

# North Pacific Fishery Management Council

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CERTIFIED:

A handwritten signature in cursive script that reads "Clement V. Tillion". The signature is written in black ink and is positioned above a horizontal line.

Clement V. Tillion, Chairman Date

## MINUTES

### TWENTY-FIFTH PLENARY SESSION NORTH PACIFIC FISHERY MANAGEMENT COUNCIL ANCHORAGE WESTWARD HILTON ANCHORAGE, ALASKA May 24-25, 1979

The regular meeting of the North Pacific Fishery Management Council was held at the Anchorage Westward Hilton Hotel, Anchorage, Alaska on Thursday and Friday, May 24th and 25th, 1979 starting at 8:30 a.m. both days.

The Scientific and Statistical Committee conducted a two day meeting, Tuesday and Wednesday, May 22-23 in the Council conference room at the Council offices in the Post Office Mall Building starting at 9:00 a.m. both days.

The Advisory Panel held a one-day meeting on Wednesday, May 23rd, 1979 in the Kenai-Aleutian Room at the Anchorage Westward Hilton Hotel starting at 9:00 a.m.

A public comment period was conducted during the Council meeting on Thursday, May 24th, commencing at 3:30 p.m. An attendance roster of Council members, SSC members, AP and the public is attached as Appendix A.

The meeting was convened by Chairman Clement V. Tillion who memorialized Professor Donald L. McKernan. Professor McKernan, a Council member, was stricken and died during a trip to China in early May. Member Charles Meacham offered additional comments.

## AGENDA

1. The draft agenda was adopted by motion.
2. Council minutes for the February and March monthly meetings were adopted with one change (p.16, March, change "Public Hearing" to "Public Comment").

[At this point member Jim Campbell said that if he could give a short report under agenda 19 it would eliminate the necessity of a Finance Committee Meeting. The subject would be the computer contract. The suggestion was accepted.]

3. Executive Director's Report - The Executive Director's report was accepted by motion. During the report Mr. Branson added the National Orientation meeting subject to the agenda. The Executive Director's report is included as Appendix B.

4. Alaska Department of Fish & Game Report - The report consisted of updates on the Bristol Bay herring fishery now in progress and the Bering Sea Tanner crab fishery. The herring report, illustrated by photographic slides, indicated spawning had started early, was missed by many boats due to layups caused by storm conditions and will probably peak at 10,000 metric tons, short of pre-season estimates of over 12,000 metric tons. Prices in the fishery will average \$500 to \$600 per metric ton. The roe-on-kelp harvest totaled 380,000 pounds and 500 tons of herring were frozen for bait.

M.F. Eaton, Western Regional Shellfish Biologist, reported to the Council on Tanner crab. Declines in C. bairdi catches put increased effort on the opilio stocks early in the season. The final season figure should show some 40 million pounds of bairdi and 20 million pounds of opilio caught. A season closure announced for May 24th applies only to bairdi. Total value of the 1979 crab fishery should be \$23.6 million.

The Council had originally been alerted to the fact that it might have to deal with the Tanner crab problem as indicated by previous trawl surveys. Interpretations of that material had indicated the possibility of overfishing by the Japanese on opilio stocks north of 58° North and a drastic shift to the south in the distribution and abundance of opilio which created the overfishing potential. Indications at the time were that the United States fishery would harvest nearly 20 million pounds of opilio south of 58°. However, a continued examination of the fishery and a re-examination of the 1978 trawl survey results showed no cause for alarm in the areas mentioned. The status report on Tanner crab is included as Appendix C.

5. National Marine Fisheries Service Report - The National Marine Fisheries Service reported that the percentage of foreign fishing in Alaska compared to the rest of the United States is even more pronounced now than previously. A comparatively few vessels were reported fishing offshore around the United States outside of the Alaska region at the time. Concerning joint ventures, the KORMEX joint venture has suspended fishing and is not expected to return until June 1st. The Korean Marine Industrial Development Corporation (KMIDC) joint venture continues fishing with two boats fishing for bottomfish and several additional boats expected to start delivery shortly. Deliveries to date are approximately 150 metric tons.

A summary of enforcement case disposition was given and showed a settlement of \$47,000 for seven cases for which penalties and assessments had totaled \$51,500 against the Russians. The Council had learned of a decision made by the previous day by District Judge James von der Heydt

who ruled in U.S. District Court, Anchorage, that the Coast Guard action in boarding the TSUDA MARU without a warrant was legal. Defense Counsel for the ship had maintained that warrantless searches were illegal. The case is a precedent.

