


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke 
Executive Director

DATE: June 2, 1988

SUBJECT: Gulf of Alaska Groundfish Fishery Management Plan

ACTION REQUIRED

Final approval of Amendment 17 and implementing regulations for Secretarial review.

BACKGROUND

In April the Council approved Amendment 17 and the associated draft Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR) for public review. This amendment contains two issues and their management alternatives:

1. Delay the opening of the longline sablefish fishing season by either a plan amendment or a framework procedure.
2. Require all vessels receiving groundfish caught in the U.S. EEZ to have federal permits and report catch weekly.

The proposals and alternatives are summarized in D-3(a) along with the six comments received during the comment period, April 20 to May 27, 1988. Comments received after the writing of this memo will be included under D-3 Supplemental either in the notebook or in your supplemental folders. All comments focused on the sablefish season issue. An amendment worksheet is also provided for your use as item D-3(b).

Final action on Amendment 17 should be taken in three steps:

1. On Wednesday morning the Council will identify their preferred alternative for each amendment topic.
2. The plan team and NOAA General Counsel will revise the amendment text if necessary and prepare the implementing regulations. It may also be necessary to prepare a supplement to the EA/RIR.

3. On Friday the Council will consider the recommendations of the team and General Counsel and give final approval to send Amendment 17 to Secretarial review.

These documents (the EA/RIR, draft regulations) will constitute most of the formal Amendment 17 package submitted to the Secretary. The remaining transmittal documents, preamble, etc., will be prepared as soon as possible. The amendment should be implemented by November 1988.

AMENDMENT 17: OVERVIEW OF COMMENTS BY ISSUE

1. Delay opening of the longline sablefish fishing season by either a plan amendment or a framework procedure.

Alternative 1: Maintain the status quo.

Under this option, there would be no change in the April 1 opening date for the sablefish longline fishery in the Gulf of Alaska.

Bart Eaton, Trident Seafoods, Seattle - supports maintaining the April 1 opening date, citing the processor's problem of supporting many fisheries at once. He states that it is important to have coordinated fisheries to maximize the harvesting and processing capacity and still maintain product quality. Mr. Eaton added that lack of a quantitative analysis of halibut bycatch and the possibility of pulse fishing if several openings were used are other reasons to maintain the status quo until further studies have been completed.

Alternative 2: Move the sablefish longline fishery opening date to May 1 in the Gulf of Alaska.

NO COMMENT

Alternative 3: Move the sablefish longline fishery opening date to July 1 in the Gulf of Alaska.

Noel Johnson, fisherman, Port Alexander - supports a July 1 opening, citing reduced halibut bycatch, a reduced sablefish fleet size due to some fishermen participating in salmon fisheries, better sablefish quality, less gear loss, and better weather.

Alternative 4: Prohibit directed sablefish fishing with longline gear at depths less than 500 m.

NO COMMENT

Alternative 5: Establish a fishing season framework procedure for the annual setting of sablefish longline fishing seasons (date specific only), which would include an analysis to determine if the setting of seasons had any allocative impact.

Linda Kozak, Kodiak Longline Vessel Owners' Assn. - supports approval of this alternative to provide the Council with a timely management tool. However, the Association requests that the April 1 date be retained until a clear rationale, and biological and socioeconomic data indicate a change is appropriate.

Alan Otness, fisherman, Petersburg - supports adoption of the framework procedure but does not have any specific dates, or set of several openings to recommend at this time.

General Comment:

Bill Rotecki, fisherman, Ketchikan - mentioned that any change in season openings is a de facto change in allocation and believes that the only way to avoid this is to pursue an individual quota system.

Don McCaughran, International Pacific Halibut Commission - mentioned that due to lack of data, it is difficult to offer a recommendation with regard to halibut bycatch. He noted that available data show little difference between an April 1 and May 1 opening. One of the other alternatives may be necessary to reduce halibut bycatch. Though IPHC supports any measure which will reduce halibut bycatch, it is still not clear that the halibut bycatch in the sablefish longline fishery is large enough to warrant changing the management of the sablefish fishery

2. Require all vessels requiring groundfish caught in the U.S. EEZ to have federal permits and report catch weekly. (This same amendment is included in the Bering Sea Amendment 12 package.)

