noting the next meeting for the group was scheduled October 26 in Seattle. Branson also told the Council that the Herring Workshop sponsored jointly by the State of Alaska and the Council had been tentatively scheduled for February with more details to follow. He lastly referred the Council to the status report on the Fishery Management Plans contained in the agenda folder and also to the Marine Mammal Commission letter of agreement transferring \$12,500 to the Council for initiation of studies designed to cooperatively look at Marine Mammal ecosystem questions.

E-1. Alaska Department of Fish & Game Report of Domestic Fishing Activities

Fred Gaffney, ADF&G, told the Council that landings of sablefish thru September 28th were 5.8 million pounds indicating that the domestic harvest off Southeast Alaska might achieve 3,000 m.t. He also told the Council the Department had 428 proposals for the Alaska Board of Fisheries to consider at its next meeting in December and that these proposals would be sent to the Council. His report is attached as APPENDIX B.

Jack Lechner, ADF&G, then reviewed the on-going Bering Sea king crab fishery. He told the Council fishing started September 17, in the Bering Sea and that 226 ships (up from 162 last year) had taken 14 million pounds by October 1 and probably had an additional 23 million pounds in the tanks. He said the CPUE of 60 to 80 had been holding steady and that the total catch would likely be 110 to 125 million pounds with a probable closure around October 14. Lechner also told the Council they may go to a 7-1/2 inch season if the CPUE and general state of the fishery warranted it. Lechner's full report is attached as APPENDIX C.

E-2. National Marine Fisheries Service Report of Foreign Fishing Activities

Mr. Ron Naab, NMFS, reviewed the composition of the foreign fishing fleets off Alaska and reported 350 vessels operated in August and 257 in September. The Japanese fleet had 19 stern trawlers, 17 longliners, and 3 support vessels in the Gulf of Alaska; 40 stern trawlers and one support vessel along the Aleutian Chain; 139 vessels in the central and western Bering Sea; and one factoryship operating east of the Pribilof Islands. The mothership crab fleet, Naab said, left the Bering Sea in late August, leaving one independent crabber fishing northwest of the Pribilof Islands.

The Soviet fleet had 13 stern trawlers east of the Pribilofs and like the Koreans were fishing primarily for pollock. There were 4 Korean stern trawlers off Yakutat and 4 in the western Gulf of Alaska; one factoryship in the Kodiak area and one support vessel, BOK NEUNG, which is also involved in joint ventures. In the Bering Sea, 6 Korean stern trawlers and one support vessel are fishing.

Naab reported there are three Polish vessels operating now, one stern trawler in the Kodiak area, and one stern trawler and one refrigerator transport south of the eastern Aleutians--all fishing pollock.

The Soviet joint venture, Marine Resources, Inc., and the BMRT KAMYSHAN, which began fishing in the western Gulf of Alaska completed operations off Sitka in late August. The vessel moved to the hake fishery off Washington and Oregon and is presently headed for her home port. In the South Korean joint venture, the KORMEX vessels are delivering catches to the BOK NEUNG in the Kodiak area as are two U.S. vessels.

Mr. Naab told the Council the Preliminary Fishery Management Plan currently in effect for Groundfish in the Bering Sea has been updated by NMFS as a contingency for the planned January 1 implementation date for the Council's FMP.

Mr. Ron Berg, NMFS, reported on foreign fleet catch statistics. The Japanese Tanner crab fleet has taken 99.6% of its 15,000 mt quota, of which 13,300 is opilio, 12,000 bairdi, and 430 hybrid. Comparing catch effort, 2 factoryships took 11,731 tons in 175 days in 1978 and in 1979 took 11,774 in 186 days. The independent vessels took 3,234 tons in 120 days in 1978 and this year took 3,162 tons in 150 days.

The KMIDC joint venture has taken approximately 750 tons of cod, 570 tons of pollock, and the rest flounders, Pacific ocean perch and rockfish for a total of about 1500 tons. Included was a bycatch of 18 tons of sablefish.

Amendment #5 to the Gulf of Alaska Groundfish FMP which established the rockfish OY of 13,200 tons, became effective September 12.

Amendment #6 to the Gulf of Alaska Groundfish FMP, which decreased the DAH by about 25,000 tons and thereby increased TALFF by that amount, became effective September 24. Current DAH is 18,000 tons with about 1300 tons of that being rattail.

On September 12, an errata to the Gulf of Alaska Groundfish FMP concerning other rockfish category was sent to the Federal Register by NMFS. This will allow a reduction in this year's foreign catch of other rockfish and a like amount added to Pacific ocean perch.

NMFS has updated the PMP for the Bering Sea/Aleutian Islands Groundfish Fishery and used the FMP figures including the MSY, EY's, and TALFF with a zero DAH, but added that difference to the Reserves in the FMP, thereby creating a large Reserves of all species. This action was a contingency on the FMP not being on line January 1, 1980.

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

Commander Pete Busick reported seven violations occurred since the last Council meeting: two were civil penalty violations and three were

written citations. The FUKUYOSHI MARU No. 8 Busick stated was seized for allegedly underlogging its catch and has been turned over to the U.S. Attorney in Anchorage for prosecution. The complete Coast Guard report is APPENDIX D.

E-4. Scientific and Statistical Committee and Advisory Panel
Reports on Matters not on the Agenda

The report of the Scientific & Statistical Committee (SSC) is APPENDIX E. The SSC also considered matters not on the agenda as follows. Pennoyer told the Council the SSC had reviewed a list of development team members and appointed or reconfirmed an SSC subgroup to review each of the plans. The subgroups were for the Clam, King Crab, Tanner Crab, Bering Sea/Aleutian and Gulf of Alaska Groundfish, Halibut, Herring and Troll Salmon Fishery Management Plans. They also discussed composition of the development teams after the plan has been implemented and the role of the drafting team in plan review. They felt that in terms of the plan amendments the present teams, which developed the plans, may no longer be appropriate to the amendment process.

