

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



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

February 20, 1981

DRAFT AGENDA

Thirty-Eighth Plenary Session
North Pacific Fishery Management Council
February 26-27, 1981
Westward Hilton Hotel
Anchorage, Alaska

The North Pacific Fishery Management Council will convene at 9 a.m. on Thursday, February 26, in the Westward Hilton Hotel, Anchorage, Alaska, and will adjourn about 5 p.m. on Friday, February 27, 1981. The meeting will be devoted mainly to the 1981 proposed amendments to the Bering Sea/Aleutian Islands and the Gulf of Alaska groundfish management plans and the king crab plan. Given approval, these items will be sent to Washington, D.C. for Secretarial review. The Council will also discuss various aspects of salmon limited entry.

The Scientific and Statistical Committee will meet in Anchorage in the Council conference room from 9 a.m. on Tuesday, February 24, to about 2 p.m. on Wednesday, February 25.

The Advisory Panel will meet in the Kenai/Aleutian Room of the Westward Hilton Hotel from 9 a.m. to 5 p.m. on Wednesday, February 25.

All meetings are open to the public.

INFORMATION ON THE OPPORTUNITY FOR PUBLIC COMMENT

Pre-registration will be required for all public comments which pertain to a specific agenda topic. Pre-registration is accomplished by informing the Agenda Clerk early in the meeting of the agenda item to be addressed and the time required. Public comments may be scheduled for C. OLD BUSINESS, D. NEW BUSINESS, and E. FISHERY MANAGEMENT PLANS. There will be a general comment period, agenda item G., scheduled for late afternoon on Friday for testimony on matters not on the current agenda.

A G E N D A

- A. CALL TO ORDER AND APPROVAL OF AGENDA AND MINUTES OF THE PREVIOUS MEETING
- B. SPECIAL REPORTS
 - B-1 Executive Director's Report
 - B-2 Alaska Department of Fish and Game Report on Domestic Fisheries

- B-3 NMFS Report on Foreign Fisheries
- B-4 U.S. Coast Guard Report on Enforcement and Surveillance
- B-5 Law of the Sea Report
- B-6 U.S./Canada Salmon Negotiations
- B-7 Report on Expanded Observer Program
- B-8 SSC and AP Reports on Non-Agenda Items

C. OLD BUSINESS

- C-1 Joint Venture Data Workgroup Report
- C-2 Ad Hoc Crab Pot Storage Workgroup Report

D. NEW BUSINESS

- D-1 Incidental Take of Dall Porpoise/Chinook Salmon Harvest
- D-2 Other New Business as Appropriate

E. FISHERY MANAGEMENT PLANS

E-1 Salmon FMP

Final Council approval of 1981 amendments is scheduled for the March Council meeting. However, the Council must discuss various issues relating to limited entry and what analyses should be done.

E-2 Herring FMP

No action required. The FMP, FEIS, and DRA were sent to Washington, D.C. in early February to begin Secretarial review.

E-3 King Crab FMP

A report of an ad hoc workgroup on State and Council king crab management interactions should be available. Council will discuss a position for March joint meeting.

E-4 Tanner Crab FMP

No action required. Amendment #7, approved by the Council in December, is under Secretarial review until February 20, 1981. Results of that review should be available to the Council.

E-5 Gulf of Alaska Groundfish FMP

The Council should approve Amendment #10 for Secretarial review. A report on the Sitka public hearing of January 31st should be

available. NMFS will report on gear conflicts and foreign violations in 1979 and 1980 in the Eastern Gulf and assess the enforceability of the various options in the amendment. Proposals for 1982 amendments (#11) should also be available, along with a schedule for their implementation.

E-6 Bering Sea/Aleutian Islands Groundfish FMP

The Council should approve Amendment #1 for Secretarial review. A report from the ad hoc Bering Sea/Aleutian Incidental Species Workgroup should be available. Proposals for 1982 amendments (#3) should be available along with a schedule for their implementation.

F. CONTRACTS, PROPOSALS, AND FINANCIAL REPORTS

F-1 Status of Contracts and RFP's

F-2 New Research Proposals

RFP's on incidental salmon catch and herring stock data should be available from the SSC. Alternative marine mammal projects may be suggested.

F-3 Financial Status Report

Status Report on first half of FY 81 along with projections through March, 1981.

G. PUBLIC COMMENTS

H. CHAIRMAN'S CLOSING COMMENTS AND ADJOURNMENT

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DRAFT AGENDA

SCIENTIFIC AND STATISTICAL COMMITTEE February 23-25, 1981

The SSC subgroups for Bering Sea/Aleutian Island Groundfish and Gulf of Alaska Groundfish will meet on Monday, February 23rd in the Council conference room, beginning at 9:00 a.m. The Bering Sea/Aleutian Island FMP subgroup will meet in the morning session, followed by the Gulf of Alaska FMP subgroup session in the afternoon. The full SSC will convene at 9:00 a.m., Tuesday, February 24th and continue through Wednesday, February 25th as necessary.

1. SSC Appointments

The SSC will meet in closed session to make recommendations to the Council on the two positions to be filled. A package was mailed to members which contains information on applicants.

2. King Crab FMP (E-3)

The Council may be ready for the final SSC recommendation on this FMP, depending on the progress of the Council workgroup on policy and objectives. Action on this FMP could however, be delayed until March. The report of the Council workgroup will be passed out at the SSC meeting if available.

3. Gulf of Alaska Groundfish FMP (E-5)

The SSC needs to make final recommendation on approval of Amendment #10. The package was mailed to the committee members on January 9th. A summary of public testimony received at the public hearing in Sitka will be available at the SSC meeting.

4. Bering Sea/Aleutian Island Groundfish FMP (E-6)

The SSC needs to make a final recommendation on approval of Amendment #1 to the Bering Sea/Aleutian Island Groundfish FMP. This package was sent out to the committee in October. The issues in this amendment which need to be considered include:

- methods of determination of OY etc., using groundfish as a complex
- controlling the catch of prohibited species
- closure of areas I and II

The interim report from the working group on the catch of prohibited species was mailed out on January 23rd. Amendment proposals from this report will probably be considered separately from Amendment #1 to the FMP, however the report will be necessary in evaluation of options contained in Amendment #1.

The Council workgroup on joint venture data collection met in Seattle on January 21. The minutes from this meeting were mailed to the SSC with the February agenda. A short presentation on the meeting will be made to the SSC for their information and to solicit their suggestions and comments on a data collection program.

5. Contracts

Contract 79-4 "Analysis of Southeastern Alaska Troll Fisheries Data." This report will be either mailed or handed out at the meeting for review in March.

Contract 80-5 "A Study of the Offshore Chinook and Coho Salmon Fishery off Alaska." If response to the SSC comments to Natural Resources Consultants is available, the SSC will be able to make a recommendation on final approval of this contract. The letter with the SSC comments was mailed to the contractor January 12.

Contract 80-6 "A study to Determine the Applicability of Limited Entry in the Halibut Fishery Off Alaska." Comments from the SSC and others were sent to Tetra Tech on January 15. If response is received by the meeting, the SSC will be able to make a recommendation on approval of this contract.

Contract 81-3 "Halibut Crab Pot Study." If the IPHC has responded to Jim Balsiger's comments in his letter of January 5, the SSC will be able to make their recommendation on final approval of this contract.

Contract 80-3 "Seasonal use and Feeding Habits of Walruses in the Proposed Bristol Bay Clam Fishery Area." A quarterly report on this contract was received from Francis Fay and will be distributed at the meeting.

6. Research

The draft RFP's:

"To Design an Experiment to Evaluate the Accuracy of Herring Aerial Survey Biomass Estimates."

and

"Determinations of Stock Origins of Chinook Incidentally Caught in Foreign Trawls in the U.S. Eastern Bering Sea and Gulf of Alaska FCZ."

can be discussed with regard to sending out the RFP's for response.

A letter by John Twiss, regarding the marine mammal RFP was received on January 30. Copies of this letter were included in the February mailing to the SSC. A new draft proposal for an RFP for this project will be available for discussion at the February meeting.

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MINUTES

Thirty-Sixth Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
Anchorage Westward Hilton
Anchorage, Alaska
December 8-12, 1980

The North Pacific Fishery Management Council convened on Tuesday, December 9, 1980, at 9:00 a.m. in the Anchorage Westward Hilton Hotel and continued through Friday, December 12, when it adjourned at 10:40 a.m. The Council met in joint session with the Alaska Board of Fisheries on Tuesday, December 9, and Thursday, December 11, to hear staff reports on various fishery resources and to hear public comments on proposed amendments to the Tanner Crab Fishery Management Plan for 1981 and the Bering Sea/Aleutian Islands Groundfish Fishery Management Plan for 1981. The Council met alone on December 10 and December 12.

The Advisory Panel convened on Monday, December 8, 1980 at the Anchorage Westward Hilton at 9:30 a.m. and adjourned at 11:00 a.m. on December 9, 1980.

The Scientific and Statistical Committee of the North Pacific Council met in Anchorage on December 8 through 10 in the Council Conference Room.

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

COUNCIL

Clement V. Tillion, Chairman
Harold E. Lokken, Vice-Chairman
Robert Mace, for John R. Donaldson
Gene DiDonato, for Gordon Sandison
Ray Arnaudo, for Carl Price
Don Collinsworth, for Ron Skoog
John P. Harville

Joe Demmert, Jr.
RADM Richard Knapp
James O. Campbell
Charles Meacham
Donald Bevan
Robert W. McVey
Leroy Sowl, for Keith
Shreiner

SCIENTIFIC AND STATISTICAL COMMITTEE

Steve Pennoyer, Chairman
Donald Rosenberg, Vice-Chairman
Jim Balsiger, for Bill Aron
Jerry McCrary, for Jack Lechner
John Clark, alternate for Steve
Pennoyer

Bud Burgner
Al Millikan
Larry Hreha
Edward Miles
Richard Marasco
George Rogers

ADVISORY PANEL

Robert Alverson, Chairman
Bud Boddy, Vice-Chairman
Harry Wilde
Tony Vaska
Sharon Macklin
Robert Blake
Jeff Stephan
Jesse Foster
Dan O'Hara

Ray Lewis
Charles Jensen
Alvin Burch
Jack Phillips
Kenneth Olsen
Joseph Kurtz
Don Rawlinson
Weaver Ivanoff
Al Otness

SUPPORT STAFF

Mike Rubenstein, AG's Office
Phil Chitwood, NMFS
George Utermohle, ADF&G
Vidar Wespestad, NMFS
Kirk Beiningen, NMFS, D.C.

Cecilia Diggs, NMFS, D.C.
Patrick Travers, NOAA
Fred Gaffney, ADF&G
Bob Otto, NMFS
Craig Hammond, NMFS

NPFMC STAFF

Jim H. Branson, Executive Director
Clarence Pautzke, Deputy Director
Margaret Duff
Jim Glock
Peggy Hough

Judy Willoughby
Peggy McCalment
Jim Richardson
Jeffrey Povolny
Elise Zusan

GENERAL PUBLIC IN ATTENDANCE

Reva Lafevour, Office of the Governor
John Schmiedtke, Nordstern, A.G.
Werner Muschkeit, Nordstern, A.G.
Dennis R. Petersen, Ocean Spray Fisheries
Don Martens, Canadian Consul General
Richard Goldsmith, North Pacific Fishing Vessel Owners'
Association
Hal Ostebovik, Seattle, Washington
Einar Langesater, Seattle, Washington
Phillip A. Fuller, Seattle, Washington

Ron Biggers, Alaska State Legislature
W. V. Smith, W. V. Smith and Associates
D. B. Nanavok, Kodiak
Lucy Sloan, National Federation of Fishermen
Terry Pardee, Lynn Canal Advisory Committee
Bill Berestoff, Kodiak, Fisherman
Michael D. Kelly, AEIDC
Dave Osterback, Peninsula Marketing Association
Kelly Onstatt, Office of the Consulate of Japan
Lewis Schnaper, Alaska Trollers Association
Steve Smith, Kirkland, Washington, Processor
Kunio Snow, Taiyo Fishery Company Ltd.
Jan Van Dort, Chignik Boatowners Association
Jim Barry, Bureau of Indian Affairs
Kenneth Puckett, Fish Producers Associates
Phil Hanson, Dutch Harbor Advisory Committee
Toku Fukui, Japan Deep Sea Trawlers Association, Tokyo
Cathy Powel, ADF&G
Mitch Kint, AIFMA
Carl Hellberg, AIFMA
Alvin Osterback, State Representative
Bonar Peterson, M/V SILVER CHALICE
Felix Garcia, M/V MISS TRACY
Harold and Mary Jones, Kodiak
Peter Isleeb, Cordova, Fisherman
Carl Ohls, Alaska Fishermen
Tim Renschler, Anchorage
Manfred Dietrich, Processor
Mike Zacharof, Kawerak, Inc., Nome
Anatoly Lekanof, Jr., St. George Tanag Corp.
Sven Bergesen, Jr., Embassy of Norway
Marcy Jones, Kodiak
William P. Woods, Jr., Pan Alaska Fisheries/Bumblebee
Steven B. Johnson, Japanese Deep See Trawlers Association and
Hokuten Trawlers Association
Mick Stevens, Marine Resources Company
Anthony Mercurief, St. George Tanag Corporation
Royal DeVaney, Pacific Pearl Seafoods
Ed Naughton, Natives of Kodiak
Hong K. An, All Marine Products
Laird Jones, T&HFDC
C. J. Zane, Don Young's Office
Marcia Bennett, Alaska OCS Office
Rod Moore, Don Young's Office
Jim Ferguson, Pelican Cold Storage Company
Richard W. Lundahl, Pelican Advisory Committee
Edward W. Mackey, Upper Lynn Canal Advisory Committee
Larry Calvin, Sitka Advisory Committee
Kurt Schelle, Commercial Fisheries Entry Commission
Ben Grussendorf, Sitka
Roger Pappé, Longliner, Juneau
Neva Bowen, Troller, Petersburg
Pete Varnes, Petersburg

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

The meeting was called to order by Chairman Clem Tillion. Chairman Tillion welcomed to the meeting Sven Bergesen, Jr., representing the Embassy of Norway, Washington, D.C., and Don Martens, office of the Canadian Consulate General in Seattle.

The Executive Director recommended amending the agenda to include under item B-6 a report by Dr. Lee Alverson on the U.S./Canada negotiations. The agenda was approved as amended.

Chairman Tillion called for approval of the minutes of the September Council meeting. *Bob Mace moved that the minutes be approved as submitted; seconded by Jim Campbell. There being no objection, the minutes were approved.*

B. SPECIAL REPORTS

B-1 Executive Director's Report

The Executive Director reported on Council staff activities since the September meeting. A heavy workload was due in part to public hearings held in October and November in Dutch Harbor, Nome, Bethel, Sitka, Juneau, Ketchikan, Kodiak and Seattle, and was further slowed when NMFS refused to review the King Crab Plan and the DEIS as submitted by the Council because the Council had not stated a preferred option. NMFS now requires that the draft FMP, DEIS, and Regulatory Analysis be submitted simultaneously with a preferred option stated in the FMP before they will start review of any of the documents.

The Executive Director reported that the Breaux Bill, properly titled, "The Fisheries Development Act," passed Congress and has gone to the President. The bill, altered considerably since it was originally submitted, still contains the requirement for 100% observer coverage funded from a special fund through fees on foreign ships carrying the observers. The phase-out section has been changed so that the Councils determine whether phase-out or the current system will be used to reduce the foreign fishery. The proposed 60-day Congressional review of regulations has been deleted, as have capital construction funds for shore-based industry.

The next Council meeting has been scheduled for January 5-9, 1981, in Juneau in order to coordinate with the Alaska Board of Fisheries for joint consideration of Southeast Alaska troll salmon fishery proposals. The agenda will be largely restricted to salmon issues.

The Executive Director reported on the Chairman's meeting held in San Juan, Puerto Rico on October 20-21, 1980 attended by Chairman Tillion and himself. Discussions covered a broad range of subjects including the economic condition of the industry and the NMFS policy group, their relationship to plan review and development, and the subject of regional review of FMP's as opposed to central office review. Other topics discussed were the monitoring of FMP's, the relationship between federal regulations and state laws in the FCZ, and the ability of Councils to hire legal counsel. The next Chairman's meeting is scheduled for Homer, Alaska in late June, 1981.

The Executive Director reviewed the status of fishery management plans as of December 4, 1980. The 1981 amendment package for the Salmon FMP was released to public comment on October 22, 1980 with the comment period to continue through January 8, 1981. The amendments will come before the Council in January for final approval to go to Secretarial Review.

A revised draft of the Herring FMP was sent to the Council, AP and SSC on November 14, 1980. The Council will make a final decision on this plan to go to the Secretary of Commerce for final review and implementation for management of the herring fishery in the Eastern Bering Sea. The final Environmental Impact Statement and Regulatory Analysis will be furnished shortly after the December meeting to go with the FMP to Washington.

On September 26, 1980 the Council approved the draft King Crab FMP to go to public review. A summary of the FMP was sent to ADF&G Field Stations in mid-September for distribution to the fleet during tank inspection, and the FMP was distributed to the public on September 30. Public hearings have been held in Dutch Harbor, Nome, Seattle, Kodiak, and Anchorage with the public comment period scheduled to end December 15. The Council is scheduled to review the FMP for final approval in February, 1981. The draft EIS was rejected by NMFS because the Council had not designated a preferred option in the FMP. Written notice of this NMFS decision was received during the Council meeting and is made a part of these Minutes as Appendix I.

At the September meeting the Council approved Amendment #7 for the Tanner Crab FMP for public review. The amendments were sent to the public on October 22, 1980, and public hearings were held in Nome, Seattle, Kodiak and Anchorage during November and December. The public comment period will end December 9. The Council is scheduled to formally consider the amendment package for Secretarial review at the December meeting. The Environmental Assessment for the 1981 amendments has been completed, and a determination of non-significance for both EIS and RA is being requested.

Amendment #5 to the Tanner Crab FMP, which applied to the 1980 fishery and reduced TALFF to 7,500 mt, became effective on

November 1, 1980. Amendment #6, which provided for various minor technical changes in the FMP, was scheduled for publication in the Federal Register as a Notice of Proposed Rule-making in early December. The comment period will continue through January 18, 1981, and the amendment should be implemented by late January.

The Council should consider Amendment #10 to the Gulf of Alaska Groundfish FMP for release for public review at this meeting. This amendment proposes reductions or elimination of foreign trawling in the Eastern Regulatory Area.

Amendment #9, which replaces six small fixed-gear areas around Kodiak with a larger area bounded by the "Lechner line," was approved by the Council in July for Secretarial review and was sent to Leitzell in August. Implementation is planned for March, 1981.

Amendment #8, which changed the plan year to January through December and eliminated any expiration dates, became effective on November 1, 1980.

Implementation of the Bering Sea/Aleutian Island Groundfish FMP is being held until NMFS responds to comments on the draft EIS, and will probably not occur until March 1, 1981.

Amendment #1 to the Bering Sea FMP has been the subject of hearings in Dutch Harbor, Bethel, Nome, Seattle, Kodiak and Anchorage. The public comment period will run through January 1, 1981 with final Council approval for Secretarial review scheduled for February.

Amendment #2, which would increase initial DAH for yellowfin sole and other flatfish to accommodate joint-venture operations, was approved in September by the Council to go to Secretarial review. Implementation of this amendment must await implementation of the FMP. The PMP is also being changed to reflect this amendment.

Proposals for 1982 amendments on both the Gulf of Alaska and Bering Sea/Aleutian Islands Groundfish FMP's have been called for (September 26, 1980). Deadline for receipt of proposals is January 1, 1981.

The Limited Entry Workgroup, organized in mid-1979, has not been active. The Executive Director requested Council permission to hire a consultant to work with that group to keep it moving. John Garner has been contacted and is willing to work on a consultant basis.

It was the consensus of the Council that the Executive Director should proceed with contracting Mr. Garner to lead the Limited Entry Workgroup. It was suggested that the first order of business should be the development of a set of objectives for Council consideration stating what the group hoped to accomplish.

The Executive Director reported the resignation of Margaret Duff effective December 19, 1980. Recruitment for a new Plan Coordinator has begun. Current assignments for plans are salmon and herring to Jim Glock, Gulf and Bering Sea groundfish to Jeff Povolny, with the new Plan Coordinator to handle the crab plans.

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

Fred Gaffney of the Alaska Department of Fish and Game reported that through October 31, 1980, U.S. fishermen had taken approximately 6,150 mt of groundfish in the Gulf of Alaska and 34,500 mt in the Bering Sea. The Gulf of Alaska catch included 2,100 mt of pollock and 1,511 mt of sablefish. The Bering Sea catch included 8,513 mt of Pacific cod, 12,995 mt of pollock, and 12,138 mt of yellowfin sole.

In the Southeastern Alaska groundfishery there was little activity with only a small inshore rockfish fishery near Sitka. The western Gulf of Alaska also experienced little groundfish activity with some groundfish taken incidental to shrimping being sold for bait.

B-3 National Marine Fisheries Service Report on Foreign Fisheries

Craig Hammond reported a continuing decline in the number of foreign vessels operating off of Alaska. As of October 31, 1980, only 313 ships remained, 86% Japanese. Japanese motherships and the Soviets departed the grounds in early October. The decline continued into November with 208 vessels operating off Alaska as of November 30. It was noted that Polish efforts had tripled since October.

By December 3, 1980, the total number of ships operating off of Alaska was 114. Of these, 78 were Japanese, 18 South Korean, 17 Polish and 1 West German. The Japanese had 52 vessels in the Bering Sea fishing for pollock and flounder; 25 vessels in the Aleutian Islands fishing for pollock; and one vessel in the Gulf of Alaska fishing for pollock. South Korea was active in the Bering Sea where 17 vessels fished for pollock; and one in the Aleutian Islands for Atka mackerel. Polish activity was heaviest in the Bering Sea where 10 vessels fished for pollock; 4 fished in the Gulf of Alaska and 3 in the Aleutian Islands for pollock. One West German vessel was in the Bering Sea fishing for pollock.

In the Gulf of Alaska as of October 31, the end of the fishing year, the Soviet Union had taken 80% of its 73,337 mt allocation; Korea had taken 58% of its 52,105 mt allocation; Poland had taken 58% of its 34,961 mt allocation; and Japan had taken 67% of its 159,422 mt allocation. The U.S. had taken only 24% of its 28,041 mt allocation.

In the Bering Sea Taiwan had taken 83% of its 6,621 mt allocation; Japan - 79% of its 1,178,837 mt allocation; Korea - 74% of its 185,787 mt allocation; Poland - 53% of its 67,710 mt allocation; and the Federal Republic of Germany - 12% of its 17,484 mt allocation. The U.S. has harvested 42% of its 72,484 mt allocation.

B-4 U.S. Coast Guard Report on Enforcement and Surveillance

Commander Pete Busick reported that during October and November the Coast Guard had logged 103,000 miles, made 1,118 sightings, and 37 boardings. Since the last Council meeting, 11 reports of violation and 5 citations were issued, and two foreign vessels were seized for severe FCMA infractions.

On October 24, the USCGC MELLON seized the Japanese longliner RUYHO MARU NO. 38 approximately 90 miles southeast of Kodiak for underlogging her catch of sablefish by 40% and correspondingly overlogging her catch of other species, primarily pollock. This vessel was also seized in December, 1979 for an underlogging violation.

On November 21, the USCGC JARVIS seized the Polish fishing vessel KALMAR approximately 125 miles northwest of St. Paul Island for retention of prohibited species, approximately 300 lbs of salmon. The case was settled on December 8, 1980 for \$137,500 and a one year permit revocation. Other, less serious, infractions involved vessels from the Netherlands, West Germany, Japan, South Korea and Poland.

At the request of Charles Meacham, Commander Busick will attempt to compile the number and nature of violations committed in previous years for review by the Council.

B-5 Report from SSC on Non-Agenda Items

SSC Vice-Chairman Don Rosenberg said they had received the resignation of Steve Pennoyer, SSC Chairman, effective as of the last meeting. The SSC will be accepting resumes for consideration to fill the position vacated by Dr. Pennoyer and the position vacated by George Rogers.

The SSC has drafted a document entitled "North Pacific Fishery Management Council Scientific and Statistical Committee Organization and Operations Policy and Procedures," dated December 8, 1980, which they ask the Council to consider as the formal SSC policy and procedures document. The Executive Director will review this document and advise the Council of any changes which would be required in the SSC charter.

B-6 Report on U.S./Canada Negotiations by Dr. Lee Alverson

Dr. Alverson reported that the U.S./Canada negotiating teams have made substantive progress toward a comprehensive agreement on the management and development of Pacific salmon stocks of mutual concern. Among the points agreed upon are the stabilization of interceptions based on the 1971-74 base year; cooperative enhancement between the two countries to assure that where enhancement is planned by one of the countries the primary benefit derives to that country; and that implementation will be on a first-year basis with adjustments occurring over a 4-year period. Over the long-run each side will ultimately be the benefactor of its own production and enhancement. For stocks originating in the Columbia River, Canada has agreed to limit interception levels to that of 1971-74 and to endeavor to curtail interceptions to an even lower level. The teams are moving toward a general agreement on joint enhancement and stabilization of stocks in trans-boundary river areas.

The Agreed Summary Record of the negotiations as of October 25, 1980 is made a part of these Minutes as Appendix II.

C-1 Advisory Panel and Scientific and Statistical
Committee Appointments

The membership terms of Advisory Panel and Scientific and Statistical Committee members expired as of the December meeting. In September, members were asked if they cared to serve another term and a call for nominations was announced.

