

Plan Team review of 1996 Groundfish amendment proposals received by August 15

No.	Proposal	Proposer	Area	Amendment	Effect*	Comments	Rank
SPECIES ALLOCATIONS							
11	inshore/offshore allocation	NPSC	both	plan	A	sunsets in 98, initiate next year	L
17	small boat trip limit for GOA P. cod	Sullivan	GOA	plan	A	same as #30, #40, small boat fishery	H
22	rollover fixed gear P. cod from 1st to 3rd trimester	KVOA	BSAI	regulatory	E	same as #26, #28	H
26	rollover fixed gear P. cod from 1st to 3rd trimester	NPLA et al.	BSAI	regulatory	E	same as #22, #28	H
28	'C' season fixed gear P. cod shall be contig. w/'B' or next year	NPLA et al.	BSAI	regulatory	E	same as #22, #26	H
30	apportion Central GOA P. cod; 1/1-65%; 9/1 or 10/1-35%	AGDB	GOA	plan	A,E,B	same as #17, #40, small boat fishery	H
40	apportion GOA P. cod seasonally: 60%/5%/35%	UFMA	GOA	plan	A,E,B	same as #17, #30, small boat fishery	H
GEAR / REGULATIONS							
1	limit pollock pelagic trawl gear to 280 ft	PMA	GOA	regulatory	E	anti-efficiency, expand season, alt. to #2	L
7	require pelagic trawling for pollock	IPHC staff	both	plan	E,A	NMFS has authority	L
8	ban night trawling	IPHC staff	BSAI	regulatory		in prep	P
9	require grid-sorting, when pelagic trawling	IPHC staff	both	regulatory		status quo	P
10	working group for pelagic trawl	IPHC staff	both	regulatory		Council designate gear working group	NA
13	time/area closures to separate gear types	Hendricks	both	plan		Am 37 partially addresses	P
19	gear allocations for Central GOA P. cod, w/rollover	ADA	GOA	plan	A	allocation	L
20	reassign trawl sablefish to trawlers excl. from area 650 w/LLP	Fraser	GOA	plan	A	same as #37, reassign sablefish trawl allocation fr LLP	L
24	fixed-gear turbot fishery only; allocate +140 mt halibut PSC	NPLA et al.	BSAI	plan	E,A	halibut bycatch addressed by other methods; H - concept	H/L
27	RD shall project & allocate unused P. cod by gear by 8/15	NPLA et al.	BSAI	regulatory	E		H
37	reassign trawl sablefish to trawlers excl. from area 650 w/LLP	Tyson	GOA	plan	A	same as #20, reassign sablefish trawl allocation fr LLP	L
BYCATCH ALLOCATIONS							
3	vessel-group bycatch account monitoring plan	Fraser	both	plan	E	details of proposal - low	H
4	cover halibut and sablefish bycatch by leasing IFQs	Fraser	both	both	E	refer to IFQ Industry Implementation Team	H
15	RD authority to adjust annual trawl sablefish bycatch rates	AGDB et al.	GOA	plan	E,C	same as 36; in-season management	H
36	expand in-season authority to reduce MRB	NMFS-AK	GOA	plan	E,C	same as 15; in-season management	H
38	set RKC zone 1 and bairdi zone 1 & 2 PSC cap for pot fishery	Tyson	BSAI	plan	B,A	gear modifications may be alternative	H
39	modify VIP, quick-release program for trawl fleet	Tyson	both	both	E	modify existing program	H
42	suite of bycatch reductions	AMCC	both	both	A,E	no specific proposal policy statement	P
TRIP LIMITS							
2	trip limit of 100 mt for pollock in Western GOA	PMA	GOA	plan	A	alt. to #1; better addressed by other proposals	L
18	100-125 mt trip limit for Central GOA pollock	ADA	GOA	plan	A		L
21	revise DFS & require area registration to preclude topping off	KVOA	both	regulatory	E	similar to # 15, #36	H
OTHER							
5	skipper license program	Fraser	both	plan	E	in progress	P
6	registration, check-in, daily reporting requirements	Fraser	both	regulatory	E	similar to #16, #35; RD already has authority	H
12	government fund to replace lost gear	Hendricks	both	NMFS	A	may have Magnuson authority	NA
14	special habitat area closures	Hendricks	both	plan		already done under Am. 37	P
16	daily processor reporting for third quarter trawl rockfish	AGDB et al.	GOA	regulatory		similar to # 6, #35; RD already has authority	P
23	establish buyback program for crab licenses	KVOA	BSAI	Magnuson		same as #41; may have Magnuson authority	NA
25	reduce reserves for P. cod to 5%, 3%, 1%	NPLA et al.	BSAI	plan	E	high impact (\$\$\$) on industry; NMFS in-season authority	L
29	no observer, 1-day pollock mop-up, >3 days from trawl closure	AGDB	GOA	plan	E	daily reporting/in-season management would address	L
31	PT reexamine BSAI, Shumagin, Chirikof reporting areas	AGDB	GOA	Plan Team	B,E	Plan Team will address	NA
32	separate West Yakutat (64) and SEO (65)	NMFS-AK	GOA	plan	E	address area/gear differences under LLP	H+
33	streamline spec process; publish final specs only	NMFS-AK	both	plan	E	incorporate into Am. 48	H
34	require observer sampling station	NMFS-AK	GOA	plan	E	enhanced observer data	H+
35	require fishing area pre-registration	NMFS-AK	GOA	regulatory	E	similar to # 6, #16; RD already has authority	H
41	establish buyback program for crab and groundfish licenses	UFMA	both	Magnuson		similar to #23 (inc. fish); may have Magnuson authority	NA
43	change AI/GOA boundary	Akutan F.A.	both	plan	A	similar to #31	L

Already
Been
addressed



A=allocat, =biological, E=efficiency, P=progress, NA=not applicable

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke
Executive Director

DATE: September 11, 1996

SUBJECT: Staff Tasking

ESTIMATED TIME

2 HOURS

ACTION REQUIRED

- (a) Update on current tasking.
- (b) Review groundfish amendment proposals/task staff.
- (c) Forward IFQ proposals to IFQ Industry Implementation Team.
- (d) Magnuson Act Tasking

BACKGROUND

(a) Staff tasking

Item D-4(a)(1) summarizes the status of current plan/regulatory amendments, committee meetings, and other Council initiatives. Many are in the analytical stage or are being processed into rulemaking. These tasks, already initiated, are going to consume most of the Council staff's time well into January. The largest new item on the horizon is the halibut charter study. While much of the data gathering on the charter side is being contracted out, our staff will be busy completing the commercial impacts side of the analysis. NMFS staff also is likely to be occupied with tasks already assigned, particularly the application of improved retention and utilization standards to the Gulf of Alaska, and the proposal to allow limited processing on catcher vessels under the license limitation program. There also is the skipper licensing program proposed by Skippers for Equitable Access. That has been on the back burner since early 1995, and I could use some indication from the Council on whether we should move it forward as time allows.

As far as the new proposals received this summer, I would like the Council to indicate which ones are of highest priority, and then let me work with NMFS and State staff to determine when we can get to them and who might provide assistance. Then I can report back to you in December on which ones will be available for initial review in April and which ones may have to be placed on an off cycle.

(b) Review groundfish amendment proposals/task staff

The attached Item D-4(b)(1) summarizes the 42 groundfish proposals (Item D-4(b)(2)) received by the Council's August 15 deadline and one received by the BSAI and GOA Groundfish Plan Teams' review. Three late groundfish proposals were not reviewed by the Plan Team (Item D-4(b)(3)).

Two proposals reviewed by the Teams were identified as highest priority. Proposal #32 submitted by NMFS would initiate a GOA plan amendment to separate West Yakutat and Southeast Outside regulatory areas to address an inconsistency with proposed changes to GOA groundfish management under the License Limitation Program. Proposal #34 submitted by NMFS would initiate BSAI and GOA plan amendments to require fishing vessels and processors to provide an observer sampling station. Eighteen additional proposals were ranked as high priority; these would result in fewer amendments since some proposals address the same management issues.

Eleven proposals were ranked as low priority. Twelve proposals were not rated as they were identified as being either currently in progress (P) or not applicable (NA) because they were not groundfish amendment proposals.

(c) Forward IFQ proposals to IFQ Industry Implementation

Six IFQ proposals were submitted by the Council's August 15 deadline (Item D-4(c)(1)). Under the Council's IFQ amendment cycle, the Council will forward these proposals to the IFQ Industry Implementation Team for their review. The Team is currently scheduled to meet in late October/early November 1996.

(d) Magnuson Act Tasking

It may be a little early to determine the new provisions of the Magnuson Act, but if S. 39 is adopted, the Council will be required to do the following:

1. Describe and identify essential fish habitat for the fisheries within 24 months, based on guidelines that the Secretary of Commerce must establish within six months.
2. Establish fee programs for IFQ and CDQ holders, and submit to the Secretary by September 1, 1997, a program to have up to 25% of fees collected used to underwrite small vessel and entry level fishermen.
3. Establish a central registry system for limited access permits within six months of passage of the bill.
4. By June 1, 1997, the Council shall submit conservation and management measures to ensure total catch measurement in each fishery under its jurisdiction. Such measures shall ensure the accurate enumeration, at a minimum, of target species, economic discards, and regulatory discards. By January 1, 1998, the Council needs to submit a plan for weighing fish if that is not included already, if such weighing is necessary to meet requirements for enumeration of the catch.
5. By June 1, 1998, the Council shall submit a report on the advisability of requiring full retention by fishing vessels and full utilization by U.S. fish processors of economic discards.

STATUS OF COUNCIL TASKING

September 16, 1996

	<u>ACTION</u>	<u>STATUS</u>	<u>TASKING</u>
REPORTS:			
1	Halibut Charter Management	Contract Awarded early Sept Initial analysis in Feb 1997	Council
2	Sablefish/Halibut IFQ Fisheries Analysis	Full report in September 96	State/RAM Division
3	Magnuson Act Reauthorization	Update in Sept 1996	Council
4	Modified Observer Program	Report in Sept 1996 Review analysis in Dec 1996	Region/Council/OAC
5	Ecosystem Considerations	Report in Sept 1996	Council
REGULATORY AMENDMENTS:			
1	Seamount Restrictions	Final Rule pending	Region
2	AI extended sablefish season	Final Rule pending	Council/Region
3	Mesh Size Reg. Amendment	Proposed Rule pending	Council/Region
4	80,000 mt quarterly allocations trigger	On hold pending staff availability	Region/Council
5	'C' Season for fixed gear cod	Developing Proposed Rule	Region
6	Directed Fishing Standards adjustments	Initial Review in September 1996	Region
7	Electronic Reporting Requirements	Review in Sept 1996	Region
8	Add Akutan to CDQ Eligibility List	Final Rule on Sept 9, 1996	Region
9	Longline pots for BSAI sablefish	Proposed Rule on July 16 Comments by Aug 15	Council/Region
10	IFQ Omnibus Reg Am	Final Rule effective Sept 16	Region

<u>ACTION</u>	<u>STATUS</u>	<u>TASKING</u>
11 "Slime and Ice" Accounting	Initial Review in Sept 1996	Region
PLAN AMENDMENTS:		
1a Halibut/Sablefish IFQ Buydown	Final Rule effective Aug 16	Council/Region
1b Halibut/Sablefish IFQ Sweep-up	Proposed Rule to SOC on Sept 6	Council/Region
1c BSAI Halibut Ownership Caps	Proposed Rule in preparation	Council
2 Salmon Retention/Delivery	Final Rule effective July 19	Region
3 Comp. Rationalization Plan (a) License Limitation/CDQ (PSC trading) (b) IFQ Program for BSAI pollock (c) IBQ/VBA program	(a) PR in preparation (b) & (c) On hold pending Magnuson Act Reauth	Council
4 Scallop FMP/Amendment 1	Effective August 1, 1996	Region
5 Total Weight Measurement in Groundfish Fisheries	Advance Notice of Proposed Rulemaking on Feb 20. Comment period ended March 21.	Region
6 Allow freezing of non-IFQ species/prohibit halibut catcher QS use on FLs	Final Rule effective July 26	Council/Region
7 Bristol Bay Red King Crab Trawl Closure Area	Final Action in June 1996. PR submitted to SOC in late August.	Council/ADFG
8 Distribute halibut PSC savings	On hold pending other actions.	Council
9 Demersal Shelf Rockfish License Limitation Program	Initial Review in Dec 1996	ADFG
10 Amend Overfishing Definitions	Final action in June 1996. PR in preparation	Center/Council/Region
11 Forage Fish Prohibition	Initial review in Dec 1996	Region
12 Amend POP Rebuilding Plan	Proposed Rule on July 5. Comments due August 30	Council/Region

	<u>ACTION</u>	<u>STATUS</u>	<u>TASKING</u>
13	Crab PSC Cap Analysis (bairdi/opilio)	Final Action Sept 1996	Council/ADFG/Center
14	Northeast Bristol Bay Closure (Am 37)	Final Action June 1996 PR submitted to SOC	Council/ADFG/Region
15	BSAI Cod Gear Allocations	PR on August 22 Comments by October 3	Council/Region
16	Halibut Area 4 Catch Sharing Plan	Final Rule March 20 Effective March 15	Council/IPHC/Region
17	BSAI Improved Retention/ Utilization	Initial Review in June 1996 Final Action in Sept 1996	Region/Council/Center
18	Groundfish Plan Update	In progress. Initial review in late 1996	Council/Region
19	Ban Night Trawling for Cod	Report in Sept 1996	Council/Region
20	GOA Improved Retention/ Utilization	Report in Sept 1996	Center/Region/Council
21	Limited Processing for Catcher Vessels	Report in Sept 1996	Center/Region/Council
22	Pelagic Shelf Rockfish (dusky/ black rockfish separation)	Initial Review in Sept 96	Council/Center/Region

OTHER ACTIONS:

1	April 24, 1994 Scallop Control Date	Published on June 15, 1994	Region
2	Halibut Charter Control Date	Never published in F.R.	Region
3	Skipper License Program	On hold pending other priorities	Council/Region
4	Refund Research Plan Fees	Final Rule on March 25.	Region
5	Repeal Research Plan	PR on August 2. Comments by September 16	Region

COUNCIL COMMITTEES:

1	Observer Advisory Committee	Meet in Oct/Nov 1996
2	Ecosystem Committee	Discuss in Sept 1996

ACTION

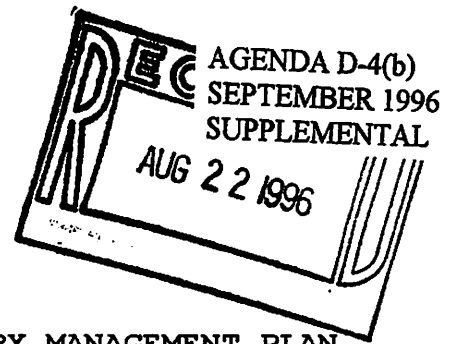
STATUS

TASKING

- | | | |
|---|---------------------------|-----------------------|
| 3 | Crab Rebuilding Committee | Discuss in Sept 1996 |
| 4 | IR/IU Committee | Meet in Aug/Sept 1996 |
| 5 | Enforcement Committee | Meet in Sept 1996 |



LATE



**GROUND FISH FISHERY MANAGEMENT PLAN
AMENDMENT PROPOSAL
to the
North Pacific Fishery Management Council**

Date: August 10, 1996
Name of Proposer: Akutan Fisheries Association
Address: P.O. Box 116
Akutan, AK 99553
Telephone: (907) 698-2300; Fax (907) 698-2301
Fishery Management Plan: Bering Sea/Aleutian Islands Groundfish FMP
Gulf of Alaska Groundfish FMP

Brief Statement of Proposal: Shift the management area boundary line between the Bering Sea and the Western Gulf of Alaska, that portion which occurs between Unalaska Island and Unimak Island, slightly southward so that Beaver Inlet on Unalaska Island and the south shore of Akutan Island and other islands in the vicinity are included within the Bering Sea rather than the Gulf of Alaska.

Objective of the Proposal: This boundary change is requested in order to include valuable local fishing areas in the Bering Sea Pacific cod jig fishery quota program.

Need for Council Action: The boundary in question spans two of the Council's major FMPs and is set in federal regulations.

Foreseeable Impacts: Fishermen in Unalaska and Akutan would benefit by having some of the more valuable local area included under the longer-seasoned, gear-specific jig fishing quota plan. Currently the area in question is closed to taking of Pacific cod when the western GOA P. cod TAC is taken in spring by larger boat fleets. It is not clear if anyone would lose.

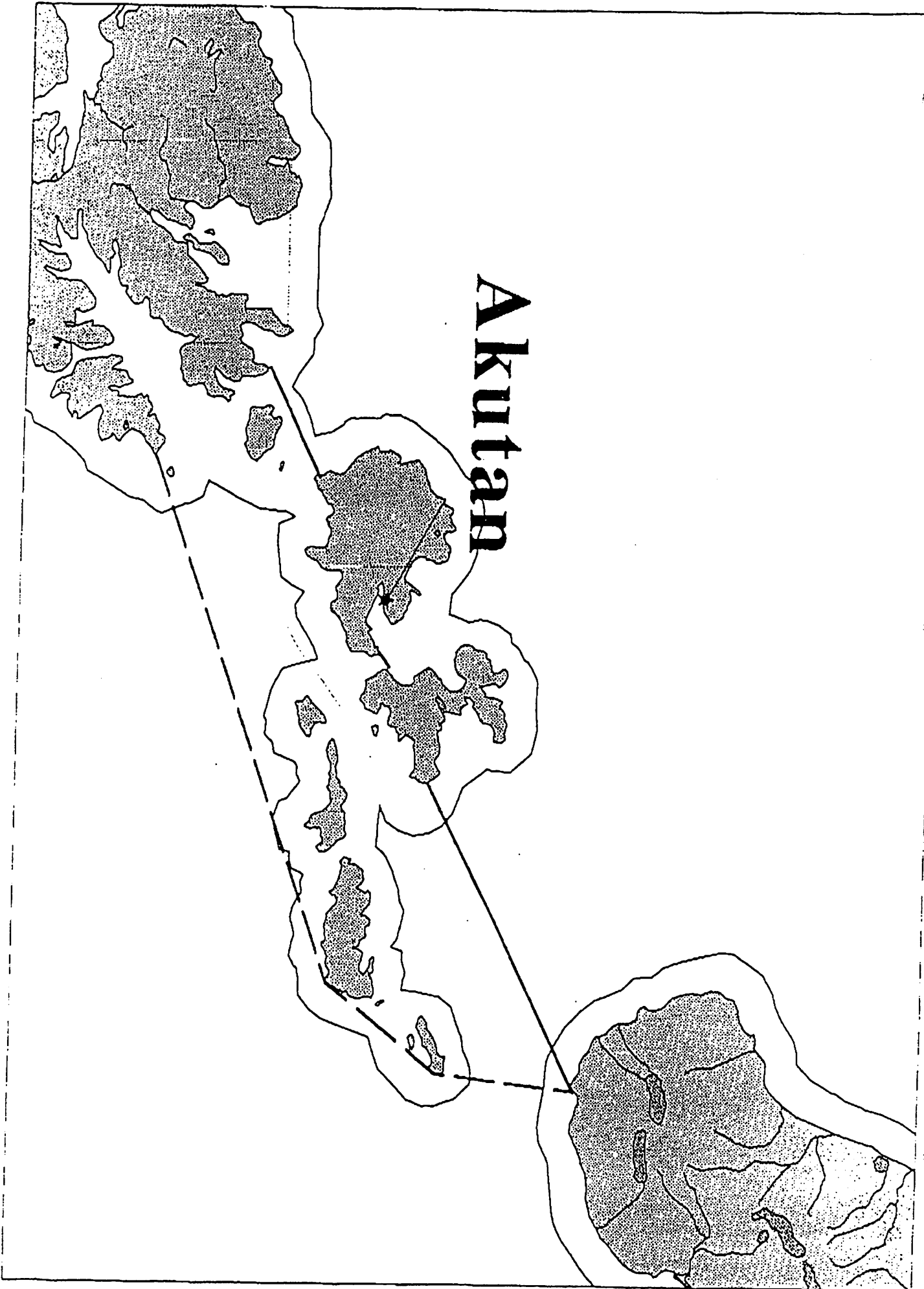
Alternative Solutions: One alternative would be to establish a separate jig fishery quota program for the western GOA; this alternative, however, would involve a much more substantial change than simply implementing a very small area boundary change.

Supportive Data: Data on P. cod landings and biomass by location can be obtained from regular catch records and NMFS groundfish survey data files. A rough map of the proposed boundary change is attached.

Signature:


Jacob Stepetin, President

Akutani

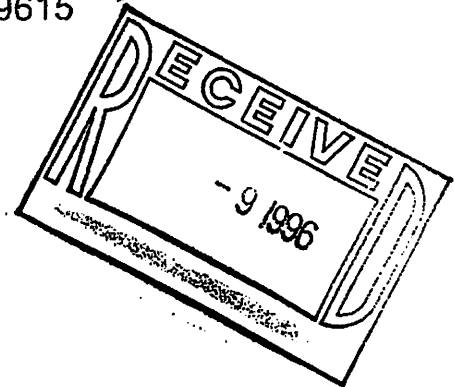


907-486-3910
Box 991



Kodiak, Alaska
99615

FAX 486-6292



September 6, 1996

Richard B. Lauber, Chairman
Clarence G. Pautzke, Executive Director
North Pacific Fishery management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252

Alaska Dragger Association voted on August 27, 1996 to amend our proposal "Trip Limits for Central Gulf of Alaska Pollock." Suggested trip limit should read "180 metric tons per trip" instead of "100-125 metric tons per trip." Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Al Burch".

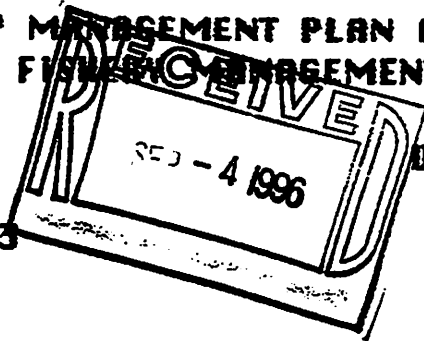
Al Burch
Executive Director

Harvesting Alaskan Shrimp and Whitefish

(07)

**GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL**

**DAVID HILLSTRAND
BOX 1500
HOMER, ALASKA 99603
(907) 235-8786**



Date: 7/3/95

LATE

Fishery Management Plan: Gulf of Alaska Pacific Cod fisheries

**Brief Statement of Proposal: Gulf of Alaska Pacific Cod Fisheries.
Allocations for P. Cod in the GOM should be established for all Gear
types.**

- 1. Hook & Line 18%**
- 2. Pot Gear 33%**
- 3. Trawl 49%**

Objectives of Proposal:

- 1. To Reduce gear conflict.**
- 2. To allow each gear type to fish without pressure.**
- 3. Trawl gear has been favored with a reserve of 5000-7000 mt. of P. Cod for bycatch. While the other gear types are shut down; specifically pot gear. P. Cod is at a 20% bycatch rate in a retainable percentage in almost all other fisheries; the one exception being Arrowtooth flounder. All bycatch is targeted when fishing for other species to make a trip possible and economical. BlackCod, and P. Cod are the worst, quote "targeted bycatch".**

Need and Justification for Council Action: (Why can't the problem be resolved through other channels?)

- 1. Pot gear rely totally upon P. Cod for its directed fisheries.**
- 2. The Pot gear catch of P. Cod has increased up to .297 % in the Central Gulf, .459 % in the Eastern Gulf and .183 % in the Western Gulf for 1995. Those who fish Pot gear are just starting to build more gear and learn how to fish more efficiently, future growth will increase as time goes on.**
- 3. 1991 13.71%, 1992 12.49%, 1993 17.19%, 1994 19.15% "**
This represents about a 4% increase every other year

LATE

3. Trawl gear is allowed a 20% bycatch rate of P. Cod in other directed fisheries, reserving for them 5000-7000 mt. catch of Cod; which represents about a 10.5% of the quota. Pot gear should be reserved a 10% rate also.

H & L is capped with its Halibut bycatch and has only averaged between 10%-20% with 16%-18% being average. Any remaining amount can be rolled over to the Trawl and Pot gear equally, or if it is fished right can be caught as bycatch in the Halibut & Sablefish fisheries.

The NPFMC needs to set an allocation that will reflect current and future catches. Pot gear has been allowed to fish Jan 1st and have a shot at the rollover on Sept. 1st, but has not like the trawl gear reserved a % of the quota exclusively for catch!

The NPFMC should use the projected increase in catch along with a 6000 mt. allocation to the pot gear to determine the pot gear allocation. The Average catch in the GOR has been 55,000 mt. 6000 mt. equals .109% of the average quota.

Trawl gear has been the dominate gear in the past for P. Cod in the GOR. Increased effort from the Bering Sea in March has added to their catch; which does not reflected upon the Local GOR fleet. A reduced % may create more stability for those in the GOR. By making it less economical for larger vessels to cross over.

Foreseeable Impacts of Proposal: (Who wins, who loses?) At first it would seem that the trawl fleet would lose. Yet They will have the ability to control when they catch their % of the catch. This will enable them to catch more of the bottom fish which are still being underharvested. Effort may decrease from larger vessels not crossing over from the Bering Sea because of economic reasons.

The H & L fleet will stay at their present level and have the ability to clean up their catch further from Halibut bycatch. Pot gear will be allowed to fish at its current pace and to not exhilarate its fishing effort at the cost of lives for increased catch records in the future of the CRP.

Are There Alternative Solutions? If so, what are they and why do you consider your proposal the best way to solving the problem? Creating stability between gear types is part of the Comprehensive Rationalization Plan. Separating each gear type in the GOR will help in this process. Allocations for gear types have already been established in the Bering Sea and Aleutian Islands. Allocations are the next reasonable steps. Determine the % will be the big argument. H & L will not be hard, the Pot gear and the Trawl gear will be the hardest, to prove that Pot gear be reserved more than its current catch will be contentious with the Trawl gear.

Supportive Data & Other Information: What data are available and where can they be found?

The percentages represented here should be considered and are founded upon current catches and records from NMFS.

Signature:

David Hillshaw

Table 4.8 shows the GOA Pacific cod catch by gear for the inshore and offshore sectors in the years 1991-1994. The table uses the same general format as in Table 4.7, i.e., a three row format showing actual amounts followed by the "row percent" and the "column percent." From the table it is apparent that from 1992 forward the gear splits are stable with fixed gears taking 1/3 of the total catch, while trawl gear accounts for the remaining 2/3.

Table 4.8 Gulf of Alaska Pacific Cod Total Catch by Sector and Gear					
	Hook and Line	Pots	Trawl	Total	
1991	Inshore Sector Total	5,527	10,299	46,481	62,307
	% Sector Total	8.87%	16.53%	74.60%	100.00%
	% GOA Gear Total	71.21%	98.43%	80.01%	81.64%
	Offshore Sector Total	2,234	164	11,612	14,010
	% Sector Total	15.95%	1.17%	82.88%	100.00%
	% GOA Gear Total	28.79%	1.57%	19.99%	18.36%
GOA Total		7,761	10,464	58,093	76,317
	% GOA Total	10.17%	13.71%	76.12%	100.00%
1992	Inshore Sector Total	6,307	9,348	42,896	58,550
	% Sector Total	10.77%	15.97%	73.26%	100.00%
	% GOA Gear Total	40.37%	93.62%	78.99%	73.27%
	Offshore Sector Total	9,316	637	11,410	21,363
	% Sector Total	43.61%	2.98%	53.41%	100.00%
	% GOA Gear Total	59.63%	6.38%	21.01%	26.73%
GOA Total		15,623	9,984	54,306	79,913
	% GOA Total	19.55%	12.49%	67.96%	100.00%
1993	Inshore Sector Total	8,596	9,708	36,029	54,332
	% Sector Total	15.82%	17.87%	66.31%	100.00%
	% GOA Gear Total	95.83%	100.00%	95.31%	96.20%
	Offshore Sector Total	374	-	1,772	2,146
	% Sector Total	17.43%	0.00%	82.57%	100.00%
	% GOA Gear Total	4.17%	0.00%	4.69%	3.80%
GOA Total		8,970	9,708	37,801	56,478
	% GOA Total	15.88%	17.19%	66.93%	100.00%
1994	Inshore Sector Total	6,756	8,928	30,820	46,503
	% Sector Total	14.53%	19.20%	66.27%	100.00%
	% GOA Gear Total	96.80%	96.95%	96.59%	96.69%
	Offshore Sector Total	223	281	1,088	1,593
	% Sector Total	14.02%	17.66%	68.32%	100.00%
	% GOA Gear Total	3.20%	3.05%	3.41%	3.31%
GOA Total		6,979	9,209	31,908	48,096
	% GOA Total	14.51%	19.15%	66.34%	100.00%

Aug 15

Sept 1st
POT

OCT
□

Nov 7th

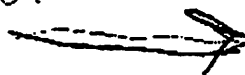


Table 2 to § 672.20 -- Gulf of Alaska Retainable Percentages

105
720
340

04

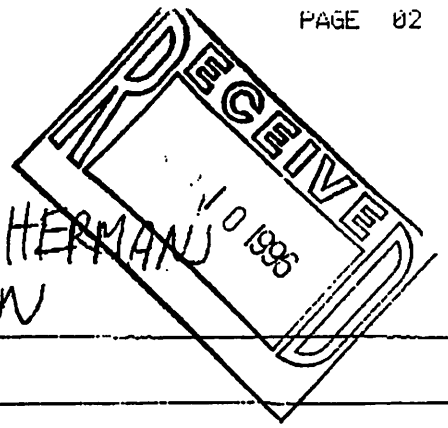
	Bycatch Species ¹					
	Pollock	Pacific cod	Deep flatfish	Rex sole	Flathead sole	Shallow flatfish
Basis Species ¹						
Pollock	na ³	65,000 20	20	20	20	20
Pacific cod	20	na ³	20	20	20	20
Deep-water flatfish	20	244 20	na ³	20	20	20
Rex sole	20	3600 20 720	20	na ³	20	20
Flathead sole	20	1000 20	20	20	na ³	20
Shallow-water flatfish	20	4000 20	20	20	20	na ³
Arrowtooth	0	0	0	0	0	0
Sablefish	20	1100 20	20	20	20	20
Pacific Ocean Perch	20	5000 20	20	20	20	20
Snorotraker/rougheye	20	2100 20 420	20	20	20	20
Other rockfish	20	1000 20 200	20	20	20	20
Northern rockfish	20	4000 20 800	20	20	20	20
Pelagic rockfish	20	1500 20 300	20	20	20	20
DSR-Southeast Outside	20	20	20	20	20	20
Thornyhead	20	20	20	20	20	20
Atka mackerel	20	500 20 100	20	20	20	20
Other species	20	20	20	20	20	20
Aggregated amount non-groundfish species	20	20	20	20	20	20

¹ For definition of species see Table 1 of the Gulf of Alaska groundfish specifications.

