

DATE: _____

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

I wish to testify on:

AGENDA TOPIC: G-4 Draft for Halibut off Alaska

AGENDA Numbers G4 _____.

Time required for presentation: 10 min.

NAME: Robert GROWER

MAILING ADDRESS: Box 1636 Kodiak AK 99615

NO SHOW

DATE: 12-17-79

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

I wish to testify on:

AGENDA TOPIC: G-4 DRAFT HALIBUT OFF ALASKA FMP

AGENDA Numbers: G-4 _____.

Time required for presentation: 10 MIN.

NAME: DON V. BAKER

MAILING ADDRESS: P.O. Box 2194, Kodiak AK

THE UNIVERSITY OF CHICAGO

DOMINICAN UNIVERSITY

MINISTERS

1924

THE UNIVERSITY OF CHICAGO

OFFICE

DATE: 12/12/79

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

I wish to testify on:

AGENDA TOPIC: Draft Halibut OFF Alaska FMP

AGENDA Numbers: 6. 4.

Time required for presentation: 5 minutes.

NAME: Neil G. Waage

MAILING ADDRESS: PO Box 337 Kodiak AK 99615

DATE: 12-12-79

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

I wish to testify on:

AGENDA TOPIC: G-4 DRAFT HALIBUT OFF ALASKA FMP

AGENDA Numbers: G-4 _____.

Time required for presentation: 5 Min. _____.

NAME: DON KUIPER

MAILING ADDRESS: BOX 2878 KODIAK, AK. 99615

1900

11th

with

18

18

DATE: 12/12/79

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

I wish to testify on:

AGENDA TOPIC: Draft halibut off Alaska F.M.P.

AGENDA Numbers: G 4

Time required for presentation: 5 min

NAME: Jay Koenecke

MAILING ADDRESS: P.O. 2872 Kodiak, Ak. 99615

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

DATE: 12/12/79

I wish to testify on: HAKIBUT LIMITED ENTRY

AGENDA TOPIC: _____

AGENDA Numbers: 24 _____.

Time required for presentation: 3 min _____.

NAME: DAVID E FUSMAN

MAILING ADDRESS: BX 1361 KODIAK AK

DATE: _____

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

I wish to testify on:

AGENDA TOPIC: Limited Entry on Halibut

AGENDA Numbers: G-5 and G-4. + Blackcod Regs

Time required for presentation: _____.

NAME: John P. Christensen

MAILING ADDRESS: _____

MEMORANDUM

DATE: December 7, 1979

TO: Council Members, Scientific & Statistical Committee
and Advisory Panel

FROM: Jim H. Branson

SUBJECT: The North Pacific Halibut Act of 1979

ACTION REQUIRED

Review and Comment. Ask U.S. State Department to expedite submission for Congressional action.

BACKGROUND

At the Sitka Council meeting we discussed one paragraph (Section 5(c)) in the enabling legislation for the Halibut Convention. The language changes we recommended were fairly specific: to give the Secretary of Commerce the authority to implement limited entry regulations if approved by the North Pacific Council. We have now received the entire text of the draft legislation for review. The latest word from D.C. indicates they will probably adopt our earlier recommendation for Sec. 5(c). Some other sections merit discussion and comment.

Section 2(e) genus Hippoglossus rather than species.

Section 7(a)(2) expand to make it unlawful to refuse any authorized law enforcement officer access to the processing and storage area of any facility where halibut is purchased, processed, stored or sold.

Section 10 General - a provision should be added for forfeiture and release to charity of small amounts of fish for incidental amounts of undersized fish without going through extended civil or court procedures.

Section 11(b) Establish additional authority to enter, search or inspect processing and storage areas of any facility buying, processing, storing or selling halibut.

General Should criminal action be authorized for serious violators, not just assaulting officers, etc., as is now the case.

The Council has been asked in commenting on this draft legislation to encourage its speedy submission to Congress.

Attachment:

North Pacific Halibut Act of 1979

MIH

Stock assessment studies by the Halibut Commission suggest that the long-term decline in the halibut stocks has been halted, but the resource remains in poor condition. Numerous steps have already been taken to restrict the halibut catch by the North American halibut fishery and time-area closures have helped to reduce the incidental catch of halibut by foreign and domestic trawlers. These steps have been beneficial but we cannot relax our efforts. There has been a long-term reduction in the number of young halibut and recruitment must improve substantially before a major increase in adults can be expected.