A list of 17 nominees received from the public and a list of current advisors who desired to serve another term were reviewed by the Advisory Panel Nominating Committee. Charles Meacham, Chairman of the Advisory Panel Nominating Committee, reported the following recommendations for appointments to the Advisory Panel:

Robert Alverson
Robert Blake
A. W. "Bud" Boddy
Al Burch
Larry Cotter
Paula Easley
Truman Emberg
Jesse Foster
Richard Goldsmith

Weaver Ivanoff
Eric Jordan
Joseph Kurtz
Rick Lauber
Ray Lewis
Rosalie Moore
Dan O'Hara
Ken Olsen

Alan Otness
Charles Parsons
Jack Phillips
Don Rawlinson
Lewis Schnaper
Jeff Stephan
Konrad Uri
Tony Vaska

Remaining on the list for future appointments by the Chairman to fill interim AP vacancies are:

Forbes G. Baker
Patricia Barker
Arthur F. Gallagher, Jr.
Steven Haavig

Christy Long
Bruce Rettig
Roy Rickey
Margarie Schmiede

Keith Specking
James Strickart
Marilyn Wilson

Applications for membership received after the deadline will also be retained to fill interim vacancies which may occur.

Bart Eaton moved acceptance of the AP Nominating Committee's recommendation for Advisory Panel appointments; seconded by Harold Lokken. The Council unanimously accepted the AP Nominating Committee's recommendations for appointments to become effective December 15, 1980.

The SSC met in closed session on December 8, 1980 to discuss the matter of membership on the SSC. A request had been received from the International Pacific Halibut Commission for a seat on the SSC designated to the Commission. Although the SSC strongly supports the concept of a close working relationship between the SSC and the IPHC staff, they found it more appropriate to call on Commission members as needed as advisors rather than by appointment to the SSC. This was determined to be the best course of action at the time the former IPHC director resigned from the North Pacific SSC. The SSC believes that membership should not be based solely on representation from an agency or specific group.

The Committee accepted, with regret, Dr. George Rogers' resignation from the SSC due to his increasing commitments in his work at the University of Alaska.

The SSC reviewed resumes from two individuals who had been recommended for the vacant SSC positions. The SSC was not displeased with the qualifications of either of the two individuals; however, they were concerned that resumes had not been solicited from all the scientific community. Therefore, in order that all interested scientists might have the opportunity to apply for membership, the SSC postponed its recommendation and issued a request that all interested scientists be invited to apply. The SSC will make a final recommendation at the February Council meeting.

The SSC requested confirmation of Donald Rosenberg as Chairman and Richard Marasco as Vice-Chairman of the SSC for 1981.

The Advisory Panel requested that the Council consider an appointment to the SSC from the International Pacific Halibut Commission, and, if necessary, a revision to the SSC charter to provide for this representation from IPHC.

Dr. Bevan moved adoption of the SSC's recommendations regarding filling the vacancy created by the resignation of Dr. George Rogers, for SSC officers for 1981, and their rejection of a specifically assigned position on the SSC to a representative of the International Pacific Halibut Commission, and requested that a letter of thanks be sent to Dr. Rogers for his significant contributions to the SSC over the past four years; seconded by Gene DiDonato. The Council approved this motion with the record noting opposition by Harold Lokken for failure to have an IPHC representative on the SSC.

C-2 Council Meeting Schedule for 1981

The Executive Director recommended moving the January, 1981 meeting from January 22-23 to January 5-9 in order to meet jointly with the Alaska Board of Fisheries in Juneau. Additionally, it was necessary for the Council to finalize the remainder of their 1981 meeting schedule. The staff recommended the following meeting schedule to the Council: January 5-9, Juneau; February 26-27, Anchorage; March 26-27, Anchorage; April 23-24, Anchorage; May 28-29, Kodiak; June 25-26, proposed cancellation; July 23-24, Anchorage; August 27-28, Anchorage; September 24-25, Sitka; October 29-30, Anchorage; November 19-20, proposed cancellation; and December 2-4, Anchorage.

Dr. Bevan moved adoption of an amended meeting schedule for 1981 incorporating the staff's proposal as above and changing the July 23-24 meeting from Anchorage to Homer; seconded by Bob Mace. There being no objection, the 1981 Council meeting schedule was adopted as amended.

C-3 Policy on Public Participation in Plan Development Team Meetings

Since inception of the Council in early 1977, no solid policy has been developed for Plan Development Team operation in the fishery management plan drafting process. As a result, PDT's have worked in a variety of formats, occasionally in closed meetings and frequently in meetings where the public is in attendance. Problems have arisen with public attendance when plans or amendments are in their early stages of development. This has resulted in considerable delays in the process and has tended to restrict PDT discussion because many members are unwilling to engage publicly in uninhibited discussions of ideas or alternatives and options. NOAA legal counsel has advised that PDT meetings are not subject to Federal Advisory Committee Act restrictions; therefore, it is not necessary for PDT meetings to be open to the public. However, it is recognized by most of the participants in the process that public participation is desirable at some stages of Plan Development Team deliberations.

The Executive Director drafted for Council consideration and discussion the following policy for Plan Development Team meetings:

Plan Development Teams will conduct their meetings as closed sessions, restricting attendance to team members only. As soon as the team has developed recommendations, including alternatives, they will meet in open session with the Advisory Panel Review Group, the SSC Review Group and the Council Review Group for that particular FMP to review the material they have developed and to explain the data and information they used to arrive at those recommendations. The public would be invited to attend those meetings and the PDT

could allow testimony or solicit the views of attendees. Open meetings should follow closed PDT meetings as soon as possible, preferably in conjunction with the closed session.

In the SSC's review of the draft policy, they were concerned that it would be excessively restrictive to the action of the PDT and could restrict input from the public and agency personnel other than those assigned to the PDT. They also believed that the proposed policy may be viewed by the public as not in their best interest. The SSC chose to support their statement concerning this matter contained in Annex I, Item C of their document entitled "North Pacific Fishery Management Council Operations; A Critique With Suggestions for Improvement," dated September 25, 1980.

The AP requested clarification of the relationship of AP members that may be assigned to PDT's. The AP proposed that a minimum of two people from the AP be assigned as regular members of any PDT. In addition to the assigned AP members, the AP Chairman and Vice-Chairman should be welcome at PDT meetings as participants. Timely notification of all PDT meetings was requested.

Discussion followed on the appropriateness of the proposed policy. Arguments were aired in favor of having as many open meetings as possible with closed meetings to be called by the PDT leader only when absolutely necessary. Other arguments favored the use of closed meetings, particularly in the early stages of plan development, so the scientists would have the opportunity to work alone and discuss the various proposals relating to the plan. It was agreed that public input is indeed an important part of the FMP process.

It was the consensus of the Council that the Executive Director should be given authority to declare a Plan Development Team meeting open or closed at the discretion of the PDT leader; and further, the PDT leader would have the authority to enforce the Executive Director's decision. This policy is in agreement with the SSC's proposal and their document of September 25.

D. NEW BUSINESS

D-1 Foreign Permit Applications and 1981 Allocations

Council action and/or recommendations were required on the following: (1) permit applications from ships with violations since March, 1977; (2) Japanese joint-venture applications; (3) permit applications from Polish vessels in light of gear conflict problems in Kodiak this year; (4) recommendation on the St. George Tanaq request for an additional allocation to Taiwan for a joint-venture, and from All Marine Products for an additional allocation to Japan for a joint-venture in surimi production and marketing; (5) a request from Nordstern of West Germany for a 1981 allocation of 63,200 mt; and (6) a request

for a Soviet allocation to allow Soviet catcher/ processors in joint-ventures to fish on their own when not engaged in processing.

The Permit Review Committee met on December 9, 1980. With regard to permit applications from vessels with previous violations, the Committee agreed that no action on their part should be considered as recommendation for approval, even in cases of serious violations; and that the Council should consider, for review at the March meeting, a procedure or formula for determining reductions in allocations to be used in the event of further violations; and that the Committee, with the aid of the Council staff, should assume the responsibility for determining the criteria to be used in assessing the reductions in allocations as penalties for repeated violations.

Regarding the Polish permit applications, it was the consensus of the Committee that these applications should be handled in the same manner as applications from ships with previous violations, noting that the Council should be advised of the Committee's concern about the Polish allocation and their desire to have input into the State Department's allocation process.

The AP proposed that foreign vessels which have a history of underlogging or interfering with observers be denied their 1981 permits, and that the amount of overlogging be deducted from that foreign nation's 1981 TALFF. The AP requested that the Council ask the State Department to reduce or eliminate the Polish allocation in light of gear conflicts and violations recorded during the last two fishing seasons.

Jim Campbell moved adoption of the Permit Review Committee's recommendations for applications from ships with previous violations and the Polish permit applications; seconded by Don Collinsworth. There being no objection, it was so ordered.

Applications for joint-venture operations were received from two Japanese ships, the ZUIYO MARU NO. 3 and the KONGO MARU, operated by Taiyo Fishery and Nippon Suisan, respectively. Each asked to take 7,000 mt of fish in the Bering Sea and Gulf of Alaska working with American partners, Pan Alaska Fisheries and Universal Seafoods, respectively. Because of the lack of information at the time of the Permit Review Committee meeting, the Committee agreed to defer action on these permits until the parties had presented their proposals to the Council.

The AP approved with one opposing vote the joint-venture permits that involved Japan, Pan Alaska and Universal Seafoods. The concern was that, as the permit is written, the Japanese processing vessel will be allowed to fish if not fully supplied by U.S. catcher vessels.

Testimony was received from Hugh Takagi representing Taiyo Fishery and Nippon Suisan, Dick Pace representing Universal

Seafoods, and Bill Woods, Jr. representing Pan Alaska Fisheries. Mr. Takagi presented a brief outline of the joint-venture proposal. Taiyo Fishery proposes to bring a factory trawler, the ZUIYO MARU, and Nippon to bring similar vessel, the KONGO MARU, to the Bering Sea and Gulf of Alaska where they will process pollock for surimi to be marketed in Japan. Fishing locations for the operation had not been confirmed, but will be arranged between Pan Alaska and Universal Seafoods. Prices are still under negotiation.

Bill Woods told the Council that this was an attractive proposition as it provides a market for American fishermen which Pan Alaska currently cannot provide. Operating agreements will be negotiated directly between the managing owners of the U.S. boats and Taiyo Fishery.

Dick Pace said that Universal Seafoods views the operation as an opportunity to learn about surimi processing. Additionally, Universal and Pan Alaska will have an observer aboard the vessels and a government observer will be requested.

Bob Mace moved that the joint-venture application be accepted; seconded by Jim Campbell. The Council approved the application with the record noting objection by Harold Lokken.

The Executive Director reviewed permit applications received during the meeting from Ray Arnaudo for four Korean factory ships, the GAE CHEOG HO, KYUNG YANG HO, HEUNG YANG HO, and SOO GONG NO. 51; and two Korean tender ships, the TE AM YONG 102 HO and 20 HANRASON HO, to receive U.S. harvested fish in joint-venture operations. Three of the vessels, the KYUNG YANG HO, HEUNG YANG HO, and SOO GONG NO. 51, have applied for permits to fish within the FCZ on their own and are applying again for permits to participate in joint-venture operations with U.S. fishermen. Total tonnage requested in the Bering Sea and Gulf of Alaska was 77,500 mt, primarily pollock and yellowfin sole.

Ken Puckett of Fish Producers Associates reported on the proposed joint-venture operation. He said the Korean government is not taking an active part in this joint-venture fishery. Operations are scheduled to begin approximately January 20 in the Gulf of Alaska and move to the Bering Sea in May or June.

Jim Campbell recommended approval of the joint-venture permits from Korea; seconded by Bart Eaton. There being no objection, the Council unanimously approved the Korean joint-venture permit requests.

An application submitted by Nordstern, A.G. for one vessel, the MOND, to operate in the Gulf of Alaska in a joint-venture, was received during the meeting. This application had been filed through normal channels, but had apparently become lost in transit.

John Schmiedtke of Nordstern, A.G. testified before the Council regarding the request. A small allocation was also requested so the vessel could fish alone when product was not available from American catcher boats.

Because this application was not available at the time of the Permit Review Committee meeting, the Permit Review Committee and the Advisory Panel met jointly to discuss the application. It was the recommendation of the AP and the Permit Review Committee that the West German permit be approved.

Don Collinworth moved to accept the recommendation of the Permit Review Committee and AP for approval of the West German permit in the Gulf of Alaska with a small allocation with which they can fish when product is not available from American catch boats; seconded by Harold Lokken. The Council unanimously approved the West German application.

St. George Tanaq, an Alaska native corporation, proposed a joint-venture with the Highly Company of Taiwan employing a Taiwanese factory/stern trawler, the GOLDEN DRAGON NO. 1, to train Alaskans and develop the expertise and economic rationale for building a similar ship for St. George. Council endorsement was requested for an additional 9,000 ton allocation to Taiwan in 1981 in order to facilitate the operation.

In their consideration of this request, the Advisory Panel was reluctant to act until additional information was provided by St. George Tanaq. Specifically, the AP was looking for a performance schedule on training, a detailed schedule on vessel purchases from profits, and testimony from the St. George community.

Representatives of St. George Tanaq were not available to attend the Permit Review Committee meeting. Therefore, the Permit Review Committee deferred recommendation on the proposal until presentations were made to the Council. Representatives testifying before the Council included Anthony Mercurief, Chairman of the Board of St. George Tanaq Corporation; Mike Spaan, Attorney for the joint-venture corporation, Pribilof-Highly Sea Products Inc.; Bob Spitzfaden, Attorney for St. George Tanaq Corporation; Ed Philemonof, Board member from St. George Tanaq; Ed McGlashan, trainee recruiter for the joint-venture corporation; Coman Huang, Highly Enterprises; and Mike Jones, project manager. Their presentation covered the history of the St. Paul Islands and the necessity for its inhabitants to establish an economic base for the community, benefits of the proposal to the residents of the island, and the development budget for the first year of the project.

Questions arose from Council members regarding the certainty that the additional allocation to Taiwan would go specifically to the St. George project. The Executive Director said that the companies were told by the State Department that if the Council endorsed the proposal, their allocation would be looked upon favorably by the State Department.

Bob Mace praised the initiative of the St. George community for endeavoring to establish an economic base to support themselves. Charles Meacham pointed to the socioeconomic problems which should be taken into consideration created by the 10-year moratorium on fur seal harvests. Harold Lokken spoke in favor of the concept, but felt that in the event the project failed, Taiwan's allocation should be re-adjusted downward.

Ray Arnaudo of the State Department explained to the Council that the State Department is not asking the Council to bear the burden of this type of proposal; however, they do feel that it is necessary for the Council to hear and support this type of proposal in order for the State Department to make the allocation.

Bob Mace moved that the Council give favorable endorsement to the St. George Tanag proposal for an increased allocation to Taiwan in order for them to participate with St. George; seconded by Charles Meacham. The Council approved the proposal with the record noting objection by Donald Bevan.

The Council also received a proposal from All Marine Products, a Los Angeles-based company, asking for Council endorsement of an additional allocation of 50,000 mt of pollock to Japan for a venture with the Japanese to produce surimi and sell it in Japan. Sarah Carey and Katsumi Tanaka testified before the Council on behalf of All Marine Products. Specifically, All Marine Products proposes to charter a Japanese factory/trawler for a two-year period to harvest 45,000 to 50,000 tons of Alaskan pollock in the Bering Sea and process it at sea into surimi for sale in Japanese markets. Sales will be direct from Japanese vessel to Japanese buyers. The Japanese company that has agreed to participate in the venture has agreed that its crew will train Americans for the 8 to 10 key positions necessary to manage the vessel's operation. One aspect of the training will be instruction in Japanese quality control techniques, thereby insuring a product that will meet Japanese marketing standards.

Within 12 months of commencement of the agreement, All Marine Products would begin construction of a similar factory trawler ship for introduction into the U.S. fishing fleet. The \$25 million, 5,700 gross ton vessel will be built in a U.S. shipyard in accordance with the latest Japanese technology. Once operational, the vessel will be staffed by trainees from the Japanese charter ship and an all-American crew. Operating out of Alaska, the vessel would produce surimi from pollock, which All Marine would market principally in Japan.

In order to meet the requirements of the charter and to overcome domestic problems related to the technology transfer, Japan will need an additional allocation of up to 50,000 tons of pollock for 1981. It should be noted that, although the Japanese will share 60% of the profits of the venture during the first two years, once the new vessel is operational all profits and proceeds will be retained in the U.S. for further investment in the U.S. fishing industry.

The Advisory Panel reviewed the proposal material available at the time of the meeting and unanimously rejected the request.

Representatives from All Marine Products were not available at the Permit Review Committee meeting, and, therefore, the Permit Review Committee deferred recommendation on the proposal until presentations were made to the Council.

Jim Campbell moved that the request by All Marine Products be denied and that the Council recommend to the State Department that no additional allocation be made to Japan; seconded by Harold Lokken. There being no objection, it was so ordered.

Nordstern, A.G. of West Germany requested Council endorsement of 1981 allocations of 63,200 mt to West Germany, primarily pollock and Pacific cod.

The Permit Review Committee reviewed this request in their meeting, noting that the Council must take action at the December meeting in order to have an effect on the 1981 allocation. It was the consensus of the Permit Review Committee that a decision on this allocation should be deferred until Ray Arnaudo of the State Department could brief the Council on tentative allocations for 1981.

Ray Arnaudo informed the Council that tentative plans had been made for an allocation to West Germany in the same range as that of last year. John Schmiedtke of Nordstern explained that the increase was requested in order to put another vessel into the operation, as well as the fact that operations in 1980 did not begin until the end of August.

The Advisory Panel unanimously rejected the request for the increased allocation to West Germany stating that no additional allocation should be given to the German government until the Council has been informed of purchases of U.S. products by the Germans for their initial allocation; and that any additional allocation be predicated upon the German's purchase of a pound of U.S. product for a pound of additional allocation.

Dr. Bevan moved for approval of the increased allocation to West Germany for 1981 with the understanding that the additional allocation is specifically for joint-venture operations; seconded by Don Collinsworth. The Council approved the additional allocations contingent upon its use for the joint-venture operation.

D-2 National Marine Fisheries Service Proposed
Foreign Fishing Fees for 1981

On May 30, 1980, NMFS published in the Federal Register an Advance Notice of Proposed Rulemaking concerning foreign fishing fees. In that notice, NMFS explained that it was examining alternative fee structures to recover costs to the Federal government for administering the foreign fishing aspects of the

FCMA. Comments were requested on two alternatives: effort-based fees and poundage-based fees. The Executive Director responded on July 3, 1980 by letter to Roland Smith that the Council's preference was an extension of the current poundage fee system based on ex-vessel value of the catch, and further suggested that improved observer coverage would be necessary regardless of the fee system chosen. He also encouraged NMFS to examine the possibility of a bid system for surplus fishery resources to recover costs of maintaining the foreign fishery.

These issues were raised before the Council at the July meeting. At the Council's direction the Executive Director sent a second letter to Roland Smith on July 30, 1980 confirming the Council's endorsement of the previous letter and poundage-based fee.

On November 13, 1980, NMFS published in the Federal Register a Notice of Proposed Rulemaking on foreign fishing fees which proposed fees based on poundage and increased for 1981 to reflect best estimates of current ex-vessel fish prices. The proposed fees are roughly twice those charged in 1980. Also proposed are changes in fee collection procedures and NMFS's intent to collect the full 20% surcharge authorized by the Fishermen's Protective Act of 1967 as amended.

The comment period on these regulations ends at midnight December 15, 1980. At this meeting the Council reviewed and made final comments on the Notice of Proposed Rulemaking for foreign fishing fees for 1981.

Adoption of the proposed fee schedule was recommended by the Advisory Panel.

Jay Hastings, representing the Japan Fisheries Association, reported that he had sent comments to the Department of Commerce raising three points. First, the Federal Register notice does not provide guidelines for Department of Commerce fee determinations. Mr. Hastings would like the Council to set further guidelines on determination of fees. Second, he questioned what costs are being covered by the fee schedule; and third, he suggested setting different fees for each fishery, 3-1/2% and up.

The Council instructed the Executive Director to respond to the Federal Register Notice indicating agreement with the proposed fee structure.

E. FISHERY MANAGEMENT PLANS

E-1 Salmon FMP

The Executive Director reported to the Council on the inside winter fishery which opened October 15. A harvest of 3,000 to 4,000 chinook is expected by year-end. This will be in excess of the OY range and, therefore, will be considered as part of the 1981 OY.

The Executive Director asked for Council confirmation of adoption of a formal statement regarding the future of the troll salmon fishery to be included as an objective of the FMP. Because many trollers have interpreted the Council's consideration of limited entry, harvest restrictions, and closures to imply that the troll fishery is being phased-out completely, a formal statement by a Council may help to alleviate these fears. The Executive Director suggested the following:

"The Council recognizes that there is a troll fishery and there will continue to be a troll fishery. The Council wishes to stabilize the fishery to protect its future existence. The other objectives of this FMP are directed to this goal."

Bob Mace moved adoption of the proposed statement by the Council regarding the troll fishery; seconded by Gene DiDonato. The Council unanimously adopted the proposed statement.

The Inter-Council Salmon Coordinating Committee met in Portland on November 24 to discuss coastwide status of stocks, data problems, and coordination of NPFMC and PFMC salmon plans. The Committee heard reports on the history and status of Alaskan stocks, the status of common salmon stocks and their contribution to the Southeast Alaska harvest, and coastwide data programs. The salmon plan coordinators from both Councils made suggestions on how better coordination between the plans could be achieved. The Committee requested that the Councils consider and approve the objectives that were finalized at their September 4, 1980 meeting and sent out in the Council mailing.

A copy of the Statement of Purpose and Objectives is attached to these Minutes as Appendix III.

Bob Mace moved adoption of the Statement of Purpose and Objectives as submitted by the Inter-Council Salmon Coordinating Committee; seconded by Gene DiDonato. The Statement of Purpose and Objectives was unanimously approved by the Council.

E-2 Herring FMP

After an extensive public comment period ending March 15, 1980, the draft Herring Fishery Management Plan was revised and presented to the Council in September, 1980. Following the recommendations of the Council to clarify the management measures section of the plan, the Plan Development Team has re-submitted the plan to the Council for their review and approval for forwarding to the Secretary.

Vidar Wespestad, representing the Plan Development Team, gave a brief overview of the changes contained in Attachment I, Summary of Bering Sea/Chukchi Sea Herring FMP and Attachment II, Summary of Herring Savings Area Options. Mr. Wespestad confirmed that

the plan will mesh easily with anything the State might want to do, and escapement goals being considered by Board of Fisheries are consistent with the plan.

The SSC considered recent revisions in the draft Herring Fishery Management Plan and recommended that the plan be approved for submission to the Secretary after minor revisions for clarification are incorporated into the discussion on herring savings areas. The revisions are intended to clarify the herring savings area concept. The intent of the plan is to provide an initial allowable incidental catch (AIC) for high seas groundfish and trawl fisheries before OY is set. Any surplus OY will be allocated to high seas fisheries after the onshore fishery is completed. If both the surplus OY and the AIC are caught, specified offshore areas would be closed to trawling to prevent further harvest of herring.

Of the four alternate savings areas presented in the plan, the SSC was unable to find any clear justification for choosing one option over the other. As it was not possible to quantify the savings in each case, each option would appear to derive only relatively small benefits. The point was made in public discussion that since savings would be small in each case, the SSC should recommend the option which causes the least economic disruption to the foreign fleets concerned. However, the SSC thought this was an issue falling completely within the judgment of the Council.

The SSC discussed two estimates of the 1980 herring spawning biomass in the Eastern Bering Sea. The standard, an accepted aerial survey technique utilized for the FMP, indicated a significant decrease in abundance from 1979 levels, while the predicted modeling technique suggested that 1979 and 1980 biomass levels should have been similar. After considerable discussion with team members and ADF&G biologists, it was concluded that there was ample evidence that the population had declined. Although the exact extent of the decline is uncertain, the aerial survey estimates suggested that OY was exceeded, while the modeling technique indicated that a small OY surplus was available. The SSC concluded that OY was achieved during the onshore fishery with no surplus being available for allocation to offshore fisheries during the November 1980 to March 1981 period. The SSC recommended that the Regional Director be notified of this determination.

The SSC also received public comment regarding concern over the formula to determine AIC as stated on page 94 of the plan. Recognizing the limitations of the formula, the SSC considered it to be the best alternative available, and, therefore, recommended that the AIC formula remain in the plan. The SSC preferred not to pass judgment on the issue of whether or not AIC need be included in OY.

The Advisory Panel proposed adoption of Area C as the herring savings area and suggested that the Council reassess the formula for determining AIC because it may not adequately protect stocks of high seas herring. The FMP was approved by the Advisory Panel for submission to the Secretary of Commerce with three members in opposition. Their concern was that the plan should not be approved for Secretarial review without additional review of the AIC formula.

Norman Cohen and Harold Sparks, representing plaintiffs in the case of Nolan vs. Hodges filed earlier this year, testified before the Council regarding several aspects of the Herring FMP. It was their view that when AIC is allocated to the foreign fishery, it is TALFF and must be treated as such. Allocations cannot be made to the foreign fishery as AIC. They suggested that herring be treated as a prohibited species with the herring savings area instituted yearly. They also questioned the formula for determining AIC and asked for its rejection.

Regarding the herring savings area, which they feel solves the AIC problem, they recommended Area C stating that there should always be a herring savings area. They also proposed that the State of Alaska biomass estimate be adopted and forwarded for inclusion in the PMP.

Harold Sparks addressed the ADF&G herring stock evaluation and reported on the Hooper Bay subsistence fishery in 1980. He indicated that once villages can count on the herring to return, they will begin to use it as a convenient subsistence food.

Mick Stevens, manager for the International Division of Marine Resources Company, said that comments submitted to the Plan Development Team and Council over the last few months are still applicable to their views on the FMP. These comments suggested management regimes, priorities, and mechanisms for implementing the priorities. He also reported that the value for food herring this year has been \$330 to \$350 per ton, or 15¢ per pound.