² Aggregated rockfish means rockfish of the genera Sebastes and Sebastolobus except in the Southeast Outside District where demersal shelf fish (DSR) is a separate category.

not applicable

20% of Catch
2/00

UNALASKA NATIVE FISHERMAN
ASSOCIATION

David,

Here's our proposal - sorry it's late.
I left the date blank, and also the
FISHERY MANAGEMENT PLAN - I just didn't
know what to write down in that blank.

If you could get this proposal in the book at
this late date, it would be greatly
appreciated by myself and our other
members. Thanks very much. My home
phone is 581-2615 and that is also my
fax number. Thanks again for anything
you can do with our proposal.

See you soon!

ANDY McCRACKEN

GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fishery Management Council

Name of Proposer: UNALASKA NATIVE FISHERMAN'S ASSOCIATION

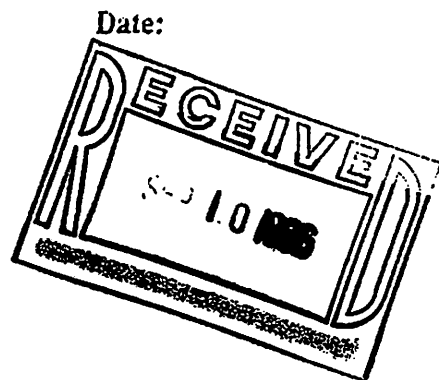
Address: P.O. Box 591
UNALASKA, AK 99675

Telephone: 581-3474

FAX 581-3644

Fishery Management Plan: BSAI

LATE



Brief Statement of Proposal:

We would like a 2% jig quota of Atka Mackerel in the Bering Sea

Objectives of Proposal: (What is the problem?) We can't target Atka Mackerel with jigging machines. We are getting market interest for fresh Atka Mackerel, and would like very much to pursue it with our own quota.

Need and Justification for Council Action: (Why can't the problem be resolved through other channels?) We submitted a proposal to the state, but most of the Atka Mackerel are just outside state waters most of the time. The NPFMC is the only way for us to get a quota in federal waters.

Foreseeable Impacts of Proposal: (" Jiggers and small fresh fish buyers obviously win, and I guess you could say trawlers would lose, but we're more than willing to give up the remainder of our uncaught quota at the end of each year.

Are there Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem?

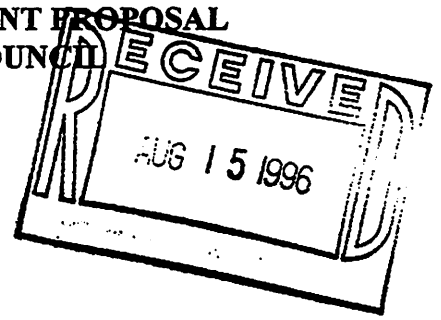
We aren't aware of any alternatives. If we're going to get to fish Atka Mackerel, it is the NPFMC which will be able to allow us to do it.

Supportive Data & Other Information: What data are available and where can they be found?

Signature:

[Handwritten Signature] UNFA

**SCALLOP FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL**



Name of Proposer: Kodiak Fish Company

Date: August 14, 1996

Address: Suite 205, 326 Center Avenue, Kodiak, Alaska 99615

Telephone: 907-486-3309/Fax 907-486- 3676 or 360-366-9131/Fax 360-366-9132

Fishery Management Plan: Scallop FMP

Brief Statement of Proposal:

The vessel moratorium in the scallop fishery is designed to be a temporary measure. This is a proposal to enact a license limitation program to replace that moratorium.

Objectives of Proposal: (What is the problem?)

The scallop fishery experienced rapid growth and catch reached levels which have not been sustainable in the past. The moratorium was put in place by the Council to freeze growth at its current level but the moratorium is a temporary measure with a maximum life of four years. Council action takes several years from proposal to having a final rule. To have a permanent plan in place by the time the moratorium is to expire requires an early start. This proposal suggests a license limitation plan for scallops similar to those enacted for groundfish and crab.

Need and Justification for Council Action: (Why can't the problem be resolved through other channels?)

The Council is the only body with the authority to enact a successor plan to the moratorium.

Foreseeable Impacts of Proposal: (Who wins, who loses?)

Winners will be those who have participated and been dependent on the scallop fishery in Alaska both in the past and recently. The fishery and the resource will stabilize - allowing resource managers to better plan and conduct the fishery. The historic extreme ups and downs characteristic of this fishery will be leveled to the extent possible. Markets dependent on this product will be able to count on consistency in supply and supplier. Losers will be those who have never participated in the Alaskan scallop fishery or those who have not participated in recent years.

Are There Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem?

Many alternatives were considered in the process of developing this proposal. The Council in enacting a vessel moratorium agreed that the fishery was experiencing rapid growth and overcapitalization which the resource had been historically unable to withstand - resulting in a classic pulse fishery. The scallop species throughout the world all exhibit a cyclical abundance - this type of sporadic reproduction of a longlived animal such as the weathervane scallop can still produce a stable fishery under the proper management regime. The SSC has repeatedly recommended a quota share type system which would more fairly allocate the catch among full time and part time fishers. An ITQ plan could not even be discussed due to Congressional interference with the Council process. A license program which takes into account more recent years of participation, requires the permit holder to use the permit, and prohibits transfers will allow those intent on staying in the fishery to do so and discourages speculation. Options presented in this proposal will move the qualifying periods forward to reflect more recent participants while still requiring some level of historic dependance - but again with that history moved forward in time. These options were suggested in recognition of the criticism that earlier time periods of qualifying received in the halibut/sablefish allocations.

The only other option is to allow the moratorium to expire with no replacement plan. The situation which existed prior to final action on the moratorium is worse now. The North Pacific groundfish moratorium is in place. Both scallop and groundfish fisheries on the East Coast are under a limited license system and their fishing days are being continually reduced each year. The East Coast groundfish fishery has a government funded buyback program in place to reduce the number of vessels participating but such a program hasn't been approved for the scallop fishery. An open access fishery in Alaska would attract a few participants from all these areas. With a moratorium in Alaska and conservative management measures in place, those vessels participating here should have catch rates which will exceed the level of those in New England and the mid-Atlantic scallop fisheries. That will be attractive to those boats which even today are barely eking out a living and with further cuts in fishing time, facing ruin. Without a permanent limit on vessels in Alaska's scallop fishery, a high degree of risk exists that the fishery will attract enough new entrants as to make management difficult and economic return for long term participants below break even. These fishers have already endured almost two years of no fishing due to loopholes in regulation which rendered proper management impossible. To open the fishery back up to open access would make a mockery of any conservation gains made during this involuntary penalty period.

Supportive Data & Other Information: What data are available and where can they be found?

The scallop observer program is currently up to date on data entry and Alaska Department of Fish and Game has allocated some resources to data analysis. In addition, the University of Washington School of Fisheries is in the process of analysis of all available data to produce a stock assessment. These sources should allow for a reasonable estimate of the resource. Additionally, the data used for analysis of the moratorium is available from the Council and NMFS.

COMPONENTS AND ALTERNATIVE ELEMENTS AFFECTING THE OWNERSHIP, USE AND TRANSFER OF LICENSES

Who May Purchase Licenses

1. Licenses could be transferred only to "persons" defined under Title 46 USC.
2. Licenses could be transferred to "persons" with 76% or more U.S. ownership.
3. Licenses are non-transferable for first 4 years of the program.
4. Licenses are non-transferable.

Vessel/License Linkages

1. Vessel must be transferred with license.
2. Licenses may be transferred without a vessel, i.e., licenses may be applied to vessels other than that to which the license initially was issued.

Options Regarding the Use of Licenses

1. License must be used at least once during each calendar year to retain use of license. Vessels may appeal one year of non use of license if casualty loss occurred and vessel did not fish in any other fishery anywhere during that year.
2. Licenses may be retained whether or not they are used.

Buy-back/Retirement Program

1. No buy-back retirement program.
2. Industry funded buy-back program with right of first refusal on all transfers of licenses.

Options Regarding the Separability of Area Designations

1. Area designations are not separable, and shall remain as a single license with those initial designations.
2. Area designations shall be treated as separable licenses and may be transferred as such.
3. Area designations shall be regarded as separable endorsements which require the owner to also own a general license before use or purchase.

Vessel Replacement and Upgrades

1. Vessel may not be upgraded.
2. Vessel may not be replaced with the exception of lost vessels. Lost vessels must be replaced within two years of loss. Replacement vessel must be equal to or less than the length of the replaced vessel.
3. Vessel may be replaced or upgraded within the bounds of the 20% rule as defined under the moratorium proposed rule.

License Ownership Caps

1. No limit on the number of licenses or endorsements which may be owned by a "person".
2. No more than 2 area licenses per person.
3. No more than 1 area license per person.

Other Provisions (Choose any or none of the following.)

1. Licenses represent a use privilege. The Council may convert the license program to an IFQ program or otherwise alter or rescind the program without compensation to license holders.
2. Severe penalties may be invoked for failure to comply with conditions of the license.
3. Licenses may be suspended or revoked for multiple violations.
4. Implement a Skipper Reporting System which requires license holders to report skipper names, address, and service records to NMFS.
5. Develop and implement mechanisms to collect management, enforcement costs and/or rents from the industry, including taxes and fees on industry.

SCALLOP LICENSES
COMPONENTS & ALTERNATIVE ELEMENTS AFFECTING INITIAL ASSIGNMENT
ANALYSIS FORMAT

Nature of Licenses

Single license for weathervane scallops only and all areas.

Single license for weathervane scallops and Icelandic scallops all areas.

Endorsement each for Statewide and Cook Inlet (Statewide is defined as all areas other than Cook Inlet).

Endorsement for each FMP sub-area. (Southeast Alaska, Yakutat, Prince William Sound, Kodiak, Alaska Peninsula, Dutch Harbor, Bering Sea, Adak, Cook Inlet).

License Allocations

No allocation results from receiving a license.

TACS are divided among recipients based upon catch history.

TACS are divided equally among recipients.

License Recipients

Current owners.

Current owners, then owner at the time of landing (no duplicates).

License Designations

No restrictions.

Vessel length.

Freezer vessels and non freezer vessels.

Freezer vessels and non freezer vessels and vessel length.

Qualifying Periods

Moratorium qualifying period

Moratorium qualifying period & January 1, 1996 - September 22, 1996

January 1, 1991 - December 31, 1995

January 1, 1991 - December 31, 1995 & January 1, 1996 - September 22, 1996

Landings Requirement for License Qualification and Endorsement Qualification

No minimum.

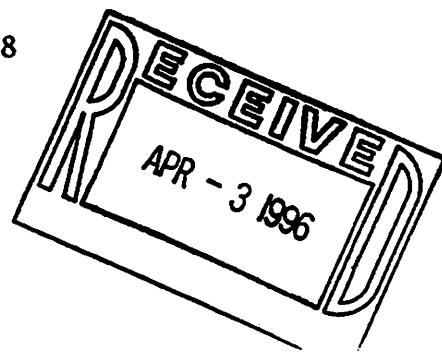
10,000 lbs for Statewide, no minimum for Cook Inlet.

10,000 lbs for Statewide, 1,000 lbs for Cook Inlet.

PENINSULA MARKETING ASSOCIATION

P.O. BOX 248
SAND POINT, ALASKA 99661
PH(907)383-3600 FAX(907)383-5618

1/2



March 27, 1996

Mr. Richard Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501

Dear Mr. Lauber:

Enclosed are two proposals that we would like to submit for the Council's consideration at the upcoming meeting in Anchorage. These proposals are intended to address some of the problems that were created by the Council's recent decision to set the third trimester season date for Western Gulf pollock at October 1st. This regulatory decision is going to result in an increase in the number of larger vessels that will be finished with their seasons in the Bering Sea and Central Gulf districts. With this increased effort, the quota will be harvested in an unmanageably short amount of time.

This decision to set the October 1st season date was very unexpected considering the past analysis and Council discussions to date. As you know, we have long been supportive of the trimester concept for pollock in the Gulf of Alaska. We feel that your decision to deal with our area differently was allocative and politically motivated and we urge you to please reconsider your decision. The impact to this area's fishermen and to the resource need to be reviewed and we need to be provided an adequate opportunity to respond to this change.

Sincerely,

Melanie Gundersen

Melanie Gundersen,
President

enclosures

**GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL**

Name of Proposer: Peninsula Marketing Association
Address: P.O. Box 248
Sand Point, Alaska 99661

Telephone: (907) 383-3600

Fishery Management Plan: GULF OF ALASKA POLLOCK

Brief Statement of Proposal: Restrict the size of Pelagic Trawl gear in the Western Gulf. The foot ropes on Pelagic Trawl gear should not exceed 280 feet.

Objective of Proposal: The License Limitation qualification criteria and season date timing have resulted in an increase in the number of larger vessels participating in the Western Gulf. The nets of the larger vessels are the size of three football fields which allow them to make larger tows, often plugging the canneries and depleting the quota much too quickly. Restricting gear size would allow a steady flow of product to the processors and allow equal access to the resource. It would slow down the harvests of what have been, and are likely to remain, relatively small TAC's for pollock. Thus, the National Marine Fisheries Service would be better able to account for harvests inseason and provide for season closures in a timely manner without dramatically exceeding or under-cutting the trimester apportionments.

Need and Justification for Council Action: Only the Council has the authority to manage and regulate this fishery.

Foreseeable Impacts of Proposal: The National Marine Fisheries Service will be better able to manage this fishery, despite the increased effort that has been created by recent regulatory changes. Also to benefit are the fishermen and families of the coastal communities of the area that depend upon fishing as their sole source of income.

Are there Alternative Solutions: Yes. A trip limit of 200,000 pounds for all vessels fishing pollock in the Western Gulf.

Supportive Data & Other Information: The local community fishermen who participate in this fishery, and who have testified before this council.

Signature:

Melanie Anderson,
President

GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

Name of Proposer: Peninsula Marketing Association
Address: P.O. Box 248
Sand Point, Alaska 99661

Telephone: (907) 383-3600

Fishery Management Plan: GULF OF ALASKA POLLOCK

Brief Statement of Proposal: Establish a trip limit of 200,000 pounds for all vessels fishing pollock in the Western Gulf.

Objective of Proposal: The License Limitation qualification criteria and season date timing have resulted in an increase in the number of larger vessels participating in the Western Gulf. The nets of the larger vessels are the size of three football fields which allow them to make larger tows, often plugging the canneries and depleting the quota much too quickly. Establishing a trip limit of 200,000 pounds for all vessels would allow a steady flow of product to the processors and allow equal access to the resource. It would slow down the harvests of what have been, and are likely to remain, relatively small TAC's for pollock. Thus, the National Marine Fisheries Service would be better able to account for harvests inseason and provide for season closures in a timely manner without dramatically exceeding or under-cutting the trimester apportionments.

Need and Justification for Council Action: Only the Council has the authority to manage and regulate this fishery.

Foreseeable Impacts of Proposal: The National Marine Fisheries Service will be better able to manage this fishery, despite the increased effort that has been created by recent regulatory changes. Also to benefit are the fishermen and families of the coastal communities of the area that depend upon fishing as their sole source of income.

Are there Alternative Solutions: Yes. Restriction of the foot ropes on Pelagic Trawl gear, not to exceed 280 feet.

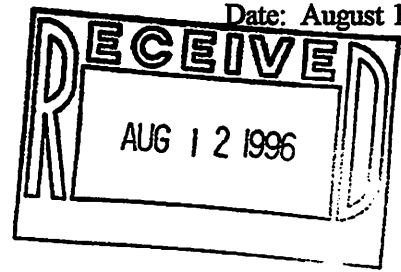
Supportive Data & Other Information: The local community fishermen who participate in this fishery, and who have testified before this council.

Signature:

Ulaime Andersen,
President

GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fishery Management Council

Name of Proposer: Dave Fraser
Address: PO Box 771 Pt. Townsend WA, 98368
Telephone: 360-385-6248
Fisheries Management Plan: BSAI/GOA Groundfish



Brief Statement of Proposal: Adopt a VGBAMP (Vessel-Group Bycatch Account Monitoring Plan), modeled after current pollock CDQMPs (Community Development Quota Monitoring Plans). Each vessel in the trawl fishery would be assigned a fixed amount of halibut and crab PSC, which could only be utilized within the context of a Pool or Vessel Group which had submitted an approved Monitoring Plan to NMFS which would allow for closure of fishing by all vessels within the VG upon attainment of the sum of the PSCs assigned to the VG members. (See attached sheet for details.)

Objectives of the Proposal: (What is the problem?) Under the current system of a common PSC cap, no one is accountable for their bycatch, and bycatch rates are excessive, thus PSCs constrain the harvest of the groundfish TACs and OY is not achieved. VGBAMPs are a means of allowing VGs to develop and enforce internal rules to control bycatch at the vessel level, while providing NMFS with a monitoring system that is statistically reliable.

Need and Justification of Council Action: (Why can't the problem be solved through other channels?) IBQs achieve the same end, and IBQs and VGBAMPs are both subsets of VBAs which the council is tentatively scheduled to consider pending congressional action. All prunes are plums, but not all plums are prunes; arguably NOAA GC has misinterpreted the congressional budget resolution in prohibiting further consideration of VBAs because some versions of VBAs are prunes. It is possible that congress will extend the Section 210 language, thus it is necessary to submit a version of a VBA for consideration that is distinctly not a prune.

Foreseeable Impacts of the Proposal: (Who wins, who loses?) Groundfish fishers benefit by being better able to harvest their TACs within existing PSC caps. This in turn opens the possibility for further reducing PSC caps, benefiting other user groups. The consumers benefit by having more groundfish product available. Those who wish to make a career of bashing all trawlers with the behaviour of the dirty dozen (behaviour fostered by the system), lose an issue.

Are the Alternative Solutions? If so, what are they and why to you consider your proposal the best way of solving the problem? Congress could act to allow a fee based system for bycatch control. The halibut ITQ/CDQ plans could be amended to allow holders of quota to create a fee based program. A VGBAMP probably has more chance of being adopted in a timely fashion than either of the previous suggestions, though they would probably be superior in the sense of reducing the level of externalities imposed by the groundfish fishery. Other variations of a VBA are equally valid, assuming congress does nothing to obstruct their development or that NOAA GC does not interpret congressional action in such a manner.

Supportive Data & Other Information: What data are available and where can they be found? (see previous discussion papers by Joe Terry, Kent Lind, et al)

I. Structure of a System to Monitor PSCs through a VGBAMP

Vessel Group Bycatch Account Monitoring Plans (VGBAMPs) operating somewhat similarly to CDPs, with the authority to submit 'amendments' to NMFS to suspend a member's ability to fish, provide a means of dealing with enforcement on an individual vessel level without adopting a complete IBQ system.

The model of individual vessels receiving the annual assignment of a PSC amount and then having the opportunity to submit a group monitoring plan to NMFS for approval, is one which should be further developed as a VGBAMP.

The default assumption could be that a vessel leaves its allocation in the common fishery and NMFS would monitor the attainment of the 'default pool' in the same fashion that it now determines when the fleet reaches various caps.

The second option could be that a vessel joins a pool or vessel group (VG), by assigning its PSC to the VG. The VG would submit a "monitoring plan" which would have to achieve a required statistical confidence level (equal to or greater than the statistical confidence level attained in the status quo monitoring program for the fleet as a whole). A VG could then proceed to structure, under civil contracts amongst its members, internal 'regulations' on the behaviour of individual members and terms upon which the VG would be able to file an amendment with NMFS suspending a vessel from continued fishing under the auspices of the VG's 'PSC permit'. Because this is very similar to the mechanism by which CDPs add or remove a vessel from fishing on the CDP's CDQ, it seems this should pass legal muster with NOAA general counsel.

(As a possible alternative, a vessel might submit a "monitoring plan" of its own, perhaps agreeing to a higher level of observer coverage, thus becoming a "group of one". In order for NMFS to approve the plan, NMFS would also require that the monitoring plan achieve a certain statistical confidence level - equal to or greater than the statistical confidence level attained in the status quo monitoring program for the fleet as a whole.)

Pools might expel a member for cause (i.e., the vessel was using excessive share of PSC). It also might allow a member to withdraw from a VG voluntarily (perhaps the member had been in a pool with fellow catchers delivering to a mothership, and it quit the market to move to a shoreside market focusing on a different species and wanted to be part of a homogeneous VG). In either case, it would be the VG itself, as the NMFS-registered entity controlling the group PSC, that would have the authority to determine what vessels are authorized to operate under its permit, and whether an exiting vessel would be able to take a remaining balance of its original PSC with it on exit. If a vessel disagreed with the managing entity of the VG, its recourse would be in civil court with the VG, not with NMFS, since it had originally voluntarily surrendered its assignment of PSC to the VG.

Once a vessel which had been a member of a VG withdrew from - or was expelled by - a VG, that vessel could only join another VG by the consent of the other VG. This would present an issue relative to a vessel which had remaining PSC which was released to the vessel by its prior pool. If no other pool accepted it, the vessel could continue to fish only if it submitted a qualified monitoring plan of its own (as a group of one). The only alternative scenario (if the vessel didn't have the ability to construct a qualified monitoring plan and was not voluntarily accepted by another VG) would be for the vessel to be put back in the 'default pool'. This might be acceptable only if the vessel had its entire initial PSC allocation intact, so that it would not be 'double dipping' (since a 'default' VG by definition, has no managing entity and no ability to control the behaviour of its members).

VGs would be allowed to transfer between VGs in-season up to 30% of the initial VGBA, subject to a 10% devaluation (see discussion below) upon transfer. Such transfers would be required to be registered with NMFS. Internally, use of PSC by members of the VG would be subject to civil agreements amongst the members, and enforcement of such agreements would be by civil courts.

II. Discussion on Limited Transferability

There is a legitimate concern about the 'commodification' of PSCs, and that the council should place constraints on their transferability under a VBA system.

VBA's are not intended to equate to ITQs in the sense of being a quasi perpetual, quasi property interest in a fixed share of a PSC cap. For example: 1. A PSC allocation would be annual in nature, and a vessel would be unable to transfer a future right since none exists. 2. The council should retain the ability to adjust the overall PSC cap. 3. The council should be able to design into the annual allocation process a mechanism where vessels which performed poorly would receive a smaller share of the allocation in a subsequent year.

Nonetheless, limited in-season transferability serves a number of important functions. The first function is to compensate for less than optimal initial distribution of PSCs within a very heterogeneous fleet. One allocation scenario is that all vessels participating in the trawl fishery would receive equal shares of the PSC caps, or shares proportionate to a vessel size formula. Another, more equitable scenario is that the allocation would be proportionate to the recent target catch history of a vessel, with an allocation of those PSCs appropriate to the particular target fisheries. The following discussion assumes the later scenario, however, most of the issues described relative to the later apply to the former, but to a greater degree.

Without some transferability a vessel is locked into repeating the fishery it participated in the year before. If it participated in cod which has mostly a halibut bycatch, it would be functionally precluded from doing flatfish which has more of a crab bycatch, because it would have been allocated mostly halibut PSC, but very little crab PSC. Since the Bering Sea flatfish fishery has been almost entirely a factory trawl fishery to date, shoreplants would be unable to develop flatfish operations, because their catchers would lack the baseline amount of crab PSC necessary to participate in the fishery.

Without some transferability a vessel loses its incentive to do the best it can. Assume that the amount of PSC a vessel which participates in cod receives is adequate to conduct the fishery for the time it has available. Assume that if the skipper is willing to slow down and work at fishing cleaner, the vessel's halibut rate can be cut in half. If there is no time to use the savings to catch more cod (because the cod quota has been caught, or the vessel only has a limited market, or it is scheduled to go on a tendering contract), there is no reason to achieve those savings. However, if there is another vessel which does have a market to continue in that fishery or some other fishery and the vessel which achieved the savings can sell it, then there is an incentive. Or perhaps, the vessel which achieved the savings in halibut in the cod fishery has a new opportunity to participate in a flatfish fishery, but received little or no crab initially. The savings achieved in halibut would have value if it was possible to buy some crab PSC from a vessel which had achieved a savings in a flatfish fishery.

It has been suggested by the state of Alaska, (at least in the initial draft stage) that the CDQ PSC program now being developed include a restriction on in-season transfers of PSC between CDPs, and that this should be the model for VBA's. Non-transferability of CDQ PSCs presents some of the same problems relative to the need for an optimal initial allocation. However, CDPs will have a way around part of the problems, because they will have direct allocations of the target species, which will be transferable. Thus, there is an incentive to achieve a savings of PSC because there is the possibility that some other CDP group will not achieve its harvest of target, and will be forced to sell off the target quota to a CDP group that has achieved a PSC savings.

(However, even under a CDQ program non-transferability presents a problem when one CDP has done very well in reducing crab, but used up all its halibut, and another has used all its crab but done well in reducing its halibut. In that situation even though they can transfer their target catch quotas, it will do no good without a shuffle of the PSCs as well.)

A concern raised about transferability is that the 'dirty' boats will buy up the savings of the clean boats and keep fishing. While this is theoretically possible, it isn't the logical outcome. As long as there are market opportunities for the target catch, the boat that can catch 2 tons of target for each crab should be able to pay twice as much for an additional crab as the boat that can only catch 1 ton of target per crab.

Another concern raised about transferability is that there will be no overall 'savings' of PSC at the end of the year because the individual vessel's 'savings' will be used by those who buy them to pursue other fisheries. While it is true that the same amount of PSC would be used, it would be used more efficiently. The difference from the current system is that it would be possible to catch the TACs that are now left unharvested, because the fleet would be operating at a lower overall rate of bycatch. In-season transferability provides a mechanism and a reason for putting PSC in the hands of the most operators with the lowest individual rates.

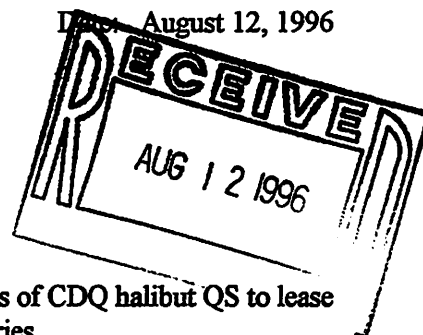
Overall savings can best be achieved by lowering the overall PSC caps. Lowering the overall PSC caps can be justified when there is a system in place which allows the PSC to be used by the most efficient (i.e., cleanest) operator.

A means of achieving an overall savings with transferability would be to "tax" the transfer, by devaluing the amount to be transferred. (i.e., VG1 has a savings of 100 crab it wishes to sell to VG2, it may do so. However, while VG1 surrenders 100 crab, VG2 receives only 90 crab with the balance becoming a true net savings.)

Why should a fisher take the risk of challenging the status quo, developing a long term vision, or fighting for current conservation in hope of future benefits when he or she has no security that that the benefits will accrue to them?

GROUND FISH & IFQ AMENDMENT PROPOSAL
North Pacific Fishery Management Council

Name of Proposer: Dave Fraser
Address: PO. Box 771 Pt. Townsend WA, 98368
Telephone: 360-385-6248



Fisheries Management Plan: BSAI/GOA Groundfish & Halibut Plans

Brief Statement of Proposal: Amend the Halibut ITQ/CDQ plan to allow holders of CDQ halibut QS to lease up to 30% of their quota on an annual basis to be taken as bycatch in other fisheries.

Amend the GOA Sablefish ITQ plan allow holders of sablefish QS to lease up to 20% of their quota on an annual basis, to be taken as bycatch in other fisheries . Prohibit discard of sablefish in the GOA deepwater flatfish fishery and require that any catches above the 15% allowable bycatch (or any bycatch after the trawl allocation is exhausted) be covered by leased QS. (This would be similar to the Canadian system which allows trawlers to lease an amount of sablefish equal to their IBQ.)

Objectives of the Proposal: (What is the problem?) Groundfish fisheries (both hook and line as well as trawl) are constrained by halibut bycatch. This would allow holders of CDQ halibut quota to maximize the value of their quota, while allowing groundfish operations to harvest more groundfish. Deepwater flatfish fisheries in the GOA are not constrained directly by sablefish bycatch, however as we move toward IR/IU, it is unacceptable to have sablefish (the single most valuable component of the catch) discarded as a prohib in deepwater flatfish fisheries, as is now the status in most of the GOA.

Need and Justification of Council Action: (Why can't the problem be solved through other channels?) Adoption of measures to reduce crab bycatch will exacerbate the problem of halibut bycatch in Bering Sea fisheries which are all ready constrained by halibut PSCs.

Foreseeable Impacts of the Proposal: (Who wins, who loses?) To the extent that any lease transactions occur the lessors benefit because they have decided the lease price is greater than the benefits of harvesting the quota themselves. The leasees are winners in that they are able to harvest groundfish they otherwise would not have been able to. The consumers are winners because more product is available to them.

Are the Alternative Solutions? If so, what are they and why to you consider your proposal the best way of solving the problem? Increasing the PSC caps for halibut or relaxing crab protection measures, and increasing the allocation of sablefish to trawlers are theoretical alternatives. However, each of these increases the level of externalities imposed on other user groups without compensation. These alternatives are thus sub-optimal. Likewise status quo is sub-optimal, because the economic benefit of allocating halibut, crab, and sablefish to the directed fisheries is less than the value of foregone groundfish catches. VBAs are a valid alternative, unless precluded by some congressional action.