Alternative 1: Maintain the status quo.

Under this alternative, only those U.S. vessels that are fishing in the EEZ would be required to have a federal permit. Processing vessels currently operating outside the zone but receiving fish caught in the EEZ are not required to possess a federal permit or to report their catch on a weekly basis. This can lead to difficulties when managing fisheries by quota.

NO COMMENT

Alternative 2: Require that all U.S. vessels receiving EEZ-caught fish would have to hold a federal permit and thus would have to comply with weekly reporting requirements.

NO COMMENT

Table D-3(b). Gulf of Alaska Groundfish FMP Amendment 17: Alternatives Worksheet, June 1988.

Proposals/Alternatives	AP Recommendation	SSC Recommendation	Council Preference
Delay Opening of Longline Sablefish Season Alt. 1: Status quo (April 1 opening date) Alt. 2: Move opening date to May 1. Alt. 3: Move opening date to July 1. Alt. 4: Prohibit directed sablefish fishing with longline gear at depths less than 500 m. Alt. 5: Establish fishing season framework for annual setting of sablefish longline seasons.	<i>See Notes</i>		<i>App. AP motion w/ splits 25-75 50-50 75-25</i>
Federal Permit Requirements Alt. 1: Status quo Alt. 2: Federal permits for all vessels	<i>App</i>	<i>App.</i>	<i>App.</i>

24 June 88

CHANGES TO THE GULF OF ALASKA GROUND FISH FMP:

In Section 4.3.1.1, Permits, page 4-12, delete all text and replace it with the following paragraph:

"All U.S. vessels that are fishing in the Gulf of Alaska or are receiving fish from the Gulf of Alaska must have a current fishing permit issued annually by the Secretary of Commerce. Information required when applying for a Federal fishing permit is contained in 50 CFR 672.4 of domestic regulations implementing the FMP."

"Requirement for U.S. vessels receiving groundfish
caught in the EEZ to have a Federal permit"

For 50 CFR Parts 672

GULF OF ALASKA

Section 672.1 Purpose and scope.

In Section 672.1, paragraph (a) is revised to read:

(a) Regulations in this part implement the FMP for Groundfish of the Alaska.

Section 672.4 Permits.

In Section 672.4, paragraph (a) is revised to read:

(a) General. No vessel of the United States may fish for groundfish in the Gulf of Alaska or receive fish that were caught in the Gulf of Alaska without first obtaining a permit issued under this Part. Permits shall be issued without charge.

COMMISSIONERS:

LINDA ALEXANDER
PARKSVILLE, B.C.
DENNIS N. BROCK
OTTAWA, ONT.
RICHARD ELIASON
SITKA, AK
ROBERT W. MC VEY
JUNEAU, AK
GEORGE A. WADE
SEATTLE, WA
GARY T. WILLIAMSON
SURREY, B.C.

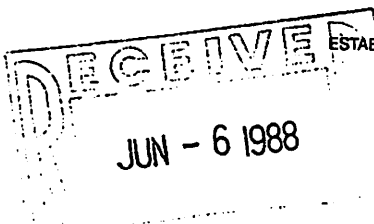
INTERNATIONAL PACIFIC HALIBUT COMMISSION

DIRECTOR
DONALD A. MC CAUGHRAN

P.O. BOX 95009
SEATTLE, WA 98145-2009

TELEPHONE
(206) 634-1838

FAX:
(206) 632-2983



ESTABLISHED BY A CONVENTION BETWEEN CANADA
AND THE UNITED STATES OF AMERICA

1 June 1988

Dr. Clarence Pautzke, Executive Director
North Pacific Fishery Management Council
P.O. Box 103136
Anchorage, Alaska 99510

COPY FOR YOUR
INFORMATION

Dear Clarence:

The staff of the IPHC has reviewed the draft EA/RIR for Amendment 17 to the Gulf of Alaska Fishery Management Plan. We find that poor available data for halibut bycatch in the sablefish fishery makes a firm recommendation difficult concerning a possible change in the sablefish season, but offer the following comments.