Don Bevan moved adoption of the SSC's proposal for variable closures in Area C, at the discretion of the Regional Director, if TALFF is zero or if there is an unusual catch, with closures to be no larger than necessary; seconded by Charles Meacham. The Council unanimously adopted this proposal.

The Herring Plan Development Team suggested new language be incorporated into the Herring FMP regarding the herring savings area. Their suggested language is as follows:

"Historically, Area B has contained the bulk of the herring found on the winter grounds; however, in recent years in response to above average hydrological conditions, herring winter distribution shifted to the northwest corner of Area C. Since herring are known to winter in different locales over a large range and

since it may be difficult to determine the specific area, it may be prudent to select area C, which covers most of the winter range, as the primary area closure for the November-March period. The area would remain open until OY and AIC were attained. At the time that OY and AIC are attained the Regional Director can, by emergency order, close the entire area or only the portion of Area C necessary to protect herring in a particular season using criteria specified under Section 14.5. If it occurs that OY and AIC are exceeded prior to November, or OY or AIC is so small that they could be exceeded within one reporting period (one week) and the specific wintering location of the herring population in that season cannot be determined, then that portion of Area C corresponding to Area A should be closed. This closure under the above set of conditions was selected because it provides the greatest savings of herring and the least impact to the pollock fishery based on the available data."

Bob Mace moved the Herring Fishery Management Plan be accepted by the Council with the new language proposed by the Plan Development Team as the Council's recommendation to the Secretary of Commerce for management of the herring fishery; seconded by Dr. Bevan with the qualification that the term of the AIC formula be lowered to reflect the average of the three previous years' ABC's. With this action the Council unanimously approved the Herring FMP to be forwarded to the Secretary of Commerce.

E-3 King Crab Draft Fishery Management Plan

On Tuesday, December 9, Fred Gaffney of the Alaska Department of Fish and Game presented a report to the Council, as was previously presented to the Board of Fisheries, regarding the king crab plan. In this report he explained the enduring qualities of the framework concept and recapped the options contained in the plan. Primary areas covered were the three possible methods for determining OY, i.e., season and size, multiple age class, or procedural determination; registration areas; pot limits; and gear placements.

Dr. Lee Alverson reported the conclusions of a study of size limitation for the Alaska Red King Crab, funded by the North Pacific Fishing Vessel Owner's Association, the Alaska Marketing Association of Seattle and Ursin Seafoods, Inc. It was the conclusion of the report that a 6.25-inch size limit with a 0.6 exploitation rate would substantially increase the yield of the exploitable biomass, provide an adequate number of males to maintain high reproductive potential, reduce sorting mortality, increase average catch per unit of effort, decrease energy demands, and increase year-to-year harvest stability.

Public testimony on the King Crab Fishery Management Plan was heard before the Council and the Board of Fisheries in joint

session on Tuesday, December 9th. A summary of the testimony presented is addressed in a separate document made a part of these Minutes as Appendix IV.

On Wednesday, December 10th, the Council reviewed the options available in the King Crab Fishery Management Plan and determined preferred options in accordance with National Marine Fisheries Service policy for draft fishery management plans. Dr. Bevan stated for the record that the public comment period on the King Crab FMP will remain open until December 15th and that any decisions made regarding preferred options at this meeting are to be deemed as tentative.

Patrick Travers presented to the Council a memorandum dated December 8, 1980 addressing alternatives to the conventional King Crab FMP and implementation of regulations. The purpose of the memorandum was to discuss the availability of management procedures for the western Alaska king crab fishery other than the preparation and approval of a fishery management plan, and the implementation of an FMP through the promulgation of detailed regulations by the Assistant Administrator for Fisheries.

In determining the need for a fishery management plan, the following options were available to the Council.

Option 1 - No plan.

Option 2 - Plan developed and federal regulations not issued.

Option 3 - Plan implemented.

Citing Pat Travers' legal memorandum as the basis for his conclusion, *Dr. Bevan moved to adopt Option 2, amending it to omit reference to the Secretary of Commerce review and Federal Register publication.*

Gene DiDonato expressed support for Option 3 urging close coordination between the Council and the Board of Fisheries in order to have the FMP on line as soon as possible.

Bob Mace stated for the record that at the Seattle hearing the public was extremely nervous about not having a full plan. They were concerned about the responsiveness of the Board of Fisheries to the Washington-based fleet. He further stated that unless the Washington-based fleet is satisfied with the measures taken, the Council's actions are open to challenge.

John Harville spoke in favor of Option 2 as originally written in order to be sure that the plan meets the problems with equity.

Don Collinsworth said the State feels it is not necessary to develop or implement a plan; however there is need to develop a cooperative plan with the Board.

Bart Eaton pointed out that those wanting a Federal plan actually want more input into the process with more regional management for the fleet. He, therefore, favored Option 2 as a way to communicate the Council's feelings with the Board.

Don Bevan moved that Option 2 be tentatively approved as the Council's preferred option; seconded by Clem Tillion. The Council approved this action with the record noting objections by Robert Mace and Gene DiDonato.

Options available to the Council regarding the area that should be included in the FMP are as follows:

Option 1 - Western Gulf of Alaska and Bering Sea King Crab Plan

Option 2 - Bering Sea King Crab Plan

Don Bevan moved to amend Option 1 to exclude Kodiak and the Peninsula area and to include only Dutch Harbor, Adak, Bristol Bay and the Bering Sea; seconded by Charles Meacham.

Gene DiDonato and Harold Lokken spoke against the motion stating that the plan should encompass the entire area of the fishery.

Bob Mace asked the permission of the mover to preface the motion with the following:

"For the purpose of discussion with the Board of Fisheries, and recognizing that the Council may change its mind, we hereby move to amend Option 1 to exclude Kodiak and the Peninsula area and to include only Dutch Harbor, Adak, Bristol Bay and the Bering Sea in the Fishery management unit."

Dr. Bevan concurred with the prefaced wording to his motion. Upon call for the question, the Council approved amendment of Option 1 as written above, with the record noting objections by Harold Lokken, Gene DiDonato and Jim Brooks.

Don Bevan then moved to adopt Option 1 as amended as the Council's preferred option for purposes of discussion with the Board of Fisheries, recognizing that the Council may change its mind; seconded by Charles Meacham. The Council approved adoption of Option 1 as amended with the record noting Gene DiDonato and Harold Lokken in opposition.

Three management strategies were proposed for the king crab resource, each of which would result in different optimum yields.

Option 1 - season and size limit management.

Option 2 - multiple age class management.

Option 3 - procedural management.

Dr. Bevan moved that the Council adopt Option 3 as its preferred option for the determination of optimum yield; seconded by Jim Campbell.

Don Collinsworth spoke in favor of the motion, pointing out that Option 3 will allow incorporation of the management philosophy being used at this time. He was concerned, however, that the Council was looking at management options without decisions on what the objectives really are, those being harvest of the maximum number of pounds and stabilizing harvest within certain levels.

Bart Eaton concurred that the Council really doesn't know what the objectives are and added that the SSC and AP had not analyzed public testimony.

Dr. Bevan explained that what is required for the time being is tentative guidance. From a general perspective the Council is indicating its best indication of direction to take.

Don Collinsworth said that Option 3 is feasible, but does need some modification.

Dr. Harville agreed that goals must be established and cannot be "backed into." He asked what set of goals the state had identified in their plan.

Fred Gaffney reported that in 1978 the PDT presented a plan with goals which were accepted by the Council at that time. The PDT proceeded on that basis to develop the FMP. The SSC disliked those objectives, and, therefore, those goals were dropped out of the plan.

After considerable discussion, *Dr. Bevan withdrew his motion pending further discussion on the subject with scientists and the Board of Fisheries in order that a procedure could be developed for opening the season and determining management goals.*

Regarding sex restrictions, the Council had before it two options.

Option 1 - No commercial harvest of female crab.

Option 2 - Allow a percentage of females to be taken if a surplus is determined to be available. This surplus would be dependent upon the amount of crabs above the threshold amount used in the spawner/recruit calculation of ABC.

Dr. Bevan moved that the Council adopt Option 1 as its preferred option for sex restrictions; seconded by Jim Brooks. The Council unanimously approved this action.

In determining the question of registration areas, the Council had before it two options:

Option 1 - Kodiak, Alaska Peninsula, Dutch Harbor and Bristol Bay are exclusive registration areas. Vessels may register for only one exclusive area during any one fishing season.

Option 2 - No registration system.

Dr. Bevan moved to adopt Option 2, amending it to include registration for statistical purposes only; seconded by Gene DiDonato for discussion purposes.

Discussion followed regarding the structuring of a plan which is so rigid that it requires frequent and numerous amendments. Don Collinsworth suggested that the Council discuss the matter of exclusive registration areas with the Board of Fisheries to determine their reasoning behind establishment of the areas; and if those reasons have merit, the Council may need to consider them.

Richard Goldsmith, manager of the North Pacific Fishing Vessel Owners Association, protested making the entire Bering Sea a non-exclusive registration area if Kodiak were made an exclusive registration area and questioned how the action would fall under the National Standards.

Gene DiDonato withdrew his second to the motion; therefore Dr. Bevan agreed to withdraw the motion until after discussion with the Board of Fisheries.

Two options were available to the Council regarding placement of gear:

Option 1 - King crab pots must be moved from the water or stored within 72 hours following the closure of any district, sub-district, bay, or other portion of the king crab statistical reporting area. Within 7 days following closure of a statistical reporting area, all gear must be removed from the grounds or stored.

Option 2 - No king crab pots may remain on the fishing grounds after closure of the season.

Three options were available to the Council for gear storage.

Option 1 - King crab gear may be stored in 25 fathoms of water or less with bait and bait containers removed and with doors locked open. Additionally, two crab pot storage areas are provided in the Bering Sea.

Option 2 - Require king crab gear to be removed from the water during closed fishing periods.

Option 3 - Provide for pot storage on the fishing grounds.

Dr. Bevan asked the Plan Development Team to meet with the fishing community to develop a better plan for gear placement and pot storage. Richard Goldsmith volunteered to chair a workgroup to develop the system and will endeavor to have a preliminary report for the Council by February 1.

Two options were offered in the fishery management plan for vessel tank inspections.

Option 1 - A registered vessel must have a tank inspection within 24 hours prior to a season opening or any time during the open season prior to fishing. There shall be no king crab on board. In the Bering Sea registration area, tank inspections will be made 116 hours following the opening of the area to fishing. In the Adak area, tank inspections shall be made 48 hours prior to fishing.

Option 2 - No vessel tank inspections required prior to fishing for king crab.

Dr. Bevan moved that Option 1 be amended to require tank inspections within a reasonable period prior to the season opening, deleting any reference to the exact schedule of hours; seconded by Bob Mace. The Council unanimously approved this action.

On the question of limited entry, the draft FMP offered three options:

Option 1 - Implement a limited entry program for the king crab fishery.

Option 2 - Defer action on limited entry as a management measure for the king crab fishery until further studies are made.

Option 3 - Reject limited entry as a management measure for the king crab fishery.

Dr. Bevan moved adoption of Option 2 as the Council's preferred option regarding limited entry; seconded by Bob Mace.

Harold Lokken supported Option 3, to reject limited entry, stating that endorsement of Option 2 infers that the Council is really studying the concept.

Bart Eaton stated that at the public hearings he attended, the public avidly endorsed rejection of limited entry.

Joe Demmert said that if Option 2 were adopted, it may imply that the Council is considering the possibility of limited entry, thus causing more crabbers to try to break into the fishery.

Charles Meacham endorsed Option 2 in order that we would have the opportunity to monitor what is happening at this time and gather the data on the subject.

Upon call for the question, the Council approved adoption of Option 2 as their preferred alternative regarding limited entry, with the record noting objections by Gene DiDonato, Harold Lokken, Bart Eaton, and Joe Demmert, Jr.

Two options were available to the Council on the question of pot limits:

Option 1 - Retain the 150 pot limit around Kodiak to encourage the local fishery.

Option 2 - No pot limits.

Dr. Bevan moved adoption of Option 2 as the Council's preferred option regarding pot limits; seconded by Gene DiDonato. The Council unanimously adopted Option 2.

The Council and Board of Fisheries met in joint session on Thursday, December 11, 1980, to discuss the draft FMP and review scheduling for the fishery management plan.

Dr. Bevan explained to the Board that in preliminary action to develop preferred options, the Council had tried to establish an FMP which could be turned over to the State of Alaska for implementation. He stressed the need for a document which will meet the National Standards and reviewed with the Board the tentative preferred adoptions approved by the Council in Wednesday's session.

Board of Fisheries Chairman Nick Szabo said that the Board preferred that the plan be of a general nature, defining a specific regulatory scheme, but allowing for change with the trend of the fishery. Their primary interest for discussion at this meeting would be overall strategy in developing a plan. He said that the Board does not wish to replace the Secretary of Commerce; they do, however, desire to have as much flexibility as possible within the constraints of Council review for compliance with the National Standards.

Dr. Bevan said that he felt the plan, as written, follows the general concept of a framework plan and that it is a broad and general document.

Don Collinsworth countered that Dr. Bevan's concept of a framework plan is different from his own. He said that the plan, as it is developed, is a detailed and specific document which deals

with specific areas -- probably far too specific for the type of plan which would be termed a "framework plan". Dr. Collinsworth explained the new and innovative concept of the framework plan as he envisions it. For instance, rather than addressing specifically matters such as tank inspections, a framework plan would merely state that the plan is designed to help all participants in the fishery have equal access to begin fishing at the same time. As he sees it, a framework plan would leave to the discretion of the Board of Fisheries -- through public input -- the right to determine how to best go about offering equal access to all participants in the fishery.

The framework concept is designed to provide objectives -- general direction. It would be the task of the Board of Fisheries to develop policy for carrying out these objectives through regulations.

Bob Mace pointed out that one of the main issues is who will implement the regulations for the plan. Non-Alaskan fishermen have expressed concern about their opportunities for input and their relationship with the Alaska Board of Fisheries.

Nick Szabo explained that some of these anxieties emanate from the Court settlement six or seven year ago on the State's management of the Bering Sea king crab fishery. In general, there is a fair rapport between fishermen, both Alaskan and non-Alaskan, and the Board. The Board's role is to manage the resource for the benefit of the resource, for those using it, and maintain the maximum usable resource.

Jim Beaton, member of the Alaska Board of Fisheries, said that in order for the Council and Board to have a meaningful interface, roles will have to be defined. He felt that general parameters should be set by the Council with specificities to be accomplished through Board hearings.

Nick Szabo expressed further concern regarding what he believes is a misconception on the part of the North Pacific Fishing Vessel Owners' Association that they represent a majority of vessel owners in the Bering Sea crab fishery. He said their report was developed by their manager, who has neither attended a Board meeting nor witnessed their procedures.

Chairman Tillion agreed that the Council does have some differences with the Board on matters such as harvest of crab, etc. Dealing with these differences has become easier in recent years since the Board and Council have worked closely with the management strategies.

Ron Skoog paraphrased Dr. Bevan's concept of the framework plan as a reinforcement of the view of the Alaska Department of Fish and Game; that being, that the Council's responsibility is to look after the resource in the FCZ and have overview of the resource without handling the specific items relating to it.

Setting aside residency or non-residency, Gene DiDonato questioned how a significant point of conflict could be resolved under the concept of a framework plan given a set of general guidelines by the Council to be administered by the Board.

Nick Szabo responded that the Council has the ultimate responsibility, and if the Council feels the Board is not living up to its agreement, the Council should alert the Board of such. Then the Board can defend its actions. If the Council is not convinced by this, it would have the opportunity for more direct supervision over the Board.

Ron Skoog addressed the fears of the non-residents relating to Board discrimination, stating that there has been equal opportunity for both residents and non-residents to fish in the Bering Sea and that the greatest difference between fishermen is small boat versus large boat. Further, current regulations regarding the advisory committee set-up are not statutes; non-residents could be included in the advisory committee concept.

Nick Szabo suggested that as a starting point the Council and Board should develop a general framework king crab plan. It would have as its central policy conformance with the National Standards and a set of audit points to be reviewed at given intervals by the Council and Board. As part of the audit procedure, the SSC and AP would evaluate actions of the Board and Council. Mr. Szabo extended the invitation of the Board for any member of the Council family to sit with the Board at any time.

It was generally agreed by the Council and Board that the plan should be returned to the Plan Development Team because, as it is currently structured, review of the plan is difficult. Chairman Tillion suggested that the Council and Board meet together before the Board makes final regulations to hear testimony and staff reports; then they should meet separately to review those actions.

Don Collinsworth expressed concern over returning the plan to the Plan Development Team and suggested the possibility of another group to re-work the plan. He suggested that if it did go back to the PDT, two policy people should be added to the Team.

The Executive Director pointed out that until the Council gives the PDT a set of objectives for the plan, the PDT has no direction.

Chairman Tillion appointed Don Bevan, Don Collinsworth, Nick Szabo, and John Harville to work as an ad hoc committee to develop policy and objectives for the king crab fishery management plan.

The Council and Board recessed their joint session and the Council continued alone on Thursday, December 11, for further

discussion on the king crab fishery management plan. The Executive Director reported that he had just received the letter from D.C. rejecting the King Crab DFMP and DEIS. It implied that we could use the work we have been doing as a fact-finding exercise from which alternatives could be chosen; limited public hearings would have to be held after that was done.

Patrick Travers informed the Council that there was no legal requirement for additional hearings on the DEIS.

Discussion followed concerning the work being done on Option 2, development of a framework plan. It was questioned whether this work would be considered enough of a change in the material presented that the entire package must go through public review again. It was also questioned whether the Council was developing a new DFMP or cleaning up the existing document.

Patrick Travers felt that legally the Council is not required to go through another comment period. Therefore, the Council should plan on reviewing the document again in February, and if the Council concurs with what is presented at that time, the Council will meet with the Board of Fisheries in March and take final action.

E-4 Tanner Crab Fishery Management Plan

Action required by the Council at the December meeting on the Tanner Crab FMP included final choice of preferred alternatives proposed in amendment #7.

Marty Eaton of the Alaska Department of Fish and Game, Kodiak, reported on proposed decreases in guideline harvest levels suggested by the Department. In the Kodiak region, the current guideline harvest level of 10-25 million pounds for C. bairdi Tanner crab should be decreased to 9-15 million pounds; for the South Peninsula area, decreases were suggested from the current 15-20 million pounds to 3-6 million pounds; in the Chignik area, the current 5-10 million pound harvest level should be decreased to 2-5 million pounds; and for the Bering Sea, guideline harvest levels have been recommended to remain at 28-36 million pounds.

For C. opilio Tanner crab, no reductions were suggested because there is no size limit with which to set abundance estimates.

Bob Otto of National Marine Fisheries Service and Fred Gaffney of the Alaska Department of Fish and Game explained a faulty calculation regarding molting frequencies in the Reeves report which caused calculation of an inaccurate guideline harvest level. Because the 1980 NMFS survey was earlier than in 1979, pre-recruit crabs were expected to molt to legal size between the time of the survey and the 1981 fishery. Based on this information, Reeves projected a harvest range of 34-48 million pounds for 1981. Subsequent analysis of the survey data, not available at the September, 1980 meeting of the Council, indicated that

shell condition of pre-recruit crabs in 1980 was not substantially different from that of 1979. Reconsideration of this information by the Tanner Crab PDT led them to conclude that the molting period for C. bairdi is probably variable from year to year; consequently, since the 1980 survey estimate of legal C. bairdi was essentially the same as last year, the 1981 harvest range should be the same as last year, 28-36 million pounds.

Fred Gaffney addressed the conclusion of Jim Richardson's report on the Tanner crab fishery under the auspices of the FCMA and reported that the Tanner crab PDT recommended that, based on the conclusions of the Richardson report, TALFF for Tanner crab should be zero.

Opportunity for public testimony was available before the joint session of the Council and Board on Tuesday, December 9. A summary of testimony received during that joint public hearing is addressed in a separate document, previously cited as Appendix IV, which is attached to these Minutes.

The Executive Director explained to the Board of Fisheries that amendment #6 had brought the FMP into line with state regulations and the Regional Director has issued a field order for emergency regulations to that effect because that amendment has not been implemented.

On Thursday, December 11, the Council met alone to consider the options available in amendment #7. Jeff Povolny, plan coordinator, reviewed the amendment package.

For TALFF for C. opilio Tanner crab, the two options available were:

Option 1 - Status quo. TALFF would remain at 1980 level of 7,500 mt north of 58° North latitude.

Option 2 - Set OY equal to DAH but not to exceed ABC, (calculated at 91 million pounds for 1981 per the Reeves report). Therefore, TALFF would be zero.

Adoption of the status quo would leave the optimum yield in all districts at 1980 levels. Adoption of the second alternative would change OY's for C. bairdi in the Bering Sea, Chignik, and South Peninsula management areas to reflect the latest estimates by NMFS and ADF&G.

There are currently many differences between the optimum yields in the FMP and guideline harvest levels in the State of Alaska Shellfish Regulations. It was suggested that the Council should work with the Alaska Board of Fisheries in order to establish compatible 1981 guideline harvest levels and OY.

The State of Alaska has established a 250 pot limit in Kodiak and a 100 pot limit in the Southeast management area. The current FMP has no pot limits in any management areas.

In the Southeast and Yakutat management areas, the FMP's opening date is September 1 and closing date is May 15; State regulations open those areas on September 15 and close them on May 1. In other management areas the opening and closing dates were adjusted for the FCZ by a Department of Commerce/NMFS field order issued on October 23, 1980. That order changed the opening date for the FCZ Tanner crab season to conform with the 1980 State of Alaska Shellfish Regulations and to reflect amendment #6 to the FMP, not yet approved by the Secretary of Commerce.

In their review of Tanner crab amendment #7, the SSC found that the data and analysis provided in the Richardson report were the best information available at this time. They, therefore, recommended setting OY equal to DAH not to exceed ABC. The SSC concurred with the conclusion in that report that the U.S. industry can harvest the total OY for C. opilio and that the actual amount harvested will be based upon market conditions. They supported the conclusion that a foreign allocation does have a direct effect on those market conditions.

The SSC also reviewed the changes in OY in the draft amendment. Because the estimate has been updated by the PDT since the time the amendment was drafted, the PDT now recommends that the OY range for 1981 be set at 28-36 million pounds. The SSC agrees with the scientific reasoning for this proposed reduction and recommends to the Council an OY range for C. bairdi in the Bering Sea of 28-36 million pounds. The SSC also noted that the 1979-80 harvest of C. bairdi in the area, 36.6 million pounds, exceeded the upper end of the range.

The SSC had not received any written reports which supported the proposed OY values for Chignik and the South Peninsula areas, but received a presentation on those proposed OY values by the staff of ADF&G. Because the SSC had not had the opportunity to review the actual data or written staff report, they preferred not to take a position on these proposals.

The SSC asked the Council to note that other OY values in the Plan should be reviewed and possibly amended. The SSC had assumed this would take place when they approved the initial draft amendment at the September, 1980 meeting. They found that neither the Council staff nor the management agencies know who is responsible for maintenance of this or any of the Council FMP's, and recommended again that the Council accept the concept for plan maintenance outlined in Annex II to their document entitled "North Pacific Fishery Management Council Operations: A Critique with Suggestions for Improvement" dated September 25, 1980; and that the Council and management agencies proceed to appoint staff members to Plan Maintenance Teams for every plan which has been submitted or approved.

The Advisory Panel unanimously agreed to eliminate the foreign harvest of Tanner crab and adopted the alternative to change the

OY for C. bairdi in Bering Sea, Chignik and South Peninsula management areas to reflect the latest estimates by NMFS and ADF&G.

Don Collinsworth moved that the Council adopt the recommendations of the AP and SSC regarding preferred alternatives for amendment #7 to the Tanner Crab FMP to set OY for C. opilio equal to DAH not to exceed ABC of 91 million pounds for 1981, with TALFF equaling zero; seconded by Bart Eaton. The Council approved the adoption of these preferred alternatives with the record noting absence by Jim Brooks.

Dr. Bevan said he wanted to be sure that the State Department took into consideration the Council's recommendation in setting TALFF at zero when allocations are being made. *The Executive Director was asked to write a letter to the Department of State informing them of the Council's actions to set TALFF at zero. Accordingly, the Executive Director recommended that the Council disapprove all 1981 permits for vessels fishing Tanner crab.*

It was the consensus of the Council that the Executive Director should write to the Assistant Administrator for Fisheries recommending disapproval for any Tanner crab fishing permit applications.

E-5 Gulf of Alaska Groundfish FMP

At the request of the Alaska Longline Fishermen's Association, the Council asked the Gulf of Alaska PDT to consider the implications of the proposed 1981 amendment to close the Eastern Regulatory Area. The PDT reviewed the status of sablefish and Pacific Ocean perch stocks, incidental catches of salmon, halibut and crab, gear conflicts in the area, and the impact of the closure on the foreign fleet.

In their review of the status of sablefish stocks in the Gulf of Alaska, the Team considered statistics from the domestic longline fishery which show CPU and average-sized sablefish to be down in 1980 and 1979 compared to 1978. This evidence, which conflicts with results of the '78-'79 Japan/U.S. cooperative longline survey, suggests that sablefish population parameters need to be re-evaluated. For the interim, the Team recommended that increased catch of sablefish be avoided.

The Team debated from five perspectives the issue to prohibit foreign trawling in the Eastern Regulatory Area of the Gulf of Alaska and proposed three alternate proposals which address each of the perspectives. The five perspectives are:

1. The present condition of POP stocks and the impact a proposed closure would have on POP.
2. The present condition of sablefish and the impact a proposed closure would have on sablefish.

3. Recent catches of prohibited species and the impact a proposed closure would have on prohibited species.
4. Recent gear conflicts and the impact a proposed closure would have on future occurrences.
5. The impact the proposed closure would have on the foreign fishing fleet.