Supportive Data & Other Information: What data are available and where can they be found? (See the EA-RIRs for various PSC limits.)

dave fraser Phone 360-385-6248
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<0007468876@mcimail.com> PO Box 771 Pt. Townsend WA 98368

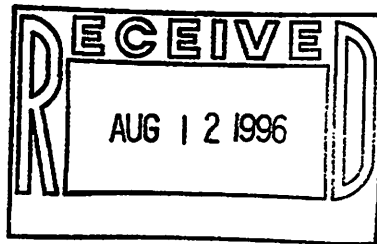
GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fishery Management Council

Name of Proposer:
dave fraser

Date: August 12, 1996

Address:
PO. Box 771 Pt. Townsend WA, 98368

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360-385-6248



Fisheries Management Plan:
BSAI/GOA Groundfish

Brief Statement of Proposal:

Create a license program for skippers of groundfish and crab vessels, which associates and reports catch and bycatch with the fisher who is the master of the vessel.

Objectives of the Proposal: (What is the problem?)

The objective is to fulfill a commitment that was made by the council in the course of its actions on LLP. Further, it is to correlate catch data with fishers as well as with vessels both for purposes of future allocations decisions and immediate posting of bycatch data on the NMFS BBS.

Need and Justification of Council Action: (Why can't the problem be solved through other channels?)

The state of Alaska has a license requirement for vessels registered with state permits, however confidentiality requirements prevent the sharing of data on catch by skippers with the council and NMFS.

Foreseeable Impacts of the Proposal: (Who wins, who loses?)

The likelihood of inclusion of skippers in any future ITQ program is increased if they are licensed under a federal program. Thus this could be construed as a potential 'win' for fishers, and as a potential 'loss' for vessel owners.

Additionally, vessel owners are winners if they avoid hiring skippers with bad track records on bycatch and in so doing avoid VIP citations.

Are there Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem?

The state of Alaska could adopt regulations or laws to allow the sharing of catch data by skippers with the council and NMFS.

Supportive Data & Other Information: What data are available and where can they be found?

The minutes of the April and June, 1995 council meetings reflect the unfulfilled commitment to deal with this on a parallel track.

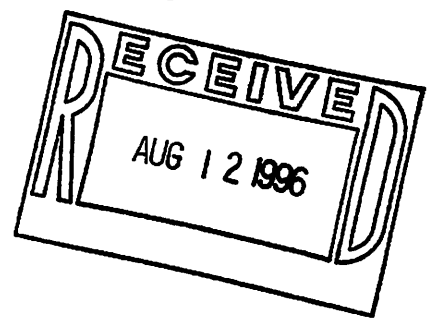
GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fishery Management Plan

Name of Proposer:
dave fraser

Date: August 12, 1996

Address:
PO Box 771 Pt. Townsend WA, 98368

Telephone:
360-385-6248



Fisheries Management Plan:
BSAI/GOA Groundfish

Brief Statement of Proposal:

Adopt a requirement for registration, check-in, and daily reporting for fisheries which meet certain criteria, which would prohibit retaining a plurality or majority of a species or species group for which a vessel has not registered. (See attached sheet for details.)

Objectives of the Proposal: (What is the problem?)

To allow better real time quota monitoring by NMFS, and timely extensions of fishing seasons when premature closures are announced.

Need and Justification of Council Action: (Why can't the problem be solved through other channels?)

Under the current system NMFS has no way of knowing how much effort will be deployed in a given fishery before it opens, thus it must project 'worst case' scenarios which in turn results in pre-mature closures. The flip side of this problem is that there have been quota over-runs as well.

Foreseeable Impacts of the Proposal: (Who wins, who loses?)

The fleet as a whole will be winners in that quotas will be more fully harvested and the costs of re-crewing for a mop-up opening will be avoided. Individual vessels have in the past benefited by being in the area at the time of a late re-opening, in which they have reaped the benefit of reduced competition for the balance of a quota. These vessels would lose, however, no one can be sure of reaping these 'windfall' benefits.

There will be increased reporting costs, however, in many fisheries the fleet has all ready undertaken daily reporting on a private basis.

Are the Alternative Solutions? If so, what are they and why to you consider your proposal the best way of solving the problem?

ITQs would make this problem moot, along with many other symptoms of open access management. While this has been widely recognized, and is supported by extensive background work by council staff and others, as the optimal approach to the overall problem of the 'tragedy of the commons', various political realities make near term adoption of this solution unlikely.

Supportive Data & Other Information: What data are available and where can they be found?

A review of catch data and fishery closure information is available at the NMFS-AK WWW-site.

Further Details of the Proposal:

This proposal would require pre-registration, check-in, and daily reporting for fisheries which meet certain criteria. It also provides for timely re-openings when pre-mature closures occur and feedback of real time fishery status information to the fleet.

Criteria

These criteria would be related to NMFS's estimate of the duration of the fishery under conditions of maximum projected effort. A fishery would be defined by area, based either on a TAC category or a PSC category. (*i.e.*: *The rockfish fishery in the AI area might close based on the attainment of its halibut PSC, or the POP component might close based on its TAC.*) The proposal would also give NMFS the authority to require daily reporting of catch for all vessels including catcher vessels at the point in the fishery the RD believes such reporting is necessary to close on target.

If NMFS estimates a fishery would have a duration of less than two weeks, it would announce at least ten days prior to the opening that pre-registration would be required. The requirement to register and do daily reports would also apply in-season to fisheries for which NMFS estimates that less than two weeks remain.

Registration

Vessels would be required to pre-register for such a fishery at least 48 hours in advance of checking into such a fishery and to give an intended check-in date/time.

For fisheries for which NMFS determines in-season that less than two weeks remain, vessels would have 72 hours to register to remain in the fishery upon such an announcement by NMFS.

Check-In

A vessel would further be required to check-in to the fishery before commencing fishing. The act of checking into a fishery would define the beginning of a new trip.

A vessel not registered for a fishery would not be allowed to retain a plurality of the species or species group which defines that fishery. (The point here is not to prohibit retention of amounts greater than the DFS - *i.e.*: 20% for P Cod - and thus create a conflict with IR/IU, but to prevent vessels from having such a species or species group be its primary target without registering.)

A vessel need not check-in to a fishery for which it has pre-registered. However, it would not be allowed to fish in any other groundfish fishery for 48 hours after de-registering, unless such de-registration occurred 48 hours prior to its declared intended check-in date/time. (*i.e.*: *Assume POP in the AI is opening July 1st at 1200hrs, a vessel would need to register on or before June 29th at 1200hrs, for a July 1 check-in. Assume the vessel was participating in a YFS fishery, and had pre-registered on June 27th, then decided for some reason not to switch fisheries. The vessel could continue fishing YFS uninterrupted as long as it de-registered by June 29th. If the vessel made the decision on July 1st not to enter the POP fishery, and de-registered at that point, there would be a 48 hour period during which it could not participate in any groundfish fishery.*) The intent of this provision is to prevent speculative registration for fisheries which would undermine the utility of this mechanism to NMFS for predicting effort.

Reporting

Reporting requirements for catcher processors would be the same as they are now, or as they may be modified by the pending requirements for electronic reporting, except that the requirement would be daily rather than weekly. Catcher vessels would be required to send estimated catch data based on their daily logbook via a designated reporting agent (i.e.: a processor or home office, allowing vessels without Sat-Com capabilities to report catch data by radio to be forwarded to NMFS.) Catcher vessels in a fishery to which is defined based on a PSC category, and which are carrying an observer, could also be required to relay relevant observer data on PSC rates.

Re-Openings and Reports to the Fleet

Additionally, NMFS would be required to process such reports within 36 hours of the close of a fishery and announce a re-opening (if appropriate) within 48 hours of the closure.

NMFS would be required to make announcements of in-season registration requirements on a scheduled broadcast on 4125 SSB from its Dutch Harbour and Kodiak offices, and by 'fleet-net' Sat-Com transmission. NMFS would also be required to provide timely status reports on the progress of fisheries to which these requirements apply by the same means.

7-10

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ESTABLISHED BY A CONVENTION BETWEEN CANADA

AND THE UNITED STATES OF AMERICA




August 13, 1996

Dr. Clarence Pautzke
 North Pacific Fishery Management Council
 605 W 4th Ave. Room 306
 Anchorage, AK 99501

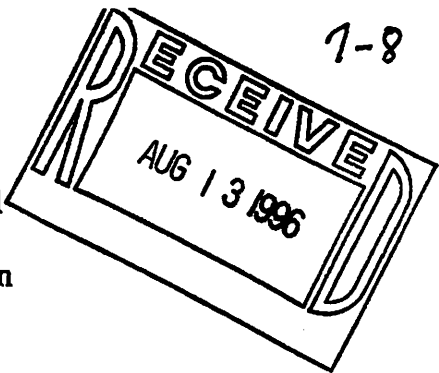
Dear Clarence:

The Staff of the IPHC has prepared the attached proposal for amendments to the BSAI and GOA Groundfish Fishery Management Plans. The proposal states our support for the concept of a vessel bycatch account-type of incentive program to reduce halibut bycatch mortality, but recommends work on other, more traditional measures unless difficulties with a VBA program can be overcome. These traditional measures have been discussed, and in some cases previously rejected, by the Council. We have suggested modifications to make these measures more acceptable, although they may add to costs for the groundfish fleets and the management agencies. We included a rough estimate of the range of bycatch savings that accrue from each of the proposals.

Sincerely,

for 
 Donald A. McCaughnan
 Director

Enc.



Proposals for Groundfish FMP Amendments
To the North Pacific Fishery Management Council

From The International Pacific Halibut Commission
8/13/96

The IPHC staff has serious concerns regarding implementation of individual bycatch quotas (IBQs) to significantly reduce halibut bycatch mortality in Alaska. While we continue to support the concept of using individual incentives, we have identified legal, financial, and political problems that will cause difficulties in implementing incentives. Legal problems involve the issue of due process; financial problems involve the costs of complying with due process; and political problems involve initial allocation. In our opinion, the solutions to these problems will be very difficult, and IBQs are not likely to be implemented in Alaska without major commitments from the US government and the groundfish industry. We have identified possible solutions to these problems, but the solutions seem difficult to accomplish. Until we receive assurance that the problems will be addressed with adequate solutions, the IPHC staff recommends that the Council act on other, more traditional measures as listed below. Each of these methods will generate some amount of bycatch mortality savings; we have roughly estimated the savings, recognizing that more detailed analysis will improve the estimates. We also recommend splitting the savings between lower halibut bycatch limits and increased groundfish harvest.

Traditional Alternatives

Require pelagic trawling for all pollock fishing. Eliminating non-pelagic trawling will allow full harvest of the pollock TAC, but will save about 270 mt of halibut bycatch mortality, based on 1995 bycatch levels.

7

Ban night trawling. Major problems identified with banning bottom trawling at night involve enforcement, variable length of night and day, short days in winter, and several-hour towing of codends by catcher vessels to motherships. We believe that these concerns can be overcome by:

8

1. Applying a night ban to all vessels in designated areas and times. This allows effective enforcement of the regulation. The NPFMC AP suggested the Horseshoe Grounds, the area northwest of the Pribilofs, and the Aleutian Islands. The analysis may be able to map areas of predominant P. cod fishing where other targets do not often occur to check the areas suggested by the AP.

2. Setting day-night definitions for two week (or longer) intervals (rather than daily) for the selected areas of the Bering Sea and Aleutian Islands, such that start and stop times are generally representative of the day and night periods. The AP suggested a night ban for the hours 11 p.m. to 5 a.m., which should also be evaluated.

3. Because of catcher vessel-factory trawler allocation of Pacific cod, consider banning night trawling only for catcher boats (which want it) but not for factory trawlers (which may not want it). Catcher boats will be able to extend their seasons if bycatch rates are reduced.

4. Defining an end of a haul as the time the trawl doors are secured on board, to allow towing codends during the night period.

Depending on the conditions selected for a night ban, the potential savings in halibut bycatch mortality would probably be about 100-300 mt.

Implement grid sorting. Grid sorting was rejected by the Commission and the Council largely because of data quality, observer work load, and enforcement concerns. We believe that these concerns can be overcome by :

1. Applying grid sorting to all vessels in designated areas and time. This allows effective enforcement of the regulation. Because the grid sorting experiment focused on Pacific cod and pollock and the proposed elimination of non-pelagic trawl for pollock, initially apply the requirement to the January to mid May period in the areas identified for the ban on night trawling.

2. Requiring two or more observers onboard, one on deck and the other in the factory. This allows full data collection, and increases data collection capabilities.

3. Applying lower discard mortality rates from grid sorting only to observed hauls unless the Observer Program demonstrates a method to apply observed rates to unobserved hauls.

Depending on the conditions selected for grid sorting, the potential savings in halibut bycatch mortality would probably be about 100-500 mt.

Gear modifications

We suggest that the Council use its SSC and AP and perhaps a working group (the IPHC will be glad to provide a staff member for a working group) to explore a modification of the pelagic trawl concept (net design specifications with a performance standard) for the Pacific cod/non-pelagic pollock fishery. In most cases, a 3-ft separation of the bottom of the net from the sea bottom will eliminate a significant proportion of halibut bycatch, but will still catch the majority of Pacific cod. We suspect that some sea-bottom organism will be useful as an indicator species to demonstrate when the net fishes improperly and that a maximum number per tow can be established as a performance standard. To effectively enforce or monitor, alternatives may need to apply to a wider segment of the fleet than optimum. For example, to avoid enforcement problems with defining target species, make the requirement apply to all vessels, or to all vessels in a defined area. If the Pacific cod bycatch mortality limit stays in the 1500-1800 mt range, potential savings could reach 200-500 mt.

Vessel Bycatch Accounts

While the IPHC staff continues to support the concept of using individual incentives, we do not want to spend resources on IBQ analyses without a reasonable chance of successful implementation. Obstacles and solutions to IBQ implementation identified by the IPHC staff are discussed in the Appendix. We suggest that the Council and NFMS specifically address these issues, when permitted by Congress, to determine if IBQs are a viable concept.

Appendix

Obstacles and Solutions to Individual Incentives for Bycatch Control

Obstacle 1. Uncertainty inherent with current observer data, especially unedited in-season data, makes bycatch mortality estimates disputable. Due process requires a hearing before assessing penalties. NMFS cannot use only Observer Program data to shut down a vessel in-season for exceeding an IBQ. NMFS can provide the vessel with cumulative bycatch estimates and a recommendation to stop fishing. If the vessel disputes the bycatch data, a 2-3 year minimum period and extensive enforcement and legal support are needed to take a case through the courts. Current staffing would not allow pursuing more than several cases per year. For an IBQ system to be effective in Alaska, NMFS must move to reduce uncertainty, and apply sufficient enforcement and prosecution with severe penalties to make vessel operators unwilling to take a chance on exceeding an IBQ.

Solution 1. An in-season IBQ system for porpoise mortality in the eastern Pacific tuna fishery works because observers count all dead porpoise. We need to move as close to this kind of system as possible. Weight of all halibut bycatch (or other prohibited species) on trawlers could be obtained by first placing the bycatch on certified scales for automatic weighing and logging before dumping. As an alternative to weighing, halibut lengths could be tallied on an electronic measuring board, and converted to weight with a length-weight table. Viability data could also be obtained with this procedure. Either weighing or measuring would require a certified, but not necessarily observer-qualified, person independent from the vessel, for this task.

Obstacle 2. Real-time weighing or measuring all halibut on a whole haul basis may not be feasible, for technical or financial reasons. Observer program sampling is designed for estimating fleet-wide values, not individual vessel values (except VIP).

Solution 2-1. Require each vessel operator to report estimated bycatch. When the vessel report reaches the individual bycatch limit, NMFS can shut down the vessel because no data are in dispute. Compare vessel report with observer estimate to avoid major discrepancies. Increase number of observers to improve data quality.

Obstacle 2-1. No vessel will report all the bycatch. Just as drivers exceed the speed limit to the degree they think is prudent, vessel operators will under-report bycatch to the degree that prosecution probability is low.

Solution 2-1-1. Reduce allocated amount of bycatch to compensate for the likely underestimates by vessel operators.

Obstacle 2-2. An in-season IBQ system may not be feasible.

Solution 2.2.1. An after-the-fact IBQ system can work if observer sampling rates generate accurate and precise estimates for all vessels. More than one observer would be required to implement a system designed to monitor vessel-by-vessel performance. NMFS would provide cumulative bycatch accounting to vessels, with a recommendation to close when the IBQ is reached. An overage-underage program could offset effects of minor estimation errors. Large overages, however, need strong,

effective enforcement and prosecution. Not all cases can be prosecuted, given the limitations of enforcement and legal staffs. Larger enforcement and legal staffs may be necessary. Vessel owners and operators convicted must be severely penalized as a lesson to others tempted to exceed overage-underage limits. If vessel operators can consider violations as a cost of doing business, then the IBQ system will not work.

Obstacle 3. Until recently, the staff did not consider initial allocation as a significant problem. However, concern by some industry representatives that IBQ allocation will become a political issue to allocate groundfish among users could diminish support within the trawl groups. Controversy over initial allocations may delay IBQs even if due process and sampling problems are overcome. There is no reason to think that initial allocation will be easier than for IFQs.

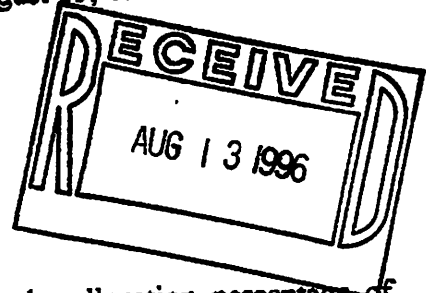
Solution 3. Allocate IBQ among vessels in proportion to the amount of bycatch necessary for past groundfish harvest and species composition. Do away with bycatch limits linked to target species, so that vessels can choose how to allocate bycatch among target species. Make IBQs non-transferable initially, but allow for transferability, if appropriate, after review of several years' performance.

GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fishery Management Council

Name of Proposer: North Pacific Seafood Coalition **Date:** August 13, 1996

Address: 300 Elliott Avenue West
 Suite 360
 Seattle, WA 98119

Telephone: 206-281-1667



Brief Statement of Proposal: Review and modify as appropriate the allocation percentage of Amendment 18 and extend the allocation percentages of Amendment 23.

Objectives of Proposal: (What is the problem?) The industry has changed significantly since Amendment 18 was initially adopted in 1991 (and extended in 1995). A number of factory vessels have surrendered their United States flag and are currently fishing in the Russian exclusive economic zone or elsewhere. There has been extensive consolidation of the offshore component of the industry. Further, the pollock TAC in the U. S. Bering Sea has declined as a likely result of increased fishing in the Russian zone.

Need and Justification for Council Action: (Why can't the problem be resolved through other channels?) Amendment 18 of the Bering Sea/Aleutian Islands and Amendment 23 of the Gulf of Alaska Fishery Management Plans divided the pollock (and GOA Pacific cod) quotas between the inshore and offshore components of the fleet. Amendment 18 also specially segregated the two components of the industry during the "B" season. These management measures sunset after 1998.

Foreseeable Impacts of Proposal: (Who wins, who loses?) Coastal communities in Alaska with shorebased groundfish processing facilities have benefited from inshore/offshore. The offshore sector has not lost substantial fishing because of the existing allocation.

Are there Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem? A scoping session would provide an appropriate range of alternatives.

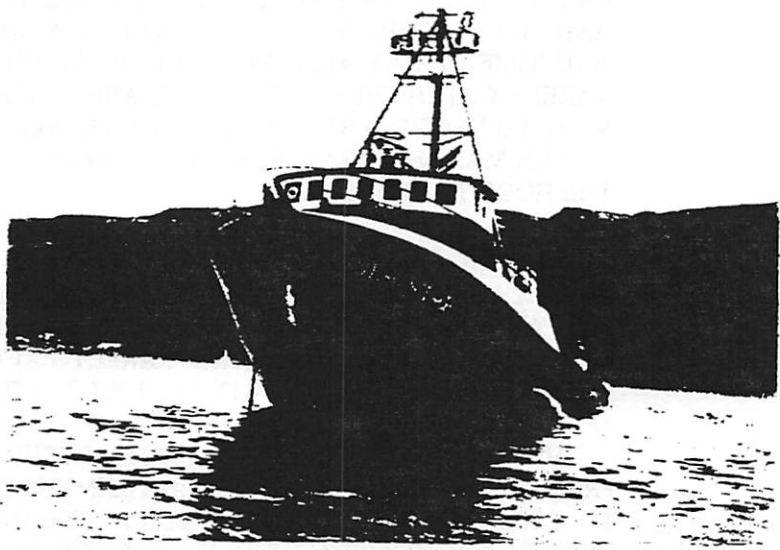
Supportive Data and Other Information: What data is available and where can it be found? There was a full analysis of inshore/offshore as recently as 1995. Data is available from the Council and NMFS regarding the impacts of any proposed inshore/offshore allocation.

Signature:

North Pacific Seafood Coalition

F/V Sea Star

1110 N.W. 50th
Seattle Washington 98107
(206) 286-9234 office
(206) 782-0408 facsimile



From: LARRY HENDRICKS
1110 N.W. 50th
SEATTLE WASHINGTON
98107

To: COUNCIL MEMBER
OR STAFF MEMBER

DEAR COUNCIL MEMBER,

I AM WRITING THIS LETTER OUT OF CONCERN TO PROTECT DIFFERENT USER GROUPS CHASING AFTER THE SAME OR DIFFERENT SPECIES OF FISH WITH DIFFERENT GEAR TYPES. I AS A CRAB AND GROUND FISH POT FISHING VESSEL HAVE BEEN LOSING GEAR TO THE TRAWL GROUP TO THE EXTENT THAT MY VESSELS INCOME AND LIVELIHOOD HAVE BEEN SERIOUSLY DAMAGED. I APPEAR TO HAVE NO RECOURSE YET KNOW WHICH VESSELS WERE IN THE AREA, AND ALL DENY TRAWLING through MY GEAR YET I END UP WITH NO WAY TO PLY MY TRADE WITH MY SIGNIFICANT GEAR LOSS.

FOR YOU TO UNDERSTAND WHERE THE PROBLEM LIES YOU NEED TO UNDERSTAND THE CONCEPTS OF HOW DIFFERENT GEAR GROUPS CATCH THERE FISH.

TRAWLER GROUPS; TO CATCH FISH, TRAWL GROUPS DEPEND UPON THE SCHOOLING EFFECT OF DIFFERENT SPECIES TO CATCH THERE FISH. THIS SCHOOLING EFFECT IS CREATED BY THE INNATE NATURE OF SCHOOLING FOR SPAWNING, SCHOOLING FOR PROTECTION FROM PREDATORS, AND SCHOOLING WHILE SEARCHING FOR A COMMON FOOD SOURCE. I ALSO SUSPECT A POSSIBLE SOCIAL EFFECT OF INTERMIXING BETWEEN CERTAIN SPECIES TO TRAVEL TOGETHER FOR PROTECTION FROM COMMON PREDATORS CREATES SCHOOLING. IN ESSENCE THE SUCCESS OF THE TRAWLER DEPENDS ON SPECIES BEING GROUPED TOGETHER TO MAKE THERE METHOD OF CATCHING EFFECTIVE AND BY-CATCH REDUCED WITH PROPER ELECTRONICS TO DIFFERENTIATE BETWEEN SPECIES.

CRAB AND BOTTOM FISH POT FISHING GROUPS; TO CATCH FISH OR CRAB, WE ENTICE VARIOUS ANIMALS WITH THE USE OF FOOD TO BE TRAPPED WITHIN THE CONFINES OF THE POT. WE RESTRICT ENTRY OF CERTAIN SPECIES, AND CULL SMALL OR JUVENILE SPECIES BACK OUT. OTHER METHODS TO RESTRICT BY-CATCH IS TO GRIND UP AN UNWANTED SPECIE FOR BAIT, WHICH WILL WORK FOR BAIT FOR TARGET SPECIE, YET KEEP OUT UNWANTED SPECIES SINCE MOST SPECIES ARE NOT CANNIBALISTIC OF THERE OWN. ESSENTIALLY WE ENTICE MOST OF THE CREATURES IN THE AREA WITH FOOD AND RESTRICT ENTRANCE DUE TO SIZE OR CHARACTERISTIC OF SPECIE, OR CULL OUT THE UNWANTED SPECIES OR JUVENILES BACK OUT WITH MESH REGULATION OR ESCAPEMENT RINGS.

HOOK AND LONGLINE USER GROUPS; AGAIN VARIOUS SPECIES OF FINFISH AND CRUSTACEANS ARE ENTICED TO THE HOOK WITH THE USE OF FOOD, THE SIZE OF HOOK AND BAIT DETERMINES SPECIE TO BE CAUGHT. BOTTOM CHARACTERISTICS, DEPTH, AND TIME OF DAY ALSO DETERMINES WHICH TYPE OF FISH WILL BE CAUGHT. HOOKS RARELY CATCH CRUSTACEANS YET ARE SUSCEPTIBLE TO LOSS OF PRODUCT TO MARINE MAMMALS DURING RETRIEVAL OF GEAR. ALL IN ALL THE FEEDING OF FISH ENTICES ALL OF THE MARINE CREATURES TO THE AREA WITH ONLY CREATURE CAPABLE OF BITING THE HOOK TO BE CAUGHT.

JIG GEAR; SMALLER VESSELS TEND TO JIG IN FRONT OF DEVELOPED COMMUNITIES OR VILLAGES. THERE METHOD OF FISHING USES DRIFT & CURRENT, DEPTH, HOOK SIZE AND AN INNATE CREATURE CURIOSITY TO FLASHY OBJECTS. DEPENDENT OF TARGET SPECIE, JIGGING DEPTHS FISHED RARELY EXCEEDS 50 FATHOMS IN DEPTH YET DRIFTS INCLUDE DEEPER WATERS WITH SCHOOLING FISH FOLLOWING JIG GEAR.

HEREIN LIES THE PROBLEM, WITH FUTURE COMPETITION TO HARVEST OUR VAST PROTEIN RESOURCES, GEAR ENTANGLEMENT BETWEEN USER GROUPS WILL CONTINUE TO ESCALATE WITH POSSIBLE HARD FEELINGS BETWEEN FIXED GEAR GROUPS, JIG VESSELS AND TRAWL GROUPS FISHING FOR ALL SPECIES OF FISH.

TRAWL GROUPS ARE FRACTURING SCHOOLS OF THERE TARGET FISH WHILE FISH ARE CONGREGATING IN AMONGST THE FIXED GEAR OR JIG FISHING VESSELS. WITHIN TIME WE AS FIXED GEAR FISHERMAN WILL ENCOUNTER TRAWL GROUPS TARGETING SCHOOLED FISH DANGEROUSLY CLOSE TO OUR GEAR AND LOSE OUR GEAR TO TRAWL GROUPS TRAWL WARPS. JIG VESSELS WILL ENCOUNTER FIXED GEAR GROUPS, TANGLE AND JIG GEAR HOOKED IN BUOY LINE OR POTS. WE AS FIXED GEAR POT FISHERMAN ARE LOSING OUR GEAR PRIMARILY AT NIGHT TO TRAWL GEAR GROUPS AND ARE HELPLESS AFTER THE GEAR IS LOST.

WE AS DIFFERENT GEAR TYPE USERS ALL HAVE OUR INDIVIDUAL GEAR / SPECIE INTERACTION PROBLEMS AND INTERRELATE WITH THE ENVIRONMENT IN DIFFERENT WAYS. EACH GEAR TYPE HAS A PRACTICAL AND PASSIVE MEANS OF HARVESTING CERTAIN TARGET SPECIES WITHOUT DISTURBING THE MARINE ENVIRONMENT. WITHOUT SOME TYPE OF SYSTEM OR PROTOCOL BETWEEN GEAR TYPES, WE WILL BE CREATING AN ENVIRONMENTAL DISASTER DUE TO GEAR CONFLICTS AND LOST GEAR.

I AM SURE THERE WILL BE MANY PROPOSED REMEDIES AND VIEWPOINTS BY DIFFERENT GEAR TYPES. LISTED BELOW ARE SOME CONCEPTS WHICH MIGHT WORK FOR THE POT GEAR IN COMBINATION OR INDIVIDUALITY.

PROPOSAL #1

IN THE MID-SEVENTIES WE AS AMERICAN FISHERMAN HAD A GOVERNMENTAL FUND FINANCED BY THE FOREIGN FLEETS TO REPLACE LOST GEAR WITH PROPER DOCUMENTATION. WITH A SYSTEM SIMILAR TO THIS, ALL GEAR GROUPS WILL HAVE ACCESS TO ALL FISHING GROUNDS. FUNDS CAN BE ESTABLISHED ACCORDING TO AREA FISHED AND TAX ADMINISTERED EQUALLY BY SEASON TO OFFENDING GEAR GROUPS TO REPLACE LOST GEAR AND REVENUE.

12

PROPOSAL # 2

TIME OR AREA CLOSURES BETWEEN CONFLICTING GEAR TYPES. SUCH AS WHEN FIXED GEAR GROUPS ARE FISHING FOR COD OR CRAB THEN A MINIMUM DEPTH CANNOT BE BREACHED BY AN OFFENDING GEAR GROUP. SEPARATION OF DIFFERENT GEAR TYPES WILL SOLVE MUCH OF THE PROBLEMS OF GEAR LOSS AND POSSIBLY PROTECT SPECIES WHICH ARE NOT TARGET SPECIES CONGREGATING AMONGST FIXED GEAR. THE PROBLEM WITH THIS APPROACH WITH BOTTOM TRAWL GEAR, IS CAN WE DISRUPT PLANT AND BOTTOM LIFE ONE MONTH AND EXPECT SOME TYPE OF NORMALITY THE NEXT?