The Halibut Commission's staff has proposed the establishment of by-catch limits for the groundfish fisheries in the Gulf of Alaska and the Bering Sea to prevent a future increase in the incidental catch of halibut. Under this plan trawlers would be allowed to fish for all groundfish species and would release any halibut caught incidentally. However, all fishing on groundfish species would cease when the by-catch of halibut was reached. This approach gives trawlers maximum freedom to harvest other species and an incentive to reduce their incidental catch of halibut. By-catch limits can be assigned by nationality and by fleet so that the vessels that are most effective at avoiding halibut could take more of the other species. To be effective the method requires extensive information from observers on the incidental catch of halibut. In 1978, observers were aboard foreign vessels during 15% of the vessels' fishing days. This level of observer coverage needs to be expanded to provide more reliable information on the level of incidental catch. However, an expanded observer program would provide valuable information beyond that needed to monitor the incidental catch of halibut.

We believe the by-catch limit principle can be used to protect crab and other valuable species, in addition to halibut. It could very well encourage

trawlers to use off bottom trawls whenever possible to reduce their incidental catch of halibut and crab and increase their catch of other species. If the by-catch method of reducing the incidental catch is adopted, it might be possible to eliminate some or all of the time-area closures which are now in effect. However, we strongly recommend against any changes in the existing time-area closures which would in any way increase the incidental catch of halibut until better methods of control are established. We expect to make a more formal proposal on by-catch limits after our annual meeting in January.

We understand the Council has received a proposal to relax the restrictions on trawling in the halibut savings area in the eastern Bering Sea. If adopted, this proposal could increase the incidental catch of halibut, which is unacceptable in our judgement. We are concerned that the Council is being asked to adopt a great many amendments to the management plan. The extent of thought and planning that has gone into developing the management plans and the long hearing process that each plan must endure should preclude frequent amendments to the plans. There is a danger that the management plan could be seriously weakened by adopting amendments that have not been as carefully studied as was the original plan. Perhaps provision could be made for emergency changes to cover unforeseeable events of substantial concern to the Council, but all other changes should be delayed until the plan has been in operation long enough to warrant reevaluation.

The council should also be aware that recent estimates show an increase in the incidental catch of halibut in the Bering Sea. The increase is largely the result of only one component of the fishery (the Japanese land-based trawl fleet) and occurs outside of the "halibut savings areas." Nonetheless, the increased

catch will have a negative impact on the halibut resource. Until recently, the outlook was for improving stock conditions, but IPHC surveys showed a decline in juvenile abundance in 1978 and 1979. This decline coupled with the possibility of further increases in incidental catch, suggest that halibut stocks may be in serious jeopardy.



AGENDA G-4
DEC. 1979

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
OFFICE OF GENERAL COUNSEL
P.O. Box 1668, Juneau, Alaska

FILE	ACT	INFO	ROUTE TO	INITIAL
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DEC 6 1979

DATE: December 4, 1979

TO : F/AKR12 - Ron Naab

FROM: GCAK - Michael Stanley

SUBJ: Halibut Legislation

Jim Drewry today informed me of the language addressing inspection of shoreside facilities that GCF and GCEL have agreed to recommend to State Department for inclusion in the impending halibut legislation. They propose to add a new subsection (C) to section 11(b) (1) as follows:

11(b) Any officer who is authorized . . . to enforce this Act may -

(1) with or without a warrant or other process -

* * *

(C) At reasonable times enter, and search or inspect, shoreside facilities in which fish taken subject to this Act are processed, packed, or held.

This proposal will be sent to State Department subject to the condition that it not be acted upon until you and the North Pacific Fishery Management Council have had a chance to review this language and make comments, if any.

cc: NPFMC - Jim Branson



To give effect to the Protocol Amending the Convention for the preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Washington on March 29, 1979.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That this Act may be cited as the "Northern Pacific Halibut Act of 1979."

SEC. 2. As used in this Act the term

(a) "Convention" means the Convention Between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Washington on March 2, 1953, as amended by the Protocol Amending the Convention, signed at Washington, March 29, 1979, and includes the regulations promulgated thereunder.

(b) "Commission" means the International Pacific Halibut Commission provided for by Article III of the Convention.

(c) "Fishery conservation zone" means the fishery conservation zone of the United States established by Section 101 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et. seq.).

(d) "Convention waters" means the maritime areas off the west coast of the United States and Canada described in Article I of the Convention.

(e) "Halibut" means fish of the ^{genus} species Hippoglossus inhabiting Convention waters.