In response to the report, Council member Bart Eaton brought up two points that he said the National Marine Fisheries Service should be aware of. The first is that the Tanner crab fishery will develop on the 50 fathom curve. With respect to the concentration of foreign vessels in that area, there is a possibility of gear conflicts. The second point brought up was the fact that pot storage areas created a high density of gear in certain regions. Foreign ships should be advised of these pot storage areas in an effort to avoid conflicts. Mr. Eaton also suggested that perhaps as part of their duties, observers on foreign crab ships could check crab softshell conditions, keeping dates and numbers so that the data can be used. At the present time there is very little information available on the subject. Phil Chitwood, NMFS, gave the figures on the May 2nd release of reserves; 25 percent of every species except sablefish were released. The total reserves released to date is 50 percent of the reserve amount for all species except sablefish. Only 25 percent of sablefish have been released. Concerning the increase in the pollock OY considered by the Council at the January meeting, Chitwood said NMFS recommends that the pollock OY not be increased. Available data indicates that inaccurate harvest figures show that the pollock quota has probably been reached or exceeded and that it was neither necessary nor desirable to increase the quota. The National Marine Service Fisheries Report is included as Appendix D.

#### 6. U.S. Coast Guard Report

One reported violation and two citations have been issued since the last Council meeting. A citation was issued a Japanese longliner for failure to provide a safe boarding ladder, the second citation was issued to a Polish trawler for failure to sort her catch as soon as possible and return the prohibited species (salmon) to the sea in a timely manner, and a Japanese trawler was issued a report of violation for failure to log cumulative catch totals for each species by each statistical area. The Coast Guard report is included as Appendix E.

#### 7. Scientific and Statistical Committee Report (This report is included as Appendix F, a brief summary follows.)

The SSC has recommended the plan development team for the herring fishery management plan be given additional time to present its final draft to the Council. Substantial revisions must be made to the sections on derivation of MSY-EY-OY-ABC, socio-economic analysis and management objectives and options.

It was announced that Dr. James Crutchfield, recently appointed to the SSC, has resigned for reasons of an increased schedule and professional commitments.

The SSC reviewed a proposed amendment submitted by the Plan Development Team for the Gulf of Alaska Groundfish FMP which creates a species category for rattails and establishes an OY of 13,200 metric tons. The SSC concurs with the recommendations of the Plan Development Team that such action be taken.

In March the Council gave approval to the Federal/State members of the SSC to designate alternates to serve at the SSC meeting when a regular member is unable to attend. The SSC asked the Council to approve the following alternates:

Jack Robinson - Alternate Larry Hreha  
Frank Fukuhara - Alternate Jim Balsiger  
Al Millikan - Alternate Charles Woelke  
Jack Lechner - Alternate Jerry McCrary

Council motion for approval of the above alternates was unanimous.

8. Advisory Panel Report (The AP report is included as Appendix G. A brief summary follows.)

The Vice Chairman A. W. 'Bud' Boddy, conducted the meeting in the absence of Chairman Keith Specking. Member Chuck Jensen was selected as Chairman for the Herring Subgroup Working Committee. The Committee consists of Chuck Jensen, Joe DeMantle, Harry Wilde, Jesse Foster, Al Otness and Don Rawlinson.

Members Rick Lauber and Jeffrey Stephan were selected as Advisory Panel representatives to the Finance Committee of the Council.

A motion by the Advisory Panel recommends to the Council that the fishery management unit in the Gulf of Alaska be redefined to exclude those areas where the State of Alaska has traditionally managed marine resources. Redefining the fishery management unit is construed as an interim measure pending the resolution of the definition of the Territorial Sea boundary.

On the subject of P.L. 94-354 ("Processor Preference") the Advisory Panel recommended to the Council that price not be a factor in the consideration of granting a processor preference.

Member Jesse Foster brought up again the problem of high seas interception of salmon bound for the A-Y-K district. The AP supported Foster by recommending to the Council that it consider the problem of salmon interception on the high seas.

9. Herring Fishery Management Plan

Although the item had been scheduled for discussion, no action was taken on the Herring Fishery Management Plan. It has been deferred for additional work. The SSC recommended deferring Council consideration of the plan until July and then approving it at that meeting for distribution in August.

10. GOA FMP/Rattail Amendment

The Council worked on a remedy for the problem posed by the inclusion of the rattail catch in the "Other Species" category. Data collected by U.S. observers aboard foreign fishing vessels during 1978 indicated a total foreign catch of rattails of about 4,700 metric tons. The foreign rattail catch in 1978 was 66% of the total foreign sablefish catch in the Gulf of Alaska. The inclusion of that large percentage in the "Other Species" category would mean the possible attainment of the quota in the "Other Species" category and a halt to fishing efforts well in advance of a reasonable catch of the target species, sablefish.