Pennoyer also commented on the status of the King Crab Fishery Management Plan. He told the Council that the plan review team had consolidated and responded to the comments of the SSC and discussed the matter in a meeting on September 24-25 in Seattle. Pennoyer admitted the meeting was not successful in totally reconciling the differences and viewpoints between the drafting team and the SSC review team. But, it did clarify their respective views and did set guidelines for redrafting the plan. It's now scheduled, Pennoyer said, to be submitted to the SSC in March 1980 which should provide sufficient lead time for implementation of the plan for the 1981 season.

The SSC also announced it would meet in Anchorage on November 27 for one day and that there would be a subgroup review team meeting in Juneau on Nov. 19th to discuss the salmon plan. The last item, Pennoyer said, was a request to undertake a preliminary review of the Office of Technology Assessment Planning paper on the study of "Future Needs in Ocean Research Technology." The SSC has decided to withhold detailed comment until a Northwest & Alaska Fisheries Center staff review is available.

Mr. Bud Boddy, Vice Chairman of the Advisory Panel, told the Council they had considered two items not on the Council's agenda. First, the Panel considered the question of the high seas salmon fishery in the upcoming INPFC talks in Tokyo. The AP wished to bring to the attention of the Council a need to readdress the Council's old High Seas Salmon Plan for the Fishery East of 175° East Longitude. The AP, Boddy said, wanted the plan to be re-examined as an alternative for the High Seas Salmon Fishery. Last and with regrets, Boddy told the Council AP member Chairman Keith Specking had unexpectedly announced his resignation from the Panel. The Advisory Panel Report is APPENDIX F.

F. OLD BUSINESS

F-1. FCMA Oversight Hearings

Jim Branson told the Council that the FCMA Oversight Hearings working group had met in Anchorage and considered questions submitted by Congressmen Breaux and Forsythe of the House Subcommittee on Fisheries & Wildlife Conservation and the Environment. The report of the working group is APPENDIX G. The responses of the working group were reviewed by the SSC and the AP. The SSC had only one comment which dealt with the answer to question 5 which asked whether data on the nature and extent of the recreational harvest was sufficient for the preparation of fishery management plans. The SSC felt that it was adequate for now but see it as a possible problem much later. They also suggested as an additional oversight comment that SSC members who are not government/state employees be reimbursed for their time spent on SSC business.

The Advisory Panel reviewed the working group's report and had no additional comments on the responses to questions 1, 2, 3, 4, 5, 7, 8, 9, 10, 12, 13, 14, 15, 18, and 19. Their comments on questions 6, 11, 16, 17, and additional issues are as follows:

Concerning #6 (logbooks): The Panel raised the issues of (a) the confidentiality of logbook data, (b) mandatory versus voluntary aspects of logbooks and (c) fishermen/processor differences. Agreement was reached on the proposed language with one change in the first sentence to read: "A well designed and practical and voluntary (for the fisherman) logbook with adequate guarantees of confidentiality supported by interviews by fishermen is valuable in some fisheries."

Concerning #11 (EO 12044): The Panel enthusiastically agreed with the recommendation of the working group that EO 12044 was not necessary for fishery management plans.

Concerning #16 (observer coverage): The Panel discussed extensively observer coverage needed off Alaska. A motion was passed to strike "adequate" concerning the 20% coverage mentioned in the comment. The sentence would then read: "Twenty percent coverage is considered minimal." The Panel noted that it must be difficult to determine the precise percentage of coverage which would be necessary to manage the fishery but feel that a minimum of 20% coverage is needed for all fisheries in all areas at all times of the year.

Concerning #17 (foreign fishing penalties and violations): The Panel agreed with the recommendation in the report but believed it was further necessary to question the Japanese Fishery Agency as to their role in assessing penalties against violators of U.S. law including incidences which may come to the attention of the agency after the ship has left U.S. waters.

The Advisory Panel wished to add two comments to the list of responses which would read:

21 "With the existing and anticipated increase in fishing activity in the Bering Sea, it is increasingly evident that the Coast Guard's interfacing mandates of surveillance, enforcement, and search and rescue has fallen in its commitment in the Bering Sea.

The use of long range helicopters for surveillance and med-evac response is now based out of Kodiak. We strongly endorse that a helicopter be based at Cold Bay, which is immediate to the most active fishing grounds. The shortfall in Coast Guard response has been most evident in med-evac cases. Requests for assistance in injury cases have a delay response of 6 to 20 hours and in some cases injuries have had a graver crippling effect because of this delay.

Vessels active in the Bering Sea exceed 200 in number through May (in crabbing principally) with growth anticipated in the bottomfish industry. Other domestic traffic involves gillnetters in the Bristol Bay area and tugboats transiting the area. Vessel density is growing, risk factors in winter are high, and the area is remote. There are clearly a number of negative reports on Coast Guard response time and these will grow as the fishery increases. The top priority for Coast Guard response is the saving of life at sea, search and rescue, surveillance and enforcement, in that order. The surveillance and enforcement has been budgeted for by the Congress, but the saving of life at sea has been neglected and is a concomitant need neglected to date."

22 " When the Panel considered the Herring FMP agenda item and learned of the problems with the EIS, they discussed the nature of the problem and that of the internal NMFS review procedures. The Panel felt strongly that the issue of review procedures has been inconsistent, untimely, and does not assist the Council in its work of preparing fishery management plans and their amendments. They requested that this general subject be addressed in Washington during the Oversight Hearings."

The Council considered the responses to each question and approved each as written except the following:

#3. The Council expanded this answer to include all previous testimony on this question.