The Team reviewed the available data pertinent to POP and concluded that this evidence suggests that POP stocks are severely depressed in the Eastern Area. The Team, therefore, recommended that harvest of POP be strictly curtailed and noted that several detailed studies on POP are currently underway and should conclude this summer. However, because the status of POP appears to be so severely depressed, the interim action is required.

The Team noted that incidental catches of halibut in 1979 were markedly higher than 1978 and considers the 1979 level to be excessive. The Team recommended that action be taken to reduce these catches, noting the ex-vessel value of estimated incidental catch of halibut was about \$3.9 million.

The Team also reviewed evidence on reported gear conflicts between U.S. longline fishermen and foreign trawlers. The Team recommended action be taken to protect U.S. fishing gear and allow domestic fishermen to fish where they prefer.

Catch statistics from 1979 showed total foreign catches of groundfish in the Eastern Area to be 22,900 tons. The total value of this catch, based on the foreign fee schedule, is about \$7.2 million. If POP were eliminated from the foreign catch, the remainder is 16,500 tons with a value of about \$4.9 million. If the expected foreign catch in 1981 remains at the 1979 level and the foreign fleet is restricted from taking POP, the profit loss to a total closure would be less than \$4.9 million.

The Team proposed three options which would meet recommendations made for POP, sablefish, incidental catches of halibut, and gear conflicts. The Team expressed no specific preference, but noted that two of the options are highly dependent upon increased observer coverage on foreign trawlers in the Eastern Area and would not be effective if the measures suggested were not closely enforced. The options are as follows:

Option A

1. Foreign trawling would allowed only with off-bottom gear and only from December 1 to May 31.

2. POP TALFF would be set at 500 tons.
3. POP DAH would be set at 500 tons.
4. Sablefish catch levels would not be allowed to increase.
5. Present sanctuaries in the FMP would be continued.

Option B (the most restrictive of the three proposed)

1. Foreign trawling would be prohibited in the Eastern Area.
2. POP DAH would be set at 500 tons.
3. Sablefish catch levels would not be allowed to increase.

Option C (a compromise between Option A and Option B)

1. Foreign trawling would be prohibited in the Southeast.
2. Foreign trawling would be allowed in Yakutat only with off-bottom gear and only from December 1 to May 31.
3. POP TALFF would be set at 375 tons.
4. POP DAH would be set at 500 tons.
5. Sablefish catch levels would not increase.
6. Present sanctuaries in Yakutat would be continued.

With Council approval, this amendment would go to public review about the end of December, 1980 and would be available for final Council action at the February 1981 meeting.

The SSC reviewed the proposed amendments and recommended that they be released for public review subject to the following modifications:

1. Clarify what is meant by the statement "sablefish catch levels not to increase" included in options A, B, and C. The word "catch" should be replaced with "OY".
2. An additional option should be included as follows:

Option D (status quo)

- a. Foreign trawling allowed only with off-bottom gear from December 1 through May 31 with no restrictions on trawl gear from June 1 to November 30.
 - b. POP TALFF equals 205 mt.
 - c. POP DAH equals 1,315 mt.
 - d. Sablefish OY equals 7,100 mt.
 - e. Present sanctuaries in the FMP would be continued.
3. The SSC also suggested the following option, which proposes the use of a communication system to resolve gear conflicts, be included.

Option E

- a. Adopt an agreed upon communication system to minimize gear conflicts.
- b. POP TALFF is 500 mt.
- c. POP DAH equals 500 mt.
- d. Sablefish OY equals 7,100 mt.
- e. Present sanctuaries in the FMP would be continued.

The Advisory Panel proposed that the PDT's recommendations for options regarding the Eastern Regulatory Area be added to the amendment package and sent to the public for review.

Michael Mayo presented written and oral testimony regarding the economic disadvantage to American fisherman in the eastern Gulf of Alaska brought on by foreign incidental catches. A copy of his written testimony is included in these Minutes as Appendix V.

Don Bevan moved that the proposed 1981 amendment package sent to public hearing include the SSC's modification of the PDT's proposals and the inclusion of the SSC's status quo options; seconded by Joe Demmert. The Council unanimously approved this action.

The Executive Director was instructed to arrange a public hearing on the proposed amendments in Sitka at some time after the January Council meeting. Further information on the hearing will be available as soon as arrangements are made.

B-6 Bering Sea/Aleutian Islands Groundfish FMP

Dr. Loh-Lee Low of the Northwest and Alaska Fisheries Center reported to the joint session of the Council and Board of Fisheries on the Bering Sea/Aleutian Islands Groundfish amendment package. Dr. Low said that the most important factor is the derivation of OY, with three possible methods available.

1. Set OY as a range of 1.4 to 2.0 million mt.
2. Set as a number, 1.6 million mt.
3. Maintain the status quo.

Dr. Low explained implementation of each of the options. Under Option 1, the fishery would be started with 1.4 million mt, minimum ABC for entire complex. Later in the year, status of stocks would be determined to derive figures for the complex. Reserve would be divided into two parts. The first would allow for correction of operational problems arising during the season and would allow the Regional Director to allocate fish from the reserve to rectify problems of known biological consequence. The second would be for expansion of the domestic fishery (10%). During the year, initial TAC can be adjusted and final TAC can be derived based on stock condition and socioeconomic factors in the fishery.

Option 2 is very much the same, except that OY is a fixed number until the plan is amended. TAC's would be allocated to individual species.

Option 3 would keep the OY determination as it is now, which requires individual stock status and ABC determinations and presents some problem with data development.

The major difference between Options 1 and 2 is that Option 1 begins with a relatively low OY and has limited reserve for making adjustments, whereas Option 2 begins with a larger ABC and sets aside a large reserve for making adjustments.

Dr. Low explained his computer model's capabilities for determining area closures to help remedy the king salmon interception problem and stressed the need for as complete a data base as possible to receive maximum benefit from the model's capabilities.

Final salmon stock status reports should be available in January. Charles Meacham requested that the Council receive copies of this material as soon as possible so they can be fully up-to-date on the subject by the next meeting.

The Executive Director reported that the Incidental Species Workgroup has been working for some time to develop the incidental catch facet of the amendment package. Written analysis of their suggestions will be available sometime in January.

Public testimony was received before the joint session of the Council and Board of Fisheries. A summary of that testimony is addressed in a separate document, previously cited as Appendix IV to these Minutes.

Patrick Travers gave a brief report on the status of the suit filed by fifteen villages of western Alaska asking for an injunction on foreign trawling and on implementation of the FMP until it is amended to close certain areas to foreign trawling to protect king salmon in winter months. The government challenged jurisdiction on this case, and Patrick reported that the hearing is expected shortly. If the judge decides in favor of the government, the case will end. If not, it will proceed to trial.

Board of Fisheries Chairman Nick Szabo addressed a Resolution by the Board regarding the incidental catch of king salmon by foreign trawlers. A copy of that resolution is made a part of these Minutes as Appendix VI. He urged the Council to take whatever remedial action is necessary for this season in order to protect the salmon, and suggested that the Council may want to set up a study group made up of industry people to formulate an acceptable solution to this problem.

The Council continued consideration of the Bering Sea/Aleutian Islands Groundfish FMP on Friday, December 12, when they met alone. Margaret Duff gave an update on the FMP. Implementation had been expected on January 1, 1981; however, Pat Travers' revised EIS went for public comment and word now is that implementation will not occur until March or April.

In its review of the Bering Sea/Aleutian Islands Groundfish FMP, the SSC reviewed the status of the analysis of the incidental catch in the Bering Sea being undertaken by the ad hoc SSC subgroup. The SSC was informed that the report of that group is being developed. The SSC received a detailed presentation by Dr. Low on his computer model which would allow detected analysis of possible impacts of time/area closures. They are planning to review the written report on the model during January, and should be able to offer direction to the Council on the subject by the February meeting.

The SSC received an industrial update of forecasts for the 1981 domestic catch levels of Pacific cod for the Gulf of Alaska and Bering Sea/Aleutian Islands area in which it was indicated that domestic catch levels could approach 70,000-90,000 mt. The SSC recommended that catch levels of this magnitude could be accommodated as follows:

1. The unallocated TALFF's for all species in the western and central Gulf management areas be held until April.
2. Fifty percent of the TALFF for Pacific cod in the Bering Sea/Aleutian Islands management area not be allocated until April.

3. Ten percent of the TALFF for all other species for Bering Sea/Aleutian Islands management area not be allocated until April.

It was recommended that the State Department consult with NMFS prior to the release of unallocated TALFF. Actual calculation of the unallocated TALFF concept was demonstrated by a table, attached to these Minutes as Appendix VII.

It was recommended that the following DAH and reserve mechanism be examined for possible inclusion in the current Gulf of Alaska and Bering Sea/Aleutian Islands amendment packages.

"The DAH for a fishing year will be set equal to the domestic catch taken during the 12-month period ending the preceding September 30. DAH may not exceed OY.

The reserve will be set to accommodate the difference between the domestic catch forecast and the NMFS survey and DAH as set above. The NMFS survey will be conducted annually by the NMFS Regional Office to compile expected harvest figures from fishermen and processors."

State Department representative Ray Arnaudo felt that the SSC's request to hold 50% of TALFF for Pacific cod in the Bering Sea/Aleutian area until April was slightly irregular. He said the State Department is automatically planning to withhold 10% of that species for their own purposes.

The Executive Director said that he felt it would be easier to withhold the allocation until a later date rather than trying to take it back once the allocation has been made.

The Council received a letter dated November 25, 1980 from Lee Alverson of Natural Resources Consultants which indicated a significant increase in production projected for the cod fishery in 1981. Final figures on 1980 U.S. Pacific cod production are not yet available; however, the ARCTIC TRAWLER alone will have caught about 5,000 tons. After adding joint venture catches, several vessels which have and will fish for salt cod markets, and several shoreside operations, 1980 production may well exceed 15,000 tons. The estimated production goal of the fleet entering in 1981 exceeds 50,000 tons. If shoreside operations, joint ventures, and unlisted vessels which may enter the fleet are included, the figure becomes a substantial portion of the total OY for the Gulf and Bering Sea.

In the AP's deliberation of the Bering Sea FMP, they recommended that the Council incorporate the 1981 estimates of U.S. cod catches for the Bering Sea and Gulf of Alaska into the 1981 DAH. This will amount to an additional 40,000 mt. The AP requested that the Council contact those proposing to participate in this fishery so it can be distributed between the Gulf of Alaska and the Bering Sea.

Regarding the Board of Fisheries' Resolution to protect western Alaska chinook salmon, the Advisory Panel recommended that the Council contact the Secretary of Commerce to expedite the closure of INPFC Area I and II in the Bering Sea. The AP requested any and all information available on incidental catches as soon as it is available.

Harold Lokken spoke in opposition to closures as vast as one encompassing INPFC Areas I and II. He suggested that closures should be tailored in proportion to the losses being sustained.

Paul MacGregor, representing the Japanese Longline Association, testified before the Council on the cod fishery. He said that the longliners conducted a fairly large cod fishery as a result of their small sablefish allocation, and relied heavily on their cod allocation in the early 1980. Therefore, withholding cod allocations early in the year will have some impact on the foreign fishery. He felt that the SSC's numbers of 70,000-90,000 mt were conservative, and asked the Council to monitor the fishery so that, if indications suggest that the U.S. cod fishery is not developing as quickly as expected, cod allocations can be released to foreign nations earlier in the year. He urged the Council to withhold only the TALFF absolutely necessary to protect incidental species in the gulf. He pointed out that the amount being held back is significantly higher than the domestic catch for last year.

Dr. Bevan endorsed the SSC's recommendation for withholding allocations, modifying it to specify that only cod allocations in the Gulf of Alaska be withheld rather than allocations for all species.

The Council unanimously endorsed the SSC's recommendations subject to the modification suggested by Dr. Bevan.

F. CONTRACTS AND REPORTS

F-1 Status of Contracts

Clarence Pautzke, Deputy Director, reviewed the status of Contract 78-5, "Assessment of Spawning Herring and Capelin Stocks at Selected Coastal Areas in the Eastern Bering Sea"; Contract 79-3, "Troll Salmon Tag Recovery Program"; and Contract 80-6, "A Study to Determine the Applicability of Limited Entry in the Halibut Fishery Off Alaska".

The portion of Contract 78-5 dealing with infra-red studies was received as Appendix A to the final report and was sent to the SSC for review and approval on November 24, 1980. Given SSC concurrence, the Council may approve this report, and thus the contract, for final payment.

The final report for Contract 79-3 has been distributed to the SSC. Given SSC concurrence this report and the contract may be approved by the Council for final payment.

A rather large final report was submitted by Tetra Tech for Contract 80-6 and is currently being reviewed by the SSC. With SSC concurrence, this report and the contract may be approved for final payment.

The SSC recommended approval of Contract 78-5 subject to the requirement that the Contractor insert a minor modification stating that additional tracks of data are available. The Contractor has been notified of this requirement and has agreed to comply.

The SSC reviewed the modified draft report dated November, 1980 for Contract 79-3 and found that the Contractor has taken into consideration past SSC comments on the report. Contract approval was recommended and the SSC suggested that this report be printed as an official Council document.

The SSC was unable to complete its review of the draft report for Contract 80-6. The SSC subgroup will complete its review by the January Council meeting and will be prepared to forward comments to the Contractor at that time.

The SSC also reviewed the quarterly report for Contract 79-4 dated October 31, 1980. No comments were made on progress of the Contractor, but the SSC noted the report "Spatial and Temporal Variation in Undersized Chinook Salmon Encounter Rates in the Southeast Alaska Troll Fishery" which was attached to the quarterly report. The report was referred for information to the Salmon subgroup.

The SSC reviewed the quarterly report dated September, 1980 for Contract 80-3, "Seasonal Use and Feeding Habits of Walruses in the Proposed Bristol Bay Clam Fishery Area" and found that the Contractor is making sufficient progress on this study.

The Advisory Panel requested that the Halibut Limited Entry Workgroup convene as soon as possible to discuss limited entry in the halibut fishery.

Jim Campbell moved for approval of Contracts 78-5 and 79-3; seconded by Bob Mace. The Council unanimously approved these contracts for final payment.

F-2 Marine Mammal RFP 81-1

The study of data on feeding habits and food requirements for marine mammals in the Bering Sea was given high priority by the SSC in their review of 1981 research proposals. A draft RFP was sent to a review group on November 3, 1980. Approximately \$40,000 was earmarked for this study and contract awards were scheduled to be made at the February Council meeting.

On December 8, 1980 the SSC received a letter from Dr. William Aron, Director of the Northwest and Alaska Fisheries Center and

SSC member, regarding the RFP. Dr. Aron indicated that a substantial portion of the work requested in the RFP had already been accomplished by personnel of the National Marine Mammal Laboratory in Seattle. In view of this information, the SSC recommended that further action on RFP 81-1 be tabled until such time as the information compiled by NMML can be reviewed and evaluated. A letter was sent to Dr. Aron requesting a written report to the SSC by an appropriate staff member of NMML addressing Work Statements I through III of RFP 81-1. The SSC requested that the written report be made available in time for the January SSC meeting. Dr. Aron and/or his designee have been requested to present a review of that report to the SSC at the January meeting.

The SSC reviewed the status of other objectives and work tasks for RFP's identified by the SSC Programmatic Budget Subcommittee. The SSC recommended that the Council withdraw from consideration the study on predator/prey interactions because the NWAFC is considering funding this work directly. The objective and task of the herring stock data study and the incidental catch of salmon study are still being developed and will be available for SSC review at the January meeting.

F-3 Preliminary Review of Draft Final Contract Reports on Contract 81-3 and 80-5

Draft final reports for Contracts 81-3, "A Comparison of Halibut and Crab Catches in Side-Entry and Top-Entry Crab Pots, and Side-Entry Crab Pots With and Without Tanner Boards" and 80-5, "A Study of the Offshore Chinook and Coho Salmon Fishery Off Alaska", have been received.

The Halibut/Pot report was given to the Council for preliminary review and comment.

The SSC received a draft report for Contract 80-5 dated November, 1980 and has assigned responsibility for its review to the Salmon subgroup. The SSC will be prepared to provide the Council with their preliminary review by the January meeting.

The Natural Resources Consultants' report arrived shortly before the Council meeting and, because of its length, was in the process of being printed at Council meeting time. That report is scheduled for distribution as soon as possible after the Council meeting. A small number of copies of the report were made available to the SSC Salmon subgroup to initiate their review.

Council action was required to approve a transfer of travel funds to general expenses in order to approve final payment on Contract 80-5. Additional funds to cover a cost over-run were under Council consideration as well.

Natural Resources Consultants had billed \$46,712.25 as of October 30, 1980, leaving \$11,287.75 in the budget. Of this,

\$7,212.75 was appropriated to travel and \$4,075 to general expenses. The final NRC billing received was \$124.24 for travel and \$14,081 for general expenses. By transferring \$7,088.51 from travel funds, all but \$2,917.41 would be covered.

The Council would have to approve this transfer to pay all but 10% of the contract amount, and consider appropriating an additional \$2,917.41 to cover all remaining NRC expenses. Payment of \$5,487.75 required Council approval at this time. The last payment would be \$8,593.01, which would include the \$2,917.41 cost over-run.

Jim Campbell moved for approval to transfer travel funds to general expenses in order to approve payment of the final billing; and to pay the cost over-run if money were available in the Council's budget. The motion was seconded by Don Collinsworth.

Donald Bevan moved to amend the motion to transfer the travel funds to general expenses in order to make final payment on the contract, but remanded consideration of the cost over-run to the Finance Committee for further study. Permission of the mover was granted.

The Council unanimously agreed to transfer \$7,088.51 from travel funds to general expenses and approved payment of the final billing. Consideration of ultimate action on the cost over-run was remanded to the Finance Committee.

G. PUBLIC COMMENTS

No further public testimony was received by the Council.

H. CHAIRMAN'S CLOSING REMARKS AND ADJOURNMENT

Don Collinsworth asked that the Alaska Board of Fisheries' Resolution regarding interception of western Alaska chinook salmon be entered into the record, and suggested that the Executive Director respond to the Board by letter, explaining why the Council cannot act. *The Executive Director was instructed to do so.*

The SSC proposed moving their January meeting to Seattle because of problems with scheduling airline flights to Juneau during that time period. After the SSC has met, their chairman will travel to Juneau to report to the Council.

There being no further business to come before the Council, the 37th Plenary Session of the North Pacific Fishery Management Council was adjourned at 10:40 a.m. on Friday, December 12, 1980.

LIST OF APPENDICES

- Appendix I: Action memorandum rejecting King Crab Fishery Management Plan
- Appendix II: Agreed Summary Record, U.S./Canada Negotiations
- Appendix III: Statement of Purpose and Objectives of the Inter-Council Salmon Coordinating Committee
- Appendix IV: Summary of Board of Fisheries/Council Public Hearing of December 9, 1980
- Appendix V: Written testimony of Michael Mayo
- Appendix VI: Resolution 80-79 FB of the Alaska Board of Fisheries
- Appendix VII: SSC's Table I, Calculation of Unallocated TALFF



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Washington, D.C. 20535

2/CM:REG

DEC 1 1980

TO: F - Terry L. Leitzell

FROM: *William G. Gordon*
F/CM - William G. Gordon

SUBJECT: National Marine Fisheries Service (NMFS) Review of the North Pacific Fishery Management Council's (Council) Draft Fishery Management Plan (Discussion Paper (DP)) and Draft Environmental Impact Statement (DEIS) for the Western Alaska King Crab Fishery—ACTION MEMORANDUM (by December 4, 1980)

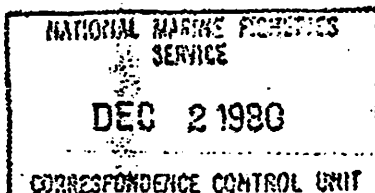
As a result of our review of the Council's western Alaska king crab DP/DEIS, we have found a major deficiency. The documents fail to identify preferred alternatives. I am proposing that the plan be turned back to the Council to correct this problem.

BACKGROUND

A fishery management plan (FMP) for western Alaska king crab has been under consideration and development by the Council for approximately two years. Since it was started before January 9, 1979, we accept the fact that this plan does not require a work plan.

On October 27, 1980, we received a DEIS/DP for NMFS/NOAA review and clearance. During the latter half of October, the Council staff regularly was in telephone contact with NMFS staff urging quick review and emphasizing the need to have the Environmental Protection Agency publish a notice of availability on November 14, 1980 (thereby coinciding with the 20-day notice of public hearings). The Council has already mailed the DEIS and DP to members of the public and announced public hearings. The first hearing was held in Dutch Harbor on October 21, 1980; the remaining hearings are scheduled for December 6, 1980, in Seattle and Kodiak, and December 9, 1980, in Anchorage.

The plan is politically very sensitive, with Seattle-based fishermen feeling discriminated against and urging plan adoption and with some Alaskan fishermen reluctant to support Federal management. The Alaska Department of Fish and Game representative to the Council proposed the plan go forward for public review with a "No Plan" option. The Council felt that the designation of preferred alternatives prior to public hearings would greatly impede Council's decisionmaking following the public comment period (see attached Branson to Leitzell letter of October 28, 1980).



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tradition of service to the Nation.

It is unlikely that a federal management system could be in place for the 1981 king crab fishing season (primary fishery to start September 10), even if we approved the DE and DEIS "as is" for public review and internal processing.

ISSUE: Acceptability of the DE and DEIS; Lack of Referred Alternatives

The FWS Operational Guidelines for the Fishery Management Plan Process (Operational Guidelines) indicate, among other things, the various types of documents required in the FMP review process. The Operational Guidelines (pg. 21) state that the Council should submit a single document incorporating the DE, the DEIS (as required under the National Environmental Policy Act (NEPA)), and the FMA (as required under Executive Order 12044 (E.O. 12044)). They (pg. 23) further state that a draft Fishery Management Plan, when made available to the public, should clearly identify the preferred management alternative(s) to achieve the stated objectives of the FMP. While the Operational Guidelines indicate that it is permissible for Councils to list only the alternatives and select the preferred alternative(s) after public input, the guidelines say that in such cases the document must be recirculated for public review of the preferred option(s). Before the Council adoption and submission of the FMP to the Secretary of Commerce.

Whether the DE or the DEIS contain a preferred management regime or a preferred alternative with respect to the need for an FMP, while an FMA has been drafted by FWS and is currently being finalized for Council review, it was not submitted. According to the Operational Guidelines (pg. 23), the required elements of a DEIS include a detailed explanation of the reasons for choosing one alternative over the others. It follows that unless the DE identifies preferred alternatives, then the DEIS, if submitted now, would be inadequate. An October 2, 1980, memorandum concerning the Pacific King Crab Fishery (copy attached) establishes current policy with regard to required contents of DEIS. It expressly requires the DE/DEIS/DEA to analyze comparatively the preferred management regime and the alternatives and consider how each will achieve the management objectives. The failure to indicate a preferred alternative and to analyze all alternatives is a critical deficiency of the submitted King Crab documents.

It is also important to note the mounting criticism by the President's Council on Environmental Quality (CEQ) and the Office of Ecology and Conservation of NOAA's Office of Policy and Planning (PP) that FMP environmental documents are often deficient in failing to provide an adequate basis for public comment. For example, they fail unnecessarily to state a proposed or preferred action and to contain an adequate impact analysis. Rare exceptions may be granted to NEPA/PP policy of requiring a single preferred alternative management regime. Exceptions may arise from lack of data that may only be gathered in a public forum or from an inability to predict the

impact of alternative management regimes without public comment available only through the medium of a public hearing. Controversiality alone is not an acceptable reason. Exceptions should be requested in writing, together with the rationale, well in advance of submission of the DEIS for FP approval. In order to be eligible for an exception the document should contain the management measures grouped into a few (usually not more than three) easily identifiable, complete management regimes and the impacts of these to the extent known that will allow fruitful public discussion. The listing of a large number of possible management measures will not be acceptable.

At the recent October 1988 meetings with Council Chairman and Executive Directors in Puerto Rico, you emphasized the need to identify preferred alternatives. In his October 28, 1989, letter to you, Jim Brason indicated that the Council was aware that WRS policy requires references to be designated. However, he argued that the western Alaska king crab plan should be an exception to that policy given the political climate (and the need to know the position of interest groups and the number of expected participants in next year's fishery). I cannot agree. While the CD regulators do not mandate the identification of preferred alternatives in every circumstance, lawyers at CDJ told Joyce Wood that political considerations are unacceptable reasons for not stating preferred alternatives.

The rationale used in the Pacific pink shrimp decision was that the public had insufficient information (impact evaluation) on which to make an educated choice of management options. Applying essentially that same rationale, I believe the western Alaska king crab submission is inadequate and should not be accepted from our policy of designating preferred alternatives. Further, a regulatory analysis is needed to conform with WRS/MSA policy requirements and to satisfy E.O. 12044.

To avoid cancelling the upcoming scheduled Council hearings on western Alaska king crab, the Council could refer these hearings as fishery Conservation and Management Act fact-finding hearings. On the basis of information received, the Council should identify preferred options concerning the need for a fishery management plan (the fishery management unit) and specific management measures, including the determination of optimum yield. The DE, DEIS, and DPA (with preferred alternatives indicated in each) should then be submitted for WRS/MSA clearance and release to the public. In this way the Council could hold a minimum number of additional hearings. For example, one hearing could be held in Anchorage and another in Seattle on the preferred alternatives. This suggestion would allow the Council to gather information useful in determining preferred alternatives and would minimize the number of hearings once these preferred alternatives were announced to the public.


RECOMMENDATION

In light of the deficiencies I have noted above, I recommend that you advise the Council that its western Alaska king crab plan is critically deficient and that internal processing and public review through WRS and E.O. 12044 channels will cease until those deficiencies are corrected. If you concur, please also review the attached letter to the Council.

I concur.