An amendment to the Gulf Groundfish FMP was drafted setting an OY for rattails at 13,200 tons. The amendment creates an additional species category for the genus Coryphaenoides (rattails, grenadiers). This removes the rattail catch from the "Other Species" category. Vice Chairman Lokken moved that the proposed amendment be adopted. The motion was adopted unanimously to establish a separate species category for rattails with an OY of 13,200 metric tons. The OY is to be apportioned by area as a percentage of the sablefish allocation. The distribution of rattails is higher in the western Gulf area and is associated with the deepwater catches of sablefish. The catch by American sablefish fishermen is approximately half that of the Japanese longliners and is attributed to the fact that Americans traditionally fish shallower waters where the rattail concentration is not so dense.

The Executive Director, at this point, suggested that the Incidental Species Group might consider another species classification for fish which are nontarget species and which are either discarded, unutilized or unwanted. The Group has set a meeting for the 27th of June in Homer.

11. Gulf of Alaska Groundfish Reserve Release for July 2

The Council discussed the final release of reserves scheduled for July 2nd. Bob McVey, Assistant Regional Director for NMFS, told the Council that the release of the reserves could be delayed with no decision having to be made at this meeting. He reported that following the reserve release of May 2nd, fifty percent of the reserve is intact, (80,000 metric tons) with no further releases scheduled after July 2. A decision on the reserve release was deferred and will be taken up at the June meeting.

## 12. GOA Groundfish FMP-Conflicts Between State and Federal Regulations

The Council had been informed that when the fishery management unit for the Gulf of Alaska was developed the Plan Development Team overlooked some of those areas inside the Alexander Archipelago that are defined by the U.S. State Department as International Waters. These waters have traditionally and historically been managed by the State of Alaska. Since State groundfish regulations are more restrictive than Federal regulations there is some potential for conflict in what the State considers inside waters but which are Federal waters by definition.

The Council recognizes that the problem is one of long standing and not capable of immediate solution; nonetheless, with the possibility of conflicting regulations in those areas, the Council has addressed the problem.

NOAA Regional Counsel Kim White told the Council that any short term solution still will require amendments to the FMP. Such an amendment would be drawn for Council consideration by the legal staff and would be a model for inclusion in all future and present FMP's. Extensive debate was held on the subject. Member Don Collinsworth suggested an amendment to the FCMA which would clarify boundary lines to aid fisheries management only. This would be a specific amendment that would apply only for the purpose of drawing fishery management units in fishery management plans where both State/Federal jurisdiction is claimed.

Chairman Tillion announced that he will attend the FCMA Oversight Hearings and asked for Council direction on the "contended waters" subject so that he might broach the subject. Information from State officials to the Council indicates that the State of Alaska has every intention of enforcing the regulations for inside waters that have traditionally and historically been managed by the State under the definition of State waters.

## 13. Tanner Crab FMP

This item was made an agenda consideration based on some preliminary reports which indicated that Tanner crab stocks, mostly opilio, north of 58° may be overfished by the Japanese. The basis for that was last summer's resource survey which indicated a shifting to the south in the distribution and abundance of opilio.

Upon further examination and using more complete data, the biologists determined that this was in fact not so and that no problem seemed to exist at this time with the Tanner stocks. The Council was given the report as a matter of information. The latest information indicates the status quo in the fishery and no cause for alarm.

Had the original report of reduced stocks north of 58° North been borne out, the Council would have considered possible options for the

management of the Japanese Tanner crab fishery in the eastern Bering Sea. The current information indicates that as of the Council date, the CPUE for the mothership fishery of Japan is about the same as for 1978 indicating a level of abundance for crab similar to that in 1978.

14. "Reserved Sections"-BS/A Groundfish Fishery

The Council had considered the matter of trawl closures in the Bering Sea/Aleutian area during the March meeting in Juneau. A decision was deferred at that time upon a request by the Japanese trawlers and longliners for postponement until they could arrive at some agreement themselves. That agreement had been reached and was presented to the Council at this meeting.

Council member Charles Meacham made the following motion: "That section 14.3.2.(b)(iii) be amended to adopt the SSC chart #2 for trawl closures west of 172° West longitude with the coordinates specified in the joint Japanese trawler-longline presentation. This includes a year-round no trawl area between 172° West longitude and 178°30' West longitude and a six-month no trawl area encompassing Petrel Bank. Current four-month trawl closures will continue to apply in other areas west of 178°30' West longitude. Throughout the area west of 172° West longitude longlining will be permitted into three miles year-round." The motion was seconded by Bob Mace and passed unanimously.