#4. The Council changed this answer to indicate payment for three year charters should be made in one payment to avoid year-end cutoff of funds.

#5. The Council accepted this answer with the comments from the SSC and pointed out that NMFS recreational statistics were not being done within Alaska.

#6. The Council accepted the working group's response with the Advisory Panel's additional comments.

#9. The Council added the provision that a 60-day Secretary of Commerce review period be established for FMP's and that if the Secretary of Commerce fails to take action within that time, the FMP automatically becomes effective. If the SOC vetoed the FMP, the reasons must also be stated.

#11. The answer was accepted including the Advisory Panel comments.

#16. The answer was accepted including the Advisory Panel comments.

#17. The answer was accepted including the Advisory Panel comments.

#20. The response was accepted and the comments by Rear Admiral Duin were noted. The Council learned that NMFS does not have a small boat capability for enforcement work and the Chairman said he would inform NOAA that NMFS needs small boats for this enforcement work, especially on marine mammals.

Additionally the Council accepted the Advisory Panel comments regarding the helicopter based at Cold Bay and the requested inquiry into the NMFS review procedures for FMP's.

F-2. St. George Basin Lease Sale

The Council considered a request by the National Marine Fisheries Service to comment on the proposed St. George Basin oil lease sale, originally scheduled for 1985 but moved up to December 1982. Branson told the Council that all research planned for that area by OCS was geared to 1985 and included both the western portion of the tract (St. George Basin), the shelf edge north of Unimak Pass to the Pribilof Islands in the eastern basin (north Aleutian shelf area) and all of outer Bristol Bay. Branson referred to the report in the agenda packet for details of the study but stated St. George Basin was the most productive fishery area in the eastern Bering Sea and the most heavily fished. He said it also included the largest northern fur seal rookeries in the world, which were on the Pribilofs.

The SSC had no comments on the matter but the AP reported they had reviewed the report and agreed with all aspects of the report approving postponement of the sale indefinitely. Boddy told the Council the AP cited incomplete research results, the desirability of the permanent deletion of four areas from the proposed sale tracts, and a concern for the possibility of oil spills in an area of great economic and biologic importance as reasons for indefinite postponement, which they support.

The Council concurred with the Advisory Panel recommendations and unanimously requested an indefinite postponement of the the St. George Basin oil lease sale. Mr. McVey accepted the Council comment for the NMFS and promised to transmit it to the NMFS Central Office.

F-3. Fishery Management Plan Schedule Committee Report

Branson told the Council that the Management Plan Scheduling Committee met in Anchorage in September and proposed a schedule for the development of several FMP's. Branson said the Herring, Clam, and King Crab FMP's proposed schedule needed approval by the Council.

Steve Pennoyer told the Council that the SSC had reviewed the scheduling subcommittee report and approved the proposed schedule for development of the Surf Clam FMP and the amended cycle for the King Crab FMP. He also said the annual review cycles for the Gulf of Alaska and Bering Sea Groundfish FMP's have been approved and that the SSC had pointed out that although the report assumes the review will be undertaken by the plan drafting teams the basic question of whether the responsibility for monitoring the fishery should be taken by a team, an agency, or an individual had not yet been addressed. The SSC also recommended that the annual review cycle be reviewed by the management agency to insure that the proposed schedules were in accordance with the agency requirements.

Bud Boddy told the Council the Advisory Panel had reviewed the scheduling subcommittee report and recommended that the clam development schedule be approved. They also recommended a schedule for the King Crab FMP which called for the SSC and Council review to begin March 1980 with the plan implementation scheduled still September 1, 1981. Boddy said the AP also considered and approved the recommendations in the report that change the fishing year of both the Bering Sea/Aleutian Islands and Gulf of Alaska Groundfish FMP's to September 1 through August 31.

The Council considered the report and the recommendations from the AP and SSC and approved the schedules for Clam, King Crab, and Herring FMP's. The Council also approved the recommended change in the fishing year for the Bering Sea/Aleutian Islands and Gulf of Alaska Groundfish FMP's to September 1 through August 31.

G. FISHERY MANAGEMENT PLANS

G-1. Troll Salmon FMP Amendments

A review of the Troll Salmon FMP and its proposed amendments was provided by Mr. Branson. He told the Council two amendments had been proposed to this plan by the Council consisting of a prohibition on handtrolling in the Fishery Conservation Zone and the continuation of the same or modified power troll limited entry program. He also said four or five other proposals had been raised by the Alaska Dept. of Fish & Game staff which must be considered by the Council to conform to the proposals and process being considered by the Alaska Board of Fisheries.

Steve Pennoyer told the Council that the SSC had no comments on these amendments but had scheduled a meeting in Anchorage on November 28 to discuss each proposal. The Advisory Panel considered the proposed amendments to the plan and learned that an expanded public hearing schedule would most likely be necessary. The AP, Boddy said, believes that public hearings should be held in Ketchikan, Sitka, Pelican, Petersburg, and Juneau before decisions are made on the amendments.

The Council considered it prudent that they meet with the Alaska Board of Fisheries during their December Board meeting to jointly consider action on these amendments. To accommodate that schedule, the Council announced it would act on the amendments at its December 12, 13, & 14th meeting and would consider offering the 13th for a joint meeting with the Board of Fisheries to discuss among other things troll salmon issues. Additionally, the Council agreed to look into the public hearing schedule raised by the Advisory Panel and where appropriate, schedule joint meetings with the local Advisory Committees for the major Southeast cities.