(f) "Fishing vessel" means--

(1) any vessel engaged in catching fish in Convention waters or in processing or transporting fish loaded in Convention waters;

(2) any vessel outfitted to engage in any activity described in paragraph 1; or

(3) any vessel in normal support of any vessel described in paragraph (1) or (2).

(g) "Permit" means a registration permit issued by the Secretary of State under Section 12 of this Act.

(h) "Secretary" means the Secretary of Commerce.

SEC. 3.(a) The United States shall be represented on the Commission by three U.S. Commissioners to be appointed by the President and to serve at his pleasure. Each U.S. Commissioner shall be appointed for a term of office not to exceed two years, but is eligible for reappointment. Any U.S. Commissioner may be appointed for a term of less than two years if such appointment is necessary to ensure that the terms of office of not more than two Commissioners will expire in any one year. Of the Commissioners, who shall receive no compensation for their services as Commissioners--

(1) one shall be an official of the National Oceanic and Atmospheric Administration; and

(2) at least one shall be a voting member of the North Pacific Fishery Management Council and a resident of Alaska.

An individual is not eligible for appointment as a Commissioner under paragraph (2) unless the individual is knowledgeable or experienced concerning the Northern Pacific halibut fishery. Section 3(a) shall take effect on the ninetieth day after the date of enactment of this Act.

(b) The Secretary of State, in consultation with the Secretary, may designate from time to time Alternate U.S. Commissioners to the Commission. An Alternate U.S. Commissioner may exercise, at any meeting of the Commission, all powers and duties of a U.S. Commissioner in the absence of a duly designated Commissioner for whatever reason. The number of such Alternate U.S. Commissioners that may be designated for any such meeting shall be limited to the number of authorized U.S. Commissioners that will not be present.

SEC. 4. The Secretary of State, with the concurrence of the Secretary, may accept or reject, on behalf of the United States, recommendations made by the Commission in accordance with Article III of the Convention and paragraphs 14 and 15 of the Annex to the Convention.

SEC. 5.(a) The Secretary shall have general responsibility to carry out the Convention and this Act.

(b) In fulfilling this responsibility, the Secretary--

(1) shall, in consultation with the Secretary of the Department in which the Coast Guard is operating, adopt such

Section 5(c)

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

regulations as may be necessary to carry out the purposes and objectives of the Convention and this Act; and

(2) may, with the concurrence of the Secretary of State, cooperate with the duly authorized officials of the Government of Canada.

V
SEC. 6. Any agency of the Federal Government is authorized, upon request of the Commission, to cooperate in the conduct of scientific and other programs, and to furnish on a reimbursable basis facilities and personnel for the purposes of assisting the Commission in carrying out its duties under the Convention. Such agency may accept reimbursement from the Commission.

SEC. 7. It is unlawful -

(a) for any person subject to the jurisdiction of the United States --

(1) to violate any provision of the Convention, this Act, or any regulation adopted under this Act;

(2) to refuse to permit any enforcement officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Convention, this Act or any regulation adopted under this Act;

(3) to forcibly assault, resist, oppose, impede, intimidate or interfere with any enforcement officer in the conduct of any search or inspection described in paragraph (2);

any act prohibited

purchase, importation, or retention of

the means, the

operator for

with a valid

and United States

shall be

of the civil

(4) to resist a lawful arrest or detention for any act prohibited by this section;

(5) to ship, transport, offer for sale, sell, purchase, import, export or have custody, control or possession of, any fish taken or retained in violation of the Convention this Act, or any regulation adopted under this act; or

(6) to interfere with, delay or prevent, by any means, the apprehension, arrest or detention of another person, knowing that such person has committed any act prohibited by this section.

(b) for any foreign fishing vessel, and for the owner or operator of any foreign fishing vessel, to engage in fishing for halibut in the fishery conservation zone, unless such fishing is authorized by, and conducted in accordance with a valid and applicable permit issued under Section 12.

SEC. 8. (a) Any person who is found by the Secretary, after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 7 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed \$25,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary, or his designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violation, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

(b) Any person against whom a civil penalty is assessed under subsection (a) may obtain review thereof in the appropriate court of the United States by filing a notice of appeal in such court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

(c) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(d) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

Sec. 9. (a) A person is guilty of an offense if he commits any act prohibited by section 7(a) (2), (3), (4), or (6); or section 7(b).