Member Charles Meacham remarked at this point that should the domestic trawl effort develop in the Bering Sea area, they too might be subject to operational restrictions in the defined sanctuary areas.

The motion satisfies the intent of the Plan Development Team for providing a sanctuary for foreign and domestic longline fishing, to avoid gear conflicts during the conduct of the domestic king crab fishery and the incidental catch of king crab by trawling in the sanctuary areas. The proposed amendment applies only to foreign fishing.

15. A Report from the DAH Working Group

The DAH report was the result of the meeting of the Council Working Group in Seattle on May 7th. The purpose of the discussion was the better method of assessing DAH and the domestic annual processing capacity as a result of the processor preference legislation. The Report is included as Appendix H. One of the findings of the Committee was that the domestic harvesting intent is as important as domestic processing intent and that pricing information is important in those determinations and distinctions. With respect to price, the group felt that the domestic price must be proven realistic and that there was some relationship among the domestic prices and between domestic and joint venture prices. These relationships, the group concludes, are extremely complex. A portion of the discussion that followed concerned the possibility of

creating joint-venture protected areas, (areas closed to joint-ventures in the particular vicinity of onshore processing installations). South-eastern Alaska and the Kodiak area would be the two regions of Alaska most likely to have joint-venture protected areas established.

The Committee report included the comment on the National Marine Fisheries Service interim regulations implementing the Processor Preference amendment. The group addressed harvesting and processing intent and allowed a discretionary use of prices and other sensitive industry data.

In forwarding the Council comments by the June 4th deadline, the Executive Director was advised to reply in the vein that where pricing is a factor, advance prices are not possible to obtain. These are generally the subject of negotiations between the fishermen and the processors as the season nears. For the sake of more accurately forecasting the domestic annual processing intent, formal prices or prices presently in effect in other fisheries might well be used.

16. Troll Salmon FMP

This agenda item was an information item consisting of a report by representatives of the Pacific Council on the status of the West Coast salmon stocks, the fishery management plan prepared by that Council for salmon and the relationship of that fishery management plan to the North Pacific Council's salmon plan. The presentation was made by Lorry Nakatsu, Executive Director of the Pacific Fishery Management Council.

In addition to extensive information on the fishery and the fishery management plan which manages it, Mr. Nakatsu requested from the North Pacific Council some action in helping resolve the severe resource problem off the coast of Washington, Oregon and California. He suggested some method of reducing the take of salmon south of 48° North. In his comments he remarked that it is too late this year to effect any meaningful regulation but that they hope in the Pacific Council to see next year some action on the part of the NPFMC which will help solve the problem. Extensive dialogue followed between members of the Council and Mr. Nakatsu on the interaction of the two Councils on a comprehensive salmon plan for the west coast. Mr. Nakatsu informed the Council that the PFMC is working on a comprehensive plan which includes studying inland salmon habitat. A first draft review will be available in August for review by the Pacific Fishery Management Council. He indicated a need for coordination between the two Councils and suggested a working group from both Councils was needed. The present plan development team and the Council have mixed memberships at the present time but that input is not considered sufficient. It was agreed by the Council members that the two groups should join forces in the development of a comprehensive plan for salmon on the west coast.

A working group composed of members of both Councils will be formed to help coordinate fishery management plans which affect fisheries of concern to each Council.



In concluding his remarks Mr. Nakatsu brought up the issues which the two Councils have in common and which might be broached at the FCMA Oversight Hearing to our mutual benefit. The specific list of items includes staff status, plan implementation length, tuna management, the observer program, the subject of fees, foreign allowable investment totals, membership of the PFMC and a plan to urge an amendment to give Alaska a vote on the Pacific Council.

Chairman Tillion referenced the present North Pacific Council salmon troll plan and its severability clause and suggested an item for discussion during the FCMA Oversight Hearings could be the adoption or rejection of an entire plan by the Secretary of Commerce in the absence of a severability clause. He cited the NPFMC Salmon Troll FMP, which has been rejected partially on one portion of the plan with the rest of the plan being implemented.

The agenda for the meeting included the possibility of discussing a limited entry system for hand trollers. [The portion of the proposed Troll Salmon fishery management plan submitted to the Secretary of Commerce for approval which banned hand trolling from the Fishery Conservation Zone was disapproved.] The effect is to allow the hand trollers to fish in the Fishery Conservation Zone. This, according to the Plan Development Team and the Council view, is not in keeping with limiting the effort in the fishery against declining stocks. It was at this point that Advisory Panel member Ed Linkous submitted a statement which recommended not limiting the entry now, allowing the State of Alaska to enforce their ban on hand trolling outside the surfline and in the FCZ and to consider limited entry for the comprehensive plan which is under development for implementation early next year.