13

PROPOSAL #3

WHOLESALE CLOSURES OF AREAS TO DIFFERENT GEAR TYPES FOR PROTECTION OF HABITAT DEPENDENT OF SPECIES. MUCH OF THE MARINE PLANT LIFE AND ROCKS CREATE HABITAT FOR JUVENILE CREATURES AND FOOD FOR OTHER SPECIES. A PERFECT EXAMPLE IS THE PRIBLOF ISLAND AREA WHICH CRAB RESOURCES ARE STARTING TO BUILD DESPITE PREDATORY FISH MIGRATING IN AND OVER THE UNDISTURBED BOTTOM. THE LONG LINE VESSELS HAVE BY INTERNATIONAL TREATY A HALIBUT SAVINGS AREA IN THE BERING SEA WHICH LONGLINERS CANNOT BREACH WHEN TAKING HALIBUT QUOTA YET TRAWLERS ARE ALLOWED TO SCOUR THE BOTTOM DURING COD SEASON IN THE HALIBUT SAVINGS AREA. THIS ALSO HOLDS TRUE WHEREAS IN THIS SAME AREA, TRAWLERS BY-CATCH IN NUMBER OF BARIDI CRAB CAUGHT, ARE IN NUMBERS GREATER THEN POT GEAR FISHERIES DECLINING HARVEST NUMBERS. HABITAT PROTECTION SHOULD BE THE KEY TO ALL FISHERIES TO GUARANTEE FUTURE PROTECTION OF OUR RENEWABLE RESOURCES. IF A DOLLAR IS TO BE MADE, EMERGING HABITAT FRIENDLY TECHNOLOGY WILL SOON PREVAIL. THE NEXT 100 YEARS OF TECHNOLOGY WILL FAR EXCEED THE LAST 100 YEARS WORTH. DESPITE THE SHORT TERM CONSEQUENCES OF ECONOMIC SHOCK TO COMMUNITIES, LONG TERM PROSPERITY FOR MANY COMMUNITIES WILL BE DEPENDENT ON HABITAT PROTECTION. PROTECTION OF OUR RENEWABLE FOOD RESOURCES IN THE FUTURE WILL AGAIN PLAY A HAND IN WORLD POLITICS SUCH AS OUR GRAIN RESOURCES DID IN THE MID-SEVENTIES.

I AM SURE MY PROPOSED REMEDIES WILL BE CONTROVERSIAL AND BE FOUGHT BY DIFFERENT USER GROUPS YET SOMETHING WILL HAVE TO BE DONE. MANY OF THE FIXED GEAR AND JIG GEAR VESSELS ARE SMALL INDEPENDENT OWNERS WITHOUT THE FINANCIAL RESOURCES TO DEAL WITH ORGANIZED GROUPS OR THE COUNCIL PROCESS. ANY HELP YOU AS COUNCIL CAN GIVE WILL BE MUCH APPRECIATED.

THANK YOU



LARRY HENDRICKS

F/V SEA STAR GEAR LOSS RECORD FOR 1996

DURING THE 1996 OPEILIO SEASON GEAR LOSS WAS RECORDED AS FOLLOWS;

1. LOST POT IN STORAGE
2. B-9 LONGLINE TANGLE
3. 411 TANGLE IN WHEEL
4. E-22 PARTED HAULING GEAR BACKWARD
5. C-55 PARTED HAULING STRING BACKWARDS
6. COD POT PARTED ROUGH WEATHER
7. 36 POTS LOST TO TRAWLERS

COPIES OF F/V SEA STARS GEAR LOSS RECORDS ARE LOCATED IN BACK OF BOOKLET.

ADDITIONAL VESSELS WHICH LOST GEAR IN APPROXIMATE AREA OF F/V SEA STAR

1. F/V ROSIE G 25+ POTS
2. F/V EARLY DAWN 18 POTS
3. F/V KETCHIMAK QUEEN 30 POTS HEARD ON RADIO
4. F/V GUIDING STAR UNKNOWN POT LOSS
5. F/V PACIFIC STAR UNKNOWN POT LOSS
6. F/V KETA UNKNOWN POT LOSS

COUNCIL OR STAFF SHOULD INQUIRE ABOUT POT LOSS OF THESE VESSELS AND OTHERS FISHING EASTERN SUB-DISTRICT FOR OPEILIO CRAB. I AM SURE MANY OTHER POT FISHING VESSELS HAVE HAD GEAR INTERACTION WITH OTHER GEAR TYPES.

REPLACEMENT COST OF POT GEAR AND APPROXIMATION OF LOST REVENUE BY F/V SEA STAR

COST OF POT		POT COST	\$335.00
SINKING LINE	COIL COST \$351.12	SHOT COST	\$ 58.52
FLOATING LINE	COIL COST \$ 269.00	SHOT COST	\$ 44.83
TRAILER LINE	COIL COST \$160.00	LINE COST	\$ 8.00
BRIDLE LINE	COIL COST \$176.00	BRIDLE COST	\$ 8.80
BAIT JAR, GANGION, SNAP (2)	BAIT JAR COST EACH \$2.95	BAIT JAR COST	\$ 5.90
GROMMET		GROMMET COST	\$.35
BLACK TAPE		TAPE COST	\$.50
BUOY BAGS (2)		BUOYS COST	\$ 39.00
CHAFING HOSE		CHAFING COST	\$ 1.20
DOOR HOOKS		HOOK COST	\$.90
RUBBER STRAPS		STRAP COST	\$.30
DOOR STRAPS		STRAP COST	\$ 1.26
BAIT BAG		BAIT BAG	\$.37
TOTAL COST OF CRAB POT			\$504.93
LOST GEAR TO TRAWLERS			\$18,177.48
ESTIMATE LOST TO REVENUE	3 PICKS, 125 LBS CPUE, \$1.45 PRICE		\$19,575.00
TOTAL COSTS LOST			\$37,752.48

***KNOWN FACTORY TRAWLERS & TRAWL CATCHER
VESSELS IN AREAS OF CRAB FISHING VESSELS
DURING THE 1996 OPEILIO SEASON IN EASTERN
SUB-DISTRICT***

- 1. F/V PACIFIC SCOUT***
- 2. F/V PACIFIC MONARCH***
- 3. F/T NORTHERN HAWK***
- 4. F/T NORTHERN EAGLE***
- 5. F/V DEFENDER***
- 6. F/V CLAYMORE SEA***
- 7. F/T HEATHER SEA***
- 8. F/V SHARON LORRAINE***
- 9. F/T ISLAND ENTERPRISE***
- 10. F/T SEATTLE ENTERPRISE***
- 11. OCEAN PHOENIX FLEET***
- 12. AMERICAN TRIUMPH FLEET***
- 13. F/V DESTINATION***

F/V Sea Star

*1110 N.W. 50th
Seattle Washington 98107
(206) 286-9234 office
(206) 782-0408 facsimile*

**From: LARRY HENDRICKS
1110 N.W. 50th
SEATTLE WASHINGTON
98107**

To: COUNCIL MEMBER OR STAFF MEMBER

DEAR COUNCIL MEMBER,

THE FOLLOWING PAGE INCLUDES ALASKA STATE STATUE FOR INTERFERENCE OF COMMERCIAL FISHING GEAR. THIS STATUE ONLY INCLUDES ALL FISHERIES AND ONLY PERTAINS TO STATE WATERS.

WE AS CRAB VESSELS ARE RESPONSIBLE TO STATE REGULATIONS UNDER THE FEDERAL MANAGEMENT PLAN. THIS LAW DOES NOT GIVE ME THE RIGHT TO PURSUE OTHER VESSELS IN THE EEZ.

(28) seizure means the actual or constructive taking or possession of real or personal property subject to seizure under AS 16.05 - AS 16.40 by an enforcement or investigative officer charged with enforcement of the fish and game laws of the state;

(29) sport fishing means the taking of or attempting to take for personal use, and not for sale or barter, any fresh water, marine, or anadromous fish by hook and line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand or closely attended, or by other means defined by the Board of Fisheries;

(30) subsistence fishing means the taking of, fishing for, or possession of fish, shellfish, or other fisheries resources by a resident domiciled in a rural area of the state for subsistence uses with gill net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;

(32) subsistence uses means the noncommercial, customary and traditional uses of wild, renewable resources by a resident domiciled in a rural area of the state for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption; in this paragraph, family means persons related by blood, marriage, or adoption, and a person living in the household on a permanent basis;

(33) take means taking, pursuing, hunting, fishing, trapping, or in any manner disturbing, capturing, or killing or attempting to take, pursue, hunt, fish, trap, or in any manner capture or kill fish or game;

(36) vessel means a floating craft powered, towed, rowed, or otherwise propelled, which is used for delivering, landing, or taking fish within the jurisdiction of the state, but does not include aircraft.

CHAPTER 10.

FISHERIES AND FISHING REGULATIONS.

SEC. 16.10.055. INTERFERENCE WITH COMMERCIAL FISHING GEAR. A person who willfully or with reckless disregard of the consequences, interferes with or damages the commercial fishing gear of another person is guilty of a misdemeanor, for the purposes of this section interference means the physical disturbance of gear which results in economic loss of fishing time, and reckless disregard of the consequences means a lack of consideration for the consequences of one's acts in a manner that is reasonably likely to damage the property of another.

SEC. 16.10.070. OPERATION OF FISH TRAPS. Fish traps, including but not limited to floating, pile-driven, or hand-driven fish traps, may not be operated in the state on or over state land, tideland, submerged land, or water. This section does not prevent the operation of small hand-driven fish traps of the type ordinarily used on rivers of the state that are otherwise legally operated in or above the mouth of a stream or river.

SEC. 16.10.100. ERECTION OF FISH TRAPS PROHIBITED ON LAND OR WATER OWNED BY STATE. Fish traps, including but not limited to floating, pile-driven, or hand-driven fish traps, may not be erected, moored, or maintained on or over land, tideland, submerged land, or water owned or otherwise acquired by the state. This section does not prevent the maintenance, use, or operation of small, hand-driven fish traps of the type ordinarily used on rivers of the state which are otherwise legally maintained and operated in or above the mouth of a stream or river.

SEC. 16.10.110. PENALTY FOR VIOLATION OF AS 16.10.100. A person who violates AS 16.10.100 is guilty of a misdemeanor and is punishable by imprisonment for not more than one year or by a fine of not more than \$5,000, or by both.

SEC. 16.10.120. USE OF DRUM OR REEL IN OPERATION OF PURSE SEINE. A person may not use, employ, or operate a drum or reel around which a purse seine is coiled, rolled, or looped for purposes of taking or removing fish from a body of water located on or over land or tideland owned by the state or over which the state has jurisdiction. This section does not prevent the use of power blocks or the use of a reel mounted on a seine skiff to haul in or let out the separate purse seine lead which is temporarily connected to the purse seine proper, as these terms are generally employed or used in the fishing industry.

SEC. 16.10.125. USE OF TERMINATION DEVICE ON SHELLFISH AND BOTTOMFISH POT REQUIRED. The Board of Fisheries shall, by regulation, prescribe a termination device or devices for all shellfish and bottomfish pots. In this section termination device means a biodegradable seam or panel or other device that

renders the pot incapable of holding shellfish or bottomfish for more than six months when it is continuously immersed in sea water.

SEC. 16.10.130. PENALTY FOR VIOLATION OF AS 16.10.120 OR 16.10.125. A person who violates AS 16.10.120 or 16.10.125 is guilty of a misdemeanor, and upon conviction is punishable by imprisonment for not more than six months, or by a fine of not more than \$1,000, or by both.

SEC. 16.10.164. POLICY ON UTILIZATION OF POLLOCK. The legislature declares that stripping roe from pollock without utilizing the flesh is wasteful and does not constitute utilization of this resource for the maximum benefit of the people. Therefore, it is the policy of the state that

(1) roe stripping be eliminated to the fullest extent possible; and

(2) pollock taken in a commercial fishery should be utilized for human consumption to the fullest extent practicable.

SEC. 16.10.165. UTILIZATION OF POLLOCK TAKEN IN A COMMERCIAL FISHERY. (a) Unless otherwise provided by law, a person may not recklessly waste or cause to be wasted pollock taken in a commercial fishery.

(b) The Board of Fisheries may adopt regulations under AS 44.62 (Administrative Procedure Act) it considers necessary for implementation of this section. The board may delegate its authority under this section to the commissioner.

(c) A person who violates this section is guilty of a class A misdemeanor.

(d) Each day on which a violation of this section occurs is a separate violation.

(e) In this section

(1) flesh means all muscular body tissue surrounding the skeleton;

(2) person includes a joint venture;

(3) waste means the failure to use the flesh of pollock for human consumption, reduction to meal, production of food for domestic animals or fish, or scientific, display, or educational purposes; "waste" does not include normal, inadvertent loss of flesh associated with processing that cannot be prevented by practical means.

SEC. 16.10.180. LEGISLATIVE FINDINGS. The legislature finds and recognizes these facts:

(1) migratory fish and migratory shellfish are present in commercial quantities inside and outside the territorial waters of the state;

(2) migratory fish and migratory shellfish taken from the waters of the state are indistinguishable, in most cases, from those taken from the adjacent high seas;

(3) substantial quantities of migratory fish and migratory shellfish move inshore and offshore intermittently and at various times during a given year and in so doing often enter and leave territorial waters of the state;

(4) to conserve the migratory fish and migratory shellfish found inside the waters of the state it is necessary to strictly enforce local laws and regulations;

(5) by making certain laws and regulations enacted or adopted for the regulation of the coastal fishery applicable to the adjacent high sea areas, enforcement of these laws and regulations is facilitated;

(6) conservation regulations should not be adopted to impose economic sanctions.

SEC. 16.10.190. REGULATIONS. The Board of Fisheries may adopt regulations to carry out the purposes of AS 16.10.180 - 16.10.230 defining the adjacent high sea areas, migratory fish, and migratory shellfish and to make coastal fishery regulations governing the manner, means, conditions, and time for the taking of migratory fish and migratory shellfish applicable in designated adjacent high sea areas.

SEC. 16.10.200. UNLAWFUL TAKING PROHIBITED. A person taking migratory fish and migratory shellfish in high sea areas designated by the Board of Fisheries or in violation of the regulations adopted by the Board of Fisheries governing the taking of migratory fish and migratory shellfish in the designated areas may not possess, sell, offer to sell, barter, offer to barter, give, or transport in the state, including the waters of the state, migratory fish or migratory shellfish.

SEC. 16.10.210. UNLAWFUL SALE OR OFFER PROHIBITED. A person may not possess, purchase, offer to purchase, sell, or offer to sell in the state migratory fish or migratory shellfish taken on the high seas knowing that

F/V Sea Star

*1110 N.W. 50th
Seattle Washington 98107
(206) 286-9234 office
(206) 782-0408 facsimile*

**From: LARRY HENDRICKS
1110 N.W. 50th
SEATTLE WASHINGTON
98107**

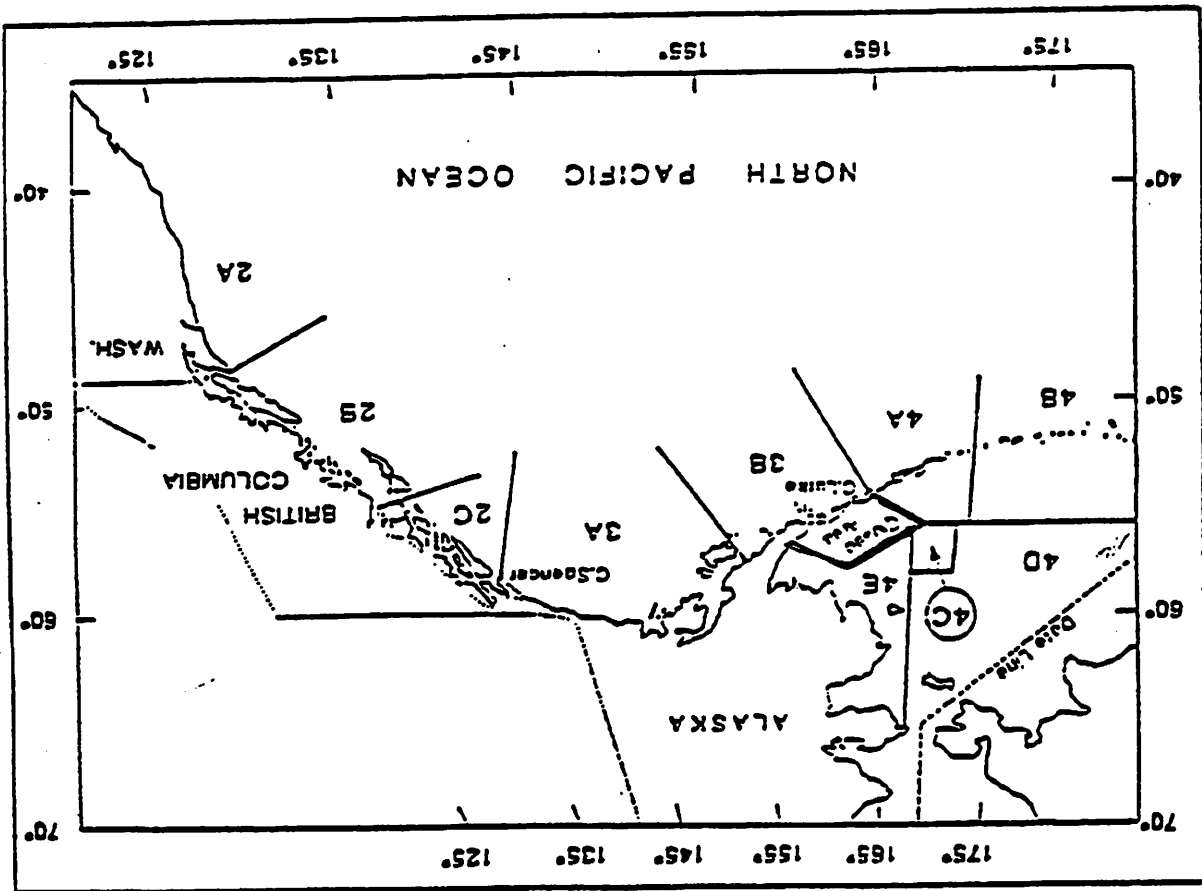
To: COUNCIL OR STAFF MEMBER

DEAR COUNCIL MEMBER,

THE FOLLOWING PAGE CONTAINS A COPY OF THE CLOSED AREA KNOWN AS THE HALIBUT SAVINGS AREA. THIS INTERNATIONAL TREATY IS STILL IN FORCE AND WAS PUT INTO EFFECT IN THE MID-SEVENTIES TO STOP FOREIGN TRAWLERS FROM ENTERING THIS AREA.

THIS AREA STAYED CLOSED TO ALL TRAWLING UNTIL WE HAD AMERICANIZATION OF THE AMERICAN TRAWL FLEET. THIS APPROXIMATE AREA WAS ALSO KNOWN AS THE AMERICAN CRAB FISHERY POT SANCTUARY DURING THE 1970'S.

PACIFIC HALIBUT FISHERY REGULATIONS 1995



Regulatory areas for the Pacific halibut fishery.

9. Closed Area

All waters in the Bering Sea north of 54°49'00"N. latitude in Isanorski Strait that are enclosed by a line from Cape Sarichef Light (54°36'00"N. latitude, 164°55'42"W. longitude) to a point at 56°20'00"N. latitude, 168°30'00"W. longitude; thence to a point at 58°21'25"N. latitude, 163°00'00"W. longitude; thence to Stroganof Point (56°53'18"N. latitude, 158°50'37"W. longitude); and then along the northern coasts of the Alaska Peninsula and Unimak Island to the point of origin at Cape Sarichef Light are closed to halibut fishing and no person shall fish for halibut therein or have halibut in his/her possession while in those waters except in the course of a continuous transit across those waters.

F-32 chaffed line part

56 3 870
168 13 320

C-27 chaffed line part

3
END
POTS

56 36 520
168 13 940

56 38 492
168 18 642

(K-13)

NEW FACTORY T
SHOWK UP

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FOUND SAME STRINGS
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west

56 38 679
168 16 801

56 39 387
168 16 249

F-80

N-29

56 41 623
168 10 416

56 36 820
168 24 180

1st cop POT

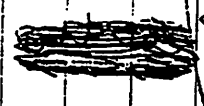
K-27
END
POT

N-2 DESTINATION }
56 40 845
168 15 945

KNOW WHERE IT WAS

N-43 }
2 string
1 each

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168 15 990



(H)

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168 15 807

B-1

36

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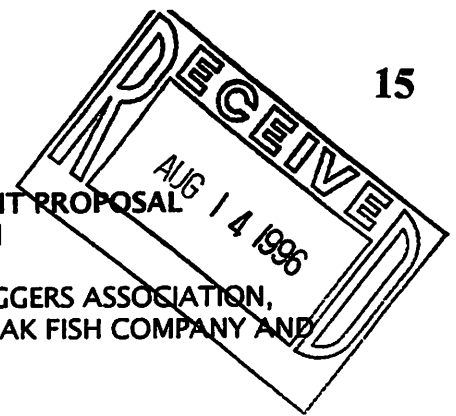
JONO

(10)

56 37 562
168 11 725

K-12

GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fishery Management Council



Name of Proposer: ALASKA GROUND FISH DATA BANK, ALASKA DRAGGERS ASSOCIATION, AMERICAN FACTORY TRAWLERS, GOLDEN AGE FISHERIES, KODIAK FISH COMPANY AND TYSON SEAFOODS

Date: AUGUST 14, 1996

Address: Addresses for all proposers are on file with the North Pacific Fishery Management Council

Telephone: Telephone numbers for all proposers are on file with the North Pacific Fishery Management Council.

Fishery Management Plan: Gulf of Alaska

Brief Statement of Proposal:

1. Annually, as part of the specification process, adjust the trawl bycatch retention rate of sablefish against deep water flatfish, rex sole, flathead sole and rockfish to a level which allows the retention of sablefish throughout the year in the Gulf of Alaska. We anticipate that NMFS would provide the analysis and proposed retention rate each year in time for SSC and Council review. Currently 15% sablefish may be retained against each of the species listed above.

As explained in greater detail under below under "Are There Alternative Solutions?", the sablefish bycatch retention rate must be the same rate for the four species listed to avoid allocative shifts, effort shifts or other unintended consequences.

2. Provide the Regional Director authority to adjust the annual trawl sablefish bycatch retention rate mid-year or when half the trawl sablefish quota has been taken should such an adjustment be warranted.

Objectives of Proposal: (What is the problem?) The increase in rockfish quotas and decrease in halibut bycatch rates in the flatfish fisheries conducted in deep water has increased the tonnage of groundfish against which 15% sablefish may be retained; simultaneously the sablefish biomass has declined and the trawl quota is inadequate to support 15% retention. As a result sablefish has become a prohibited species earlier in the year (Oct. 5 in 1995, July 15 in 1996). This results in increased regulatory discards of sablefish, quota overages and loss of value to the industry.

This is not the first time that adjustments have had to be made in the management of the Gulf of Alaska trawl fisheries' sablefish quota. A brief chronology is attached to this document.

We want to clearly state that all trawl operations participating in the Gulf deep water flatfish complex fisheries and rockfish fisheries are also taking responsibility to assure that the sablefish quota is not exceeded, either through in season overages or reaching PSC status while trawl fisheries are still ongoing. The at sea operations have agreed to use Sea State if electronic reporting is not on line. The shoreside operations have agreed to evaluate inseason tracking methods, Sea State or daily reporting to NMFS via AGDB, and use the method which seems most appropriate, if electronic reporting is not on line.

Need and Justification for Council Action: (Why can't the problem be resolved through other channels?) The Council is the only body which has authority over the setting of bycatch retention rates.

Foreseeable Impacts of Proposal: (Who wins, Who loses?) The fishing industry wins as does the sablefish stock. Individual fishermen who do not fish all four quarters in the Gulf may be penalized because they will be able to take a smaller share of the sablefish quota than they were able to when the quota was reached before the end of the year or in years when the quota was exceeded.

Are There Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem?

Many alternatives were considered in the process of developing this proposal. The two other major approaches considered were:

1. Annually reduce the groundfish tonnage against which sablefish may be taken. This was rejected as being allocative and as potentially increasing effort in the fisheries where sablefish could be retained as bycatch.
2. Annually set different sablefish retention rates for different species. This approach also was found to be allocative and likely to increase effort in the fisheries with the highest retention rates for sablefish.


Under each of the above scenarios there is a potential to increase effort in the rockfish fisheries, should the sablefish bycatch retention rate be higher in the rockfish fisheries than in the flatfish fisheries -- a result which would increase pressure on rebuilding stocks.

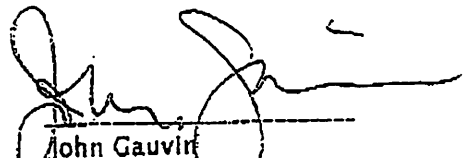
Were the sablefish bycatch retention rate to be higher in the flatfish fisheries, increases in effort would likely occur, increasing the weekly bycatch of halibut and potentially the halibut bycatch rate. Maintaining a uniform bycatch retention rate among the species currently allowed 15% retention of sablefish appears to be the approach least likely to create unintended consequences.

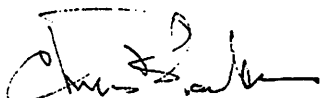
Our proposal treats all users equitably and does not provide any incentive for vessels to change the fisheries they participate in order to increase their take of sablefish.


Supportive Data & Other Information: What data are available and where can they be found? NMFS data and inseason closure notices document the necessity for making changes in the way the trawl sablefish quota is currently managed. The historic data on catch in fisheries limited by halibut bycatch and the annual rockfish quotas should allow for a reasonable estimate of the appropriate sablefish retention limits each year.

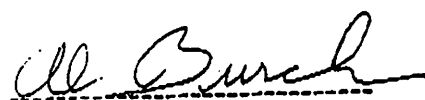
Signature:


Dave Benson, Tyson Seafoods


John Gauvin
American Factory Trawlers Assn.


Chris Blackburn
Alaska Groundfish Data Bank


John Hendershedt
Golden Age Fisheries

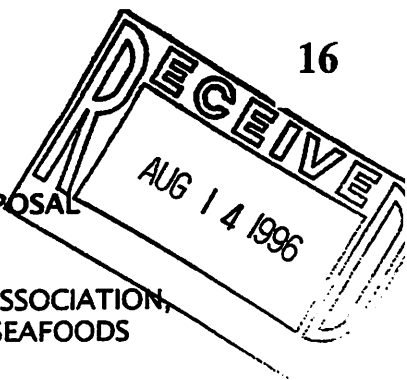

Al Burch
Alaska Dragger's Association


Mark Kandianis
Kodiak Fish Company

BRIEF HISTORY OF CHANGES IN THE MANAGEMENT OF THE GULF OF ALASKA TRAWL FISHERIES' SABLEFISH QUOTA.

A cursory review of the Council Newsletters produced the following history of actions taken in an effort to allow the fisheries to be conducted in a fair, equitable and conservative manner.

- 1985: Council allocated Gulf sablefish among longline, pot and trawl gear. Pot gear put on a phase out program. Trawlers continued to have a target sablefish fishery.
- 1988: Council reduced the sablefish bycatch retention limit for longline gear targeting Pacific cod from 20% to 4%. Trawl retention level set at 20%.
- 1988: Council approved changing the directed fishing standards so that the retention rate applied only to retained catch rather than total catch including discards (AGDB Proposal)
- 1989: Council approved reducing the directed fishing standard for sablefish taken as bycatch in the trawl fisheries from 20% to 15% against deep flatfish (including rex sole) and rockfish and 5% against all other species. (AGDB Proposal).
- 1989: Gulf trawl halibut quota apportioned quarterly. (AGDB proposal)
- 1991: Gulf Trawl Rockfish season opening moved to July 1 to reduce Chinook salmon and halibut bycatch. (AGDB Proposal)
- 1992: Rockfish bycatch retention changed from 15% to 15% of all rockfish in aggregate.
- 1993: Overfishing definition for Pacific Ocean Perch made area specific instead of Gulf wide.
- 1993: Council approved revision of trawl halibut cap apportionment between the deep and shallow complex. (AGDB/AFTA proposal)
- 1993: Council approved prohibiting bycatch retention against bycatch species and against arrowtooth flounder. (AFTA/AGDB proposal)



**GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fishery Management Council**

Name of Proposer: ALASKA GROUND FISH DATA BANK, ALASKA DRAGGERS ASSOCIATION, AMERICAN FACTORY TRAWLERS, GOLDEN AGE FISHERIES AND TYSON SEAFOODS

Date: AUGUST 14, 1996

Address: Addresses for all proposers are on file with the North Pacific Fishery Management Council

Telephone: Telephone numbers for all proposers are on file with the North Pacific Fishery Management Council.

Fishery Management Plan: Gulf of Alaska

Brief Statement of Proposal: Require daily reporting by all processors participating in the Gulf third quarter trawl rockfish fisheries.

Objectives of Proposal: (What is the problem?) 1996 was the second year that Pacific Ocean Perch in the Central Gulf reached the overfishing definition during the third quarter. With the implementation of electronic reporting in 1997 we feel daily reporting is not only doable, but should be mandatory.

We want to clearly state that all trawl operations participating in the Gulf rockfish fisheries are also taking responsibility to assure that the rockfish quotas are not exceeded, either through in season overages or reaching PSC status. The at sea operations have agreed to use Sea State if electronic reporting is not on line. The shoreside operations have agreed to evaluate inseason tracking methods, Sea State or daily reporting to NMFS via AGDB, and use the method which seems most appropriate, if electronic reporting is not on line.

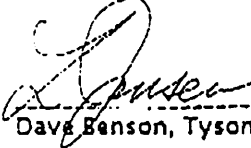
Need and Justification for Council Action: (Why can't the problem be resolved through other channels?) The Council is responsible for regulating groundfish management.

Foreseeable Impacts of Proposal: (Who wins, Who loses?) Conservation wins. The only losers are those who financially benefit from over running the Pacific Ocean Perch quota.

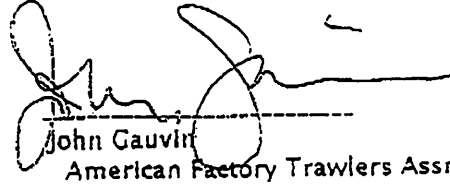
Are There Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem? No other options appear available at this time.

Supportive Data & Other Information: What data are available and where can they be found? NMFS designation of Central Gulf Pacific Ocean Perch as having reached the overfishing definition on July 15, 1996 appears to be adequate data.