(b) Any offense described in subsection (a) is punishable by a fine of not more than \$50,000, or imprisonment for not more than 6 months, or both; except that if in the commission of any offense the person uses a dangerous weapon, engages in conduct

that causes bodily injury to any officer authorized to enforce the provisions of this Act, or places any such officer in fear of imminent bodily injury the offense is punishable by a fine of not more than \$100,000, or imprisonment for not more than 10 years or both.

(c) There is Federal jurisdiction over any offense described in this section.

SEC. 10. (a) Any fishing vessel (including its fishing gear, furniture, appurtenances, stores and cargo) used, and any fish taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 7 shall be subject to forfeiture to the United States. All or part of such vessel may, and all such fish shall, be forfeited to the United States pursuant to a civil proceeding under this section.

(b) Any district court of the United States shall have jurisdiction, upon application by the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) and any action provided for under subsection (d).

(c) If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant to this Act or for which security has not previously been obtained under subsection (d). The provisions of the customs laws relating to --

- (1) the disposition of forfeited property;
- (2) the proceeds from the sale of forfeited property;
- (3) the remission or mitigation of forfeitures; and
- (4) the compromise of claims,

shall apply to any forfeiture ordered, and to any case in which forfeiture is alleged to be authorized, under this section, unless such provisions are inconsistent with the purposes, policy, and provisions of this Act. The duties and powers imposed upon the Commissioner of Customs or other persons under such provisions shall, with respect to this Act, be performed by officers or other persons designated for such purpose by the Secretary.

(d)(1) Any officer authorized to serve any process in rem which is issued by a court having jurisdiction under section 11(d) shall --

- (A) stay the execution of such process; or
- (B) discharge any fish seized pursuant to such process;

upon the receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person delivering such property to the appropriate court upon order thereof, without any impairment of its value, or paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(2) Any fish seized pursuant to this Act may be disposed of pursuant to the order of a court of competent jurisdiction or, if

perishable, in a manner prescribed by regulations of the Secretary or the Secretary of the department in which the Coast Guard is operating.

(e) For purposes of this section, it shall be a rebuttable presumption that all fish found on board a fishing vessel and which is seized in connection with an act prohibited by section 7 were taken or retained in violation of the Convention and this Act.

SEC. 11. (a) This Act shall be enforced by the Secretary and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, including all elements of the Department of Defense, and of any State agency, in the performance of such duties.

(b) Any officer who is authorized, by the Secretary, the Secretary of the Department in which the Coast Guard is operating, or the head of any Federal or State agency which has entered into an agreement with such Secretaries under subsection (a), to enforce this Act may -

(1) with or without a warrant or other process -

(A) arrest any person, if he has reasonable cause to believe that such person has committed an act prohibited by section 7;

(B) board, and search or inspect, any fishing vessel which is subject to this Act;

(C) seize any fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, an act prohibited by section 7;

(D) seize any fish (wherever found) taken or retained in the course of an act prohibited by section 7, or the proceeds of the sale of such fish; and

(E) seize any other evidence related to an act prohibited by section 7;

(2) execute any warrant or other process issued by any court of competent jurisdiction; and

(3) exercise any other lawful authority.

(c) If any officer authorized to enforce this Act (as provided for in this section) finds that a fishing vessel is operating or has been operated in the commission of an act prohibited by section 7, such officer may, in accordance with regulations issued jointly by the Secretary and the Secretary of the department in which the Coast Guard is operating, issue a citation to the owner or operator of such vessel in lieu of proceeding under subsection (b). If a permit has been issued pursuant to this Act for such vessel, such officer shall note the issuance of any citation under this subsection, including the date thereof and the reason therefor, on the permit. The Secretary shall maintain a record of all citations issued pursuant to this subsection.

(d) The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under this Act. Any such court may, at any time -

- (1) enter restraining orders or prohibitions;
 - (2) issue warrants, process in rem, or other process;
 - (3) prescribe and accept satisfactory bonds or other security;
- and
- (4) take such other actions as are in the interest of justice.

(e) When requested by the appropriate authorities of Canada, officers or employees of the Coast Guard, the National Oceanic and Atmospheric Administration or any other agency of the United States may be directed to attend as a witness, and to produce such available records and files or duly certified copies thereof as may be necessary, for the prosecution in Canada of any violation of the Convention or any Canadian law relating to the enforcement thereof.

(f) (1) In cooperation with such other agencies as may be appropriate, the Secretary may conduct or cause to be conducted such law enforcement investigations as are deemed necessary to carry out the purposes of this Act.