A potential problem with halibut bycatch in the Gulf of Alaska sablefish fishery is clear. However, the magnitude of the problem cannot be defined without better data on bycatch rates. The IPHC would support alternatives to minimize the halibut bycatch, but does not wish to see unreasonable restrictions on the sablefish fishery. The available data suggest that differences in halibut bycatch between status quo (Alternative 1) and a May 1 opening (Alternative 2) may not be large, and that one of the other alternatives may be necessary to assure reduction of halibut bycatch. It is not yet clear that the halibut bycatch in the sablefish fishery is large enough to require restrictions to reduce the bycatch. However, limited observer data strongly indicate that the bycatch rates are larger than those used for the longline sablefish fishery. If the Council determines that a reduction of halibut bycatch in the sablefish fishery is warranted, we would leave the mechanism for the reduction to the interested parties.

The IPHC staff will try to obtain some sablefish/halibut bycatch data during port sampling for the May 23 halibut opening. We will poll halibut fishermen who fished for sablefish during April and May, 1988 and ask for a rough estimate of halibut bycatch, the area fished, and primary depth fished. This effort will not provide a precise estimate of the bycatch, but should help determine the scale of the problem. A summary of these data will not be complete by the May 27 deadline for public comment, but we will forward the information to the Council when complete.

Sincerely,

Donald A. McCaughran
Director

RJT:ps

KODIAK LONGLINE VESSEL OWNERS ASSOCIATION

HALIBUT, SABLEFISH AND PACIFIC COD

P.O. BOX 135, KODIAK, ALASKA 99615

TELEPHONE (907) 486-3781

May 25, 1988

JUN 1 1988

COPY FOR YOUR
INFORMATION

Dr. Clarence Pautzke
Executive Director
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
P. O. Box 103136
Anchorage, Alaska 99510

RE: Amendment 17

Dear Clarence,

The Kodiak Longline Vessel Owners Association has reviewed the EA and RIR prepared by NPFMC staff on the Amendment 17 proposal regarding the sablefish opening date.

We are supporting Alternative 5 which would establish a fishing season framework procedure for the annual setting of the sablefish longline fishery.

It is important to take many factors into consideration when establishing the opening date. Some of these factors include biological, product quality, product demand, safety, pulse fishing, and bycatch. It is important that the Council review and analyze the current data on an annual basis and have the flexibility to adjust the opening date in a timely manner.

We would stress that unless there is a clear rationale and distinct advantage in changing the opening dates, that the April 1 opening date should remain in effect until such time that the biological and socioeconomic data indicate that a change is appropriate.

Sincerely,

Linda Kozak

Linda Kozak
Executive Director

ALAN OTNESS

(907) 772-3458

F/V COMMANDER

BOX 317 · PETERSBURG, ALASKA 99833

MAY 31 1988

5/25/88

Yakutat

Dear Clarence:

COPY FOR YOUR
INFORMATION

I would like to comment on the Gulf of Alaska Groundfish amendment # 17; "Delay the opening of the longline sablefish fishing season by either a plan amendment or a framework procedure."

I favor Alternative #5 but I do not have specific dates to recommend at this time nor do I have season lengths to recommend at this time either. I would need to see the data for 1988 and compare it to 1987 in order to come up with season suggestions that really make any sense. The bottom line is that the season needs to be moved later in the season than it is now but not as late as July 1 because of too many conflicts.

Alternative #2 is my second choice if #5 becomes too complicated and cumbersome. Too many of the fish in West Yakutat this year were spawning during the fishing — we should not be fishing or spawning fish.