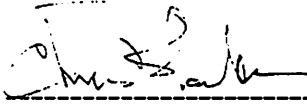
Signature:




Dave Benson, Tyson Seafoods




John Gauvin
American Factory Trawlers Assn.



Chris Blackburn
Alaska Groundfish Data Bank



John Hendershedt
Golden Age Fisheries

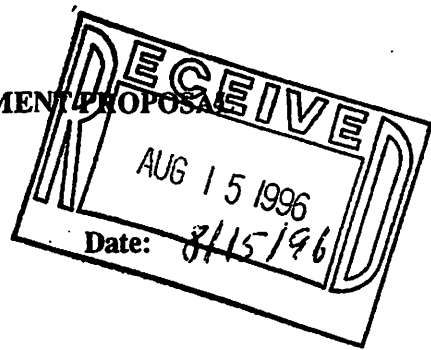


Al Burch
Alaska Dragger Association



Mark Kandianis
Kodiak Fish Company

GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fishery Management Council



Name of Proposer: William Sullivan

Address: Box 4004, Homer AK 99603

Telephone: (907) 235-2799

Fishery Management Plan: GOA - Pacific Codfish.

Brief Statement of Proposal: -

Have a small boat, selective gear type, trip limit Pacific cod fishery in the GOA.

Objectives of Proposal: (What is the problem?) - pulse fishery, premature fishery closure went over TAC, No TAC available for by-catch purposes, No opportunity for small local fishermen.

Need and Justification for Council Action: (Why can't the problem be resolved through other channels?)

Foreseeable Impacts of Proposal: (Who wins, who loses?)

Winners, small boat fishermen, Exporters of high quality cod fish, consumers of fresh year round fish, Truckers and Airport workers.
Losers - everyone wins by having stable coastal communities.

Are there Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem? State management of state waters.

Supportive Data & Other Information: What data are available and where can they be found?

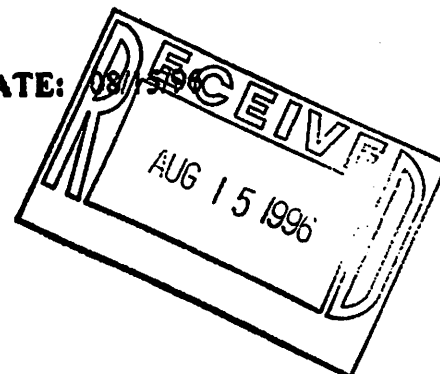
NP FMC.

Signature:

**GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL**

NAME OF PROPOSER: Alaska Dragger Association
ADDRESS: P.O. Box 991, Kodiak, Alaska 99615
TELEPHONE: (907) 486-3910
FISHERY MANAGEMENT PLAN: GULF FMP

DATE: 08/15/96



BRIEF STATEMENT OF PROPOSAL:

Implement trip limits for Central Gulf of Alaska pollock. Suggested trip limit is 100-125 metric tons per trip. Trip limit to remain effective until replace with a Comprehensive Rationalization Program.

OBJECTIVE OF PROPOSAL:

Avoid localized depletion. Reduce quarterly quota overages. Maintain the spirit of the Sea Lion Protective measures which include spreading pollock catch out over time and area. Allow a slower better managed fishery.

FORESEEABLE IMPACTS OF THE PROPOSAL:

(Who wins, who loses?) Winners include pollock, sea lions (if the theory that there is a relationship between the pollock fishery and the sea lion decline is correct) and vessels capable of carrying 200,000 pounds or less of pollock. Potential losers may be vessels capable of packing more than 100-125 metric tons of pollock. However, the extended season will make up a substantial portion of this loss.

ARE THERE ALTERNATIVE SOLUTIONS?

One solution might be to designate the Gulf an exclusive registration area for all species. However this alternative method has been proposed in the past and was unacceptable to many members of industry.

SUPPORTIVE DATA & OTHER INFORMATION:

SEA LIONS AND LOCALIZED DEPLETION:

When the quarterly apportionment of the pollock quota was implemented, the Gulf and Bering Sea were fishing pollock at the same time. In 1990 the Gulf wide catch ran around 3,000 to 5,000 MT/week. In 1994 Central Gulf catch through third quarter was 8,000 to almost 11,000

MR/week (weather and/or scattered fish resulted in weekly catches as low as 3,000 MT in June 1994, but this is not reflective of most weeks.

The 11,000 MT/week was achieved by a combination of Kodiak based vessels and a few larger capacity non-Kodiak vessels running product to plants outside Kodiak.

Regardless of which vessels took the fish and of where the fish were delivered, the trend toward increasing weekly catch rates is clearly established.

HOLDING THE CATCH WITHIN THE QUOTA:

Quarterly quota over-runs have been a constant problem in the Gulf pollock fishery, both because of the small quotas and the increasing vessel capacity. Anything that reduces the amount of pulsed effort will allow management to be more effective.

ALLOCATIVE EFFECTS:

This proposal will limit a few Kodiak based vessels and the few large capacity non-Kodiak vessels which make trips into the Central Gulf when the Bering Sea is closed.

PRECEDENTS:

Under inshore/offshore the under 125-foot catcher processors fishing under the shorebased quotas operate under a daily limit.

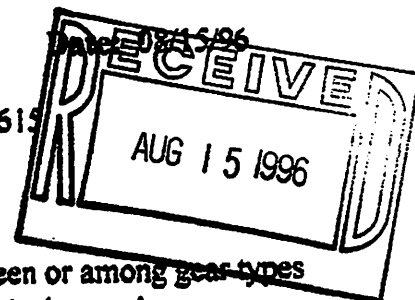
SIGNATURE:



Al Burch
Executive Director
Alaska Druggers Association

GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fishery Management Council

Name of Proposer: Alaska Draggers Association
Address: P.O. Box 991, Kodiak, Alaska 99615
Fishery Management Plan: Gulf of Alaska



Brief Statement of Proposal: Allocate Central Gulf Pacific cod between or among gear types (trawl and fixed gear or trawl/linegear/pot) based on the recent historical gear shares as was recently done in the Bering Sea, including the roll-over provisions from one gear to another should a gear type not take or be unable to take its annual allocation.

Objective of Proposal (What is the problem?):

1. The implementation of the longline ITQ program will remove the halibut cap restraints which limited the longline gear share of the Central Gulf Pacific cod quota.
2. Different gear types may wish to fish different times of year. An allocation between or among gears will allow each gear type to fish its preferred time of year.
3. There is increasing agitation on the part of each gear type in the Central Gulf for an allocation. Alaska Draggers Association feels it is better to address this issue now rather than allow a "gear war" to develop.
4. It appears that any ITQ program is many years away and can not offer a timely solution.

Need and Justification for Council Action: (Why can't the problem be resolved through other channels?) Pacific cod in the Central Gulf are a federally managed fishery.

Foreseeable Impacts of Proposal: (Who wins, who loses?) Since the gear shares appear to have been fairly stable in recent years, we do not see any winners or losers under an allocation based on recent historic gear shares. By allocating among gears so that each gear can set the season which best suits its needs, all participants win.

Are There Alternative Solutions? If so what are they and why do you consider your proposal the best way of solving the problem? There are no civilized alternatives.

Supportive Data & Other Information: What data are available and where can they be found? National Marine Fisheries Service Juneau has the historic catch by gear data and can provide the recent historic gear share information.

Signature:

Al Burch
Executive Director

GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fishery Management Council

Submitted by: Dave Fraser

Date: August 15, 1996

Address: PO. Box 771 Pt. Townsend WA, 98368

Telephone: 360-385-6248

Fisheries Management Plan: GOA Groundfish

Brief Statement of Proposal:

Compensate trawl vessels for the provisions of LLP which disallow trawl gear in area 650, by assigning the current trawl allocation of sablefish to trawl vessels which would qualify for a area 650 endorsement for harvest with fixed gear.

Objectives of the Proposal: (What is the problem?)

The objective is to fulfill a statement of intent made by the council in the course of its actions on LLP. The problem is that Amendment 14 set an allocation of a percentage of the area 650 sablefish TAC for catch by trawlers. If LLP is approved as passed by the council, then no one is allowed to catch that portion of the TAC.

Need and Justification of Council Action: (Why can't the problem be solved through other channels?)

The allocation of sablefish in area 650 is an action under the jurisdiction of the council.

Foreseeable Impacts of the Proposal: (Who wins, who loses?)

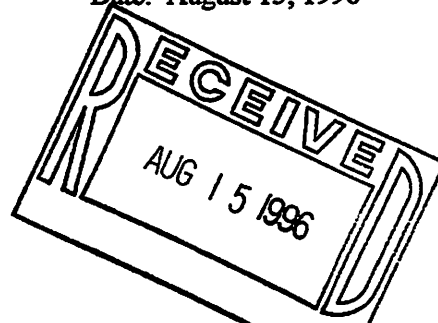
The trawl vessels who are disallowed from the use of trawl gear in area 650, will lose the ability to harvest many of the species which are only effectively harvested with trawl gear if that portion of LLP is approved. This proposed action would moderate the extent of that loss.

Are there Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem?

The Secretary of Commerce could reject LLP or those portions dealing with the use of trawl gear in area 650.

Supportive Data & Other Information: What data are available and where can they be found?

The minutes of the June, 1995 council meeting reflect intent to deal with compensation of vessels who would lose the ability to employ trawl gear in area 650. GOA FMP Amendment 14 sets the apportionment of sablefish in area 650 for trawlers.



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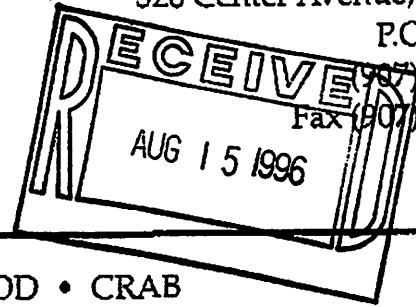


326 Center Avenue, Suite 202

P.O. Box 135

(907) 486-3781

Fax (907) 486-2470



HALIBUT • SABLEFISH • PACIFIC COD • CRAB

GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fishery Management Council

Name of Proposer: Kodiak Vessel Owners Association **Date:** August 12, 1996
Address: P.O. Box 135
Kodiak, AK 99615
Telephone: (907) 486-3781

Fishery Management Plan: Bering Sea & Aleutian Islands Groundfish and Gulf of Alaska Groundfish

Brief Statement of Proposal:

Revise directed fishing standards (DFS) such that retainable percentages of non-target species are reduced to more accurately reflect intrinsic/natural bycatch rates associated with each target fishery and gear type; and allow NMFS to require area registration as added measure of protection in fisheries which are potentially vulnerable to "topping off" with bycatch.

Objective of Proposal/Problem Statement:

Current directed fishing standards allow retention of non-target species to levels which, due to their excess, often encourage targeting of effort on non-target species. Commonly referred to as "topping off", this defacto targeting is a means of subsidizing developed low-valued fisheries with high-valued bycatch. Topping off is a major source of waste and mortality. When the catch resulting from effort concentrated on 'non-target' species exceeds the DFS retention percentages the excess is usually discarded (typically the smaller and/or juvenile fish). If retained the excess can cause a shift of the target definition to the 'non-target' fishery, though there is no fishery open for that species. Because neither of these practices results in any serious repercussion or consequence relative to the financial gains of landing the bycatch species, there is currently no effective method to discourage this activity. The measures being proposed are intended to discourage the targeting of fishing effort on 'unintended catch' (ie. non-target or bycatch species) and allow NMFS to more closely monitor those fisheries which are likely to act as the vehicle for this bycatch targeting.

Need and Justification for Council Action:

Current regulation promotes manipulation of retained catch and encourages fishing practices which perversely exploit the intent of bycatch retention and are wasteful. Not only does this regulatory scenario seemingly justify indiscriminate fishing methods but also rewards them through economic subsidy. The Council's intent to reduce bycatch, discards and waste coupled with current negative public sentiment toward government subsidies creates a need for a change to DFS. Further, allowing NMFS in-season management to require area registration will reduce the possibility of either target or bycatch species TAC being exceeded, providing an added measure of protection to the resource.

Foreseeable Impacts of Proposal: (Who wins? Who loses?)

Harvesters exploiting indiscriminate fishing practices as a means of subsidizing the harvest of low-valued species will be negatively impacted as their ability to access high-valued species will diminish. However participants in fisheries which target the high-valued species in a directed fishery will benefit, as the negative impacts of topping off decrease.

Alternative Solutions?

Because the DFS are an inherent component of fisheries management, their weaknesses cannot otherwise be addressed. A straightforward approach, as proposed, seems the only manner of addressing the shortcomings of the system.

Supportive Data & other Information:

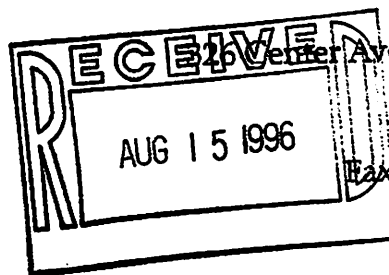
In July 1996 the trawl fleet in the Gulf of Alaska targeting pacific ocean perch and/or rockfish pursued sablefish as a high-valued bycatch. In this endeavor the trawl TAC of sablefish was exceeded by 147 MT (97%) in West Yakutat and 250 MT (18%) in the Central Gulf while the TAC for POP was exceeded by 1,817 MT (55%) in the Central Gulf according to NMFS reports as of August 9, 1996.

Also, NMFS reports show a number of trawl catcher/processor vessel in a Greenland turbot target although trawl Greenland turbot was designated a 'bycatch' fishery for 1996. A review of the trawl halibut bycatch reports show 5 continuous weeks (June 30 - August 3) of halibut bycatch attributed to a Greenland turbot target. This is a clear indication that Greenland turbot is more than just a bycatch fishery.

Signature:

Lisa Polito
Executive Director

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HALIBUT • SABLEFISH • PACIFIC COD • CRAB

**GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fishery Management Council**

Name of Proposer: Kodiak Vessel Owners Association **Date:** August 12, 1996
Address: P.O. Box 135
Kodiak, AK 99615
Telephone: (907) 486-3781

Fishery Management Plan: Bering Sea & Aleutian Islands Groundfish

Brief Statement of Proposal:

Amend regulations regarding the seasonal apportionment of fixed gear Pacific cod TAC in the BSAI to allow any unused portion of a seasonal allowance to be reapportioned to the fishery's remaining seasonal allowances during a current fishing year as directed by the Council during the specification process.

Objective of Proposal/Problem Statement:

This proposal is intended to allow the Council to instruct NMFS, and allow NMFS to execute those instructions, to reapportion any unused fixed gear Pacific cod from the first trimester to the third trimester of the current fishing year.

Need and Justification for Council Action:

Currently the regulations regarding seasonal allocation of fixed gear Pacific cod do not authorize specific seasonal reapportionment of an unused seasonal allocation. This situation forces NMFS to roll unused first trimester allocation, including reserves which have been released, into the second trimester. The first and third trimester fisheries are more significant to the fixed gear fleet due to higher CPUE and lower halibut bycatch rates. Rollover of unused first trimester cod to the second trimester places the performance of the fall fishery in jeopardy.

Foreseeable Impacts of Proposal: (Who wins? Who loses?)

This proposal may impact the pot fleet in that the second trimester allocation of Pacific cod would remain static once the specification process were completed (ie. no increase from a first trimester rollover.) However, due to reduced CPUE in the P. cod fishery and tendering opportunities for those vessels, effort by the pot fleet diminishes in the summer months and the needs of those vessels intending to participate in the second trimester fishery can be anticipated and met during the specification process.

This proposal will benefit those vessels, using either hook-and-line or pot gear, participating in the first and third trimester fisheries when CPUE is higher and bycatch of halibut is lower.

Alternative Solutions?

According to NMFS staff only a regulatory amendment will allow for the reapportionment of unused seasonal allocation.

Supportive Data & other Information:

During the 1996 specification process the fixed gear fleet was made aware that the Council was not

able to direct NMFS to reapportion any unused first trimester allocation to the third trimester (although the 1995 seasonal remainders were reapportioned in this way) due to a lack of regulatory authority. At the end of the first trimester in 1996 reserves were released, leaving an unused amount of first trimester allocation, and this unused amount was rolled into the second trimester. This action seems to have depleted the amount of P.cod available to the fixed gear fleet for the third trimester fishery and will have adverse economic impacts to the fleet.

Signature:

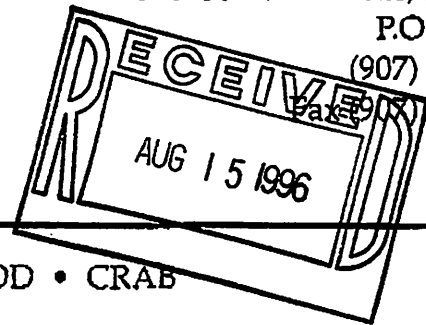


Lisa Polito
Executive Director

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HALIBUT • SABLEFISH • PACIFIC COD • CRAB

GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fishery Management Council

Name of Proposer: Kodiak Vessel Owners Association **Date:** August 15, 1996
Address: P.O. Box 135
Kodiak, AK 99615
Telephone: (907) 486-3781

Fishery Management Plan: Bering Sea & Aleutian Islands

Brief Statement of Proposal:

Initiate Council action to establish a buyback program that will reduce the number of licenses and/or vessels in the Bering Sea/Aleutian Islands crab fisheries.

Objective of Proposal/Problem Statement:

With the establishment of a license program in the crab and groundfish fisheries, it is apparent that the crab resource which is in a critical state, will have more licenses allocated than current or optimum participation. The buyback program would alleviate the serious problems of overcapitalization in the BSAI crab fishery.

Need and Justification for Council Action:

The license limitation system which was adopted by the Council for the crab fisheries does nothing to reduce the over-capacity, it simply caps the effort at current levels. For the license limitation system to be effective at reducing effort, it is imperative that some sort of buyback program be established.

Foreseeable Impacts of Proposal: (Who wins? Who loses?)

The winners of this proposal are those who participate in the buyback and those who stay in the fishery, as well as the resource.

Alternative Solutions?

For the crab fisheries, there appears to be no other alternative solution under a license limitation program. Although a buyback program currently is not an option, it appears that the reauthorization of the Magnuson Act will provide the legal framework for the Council to analyze and establish a buyback program.

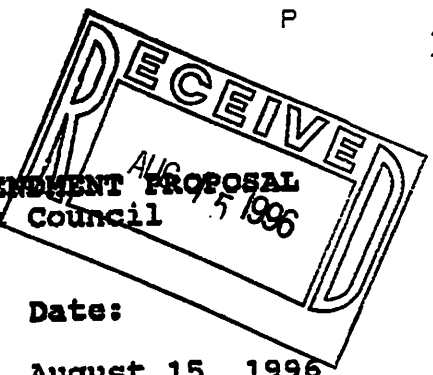
Supportive Data & other Information:

The State of Alaska has comprehensive data on the crab fisheries and number of participants. The Commercial Fisheries Entry Commission is experienced in analyzing and establishing an optimum number of participants in a given fishery.

Signature:


Lisa Polito
Executive Director

GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
 North Pacific Fishery Management Council

**Name of Proposer:**

North Pacific Longline Association
 Kodiak Vessel Owners' Association
 Fishing Vessel Owners' Association
 Deep Sea Fishermen's Union
 Alaska Crab Coalition

Date:

August 15, 1996

Address:

Seattle, WA
 Kodiak, AK

Fishery Management Plan:

Groundfish of the Bering Sea/Aleutian Islands Area

Brief Statement of Proposal:

The following measures are recommended to rationalize the BSAI Greenland turbot fishery:

1. Make BSAI Greenland turbot a fixed gear-only fishery; and
2. Allocate an additional 140 mt of halibut PSC to fixed gear fishermen for the BSAI Greenland turbot fishery.

Objectives of Proposal:

Fixed Gear Only - Repeated experience has indicated that halibut bycatch in the trawl fishery for turbot is so high as to render the fishery impracticable. In 1995 the trawl fishery for turbot lasted only two days, killing 272 mt of halibut for 2,833 mt of turbot. By contrast, hook-and-line fishermen were able to harvest 2,885 mt of turbot for 81 mt of halibut during an 18-day fishery (source: NMFS). In 1996 longliners took 4,400 mt of turbot for only 88 mt of halibut mortality. The turbot fishery was abandoned by the trawlers in 1996 because of anticipated high halibut bycatch.

Status of Stocks - Without a slope survey it is impossible for NMFS to accurately assess status of turbot stocks using orthodox tools. However, the continued high CPUE in the commercial fishery indicates that stocks are strong enough to maintain a fishery within ABC. Though small, this fishery is a mainstay of the fixed gear fleet.

Additional Halibut PSC - In order to achieve OY in the turbot fishery, hook-and-line vessels will need 140 mt of

additional halibut PSC (source: FIS). Having achieved a 36% reduction in assumed mortality in the cod fishery through an industry-sponsored mortality reduction program, hook-and-line fishermen should be rewarded. Their performance stands in stark contrast to trawl performance in the cod fishery (halibut mortality up 68.5% since 1994) or in the turbot fishery. If the Council is not willing to increase the overall halibut PSC cap in the BSAI, a transfer of halibut PSC from the trawl fleet to the fixed gear fleet is appropriate.

Need and Justification for Council Action:

Regulations governing the BSAI Greenland turbot fishery are within the exclusive jurisdiction of NMFS and the Council.

Foreseeable Impacts of Proposal:

Turbot OY is achieved, to the benefit of all. Longliners are rewarded for improving halibut mortality. Trawlers may or may not lose some halibut PSC, depending on Council decision.

Alternative Solutions:


Can't think of any.

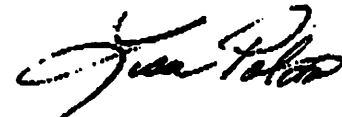
Supportive Data & Other Information:

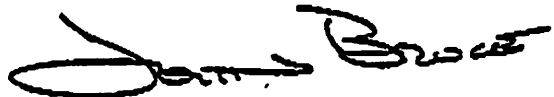
See catch and bycatch in the respective cod and turbot fisheries for the last three or four years.


Signatures:


North Pacific Longline Association

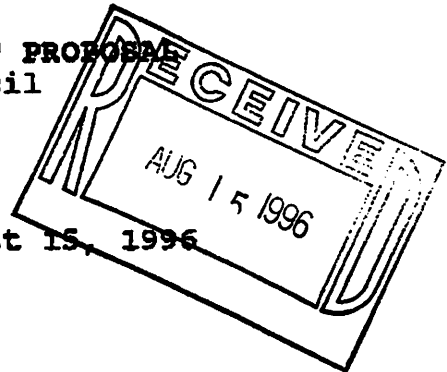

Fishing Vessel Owners' Association


Kodiak Vessel Owners' Association


Deep Sea Fishermens' Union


Arni Thomson, Executive Director
Alaska Crab Coalition

GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fishery Management Council



Name of Proposer:

North Pacific Longline Association
Fishing Vessel Owners' Association
Deep Sea Fishermen's Union
Alaska Crab Coalition

Date:

August 15, 1996

Address:

Seattle, Washington

Fishery Management Plan:

Groundfish of the Bering Sea/Aleutian Islands Area

Brief Statement of Proposal:

The following measures are recommended to rationalize inseason management of the BSAI cod fishery:

- 1. Reduce reserves for BSAI Pacific cod to one of the following: 5%; 3%; 1%. Preferred alternative: 3%. Consider reducing all reserves similarly in BSAI and GOA groundfish fisheries. (NOTE that since BSAI reserves are nonspecified, it may be necessary to "release" 12% of the cod reserve at the beginning of the year to accomplish this purpose, unless the Council wishes to reduce reserves across the board. There are some minor conceptual hurdles here); 25
- 2. In the BSAI fixed gear cod fishery, provide authority for rollover of both excess cod TAC and excess halibut PSC from first to third trimesters; 26
- 3. Provide under 679.20(a)(7)(ii) that by August 15 of each year the Regional Director shall project unused amounts of Pacific cod by gear type and shall reallocate such amounts to the other gear type(s), using current catch and historical catch data; and 27
- 4. Provide that in the BSAI fixed gear cod fishery, any "C" season shall be contiguous with the next annual fishing season if it cannot be made contiguous with the "B" season. 28

Objectives of Proposal:

1. Reducing Reserves - The primary purpose for establishing reserves at 15% of TAC was to provide for unexpected expansion of the domestic fishery during the days of foreign fishing. Reserves are no longer necessary for that purpose. At the 15% level reserve releases may raise allocation disputes which are undesirable and unnecessary. Reduction of the BSAI cod reserve

to 3% will give managers an adequate safety margin to augment seasonal fisheries or to account for overruns. Consider the implications of a reduction in reserves for all fisheries.

2. Seasonal Rollovers - Each year the fixed gear participants negotiate seasonal apportionments of BSAI fixed gear cod and make recommendations to the Council. These negotiations may include rollovers of cod TAC and halibut PSC from the first to the third trimesters. Authority should be created to permit the Council and NMFS to implement the results of those negotiations, if they approve.

3. Reallocation of Unused Cod - Amounts of cod likely to be unused in any given season may easily be estimated by using current and historical catch data. These amounts should be projected by August 15 of each year and allocated to those gear type(s) able to take them. Short "C" seasons that are not contiguous with a "B" season or with the next annual season should be avoided. It is diseconomic to gear up for a short "C" season. Reserves can be used to offset any inadvertent mistake in estimating unused cod.

4. "C" Seasons - Any "C" season which does occur in the BSAI fixed gear cod fishery should be contiguous with the next annual season if it cannot be made contiguous with the "B" season. The likely number of fishing days should be estimated, and the next annual season started in December so that fishing is continual.

Need and Justification for Council Action:

Regulations governing inseason management of BSAI cod are within the exclusive jurisdiction of NMFS and the Council.

Foreseeable Impacts of Proposal:

This proposal would do much to rationalize the inseason management of the BSAI cod fishery. Currently there is considerable angst and acrimony surrounding reserve releases and reallocations of unused cod. OY will be achieved in a manner most likely to yield economic benefit to the nation. There would be only winners.


Alternative Solutions:

Can't think of any.

Supportive Data & Other Information:

NMFS files must be full of letters and FAXes addressing these problems, sent by disgruntled fishermen and their representatives in recent years.

Signatures:


Fishing Vessel Owners'
Association


Deep Sea Fishermen's Union

Thom Smith
North Pacific Longline Association

Arni Thomson
**Arni Thomson, Executive Director
Alaska Crab Coalition**

Groundfish Data Bank

P.O. Box 2298 • Kodiak, Alaska 99615

GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL North Pacific Fishery Management Council

Name of Proposer: ALASKA GROUND FISH DATA BANK

Date: AUG 15, 1996

Address: P.O. BOX 948, KODIAK, AK. 99615

Telephone: 907-486-3033

Fishery Management Plan: GULF OF ALASKA

Brief Statement of Proposal: Waive observer coverage requirements for any one day pollock "mop up" fishery which opens more than three days before or after all other Gulf trawl fisheries have closed.

Objectives of Proposal: (What is the problem?) The cost of bringing observers into Alaska for a one day fishery has proven to be prohibitive. The last one day fishery cost vessel owners and processing plants up to \$1,500 for the observer. These costs included not only the one day of observing, but travel time, travel costs and the costs of waiting to reobserve the catch after the vessel unloaded. When the travel and other one time costs can be amortized over a season they are bearable.

NMFS has the option to roll a quarterly apportionment of pollock into the remaining quarters rather than hold a one day opening. We appreciate NMFS efforts to allow the fleet to fully take the pollock OY and as long as there are other trawl fisheries in progress obtaining observers on short notice is neither difficult nor financially burdensome.

Need and Justification for Council Action: (Why can't the problem be resolved through other channels?) Groundfish Observer Coverage requirements are part of the Council's jurisdiction. Electronic reporting may eliminate the need for one day mop up fisheries.

Foreseeable Impacts of Proposal: (Who wins, Who loses?) Since there is no halibut bycatch in the pelagic pollock fishery (and all other trawl fisheries are closed the "mop up" fishery has to be pelagic) we see no loses. Removing the overwhelming observer costs of a one day fishery outside the normal trawl fishing periods is a definite win for the fleet and processors.

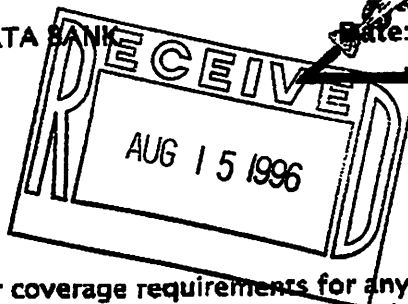
Are There Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem? Electronic Reporting with daily reporting by the processors would prevent the need for mop up fisheries.

Supportive Data & Other Information: What data are available and where can they be found? The NMFS Observer program can document the costs and value of any data collected during a mop up fishery.

Signature:

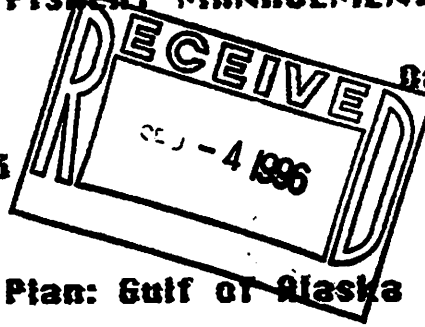

Chris Blackburn, Director
Alaska Groundfish Data Bank


Al Burch, Director
Alaska Draggars Association



**GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL**

**DAVID HILLSTRAND
BOX 1588
HOMER, ALASKA 99603
(907) 235-8706**



Date: 7/3/95

LATE

Fishery Management Plan: Gulf of Alaska Pacific Cod fisheries

Brief Statement of Proposal: Reduce observer coverage for vessels 60 ft. - 125 ft. that use pot gear. Reduced to being exempt; such as they are to the Halibut PSC while fishing Cod, or to 10% coverage while fishing at sea.

Objectives of Proposal: To reward clean gear type users and not penalize them. Sufficient data has been collected to date for NMFS and the NPFMC to effectively know established bycatch levels for the pot gear in the P. Cod fisheries.