 I do not concur. *See attached*

12/4/80
Date


Terry L. Leitzell
Assistant Administrator
for Fisheries

Attachments

CLEARANCES

SIGNATURE AND DATE

F/A/R: R. Covey	<i>[Signature]</i>	12/1/80
GCAK: P. Travers	<i>[Signature]</i>	
F/CMS: M. Thompson	<i>[Signature]</i>	12/1/80
GCF: J. Johnson	<i>[Signature]</i>	12/1/80

I now concur. I do not feel that the controversial nature of this plan makes it unique or exceptional, thus justifying an exception. We should work with the Council and the Regional Office to find a process as reasonable as possible to complete action.

[Signature] 12/5/80

(I now concur. I do not feel that the controversial nature of this plan makes it unique or exceptional, thus justifying an exception. We should work with the Council and the Regional Office to find a process as reasonable as possible to complete action.)

Mr. Clement V. Tillion
Chairman, North Pacific Fishery
Management Council
P.O. Box 3136 DT
Anchorage, AK 99501

Dear Clem:

NMFS recently completed its initial review of the draft fishery management plan (DFMP) and draft environmental impact statement (DEIS) for the western Alaska king crab fishery submitted by the North Pacific Fishery Management Council. Unfortunately, it is necessary for us to return these documents because they do not conform to the National Marine Fisheries Service (NMFS) and National Oceanic and Atmospheric Administration (NOAA) policy which requires the designation of preferred alternatives, except in unusual circumstances. The rationale for this decision and exceptions for unusual circumstances are contained in the enclosed action memorandum of December 1, 1980.

This letter also responds to Jim Branson's October 28, 1980, letter to Terry L. Leitzell which explains the concerns of the Council and its difficulty in deciding on preferred alternatives in the king crab plan. While we appreciate the Council's concerns, NMFS cannot agree that an exception for king crab should be made to our policy requiring the designation of preference.

In situations where a draft fishery management plan without preferred alternatives has been released to the public, and the preferred alternatives are selected after public review, the document must be recirculated for public review of the preferred options before Council adoption and submission of the fishery management plan to the Secretary of Commerce. The Council could reframe its recently conducted hearings on western Alaska king crab as Fishery Conservation and Management Act fact-finding hearings. On the basis of the information received, the Council should identify preferred options concerning: (1) the need for a fishery management plan; (2) the geographic coverage of the management unit; and (3) specific management measures, including the determination of optimum yield. The DFMP, DEIS, and draft regulatory analysis (DRA) (with preferred alternatives indicated in each) should then be submitted for NMFS/NOAA clearance and release to the public. The Council would subsequently need only to hold a minimum number of additional hearings.



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When the DFMP and DEIS have been modified, please submit them and a DRA to allow simultaneous review of these three mutually supporting documents. As indicated, all three documents should identify a single preferred alternative management regime. If this is not possible due either to (1) a lack of data that may only be gathered in a public forum or to (2) an inability to predict the impact of alternative management regimes without a public hearing, then you should request an exception to our policy on those grounds.

A request for an exception should be in writing, together with the rationale. In order to be eligible for an exception, the document(s) should contain the management measures grouped into a few easily identifiable, complete management regimes and the impacts of these to the extent known that will allow fruitful public discussion.

If an exception is granted and the documents are otherwise acceptable for formal NEPA and E.O. 12044 review, hearings should be held once the Environmental Protection Agency notice of availability of the DEIS has been published in the Federal Register. At the conclusion of those hearings, the Council would need to select a single preferred alternative management regime for inclusion in their submission of the final FMP, FEIS, and RA to the Secretary.

We look forward to receiving the DFMP, DEIS, and DRA in acceptable form so that we can begin the review process. The Region will continue to assume the lead role in developing the DRA if you so desire. Thank you for your assistance in this matter.

Sincerely

Robert W. McVey

for Robert W. McVey
Director, Alaska Region

Enclosure

300 000 / 500.000
300 000

W. A. Hunt

AGREED SUMMARY RECORD OF CANADA/UNITED STATES
DISCUSSIONS ON A COMPREHENSIVE AGREEMENT ON
THE MANAGEMENT AND DEVELOPMENT OF PACIFIC
SALMON STOCKS OF MUTUAL CONCERN, LYNNWOOD,
WASHINGTON, OCTOBER 20 - 25, 1980

1

Delegations of Canada and the United States of America, including advisers from the fishing industry, State and Provincial Governments, and domestic U.S. Fishery Management agencies, met in Lynnwood, Washington, October 20 - 25, 1980, to continue the development of a comprehensive agreement on cooperation in the management and development of Pacific Salmon stocks of common concern.

This document records agreements between the negotiators regarding approaches which they believe will lead to resolution of existing conservation and interception problems and which will provide the greatest opportunities for effective programs of improved management and enhancement in both countries in the future. Some of the solutions proposed are very specific whereas others are of a conceptual nature. Nevertheless in the negotiations, the negotiators considered all substantial issues that have been discussed in recent years. The negotiators recommend that on the basis of the principles and procedures and agreed upon by the negotiators, the two parties proceed to elaborate these approaches and develop them into a Convention at an early date. The negotiators believe, in addition, that the principles, procedures and approaches they have agreed upon have been developed with sufficient specificity to permit fisheries authorities in both countries to operate

within the spirit of a future Convention before such a Convention comes into force. The negotiators believe that such an approach can bring about immediate improvements in the management of fisheries on a number of depleted runs and will reduce misunderstandings between the two countries, which, in 1980, were leading to the development of an atmosphere of contention and confrontation. The negotiators, therefore, further recommend that fisheries authorities in the two countries immediately embark on development of mutually satisfactory arrangement for harmonious conduct of intercepting fisheries in 1981.

Section 1 - General

*Conclude by final
Committee*

The United States and Canadian negotiators consider that they have reached substantial agreement on the principles of a Convention and on a number of specific provisions to implement such principles. At the same time, changing economic circumstances of the fisheries and new management and development programs in both countries are causing fundamental alterations in the fisheries. This fluid situation makes it very difficult to develop all the detailed provisions of a Convention at the present time. In this light, the negotiators agreed that the most appropriate course of action would be to conclude a general framework Convention which would include a series of binding principles and a series of specific provisions related to an initial salmon interception limitation scheme, management of stocks bound for transboundary and Fraser rivers, and technical resolution procedures. A Commission (with appropriate subsidiary panels) would be formed immediately on ratification to implement the Convention during the first year in which the Convention comes into force.

Once the Convention is in place it would be necessary for the Parties to negotiate further detailed implementation provisions regarding specific fisheries and approaches to management, development, research and monitoring. Such specific provisions could later be incorporated into a Protocol to the Convention. The original Convention should specify a timetable for development on the specific provisions outlined above. Acting within this timetable, the Commission would be charged with developing recommendations to the Parties regarding such provisions.

Section 11 - Agreement on Principles and Coordination to Achieve Them

1. The two negotiators agreed that the basic principles of the Convention should be the following:

"(a) The two Parties shall cooperate in the regulation of their respective fisheries to ensure that salmon stocks subject to interception are conserved in such a way as to provide optimum yields;

(b) The two Parties shall cooperate through coordinated programs of management, research, monitoring and enhancement to increase the production of salmon and to harvest such increased production in an optimal manner;

(c) The fisheries of the two Parties shall be adjusted as required in order to provide for conservation as outlined in (a) and to provide each country with benefits commensurate with the salmon production in its own rivers, subject to special provisions for the Fraser and transboundary rivers; and

(d) In selecting options for adjusting fisheries to meet the objectives of the Convention:

i) both parties should attempt to reduce interceptions where conservation matters are involved;

ii) in balancing fisheries to achieve equity through enhancement, high priority should be given to reducing levels of interceptions or interception rates; and

iii) in implementing i) and ii) above, existing fisheries should not be unduly disrupted."

2. In order to implement the foregoing principles in a phased manner, taking into account the need for close consultation in developing detailed technical measures, the negotiators agreed that the Parties should take the following actions:

- "(a) During the first four years after the coming into force of the Convention, each Party shall limit its interceptions of salmon bound for the rivers of the other country to agreed upon levels. The details are contained in Section III, IV and V of this summary record. In general, such levels shall approximate levels of interceptions that existed during 1971-74 but flexibility shall be provided in order to permit mutually agreeable adjustments aimed at improving conservation of the stocks and management of the fisheries. The scheme shall be reviewed at the end of the first year with a view to recommending to Governments arrangements which would apply in the succeeding three years.
- (b) In the second four years after the coming into force of the Convention, on the basis of a determination by the Commission on the status of interceptions, and, on the basis of mutual agreement, the two Parties shall embark upon a long-term program of cooperative management and enhancement and a program of fisheries adjustment in order to achieve the objectives regarding conservation and sharing outlined in Section II, paragraphs 1a and 1c respectively. For purposes of the Convention, enhancement shall be deemed to include natural increases in stocks as well as increases resulting from specific salmon cultural programs."

Section III - Interception Limitation Scheme

1. The two negotiators agreed that the following general scheme of interception limitations should apply when the Convention comes into force:

" Except as specified in other paragraphs of this section, interception of salmon originating in rivers other than transboundary rivers shall be considered within one of four categories:

- (a) Salmon bound for spawning grounds in British Columbia by United States fishermen operating in the vicinity of Alaska;
- (b) Salmon bound for spawning grounds in Alaska by Canadian fishermen;
- (c) Salmon bound for spawning grounds in British Columbia by United States fishermen operating in the vicinity of the coasts of Washington, Oregon and California;
and
- (d) Salmon bound for spawning grounds in Washington, Idaho, Oregon and California by Canadian fishermen.

2. For interceptions in each of the categories outlined in the paragraph above the following scheme shall apply:

- (a) (i) Subject to the other provisions of paragraph 2, whenever the annual total harvest $\frac{1}{4}$ and escapement of a given species within any category equals or exceeds the average annual number of those fish in the four year period, 1971-1974, then interceptions of those fish in that category shall be $\frac{1}{4}$ harvest: Total catch comprises fish taken by interception and by fishermen of the country of origin.

kept to the average number of interceptions that occurred in that period, except--

(ii) When, due to an increased contribution by the non-intercepting country's fish,

(A) the percentage of those fish available for interception in the intercepting fishery increases; and

(B) the consequences of applying the provisions of paragraph (i) to the fishery would reduce the total catch in the fishery by intercepting fishermen to a level below the 1971-74 average, notwithstanding the best efforts of those fishermen to avoid that reduction; then

(C) at the request of the intercepting party;
and

(D) upon the determination of the Commission that the percent of intercepted fish had increased:

the number of interceptions permitted shall be limited to that number of fish that is the result of multiplying the proportion of fish available for interception in the fishery by the average total catch of that species in that fishery within the category during the period 1971-1974.

(b) Any reduction in catches (below levels that existed in 1971-74) needed for conservation shall be shared proportionally by both countries according to their percentage of interceptions in the base period. In this regard, whenever the annual total harvest and escapement of a given species in any category falls below the average annual numbers of those fish in the period 1971-1974,

not exceed the sum of the interception limits established pursuant to paragraphs (a) and (b).

- (f) Where the total number of fish intercepted during a four year period exceeds the sum of the interception limits that applied during that four year period, the excesses, under procedures established by the Commission, shall be reduced to zero during the following four year period.
- (g) In the first year after the entry into force of the Convention, the Commission shall make recommendations to Governments respecting provisions in the Convention concerning penalties to prevent either country from accumulating or carrying excesses over specified interception limits for prolonged periods.
- (h) In the first year after the entry into force of the Convention, the Commission shall consider whether or not shortfalls below specified interception limits accumulated over four-year periods should be compensated for by upward revisions in interception limits in succeeding years. (The negotiators agreed, however, that upward adjustments, if any, should not be made in all cases where shortfalls occur).
- (i) Within any year, increases in entitlements may be taken provided the percentage that intercepted salmon form of the total allowable catch of the stock does not exceed the average percentage of intercepted fish in catches of that stock during the 1971-1974 period."

The negotiators agreed that during the first year the Convention is in force, the interception limitation scheme outlined in paragraph 1 should be conducted on a trial basis. During this first year both sides should evaluate the practicality of the scheme and consider the need for modifications. Each side may propose to the Commission adjustments in the scheme aimed at achieving the principles of the agreement more effectively. At the end of the first year the Commission should recommend to the Parties detailed provisions to be included in the Convention for an interception limitation scheme that would be implemented during the succeeding three years. The Commission should annually review the scheme during this three year period with a view to recommending further mutually agreed improvements.

3. The negotiators considered approaches to the general interception limitation scheme which might apply in the first year the Convention is in force in each of the categories listed in paragraph I of this section and which could serve as the guide to the two countries in regulating intercepting fisheries before the Convention comes into force.
 - (a) With respect to interceptions of salmon bound for spawning grounds in British Columbia by United States fishermen operating in Alaska, the United States indicated that its gillnet fishery at Tree Point which takes sockeye and its troll fishery for coho and chinook salmon in Southeast Alaska and in the Fisheries Conservation Zone (FCZ) would be managed consistent with the general interception limitation scheme outlined in paragraphs 1 and 2 above. For other fisheries in Alaska, the United States will manage its fishing activities in accordance with the status of runs and taking into account possible presence of Canadian stocks. Where information

is developed which indicates the presence of a significant number of intercepted fish, the U.S. will consider specific actions necessary to conduct these fisheries in a manner consistent with the limitation scheme.

With respect to the Noyes Island seine fishery for sockeye, the negotiators considered the proposal of the United States to limit its interceptions by adjusting the fishing effort during the period of peak abundance of Canadian stocks. This effort limitation is expected to result in an average annual Noyes Island sockeye harvest of 120,000 to 140,000 fish, which is substantially less than the harvest of sockeye in recent years but at the same time is above the average sockeye catch during 1971-1974 or during 1972-1974. In light of the foregoing, Canada indicated that it would be prepared to accept the United States proposal during the initial stages of the Convention's operation if an acceptable upward adjustment in interception limits were granted to Canada with respect to its fisheries intercepting salmon bound for Alaska. Such modifications would be developed by mutual agreement and a specific provision should be included in the Convention in this respect.

- (b) With respect to interception of salmon bound for spawning grounds in Alaska by Canadian fishermen, Canada indicated that with the possible exceptions such as that noted in paragraphs 3(a) above, fisheries in Areas 3x, 3y and 3z and the pink salmon troll fishery in Area 1 would be regulated in accordance with the general interception limitation scheme.

- (c) With respect to interceptions of salmon bound for spawning grounds in Washington, Idaho, Oregon and California by Canadian fishermen, Canada indicated that Canadian fisheries would be managed consistent with the general interception limitation scheme outlined in paragraphs 1 and 2 above. Canada indicated that, in addition, it was considering the development of domestic measures to improve the conservation and utilization of chinook and coho stocks which could provide substantial benefits to the United States. If Canada were to undertake such actions, it would expect some compensatory actions on the part of the United States. Canada indicated its particular interest in the United States making compensatory adjustments in its fisheries on the approaches to the Fraser River. The United States indicated that if such added benefits could be quantitatively identified, it would be prepared to consider compensatory adjustments in its fisheries and enhancement programs to provide Canada with additional benefits.
- (d) With respect to interceptions of salmon bound for spawning grounds in Canada by United States fishermen from Washington, Oregon and California, the United States indicated that United States fisheries would be managed consistent with the general interception limitation scheme outlined in paragraphs 1 and 2 above, except as might be modified by mutual agreement such as those outlined in paragraph 3(c) above.

Section IV - Fraser River

The negotiators considered the practicalities of the transfer of specific management responsibilities on the Fraser River from the International Pacific Salmon Fisheries Commission (IPSFC) to Canada. They met with staff of the IPSFC between the June and October negotiating sessions to obtain their views.

The negotiators agreed that the Convention should include a general formula for regulation of the fisheries, on sockeye and pink salmon bound for the Fraser River. Specifically, the Convention should provide for:

- (1) transfer of upriver management and enhancement responsibilities from the IPSFC to the Government of Canada;
- (2) formulation of specific procedures for providing the United States with an allocation of portions of the allowable catches of Fraser bound sockeye along the lines of either option (a) or (b) outlined below or a mutually agreed variation of either:

"(a) The United States basic entitlement shall be 35% of the sockeye catch or 2.24 million sockeye per annum (balanced on a four year average to take into account cyclic variations), whichever is less except that: Where application of this entitlement would provide the United States with fewer sockeye than would have been provided by application of the general interception limitation scheme, the above mentioned limit in numbers of fish (2.24 million) shall be adjusted upward in subsequent years to make up for the shortfall, as long as such adjustments do not result in United States fishermen taking more than 35% of the catch. ✓

In addition, for the first year and for each succeeding year a shortfall occurs, the number of fish in the shortfall (for which later upward adjustments in limits would be made) shall be increased by 3%, compounded annually.

(b) 35% of the sockeye catch each year for 20 years.

After 20 years, return to entitlement of 2.24 million sockeye plus

(i) during the next 8 years - 25 % of the excess catch over the base period catch of 5.6 million;

(ii) during the following 8 years - 15% of the excess catch over the base period catch of 5.6 million;

(iii) during the following 8 years - 5% of the excess catch over the base period catch of 5.6 million; and

(iv) thereafter the entitlement of 2.24 million only. There is no requirement for payback.

(3) formulation of specific procedures for providing the United States with an allocation of portions of the allowable catches of Fraser bound pinks in line with the following:

33.6 percent of the total allowable catch for a period to be negotiated, and then return to the U.S. entitlement of 33.6 percent of the total allowable catch or 2.1 million pinks, whichever is lower;

- (4) consideration of whether or not to redefine the Convention area.

With respect to paragraphs 2 and 3, as background for selection among allocation alternatives for both sockeye and pinks, the negotiators agreed that technical specialists of the two countries should review the implications of the alternatives in relation to possible future developments in the management and enhancement of Fraser River salmon runs.

for the entire river systems,

- ii) Jointly agree on escapement targets for each species within Canadian sections of each river,
- iii) Consult regarding regulatory programs to achieve such escapement targets and to provide for sharing of allowable catches on a basis agreed to within the Commission (see below)

Each country would then conduct its fisheries in a manner that would achieve the escapement targets and that would provide agreed-upon shares of the catches. Close in-season coordination would be required between management authorities of the two countries to take into account deviations in the strength of the runs from pre-season expected levels because of natural fluctuations or other unpredictable factors.

- b) Upon entry into force of the agreement and with respect to the Taku and Stikine river systems, Canada would receive an entitlement equivalent to a fixed percentage of the total annual catch of salmon having their origin in Canadian sections of each river. In the first year after entry into force of the agreement, a tentative entitlement which would be less than 50% of the total annual catch of salmon from the Canadian sections of each river, would be established and would apply for the first four years the Convention is in force. The percent entitlement for the fifth and subsequent years would be determined by further negotiations to be held in the fourth year of the agreement following a review of the results of the scientific study referred to in paragraph (4) below but in no event would

it be less than 50% nor more than 75%.

Notwithstanding the foregoing, the production of salmon of specific enhancement projects carried out by Canada, Canada should receive full benefits from such efforts. The negotiators agree, however, that the manner in which natural changes in run sizes are related to entitlements and the problem of how natural increases in stocks can be distinguished from increases associated with specific salmon enhancement projects require further discussion.

Such entitlement arrangements shall not apply to salmon produced as the result of specific enhancement projects by Canada for which Canada should receive full benefits from the portion in its part of the rivers. The negotiators agreed that a more precise definition of the relationships between such enhancement activities and sharing activities above should be developed before a specific provision on this matter is concluded.

The negotiators agreed that for 1981, Canada would limit its in-river salmon catch of each species to a level somewhat less than the percentage taken of the total catch in 1979.

Canada would receive the benefits referred to in paragraph b in the following ways as mutually agreed:

- (i) by the catch of salmon by Canadian fishermen in the Canadian sections of the rivers;
- (ii) by compensation provided to Canada for that portion of its entitlement established in paragraph 2b but

not taken by the means set out in sub-paragraph 2b(i). Such compensation would be made through agreed adjustments favourable to Canada in interception limits specified in Section III above and by enhancement. Where compensation is to be made through enhancement, that compensation would not become due until the enhancement has come "on line" and during the first year the United States will specify to Canada the particular enhancement projects that will be undertaken, their timetables and their expected results. In addition projected adjustments in fisheries will be identified.

- (iii) enhancement of the stocks of the rivers should be carried out in coordinated manner and by mutual agreement within the Commission. Each party should carry out enhancement activities in its own waters.

3. Yukon River

The negotiators agreed that arrangements for cooperation on the Yukon could not be developed at the present time. They did agree, however, that the general principles, including cooperative management and establishment of an entitlement to Canada, that have been applied to other transboundary rivers should apply to the Yukon River. The character of the cooperative management and entitlement on the Yukon may differ from those on the other transboundary rivers.

All provisions for the Yukon River should be negotiated in a mutually agreeable time schedule.

Section VI - Commission

1. The two negotiators reaffirmed their previous agreement that a Convention will contain provisions requiring the parties to establish a Commission to implement the agreed upon principles listed in Section II.

2. To ensure the smooth implementation of the Convention, a Commission (with appropriate subsidiary panels meeting separately or jointly) would be formed. The negotiators agreed that by the end of the first year after entry into force of the Convention, the Commission would:

- (a) present a report to the Parties summarizing the existing state of knowledge on the extent of interceptions and proposing future research required for implementation of the Convention;
- (b) recommend to Canada specific procedures for its assumption of management authority for Fraser River sockeye and pink stocks;
- (c) recommend to the Parties specific adjustments in limitation schemes for intercepting fisheries on salmon bound for spawning grounds in Southern British Columbia, Washington, Oregon, Idaho and California for the remaining three years of the initial phase of the agreement.
- (d) recommend to the Parties specific adjustments in limitation schemes for intercepting fisheries (other than those on transboundary stocks) on salmon bound for spawning grounds in Northern British Columbia and Southeast Alaska during the remaining three years of the initial phase of the Convention;

- (e) recommend to the Parties adjustments in portions of allowable catches to be taken by Canadian fishermen in the rivers during remaining three years of the initial phase of the Convention;
and
- (f) recommend to Governments provisions to be added to the interception limitation scheme on penalties and on whether or not to compensate for shortfalls. (See Section III).

3. The negotiators agreed that by the end of the third year after the entry into force of the Convention, the Commission will recommend to the Parties a long-term program of cooperative management and enhancement and a program of fisheries adjustments in order to achieve the objectives of the Convention regarding conservation and sharing outlined in Section II, paragraphs 1a and 1c respectively.

4. At the end of the first and third years after the entry into force of the Convention, Governments would consider the above recommendations of the Commission and conduct negotiations with a view to developing Protocols to the Convention incorporating agreed-upon specific provisions concerning the subjects in the above paragraph and in sub-paragraphs (a)-(f) above.

Section VII - Technical Dispute Resolution Mechanism

1. The two negotiators confirmed the understanding developed at the June, 1980, meeting that the Convention should include a process for dispute settlement regarding technical matters. The negotiators agreed that, in principle, an Article should be included in the Convention which would provide, inter alia, that:

- " (a) Where numerical information is required by the Commission in making its determinations, and where such numerical information is dependent on scientific evidence and analyses. Such information and analyses shall be subject to the technical dispute settlement mechanism. Other technical matters may be referred to this mechanism as may be determined by the Commission.
- (b) Either national section or the Commission itself may refer technical matters which could not be agreed upon within the Panels or the Commission to a Technical Dispute Board established by the Commission on a pro tem basis for resolving that particular dispute.
- (c) The Board for each particular dispute would consist of three members.
- (d) Time limits would be set for the appointment of each Board by the Commission and the times, after appointment, that consideration of the dispute would commence and the time at which the Board must report a decision to the Commission.

Section VIII - Research

Research and monitoring programs will be required to effectively carry out the provisions and principles of the proposed Convention. Specifics of such programs have not yet been developed but should be agreed upon along with funding requirements prior to conclusion of the Convention. The research and monitoring programs should be coordinated through the Commission.

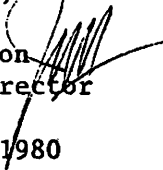
Section IX - Other Matters

There are a number of matters that the negotiators did not have time to consider (eg. the need for a general dispute settlement mechanism within the Commission, detailed arrangements for establishment of a Secretariat for the Commission, the duration of the Convention, etc.). Such items would have to be addressed in the elaboration of the Convention.

This document represents a record of agreements reached during negotiation. Together with other documents prepared at previous sessions, the document is intended to form the basis for the elaboration of a Pacific Salmon Convention.

AGENDA E-1
December 1980

M E M O R A N D U M

TO: Council, SSC, AP
FROM: Jim H. Branson 
Executive Director
DATE: December 1, 1980
SUBJECT: Intercouncil Salmon Coordinating Committee Meeting

ACTION REQUIRED

Approval of Statement of Purpose and Objectives.

BACKGROUND

The Intercouncil Salmon Coordinating Committee met in Portland on November 24 to discuss coastwide status of stocks, data problems, and coordination of NPFMC and PFMC salmon plans. The committee heard reports on the history and status of Alaskan stocks, the status of common salmon stocks and their contribution to Southeastern Alaska harvest, and coastwide data programs. The salmon plan coordinators from both councils made suggestions on how better coordination between the salmon plans could be achieved. The Committee requested that the Councils consider and approve the objectives that were finalized at their September 4, 1980, meeting and sent out in the Council mailing. The statement of purpose and objectives are as follows:

Purpose

To insure and facilitate the coordinated planning, development and implementation of salmon management plans and activities of concern to both Councils, and to insure full and complete communication between the two Councils.

Objectives (not necessarily in priority)

1. Develop and maintain on a timely basis a compatible data base, including essential biological and socioeconomic information.
2. Attain optimum spawning escapement goals for all salmon stocks of common concern as defined by the Councils.
3. Achieve the socially optimal distribution of harvestable surpluses of salmon amongst the beneficial users as these distributions are prescribed by legal obligations.