G-2. Tanner Crab

The Council considered an amendment to the Tanner Crab Fishery Management Plan which would change OY for Tanner crab Chionoecetes bairdi and C. opilio in the Bering Sea, and Bering Sea DAH and TALFF. The reports, public testimony, and debates that followed were lengthy. Reports were presented by the Scientific and Statistical Committee, Advisory Panel, Tanner Crab Plan Development Team, DAH Working Group, and Alaska Dept. of Fish & Game. Testimony was received from several processors and industry representatives. The Council debate spanned Thursday afternoon and most of Friday morning with comments or contributions from most Council members. The reports were as follows:

TANNER CRAB PLAN DEVELOPMENT TEAM

Dr. Jerry Reeves, Northwest & Alaska Fisheries Center, Seattle, met jointly with the Advisory Panel and the Scientific & Statistical Committee to discuss the assessment of Tanner crab stocks resulting from the 1979 NMFS trawl survey in the eastern Bering Sea. The report is attached as APPENDIX H.

The current status of stocks of Tanner crab in the Bering sea, Reeves reported, was still declining. Tanner crab C. opilio pre-recruits were down 25% from last year and C. bairdi pre-recruits were down 38% from last year. The calculated ABC for C. opilio for crabs greater than 104 millimeters applying a .58 exploitation rate is 126 million pounds with a range of 103 to 153 million pounds. Four million pounds are estimated north of 58°, 122 million pounds are estimated south of 58°. The ABC for Tanner crab C. bairdi greater than 134 millimeters applying a .40 exploitation rate was estimated to be 27 million pounds, ranging from 22 to 33 million pounds.

One problem with the data, Dr. Reeves reported, was that the Japanese catch north of 58° last year was about 3 times that of the NMFS 1978 survey. Reason, he said, to utilize the survey data in that area with caution.

ADVISORY PANEL REPORT

Mr. Bud Boddy, Vice Chairman of the Advisory Panel, reported they had met in joint session with the Scientific & Statistical Committee to consider the report of Dr. Jerry Reeves. Mr. Boddy told the Council that in addition to the status of the resource surveys, the Advisory Panel also considered the expected domestic annual harvest for Tanner Crab in the Bering Sea, the total allowable level of foreign fishing and the Processor Preference Amendment.

The Advisory Panel accepted the NMFS survey results and further recommended OY be set equal to ABC for both C. bairdi and C. opilio in the Bering Sea. They reviewed a report prepared by Sig Jaeger, a member of the Council's Tanner crab working group on expected domestic annual harvest for C. opilio for 1980. The report concluded that a realistic estimate for expected domestic annual harvest was 129,630,000 pounds for 1980. The Panel believed this figure was an accurate reflection of the capacity and intent of the U.S. fishing and processing industry for 1980. They recommended therefore that since the DAH of approximately 130,000,000 pounds exceeded the OY estimate of 126,000,000 pounds, there should be no TALFF for Tanner crab in the Bering Sea. The Advisory Panel further considered draft language implementing provisions of the Processor Preference Amendment to the Tanner Crab Plan and accepted, as proposed, new language.

SCIENTIFIC & STATISTICAL COMMITTEE

Mr. Steve Pennoyer, Chairman of the Scientific & Statistical Committee, told the Council they had met jointly with the Advisory Panel and also heard the report on the status of the Tanner crab resources in the Bering Sea.

Pennoyer also noted they had listened to a presentation by the Japanese Tanner Crab industry and the Alaska Dept. of Fish & Game. The Committee Pennoyer said accepted the NMFS estimates for ABC for C. opilio and C. bairdi as the best available data, but noted a contradiction between the NMFS estimates of C. opilio north of 58° as borne out by the 1978 and 1979 Japanese fishery in that area. The SSC, however, still recommended that the NMFS estimates of ABC be set equal to OY.

The Committee next discussed DAH and the report prepared by Sig Jaeger which postulated the expected domestic annual harvest in the Bering Sea in 1980 would most likely be around 130,000,000 pounds for C. opilio. The SSC also listened to an ADF&G report which indicated there had been a 40% increase in vessels in the king crab fishery to approximately 220 large 'crabbers.' They felt that the relatively low price being paid U.S. fishermen for king crab this season would probably increase the U.S. fishermen's interest in the Tanner crab fishery. They also discussed a point that the U.S. industry had indicated there is a possible depressant effect on the U.S. market potential if any Tanner crab TALFF existed and that the total lack of data available on potential markets for opilio or the possible effects of TALFF on those markets concerned them. The Committee accepted the Advisory Panel recommendation that DAH be set at 130,000,000 pounds for C. opilio in the eastern Bering Sea.

The Committee concluded that no TALFF could be identified but that the Council should consider amending the plan to allow the release of DAH to TALFF in the event that a limited surplus becomes available. There were no recommendations for a mechanism except that the Council should review the U.S. fleet performance and marketing factors during the coming season and by May 1 assess DAH in regard to: 1) U.S. ability to harvest the remaining OY, taking into consideration such items as ice and weather conditions and total fleet performance, 2) the area of the U.S. fishery, and 3) potential effects on the market of any foreign harvest. Last, the Committee felt that if any TALFF were appropriate, the Japanese fishery north of 58° should be closely monitored to assess what part of the population is available in that area and the season adjusted as appropriate. Pennoyer concluded by saying that the Committee was very uncomfortable with the decisions dependent on presently unpredictable market information. He stressed the Committee felt the Council should adopt a mechanism to retain its flexibility to respond to various situations.

ALASKA DEPARTMENT OF FISH & GAME

Mr. Jack Lechner, Alaska Dept. of Fish & Game, told the Council that comparing last year's performance to this year's potential, one would have to conclude that the fishery could average 6 to 7 million pounds a week and that early in the season, the bairdi fishery would become incidental to the opilio fishery. Lechner went on to say he felt that there would be as much as 3 million pounds of opilio harvested each week for at least two months and the next 3-1/2 months would see 7 million pounds weekly. The potential of over 200 vessels that could be involved in the fishery would be capable of taking the quota. In conclusion and in response to questions, Mr. Lechner told the Council that his estimates compared favorably and completely supported the document prepared by Sig Jaeger.