Need and Justification for Council Action: (Why can't the problem be resolved through other channels?) The cost for observer coverage for pot vessels is higher per vessel than the other gear types. Pots are a clean gear type with little bycatch which should therefore be exempt. Both Trawl and Hook and Line vessels under 60 ft. are exempt from observer coverage and have a greater bycatch than pot gear. NMFS log books report daily bycatch from vessels, to still provide NMFS with current up to date information; thereby not decreasing NMFS management to the P. Cod fisheries.

Foreseeable Impacts of Proposal: (Who wins, who loses?) Pot gear will be rewarded for fishing a cleaner gear. There expenses will be lower making pot fishing more affordable. A working relationship will be created between the NMFS & the NPFMC and the fishers causing them to work together. It will also be an incentive to other gear types to continue to clean up there fisheries also.

Are There Alternative Solutions? if so, what are they and why do you consider your proposal the best way to solving the problem?

Supportive Data & Other Information: What data are available and where can they be found? NMFS catch records.

- 1. 58 vessels 60'-134' fished with pots in 1992**
- 2. 28 vessels 60'-134' fished with pots in 1993**
- 3. vessels 60'-134' qualified for the license limitation program with pots in 1992-1994.**

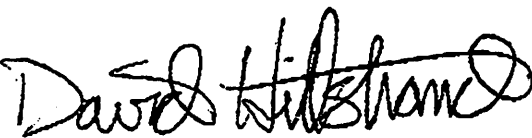
Signature: 

Table 25.--Number of vessels that landed groundfish in the domestic fisheries off Alaska by area, gear, and vessel length class, 1986-94.

Gear/Length (feet)	Gulf of Alaska									
	1986	1987	1988	1989	1990	1991	1992	1993	1994	
Hookline										
< 60	835	1,476	1,370	1,196	1,409	1,624	1,648	1,373		
60-84	89	136	114	103	131	144	146	122		
85-109	15	19	14	10	15	29	37	25		
110-134	4	6	7	10	13	8	27	12		
135-159	1	2	0	0	3	1	8	7		
160-184	1	1	4	4	5	2	9	8		
> 184	0	1	0	1	5	0	2	3		
Unknown	20	0	0	1	29	34	33	53		
Port										
< 60	5	10	34	17	60	111	159	85		
60-84	8	4	1	1	27	42	42	35		
85-109	5	3	6	2	10	10	10	11		
110-134	1	1	1	0	1	1	7	7		
135-159	0	0	1	0	0	0	1	0		
160-184	2	1	2	1	1	0	4	0		
> 184	0	1	0	0	1	0	2	0		
Unknown	0	2	0	1	1	2	3	0		
Trawl										
< 60	18	35	37	31	43	45	52	72		
60-84	14	30	31	25	42	55	57	50		
85-109	10	18	18	24	21	30	29	26		
110-134	9	14	19	18	24	29	31	19		
135-159	2	4	3	4	7	7	9	8		
160-184	3	6	6	7	11	11	13	7		
> 184	3	4	6	14	23	34	25	16		
Unknown	2	1	2	2	1	3	10	8		
Other										
< 60	3	21	13	3	28	8	13	25		
60-84	0	0	0	0	3	1	1	1		
85-109	1	0	0	0	0	0	1	1		
110-134	0	0	1	0	0	0	0	0		
135-159	0	0	0	0	0	0	1	1		
160-184	0	0	0	0	1	0	0	0		
> 184	0	0	0	0	1	0	0	0		
Unknown	3	3	1	0	2	2	0	0		
All Gear										
< 60	850	1,512	1,419	1,235	1,497	1,712	1,769	1,481		
60-84	107	160	141	135	167	198	213	169		
85-109	28	39	38	34	42	57	65	48		
110-134	14	19	28	28	39	37	54	39		
135-159	3	6	4	4	10	8	19	13		
160-184	6	7	11	12	16	13	24	15		
> 184	3	4	6	15	29	34	25	19		
Unknown	25	37	22	31	33	40	40	61		

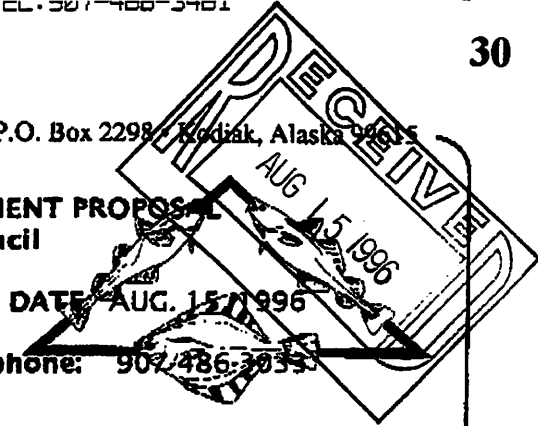
Alaska Groundfish Data Bank

P.O. Box 2298 • Kodiak, Alaska 99615

**GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fishery Management Council**

DATE: AUG. 15, 1996

Telephone: 907-486-3033



Name of Proposer: ALASKA GROUND FISH DATA BANK

Address: P.O. BOX 948, KODIAK, ALASKA 99615

Fishery Management Plan: GULF OF ALASKA

Brief Statement of Proposal: Apportion the Central Gulf Pacific cod quota seasonally. Our suggested seasonal apportionment is 65% released January 1 and 35% released no earlier than August 30 and no later than October 1.

Objectives of Proposal: (What is the problem?)

1. Allow adequate Pacific cod quota to meet bycatch needs throughout the year. 1996 was the second year that the Central Gulf Pacific cod quota was exceeded early in the year and both trawlers and longliners required to discard Pacific cod for the remainder of the year. During the period when Pacific cod aggregate trawl catch increases dramatically and is difficult to adequately track under the current management system. A split season builds in a buffer which should prevent the quota from being exceeded.
2. An increasing number of small non-trawl vessels which to participate in the Pacific cod fishery but are unable to compete in the early part of the year when the winter storms are common. A split season offers the opportunity for a summer fishery.
3. Recovery rates on processed Pacific cod are highest in the fall. Apportioning the quota between the roe and non-roe seasons allows the product to be sold to a greater diversity of markets.

This proposal could reduce the trawl gear share of Pacific cod and this is acceptable as trade off for assuring adequate Pacific cod for bycatch. It is not the intent of this proposal to be allocative in any other way. It is the intent to allow a greater diversity of vessel sizes and gears to participate, to decrease discards and increase market opportunities. Any unintended allocative consequences should surface during the analysis and public participation process.

Need and Justification for Council Action: (Why can't the problem be resolved through other channels?) The Council has management authority over Gulf groundfish.

Foreseeable Impacts of Proposal: (Who wins, Who loses?) The industry wins if discards are reduced. The trawl fleet may lose some gear share, but gains if Pacific cod taken as bycatch are not regulatory discards.

Are There Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem? We see no alternative solutions.

Supportive Data & Other Information: What data are available and where can they be found? NMFS Juneau can document the quota overages, discards and other pertinent catch data.

Signature:

CHRIS BLACKBURN, DIRECTOR
ALASKA GROUND FISH DATA BANK

AL BURCH, EXECUTIVE DIRECTOR
ALASKA DRAGGERS ASSOCIATION

Alaska Groundfish Data Bank

P.O. Box 2298 • Kodiak, Alaska 99615

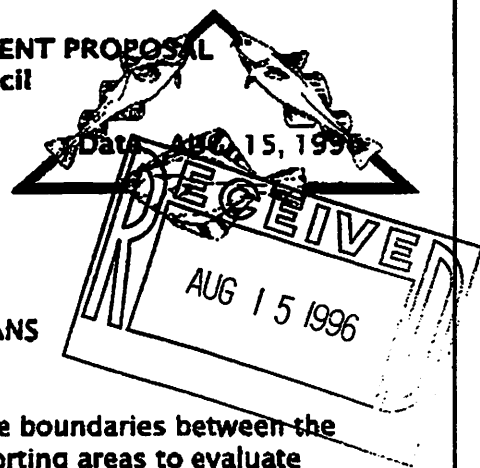
GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL North Pacific Fishery Management Council

Name of Proposer: ALASKA GROUND FISH DATA BANK

Address: P.O. BOX 948, KODIAK, AK. 99615

Telephone: 907-486-3033

Fishery Management Plan: GULF OF ALASKA/BERING SEA/ALEUTIANS



Brief Statement of Proposal: Request the Plan Teams to review the boundaries between the Bering Sea/Aleutians, Western Gulf (Shumagins) and Chirikof reporting areas to evaluate whether these boundaries accurately reflect the distribution of fish populations.

Objectives of Proposal: (What is the problem?) The size frequency of the Pacific cod stock taken in the Western Gulf during the Jan-Feb fishery appear to be similar to the size frequencies in the Bering Sea and is not the same size frequency seen during the summer trawl survey according to the NMFS Plan Team data.

The Atka Mackerel stocks appear to be spill overs from the Aleutians.

There are two known spawning stocks of pollock, one in the Davidson Banks area and one in the Sanak area. Age class strength reflects the Bering Sea stocks.

All of this data suggests that the current quota and reporting boundaries contain a mix of Gulf and Bering Sea stocks.

Further, the shared use of these stocks by Western Gulf fleets and Bering Sea fleets has created a continuing and apparently unresolvable allocative situation which prevents all users from implementing management measures to increase the value and efficiency of their respective fishing operations.

If the biology suggests a different set of boundary lines are warranted then better stock management will be possible and a number of allocative issues may be resolved.

Need and Justification for Council Action: (Why can't the problem be resolved through other channels?) While NMFS biologists have noted that there appears to be movement of stocks between the Bering Sea/Aleutians and Shumagins there has never been enough urgency expressed to stimulate a reassessment of the boundaries. We agree there is not a great urgency, but feel the issue should be addressed on a slow track starting with a review of stock distribution and movement between the reporting areas.

Variations on this proposal have been submitted previously. It should be noted that had this work been done when the first proposal was submitted a lot of Council time dealing with allocative issues centered in the Western Gulf may have been saved.

Foreseeable Impacts of Proposal: (Who wins, Who loses?) Everyone wins if this proposal results in better management of the fish stocks. Everyone also wins if the allocative issues in the Shumagin area become resolvable.

BSAI/Shumagin/Chirikof Boundary Revisions -- Page 2 of 2

Are There Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem? We see no alternatives to actually looking at the data to see if the current quota and reporting area boundaries are appropriate.

Supportive Data & Other Information: What data are available and where can they be found? Size frequency, year class sizes and the other pertinent data is available from the stock assessment authors -- the work requested is basically a plan team project to inform the Council whether changes are needed.

Signature:



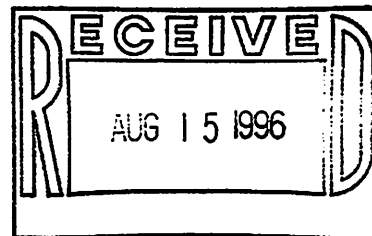
**CHRIS BLACKBURN, DIRECTOR
ALASKA GROUND FISH DATA BANK**



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
 National Marine Fisheries Service
 P.O. Box 21668
 Juneau, Alaska 99802-1668

32-36

August 15, 1996



Clarence G. Pautzke
 Executive Director
 North Pacific Fishery
 Management Council
 605 W. 4th Ave.
 Anchorage, AK 99501-2252

Dear Clarence:

Enclosed are 5 proposals for groundfish fishery management plan (FMP) and/or regulatory amendments for consideration by the North Pacific Fishery Management Council (Council) at its September 1996 meeting. These amendment proposals generally advocate increased management flexibility to take action to address fishery specific operational problems and to simplify the existing annual groundfish specification process.

We wish to note that should Senate Bill 39 pass Congress this fall to amend the Magnuson Fishery Conservation and Management Act, several provisions of the amended Magnuson Act would require immediate response from the Council to meet statutory deadlines. For example, the current markup of Senate Bill 39 would require that Secretarial guidelines be developed within 6 months of approval of the amended Magnuson Act to assist the Council in identifying essential fish habitats and that FMP amendments be developed within 18 months to incorporate identification of essential fish habitat. Another provision of Senate Bill 39 would require that the Council assess the amount and type of bycatch in each fishery and develop within 18 months FMP amendments that include conservation and management measures to minimize bycatch in each FMP.

Should the Magnuson Act be amended as anticipated, the Council may need to reassess its priority list of regulatory actions to ensure that statutory provisions are met within designated time schedules. NMFS also will need to reassess its priorities to provide the Council with the staff support necessary to meet new stipulations set forth in the amended Magnuson Act.

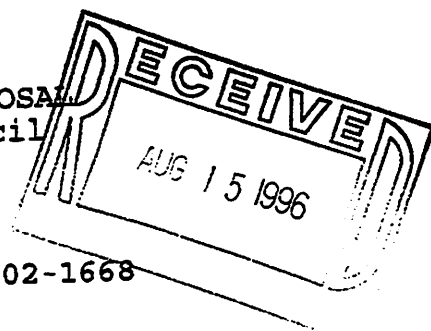
Sincerely,

Steven Pennoyer
 Director, Alaska Region

Enclosures



GROUND FISH FISHERY MANAGEMENT PLAN PROPOSAL
North Pacific Fishery Management Council



Date: August 12, 1996
Name of Proposer: NMFS, Alaska Region
Address: P.O.Box 21668, Juneau, AK 99802-1668
Telephone: 907-586-7228
FMP: Groundfish of the Gulf of Alaska

Brief Statement of Proposal: Implement an FMP amendment to establish the Western Yakutat (statistical area 64) and Southeast/outside (statistical area 65) areas as separate regulatory areas of the GOA.

Objectives of Proposal: Should the Council's license limitation program be approved, separating the eastern GOA into two separate regulatory areas would acknowledge the Council's action to create a nontrawl sanctuary east of 140 degrees longitude and would provide increased capability to tailor TAC and other management measures to Eastern GOA trawl and non-trawl management areas.

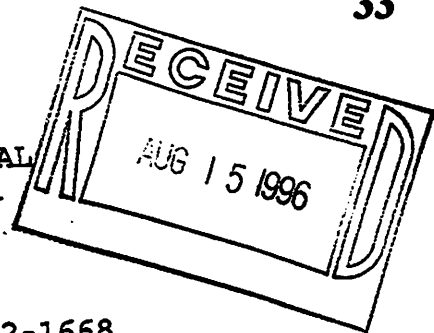
Need and Justification for Council Action: Although management authority may exist to separately specify TACs for Statistical areas 64 and 65, the development of other management measures specifically to address trawl or fixed gear fishery problems will be facilitated if the trawl and non-trawl areas of the Eastern GOA were established as separate management areas.

Foreseeable impacts of proposal: The Council process undertaken to consider and develop Eastern GOA fishery management measures would be facilitated and potentially less controversial or allocative if separate regulatory areas were established for the fixed gear sanctuary adopted by the Council east of 140 degrees longitude and the West Yakutat area. Management measures and/or TAC considerations could more easily be explored and assessed for fixed gear fisheries in statistical area 65 and trawl fisheries in area 64.

Are there alternative solutions? The Council could continue to rely on the annual specification process to establish separate TACs for the West Yakutat and SE/Outside areas if adequate justification existed for stock conservation. Other management measures, however, likely would require either FMP amendment or regulatory amendment authority to apply only to area 64 or 65 rather than the entire Eastern GOA regulatory area.

Signature: _____

GROUND FISH FISHERY MANAGEMENT PLAN PROPOSAL
North Pacific Fishery Management Council



Date: August 12, 1996
Name of Proposer: NMFS, Alaska Region
Address: P.O. Box 21668, Juneau, AK 99802-1668
Telephone: (907) 586-7228
FMP: Groundfish Fishery of the BSAI;
 Groundfish of the Gulf of Alaska

Brief Statement of Proposal: The proposed amendment would streamline the specification process for the Alaska groundfish fisheries; would remove from the FMPs unnecessary references to TALFF, JVP and other foreign fishery management provisions; and for the Gulf of Alaska FMP, would eliminate the system of TAC reserves. The groundfish specification process would be amended so that the Federal Register publication of proposed specifications would be replaced by other means of public notices, such as council mailings to interested parties. The public would have opportunities to comment on the specifications before and during the December Council meeting. Final specifications would be published in the Federal Register after the December Council meeting.

Objectives of Proposal: The proposed changes to the specification process would eliminate several steps, thereby increasing overall efficiency and clarity, without sacrificing the public's access to information and their ability to comment on proposed specifications. First, the publication of the proposed specifications in the Federal Register would be eliminated, and the public instead would receive notification of the proposed specifications through Council mailings and during Council meetings. Second, the FMPs would be shorter and easier to read once all references to foreign and joint venture (JV) fishery management measures are omitted. Neither foreign nor JV fishing vessels have operated in Alaska waters since 1991, and any discussion of foreign and JV allocation is unnecessary. In the Gulf of Alaska FMP, no reason exists to keep the reserve system in place due to the fact that all reserves are released at the beginning of the fishing year. By eliminating the reserve language in the GOA FMP, discussion of total TAC and initial TAC would become unnecessary. Although total TAC would not change, the annual specifications would be more succinct and easier to understand.

Need and Justification for Council Action: A Plan amendment is necessary to change the existing specification process and to remove antiquated references in the FMPs to foreign and JV measures, as well as Gulf of Alaska reserve provisions.

Foreseeable Impacts of Proposal: The advantage to changing the specification process is that unnecessary and costly preparation

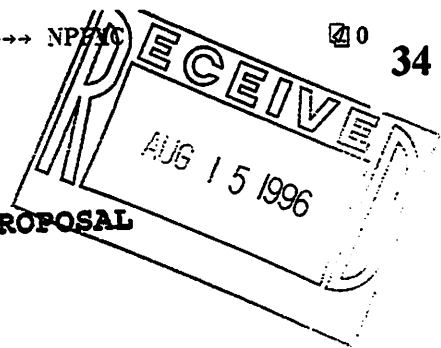
and publication of proposed specifications are eliminated. One effect of the proposed action is that the public will not be notified in the Federal Register prior to the final specifications. However, the Council can effectively alert interested parties before and during the December meetings, so that the public will be adequately notified, even without the proposed specifications published in the Federal Register. The elimination of TALFF/JV provisions does not impact any stakeholders, since allocation to foreign or JV fleets has been zero since 1991. In the Gulf of Alaska, elimination of the reserves would have no practical effect, except to simplify the annual specification process, because reserve amounts have been fully released at the beginning of the fishing year since 1990.

Are there Alternative Solutions? The alternative action would be status quo. Since the proposed action eliminates unnecessary administrative steps, the action will result in a more cost effective and timely specification process.

Supportive Data & Other Information: There is precedent for changing the specification process in the manner described in the Pacific Coast Groundfish Plan.

Signature: _____

GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fishery Management Council



Date: August 14, 1996
Name of Proposer: National Marine Fisheries Service
Address: P.O. Box 21668, Juneau, Alaska 99802
Telephone: (907) 586-7228
FMP: Groundfish Fishery of the BSAI;
Groundfish of the Gulf of Alaska

Brief Statement of Proposal: NMFS proposes to require vessels and processors to provide an observer sampling station which may include a minimum amount of work and storage space, table, access to a water hose and discard chute, a means of sampling unsorted catch, etc. In addition, NMFS would analyze a requirement for vessels to provide a motion-compensated platform scale for more accurate weighing of observers' samples. Compliance with the sampling station requirements would be documented through a certification process similar to the process through which fish holding bins currently are certified or through inspection by NMFS staff.

Objective of Proposal: The objective of this proposal is to require vessels and processors to provide minimum standards for work space and equipment needed by observers to fulfill their scientific and fishery management data collection duties.

Need and Justification for Council Action: Many vessels and processors currently do not provide safe and adequate work space for observers to sample unsorted catch and to collect and handle samples. In addition, scales used by observers to weigh catch at sea are not designed to compensate for vessel motion so do not provide the most accurate sample weights that could be obtained from available technology.

Foreseeable Impacts of Proposal: Vessels and processors would incur costs of purchasing and installing the equipment and the possible loss of space currently used for fish processing activities. However, the observer sampling station will provide the space and equipment NMFS believes is necessary for observers to carry out their duties.

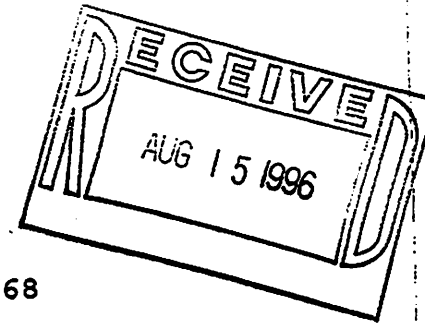
Are there Alternative Solutions? Vessels and processors could voluntarily provide the space and equipment necessary for the observer sampling station, however, this is unlikely to occur without a regulation.

Supportive Data and Other Information: NMFS would prepare a draft EA/RIR/IRFA with supporting data and information.

Signature: _____

GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
 North Pacific Fishery Management Council

Date: August 13, 1996
Name of Proposer: NMFS Alaska Region
Address: P.O. Box 21668 Juneau, AK 99802-1668
Telephone: (907) 586-7228
FMP: Groundfish Fishery of the BSAI;
 Groundfish of the Gulf of Alaska



Brief Statement of Proposal: Implement a regulatory amendment to require vessels that harvest groundfish to pre-register to fish exclusively in designated fisheries. Late arrivals would not be excluded from a fishery once it starts, but would have to provide NMFS with adequate prior notice before they enter the fishery. Once committed, the fishers would be restricted from catching in alternative fisheries for a specified period of time...a few days to a week. Fisheries would be defined by species and area.

Objectives of Proposal: Decisions to close fisheries must be made in advance of the effective date based on the best available information available at the time. Unanticipated changes in fishing effort have in some cases resulted in the TACs or PSC bycatch allowances not being fully utilized and in other cases resulted in the TACs or bycatch allowances being exceeded. If the catching capacity is known a priori and the rate of catch can be estimated by historic information or data collected inseason, then the probability that the fishery can be closed at the appropriate time increases significantly.

Need and Justification for Council Action: Although motherships and catcher/processors are required to submit check-in/check-out notices when changing reporting areas and the Regional Director can require daily production reports, these reports require time to compile and are frequently inaccurate and untimely. Catcher vessels are not required to submit these reports. Requiring advance notice of participation in specified fisheries would help managers more accurately follow the entry and departure of vessels in sensitive fisheries. The program envisioned would have an extensive impact on the industry and the Council is the forum to review and shape that impact.

Foreseeable Impacts of Proposal: This proposal would help prevent premature closures of fisheries, allowing the TACs to be more fully utilized by the industry and also help prevent exceeding the TACs, thereby reducing regulatory discards of bycatch in subsequent fisheries throughout the year. The downside is that fishing vessels would lose some of their flexibility to change targets and fishing grounds on short notice and the proposed registration program would cost significant resources (money, time) to the public, industry and government.

Are there alternative solutions? If so, what are they and why do you consider your proposal the best way of solving the problem?

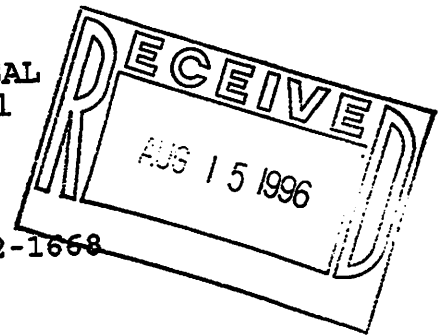
The status quo of early closures promote uncertainty, lost opportunity, are allocative, and generally cause unnecessary expense to the industry. Basing closures on historic trends with an intention to be more conservative is insufficient as catch and processing effort expand in intensity. Daily reports are an alternative that has limited use. They generally work in fisheries that have somewhat lower catch rates than the fisheries at which this proposal is directed.

The proposed alternative appears the most direct way to determine the fishing capacity and effort which would provide the minimum predictability necessary to regulate catch in a fishery.

Supportive Data & Other Information: A wealth of supportive data is available from the NMFS Alaska Region. Catch reports enumerating the percent of the TAC harvested to date for each fishery are updated and published on a weekly basis. NMFS inseason management can provide several examples where a fishery catch rate has exceeded the rate anticipated by inseason management staff. Area registration has been an effective tool in other fisheries, e.g., the Bristol Bay sockeye gillnet fishery.

Signature: _____

GROUND FISH FISHERY MANAGEMENT PLAN PROPOSAL
North Pacific Fishery Management Council



Date: August 12, 1996
Name of Proposer: NMFS, Alaska Region
Address: P.O.Box 21668, Juneau, AK 99802-1668
Telephone: 907-586-7228
FMP: Groundfish Fishery of the BSAI;
 Groundfish of the Gulf of Alaska

Brief Statement of Proposal: Implement FMP amendments to expand the existing inseason adjustment authority (§ 679.25) to provide NMFS the authority to decrease maximum retainable bycatch (MRB) amounts as an inseason action. If NMFS determined that the MRB percentage published in regulations was excessive, and would lead to premature TAC attainment of a bycatch species, NMFS could take inseason action to reduce the retainable bycatch amount within any area for any gear type. NMFS also could specify basis species differently from the categories used for specifying maximum retainable bycatch amounts in regulation.

Objectives of Proposal: Greater flexibility to implement inseason reductions of maximum retainable bycatch amounts currently established for groundfish species or species groups at § 679.20(e) will provide NMFS a better management tool to control harvest rates of bycatch species and reduce the likelihood of PSC status and associated regulatory discards of these species.

Need and justification for Council Action: Maximum retainable bycatch percentages are management tools used by NMFS to slow harvest rates of a species closed to directed fishing. These percentages are established in regulations and were developed with the goal of limiting target operations for a bycatch species ("topping off") while minimizing the potential for mandatory discard of incidental catch. Some basis species are aggregated into groups, for example, all rockfish species. In some instances these MRB percentages may be excessive, allowing a fishing activity known as "topping off," where a vessel targets basis species for part of a trip, then changes fishing practices to target the bycatch species in order to bring the entire trip up to the maximum allowable amount. When a MRB percentage is excessive, and the TAC of a bycatch species is relatively low, the topping off behavior can lead to premature attainment of the bycatch species TAC, at which point further retention of the species is prohibited. Subsequent fisheries, which may catch the species as natural bycatch, must then discard the species, resulting in waste. Allowing NMFS flexibility to adjust MRB percentages can lead to more effective management of the target and bycatch species, and reduce discard waste.

Foreseeable Impacts of Proposal: Overall benefits should accrue because application of the requested authority would lead to

attainment of bycatch species TAC and reductions in discard. Fishers and processors that have benefited from "topping off" might see revenue reduced, but this would be offset by increased retention allowed by vessels catching the species as natural bycatch. TAC overages of bycatch species will be reduced, benefitting the resource and ultimately the industry, and the industry will benefit from the reduction in discards.

Are there alternative solutions? Inseason adjustment of MRB percentages to respond to unanticipated high catch rates of bycatch species is the only effective solution. Revision of MRB percentages through regulatory amendment is time consuming and non-responsive to unanticipated inseason operational problems.

Supportive Data & Other Information: Inseason catch data submitted by observers and groundfish processors can be used to assess the effectiveness of existing MRB percentages and whether or not an inseason adjustment is necessary to adequately provide for bycatch amounts. NMFS also has fishery catch and closure information which documents instances of premature TAC attainment for a species due to "topping off."

Signature: _____

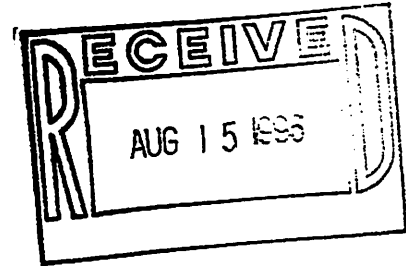
GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fisheries Management Council

08/15/96

Name of Proposer: Tyson Seafood Group
 Laure Jansen

Address: P. O. Box 79021
 Seattle, WA 98119

Telephone: (206) 298-4010

**Statement of Proposal:**

As part of the implementation of the License Limitation program, take the current 5% of the sablefish TAC that has been historically and is currently allocated to the trawl fishery and allocate it equally amongst the trawl participants who will qualify in the Eastern Gulf. This would be a fixed gear allocation and would be incorporated into Halibut/Sablefish IFQ program.

Objective of Proposal:

In the final version of the License Limitation Program, trawl gear will be prohibited in the Eastern Gulf of Alaska. Trawl vessels who have historically fished for sablefish, rockfish and pollock in the Eastern Gulf will be summarily disenfranchised by that prohibition.

Need and Justification for Council Action:

The Council has expressed its intent to consider compensation to those vessels who historically participated in that fishery. It is appropriate to compensate those vessel for the amount of sablefish, rockfish and pollock that they will no longer be able to take, similar to the CDQ compensation that occurred in the Halibut/Sablefish IFQ Program. This would be the most equitable form of compensation, as that 5% of the sablefish TAC has been allocated to the trawl fishery since 1985.

Foreseeable Impacts of Proposal:

This action is necessary just to maintain status quo. Those trawl vessels have fished sablefish in the Eastern Gulf since 1995. Without this action, they will lose the value of that harvest. The 5% allocated to trawl has not be harvested by any other gear group since 1995, so no other gear group will lose anything from status quo.

Are There Any Other Solutions:

No. Currently, there are no other IFQ fisheries in the North Pacific, so it is not possible to directly compensate those trawl vessel who will lose their historical fishery by replacing it with any guaranteed harvest of any other species.

Supportive Data:

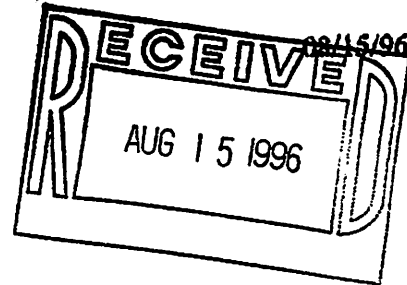
- EA/RIR for License Limitation: June 2, 1995 Supplemental Analysis
- NMFS Historical Catch Data on Trawl Catches of Groundfish in the Eastern Gulf since 1985.

GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
 North Pacific Fisheries Management Council

Name of Proposer: Tyson Seafood Group
 Laure Jansen

Address: P. O. Box 79021
 Seattle, WA 98119

Telephone: (206) 298-4010



Statement of Proposal:

Implement a Bering Sea PSC cap for the groundfish pot fishery for red king crab in Zone 1 and for bairdi tanner crab in Zones 1 & 2.