#### 17. Council Consideration of Possible Changes in the FCMA

This topic was discussed concurrently with the troll salmon material above since Mr. Nakatsu had brought up areas of common interest to the two Councils which might be made a part of the hearing subjects. A Council Working Group had met in Seattle on May 14th to prepare a list of suggestions for Council consideration. This report is included as Appendix I. The report consists of four categories and subsections. In category one, item one (Boarding Authority) Council member Admiral Duin commented he would feel better if this subject is addressed and said that the GIFA includes the right to board. The suggestion of the Panel was that language should be included in the Act to make crystal clear the authority of U.S. enforcement officials to routinely board foreign and U.S. fishing vessels to ensure their compliance with FCMA regulations. Item number three in category I would allow the North Pacific Council to hold public hearings outside of Alaska. The Council discussed the proposal and agreed that it should be restricted to holding hearings only. On item number five, category one (Secretarial review period for FMP's and amendments) the suggestion from the Council was to have the FMP's implemented automatically at the end of the 60-day review period

if the Secretary of Commerce had not taken any action by that time and in case of rejection that it be accompanied by detailed reasons. In category two, number four (remove the limit on license fees for U.S. fishermen) the subject was one of divided opinion between Council members who favored removing the limit and others who did not. Council member Eaton suggested that each fishery management plan go through an inflationary impact examination. In item number six, category two (Alaska voting membership on Pacific Council) the Council moved to support the concept of a voting member on the Pacific Council from Alaska. In category three, item number four (Processor Preference Amendment to the FCMA) the Council's intent is to have brought up for clarification, the consideration of price and the allocation of resources between joint ventures and shorebased processors. In category five, the six provisions were generally agreed to with the inclusion of an additional item. The item concerns the FCMA requirement that all violations, except assault on officers, etc., be handled through administrative adjudication. The proposal is that the Act should be amended to allow the option of using criminal procedure for any serious violation. The Council agreed and would like to see the Act amended to allow criminal prosecution for especially serious fishing violations.

#### 18. Report on FMP Development Workshop

A report was given to the Council on the FMP Development Workshop held in Anchorage on May 3rd and 4th and involving Council staff, Council members and others involved in the development of fishery management plans. The subject of discussion was the management plan development process, the framework or matrix FMP's that would allow changes by regulation rather than amendment, and the implementation of the "ARIS" filing system.

#### 19. Council Contracts

The Council heard a status report on existing Council contracts with a recommendation for revision of the contract with ADF&G for the development of a fisheries information system. The Committee recommended an amendment to contract 78-4 ("The Development and Enhancement of a Computerized Fisheries Information Service"). Member Don Collinsworth of the ADF&G staff offered a commitment on behalf of the State for cooperation in the terms of executing the contract. A proposed amendment was made increasing funding for the contract from \$97,600 to \$197,600, increasing the time needed for development of the catch data files and decreasing the emphasis on the data retrieval system.

Member Jim Campbell made a motion to adopt the amendment to the contract. It was seconded by Vice Chairman Lokken and adopted unanimously.

#### 20. National Orientation Meeting

The subject of a proposed National Orientation Meeting for Council members was brought up and determined to be unnecessary as the money earmarked for it could be put to better use.

## MISCELLANEOUS

The Council considered a proposal for the formation of a Western Regional Bottomfish Council to coordinate bottomfish development in the North Pacific. It was the consensus of the Council that such work is already being accomplished, another a Council would be duplicating efforts and concluded that such a group is unnecessary.

In reopening the subject of plan amendments for the Gulf of Alaska, the Executive Director is to write a letter requesting implementation of plan amendments as soon as possible.

On the topic of staff support for the SSC, the Council agreed that staff support sufficient to accomplish the necessary work of the committee is necessary and may be secured by arrangement through the Executive Director.

## PUBLIC COMMENT

During the Public Comment period on Thursday, May 24th testimony was offered by the following:

Scott Stafne, Alaska Longline Fishermen's Association  
Ed Naughton, KMIDC Representative  
David Nanalook, Mayor of Togiak  
Hank Ostrosky, Commercial Fisherman  
Jay Hastings, Japan Fisheries Association  
Charles McKee, President of Independent Commercial Fishermen's Association  
Bob Davenny  
Ted Evans representing Marine Resources, Inc.  
Paul MacGregor representing the North Pacific Longline/Gillnet Association  
Jesse Foster  
Stephen Johnson representing Hokuten Trawlers Association and the Japanese Deep Sea Trawlers Association  
Bob Thorstenson