DAH REPORT

Sig Jaeger, author of the DAH Tanner Crab Report, summarized the important points for the Council and reiterated the calculations used to arrive at the DAH of approximately 129 million pounds. In responding to questions from the Council, Jaeger said he felt at least three processors would begin buying Tanner crab on November 1. He next indicated that regarding the expected price for opilio and that effect on the U.S. fishing intent, the majority of the Tanner crab fishermen preferred to take a secondary position on price in terms of encouraging the increase of the catch. Jaeger felt that generally the small bairdi quota could easily be caught by March and then the major fishing effort would focus on opilio. He indicated some of the larger vessels may fish north of 58°.

PUBLIC COMMENTS

Mr. Dick Pace, President of University Seafoods, (crab processor at Dutch Harbor) told the Council he believed that the U.S. industry had the ability to catch, process, and market the entire ABC of both C. bairdi and C. opilio resource of the eastern Bering Sea. He strongly urged the Council to entirely eliminate the TALFF for these species and reminded the Council that history had proven the crab industry to be credible. In response to questions by the Council, Mr. Pace indicated that both domestic and foreign markets existed for both species of Tanner crab. He further indicated they had no marketing problems with opilio last year in Japan.

Mr. Jay Hastings, representing the Japanese Tanner Crab Industry, told the Council the Japanese Tanner crab industry supported a fleet separation line 58° North and 173° West and a TALFF of 15,000 metric tons. Mr. Hastings went on to say the fleet separation line had been in effect for two years and that there appeared to be no gear conflicts between the two fleets and no competition for the fishing grounds. In commenting on the proposed DAH of 130 million pounds, Mr. Hastings said he believed that the herring fishery in the spring, the salmon fishery in early summer, and the blue king crab fishery in midsummer would divert vessels away from the Tanner crab fishery and serve to diminish the expectation of 130 million pound DAH. Mr. Hastings' last point was that Japanese fishery CPUE for the last two years offers evidence that the NMFS survey results for C. opilio north of 58° are conservative: and that the actual ABC is probably higher than 126 million pounds. In response to a question Mr. Hastings told the Council that 15,000 metric tons appeared to be the minimal amount needed for the Japanese fleet to operate economically.

Mr. Royal DeVany, Pacific Pearl Seafoods, told the Council they were planning to purchase and process bairdi Tanner crab in November and opilio soon thereafter through early 1980. He asked the Council to stop the Japanese from fishing in the Bering Sea for Tanner crab immediately or prohibit Japanese fishing until a review in May 1980. At that time if

the American fleet and processors are unable to harvest the available stocks, then let the Japanese move in to harvest one half the 1979 allocation for the 1980 season only. In response to questions, Mr. DeVany indicated the price for opilio would not be less than that paid last season and that the drop in king crab price would not affect the opilio markets. Mr. DeVany also expressed confidence in his markets for Tanner crab and stated that the majority of their market was domestic, some going to Japan, but their projections and expectations for 1980 were very real.

Mr. Ray Lewis, Alaska Packers Association (APA), and member of the Advisory Panel, told the Council of APA's intent to process Tanner crab this year in the Bering Sea and Dutch Harbor area and that he and his company believed the processors would be able to take the entire harvest. He commented that 65% of APA's Tanner crab goes to a Japanese market which he did not feel would be affected by a closure to foreign Tanner crab fishing in the Bering Sea for Japan. In response to questions about the decline in king crab prices, Mr. Lewis told the Council that he did not believe Tanner crab would be affected because it was a different market from king crab. He also said all of the larger companies had their markets secured prior to the fishing season and that orders on line were waiting to be filled.

COUNCIL DISCUSSION

In preparing for the decisions to be made, the Council explored at great length each subpart of the proposed amendment to the Tanner Crab Plan and the disputed portions of each. There was, however, no disagreement with the NMFS estimates of ABC for C. bairdi and C. opilio in the Bering Sea and the Council unanimously accepted the estimates. Additionally, the Council accepted, with no discussion, the language suggested to handle the Processor Preference Amendment for the Tanner Crab Plan.

The Council then debated the merits and implications of various actions of selecting a DAH and a TALFF for Tanner crab in the Bering Sea. The record established supporting the Council's decision is built around the unpredictability of marketing information and the effect that may have on the capability of the U.S. fleet to market the OY for C. opilio. The record also reflects the concern for the capability of the Council to establish a realistic and fair reassessment date for possible release of unused DAH to TALFF.

Dr. Bevan began by exploring possible review/release mechanisms for unused DAH if TALFF were set at zero. Mr. Lokken continued by discussing the reassessment of the fishery and appropriate steps which may need to be taken to reduce TALFF and/or add to TALFF based on the experiences of the domestic fleet. He pointed out that both foreign and domestic fishermen needed lead time to prepare for the season. Mr. Tillion then concurred with the remarks and stated he would feel much better if the Japanese

TALFF were reduced by 50% and notified that it may be their last allocation for Tanner crab in the Bering Sea. He based his remarks on his estimate of the performance of the U.S. fleet in terms of the capabilities for 1980 and 1981.

Dr. Harville commented briefly on an initial small TALFF and the possibilities for releases of reserve if the situation merited it. He went on to comment on the excellent record of the Tanner crab fleet in performing according to past expectations and discussed the use of the Japanese fishery data in assessing the resource with NMFS north of 58°. Mr. Tillion added he thought a reduction by 50% of the TALFF was in itself an allocation based on the rate of growth of the American fishery.