4. Identify common research needs and seek funding and execution of specific research projects.
5. Evaluate periodically the effectiveness of management plans and regulations.
6. Develop positions on fisheries issues of common concern with the intent to influence other entities whose activities affect salmon.
7. Identify and seek solutions to management and socioeconomic problems that may affect salmon fisheries.
8. Insure effective communications on a continuing basis to create a better public understanding of council actions.

Recommended Action

Above statement of purpose and objectives will be sent to each Council for review and approval.

SUMMARY: COUNCIL/BOARD OF FISHERIES JOINT PUBLIC HEARING
ON DRAFT KING CRAB FISHERY MANAGEMENT PLAN AND AMENDMENTS
TO BERING SEA/ALEUTIAN ISLANDS GROUND FISH FMP
AND TANNER CRAB OFF ALASKA FMP

Anchorage, Alaska
December 9, 1980

A joint Council/Board of Fisheries public hearing was held in Anchorage in conjunction with the December 8-12, 1980 North Pacific Fishery Management Council meeting. General public in attendance included those present during the Council meeting. Synopses of individual testimony are given below.

Draft King Crab Fishery Management Plan

Dennis Petersen, representing Ocean Spray Fisheries, testified in support of a federal plan.

Richard Goldsmith, North Pacific Fishing Vessel Owner's Association, reviewed NPFVOA's participation in the king crab fishery off Alaska and testified in favor of a federal plan. He said Alaska does not have the authority to regulate the fishery in the FCZ, and the Board of Fisheries and ADF&G would not give the equal consideration to testimony by non-residents and residents. He favored the 6.25-inch minimum size limit and stressed the need for accurate data collection. He said area registration violates the National Standards and is discriminatory. He recommended no pot limits around Kodiak and random gear placement with storage on the grounds. He rejected limited entry in its entirety.

Al Burch, Alaska Shrimp Trawlers Association and Advisory Panel member, testified against random gear storage because of problems with grounds preemption with other fisheries.

Amendments to the Tanner Crab Off Alaska FMP

Dave Osterback, president of Peninsula Marketing Association, said that last year pot storage interfered with the salmon fishery in Area M. He suggested that pot storage be regulated so it does not interfere with other fisheries in a dual fishery area. He favored area registration to protect local resources.

Jay Hastings, representing the Japanese Tanner Crab Industry, submitted written testimony in support of a 7,500 mt TALFF with the foreign fleet restricted to the areas north of 58°N latitude west of 164°W longitude and north of 54°N latitude west of 173°W longitude. He said there were no gear conflicts or competition for fishing grounds during 1978 and 1979 when this restriction was made, and suggested that until there is convincing evidence that U.S. fishermen will utilize this remote area, the Japanese should be permitted to fish surplus Tanner crab there. He felt that current estimates of the Tanner crab resource in the eastern Bering Sea were more than adequate to support both the U.S. and foreign fishery.

Bill Berestoff, small boat fisherman from Kodiak, testified in favor of area registration and pot limits. He preferred the status quo for size limits; he felt enforcement is adequate.

Richard Goldsmith, North Pacific Fishing Vessel Owner's Association, submitted written testimony on support of the Richardson report and the resulting Council preference for a zero TALFF in 1981.

Amendments to the Bering Sea/Aleutian Islands Groundfish FMP

Mick Stevens, representing Marine Resources Company, submitted written testimony containing Marine Resources' proposals for more flexible management of the fishery. Their proposals included establishment of a reserve of 25% of OY to meet unanticipated needs of the domestic fishery; gradual release of reserves to TALFF; annual survey of domestic harvesting and processing capacity; changing the fishing year to January 1 through December 31; revision of MSY, EY, and ABC values for groundfish to reflect 1980 resource surveys; and encouragement for domestic participation and orderly development of the fishery. They opposed the closure of the Bristol Bay Pot Sanctuary and the Winter Halibut-Savings Area to domestic trawlers, and felt that economic disincentives and gear specific regulations offered the best methods for minimizing incidental catches.

Phillip Fuller, operations manager for Trans-Pacific International, owners of the ARCTIC TRAWLER, reviewed the ARCTIC TRAWLER's operations over the last six months. He opposed closing Area A to domestic trawlers.

Barry Fisher, representing Marine Resources Company, said their yellowfin sole and cod fishery for 1980 had netted 13,177 mt. Value of the catch for 3-1/2 months operation was \$1,555,000 to the five boats involved. Expenses were approximately \$30,000. He does not think statistics from the foreign fishery before 1977 are accurate, and urged establishment of a good data base and a method for handling the problem of incidental catch. He said no fishery should be allowed to proceed if it impacts another fishery, but does not believe any developing fishery should be denied or rescheduled on the basis of untimely data. The data base should contain information a successful skipper needs, such as time, location, species, comments on incidental catch, weather, and fish behavior relative to the environment. He felt a logbook program would receive the necessary support from fishermen if it were properly explained and reported anonymously. He advocated 100% observer coverage.

Jay Hastings, representing Japan Fisheries Association, testified in support of Option 1, but recommended three changes. First, for domestic fishery expansion he recommended 2 or 3 reserve release dates: 40% the first month, 40% the sixth month, and 20% the eighth month. Second, he recommended release of unutilized DAH either at the end of the sixth month or at the end of the sixth and eighth months. Third, he proposed that the Regional Director be required to release reserves held for correction of operational problems when there are no operational problems in the fishery.

Steve Johnson, representing Japan Deep Sea Trawlers Association and Hokuten Trawlers Association, said the Japanese had planned a research project to study methods for minimizing incidental catch. Their formal proposal will be

submitted to NMFS and Northwest and Alaska Fisheries Center before year-end. He recommended that the Council ask NMFS not to institute the winter closure in the Bering Sea until the Council has reviewed the situation.

Richard Goldsmith, NPFVOA, was concerned about the October through March winter closure in the Bering Sea, and felt it would hamper developing fisheries in the Bering Sea. He urged the Council to explore all available alternatives before undertaking such a drastic measure. He also suggested that better observer coverage may be responsible for the increased numbers of incidental salmon catches reported.

Dennis Petersen, representing the Highliners Association, urged the Council to determine what economic losses to current fisheries are acceptable in relationship to losses to developing fisheries. He said the FMP should minimize the impact of incidental catch to the target species and suggested the U.S. trawl fishery may need to move to Horseshoe area. The Highliners proposed that areas A, 1, and 2 be left open to U.S. trawlers; that U.S. trawl operations in those areas be monitored through a logbook program; encouraged development of specific principles for interacting fisheries; and felt that closures are warranted only if significant losses are sustained in other fisheries. He asked that fishermen be allowed to keep herring as bait for catcher boats to reduce operating expenses and dependence on Canadian bait herring.

Economic Disposition of ~~the~~ American Fishermen in Eastern Gulf

1980

Value Fishermen To Fishermen	Foreign M-T-18 Extension	Foreign M-T-18 Extension	Value Fishermen To Fishermen	Total Value
1,412.22	2204	3,110,329	130	4,043,427
180,94	2204	3,879,179	06	239,2750
313.54	2204	691,042	130	898,355
3711	2204	1,258,244	06	755,223
Economic Loss in Allowance Foreign Harvest				143,132
Total Economic Loss (Foreign + Southern) Resolving				1,993,805

Foreign Harvest	Southern	Value Foreign	Total Economic Loss to Industry (Allowance Foreign Harvest)
1411.22	313.54	1724.76	1724.76
1809.4	571.1	2380.5	2380.5
1517888	1517888	314236.0	314236.0
Total Economic Loss to Industry (Allowance Foreign Harvest)			
By Allowance Foreign Harvest			
# 1,202,915			

Foreign Harvest	Southern	Value Foreign	Total Economic Loss to Industry (Allowance Foreign Harvest)
1411.22	313.54	1724.76	1724.76
1809.4	571.1	2380.5	2380.5
1517888	1517888	314236.0	314236.0
Total Economic Loss to Industry (Allowance Foreign Harvest)			
By Allowance Foreign Harvest			
# 1,202,915			

U.S. Harvest	Eastern Gulf Incidental Harvest	Total Harvest	Percentage of Harvest: U.S. vs Foreign
1725	1725	1725	24%
1486742	23805	1486742	16% (less than 2%)

The Incidental Harvest mortality in the Eastern Gulf is equivalent to 24% of the total harvest as compared to the directed foreign catch comprising 16% of their total harvest.

Further the foreign catch inflicts loss on approximately 2000 U.S. vessels while ~~the~~ ^{U.S. vessels} ~~catching~~ ^{catching} only 15 foreign vessels.

Table 2.

A comparison of the economic benefits to U.S. fishermen from the U.S.-U.S. joint venture (January-May, 1980) and the economic loss to the U.S. fish industry from the resulting incidental capture of prohibited species.

		Benefits to U.S. Fishermen	
		Unit Price	Total Value
<u>Groundfish Catch:</u>	10,437.5 m.t. ^{1/}	\$132/m.t. (6¢/lb.) ^{2/}	\$1,377,750
Prohibited species catch		Adjustment for growth and mortality	Loss to U.S. Industry (Retail)
			Unit Price
Halibut	93.6 m.t. ^{1/}	105.8 ^{3/}	\$8,800/m.t. (\$4/lb.) \$931,040
Salmon	4.7 m.t. ^{1/}	8.2 ^{4/}	\$8,800/m.t. (\$4/lb.) 72,160
Crab	?		
Total			(\$1,003,200)

1/ NMFS, unpublished data: June 20 memo from R. French

2/ Approximation: 11¢ for filleted cod, 1.5¢ for meal

3/ Hoag (1971): IPHC Scientific Report Number 53

4/ Assuming an annual mortality of 0.25 and an average weight at maturity of 24 pounds (See July 21 memo from Dick Majors, NMFS)

*Bevo Sex x
Animals*

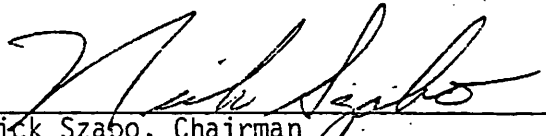
ALASKA BOARD OF FISHERIES
Resolution 80-79 FB

REGARDING HIGH SEAS INTERCEPTION OF
WESTERN ALASKA CHINOOK SALMON

- WHEREAS, the Alaska Board of Fisheries is responsible for the conservation and development of the fisheries resources of the state; and
- WHEREAS, the Fishery Conservation and Management Act of 1976 reserves to domestic fishermen all of the harvestable surplus of any species which can be taken by domestic fishermen; and
- WHEREAS, the chinook salmon runs of western Alaska are being fully utilized by the commercial and subsistence fishermen of that region; and
- WHEREAS, the commercial and subsistence fishermen of this region are dependent on the salmon resource as one of the mainstays of their economy and livelihood; and
- WHEREAS, high seas harvest of immature salmon of mixed stocks adversely impacts the State's management of these resources; and
- WHEREAS, estimates of foreign interception of western Alaska chinook by the Japanese mothership salmon fishery and the Bering Sea trawl fishery combined totaled 250,000 fish in 1980 and counting the effects of loss due to gillnet dropout and interception of an unknown proportion of western Alaska chinook from the Japanese landbased gillnet fishery (162,000 chinook caught in 1979) and the Gulf of Alaska trawl fishery (20,000 chinook caught in 1979) total high seas interception may well exceed 1/3 of the total catch from these stocks; and
- WHEREAS, the Board recognizes that matters relating to high seas salmon gillnetting by foreign vessels comes under the jurisdiction of the International North Pacific Fisheries Commission while the high seas foreign trawl fishery is regulated by the Department of Commerce under Fishery Management Plans prepared by the North Pacific Fishery Management Council; and
- WHEREAS, these entities and the Board share responsibility for the status of this resource and actions should be taken by each body as required to manage the portion of that fishery under their jurisdiction; and
- WHEREAS, the Alaska Board of Fisheries believes it imperative that these interceptions be reduced or eliminated insofar as possible; and
- WHEREAS, the Board understands that a scientific analysis of the effect of time/area closures and other alternatives to reduce catches of prohibited species by foreign trawl fisheries will be presented at the December Council meeting in Anchorage and that this analysis has been ongoing for over a year. The Board believes that it would be undesirable to delay taking action since this will result in further serious economic loss to domestic fishermen.

NOW THEREFORE BE IT RESOLVED the the Alaska Board of Fisheries request that the North Pacific Fishery Management Council take immediate emergency action to amend the Bering Sea/Aleutian Island Groundfish FMP in a manner to reduce or eliminate western Alaska chinook salmon interceptions in the Bering Sea trawl fishery; and

NOW THEREFORE BE IT RESOLVED that the Alaska Board of Fisheries requests that the Federal Government through both the NPFMC and INPFC support research to determine continent of origin of chinook salmon in the Japanese landbased drift net fishery and the Gulf of Alaska trawl fishery and such research as required to further study alternatives to reduce trawl interception of native Alaskan chinook salmon.


Nick Szabo, Chairman
Alaska Board of Fisheries

ADOPTED: December 8, 1980
Vote: 7-0
GJ/CG

Anchorage, Alaska

TABLE 1

GULF OF ALASKA 1981 OY'S, TALFF'S, RESERVES (mt)
 November 1, 1980 to December 31, 1981

	<u>Pacific Cod</u>		<u>Pollock</u>	
	<u>West</u>	<u>Central</u>	<u>West</u>	<u>Central</u>
OY	19,320	39,130	66,500	111,066
DAH	2,193	7,058	6,737	15,540
Reserve	3,864	7,826	13,300	22,213
Allocated TALFF	9,094	17,425	29,338	59,181
Unallocated TALFF	4,169	7,621	17,125	14,132
Maximum Possible Resource for Domestic Fishermen (DAH + Reserve + Unallocated TALFF)	10,226	22,505	37,162	51,885

BERING SEA/ALEUTIANS
 - 12 month -

	<u>Pacific Cod</u>	<u>Pollock</u>
OY	70,700	1,100,000
DAH	24,265	19,550
Reserve	14,935	50,000
TALFF	31,500	1,030,450
Recommended Unallocated TALFF	15,750 (50%)	103,045 (10%)
Maximum Possible Resource for Domestic Fishermen	54,950	172,595

North Pacific Fishery Management Council

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

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



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

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

MINUTES

Thirty-Seventh Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
Baranof Hotel
Juneau, Alaska
January 5-9, 1981

The 37th plenary session of the North Pacific Fishery Management Council convened at 9:00 a.m. on Monday, January 5, 1981 in the Gold Room of the Baranof Hotel, Juneau, Alaska. The Council met jointly with the Alaska Board of Fisheries on January 5, 6 and 7 to hear staff reports and public testimony on proposed 1981 amendments to the Salmon Fishery Management Plan. The Council met alone on Thursday, January 8 to consider preferred alternatives for the proposed 1981 amendments and met in joint session with the Board of Fisheries again on Friday, January 9, 1981.

The Scientific and Statistical Committee met in Seattle, Washington on January 5 and 6, 1981 at the Northwest and Alaska Fisheries Center.

The Advisory Panel met on January 5 and 6, 1981 in the Elks Hall in Juneau, Alaska.

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

COUNCIL

Clement V. Tillion, Chairman
Harold E. Lokken, Vice-Chairman
Robert Mace, for John R. Donaldson
Gene DiDonato, for Gordon Sandison
LCDR Doug Smith, for RADM Richard
Knapp

Joe Demmert, Jr.
Ronald O. Skoog
Robert W. McVey
Charles Meacham
Leroy Sowl, for Keith
Shreiner

SCIENTIFIC AND STATISTICAL COMMITTEE

Donald Rosenberg, Chairman*
Richard Marasco, Vice-Chairman
Jerry McCrary, for Jack Lechner
John Burns
William Aron

Bud Burgner*
Al Millikan*
Edward Miles
Larry Hreha

*Seattle and Juneau

ADVISORY PANEL

Robert Alverson, Chairman
A. W. "Bud" Boddy, Vice-Chairman
Tony Vaska
Jeff Stephan
Eric Jordan
Lewis Schnaper
Richard Goldsmith
Dan O'Hara

Raymond Lewis
Alvin Burch
Robert Blake
Don Rawlinson
Alan Otness
Paula Easley
Larry Cotter

SUPPORT STAFF

Mike Rubenstein, AG's Office
Phil Chitwood, NMFS
George Utermohle, ADF&G
Steven Pennoyer, ADF&G
Jim Brooks, NMFS
Bill Robinson, NMFS
John Gissburg, AG's Office
Paul Kissner, ADF&G

Paul Larson, ADF&G
Patrick Travers, NOAA
Fred Gaffney, ADF&G
Robert Garrison, ODF&W
Mel Seibel, ADF&G
Ron Naab, NMFS
Mike Fraidenberg, WDF

NPFMC STAFF

Jim H. Branson, Executive Director
Clarence Pautzke, Deputy Director
Jim Richardson (Seattle)
Jeffrey Povolny (Seattle)

Judy Willoughby
Peggy McCalment
Jim Glock
Peggy Hough

GENERAL PUBLIC IN ATTENDANCE

Laird Jones, T & H Central Council
Robert Stanker, Ketchikan Advisory Committee
Jeff Hendricks, Auke Bay, Fisherman
Ron Williams, Alaska Native Brotherhood
Roy West, Juneau Hand Trollers Association
Richard W. Lundahl, Pelican Advisory Committee
Randolf Smith, Anchorage
William C. Thomas, Ketchikan Advisory Committee

Nels Becker, Alaska Trollers Association
Robin Babbe, Fisherman
Jim Canary, Ketchikan Advisory Committee
Byron Shinno, Sr., Kalwak, Alaska
Aron Isaacs, Department of Administration
Lonny Thomas, Eagle River, Alaska
Robert Thorstenson, Icicle Seafoods
Patrick Gardner, Craig, Alaska
Gil Gunderson, Sealaska Corporation
Wayne Alex, Juneau
Larry Erb, Sitka, Power Troller
S. Hecture, GRMP Fisheries
Wally Frank, Sr., Alaska Native Brotherhood
Ed W. Maki, Upper Lynn Canal Advisory Committee
Norman Cohen, Nunam Kitlutsusti
Beth Stewart, Commercial Fisheries Entry Commission
Bob Simons, Commercial Fisheries Entry Commission
Karl Ohls, Alaska Fisherman
Walt Pasternak, Sitka, Fisherman
B. W. Finley, Juneau, Hand Troller
Gary McCullough, Petersburg
Ben Gusendorf, Sitka
Toshio Euno, Japan Fisheries Association
Lewis E. Queirolo, NMFS, Juneau
Bill Stokes, Southeast Hand Trollers Association
John Schmiedtke, Nordstern America
Werner Muschkeit, Nordstern America
David Dart, Seafood Divers of Alaska, Inc.
W. W. Smoker, University of Alaska, Juneau
Al Taug, Auke Bay, Fisherman
Bill Kingston, Ocean Beauty Seafoods
Bruce Lewis, Summer Straits, Inc.
Chuck Porter, Juneau
Gayle Good, Juneau, Fisherman
Dan Rear, Pelican, Fisherman
Larry Gamman, Elfin Cove Advisory Committee
Gabriel George, Angoon Advisory Committee
Charlie Jim, Sr., Angoon Advisory Committee
Norman Staton, Sealaska Corporation
Lucinda Hites, Skagway, Hand Troller
Robert Willard, Alaska Native Brotherhood
Harold Robbins, Sitka
Raymond Vick, Alaska Native Brotherhood
Scott Lewis, Douglas, Troller
Randy Besser, Juneau, Troller
Larry Calvin, Sitka Advisory Committee
Roger Poppe, Juneau, Longliner
Richard Nelson, Juneau
Gordon Williams, Angoon, Troller
Joe Hotch, Alaska Native Brotherhood
Kurt Reidinger, Washington Department of Fisheries
Van W. Baker, Gustavus, Troller
Paul Herd, Point Baker, Hand Troller

Anna Buseman, Pelican, Set Netter
Don Wanie, Auke Bay, Hand Troller
John Wilcox, Juneau, Hand Troller
Wally Frank, Sr., Angoon
Daniel Paul, Alaska Native Brotherhood
Bruce Martinsen, Alaska Charter
Richard Dalton, Hoonah
Mike Hansinger, Juneau
Hank Benton, Juneau
Joe Albayalde, Juneau, Hand Troller
Alfred McKinley, Sr., Alaska Native Brotherhood
Don Martens, Canadian Consulate General
Paul Helmar, Juneau, Troller
Dick Stokes, Wrangell, Hand Troller
Nevette Boven, Petersburg, Troller
Dick Hand, Auke Bay
Bruce Bachen, Alaska Trollers Association
Dr. Lee Alverson, Natural Resources Consultants
Scott Stafne, Alaska Trollers Association
Mick Stevens, Marine Resources Company
Eric McDowell, Homan-McDowell, Juneau

A. CALL TO ORDER AND APPROVAL OF AGENDA

The joint session of the North Pacific Fishery Management Council and the Alaska Board of Fisheries was called to order by Chairmen Clem Tillion and Nick Szabo at 9:25 a.m. Procedures for presentations before the joint Council/Board meeting were given by Mr. Szabo.

The Executive Director asked for approval of additions to the agenda under item D-2 to allow the Council to review permit applications from Soviet joint-venture processors and for changes to permits for the Federal Republic of Germany.

Bob Mace moved that the agenda be adopted with the additions suggested by the Executive Director; seconded by Harold Lokken. There being no objection, the agenda was approved as amended.

B. SPECIAL REPORTS

B-1 Executive Director's Report

The Executive Director informed the Council that Tanner crab amendment #7 went to the Secretary of Commerce for review on January 7. The State Department is withholding allocations of Tanner crab until that amendment is acted upon and no action has been taken on the permit applications from Japan for crab boats which the Council disapproved in December.

The Plan Development Team for the Bering Sea/Aleutian Islands Groundfish FMP will meet with the Council subgroups and the public at the Northwest and Alaska Fisheries Center in Seattle on January 14.

The Pot Storage Workgroup, chaired by Dick Goldsmith, will meet on January 20 in the offices of the North Pacific Fishing Vessel Owner's Association. That workgroup, comprised of Dick Goldsmith, Konrad Uri, Dennis Petersen, Sam Hjelle, Al Burch, Bob Alverson, and Barry Fisher, will attempt to develop a reasonable scheme for crab pot storage in the Bering Sea.

The Fishermen's Data Group will meet on January 21 in Seattle. This workgroup, comprised of Barry Fisher, Konrad Uri, Al Burch, Guy Thornburg, and Bob Francis, will determine data needs from domestic and joint-venture fishermen.

The Executive Director has been unable to contact John Garner regarding his role in steering the Limited Entry Workgroup. As soon as final details are settled with Mr. Garner, the group should begin working again.

Reports from the subject workgroups and the SSC's incidental species group should be available at the February Council meeting.

B-2 Reports from AP and SSC on Non-Agenda Items

The Advisory Panel and SSC had no reports for non-agenda items.

C. OLD BUSINESS

C-1 Election of New Officers by the Advisory Panel

With appointment of the new Advisory Panel at the December meeting, officers for the coming year were elected and Advisory Panel subgroup memberships for the various FMP's were reviewed.

On January 5, 1981 the Advisory Panel re-elected Bob Alverson as Chairman and Bud Boddy as Vice-Chairman.

The Advisory Panel re-assigned members to the various fisheries subgroups. As a result of those assignments, the AP subgroup for the Tanner Crab FMP consists of Jeff Stephan, Joe Kurtz and Richard Goldsmith; for troll salmon, Al Otness, Bud Boddy, Lewis Schnaper, Eric Jordan and Dan O'Hara; for comprehensive salmon, Lewis Schnaper and Eric Jordan; for Gulf of Alaska groundfish, Bob Alverson, Al Burch, Jeff Stephan, Al Otness, Jack Phillips and Konrad Uri; for Bering Sea/Aleutian Islands groundfish, Bob Alverson, Al Burch, Jeff Stephan, Larry Cotter, Dick Goldsmith and Konrad Uri; for king crab, Dick Goldsmith, Ray Lewis and Larry Cotter.

AP Chairman Bob Alverson suggested that 2 to 4 members of the AP take part in Plan Development Team meetings so the AP can remain informed on the PDT's progress.

The Executive Director explained the policy developed at the December meeting regarding closed Plan Development Team meetings.

That policy provides that the Executive Director, with the guidance of the Team leader, has the authority to declare a Plan Development Team meeting open or closed with the understanding that in conjunction with any closed meeting there will be, as soon as feasible, an open meeting with Council, SSC and AP subgroups, and the public to report on what has transpired in the closed meeting.

Mr. Alverson agreed with the policy, stating that the Advisory Panel wants to be included in the review meeting phase of the Plan Development Team process.

Harold Lokken moved for approval of the AP's recommendations for officers for the 1981 term; seconded by Bob Mace. There being no objection, Robert Alverson was confirmed as Chairman and Bud Boddy as Vice-Chairman of the Advisory Panel for a one-year term.

C-2 Council Representation at Sitka Public Hearing

The Council will hold a public hearing in Sitka on January 31, 1981 to receive public testimony on the proposed amendment to the Gulf of Alaska Groundfish FMP. The proposed amendment presents several alternative schemes for closing areas in the Eastern Regulatory Area to foreign trawlers and addresses issues such as time/area closures, foreign and domestic harvest levels for Pacific Ocean perch, sablefish harvest levels, and continuation of existing "no trawl" areas for foreign fishermen.

Council representation at the public hearing will consist of Charles Meacham, Joe Demmert, Jr., Ron Skoog and, if not involved in U.S./Canada negotiations, Bob McVey.