Objective of Proposal:

Red king crab and bairdi tanner crab populations are currently at relatively low levels. Crab fisheries have been impacted by these low stock sizes, such that some fisheries have been closed and others have lower harvest guidelines. All groundfish fisheries that have bycatch and mortality of these crab should be regulated in order to reduce impacts of gear on crab stocks and thus promote rebuilding of these crab species. Any reduction in mortality will slow the decline of the crab stocks. In groundfish pot fisheries, red king crab mortality is estimated at 37% and bairdi tanner mortality is estimated at 30%. Currently there are no caps or any other restrictions on the amount of crab mortality that is allowed in the groundfish pot fishery. This year, many of the 47, 133 red king crab bycaught by groundfish pot fishermen up to August 3 have been inside the Red King Crab Savings Area or in Area 512, during the molting period. Both of these areas have habitat that is important to king crab. The bairdi tanner crab population is critically low. Caps should also be considered to reduce the 193,723 bairdi tanner bycaught by groundfish pot fishermen between January 1 and August 3 of this year.

Need and Justification for Council Action:

The Council is responsible for regulating bycatch in groundfish fisheries. Trawl, longline, and pot gear used in fishing for groundfish in federal waters are all under the Council's jurisdiction.

Foreseeable Impacts of Proposal:

Groundfish pot fishermen would be prohibited from fishing in Zone 1 or Zone 2 if they exceeded their bycatch cap. The mortality of bycaught crab from the crab savings areas would be limited to the cap amount. Since these areas are important crab habitat and molting areas, the crab stocks would benefit from the decreased mortality. Crab fishermen would benefit from decreased mortality of bycaught crab.

Are There Any Other Solutions:

Yes. The areas of high bycatch could be closed to groundfish pot fishing to protect crabs during the molting period and to decrease bycatch overall. However, this does not allow as much flexibility as a PSC cap for groundfish pot gear.

Supportive Data:

Additional Analysis for Amendment 37 and EA/RIR for Amendment 41, May 10 of 1996 and March 28 of 1996
 EA/RIR for Amendment 37, August 24, 1995
 Crab Rebuilding Committee Report, April 1995.

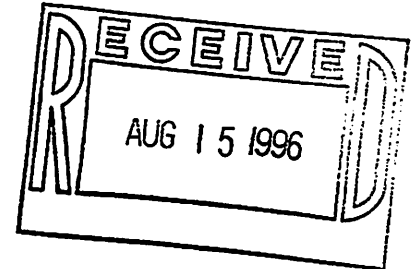
GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fisheries Management Council

08/15/96

Name of Proposer: Tyson Seafood Group
 Laure Jansen

Address: P. O. Box 79021
 Seattle, WA 98119

Telephone: (206) 298-4010



Statement of Proposal:

Modify the current VIP regulations at 50 CFR 675.26 and 50 CFR 672.26 (combined at 679) to decrease halibut mortality, improve VIP sampling, and increase retention of groundfish species. Modification would implement a "quick-release" system for the trawl fleet similar to the longline regulations, would provide for whole haul sampling for prohibited species, and would make rate calculations based on retention of groundfish rather than on sample weights of groundfish.

Objectives of Proposal (What is the problem?):

The current VIP program does not work effectively on a real-time basis. The trawl industry has shown using Seastate monitoring that when all participants have high rates, voluntary action can be taken to decrease bycatch; but when only a few vessels have high rates, they continue fishing to the detriment of the "good players". Postponed enforcement action does not prevent the "bad players" from attaining bycatch caps and closing down fisheries. The combination of these proposed measures will result in a VIP program that is more effective on the grounds in-season, as well as reducing halibut mortality, increasing conservation and promoting optimum yield.

Trawlers want to decrease halibut mortality and decrease groundfish discards, but need to do so in a way that is operationally effective. Increasing mesh size may reduce bycatch of small groundfish but often increases the rate of halibut per metric ton of groundfish. Using small mesh increases discards. The Council has on numerous occasions stated the need to decrease discards, but to date has not identified a way to accomplish this within the current regulatory system. Fisheries with high PSC bycatch rates are often fisheries with high discards rates of groundfish (e.g. BSAI rocksole, BSAI yellowfin, GOA flatfish, BSAI longline Pacific cod and GOA sablefish and halibut). If a vessel modifies its gear to decrease bycatch of groundfish, it may actually increase the rate of PSC bycatch. No exception is currently made for PSC rates while testing new gear, testing new areas or in gear hangups.

Need and Justification for Council Action:

The Council has exclusive authority over the VIP program. The Council is mandated by federal regulations to promote conservation and to optimize yield. The Council has been considering Increased Retention/Increased Utilization issues for the last year. Modifying the VIP program as suggested would allow vessels to make greater efforts decrease halibut mortality and decrease discards without violating the VIP standard rates.

FROM :

TO : 919072712817

1995, 08-15

04:05PM #884 P.03/04

"Quick release" regulations are currently in effect in hook & line fisheries in the North Pacific. Observers count the halibut as the gangions are cut; these observations allow NMFS to track the bycatch on observed hook & line vessels. Trawlers should be given that same opportunity to decrease mortality of their bycaught halibut by sorting catch in the first few minutes after the codend has been brought onboard, but before the observer begins sampling for VIP rates. As in the hook & line fisheries, the observer could count halibut as it is "quick-released", thereby ensuring the same quality observer data that is collected in those hook & line fisheries.

Foresceable Impacts of Proposal:

The halibut mortality will be reduced in the trawl fisheries if trawlers are encouraged to sort and return halibut to the ocean within a brief, set period of time before their VIP bycatch is counted. Halibut fishermen will benefit from that reduced mortality. Trawl vessels may be slowed down by sorting halibut and processing additional groundfish, but they will have more control over ensuring compliance with the VIP standards. Trawl fishermen will be able to more effectively calculate their rates at-sea, because whole haul sampling will be less complicated than basket sample extrapolations.

Alternative Solutions:

The only alternative solution that will decrease halibut mortality and decrease discards, while promoting conservation and optimizing yield is a Vessel Bycatch Account (or a similar system). The Council intends to begin analysis of VBAs as soon as possible, but development of such a program will probably take several years. In the meantime, modifying the current VIP program would give us immediate gains in decreased mortality, increased retention, conservation and optimization of resources.

Supportive Data:

NMFS catch records, discard records and bycatch records indicate the amounts of discarded species and PSC bycatch rates for each fishery and gear type, as well as for each vessel with observer coverage.

United Fishermen's Marketing Association, Inc.

P.O. Box 1035 Kodiak, Alaska 99615

Telephone 486-3453

FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL

North Pacific Fishery Management Council

Name of Proposer: United Fishermen's Marketing Association, Inc.

Address: Box 1035, Kodiak, Alaska 99615

Telephone: 907-486-3453

Fax: 907-486-8362

Fishery Management Plan: Groundfish for the Gulf Of Alaska; Pacific Cod Management

RECEIVED
AUG 15 1996

Date: 8/14/96
GOA 96/1

Brief Statement of Proposal: Institute a periodic apportionment of the p. cod TAC in the Gulf of Alaska. Quarterly, trimester (three periods per year), semi-annual (two periods per year) or some other periodic apportionment of the p. cod TAC should all be considered. Whatever period may be chosen for such periodic apportionment, equal divisions between periods would not necessarily be required (e.g., in the case of a trimester apportionment of p. cod, we do not recommend that 33% of the TAC should necessarily be apportioned to each trimester). For discussion, we recommend that 60% of the p. cod TAC be apportioned during January through April, 5% of such TAC be apportioned during May through September 14, and 35% of such TAC be apportioned during September 15 through December 31.

Objectives of the Proposal: (What is the problem?) This proposed Plan/Regulatory Amendment would assist in achieving, (1) a supply of p. cod throughout the year to harvesters, processors and markets, (2) a lessening of pulse fishing and localized impact on discreet aggregations of p. cod, (3) a decreased impact on spawning aggregations of p. cod, (4) a potential decrease of bycatch and discards, (6) a method of addressing potential resource depletion, (7) a method of addressing the long term productivity of p. cod stocks, (8) a supply of p. cod to the fall/winter market (generally a good market), (8) fall employment opportunities for the seafood processing labor force, for fishing vessels and their crews, and for the general labor force, and (9) maximization of product quality (generally, product quality in the fall is considered good).

Needs and Justification for Council Action: (Why can't the problem be resolved through other channels?) Periodic apportionment of TAC is only possible by Plan/Regulatory Amendment.

Foreseeable Impacts of Proposal: (Who wins, who loses?) (1) Increased probability of greater long term reproductive potential of the resource, (2) Availability of p. cod to harvesters, processors and the market throughout the year, (3) Increased probability of a lessened impact on younger age classes, (4) Lessened impacts of pulse fishing, (5) Decrease in the localized impact on discreet aggregations and spawning aggregations of p. cod, (6) Discards, and bycatch of non-target species may be minimized by spreading out the harvesting effort on p. cod throughout the year, (7) Availability of p. cod for the fall/winter market, which has generally paid higher prices, (8) Improved employment opportunities for the seafood processing labor force, for fishing vessels and their crews, and for the general labor force, (9) Availability of excellent p. cod product quality in the market (p. cod quality in the fall/winter is good), (10) Harvesters, processors, employment, business, consumers, and the long-term productivity of the resource benefit from the implementation of this Plan/Regulatory Amendment. No losses are expected to result from this proposed Plan/Regulatory Amendment.

Are there Alternative Solutions? If so, what are they, and why do you consider your proposal the best way of solving the problem? No alternative solution would achieve the objectives of this proposed Plan/Regulatory Amendment. We believe that the above-proposed Plan/Regulatory Amendment will add to the future long-term rational management of the GOA groundfish fishery.

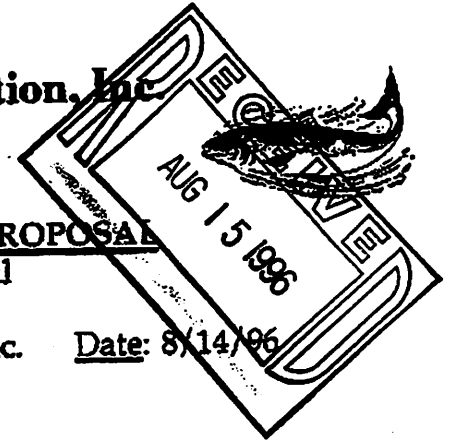
Supportive Data and Other Information: What data are available and where can they be found? The management/research agencies have the data/information that is necessary for analysis.

United Fishermen's Marketing Association, Inc.

P.O. Box 1035 Kodiak, Alaska 99615

Telephone 486-3453

FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL North Pacific Fishery Management Council



Name of Proposer: United Fishermen's Marketing Association, Inc. Date: 8/14/96

Address: Box 1035, Kodiak, Alaska 99615

Telephone: 907-486-3453; Fax: 907-486-8362

Fishery Management Plan:
Crab in the Bering Sea/Aleutian Islands
Groundfish in the Bering Sea/Aleutian Islands
Groundfish in the Gulf of Alaska

Brief Statement of Proposal: Institute a Buy Back/Retirement (Buy Back) Program for vessels that are issued licenses under the License Limitation Program for, 1) crab in the Bering Sea/Aleutian Islands, 2) Groundfish in the Gulf of Alaska, and 3) Groundfish in the Bering Sea/Aleutian Islands.

Objectives of the Proposal: (What is the problem) A Buy Back Program, (1) will provide the flexibility and tools that are necessary to enhance the potential, effectiveness and benefits of a License Limitation Program, (2) will ensure that License Limitation will achieve much that it is capable of achieving, (3) will ensure that License Limitation addresses the management challenges in the crab and groundfish fisheries, (4) will enhance the flexibility and success of the License Limitation Program, (5) will improve the management of those fishery stocks that are subject to the License Limitation Program, (6) will help to ensure that License Limitation in the crab and groundfish fisheries is a successful solution, (7) will contribute to the consequence that License Limitation performs as efficiently as possible for the benefit of the resource, fishermen, processors, consumers and agencies, (8) will increase the probability of greater long term reproductive potential of those fishery stocks that are subject to the License Limitation Program, (9) will reduce the number of harvesting vessels.

Needs and Justification for Council Action: (Why can't the problem be resolved through other channels?) A Buy Back Program is only possible by Plan Amendment.

Foreseeable Impacts of Proposal: (Who wins, who loses?) Please see above: "Objectives of the Proposal". All entities, and the long-term productivity of the resource benefit from the implementation of a Buy Back Program. No losses are expected to result from this proposed Plan/Regulatory Amendment.

Are there Alternative Solutions? If so, what are they, and why do you consider your proposal the best way of solving the problem? No alternative solution would achieve the objectives of a Buy Back Program. We believe that a Buy Back Program will add to the future long-term rational management of the BSAI crab fishery, the GOA groundfish fishery, and the BSAI groundfish fishery.

Supportive Data and Other Information: What data are available and where can they be found? The management/research agencies have the data/information that is necessary for analysis.

UFMA Proposal to NPFMC; Buy Back / License Limitation; 8/14/96; Page 2/4

RE: Buy Back Program in the Crab and Groundfish License Limitation Programs

The following recommendations for a Buy Back/Retirement (Buy Back) Program are submitted as one of many possible sets of options for such a program that may enhance the effectiveness and benefits of a License Limitation Program for crab in the Bering Sea/Aleutian Islands (BSAI), for groundfish in the Gulf of Alaska (GOA), and for groundfish in the BSAI .

I. General Recommendations

A. We recommend that the Council establish, institute and sanction a Buy Back Program for Licenses that are issued under the License Limitation Program for crab in the BSAI, for groundfish in the GOA, and for groundfish the BSAI.

B. It is essential that the Buy Back Program be designed, funded, governed and managed by the class of such persons who own such Licenses ("License Holders") as are created as part of the License Limitation Program.

C. The Council should clearly authorize the License Holders to design, fund, govern and manage the Buy Back Program free from the administrative and operational control of the National Marine Fisheries Service (NMFS), or other governmental agency.

D. The funding of the Buy Back Program should not rely upon any federal monies to fund the design, structure or operation of the Buy Back Program. Our concept incorporates the vision that all funding will come from the class of License Holders that is created as part of the License Limitation Program. We envision that the Buy Back Program works best if the License Holders pay for it.

E. Conceptually, we suggest that the Alaska Statutes and Regulations that govern the establishment, structure, operation and funding of the Nonprofit Salmon Aquaculture Associations in the State of Alaska may provide some useful options that may be employed relative to the structure and operation of a Buy Back Program.

II. Specific Recommendations

A. The provision that the Buy Back Program should be a corporation that consists of Members, a Membership and a Board of Directors that are made up of only the class of License Holders who own such Licenses as are created as part of the License Limitation Program.

B. The provision for the election of a Board of Directors of the Buy Back Program, and the provision that such Board of Directors shall consist of License Holders who must be elected by and from among the class of License Holders.

C. The provision that each License Holder shall cast only one vote for each License that is owned by such License Holder.

UFMA Proposal to NPFMC; Buy Back/License Limitation; 8/14/96; Page 3/4

D. The provision that the Buy Back Corporation shall be managed and directed by a Board of Directors.

E. The provision of authority to the Buy Back Corporation to establish an assessment, tax, fee or other funding mechanism to fund a Buy Back Program. Such funding mechanism must be designed, approved and governed by the License Holders.

F. The provision that the revenues that are collected as a result of any funding mechanism that may be established under The Buy Back Program must be generally restricted for use only for the purchase of such Licenses as may be created as part of a License Limitation Program, and for the general administration of the Buy Back Program.

G. The provision that the revenues that may be collected as a result of any funding mechanism that may be established under the Buy Back Program must be under the control of the License Holders and the Board of Directors of the Buy Back Program, and that such revenues must be owned by the Buy Back Program.

H. The provision that any sale, any change in ownership, or any transfer of ownership of a License will be governed by the Buy Back Program. Further, such provisions that shall provide that the Buy Back Program shall have the first right of refusal to purchase any License that is the subject of any sale, any change in ownership, or any transfer of ownership of a License (the specific provisions of what constitutes "any sale, any change in ownership, or any transfer of ownership" should be defined).

I. The provision that all Licenses that are purchased by the Buy Back Program must be permanently retired.

J. The provision that the Board of Directors of the Buy Back Program shall adopt provisions to ensure that the "fair market value" is paid for any License that is purchased (i.e., retired) by the Buy Back Program.

III Rationale

A. A Buy Back Program provides flexibility and tools that are necessary to enhance the effectiveness and benefits of a License Limitation Program, to ensure that it will achieve much that it is capable of achieving, and to ensure that it addresses the management challenges in the crab and groundfish fisheries. The Buy Back Program is an initiative that will enhance the flexibility and success of the License Limitation Program.

B. A Buy Back Program would improve the management of those fishery stocks that are under the jurisdiction of the Council, and that are subject to the License Limitation Program for crab in the BSAI, for groundfish in the GOA, and for groundfish in the BSAI.

C. The inclusion of a Buy Back Program has great use, potential and benefits for the License Limitation Program for crab in the BSAI, for groundfish in the GOA, and for groundfish in the BSAI.

UFMA Proposal to NPFMC; Buy Back/ License Limitation; 8/14/96; Page 4/4

IV. Conclusions

A. We note that the concept of a Buy Back Program that we have proposed may be modified by the addition of several other positive and useful suggestions that may come from other sources.

B. A Buy Back Program can help ensure that License Limitation in the crab and groundfish fisheries is a successful solution. We hope that the Council is open to embrace all options (i.e., Buy Back Program) that have a reasonable potential to contribute to the consequence that License Limitation performs as efficiently as possible for the benefit of the resource, fishermen, processors, consumers and agencies.

C. We reiterate that a Buy Back Program should clearly permit the License Holders to design, fund, govern and manage any such Buy Back Program, and that it should be free from the administrative and operational control of the NMFS, or other governmental agency.

D. As a matter of conservation and management policy that is correctly addressed in the License Limitation Program, and to address the management challenges of the groundfish and crab fisheries off Alaska, we respectfully request that you clearly establish, institute and sanction a Buy Back Program as a tool that should be included in the License Limitation Program for crab in the BSAI, for groundfish in the GOA, and for groundfish in the BSAI.

GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fishery Management Council

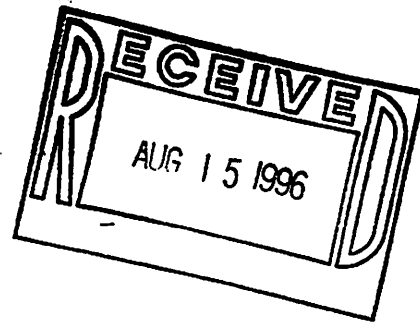
Name of Proposer: Alaska Marine Conservation Council

Date: August 15, 1996

Address: Box 101145, Anchorage, AK 99510

Telephone: (907) 277-5357

Fishery Management Plan: Groundfish



Brief Statement of Proposal:

Bycatch continues to be an unresolved problem in federally managed fisheries. AMCC requests the NPFMC to consider a suite of methods for bycatch reduction through bycatch avoidance. Some suggested methods are contained in the attached Framework for Bycatch Reduction.

Objectives of Proposal: (What is the problem?)

To advance the goal of measureable bycatch reduction.

Need and Justification for Council Action: (Why can't the problem be resolved through other channels?)

Some voluntary efforts have been made but action must be taken for fleet-wide goals to be met.

Foreseeable Impacts of Proposal: (Who wins, who loses?)

The health of the fisheries and the North Pacific ecosystem will benefit and, as a consequence, all sectors of the industry with fidelity to the North Pacific and a commitment to sustainability.

Are there Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem?

No alternative solutions at this time.

Supportive Data & Other Information: What data are available and where can they be found?

The National Academy of Sciences Bering Sea Ecosystem Report (1996) established scientific link between large industrial scale fishing and species declines in the Bering Sea; ADF&G; Observer data.

Signature:

Donna Childers, Exec. Dir.

ALASKA MARINE CONSERVATION COUNCIL

Box 101145 Anchorage, Alaska 99510
(907) 277-5357; 277-5975 (fax); amcc@igc.apc.org

FRAMEWORK FOR BYCATCH REDUCTION

August 1996

The following standards and steps must be incorporated into fishery management plans and bycatch management programs under the Comprehensive Rationalization Plan (CRP) in order to meet conservation goals for sustainability of the fisheries and the ecosystems of which they are a part.

1. Any bycatch proposal implemented by the Council as part of the CRP should be comprehensive. A comprehensive bycatch proposal is one that addresses all categories of bycatch including non-commercial species, prohibited species, economic discards and regulatory discards.
2. Any bycatch proposal should result in the lowering of total removals from the ocean ecosystem. That means not only lowering bycatch rates, but all bycatch totals across all gear types (phased in if necessary).
3. Any bycatch program should involve as much input from fishermen as possible.
4. Any bycatch program should be integrated with the observer program as much as possible, recognizing the inevitable trend toward better information from observers as the data from which all future management programs will be based.
5. Any bycatch program can achieve the best results with positive incentives rather than punitive regulations. Some examples include:
 - Help fishermen convert to cleaner gear;
 - Extend seasons for cleaner gear types where bottom trawling is eliminated (PSCs could be reduced and the season extended because caps would not be reached as quickly using cleaner gear);
 - Allocate more fish to cleaner gear types. Increased allocation for jig and pots for cod, and pots for yellowfin sole and rock sole could be done right now providing for much reduced bycatch, less impact on marine habitat, and year round fisheries for coastal communities.
6. Any bycatch program should entail mechanical techniques available to reduce bycatch to the maximum extent practicable such as:
 - Eliminate bottom trawling;

(over)

- Restrict trawl net size and horsepower;
- Crank down prohibited species caps;
- Eliminate net loss fisheries (fisheries in which the ex-vessel value of bycatch is greater than the ex-vessel value of targeted catch);
- Require electronic reporting equipment on board to allow daily transmission of catch and bycatch data;
- Require catch and bycatch estimates by weight;
- Limit speed of trawl tows without increasing bycatch of juvenile fish.

* * * * *

FISH CLEAN...FISH LONGER!

**GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fishery Management Council**

Name of Proposer: Aleutians East Borough

Date: August 14, 1996

Address: P.O. Box 349
Sand Point, AK 99661

or 2767 John Street
Juneau, AK 99801

Telephone: 383-2699 or our Juneau Office at 364-3555

Fishery Management Plan: Halibut and Sablefish

Brief Statement of Proposal: Repeal the "Sitka Block" provision of the Halibut and Sablefish IFQ programs for all areas except Southeast Alaska.

Objectives of Proposal: (What is the problem?) The Block provision of the halibut and sablefish IFQ programs severely impede the ability of small boat operators and entry level fishermen to either purchase incremental shares of these resources, or to dispose of small blocked shares that were originally issued. These small blocks are generally unfishable and also unattractive on the market.

Need and Justification for Council Action: (Why can't the problem be resolved through other channels?) Only the Council has the authority to amend this regulation.

Foreseeable Impacts of Proposal: (Who wins, who loses?) The winners will be those fishermen who were issued small blocks of halibut and/or sablefish and now want to divest themselves of these unusable shares, or who want to acquire additional shares to make a fishable package. Other winners include small boat/entry level fishermen who want to get into the halibut and/or sablefish fisheries, but who cannot make a large investment all at once.

Are There Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem? We have identified no new alternatives. While the block provision was designed to prevent excessive shares accruing to large vessels, its negative aspects outweigh its usefulness. The vessel size category provisions are adequate to address this concern.

Supportive Data & Other Information: What data are available and where can they be found: We believe that the amount of unharvested halibut in the Western Gulf and other areas is a good indication of the problem. We believe that the only additional supportive data exist in the anecdotal information provided by fishermen who will be available to testify before the Council on this issue.

Signature:



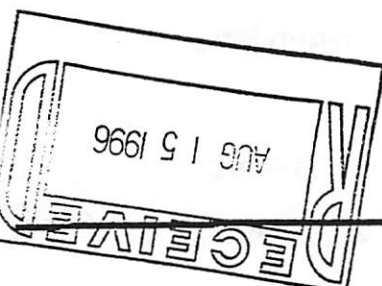
326 Center Avenue, Suite 202
P.O. Box 135
(907) 486-3781
Fax (907) 486-3781



HALIBUT • SABLEFISH • PACIFIC COD • CRAB

IFQ PROPOSAL

North Pacific Fishery Management Council



Name of Proposer:

Kodiak Vessel Owners Association

Date: August 12, 1996

Address:

P.O. Box 135
Kodiak, AK 99615

Telephone:

(907) 486-3781

Fishery Management Plan:

Bering Sea & Aleutian Islands Groundfish

Brief Statement of Proposal:

Amend regulations to allow "C" class (vessels under 60') catcher vessel sablefish quota shares in the Bering Sea to be harvested with longline pot gear by class "B" (vessels over 60') catcher vessels.

Objective of Proposal:

Individuals holding class "C" sablefish quota in the Bering Sea will have the ability to harvest their IFQ with longline pot gear in safety.

Need and Justification for Council Action:

In April, the Council approved a regulatory amendment to allow the use of longline pot gear for the harvest of IFQ sablefish in the Bering Sea. This amendment alleviates the impact of killer whale depredation on hooked sablefish, and the unknown mortality associated, only for larger vessels. "C" class vessels cannot safely utilize longline pot gear and therefore continue to be vulnerable to killer whale depredation and the associated unknown mortality which the Council's April action was intended to address. The current situation may encourage class "C" vessels to outfit with gear they are incapable of safely carry on deck or force them to continue losing unknown portions of their catch to killer whales.

Foreseeable Impacts of Proposal: (Who wins? Who loses?)

Holders of class "C" will be able to eliminate the loss of sablefish to killer whales while maintaining the safety of their crew.

Alternative Solutions?

No alternative solutions seem to be available.

Supportive Data & other Information:

The issue of killer whale depredation on hooked sablefish is discussed in the April 1996 draft EA/RJR/IRFA of the use of longline pot gear in the Bering Sea sablefish IFQ fishery. As noted in that analysis, longline pot gear is heavier and requires more deck space than hook and line gear. The added weight and loss of deck space on a small vessel can degrade the vessel's stability.

Signature:

Lisa Polito
Lisa Polito
Executive Director

IFQ PROPOSAL
North Pacific Fishery Management Council

Name of Proposer: Mark G. Copeland

Date: July 31, 1996

Address: 550 W. 7th Avenue, Suite 1350
Anchorage, Alaska 99501

Telephone: (907) 276-5152

Brief Statement of Proposal: Amend Section 676.22(j)(1) by adding the italicized language to allow corporations and partnerships receiving an initial allocation of catcher vessel QS to change their form of organization so long as they do not change the owners without losing the exemption under paragraph (j) which enables such entities to fish the QS:

(1) A corporation or partnership, except for a publicly-held corporation, that receives an initial allocation of catcher vessel QS loses the exemption provided under paragraph (j) of this section on the effective date of a change in the corporation or partnership from that which existed at the time of initial allocation; *provided, however, a corporation or partnership may change its form of organization from its existing form to a partnership or corporation or to a Limited Liability Company or a Limited Liability Partnership without losing the exemption provided under paragraph (j) of this section.*

Objectives of Proposal: (What is the problem?) The existing language makes it unclear whether a corporation or partnership can change the form of its organization (but not its owners) without risking loss of its ability to fish its QS. Some forms of organization such as a Limited Liability Company, were not available when the regulations were drafted.

Need and Justification for Council Action: (Why can't the problem be resolved through other channels?) While it is possible that this could be resolved by an interpretive release the stakes are high.

Foreseeable Impacts of Proposal: (Who wins, who loses?) Existing qualified entities would be able to use the form most convenient to the owners for both tax and liability purposes. It has no other effect on the IFQ system. There is no reason that QS owners should be unable to use business forms available to all other business entities.

Are there Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem? See above.

Supportive Data & Other Information: What data are available and where can they be found? N/A

Signature:



IFQ PROPOSAL
North Pacific Fishery Management Council

Name of Proposer: Mark G. Copeland
Address: 550 W. 7th Avenue, Suite 1350
Anchorage, Alaska 99501
Telephone: (907) 276-5152

Date: July 31, 1996

Brief Statement of Proposal: Amend Section 676.22(j)(2) by adding the italicized language:

For purposes of this paragraph, "a change in the corporation or partnership" means the addition of any new shareholder(s) or partner(s), except that a court appointed trustee to act on behalf of a shareholder or partner who becomes incapacitated, *the addition of a shareholder or partner who is an individual prescribed in Section 676.21 of this part, or an individual who has actively managed the daily operations of the corporation or partnership for at least two years and does not otherwise own an interest in a corporation or partnership holding a catcher vessel QS*, is not a change in the corporation or partnership. *The term "corporation or partnership" includes Limited Liability Companies and Limited Liability Partnerships.*

Objectives of Proposal: (What is the problem?) Allows for certain limited additions to either corporate or partnership ownership. The persons who may become owners under the proposed amendment are those who could otherwise acquire quota shares or persons who are actively engaged in the day to day management of the partnership or corporation. The proposed amendment limits ownership in partnerships or corporations by persons who are managers to ownership in one partnership or corporation holding quota share. This prevents any accumulation of quota share interest not otherwise allowed for in the regulations. The amendment recognizes a fact in the fishing business that many individuals got their start as owners of vessels and other capital assets through what are essentially "work equity" financing programs. To prevent this traditional form of ownership acquisition is to substantially limit qualified individuals entry into the fishery. It is substantially more likely that an individual acquiring an interest in a viable entity ultimately will be more successful as a fisherman, than a person acquiring only a limited number of quota shares and attempting to buy additional quota shares over time.

Need and Justification for Council Action: (Why can't the problem be resolved through other channels?) Such transactions presently are prohibited.

Foreseeable Impacts of Proposal: (Who wins, who loses?) Winners are those who are actively engaged in the industry and can acquire an interest in QS with "work equity" financing. Losers are those who have accumulated cash and might bid on QS offered by the entity.

Are there Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem? There may be alternative solutions. However, this merely reinstates a method of entering the fishery which traditionally has been important. This avoids convoluted contractual arrangements which attempt to reach the same solution.