Mr. McVey summarized the pertinent points of the dramatic increase of the U.S. fleet size, the troublesome nature of the resource data north of 58° and the recommendations of the AP and the SSC. He concluded by indicating support for a 50% TALFF on the basis of drastic uncertainties related to the market. Mr. Meacham spoke to the testimony of the U.S. industry that they could catch and market the total OY, and the AP and SSS comments. Meacham, however, reminded the Council that one of the SSC's recommendations regarding any reassessment of DAH for release to TALFF was an underscored understanding of how difficult that may be. In summary, and after commending the U.S. industry and the U.S. fishermen for their aggressiveness and successes, Meacham concurred that a phase out after 1980 seemed very appropriate and that a reduction of 50% in TALFF for 1980 would be consistent with the expected domestic production in the Bering Sea.

Mr. Campbell spoke to the regional nature of the Councils and the decision making process which he said clearly indicates the U.S. fishery could take the entire Tanner crab resource this year. He also commented that an 'escape valve' would be appropriate if the market collapsed and the American fishery did not take its preseason estimate.

Dr. Bevan commented on the DAH argument provided by the Japanese Tanner crab industry and the weakness of the approach. He went on to say he thought the sole question was the difficulty in knowing whether the market could withstand the difference between the 30 million pounds of opilio harvested in 1979 and the 130 million pounds projected for 1980.

Dr. Harville then spoke to the economic nature of the issue and proposed that a reserve would be prudent and fair. This, he felt, combined with a signal that this is probably the last year for foreign Tanner crab fishing, leaves an opening for the Council should the economic forecasting be wrong. Mr. Tillion partially agreed and said it appeared to him that the estimated DAH, the status of the resource and the marketing conditions justified the large DAH and the small TALFF this year, and further justified no TALFF for 1981.

Mr. Skoog commented on a possible March reassessment and release date for unused DAH or reserve to TALFF and said, however, he did not think the arguments for, and differences between a zero TALFF or a 7,500 metric ton TALFF were significant or would have any real impact on the domestic fleet or the resource.

The Council then, at the suggestion of Mr. Lokken, explored the possibility that by some date in early 1980, there would be a clearer picture of the Bering Sea fishery with regard to area of fishing, catch and catch potential. In summary, the Council learned (a) that the U.S. industry would probably start in earnest around November 1st, (b) the possibility for fishing north of 58° was stronger this year than last, (c) the potential existed for slightly higher prices than last year, (d) the major philosophical objectives of the U.S. fleet for increasing production displacing existing foreign effort on Tanner crab, and (e) the potential for market confusion with any initial TALFF. Based on that discussion, the Council concluded that a reassessment date and a release mechanism for unused DAH was not workable or appropriate.

COUNCIL ACTION

The Council approved (unanimous) an OY range for Tanner crab C. bairdi in the Bering Sea of 22 to 33 million pounds.

The Council also approved (unanimous) a Tanner crab C. opilio OY in the Bering Sea of 130 million pounds, rounding from a 126 million pound ABC.

The Council modified (9 for, 1 against) the AP and SSC recommendations for DAH and established DAH at 113,470,000 pounds for C. opilio in the Bering Sea.

The Council approved (9 for, 1 against) a total allowable level of foreign fishing in the Bering Sea of 7,500 metric tons or 16,530,000 pounds for Tanner crab, C. opilio. Foreign fishing is prohibited south of 58° North latitude. As a part of this action the Council also indicated that this was the last year for a foreign allocation because of the increasing domestic fishery and the continuing decline of the resource.

The Council approved (unanimous) an amendment implementing provisions of the Processor Preference Amendment to the Tanner Crab Plan justifying (a) DAH equalled DAP, (b) joint venture processing (JVP) is zero, (c) and certain new reporting requirements.

G-3. Gulf of Alaska Groundfish FMP

Branson told the Council that the recommendations of the plan scheduling review group should be considered for any amendments to this plan. Those recommendations he said were designed to establish a regular annual schedule (January-March) to consider amendments to the plan. Branson went on to discuss the status of the plan and summarized for the Council the relationship of its last groundfish amendment (#7) to the Secretary of Commerce's special amendment.

The Advisory Panel, Mr. Boddy said, reviewed the amendment material associated with sablefish OY and foremost wished to invite a representative of the plan development team to the next Advisory Panel meeting to explain in detail the status of the sablefish resource, and the findings of the management plan drafting team. The AP, he said, had listened to Jake Phillips and Scott Stafne reiterate a point of view that serious localized depletion might be occurring in some Southeast Alaska sablefish areas. For these reasons, they said, Southeast Alaska blackcod or sablefish OY should be significantly reduced and additional time/area closures and/or gear restrictions concerning foreign fishing might be appropriate. In conclusion, Boddy said, the AP would like the Council to consider in December an amendment reducing the blackcod OY.

The Council then considered the issue of when to consider amendments to the plan. In an attempt to comply with the proposed schedule for amendments by the plan scheduling review group the Council adopted the following tentative schedule:

1. Proposed amendments to the plan would be solicited and submitted at the January Council meeting.
2. The Council would review these proposals in February.
3. Council action in March.

Regarding the urgent request to amend sablefish OY, the Council agreed this amendment should be scheduled for decision at the December Council meeting. Concerning the request by the Japanese Fishery Associations to consider Gulf OY's for squid, other rockfish, other species, and Atka mackerel, the Council learned that the request had been withdrawn and would be resubmitted according to the January schedule.

Clem Bribitzer, NMFS, Washington, D.C., added to the explanations of the status of amendments to the plan and responded to questions regarding action to date on the amendments. Branson concluded by informing the Council that notebooks for each plan had been ordered and that new camera copies of the plans had been prepared. He said from here on out FMP's will be kept current by inserting the new pages incorporating the amendments.