C-3 Amended Council Meeting Schedule for 1981

In December the Council reviewed a staff proposal for Council meetings during 1981 and approved that schedule after changing the July meeting to Homer. After that Council meeting, the staff learned that the Sitka Centennial Building is booked for both August and September; therefore, it will be necessary to hold the September meeting in Anchorage and the October meeting in Sitka. Thus, the proposed 1981 meeting schedule as amended will provide for meetings in Anchorage in February, March, April, August, September and December; Kodiak in May; Homer in July; Sitka in October; with proposed cancellations for June and November.

Bob Mace moved that the staff's proposal for the 1981 meeting schedule be approved as amended; seconded by Harold Lokken. There being no objection, it was so ordered.

D. NEW BUSINESS

D-1 Report of the Limited Entry Workgroup

Because the Executive Director was unable to reach John Garner regarding his role in reactivation of this workgroup, no report was available.

D-2 Other New Business as Appropriate

A request was received from Nordstern, A. G. for the FREIDRICH BUSSE for a joint-venture permit for the Bering Sea and Gulf of Alaska, and for authorization to fish alone in the Gulf of Alaska. Their permit to fish alone in the Bering Sea was previously approved. Also received from Nordstern was a request to replace the MOND, whose joint-venture permit was approved in December, with the vessel REGULUS. Nordstern reported that the ships are identical in size and equipment. Additionally, they requested a fishing permit and a joint-venture permit in the Bering Sea for the REGULUS. Applications were also received from Marine Resources, Inc. for seven Soviet trawlers and one factory mothership to participate in joint-venture operations.

The Advisory Panel approved the applications for the West German and Marine Resources joint-venture permits without objection.

Harold Lokken asked for an update on West Germany's purchases of fisheries products from U.S. sources, as agreed to by Nordstern when last year's permit was granted.

John Schmeidtke and Werner Muschkeit of Nordstern said that during December the first shipment of Bering Sea pollock caught by their trawler, the BUSSE, was delivered to West Germany and was well received on the market. They are currently trying to buy 500 to 1,000 tons of pollock fillets; however, none is available from U.S. sources at this time. The first shipments of dark chum salmon were also well received in Europe and they expect to deliver more of that product to West Germany soon. No bottomfish are available for purchase at this time. They are very interested in obtaining Bering Sea or Gulf of Alaska pollock when it is available.

Captain Muschkeit reported that the training program is working very well. Since activation of the winter closure in the Bering Sea, their operations have moved into the Pribilofs where they are catching 20-inch pollock and medium-sized cod.

Bob Mace moved approval for the requests of Nordstern for the FREIDRICH BUSSE and the REGULUS; seconded by Ron Skoog. There being no objection, the permits were modified as requested.

Mick Stevens, representing Marine Resources Company, spoke to the Council regarding the permits applications for 8 Soviet processor vessels for a joint-venture operation in the yellowfin sole fishery. Primary operations will involve the mothership SULAK and 4 or 5 U.S. catcher boats in the Bering Sea and Gulf of Alaska from approximately February 15 through July 30. Target species will be pollock, cod, and yellowfin sole. Seven processors and 6 to 9 U.S. catchers will be operating for yellowfin sole in the Bering Sea from May 15 through October 15. He reported that last year's fishery in the Bering Sea, February through May, yielded a total harvest of 11,377 mt consisting of

3,800 mt of pollock, 3,300 mt of cod, 140 mt of atka mackeral, and approximately 4,000 mt of fish meal quality fish. The yellowfin sole fishery, which operated May through September, yielded a harvest of 13,177 mt.

LCDR Doug Smith reported that the PROKOFYEVA, one of the ships included in the MRC joint-venture applications, is currently out on bond for an underlogging violation. The case will not come to trial for 3 to 4 months.

Mr. Stevens explained that the PROKOFYEVA got into trouble when it was fishing on its own, not in the joint-venture operation, and was probably not manned by the skipper who participates in the joint-venture.

Bob Mace asked Bob McVey for an update on the status of stocks and degree of interest by the domestic fishery in Bering Sea yellowfin sole. Mr. McVey reported that there is a substantial OY for yellowfin sole, but little domestic interest except for joint-venture operations.

Bob Mace moved that the Marine Resources joint-venture permits be approved; seconded by Bob McVey. There being no objection, it was so ordered.

The Executive Director expressed a need for more active participation by the Council subgroups for the various FMP's in an effort to keep the Council fully apprised of plan development and amendments. *It was the consensus of the Council that because attendance at the January meeting was low due to conflicting dates with the Pacific Council meeting, re-assignment of the Council subgroups for the various FMP's should be deferred until the February meeting when full Council representation is expected.*

E-1 Salmon FMP

Action required of the Council was to choose preferred alternatives for amending the Troll Salmon FMP so the DSEIS and DRA could be forwarded to Washington by January 19. A major concern of trollers testifying at public hearings was the lack of adequate data for public review. By postponing final decision until the March meeting and opening a period for written comments, the public will have greater opportunity to review the existing data and analysis. A proposed schedule for the FMP, plan review, and implementation process is attached to these Minutes as Appendix I.

Staff Reports

Alaska Department of Fish and Game

Alaska Department of Fish and Game staff reports scheduled for the joint Council/Board session included a complete summary of

data on harvest levels, escapement, and effectiveness of present regulations.

Al Davis, ADF&G - Sitka, reviewed the 1980 Southeast Alaska troll season. Total coho troll catch was 706,000 fish, 25% caught by hand trollers. Total chinook troll catch was 300,000 fish, with 16% of the total caught by hand trollers. Total chinook catch, including the incidental catch from seine and gillnet fisheries, was about 320,000. Power troll permits during 1980 numbered 973.

Early season chinook catches were monitored and compared to recent seasonal periods in order to determine when the OY range would be met. Beginning in early May a fish ticket collection and hand tabulation system was established to provide up-to-the-minute information. Higher than expected catches occurred in the fall, and by August and September, it became apparent that the upper end of the OY range would be reached. After a short drop due to the mid-season closure, effort increased sharply and final figures reached the upper OY level.

New catch patterns which are developing have changed the historical balance among user groups. During 1980, about 70% of the power troll coho catch came from offshore coastal areas; in 1976 that average was 42%; the 1979-80 average was 78%. Catches from inside waters were 28% in 1979-80, compared to 58% in 1975-76. Between 80% and 90% of the hand troll catch occurs in "inside" areas.

Prior to 1975 it was not possible to separate hand and power troll gear types. When combined, an increase in offshore fishing becomes apparent, with the average up from 28% in 1970-71 to 60% in 1979-80. Correspondingly, inside catches decreased from 72% in 1970-71 to 38% in 1979-80. Inside catches for all gear types decreased from 28% in 1970-71 to 9% in 1979-80.

Paul Kissner reported on the status of chinook stocks and the chinook research program. Spawning escapements during 1980 in Stikine and Taku Rivers showed marked improvement over recent years; however, 1980 spawning escapements were well below average in most of the other major chinook-producing streams. Mr. Kissner felt that the proposed spring closures are well justified to help rebuild Southeast Alaska stocks to their former abundance.

Mel Seibel gave a scenario of the contribution of proposed regulations to rebuilding chinook stocks in Southeast Alaska. Southeast Alaska chinook salmon runs continue to be depressed far below historical levels, and recovery trends have not yet occurred in spite of significant restrictions imposed on Southeast Alaska fisheries since 1975. Regulations proposed for the 1981 season are directed primarily toward establishing increasing escapements required to rebuild these depressed runs. A reduction of 10%, or 32,000 fish, from the 1980 optimum yield

of 320,000 established for Southeast Alaska commercial fisheries by joint action of the Board of Fisheries and the Council, is being recommended for the 1981 season. This reduction would be achieved through selected time/area regulations designed to allow mature fish of Alaskan origin to reach spawning grounds in Southeast Alaska in 1981, and to reduce the harvest of immature salmon in 1981, thereby further increasing the number of available mature spawners in 1982-83.

On the basis of certain assumptions regarding current harvest and escapement levels, production rates, and the effects of the proposed regulations, it is estimated that approximately three 5-year cycles would be required to rebuild Southeast Alaska chinook salmon stocks to the point where minimum escapement levels are achieved. Increased harvestable surpluses would be expected in the fourth cycle.

Commercial catches of chinook salmon by Southeast Alaska fisheries averaged 320,000 fish annually during the 1970's, about half of the 610,000 average annual catch taken during the peak decade of the 1930's. Significant contributions by non-Alaskan stocks to this harvest and the absence of effective stock separation techniques prevent direct inferences being made from total catches as to the status of Southeast Alaska chinook salmon stocks. However, historical catches by Southeast Alaska fisheries operating in more terminal areas near local chinook-producing systems also reflect serious declining trends.

Chinook salmon escapements to Southeast Alaska systems are estimated to have averaged some 25,000 to 34,000 fish during 1978-80, or less than half the total minimum escapement goal of 66,000 to 80,000 fish. As a result, production in terms of average annual harvest from Southeast Alaska stocks is also thought to be less than half the harvest which might be expected if minimum escapement goals were being achieved. Although some improvement was observed in escapements to the Taku and Stikine Rivers in 1980, escapements to other surveyed systems were generally poor. Evidence relating to production from the 75-76 brood years suggests that while escapements to the Taku River in 1981 might be expected to be of the same relative magnitude as in 1980, escapements in 1982 will probably drop below the 1980 level in the absence of further catch restrictions.

In 1980 the troll fishery took approximately 94% of the total Southeast Alaska commercial chinook salmon harvest. Thus, regulations designed to increase escapements of Alaskan chinook salmon are directed primarily toward the troll fishery. However, regulations are also being proposed to further reduce the incidental catch of mature chinook spawners by the gillnet fishery and to reduce the sport harvest of mature fish.

At the current harvest level, only minimal, if any, improvement is expected in the condition of Southeast Alaska chinook stocks. Therefore, the 10% reduction in OY is recommended for the purpose

of rebuilding depressed Alaskan chinook stocks. The reduction is expected to result in an increase of approximately 4,800 spawners in 1981, increasing to 6,100 in 1982 and 7,500 in 1983 as unharvested, immature fish reach maturity. The proposed harvest reduction will represent an estimated reduction of approximately 7% of the total value of all species of salmon harvested by the troll fishery in 1980.

Assuming that escapements initially increase as predicted and that the additional spawners produce at the rate of 3 to 1 with 0.5 of the 3 fish being harvested by fisheries not currently included under the OY, minimum escapement goals could be expected to be reached during the third 5-year cycle, 1991-95. While a small harvestable surplus above minimum escapement goals would be expected in 1991-95, an average harvestable surplus of approximately 70,000 fish would be expected in the fourth 5-year cycle, 1996-2000. In addition to this expected increased harvestable surplus, supplemental hatchery production in Southeast Alaska could be expected to contribute up to 90,000 fish when planned capacity production is reached in the 1990's.

The first and most immediately expected effect of the proposed regulations is increased chinook salmon escapements to Southeast Alaska systems. Spawning ground surveys are currently conducted on 9 of the 33 known chinook spawning systems in Southeast Alaska, with further expansion of the surveys planned. Second, catches of chinook salmon in both directed and incidental fisheries near terminal areas should reflect increases in the abundance of Alaska chinook salmon. Evaluation of observed changes in spawner abundance resulting from reduction of the harvest of mature fish in 1981 will be made in the fall of 1981; however, evaluation of the effect of reducing the immature harvest in 1981 will not be possible until these fish mature and spawn in 1982 and 1983.

Washington Department of Fisheries

Mike Fraidenberg of the Washington Department of Fisheries and Salmon PDT member, presented an analysis of Alaska troll fishery management needs and opportunities for Upper Columbia River "bright" fall chinook stocks.

Results from historical high seas tagging, recent coded-wire tagging experiments and available age composition data indicate that the Southeast Alaska troll fishery, particularly in outside areas, is heavily dependent on non-local chinook stocks. High seas tagging studies further conclude that Columbia River fall chinook historically are the most important component of the catch. Ocean catch distribution of pertinent coded-wire tag experiments demonstrates that the Alaska troll fishery is the single most important U.S. harvester of the Upper Columbia River bright fall chinook salmon stock.

The trend in recent years has been one of depressed chinook stock condition for several major stocks, including Upper Columbia River brights. Severe restrictions have been placed upon Washington coastal and inland fisheries to protect these runs and satisfy allocation requirements. But despite these measures, insufficient natural runs of brights are returning to the river to provide reasonable in-river fishing and desired spawning escapement. Due to different ocean distributions of brights and other Columbia River fall chinook stocks, additional restrictions to Washington coastal and Columbia River fisheries will return more hatchery fish but will do little to provide additional production for upriver brights.

Historical high seas tagging data provides some perspective on Canadian interceptions of fish escaping the Southeast Alaska troll fishery. While these data are old, from the early 1950's, transfer of fish to terminal areas and spawning escapement was greater than Canadian interceptions.

The Washington Department of Fisheries has attempted to quantify management objectives for the Columbia River brights and evaluate possible long term Alaska troll fishery management measures to achieve these objectives. The Alaska troll management objectives for Upper Columbia River bright stocks are as follows:

1. Meet minimum spawning escapement requirements.
2. Provide sufficient ocean escapement to allow full in-river harvest of commingled natural and hatchery stocks.
3. Reduce Southeast Alaska troll harvest rate to return to status quo (i.e., historic harvest sharing).
4. Minimize Canadian interceptions of fish saved from the Southeast Alaska troll fishery.

The National Bureau of Standards/Washington Department of Fisheries computer model was used to quantify the extent of change in user group harvests of Upper Columbia River brights. At stock and effort levels existing during 1974-76 (base period in the model) and during 1980, the model estimated the long-term proportions of upriver bright harvest by the Alaska troll fishery. For the period 1974-76, Alaska's proportion of the U.S. harvestable surplus was 51%; for 1980, Alaska's proportion was 80%. U.S. harvestable surplus is defined as the sum of Alaska catch, lower U.S. ocean catch, and harvestable excess in the Columbia River.

The model calculated a total in-river goal for Upper Columbia River brights of 58,700 adult fish measured at Bonneville Dam. This goal is considered the minimum for meeting spawning requirements and does not allow in-river harvest.

The NBS/WDF model was used to examine management alternatives for the Alaska troll fishery in light of WDF's objectives. Some analysis of season restrictions was incorporated; however, the assumption is made that an upper harvest ceiling will be placed on the fishery to directly control maximum harvest. Because several chinook ages are in the fishery, the NBS/WDF model predicts long-term effects of regulation changes under a stable set of regulations throughout the life of a brood. For this reason, the full impact of a regulation change made in any one year will not be realized until all age groups have been fully exposed to the regulation change. Therefore, predicted effects of a catch reduction in 1981 would not be fully realized until 1984.

Assumptions that time closures in one part of the season would not cause effort shifts to other time periods, thereby increasing the harvest rate in these other times, resulted in a net effect that the model results are optimistic estimates of benefits accruing from time restrictions in the fishery.

According to the model, under 1978-80 average inter-dam loss conditions the long-term impact of no restrictions in Alaska troll harvest was predicted to cause continued low level returns to the Columbia River with little harvestable surplus available for in-river fishing. The proportion of the harvest taken in Alaska would remain at 80%. For a long-term 10% catch reduction, the impact by 1984 was predicted to cause small Bonneville Pool stock surplus problems, but only a modest movement toward returning to historic Alaska troll harvest proportions. Under stable 1980 conditions, the model estimated a long-term catch reduction of 48% would be necessary to return to the 1974-76 harvest proportion of 51%.

The model was used to examine time closures as a means for maximizing interceptions of saved Upper Columbia River bright fall chinook. Monthly time periods, excluding the important coho fishing months of July and August, were closed for the entire Alaska troll fishery. The transfer rate through remaining times and fisheries was then computed. Savings from a closure in May, therefore, would be after interceptions in subsequent Alaska and Canadian fishing. According to the model, for an April closure, the transfer rate through Alaskan and Canadian fisheries to southern U.S. ocean fisheries and the Columbia River was 24%; for a May closure, 30%; for a June closure, 42%; for a September closure, 16%; and for all months closed, 52%. It was noted that the assumption that a time period closure would not cause effort shifts into another time period is not probable. For this reason, transfer rates developed by the model are somewhat optimistic. It appeared that savings made during the summer would be transferred at a greater rate than savings made in the spring.

Mr. Fraidenberg concluded that a minimum reduction of 17% in the Alaska troll harvest would be necessary to aid in rebuilding

Upper Columbia River bright stocks. However, because the Washington Department of Fisheries feels that 17% may not be enough to cover management errors or over-optimistic assumptions on the part of the model, a reduction of 24% of OY for 1981 was recommended.

Alaska Commercial Fisheries Entry Commission

Bob Simons of the Alaska Commercial Fisheries Entry Commission reviewed their limited entry proposals for the hand troll fishery. He explained the mechanics of the point system used to rate fishermen for permit qualification according to economic dependence on the fishery, alternative occupations, rural and isolated areas, and past participation in the fishery. The projected number of permits to be issued is approximately 2,150.

Nick Szabo questioned the high number of permits and suggested review of the proposed limited entry scheme if the troll fishery is to be managed as a single fishery. He said that the Board of Fisheries had chosen to manage the hand troll fishery as a separate fishery, distinctively different as a leisure, week-end type of lifestyle. He felt that having limited entry at a low cost would make too many permits available to achieve anything worthwhile for the fishermen.

Mr. Szabo questioned the Council on its willingness to attempt, for the third time, banning hand trollers from the FCZ, particularly since the new Administration might be more willing to approve of the action. Chairman Tillion explained that the Council has attempted to ban hand trollers from the FCZ twice; both times the Secretary of Commerce rejected the action because he believed it did not comply with the National Standards. The Council would be reluctant to put themselves in that position a third time.

WDF Report Ad Hoc Review Group

On Thursday, January 8, the ad hoc review group reported to the Council and Board on their study of the Washington Department of Fisheries report on the status of stocks in the Upper Columbia River and the WDF management suggestions for the Alaska troll fishery. The review group was chaired by Jim Beaton, Alaska Board of Fisheries, and composed of Dave Cantillon and Mel Seibel, ADF&G, and Bill Robinson, NMFS.

Bill Robinson used a diagram of the Columbia River to show the various dams along the river and explain the distribution and migration patterns of salmon stocks throughout the system. He also described the ceremonial and subsistence Indian fisheries along the river and furnished statistics on the ocean distribution of Columbia River hatchery stocks taken in the Alaska fishery.

Mel Seibel reported on his review of the NBS/WDF model used to formulate the WDF report. He was unable to find any major inconsistencies between the WDF model and ADF&G data. ADF&G plans to give the model an in-depth review through the next few months to make sure it is consistent with available data and for possible use in managing Southeast Alaska stocks.

A graph was presented showing the costs and benefits that would be incurred by reduction of the Southeast Alaska chinook salmon harvest below the 1980 level. That graph is made a part of the Minutes as Appendix III.

Public Testimony

Public testimony on the 1981 proposed Salmon amendments and state regulations was received before the joint session of the Council and Board of Fisheries beginning at 1:55 p.m. on Monday, January 5 and continuing through Wednesday, January 7. A summary of the testimony received is addressed in a separate document attached to these Minutes as Appendix II.

Selection of Preferred Alternatives

On Thursday, January 8, the Council considered preferred alternatives for the 1981 amendment proposal package.

Objectives of the FMP

The Salmon PDT proposed to replace the 6 existing objectives of the FMP with new ones. Existing objectives are as follows:

1. Control the expansion of the salmon troll fishery in the Fishery Conservation Zone.
2. Allocate the salmon resource among user groups without disrupting present social and economic structures.
3. Regulate the catch of salmon to assure adequate escapement for spawning.
4. Reduce the catch of salmon with potential growth to increase the poundage yield from the troll fishery.
5. Make cost effective the public investment in the high seas salmon fishery.
6. Promote the eventual development of a Pacific Coast Salmon Fishery Management Plan.

The proposed objectives, in some cases, are merely rewording and clarification of existing ones; others are substantially changed. The proposed objectives are:

1. Manage the troll fishery in conjunction with other Southeast Alaska fisheries to obtain the number and distribution of spawning fish capable of producing the optimum total harvest on a sustained basis from Southeast Alaska salmon stocks.
2. Allocate the total allowable salmon harvest to the various Southeast Alaska user groups as directed by the Alaska Board of Fisheries and the North Pacific Fishery Management Council.
3. Decrease directed and incidental harvest of smaller, immature fish and reduce sublegal chinook hook/release mortalities where possible consistent with allocation decisions and with the objective of maximizing benefits to user groups.
4. Control and reverse recent trends of expanded effort and catch in outer coastal and offshore Southeast Alaskan waters to accomplish conservation goals of Objective 1.
5. Develop fishery management plans and techniques which will allow full utilization of salmon returning to supplemental production systems while providing necessary protection for inter-mingling natural runs which must be harvested at lower rates.
6. Manage the coho and chinook salmon fisheries to insure compliance with U.S./Canadian fisheries agreements, any other treaty or resource sharing requirements, and conservation obligations.
7. Contribute to the development of a coastwide management plan for chinook salmon.
8. The Council shall adopt the management principles contained in the Southeastern Alaska/Yakutat Chinook and Coho Salmon Troll Fisheries Management Plan. The following proposals by the ADF&G staff to the Board of Fisheries should be considered as well.
 - a. Provide greater flexibility for scheduling a 10-day closure during the early portion of the coho season.
 - b. Formalize the Board of Fisheries' policy for the allocation of the coho catch between hand troll (20%) and power troll (80%) gear types.
 - c. Establish a policy of returning the outside/inside distribution of the coho catch to levels of 1976-77.

The SSC reviewed the proposed amendment package dated October 21 and recommended the following changes in the proposed management objectives:

Objective 1: The SSC recommended including the word "wild" in the objective so it would read:

"Manage the troll fishery in conjunction with other Southeast Alaska Fisheries to obtain the number and distribution of spawning fish capable of producing the optimum total harvest on a sustained basis for wild Southeast Alaska salmon stocks."

Objective 2: The SSC recommended replacing the words "total allowable salmon harvest" with the words "optimum yield" so that the objective would then read:

"Allocate the optimum yield to the various Southeast Alaska user groups as directed by the Alaska Board of Fisheries and the North Pacific Fishery Management Council."

The SSC recommended that Objective 3 be adopted as written.

Objective 4: The SSC recommended deletion of the words "in outer coastal and offshore Southeast Alaska waters", or substitution of the words, "in the FCZ". The objective would then read:

"Control and reverse recent trends of expanding effort and catch to accomplish conservation goals of Objective 1."

or

"Control and reverse recent trends of expanded effort and catch in the FCZ to accomplish conservation goals of Objective 1."

Objective 5: The SSC recommended deletion of the words "plans and" so that the objective would read:

"Develop fishery management techniques which will allow full utilization of salmon returning to supplemental production systems while providing necessary protection for inter-mingling natural runs which must be harvested at lower rates."

The SSC concurred with Objective 6 and Objective 7 as written.

The SSC recommended deletion of Objective 8 in its entirety, stating that they believed this objective to

be overly-specific and a sub-set of the other proposed objectives.

Advisory Panel Chairman Bob Alverson reported on the AP's recommendations regarding the proposed salmon objectives.

Objective 1: The Advisory Panel adopted the Plan Development Team's proposed objective.

Objective 2: The Advisory Panel adopted the PDT's wording with two members in opposition. The objection was that additional wording should be added to the effect that any allocation of the salmon resource among user groups would take place without disrupting present social and economic structures.

Objective 3 was unanimously adopted by the Advisory Panel.

Objective 4 was adopted with two members in objection. The objection was that this objective should be withheld until specific regulations relating to it were proposed.

Objective 5 was adopted with one objection, that being that it was not specific as to the policy to be used in harvesting natural runs versus hatchery runs of salmon.

Objective 6 was adopted with the following modification:

"Manage the coho and chinook salmon fisheries to insure compliance with U.S./Canadian fisheries agreements, any international or judicially adjudicated other treaty or resource sharing requirement, and conservation obligations."

Objective 7 was unanimously adopted by the Advisory Panel.

Objective 8: The Advisory Panel proposed the following in lieu of the proposed objective:

"The North Pacific Fishery Management Council shall take into account the Alaska Board of Fisheries' regulations and policies before enactment of fishing regulations in the FCZ."

The Advisory Panel felt that Objective 8, as presented by the Plan Development Team, was not appropriate as a long-term objective because it proposed specific regulations. Additionally, the AP had difficulty accepting "principles contained in the Southeast Alaska-Yakutat Chinook and Coho Salmon

Troll Fisheries Management Plan" without knowing what those principles were or if they may conflict with the objectives of our FMP or the National Standards.

Patrick Travers advised that the AP's suggested wording does not meet National Standard Number 5 with regard to the 80/20 split, and explained to Board of Fisheries members the problem with making economic allocations not tied to a conservation measure.

After hearing the recommendations of the SSC and AP, it was necessary for the Council to adopt preferred proposed management objectives for the Troll Fishery Management Plan to replace objectives in the existing FMP.

Gene DiDonato moved that Objective 1 be changed to read as follows:

"Manage the troll fishery in conjunction with other Southeast Alaska stocks to obtain the number and distribution of spawning fish capable of producing the optimum total harvest on a sustained basis for all wild stocks harvested in Southeast Alaska."

The motion was seconded by Harold Lokken. There being no objection, the objective was so amended.

For Objective 2, Bob Mace moved adoption of the SSC's recommendation that the objective should read:

"Allocate the optimum yield to the various Southeast Alaska user groups as directed by the Alaska Board of Fisheries and the North Pacific Fishery Management Council."

The motion was seconded by Ron Skoog.

Bob McVey objected to the wording proposed by the SSC because it appeared that it was inconsistent with the National Standards. He feared that if it were approved as worded in the motion, our plan would be to allocate OY as directed by the Alaska Board of Fisheries.

Patrick Travers explained that the Council has made it clear that this is a management measure to be incorporated with those of the Board of Fisheries and the Council.

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

Harold Lokken moved to accept Objective 3 as originally written; seconded by Joe Demmert, Jr. There being no objection, it was so ordered.