Supportive Data & Other Information: What data are available and where can they be found? N/A

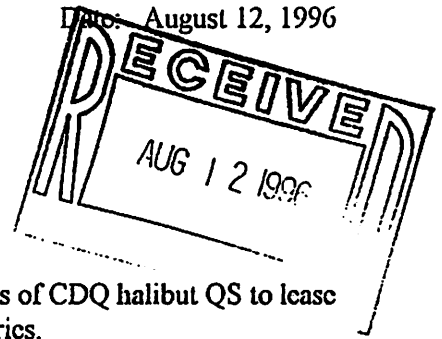
Signature:



GROUND FISH & IFQ AMENDMENT PROPOSAL
North Pacific Fishery Management Council

Name of Proposer: Dave Fraser
Address: PO. Box 771 Pt. Townsend WA, 98368
Telephone: 360-385-6248

Date: August 12, 1996



Fisheries Management Plan: BSAI/GOA Groundfish & Halibut Plans

Brief Statement of Proposal: Amend the Halibut ITQ/CDQ plan to allow holders of CDQ halibut QS to lease up to 30% of their quota on an annual basis to be taken as bycatch in other fisheries.

Amend the GOA Sablefish ITQ plan allow holders of sablefish QS to lease up to 20% of their quota on an annual basis, to be taken as bycatch in other fisheries. Prohibit discard of sablefish in the GOA deepwater flatfish fishery and require that any catches above the 15% allowable bycatch (or any bycatch after the trawl allocation is exhausted) be covered by leased QS. (This would be similar to the Canadian system which allows trawlers to lease an amount of sablefish equal to their IBQ.)

Objectives of the Proposal: (What is the problem?) Groundfish fisheries (both hook and line as well as trawl) are constrained by halibut bycatch. This would allow holders of CDQ halibut quota to maximize the value of their quota, while allowing groundfish operations to harvest more groundfish. Deepwater flatfish fisheries in the GOA are not constrained directly by sablefish bycatch, however as we move toward IR/IU, it is unacceptable to have sablefish (the single most valuable component of the catch) discarded as a prohib in deepwater flatfish fisheries, as is now the status in most of the GOA.

Need and Justification of Council Action: (Why can't the problem be solved through other channels?) Adoption of measures to reduce crab bycatch will exacerbate the problem of halibut bycatch in Bering Sea fisheries which are all ready constrained by halibut PSCs.

Foreseeable Impacts of the Proposal: (Who wins, who loses?) To the extent that any lease transactions occur the lessors benefit because they have decided the lease price is greater than the benefits of harvesting the quota themselves. The leasees are winners in that they are able to harvest groundfish they otherwise would not have been able to. The consumers are winners because more product is available to them.

Are the Alternative Solutions? If so, what are they and why to you consider your proposal the best way of solving the problem? Increasing the PSC caps for halibut or relaxing crab protection measures, and increasing the allocation of sablefish to trawlers are theoretical alternatives. However, each of these increases the level of externalities imposed on other user groups without compensation. These alternatives are thus sub-optimal. Likewise status quo is sub-optimal, because the economic benefit of allocating halibut, crab, and sablefish to the directed fisheries is less than the value of foregone groundfish catches. VBAs are a valid alternative, unless precluded by some congressional action.

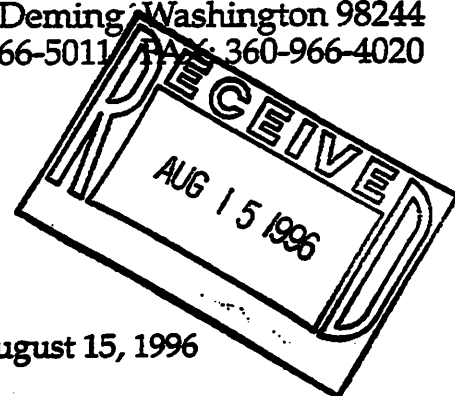
Supportive Data & Other Information: What data are available and where can they be found? (See the EA-RIRs for various PSC limits.)

dave fraser Phone 360-385-6248
FV Muir Milach FAX 206-860-1418
dfraser@olympus.net MCI address 7468876
<0007468876@mcimail.com> PO Box 771 Pt. Townsend WA 98368

PARKER & ASSOCIATES

P.O. Box 872 Deming, Washington 98244
360-966-5011 FAX: 360-966-4020

IFQ PROPOSAL North Pacific Fishery Management Council



Name of Proposer: Permit Master
Address: 40414 228th Way SE
Enumclaw, WA 98022

Date: August 15, 1996

Contact Person: Peggy Parker
Telephone: 360-966-5011
Fax: 360-966-4020
email: 103201.2076@compuserve.com

Brief Statement of Proposal:

To allow the transfer of quota shares to a Charitable Remainder Trust for subsequent sale to an eligible individual.

This proposal would modify 50CFR Part 679, Subpart D §679.41 "Transfer of QS and IFQ", paragraph (f) "Transfer of QS or IFQ with restrictions." The first sentence would be amended to read: "If QS or IFQ must be transferred as a result of a court order, operation of law, *transfer to a charitable remainder trust*, or as part of a security agreement, but the person receiving the QS or IFQ by transfer does not meet all of the eligibility requirements of this section, the Regional Director will approve the Application for Transfer with restrictions."

Objectives of Proposal:

To allow quota share holders who do not intend to fish their IFQs (due to health circumstances, economic constraints, or age), but who are reluctant to sell their shares due to the capital gains tax liability on their fixed incomes, an option.

The option allows the sale of the shares through a Charitable Remainder Trust, which would put the shares back in use, provide a tax-free transaction to the quota share holder, provide a "retirement" income to those fishers who may not otherwise have one, offer a tax-free private installment sale which will put the quota shares in the hands of eligible individuals more quickly, and eventually benefit a charity of the fisher's choice.

If adopted, this proposal will provide an avenue for any fisher who owns quota shares to transfer the shares efficiently without paying capital gain taxes. In addition, the fisher, who would set up the Charitable Remainder Trust as a

deferred donation to the charity of his choice, would gain an income tax deduction, and receive payments from the Trust for every year during the remainder of his life. The amount and term of the income tax deduction would vary depending on individual circumstances.

Once the quota shares are donated to a Charitable Remainder Trust, the Trust itself could not receive IFQ and would sell the shares and invest the revenue. The Trust then manages the asset so as to provide an income to the donor for the rest of his life. Upon the death of the donor or the donor's spouse (depending on how the Trust is set up), all assets in the Trust would pass to the charity named when the Trust was started.

The donor also has the option of establishing a life insurance trust which could provide gift tax advantages during the donor's lifetime and, upon his death, could allow his children to purchase the asset, thus ensuring their inheritance. The named charity would then receive the cash and the children would receive the asset.

Need and Justification for Council Action:

The current rules prohibit QS owners from utilizing the same tax advantages as all other small business entities. The North Pacific Fisheries Management Council is the only authority under which regulations governing quota share transfers can be amended. Therefore, this problem cannot be solved through other channels.

Foreseeable Impacts of Proposal:

Current quota share holders who are approaching retirement age or who are unable to fish their quota shares will greatly benefit from this amendment.

It is estimated that approximately 15% of *all* quota share holders are 55 years of age or older. This percentage of retirement-age quota share holders is likely to grow in the next few years, so that by the time this proposal is approved, there may be 25-30% of all quota share owners who face the retirement decision. Transferring assets to a Charitable Remainder Trust is not restricted by the age of the donor, so this proposal could impact a far higher percentage of fishers than estimated above.

Eligible buyers will benefit from, first, having these quota shares available, and secondly, being allowed to purchase them through private installment contracts, thus broadening the opportunities to eligible crewmen.

Charities will benefit by the eventual ownership of the assets in each Charitable Remainder Trust.

Communities will benefit by allowing retiring fishers to invest in income-producing properties or other businesses, thus spreading the economic benefits beyond the fishing industry.

Are there Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem?

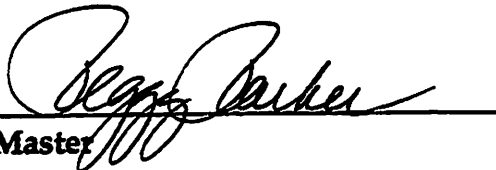
There are no alternative solutions. This is a simple solution to a complicated problem. Allowing quota shares to be transferred to a Charitable Remainder Trust provides tax benefits to quota share holders that they otherwise would not have.

Supportive Data & Other Information: What data are available and where can they be found?

Please see the attached Comparison Table for supporting data. Further information on Charitable Remainder Trusts can be found from:

1. The American Law Institute and the American Bar Association, re *Publication SA87, Charitable Giving Techniques.*
2. *1996 Field Guide to Estate Planning, Business Planning, and Employee Benefits* by Donald F. Cady, J.D., LL.M., CLU
3. Tax Attorneys
4. Certified Financial Planners

Signature _____
For Permit Master



COMPARISON OF OUTRIGHT SALE OF BUSINESS AND CHARITABLE REMAINDER UNITRUST

OUTRIGHT SALE WITHOUT TAX PLANNING

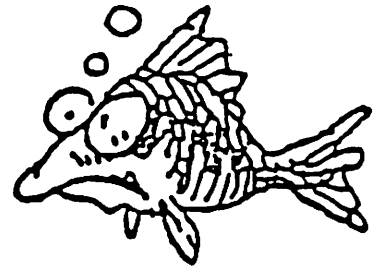
YEAR	SALE VALUE OF BUSINESS	LOSS CAPITAL GAINS	BALANCE TO INVEST	INCOME @ 8% PRINCIPAL	LESS TAX @ 15%	NET AVAILABLE INCOME
1	300,000	84,000	216,000	17,280	2,592	14,688
2			216,000	17,280	2,592	14,688
3			216,000	17,280	2,592	14,688
4			216,000	17,280	2,592	14,688
5			216,000	17,280	2,592	14,688
6			216,000	17,280	2,592	14,688
7			216,000	17,280	2,592	14,688
8			216,000	17,280	2,592	14,688
9			216,000	17,280	2,592	14,688
10			216,000	17,280	2,592	14,688
11			216,000	17,280	2,592	14,688
12			216,000	17,280	2,592	14,688
13			216,000	17,280	2,592	14,688
14			216,000	17,280	2,592	14,688
15			216,000	17,280	2,592	14,688
16			216,000	17,280	2,592	14,688
17			216,000	17,280	2,592	14,688
18			216,000	17,280	2,592	14,688
19			216,000	17,280	2,592	14,688
20			216,000	<u>17,280</u>	<u>2,592</u>	<u>14,688</u>
TOTAL				345,600	51,840	293,760

SALE AFTER GIFT TO CHARITABLE REMAINDER TRUST

While this projection is set up for 20 years, the distribution would continue for the lifetime of the Trustee and/or their spouse. The estimate for taxes is based on 24,000 as the *only* taxable income. Calculation is based on Trustee & Spouse at the age of 60. This projection does not take into account the appreciation of the asset (i.e. real property) over time, that is, the built-in protection against inflation provided to the Trustee's net income.

YEAR	SALE VALUE OF BUSINESS	LOSS CAPITAL GAINS	BALANCE TO INVEST	INCOME @ 8% PRINCIPAL	LESS TAX @ 15%	NET AVAILABLE INCOME
1	300,000	0.00	300,000	24,000	1,800	22,200
2			300,000	24,000	1,800	22,200
3			300,000	24,000	1,800	22,200
4			300,000	24,000	1,800	22,200
5			300,000	24,000	3,585	20,415
6			300,000	24,000	3,600	20,400
7			300,000	24,000	3,600	20,400
8			300,000	24,000	3,600	20,400
9			300,000	24,000	3,600	20,400
10			300,000	24,000	3,600	20,400
11			300,000	24,000	3,600	20,400
12			300,000	24,000	3,600	20,400
13			300,000	24,000	3,600	20,400
14			300,000	24,000	3,600	20,400
15			300,000	24,000	3,600	20,400
16			300,000	24,000	3,600	20,400
17			300,000	24,000	3,600	20,400
18			300,000	24,000	3,600	20,400
19			300,000	24,000	3,600	20,400
20			<u>300,000</u>	<u>24,000</u>	<u>3,600</u>	<u>20,400</u>
TOTAL			6,000,000	480,000	64,785	415,215

**North
Pacific
Longline
Association**



Agenda D-4(b)

September 12, 1996

Mr. Richard B. Lauber, Chariman
North Pacific Fishery Management Council
605 West 4th Avenue
Anchorage, AK

RE: Proposed BSAI Groundfish Amendments

Dear Rick:

Attached please find two proposed amendments to the BSAI groundfish plan which have been submitted by a group of fixed gear associations.

The first proposal addresses unnecessary complexities in the BSAI fixed gear cod fishery. It is in the nature of a housekeeping amendment, and was given highest priority by the Plan Team. NMFS staff has also voiced support for it. The proposal would reduce or eliminate reserves for BSAI cod, allow cod TAC and halibut PSC to roll from the first to the third trimesters per industry agreement, require projection of excess cod for any gear type by August 15 each year, and provide that any "C" season for cod be contiguous with the "B" season or with the next annual fishing season. Please see attachment.

The second simply asks that the Council officially recognize a reality that has already come into being - the BSAI Greenland turbot fishery should be a longline-only fishery. The Plan Team gave this proposal highest priority, and even trawl representatives supported the idea (trawlers abandoned the fishery in 1996 because of high halibut bycatch).

If fixed gear operators are to harvest the entire turbot TAC along with their increased cod apportionment, they are going to need a slight increase in their halibut PSC cap. The proposal suggests an increase of 140 mt, but working with Janet Smoker of FIS, we have determined that 120 mt would likely be sufficient. The idea of increasing the longline halibut PSC cap will obviously raise some questions - questions which the Plan Team did not answer. Here is our rationale:

In 1991 when the Council first proposed a halibut PSC cap for the BSAI longline fleet, vessels were still being built and entering the fishery. The fleet harvested some 60,000 mt of cod that year, but there was no way of estimating just what fleet

capacity (or bycatch performance) might eventually be. This year the fixed gear apportionment of cod is expected to reach 136,000 mt with a transfer from the trawl quota. Some 38,000 mt remain to be harvested, mostly by longliners. The only reason we can hope to stretch our halibut PSC this far is that in 1995 industry bycatch reduction efforts resulted in a 36% decrease in assumed halibut mortality rates - from 18% to 11.5%. In 1994 and 1995 BSAI fixed gear fishermen retained 3.74 times as much cod per unit of halibut mortality as did trawlers.

In the 1996 turbot fishery longliners took five times as much turbot per unit of halibut mortality as did trawlers in 1995. This represents a 53% increase in turbot catch for an increase of only 7 mt in halibut mortality (see attached proposal for details), and was achieved through the production and distribution by Fisheries Information Services of "hot spot" charts which enabled fishermen to avoid areas of high halibut concentration.

In our view successful industry bycatch reduction efforts of this sort should be rewarded. We have asked for an incremental increase of 120 mt of halibut PSC to sustain our turbot fishery, only. Perhaps the easiest way to provide for such an increase is to take it out of the overall halibut TAC - it would hardly be missed by individual vessels. The alternative is to take it from the trawl cap. The decisions whether to provide for this increase and where the halibut are to come from are up to the Council. We have no desire to gore anyone else's ox, but do ask the Council to take into consideration our continuing efforts as bycatch reduction and the relative efficiencies to the two gear types in harvesting turbot.

Thank you for your attention.

Sincerely,


Thorn Smith

Attachments

GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fishery Management Council

Name of Proposer:

North Pacific Longline Association
Fishing Vessel Owners' Association
Deep Sea Fishermen's Union
Alaska Crab Coalition

Date:

August 15, 1996

Address:

Seattle, Washington

Fishery Management Plan:

Groundfish of the Bering Sea/Aleutian Islands Area

Brief Statement of Proposal:

The following measures are recommended to rationalize inseason management of the BSAI cod fishery:

1. Reduce reserves for BSAI Pacific cod to one of the following: 5%; 3%; 1%. Preferred alternative: 3%. Consider reducing all reserves similarly in BSAI and GOA groundfish fisheries. (NOTE that since BSAI reserves are nonspecified, it may be necessary to "release" 12% of the cod reserve at the beginning of the year to accomplish this purpose, unless the Council wishes to reduce reserves across the board. There are some minor conceptual hurdles here);
2. In the BSAI fixed gear cod fishery, provide authority for rollover of both excess cod TAC and excess halibut PSC from first to third trimesters;
3. Provide under 679.20(a)(7)(ii) that by August 15 of each year the Regional Director shall project unused amounts of Pacific cod by gear type and shall reallocate such amounts to the other gear type(s), using current catch and historical catch data; and
4. Provide that in the BSAI fixed gear cod fishery, any "C" season shall be contiguous with the next annual fishing season if it cannot be made contiguous with the "B" season.

Objectives of Proposal:

1. Reducing Reserves - The primary purpose for establishing reserves at 15% of TAC was to provide for unexpected expansion of the domestic fishery during the days of foreign fishing. Reserves are no longer necessary for that purpose. At the 15% level reserve releases may raise allocation disputes which are undesirable and unnecessary. Reduction of the BSAI cod reserve

to 3% will give managers an adequate safety margin to augment seasonal fisheries or to account for overruns. Consider the implications of a reduction in reserves for all fisheries.

2. Seasonal Rollovers - Each year the fixed gear participants negotiate seasonal apportionments of BSAI fixed gear cod and make recommendations to the Council. These negotiations may include rollovers of cod TAC and halibut PSC from the first to the third trimesters. Authority should be created to permit the Council and NMFS to implement the results of those negotiations, if they approve.

3. Reallocation of Unused Cod - Amounts of cod likely to be unused in any given season may easily be estimated by using current and historical catch data. These amounts should be projected by August 15 of each year and allocated to those gear type(s) able to take them. Short "C" seasons that are not contiguous with a "B" season or with the next annual season should be avoided. It is diseconomic to gear up for a short "C" season. Reserves can be used to offset any inadvertent mistake in estimating unused cod.

4. "C" Seasons - Any "C" season which does occur in the BSAI fixed gear cod fishery should be contiguous with the next annual season if it cannot be made contiguous with the "B" season. The likely number of fishing days should be estimated, and the next annual season started in December so that fishing is continual.

Need and Justification for Council Action:

Regulations governing inseason management of BSAI cod are within the exclusive jurisdiction of NMFS and the Council.

Foreseeable Impacts of Proposal:

This proposal would do much to rationalize the inseason management of the BSAI cod fishery. Currently there is considerable angst and acrimony surrounding reserve releases and reallocations of unused cod. OY will be achieved in a manner most likely to yield economic benefit to the nation. There would be only winners.


Alternative Solutions:

Can't think of any.

Supportive Data & Other Information:

NMFS files must be full of letters and FAXes addressing these problems, sent by disgruntled fishermen and their representatives in recent years.

Signatures:


Fishing Vessel Owners'
Association


Deep Sea Fishermens' Union

Thorn Smith

North Pacific Longline Association

Arni Thomson

Arni Thomson, Executive Director
Alaska Crab Coalition

GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fishery Management Council

Name of Proposer:

North Pacific Longline Association
Kodiak Vessel Owners' Association
Fishing Vessel Owners' Association
Deep Sea Fishermen's Union
Alaska Crab Coalition

Date:

August 15, 1996

Address:

Seattle, WA
Kodiak, AK

Fishery Management Plan:

Groundfish of the Bering Sea/Aleutian Islands Area

Brief Statement of Proposal:

The following measures are recommended to rationalize the BSAI Greenland turbot fishery:

1. Make BSAI Greenland turbot a fixed gear-only fishery; and
2. Allocate an additional 140 mt of halibut PSC to fixed gear fishermen for the BSAI Greenland turbot fishery.

Objectives of Proposal:

Fixed Gear Only - Repeated experience has indicated that halibut bycatch in the trawl fishery for turbot is so high as to render the fishery impracticable. In 1995 the trawl fishery for turbot lasted only two days, killing 272 mt of halibut for 2,833 mt of turbot. By contrast, hook-and-line fishermen were able to harvest 2,885 mt of turbot for 81 mt of halibut during an 18-day fishery (source: NMFS). In 1996 longliners took 4,400 mt of turbot for only 88 mt of halibut mortality. The turbot fishery was abandoned by the trawlers in 1996 because of anticipated high halibut bycatch.

Status of Stocks - Without a slope survey it is impossible for NMFS to accurately assess status of turbot stocks using orthodox tools. However, the continued high CPUE in the commercial fishery indicates that stocks are strong enough to maintain a fishery within ABC. Though small, this fishery is a mainstay of the fixed gear fleet.

Additional Halibut PSC - In order to achieve OY in the turbot fishery, hook-and-line vessels will need 140 mt of

additional halibut PSC (source: FIS). Having achieved a 36% reduction in assumed mortality in the cod fishery through an industry-sponsored mortality reduction program, hook-and-line fishermen should be rewarded. Their performance stands in stark contrast to trawl performance in the cod fishery (halibut mortality up 68.5% since 1993) or in the turbot fishery. If the Council is not willing to increase the overall halibut PSC cap in the BSAI, a transfer of halibut PSC from the trawl fleet to the fixed gear fleet is appropriate.

Need and Justification for Council Action:

Regulations governing the BSAI Greenland turbot fishery are within the exclusive jurisdiction of NMFS and the Council.

Foreseeable Impacts of Proposal:

Turbot OY is achieved, to the benefit of all. Longliners are rewarded for improving halibut mortality. Trawlers may or may not lose some halibut PSC, depending on Council decision.

Alternative Solutions:

Can't think of any.

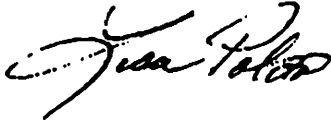
Supportive Data & Other Information:

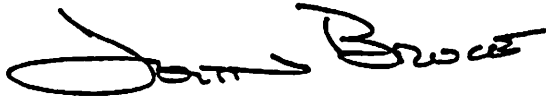
See catch and bycatch in the respective cod and turbot fisheries for the last three or four years.


Signatures:


North Pacific Longline Association

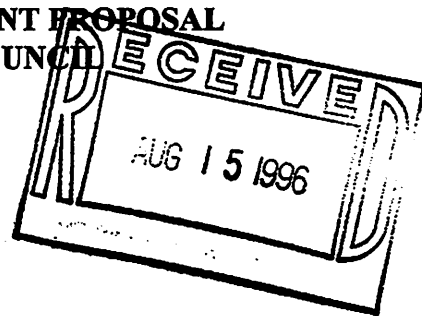

Fishing Vessel Owners' Association


Kodiak Vessel Owners' Association


Deep Sea Fishermens' Union


Arni Thomson, Executive Director
Alaska Crab Coalition

**SCALLOP FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL**



Name of Proposer: Kodiak Fish Company

Date: August 14, 1996

Address: Suite 205, 326 Center Avenue, Kodiak, Alaska 99615

Telephone: 907-486-3309/Fax 907-486- 3676 or 360-366-9131/Fax 360-366-9132

Fishery Management Plan: Scallop FMP

Brief Statement of Proposal:

The vessel moratorium in the scallop fishery is designed to be a temporary measure. This is a proposal to enact a license limitation program to replace that moratorium.

Objectives of Proposal: (What is the problem?)

The scallop fishery experienced rapid growth and catch reached levels which have not been sustainable in the past. The moratorium was put in place by the Council to freeze growth at its current level but the moratorium is a temporary measure with a maximum life of four years. Council action takes several years from proposal to having a final rule. To have a permanent plan in place by the time the moratorium is to expire requires an early start. This proposal suggests a license limitation plan for scallops similar to those enacted for groundfish and crab.

Need and Justification for Council Action: (Why can't the problem be resolved through other channels?)

The Council is the only body with the authority to enact a successor plan to the moratorium.

Foreseeable Impacts of Proposal: (Who wins, who loses?)

Winners will be those who have participated and been dependent on the scallop fishery in Alaska both in the past and recently. The fishery and the resource will stabilize - allowing resource managers to better plan and conduct the fishery. The historic extreme ups and downs characteristic of this fishery will be leveled to the extent possible. Markets dependent on this product will be able to count on consistency in supply and supplier. Losers will be those who have never participated in the Alaskan scallop fishery or those who have not participated in recent years.

Are There Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem?

Many alternatives were considered in the process of developing this proposal. The Council in enacting a vessel moratorium agreed that the fishery was experiencing rapid growth and overcapitalization which the resource had been historically unable to withstand - resulting in a classic pulse fishery. The scallop species throughout the world all exhibit a cyclical abundance - this type of sporadic reproduction of a longlived animal such as the weathervane scallop can still produce a stable fishery under the proper management regime. The SSC has repeatedly recommended a quota share type system which would more fairly allocate the catch among full time and part time fishers. An ITQ plan could not even be discussed due to Congressional interference with the Council process. A license program which takes into account more recent years of participation, requires the permit holder to use the permit, and prohibits transfers will allow those intent on staying in the fishery to do so and discourages speculation. Options presented in this proposal will move the qualifying periods forward to reflect more recent participants while still requiring some level of historic dependence - but again with that history moved forward in time. These options were suggested in recognition of the criticism that earlier time periods of qualifying received in the halibut/sablefish allocations.

The only other option is to allow the moratorium to expire with no replacement plan. The situation which existed prior to final action on the moratorium is worse now. The North Pacific groundfish moratorium is in place. Both scallop and groundfish fisheries on the East Coast are under a limited license system and their fishing days are being continually reduced each year. The East Coast groundfish fishery has a government funded buyback program in place to reduce the number of vessels participating but such a program hasn't been approved for the scallop fishery. An open access fishery in Alaska would attract a few participants from all these areas. With a moratorium in Alaska and conservative management measures in place, those vessels participating here should have catch rates which will exceed the level of those in New England and the mid-Atlantic scallop fisheries. That will be attractive to those boats which even today are barely eking out a living and with further cuts in fishing time, facing ruin. Without a permanent limit on vessels in Alaska's scallop fishery, a high degree of risk exists that the fishery will attract enough new entrants as to make management difficult and economic return for long term participants below break even. These fishers have already endured almost two years of no fishing due to loopholes in regulation which rendered proper management impossible. To open the fishery back up to open access would make a mockery of any conservation gains made during this involuntary penalty period.

Supportive Data & Other Information: What data are available and where can they be found?

The scallop observer program is currently up to date on data entry and Alaska Department of Fish and Game has allocated some resources to data analysis. In addition, the University of Washington School of Fisheries is in the process of analysis of all available data to produce a stock assessment. These sources should allow for a reasonable estimate of the resource. Additionally, the data used for analysis of the moratorium is available from the Council and NMFS.

COMPONENTS AND ALTERNATIVE ELEMENTS AFFECTING THE OWNERSHIP, USE AND TRANSFER OF LICENSES

Who May Purchase Licenses

1. Licenses could be transferred only to "persons" defined under Title 46 USC.
2. Licenses could be transferred to "persons" with 76% or more U.S. ownership.
3. Licenses are non-transferable for first 4 years of the program.
4. Licenses are non-transferable.

Vessel/License Linkages

1. Vessel must be transferred with license.
2. Licenses may be transferred without a vessel, i.e., licenses may be applied to vessels other than that to which the license initially was issued.

Options Regarding the Use of Licenses

1. License must be used at least once during each calendar year to retain use of license. Vessels may appeal one year of non use of license if casualty loss occurred and vessel did not fish in any other fishery anywhere during that year.
2. Licenses may be retained whether or not they are used.

Buy-back/Retirement Program

1. No buy-back retirement program.
2. Industry funded buy-back program with right of first refusal on all transfers of licenses.

Options Regarding the Separability of Area Designations

1. Area designations are not separable, and shall remain as a single license with those initial designations.
2. Area designations shall be treated as separable licenses and may be transferred as such.
3. Area designations shall be regarded as separable endorsements which require the owner to also own a general license before use or purchase.

Vessel Replacement and Upgrades

1. Vessel may not be upgraded.
2. Vessel may not be replaced with the exception of lost vessels. Lost vessels must be replaced within two years of loss. Replacement vessel must be equal to or less than the length of the replaced vessel.
3. Vessel may be replaced or upgraded within the bounds of the 20% rule as defined under the moratorium proposed rule.

SCALLOP LICENSES
COMPONENTS & ALTERNATIVE ELEMENTS AFFECTING INITIAL ASSIGNMENT
ANALYSIS FORMAT

Nature of Licenses

Single license for weathervane scallops only and all areas.

Single license for weathervane scallops and Icelandic scallops all areas.

Endorsement each for Statewide and Cook Inlet (Statewide is defined as all areas other than Cook Inlet).

Endorsement for each FMP sub-area. (Southeast Alaska, Yakutat, Prince William Sound, Kodiak, Alaska Peninsula, Dutch Harbor, Bering Sea, Adak, Cook Inlet).

License Allocations

No allocation results from receiving a license.

TACS are divided among recipients based upon catch history.

TACS are divided equally among recipients.

License Recipients

Current owners.

Current owners, then owner at the time of landing (no duplicates).

License Designations

No restrictions.

Vessel length.

Freezer vessels and non freezer vessels.

Freezer vessels and non freezer vessels and vessel length.

Qualifying Periods

Moratorium qualifying period

Moratorium qualifying period & January 1, 1996 - September 22, 1996

January 1, 1991 - December 31, 1995

January 1, 1991 - December 31, 1995 & January 1, 1996 - September 22, 1996

Landings Requirement for License Qualification and Endorsement Qualification

No minimum.

10,000 lbs for Statewide, no minimum for Cook Inlet.

10,000 lbs for Statewide, 1,000 lbs for Cook Inlet.

License Ownership Caps

1. No limit on the number of licenses or endorsements which may be owned by a "person".
2. No more than 2 area licenses per person.
3. No more than 1 area license per person.

Other Provisions (Choose any or none of the following.)

1. Licenses represent a use privilege. The Council may convert the license program to an IFQ program or otherwise alter or rescind the program without compensation to license holders.
2. Severe penalties may be invoked for failure to comply with conditions of the license.
3. Licenses may be suspended or revoked for multiple violations.
4. Implement a Skipper Reporting System which requires license holders to report skipper names, address, and service records to NMFS.
5. Develop and implement mechanisms to collect management, enforcement costs and/or rents from the industry, including taxes and fees on industry.