G-4. Halibut FMP

Mr. Branson reviewed the history of the Halibut FMP and commented on the revised Halibut Convention negotiated last spring, which he said is still waiting ratification by Congress. If ratified, it would displace the Halibut Treaty of 1953. If it's not ratified, he told the Council, the present Convention would expire March 31, 1981, as the U.S. has given notice of withdrawal for the second time last March. If the Convention expires, the Council's draft Halibut FMP gains new importance and should be kept current.

Branson told the Council that many requests had been received to institute limited entry into the halibut fishery. Council members commented that if the Convention was signed and the plan not needed, the Dept. of Commerce might still use the FMP design to institute limited entry as a Council recommendation. Branson then told the Council they had been asked to comment on one portion of the proposed implementing legislation which could deal with limited entry concerns of the Council.

Mr. Bud Boddy, Chairman of the Advisory Panel, told the Council they had reviewed one paragraph the proposed enabling legislation for the Halibut Convention allowing the SOC to implement limited entry in the halibut fishery. In considering the draft language, the AP strongly felt that only limited entry regulations should be promulgated by the Secretary of Commerce, any limited entry initiative should originate with the Council, and that the Council's recommendations should be for its area of jurisdiction only. In summary, Boddy said, the Panel believed the following language change achieved those objectives:

"The Secretary may promulgate limited entry regulations applicable to nationals or vessels of the U.S, or both, which are more restrictive than regulations adopted by the Commission. Such regulations shall not discriminate between residents of different states. If it becomes necessary to allocate or assign halibut fishing privileges among various U.S. fishermen, such allocation shall be (1) approved by the North Pacific Fishery Management Council, (2) fair and equitable to all such fishermen, (3) reasonably calculated to promote conservation, and (4) carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of the halibut fishing privileges."

Boddy concluded by saying that the AP also unanimously recommends that the draft Halibut FMP be reactivated to be current if problems develop with the IPHC in 1981 or later.

Sole testimony was provided by Dennis Hix, a halibut fisherman from Sitka, who told the Council the fishery was at a crisis situation, unmanageable and that if the handtroll ban became effective many of those fishermen planned to enter the halibut fishery. Mr. Hix requested the Council study the possibility of instituting limited entry as quickly as possible, especially for the 1980 season.

Debate by the Council focused on the technical difficulties of implementing limited entry under the IPHC and/or a Fishery Management Plan. The Council immediately concurred that they should reaffirm the earlier date of December 1, 1978, as the last date to use to establish limited entry points. Dr. Bevan requested an SSC review of the limited entry section of the Halibut draft FMP and also ask the industry (Advisory Panel) to review the draft.

As the initial step in supporting limited entry into the halibut fishery for 1980, the Council unanimously approved a proposed addition to Section 5 of the State Department's draft Halibut Convention implementing legislations with some changes as follows:

"The Secretary with concurrence of the Regional Fishery Management Council having authority for the geographic area concerned may promulgate regulations including limited entry regulations applicable to nationals or vessels of the United States or both which are in addition to and not in conflict with regulations adopted by the Commission. Such regulations shall not discriminate between residents of different states. If it becomes necessary to allocate or assign halibut fishing privileges among various United States fishermen, such allocations shall be (1) fair and equitable to all such fishermen, (2) reasonably calculated to promote conservation (3) carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of the halibut fishing privileges."

The Council asked to review at the next meeting the full enabling legislative package.

The Council also unanimously agreed to reactivate the draft Halibut FMP and asked that the plan drafting team begin work on the limited entry portions of the plan.

G-5. Herring draft FMP

Mr. Branson told the Council that an NMFS rejection of the Environmental Impact Statement had made it necessary to either cancel the scheduled public hearings or hold them separately for the FMP pending further review and approval of the EIS in Washington. If the Council wished to hold hearings as scheduled, Branson said, the plan could be printed, copies distributed, and a notice published in the Federal Register that would keep us on our present schedule of mid-November. He also said it looked like a sufficiently long comment period on the FMP would allow some overlap with an EIS comment period and hopefully in the end the plan and EIS could be approved by the Council in January to submit to the Secretary of Commerce.

Mr. Boddy told the Council that the Advisory Panel had listened to the problems associated with the rejection of the EIS and that impact on the public hearing schedule, as well as the overall development of the plan. The Panel did not wish to postpone public hearings but rather supported the separation of public hearings for the FMP to allow public hearings to occur in November and also in consideration of the Council's attempted coordination with the Alaska Board of Fisheries.

The Council approved holding public hearings on the FMP in the following places and at the following times:

November 10 and 11	Bethel, Tooksook Bay, Hooper Bay
November 12 thru 16	Unalakleet, Kotzebue, Nome
November 17 and 18	Dillingham, Togiak
November 29 and 30	Kodiak, Anchorage

The Council also expressed its desire that the rewritten EIS be expeditiously handled so it might be noticed in the Federal Register and overlap with some of the public hearings.

G-6. Bering Sea/Aleutian Islands Groundfish FMP

Executive Director Branson informed the Council that the Secretary of Commerce had received the revisions to the Bering Sea/Aleutian Islands Groundfish FMP and begun her Secretarial review. He said the NOAA Policy Group had met on October 2nd and if they encountered no difficulties, the FMP could be approved by October 19 and published in the Federal Register shortly thereafter with implementation expected January 1, 1980.

There were no comments on this agenda item from the SSC or the AP and no action requested of the Council.

H. NEW BUSINESS

The Council considered three items of new business, two relating to charter reviews, the third, the proposed joint Board of Fisheries meeting in December.

Concerning H1, (the Council Charter review) the Council proposed no changes to their charter.

Concerning H-2, (the SSC charter review) Steve Pennoyer told the Council the SSC had reviewed their charter and had asked the Council to approve an 11th member. They said there was a need for the expertise of a marine mammal specialist on the group that could be satisfied only by an 11th member and that two resumes' have already been accepted with no action until the charter is formally approved for an 11th member.