(2) For the purpose of all investigations which, in the opinion of the Secretary, are necessary and proper for the enforcement of this Act, the Secretary or any officer designated by him are empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of any books, papers, or other documents which the Secretary deems relevant or material to the inquiry. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place or hearing.

(3) Process of the Secretary may be served by anyone duly authorized by him either -

(A) by delivering a copy thereof to the individual to be served, or to a member of the partnership to be served, or the President, Secretary, or other executive officer or a director of the corporation to be served; or

(B) by leaving a copy thereof at the residence or the principal officer or place of business of such individual, partnership, or corporation; or

(C) by mailing a copy thereof by registered or certified mail addressed to such individual, partnership, or corporation at his or its residence or principal office or place of business. The verified return by the individual so serving such complaint, order, or other process setting forth the manner of service shall be proof of the same, and the return post office receipt for such complaint, order, or other process mailed by registered or certified mail shall be proof of the service of the same.

SEC. 12. (a) No fishing vessel of Canada may fish for halibut in the fishery conservation zone unless it has on board a valid and applicable registration permit issued under this section.

(b) Applications by fishing vessels of Canada for permits to engage in fishing described in subsection (a) may be considered only if officially transmitted to the Secretary of State by the Government of Canada.

(c) The Secretary of State, in consultation with the Secretary and the Secretary of the Department in which the Coast Guard is operating, shall prescribe the forms for permits issued pursuant to any such application.

(d) Any application made under this section shall contain the information specified in paragraph 7 of the Annex to the Convention.

(e) After taking into consideration the views of the Secretary and the Secretary of the Department in which the Coast Guard is operating, the Secretary of State may approve any application submitted under this section and issue a registration permit for the vessel concerned. Each such permit shall include the requirement that the owner or operator of the fishing vessel for which the permit is issued shall prominently display such permit in the wheelhouse of such vessel and show it, upon request, to any enforcement officer.

SEC. 13. There is hereby authorized to be appropriated from time to time such sums as may be necessary for carrying out the Convention and this Act, including --

(a) Necessary travel expenses of the United States Commissioners or Alternate Commissioners without regard to the Standardized Government Travel Regulations, as amended, the Travel Expense Act of 1949, as amended, the Travel Expense Amendments Act of 1975, or section 10 of the Act of March 3, 1933 (title 5, United States Code, section 5731(a)); and

(b) the United States share of the joint expenses of the Commission; provided that the Commissioners shall not, with respect to commitments concerning the United States share of the joint expenses of the Commission, be subject to section 262b of title 22 of the United States Code insofar as it limits the authority of United States representatives to international organizations with respect to such commitments.

SEC. 14. The Secretary of State is authorized to provide, by contract, grant or otherwise, facilities for office and any other necessary space for the Commission. Such facilities shall be located on or near the campus of the University of Washington in the State of Washington and shall be provided without regard to the cost-sharing provisions in the Convention.

SEC. 15. The Secretary, Secretary of State, and Secretary of the Department in which the Coast Guard is operating may administer this Act consistent with the terms of the Convention, including the Protocol Amending the Convention, signed at Washington, March 29, 1979, on a provisional basis pending the exchange of instruments of ratification in accordance with Article II of that Protocol.

SEC. 16. The Northern Pacific Halibut Act of 1937, as amended (50 Stat. 325, 67 Stat. 494, 79 Stat. 902), is repealed as of the ninetieth day after the date of enactment of this Act.

Petersburg Vessel Owners Association

P. O. Box 232

Phone 772-4793

Petersburg, Alaska 99833

November 24, 1979

P O M B
Room 22

FILE	ACT	INFO	ROUTE TO	INITIAL
			Exec. Dir.	J
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McVey

Mr. Jim Branson
N.P.F.M.C.
Box 3136 DT
Anchorage, Alaska 99510

Dear Mr. Branson:

Petersburg Vessel Owners Association is an organization comprized of longliners, purse seiners, trollers, trawlers and crab fishermen. Arguments on limited entry have been rebounding off the walls in Petersburg for the last seven years since we first tried to do something about our crowded and depleted salmon fishery. Thus, the concept of limited entry is neither new to us nor is it taken lightly.

Our halibut season has become painfully short due to poor stock conditions and a tremendous increase in effort. Because the fishermen and the people of Petersburg rely on our halibut fishery as the backbone of our economy, our group strongly recommends limited entry in the halibut fishery. It must be done now. Without the high market value of the product this fishery would be flat on it's face already. A slight fluctuation in the market price coupled with a further increase in effort is all that is needed to cause a complete collapse in our community.