Bob McVey moved that Objective 4 be amended to read as follows:

"Control and reverse recent trends of expanding effort and catch in Southeast Alaskan waters to accomplish conservation goals."

The motion was seconded by Bob Mace. The motion carried without objection.

Harold Lokken then moved to rescind the former action and to adopt Objective 4 as originally worded with the deletion of the words, "of Objective 1." The motion was seconded by Charles Meacham. Hearing no objection, it was so ordered.

Harold Lokken moved adoption of Objective 5 as recommended by the SSC as follows:

"Develop fishery management techniques which will allow full utilization of salmon returning to supplemental production systems while providing necessary protection for intermingling natural runs which must be harvested at lower rates."

The motion was seconded by Joe Demmert, Jr. The Council unanimously approved the adoption of this Objective.

Bob Mace moved to delete Objective 6 in its entirety; seconded by Bob McVey. Hearing no objection, it was so ordered.

Harold Lokken moved that Objective 7 be amended to read:

"Work toward the development of an integrated coastwide management plan for chinook salmon."

The motion was seconded by Ron Skoog. Hearing no objection, Objective 7 was approved as amended.

Harold Lokken moved to delete Objective 8 in its entirety; seconded by Joe Demmert. There being no objection, it was so ordered.

Regulatory Proposals

Limited Entry

A summary of limited entry options was presented to the Council for review. It was noted that due to the short time before the 1981 season opening, it was probably not possible to have a limited entry scheme in place and permits available by April 15.

Possible interim limited entry measures available to the Council were as follows:

Option A

All fishermen holding a current power troll permit from the State of Alaska, or FCZ permit, as of April 14, 1981, will receive a 1981 FCZ permit which will not be transferable.

All fishermen holding a current hand troll permit from the State of Alaska as of April 14, 1981, will receive a 1981 FCZ permit if they can produce the following evidence of FCZ participation:

1. fish tickets showing fish caught in outer districts during a base period before state law restricted hand trollers from fishing in the outer districts, or
2. fish tickets showing deliveries from outer districts in 1979 and 1980 where hand trolling was allowed.

Option B

Hand trollers and power trollers will be subject to the same management regime. All Alaska and FCZ permit holders will be allowed to fish in the FCZ in 1981. The permission to fish in the FCZ will extend through 1981 only.

Option C

Hand trollers and power trollers holding a current Alaska or FCZ permit as of April 14, 1981, who can show participation in the FCZ during the base period, based only on fish tickets, will be allowed to fish in the FCZ until the end of 1981. The permission to fish will not be transferable during 1981.

The SSC had not been provided any data regarding the proposed limited entry options and, therefore, was unable to provide the Council with analysis or guidance.

The issue of limited entry and its effect on hand and power trollers was tabled by the Advisory Panel because of the controversial nature of the subject and inability to implement a troll plan for 1981 incorporating the limited entry proposal. It was feared that implementation of the troll plan would be unduly delayed by settling the limited entry question at this time.

Chairman Tillion requested Council concurrence for a two-class limited entry system for the troll fishery.

Bob Mace endorsed limited entry Option C, which provides that hand trollers and power trollers holding a current Alaska or FCZ permit as of April 14, 1981 who can show proof of participation in the FCZ during the base period, based only on fish tickets, be allowed to fish in the FCZ until the end of 1981. The permission to fish would not be transferable during 1981. He also suggested that the Commercial Fisheries Entry Commission may be able to draft the proposal and furnish the Council with estimates of participants from each sector. This proposal would make 1980 the final year for developing a history in the fishery.

Bob Mace moved that authority be granted to the Chairman to delegate the assignment for drafting of a limited entry proposal for consideration at the March meeting; seconded by Charles Meacham.

Board of Fisheries Chairman Nick Szabo again requested that the Secretary of Commerce look at the hand troll ban in the FCZ as an interim measure for consideration until a limited entry system can be put into place. Patrick Travers advised that the Department of Commerce representatives with whom he has spoken have said there is no chance that the hand troll ban would be considered as an interim measure. Chairman Tillion added that there is no sense presenting it until a new NOAA administrator and director for NMFS are appointed. Harold Lokken expressed fears that a third attempt at the hand troll ban may destroy the Council's credibility with officials in Washington, D.C.

Bob McVey raised the question of the cost of the limited entry system, and whether it was legally possible for the Council to delegate the administrative responsibility to the Commercial Fisheries Entry Commission. He said the Regional budget is tightly stretched and the 1982 budget looks equally bad. He feared the cost of the program would be prohibitive.

Harold Lokken suggested that the proposal to be drafted include information on the cost of the system so the cost/benefit factor can be weighed.

Chairman Tillion acknowledged that including cost figures in the proposal would be feasible, and further stated that the Council may find that the only thing it can do will be to close down the FCZ.

Upon call for the question, the Council unanimously granted to the Chairman authority for delegation of the assignment to draft a limited entry proposal to be considered at the March Council meeting.

Heads-On Landing Requirement

Options available to the Council regarding heads-on landing requirements were:

Option 1: Status quo -- all troll caught salmon will be landed heads-on.

Option 2: Heads will be retained on fin-clipped fish only.

Because the SSC had not been shown that the heads-on landing requirement has resulted in improved tag recoveries, they believe that heads need be retained only on fin-clipped fish. They noted that suggestions made by fishermen for improvement in data handling appeared to have merit.

The Advisory Panel agreed that heads should be retained on fin-clipped fish only, with the understanding that this regulation will be reviewed at the end of the 1981 troll season to measure its effectiveness in data retrieval.

Charles Meacham moved acceptance of Option 2 on a trial basis to be reviewed at the end of one year to determine its effectiveness in data retrieval by ADF&G; seconded by Bob Mace. There being no objection, the motion carried.

Area Closures

Options available to the Council regarding area closures were:

Option 1: Close the outer FCZ beyond a geographic baseline measured from the surf line.

Option 2: Exempt the Fairweather Grounds from Option 1.

Option 3: Close the entire FCZ.

Option 4: Status quo - entire FCZ east of Cape Suckling open.

The SSC found no valid biological reason for changing from the status quo with regard to area closures.

The AP approved adoption of the status quo with one opposing vote. They felt that with the harvest ranges and season dates proposed, the resource would be adequately protected.

Harold Lokken moved that the Council choose as its preferred alternative Option 4, status quo; seconded by Joe Demmert, Jr. There being no objection, it was so ordered.

Optimum Yield

Options available to the Council regarding optimum yield for the 1981 fishery included:

Option 1: Status quo - 286,000 to 320,000 chinook salmon.

Option 2: A 10% reduction in OY for the 1981 season.

Ron Skoog presented an option not included in the amendment package which had just been suggested by Richard Lundahl of the City of Pelican. That proposal was to leave OY at the 1980 level and remove the 28-inch minimum size limit. The rationale for this proposal is that 16% of the total catch is shakers. If the size limit is removed, the shakers will be retainable and, therefore, 16% of the OY would be released to spawn as a result of not being included in the harvest.

Bob Mace said that he had also spoken with Mr. Lundahl, and suggested that the Council ask the PDT to look at the implications of the measure and report to the Council in March before final action is taken.

The SSC reviewed the proposed decrease in OY in light of current and historic catch levels, current escapement data, and projected escapement goals. The SSC found that there is a conservation issue with regard to the Southeast Alaska chinook stocks as indicated by the comparison of average 1978-80 escapement data (25,000 - 34,000) to the minimum escapement goals recommended by ADF&G (66,000 - 80,000). They found that there is a conservation issue, though a lesser one, in the Columbia River as indicated by under-escapement of the Upper Columbia River bright stocks and an under-harvest of the Bonneville Pool stocks.

The SSC believes that the escapement of Southeast Alaska chinook stocks appears stable under the current management regulations; however, there are indications that escapement is down from historic levels. The SSC concluded that the escapement goals proposed are reasonable and that the 1978-80 average escapement was down by over 50% from those goals. They were concerned about the method used to derive the escapement goals, but felt they provide the best estimate available at the time.

The SSC questioned whether the proposed incremental increases in escapement as a result of the 10% reduction in catch proposed by the PDT and ADF&G will, in fact, result in directly proportional increases in run magnitude of Southeast Alaska stocks. They were unable to provide a better rebuilding schedule and noted that a larger reduction in catch would result in faster rebuilding.

The SSC felt that the issue of Upper Columbia River bright stocks is one of conservation and allocation and noted that any reduction in catch to achieve an increased Alaska escapement will also benefit the Columbia River stock.

The Advisory Panel defeated a motion to maintain the status quo OY range of 286,000 to 320,000 chinook. They then approved a motion that, given the biological condition of the chinook resource as presented by ADF&G, Washington Department of Fisheries, and the PDT, a reduction in harvest was probably warranted. The AP did not have the SSC's analysis of those reports and, therefore, preferred not to make a decision as to the percentage of reduction to be made. The PDT's proposed 10% decrease was considered by some Advisory Panel members as possibly insufficient, considering the condition of some of the chinook stocks. The AP was advised that this action would be sufficient as a preferred option, since final consideration of the OY will be made in March.

Discussion followed between Council, Board, and ADF&G staff regarding the actual ability of the incremental reductions to rebuild stocks and the number of Upper Columbia River brights

caught by the Canadians. Bud Burgner of the SSC estimated that the Canadian catch for brights was probably on the order of twice the Alaska catch and said that it was difficult to resolve the Columbia River problem by managing the Alaska fishery. The question was raised whether Canada is undertaking any comparable action to reduce the drain on Columbia River stocks. Don Martens, office of the Canadian Consulate General in Seattle, said he didn't have that information, but would obtain it and report to the Council. He said the U.S./Canada negotiations play an important part in this matter and they seem to be progressing well.

Steve Pennoyer and Mel Seibel, ADF&G, discussed the rates of rebuilding which could be expected by the different OY reductions and answered questions of the Council and Board of Fisheries.

Ron Skoog moved that the Council adopt as its preferred alternative a reduction of 12% in optimum yield for 1981. The motion was seconded by Bob Mace for purposes of discussion.

Harold Lokken endorsed a 15% reduction, which could be changed with clarification of confusing figures in the Columbia River stock status report. He stressed that a decision made at this meeting will not necessarily be a final decision, but an indication of the Council's preference. Justification for the 15% reduction was that a 10% or 12% reduction would not restore the Columbia River stocks or the Southeast Alaska stocks as quickly, and he felt the Council should aim for a faster recovery. He suggested that there is a possibility of some chinook stocks being declared an endangered species if the Council does not take the lead to restore the stocks, and that the Secretary of Commerce could even give jurisdiction over salmon stocks to the Pacific Council if he felt the North Pacific Council had not acted in the best interest of the resource.

Jim Beaton of the Alaska Board of Fisheries said that 10% is the absolute maximum reduction, and constitutes a real sacrifice on the part of the troll fleet. Further, any reduction should be contingent on Canada's actions.

In defending his motion, Ron Skoog could see no reason to go as high as 15%. Based on the data presented, the Columbia River stocks are approaching the number of spawning escapement required.

Charles Meacham spoke in favor of Dr. Skoog's motion, stating that the Alaska troll fleet should not be subjected to any greater trauma than is absolutely necessary, and that he could not concur with a full 15% reduction.

Gene DiDonato reviewed the Washington Department of Fisheries' stand on the subject. The material presented, which led to their recommendation of a 17% to 24% reduction in OY, was based on the best information available. The recommendation of a 24%

reduction was aimed at getting to the problem in 1981. However, recognizing that there is some incomplete data, and in view of testimony received, the State of Washington could reconsider its proposal and agree to a 15% reduction if there could be some direct address in the FMP to the Columbia River chinook stocks acknowledging the Columbia River problem.

Further discussion between the Council and Board centered on the socioeconomic impacts which a 15% cut would render to the Southeast Alaska fishing community.

Nick Szabo once again spoke against a reduction greater than 10%, stating that the final say on the question lies with the Board of Fisheries, and that Alaska cannot bear the whole brunt of the Columbia River problem.

Upon roll call vote, the motion to adopt as the Council's preferred option a 15% reduction in OY passed 5 to 3.

Seasons

Options available to the Council regarding the chinook season were:

Option 1: Status quo - April 15 through December 30.

Option 2: May 15 through September 20.

Options available to the Council regarding the coho season were:

Option 1: Status quo - June 15 through September 20.

Option 2: July 1 through September 10.

Option 3: Allow fishing for other species during closures.

The SSC felt that the loss of management information as a result of shortening the outer coastal and FCZ troll chinook season from April 15 to December 30 to May 15 to September 20 may well outweigh the value in savings of fish achieved by shortening the season. Further, they believed the coho season should remain unchanged, June 15 to September 20, because the coho catch prior to July 1 and after September 10 is small. If the coho opening were delayed until July 1, unnecessary coho shaker losses in the chinook fishery may occur.

The AP suggested that the chinook season open May 15 and close concurrent with the coho season. For the coho season, the AP voted 5 to 4 in favor of the June 15 to September 20 season (status quo). The Advisory Panel unanimously adopted the option to allow fishing for other species during closures.

Ron Skoog moved that the Council adopt as its preferred alternative for the chinook season Option 2; seconded by Bob Mace. There being no objection, it was so ordered (May 15 through September 20).

Charles Meacham moved that the Council accept as its preferred option for the coho season Option 1, status quo; seconded by Ron Skoog. The Council unanimously approved the action (June 15 through September 20).

Gear Restrictions

For gear restrictions, two options were available:

Option 1: Status quo - 6 lines north of Cape Spencer, 4 lines south of Cape Spencer for power troll.

Option 2: Four operating gurdies for power troll, 2 gurdies or 4 sport lines for hand troll.

The SSC had not been provided justification for the hand troll gurdy restriction. Although they agreed with the PDT that standardization of effort is a desired goal, limiting gurdies in itself does not result in standardization in number of lines fished. Therefore, the SSC favored maintaining the status quo.

In their consideration of gear regulations, the AP voted 6 to 4 in favor of the status quo for power troller, the feeling being that this was not a biological issue and the need to standardize fishing gear was not a sufficient argument to reduce the efficiency of the vessels. The Advisory Panel also considered a motion which would allow hand trollers to operate with 6 lines north of Cape Spencer and use 2 gurdies or 4 sport lines for hand trolling south of Cape Spencer. The vote on the motion was 4 to 4. The issue was that hand trollers and power trollers should be treated equally in terms of gear restrictions.

Harold Lokken moved that the Council accept as its preferred alternative for gear restrictions Option 1, status quo; seconded by Joe Demmert, Jr. There being no objection, it was so ordered.

For hand troll gear restrictions, it was the consensus of the Council to tentatively approve the State's 1980 regulations (2 gurdies, 4 sport lines) subject to review in March.

Reporting Requirements

Options available to the Council for reporting requirements were:

Option 1: Status quo - fishermen should report catch within 5 days after landing out of state.

Option 2: All fishermen must submit fish tickets or equivalent document before leaving Alaska waters with salmon on board.

The SSC agreed with the PDT that catches should be reported as soon as possible for purposes of in-season management, and, therefore, should be reported by the fisherman before leaving Alaska waters. It was noted that the method of reporting should be convenient for the fisherman.

The Advisory Panel adopted the Plan Development Team's proposal that all fishermen should submit fish tickets or equivalent documents before leaving Alaska waters with salmon on board.

Ron Skoog moved that the Council accept Option 2 as its preferred alternative; seconded by Charles Meacham. Upon call for the question, the Council unanimously approved this action.

Treble Hooks

The SSC had no data indicating treble hooks are biologically more detrimental than single hooks. They offered no comments or preference.

Although some members of the Advisory Panel felt that insufficient evidence was available to require elimination of treble hooks from the troll fishery, the AP approved a motion to eliminate the use of treble hooks by a vote of 5 to 4.

Joe Demmert moved that the proposal to ban treble hooks be rejected; seconded by Harold Lokken. There being no objection, the motion carried.

E-2 Other FMP's

Bering Sea/Aleutian Islands Groundfish FMP

The Bering Sea/Aleutian Islands Groundfish FMP is scheduled for implementation in March, 1981. The Regulatory Analysis was published in the Federal Register on November 24, 1980. Amendment #1 for 1981 is open to public comment until January 10, with final Council approval scheduled for February. Amendment #2, to increase DAH for yellowfin sole and other flatfish to accommodate joint-venture operations, is in a holding pattern awaiting implementation of the FMP. The deadline for receipt of proposals for 1982 amendments is January 1, 1981.

The SSC reviewed an update from the prohibited species/incidental catch of salmon/herring ad hoc subgroup. The final report on prohibited species is to be completed by January 10. On January 12, the ad hoc subgroup will meet to prepare its final recommendation and the PDT will meet on January 14 to prepare its final comments on the total amendment package.

The SSC subgroup on the Bering Sea FMP has arranged for individual SSC comments on the prohibited species report to be forwarded to the Chairman of the subgroup, John Burns, by February 10, 1981.

The SSC also received and reviewed the preliminary outline of the Japanese program for research on the incidental catch problem from the Far Seas Fisheries Research Laboratory. The outline was provided to the subgroup for review and comment.

Norman Cohen, representing 15 villages of western Alaska, reported to the Council on the status of their lawsuit to institute a winter closure in the Bering Sea to prevent interception of salmon by foreign trawlers. He said that Terry Leitzell had waited until the last day possible to deny the petition without the benefit of public comment, citing as one reason the fact that it was too late to implement any such closure. Mr. Cohen asked that the SSC's incidental catch review group report be given to the public as soon as possible, preferably by January 14.

King Crab FMP

Summaries of public testimony received on the Draft King Crab Fishery Management Plan were provided to the Council for review. The SSC subgroup for King Crab will report back to the SSC in February with analysis on the comments received.

The FMP has been sent back to the Plan Development Team for revision and incorporation of the Council's preferred options chosen in December. The Council will give final approval to the FMP in February and shortly thereafter the FMP, a new DEIS, and DRA will be forwarded to Washington for Secretarial review.

Herring FMP

The Herring FMP, approved for Secretarial review by the Council in December, is awaiting completion of the DEIS and DRA so that the whole package may be sent to Washington in early January.

Tanner Crab FMP

Tanner Crab FMP amendment #7 for 1981, approved by the Council in December to go to the Secretary of Commerce for review, was forwarded to Terry Leitzell on December 24, 1980. Also included in the package were the Environmental Assessment and a determination that the amendment did not require a Regulatory Analysis.

Amendment #6 to the Tanner Crab FMP, which provides for various minor technical changes, was published as a Notice of Proposed Rulemaking in the Federal Register on December 8, 1980. The comment period will end January 18, 1981 and implementation is expected by late January.

Gulf of Alaska Groundfish FMP

Amendment #10 to the Gulf of Alaska Groundfish FMP, approved in December by the Council to go to public review, will be

distributed on January 9; a public hearing will be held in Sitka on January 31, and the public comment period will end on February 15. Council review of the amendment to go to the Secretary of Commerce is scheduled for February.

Amendment #9, which replaces 6 small fixed gear areas around Kodiak with a large area bounded by the Lechner line, is expected to be implemented in March, 1981. The deadline for proposals for 1982 amendments was January 1, 1981.

F. CONTRACTS AND REQUESTS FOR PROPOSALS

F-1 Contracts

Contracts scheduled for SSC review were 81-3, "A Comparison of Halibut and Crab Catches in Side-Entry and Top-Entry Crab Pots and Side-Entry Crab Pots With and Without Tanner Boards"; Contract 80-6, "A Study to Determine the Applicability of Limited Entry in the Halibut Fishery Off Alaska"; and Contract 80-5, "A Study of the Offshore Chinook and Coho Salmon Fishery Off Alaska".

The SSC has provided the Contractor for Contract 81-3 with its comments on the draft report. The Contractor expects to have the final report ready for their review by the February meeting.

The SSC has reviewed the draft final report for Contract 80-6 and finds that the Contractor has addressed all of the items specified in the Statement of Work. There were some specific comments and questions for the Contractor which have been provided to the Council staff. The SSC will withhold approval of this report until the Contractor has responded to the questions.

The SSC reviewed the draft final report for Contract 80-5 entitled "Draft Fishery Management Plan for the High Seas Salmon Fishery Off the Coast of Alaska East of 175° East Longitude." The SSC found that the Contractor has not addressed all the items specified in the Statement of Work, and that some sections of the report need to be completed. The SSC has drafted for the Council staff specific comments on the document and withholds their approval of the report until the Contractor has responded to these comments.

Harold Lokken moved that the SSC's recommendations for Contracts 80-5, 80-6, and 81-3 be approved; seconded by Joe Demmert. There being no objection, it was so ordered.

F-2 Requests for Proposals

A Study of Data on Feeding Habits and Food Requirements of Marine Mammals in the Bering Sea

The SSC again considered the matter of promoting the acquisition of information on feeding habits and trophic relationships of

marine mammals in the North Pacific region. Drs. Michael Tillman and Bruce McAlister of the National Marine Mammal Laboratory in Seattle apprised the SSC of the nature and extent of effort by the Laboratory to compile and update literature available in the English language about marine mammal feeding and trophics. A report may be available within 30 to 60 days. All available data relative to food habits and trophic relationships of North Pacific fur seals is presently being compiled and will be available by April, 1981. The combined results of both efforts would be available in final report form in about 6 months.

The efforts by National Marine Fisheries Service will not include an evaluation of the significance or quality of data available, but amounts to a significant portion of the work envisioned in RFP 81-1. Productive subsequent work will depend on availability of results of the efforts presently underway.

In view of the above, the SSC recommended that:

1. Scientists working with Soviet investigators make a concerted and direct effort to obtain a list of Soviet references dealing with marine mammal fishery interactions in the North Pacific region. This effort will be facilitated by the U.S./USSR agreement on environmental protection.
2. Further action on RFP 81-1 be tabled until the literature search for English language titles and the results of fur seal studies are made available to the National Marine Mammal Laboratory.
3. A specific effort be made to obtain a compilation of references in the Japanese language. No specific recommendations for accomplishing this were made. Discussions included such options as a contract or reimbursable service agreement with a Japanese national or a Japanese library, or direct request of such a reference list from a research institute such as the Whale Research Institute, and/or continued effort to obtain pertinent references on a scientist to scientist basis.

Incidental Catch of Salmon

The SSC received a draft of the proposed objective for an RFP for a study to determine the stock origins of chinook salmon incidentally caught in foreign trawls in the U.S. Eastern Bering Sea and Gulf of Alaska FCZ. The SSC is reviewing the proposal and will prepare recommendations for a final RFP for the Council at the February meeting.

Herring Stock Data

The SSC received a draft of the proposed objective for an RFP to design an experiment to evaluate the accuracy of herring aerial survey biomass estimates. The SSC is reviewing the proposal and preparing recommendations to present to the Council at the February meeting.

G. PUBLIC COMMENTS

No further public comments were received by the Council.

H. CHAIRMAN'S CLOSING COMMENTS AND ADJOURNMENT

Chairman Tillion extended an invitation to Chairman Szabo and the Board of Fisheries for Board members to participate with the Council at any time with the right of full debate for improved communications between the Board and Council. Chairman Szabo extended the same invitation to Council members wishing to participate with the Board.

The Executive Director reminded the Council that the March meeting would be a joint session with the Board of Fisheries for the purpose of making final decisions on 1981 amendments to the Salmon FMP.

There being no further business to come before the Council, the 37th Plenary Session of the North Pacific Fishery Management Council was adjourned on Friday, January 9, 1981 at 10 a.m.

LIST OF APPENDICES

- Appendix I: Schedule for Salmon FMP
- Appendix II: Hearing Summary of the Council/Board of Fisheries
Joint Public Hearing, Juneau, January, 1981
- Appendix III: Graph, "Costs and Benefits Associated With
Reduction of Southeast Alaska Chinook Salmon
Harvest Below the 1980 Optimum Yield Ceiling of
320,000"

TENTATIVE PLAN REVIEW AND IMPLEMENTATION SCHEDULE FOR THE
1981 HIGH SEAS SALMON OFF THE COAST OF ALASKA FMP
AMENDMENT BASED ON THE COUNCIL ADOPTION DURING JANUARY 5-8
JOINT MEETING WITH THE ALASKA BOARD OF FISHERIES

January 8	NPFMC adopts Amendment
January 19	F/CM receives DA, DRA, DSEIS, DPR
January 30	DSEIS filed with EPA
February 6	EPA publishes notice of availability
	Begin NEPA 45-day comment
	F/AKR and F/CM conduct official agency review of DA and prepare draft decision documents
March 23	End NEPA 45-day comment
March 26-27	NPFMC approves Amendment at public meeting
April 6	F/CM receives final Amendment
	Begin official Secretarial Review (24 days)
April 20	F/CM receives final FSEIS
April 23	Fish Policy Group approves/disapproves Amendment
April 30	End 24-day Secretarial review
	AA approves Amendment
May 1	FSEIS filed with EPA
May 6	EPA publishes notice of FSEIS availability
	NEPA 30-day comment begins
	A approves Amendment
May 15	Emergency Regulations filed with FR
	Proposed regulations filed with FR
	60-day FCMA comment begins
	Fishery begins
June 5	NEPA 30-day comment ends
June 29	Emergency Regulations repromulgated with FR
July 14	60-day FCMA comment on proposed regulations ends
July 17	Final Regulations published
	APA 30-day cool off waived

Appendix II is the summary of public testimony taken in Juneau from January 5 through 9, 1981. That summary is not available at this time, but will be inserted as soon as it is available.

PMc
2/18/81

FIGURE . 'COSTS' AND 'BENEFITS' ASSOCIATED WITH REDUCTION OF SOUTHEAST ALASKA CHINOOK SALMON HARVEST BELOW THE 1980 OPTIMUM YIELD CEILING OF 32 0,000 (ESTIMATES REFLECT CONDITIONS EXPECTED AFTER FULL IMPACT OF IMMATURE HARVEST REDUCTION OCCURS.)