The Council discussed the cost of the 11th member. Mr. Branson pointed out that if it was a State or Federal employee, there was no cost to the Council.

The Council unanimously adopted a motion to add an 11th member to the Scientific and Statistical Committee, thereby amending the SSC charter.

Concerning H-3, (the proposed joint Board of Fisheries--Council meeting) the Council expressed a genuine interest in working more closely with the Board of Fisheries and the opportunity this first meeting may offer for that cooperation. In discussing dates, the Council agreed to meet December 12, 13, and 14 in Anchorage and reserve December 13 for a joint meeting with the Alaska Board of Fisheries. The Council approved, as preliminary agenda topics, Tanner Crab FMP Amendments, Troll Salmon FMP Amendments, and the Bering Sea Herring draft FMP.

I. CONTRACTS, REPORTS, AND PROPOSALS

I-1. Contract #79-4: A Study and Analysis of Troll Salmon Fisheries Data by ADF&G

As an informational item the Council learned that this contract had been signed and that those portions of the contract which the SSC had questioned had been resolved. Pennoyer told the Council the SSC had appointed a subgroup consisting of Dr. Burgner and Don Rosenberg to follow the progress of the contract.

Boddy told the Council the Advisory Panel had reviewed it as well and had appointed Ed Linkous as a monitor from their group to follow its progress.

I-2. Proposal: For Funding from the Commercial Fishery Entry Commission to Keypunch and Re-edit 1975-78 Halibut Fish Ticket Data

The Council, again, considered this proposal which had been submitted in August and learned that the SSC had recommended it be funded. Pennoyer told the Council they felt that the information gained from the study would benefit the Council in its future work on limited entry, both in the troll salmon fishery and in the halibut fishery. They recommended that the introduction be expanded to include a statement of the Council's interest in the research.

The Advisory Panel also endorsed the proposal for funding and agreed that the information would be valuable to the Council.

The Council considered these recommendations and approved funding for this proposal contingent upon notification that IPHC would change its data processing format in the future to include the kind of information this project needs. The contract approved was for not more than \$10,000 with the Commercial Fishery Entry Commission.

I-3. Proposal: To Assess the Distribution and Abundance of Certain Marine Mammal Populations (walrus) in Bristol Bay

The Council learned that the SSC and AP had reviewed the proposals and still had some problems with research design and approach. Pennoyer told the Council the SSC had reviewed the proposal and wished additional time before reaching a decision. He said the committee questioned whether one year was enough time to adequately survey and address the distribution and abundance of walrus as the yearly fluctuations could lead to incomplete or inaccurate predictions. Pennoyer said Dr. Balsiger and Mr. Rosenberg were appointed to give the proposal closer review and possibly meet with the principal investigator before the next meeting.

Mr. Boddy told the Council the AP had reviewed the proposal and agreed it could provide answers to some of the marine mammal issues surrounding the Bering Sea FMP and the Clam FMP, but was concerned also that this one-year study might be used to make inferences about the distribution and abundance of marine mammals for which the data was collected in an atypical year. Insofar as the Panel expressed the same concerns as the SSC, they requested waiting until the matter had been resolved by the SSC before proceeding to fund the project.

The Council deferred action on this proposal until December, at which time it is expected the proposal will have been reviewed and evaluated by the SSC and AP for consistency with the comments raised.

I-4. Proposal: Request for Proposal to provide information which will indicate whether access to the halibut fishery in Alaska should be limited.

The Council first listened to the SSC and AP who had reviewed the request for proposal and had the following comments. The SSC raised the question of clarifying the purpose, goals, and objectives of the Halibut FMP as this might relate to a proposal to address limited entry. The Committee also felt the work elements might be restated in order to provide a clearer picture to any potential contractor who may wish to submit a proposal. They assigned Drs. Marasco and Miles to work with Bruce Hart to address these concerns. They have requested a redrafted and completed RFP available in December for review.

The Advisory Panel reviewed the draft RFP and agreed with the language contained therein and believed it should be released and a study conducted. They requested AP members Robert Alverson and Alan Otness be appointed to any Council subcommittee to review and monitor the contract.

The Council deferred action pending further redraft and review of the RFP for December Council meeting.

J. FINANCE REPORT

J-2. Request by the State for an increase in pass-thru funds

Mr. Branson brought to the Council's attention a request from the State of Alaska for an increase in pass-thru funds from \$25,000 annually to \$50,000 for the Alaska Department of Fish & Game. Mr. Skoog, Commissioner of ADF&G, explained they expend a seven-man effort each year on Council activities and the costs are generally higher in Alaska than in other States.

The Council unanimously approved this request and the Chair said he would recommend the increase to NOAA. Tillion, however, said the request would be a one-time increase as it would encourage other Councils to also apply for an annual increase to the States in their jurisdiction.

K. GENERAL COMMENT PERIOD

No comments received.

L. CHAIRMAN'S CLOSING REMARKS

Chairman Tillion announced the next Council meeting would be held in Anchorage on December 12, 13, and 14, 1979, with the Council meeting jointly with the Alaska Board of Fisheries on December 13, 1979, also in Anchorage. Both meetings would be at the Anchorage/Westward/Hilton Hotel.

The SSC will meet in Anchorage on November 29, 1979, and 30th if necessary, at the Council headquarters.

The AP will meet in Anchorage on December 11, 1979, at the Anchorage/Westward/Hilton Hotel.

The Chairman also announced that nominations to the Advisory Panel were closed and that voting would take place at the December Council meeting.

M. ADJOURNMENT

The Chairman adjourned the 28th Plenary Session of the North Pacific Fishery Management Council meeting in Sitka, Alaska, at 11:58am. Friday, October 5, 1979.