It is imperative the NPFMC implement a limited entry program in the halibut fishery at it's earliest opportunity. Our feelings and recommendations for this program are enclosed.

Sincerely,

PETERSBURG VESSEL OWNERS ASSOCIATION

Sig Mathisen (SR)

Sig R. Mathisen
President

SM: jc

Petersburg Vessel Owners Association

P. O. Box 232

Phone 772-4793

Petersburg, Alaska 99833

POSITION STATEMENT

HALIBUT LIMITED ENTRY

1. Pattern the program after Alaska's limited entry program on salmon, i.e. a point system. Eliminate loopholes that will weaken effectiveness and provide for crewmember, eligibility.
2. Maintain free transferability of licenses. The license attached to the man and not the vessel.
3. Availability of occupations is a necessary criteria and should weigh heavily towards small towns that rely totally on their fisheries.
4. Income dependence and history of participation in the fishery should score high. This includes ownership of vessel and gear, production consistency and percentage of income derived from the halibut fishery.
5. Include IPHC licensed vessels over 5 net tons as a separate permit category from those unlicensed by IPHC and under 5 net tons.

The following is our interpretation of how the points should be scored and the qualification for obtaining a permit for the licensed vessels over 5 net tons be determined.

- A. Ownership of vessel and gear. Use NPFMC cutoff date of December 31, 1978. Having owned halibut gear should be weighed more than having owned a boat in 1978 as a boat can be used for other purposes and does not constitute intent to fish halibut.
 1. Score 1 point for vessel ownership and 2 points for gear ownership. Total 3 3
- B. History of participation. Years fished. Include 1970 to 1978. This will give a better indication of a participation dependency profile than the three years that were used in the salmon program. We feel current participation is more important than past participation in point determination and score the last three years higher than the first six. Except, 1979 is included only if ownership of vessel and gear is established as of December 31, 1978 and will only score 1 point.

Petersburg Vessel Owners Association

P. O. Box 232

Phone 772-4793

Petersburg, Alaska 99833

Page 2

B. Continued:	1979	1 point ✓
	1978	2 points ✓
	1977	2 points
	1976	2 points
	1975	1 point
	1974	1 point
	1973	1 point
	1972	1 point
	1971	1 point
	1970	1 point

Score any five of the last ten years fished with a maximum of seven points. If necessary this figure can be adjusted to obtain desired results.

Total 7 ³

C. Production or percentage of income from the halibut fishery. Score points for each of the last three years fished in the years 1970 to 1979.

1. More than 75% or 100,000 lbs. score four points per year. 4 pts.
2. More than 50% or 50,000 lbs. score three points per year. 3 pts.
3. More than 25% or 25,000 lbs. score two points per year. 2 pts.
4. Less than 25% or 25,000 lbs. score one point per year. 1 pt.

Total 12 ⁶

D. Availability of alternative incomes. Same as Alaska Salmon.

Total 4 ^{4 or 3}
16 15

E. Crewmember eligibility. Score $\frac{1}{2}$ point per year for the years 1970 to 1979.

Total 5

A statistical approach by the agency contracted by the NPFMC to implement the program using the total number of boats and the optimum number the Council will allow into the fishery will determine the amount of points needed to qualify for an entry permit. Our recommendation is that a man must have at least sixteen points to obtain a permit under this system.

In the unlicensed, under 5 net ton category, a similar point system should also be used but under "C" the poundage figure used for the production points should be reduced or eliminated. We recommend at least 16 points to obtain an entry permit for this category also.

PETERSBURG VESSEL OWNERS ASSOCIATION

473 186

(45)

WE HAVE A PETITION AGAINST LIMITED ENTRY WITH 473 SIGNATURES, 186 HAVE FISHED HALIBUT WITHIN THE LAST 3 YEARS AND 45 CURRENTLY HOLD SALMON LIMITED ENTRY PERMITS.

Dec 1979

Mr. Chairman
Council Members

AND WE

WANTS TO GO ON RECORD AS

My name is Don Kuiper. I am interim chairman of the Kodiak Halibut Fisherman's Association. Our association unanimously opposes limited entry in the halibut fishery for the following reasons.

1. according to the IPHC, halibut abundance and CPUE are steadily on the increase. There is no threat to the resource which must be met with such a drastic measure as limited entry.
2. we feel certain that any program to limit entry in the halibut fishery would have to cut somebody out. We feel that any limited entry program in halibut fishing would eliminate the majority of the Alaska small boat halibut fisherman.
3. Halibut has not been declared a conditional fishery. Funding under the capital construction fund and fishing vessel obligation program is now and has been available to those entering the halibut fishery. It doesn't make sense on one hand to be encouraging expansion in the fishery, while on the other hand contemplating limited entry.
4. Limited entry would tend to discourage expansion of the halibut fleet into areas presently fished lightly, if at all, such as the Bering Sea. It would also tend to discourage expansion of the present fleet of large boats into other fisheries, presently under-utilized by the United States.
5. A few years back increased effort in the King Crab fishery had shortened the seasons drastically. Crab fisheren could have ~~insisted~~ ^{INSISTED} that limited entry was the only answer, but they didn't. Instead crab fishermen under economic pressure moved heavily into the tanner crab fishery, to the extent as you well know, that today it has become necessary to alert the Japanese that ~~by next year~~ ^{THE AMERICAN} American fishermen will have the capability to harvest the entire catch in the eastern Bering Sea. ~~AND~~ that is what the fisheries conservation management act is all about.

In closing I would like to refer to the Fishery Conservation and Management Act of 1976 - section 301 - Natural Standards for Fishery Conservation and Management - part 5 - which states

"Conservation and management measures shall, where practicable, promote efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose."

Thank you

Don Kuiper

Box 2878

Kodiak

PROPOSAL FOR WINTER HALIBUT SAVINGS AREAS AND POT SANCTUARY

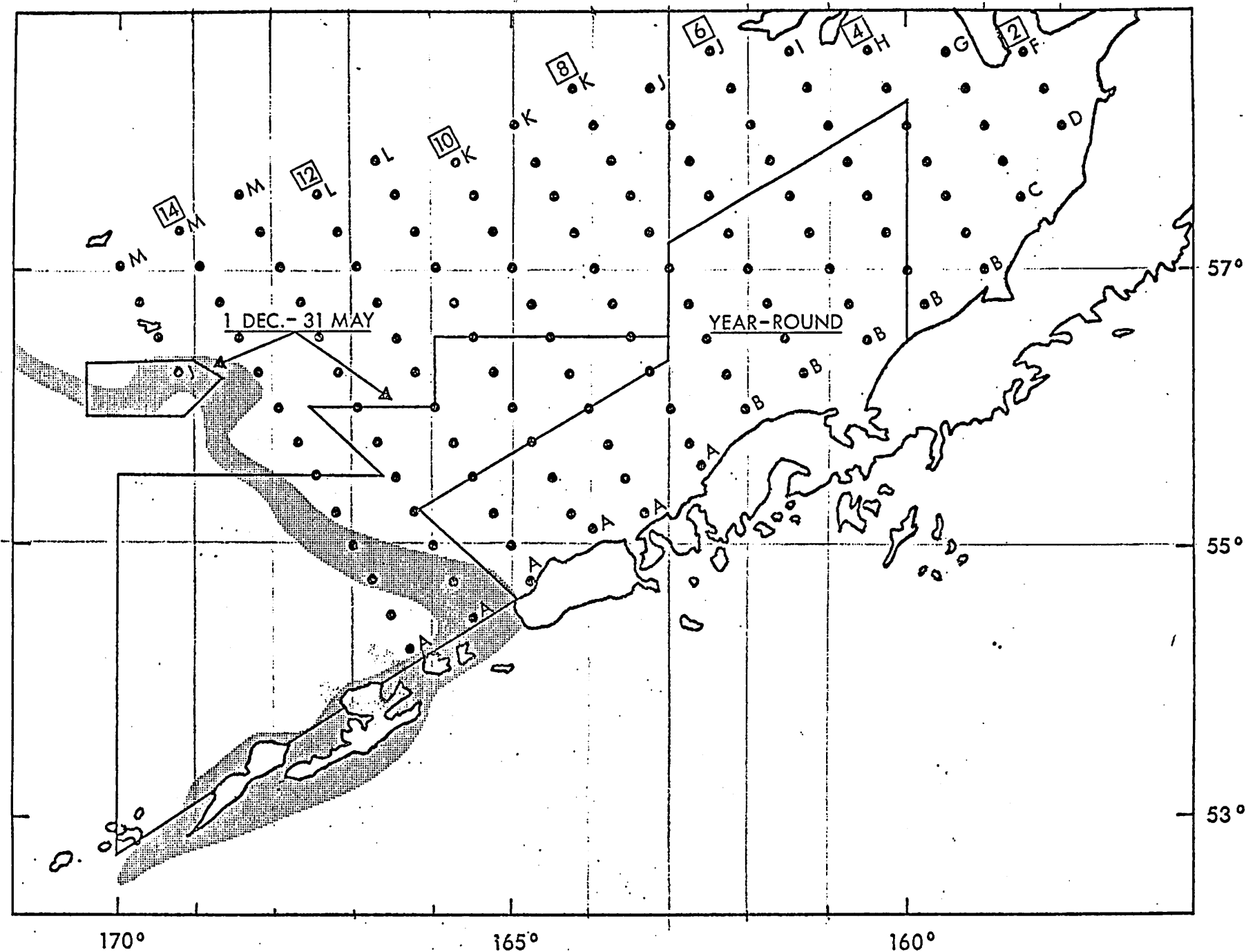
- 1. Experimental domestic trawling will be permitted in all areas of Bering Sea as a temporary measure to determine the effects of such trawling on stocks of halibut and crab and the extent to which such trawling will result in an intolerable level of gear conflicts with fixed gear.
- 2. Experimental trawling as provided for in paragraph 1 will be permitted in all areas except the following which are designated as temporary areas of high concentration of fixed gear:

<u>Area</u>	<u>Time</u>
To be determined	During king crab season (Sep-Oct ?)
Polaris Ground	Halibut season 4-10 to 4-30 ?)

- 3. All vessel will be required to allow scientific observers on board while fishing operations are being conducted in the halibut areas and pot sanctuary during the periods when they have been closed to trawling.
- 4. To minimize gear conflicts, both trawlers and fixed gear fishermen shall make known the areas in which they are operating. There shall be no preemption of fishing grounds except while actual fishing is taking place. Fixed gear, if being fished, shall have priority over mobile gear.
- 5. All fish taken by trawlers shall be recorded, both those retained and those discarded. The discards shall be estimated by major species.
- 6. As soon as possible after July 1st, the results of trawling up to that date shall be analyzed by the North Pacific Fishery Management Council for the purpose of determining whether restrictions are necessary to preserve stocks of halibut and crab and to avoid excessive gear conflicts. If such restrictions are deemed necessary, they would take effect on December 1st in the case of the halibut savings area and at any earlier date deemed appropriate in the case of the crab pot sanctuary.
- 7. The winter halibut savings area adjacent to the Pribilof Islands shall be discontinued as no halibut fishing has taken place there during the last several years.
- 8. Trawling will be permitted in the areas listed in paragraph 2 only in places where there is no fixed gear being fished.
- 9. In the halibut savings area, these regulations shall be subject to immediate modification in the event a number in excess of 20 trawlers are operating in the area.
- 10. In the pot sanctuary, these regulations shall be subject to immediate modification in the event a number of trawlers in excess of 20 are operating in the area.
- 11. The Regional Director of the National Marine Fisheries Service in Alaska shall have authority subject to pre-set conditions agreed to in advance to modify regulations in season in the halibut savings area and pot sanctuary.

POSSIBLE OPTIONS FOR TIME AND AREA RESTRICTIONS FOR FOREIGN PROCESSORS

1. No foreign processing vessel shall receive fish, either from foreign or domestic fishing vessels, within 12 miles of the coast of Alaska except in areas where foreign fishing is permitted up to 3 miles.
2. No foreign processing vessel shall receive fish, either from foreign or domestic vessels, within 12 miles of the coastline of Alaska except in areas where foreign fishing is permitted up to 3 miles or in such other area or areas where fishing is approved by the Secretary of Commerce of Commerce after being recommended by the North Pacific Fishery Management Council.
3. No foreign processing vessel shall receive fish within 12 miles of any United States shore processing facility where the shore facility has contracted to purchase all the fish up to the optimum yield of the area from which the foreign processor has been excluded. A floating shoreside processor shall have the same protection as a shore processor during the period it is receiving the required quantity of fish.
4. Foreign processing vessels may operate anywhere up to the 3 mile limit. However, anytime they operate within 12 miles of any shore processing facility, they shall be charged an additional fee for fish received sufficient to equalize the processing costs between the foreign and domestic processors operating in the same area.
5. Foreign processors shall be permitted to operate anywhere up to the 3 mile limit of Alaska.



Area-time closures in the Bering Sea and IPHC survey stations. Stations are sampled annually during June, but only some of the stations are sampled. The shaded area indicates productive halibut grounds during the spring commercial fishery.