Sincerely

Alan Otness

MAY 23 1988

COPY FOR YOUR
INFORMATION

DEAR SIRS:

IN RESPONSE TO YOUR REQUEST FOR OPINIONS/INFORMATION REGARDING AMENDMENT 17 IN YOUR APRIL 20 NEWSLETTER I WOULD LIKE TO SUBMIT THE FOLLOWING:

MY PARTICIPATION IN AND OBSERVATION OF THE SABLEFISH HOOK AND LINE FISHERY LEADS ME TO SUPPORT ALTERNATIVE 3 AS THE MOST EFFECTIVE MANAGEMENT SOLUTION FOR THE GROUNDFISH IN THE GULF OF ALASKA AT THIS TIME FOR THE FOLLOWING REASONS -

1 - BY JULY 1ST ONE POSSIBLY TWO 24 HR HALIBUT OPENINGS HAVE TAKEN PLACE AND THE HALIBUT THEMSELVES HAVE MOVED INTO SMALLER INSHORE WATERS - THUS REDUCING INCIDENTAL CATCH OF HALIBUT AT NORMAL BLACKCOD FISHING DEPTHS.

2 - THE LONGLINE FLEET FISHING FOR BLACKCOD WILL BE REDUCED BY HALF OR MORE DUE TO THE SALMON FISHERIES BEING OPEN.

3 - SABLEFISH IS OF BETTER QUALITY IN

JULY AND AUGUST THAN EARLIER IN THE YEAR.

4 - LESS GEAR LOSS, THUS LESS DEAD LOSS, DUE TO A SMALLER MORE PROFESSIONAL LONGLINE FLEET WITH A LONGER PERIOD TO FISH.

5 - BETTER WEATHER FOR FISHING OFF SHORE THUS REDUCING RISK OF INJURY AND BOAT LOSS.

GENERALLY SPEAKING, A LATER OPENING OF THE BLACKCOD SEASON WILL REDUCE MOST OF, IF NOT ALL, THE MAJOR PROBLEMS WHICH NOW PLAGUE THE FISHERY. CERTAINLY MOVING THE OPENING DATE BACK TO JULY 1 FOR AT LEAST ONE SEASON WOULD GIVE MANAGEMENT PLANNERS TIME TO DEVELOPE VIABLE ALTERNATIVES WHICH BOTH CONSIDER THE FISHERY RESOURCE AS WELL AS THOSE MOST DEPENDANT ON IT FOR A LIVELYHOOD.

SINCERELY -

NOEL JOHNSON

F/O SEQUOIA

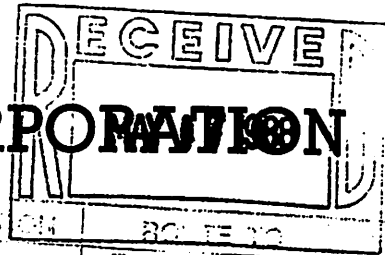
BOX 8523 PORT ALEXANDER

ALASKA 99021



TRIDENT SEAFOODS CORPORATION

5303 Shilshole Avenue N.W. • Seattle, Washington 98107
(206) 783-3818 • Sales: (206) 783-FISH
Telex: Trident Sea 321266 • Fax: (206) 782-7195



**COPY FOR YOUR
INFORMATION**

May 12, 1988

James O. Campbell
Chairman
North Pacific Fishery Management Council
Post Office Box 103136
Anchorage, Alaska 99510

Dear Jim:

Trident Seafoods is writing in opposition to any modification in the opening of the longline sablefish season in the Gulf of Alaska. We, like other processors, have based our operations upon the April 1st opening for sablefish. Any delay in this opening will cause the sablefish harvest to conflict with other important fisheries. We request that the Council give consideration to the complete consequences of changing the opening date before taking any action on this amendment.

A delay in the sablefish opening would cause an overlap in the fishing season for sablefish, halibut, salmon and Pacific cod. This conflict may be especially acute for areas in central and western Alaska because the sablefish quota is usually available for a longer period of time in those areas, and there is a greater likelihood of overlaps between sablefish and other summer fisheries. Many fishermen would have to chose whether to participate in the salmon or sablefish harvest. A delayed opening will also cause sablefish to be harvested during our peak processing period. The change would significantly increase our costs of production by requiring more labor and longer working hours. In addition, the fish we receive may be processed more slowly, thereby reducing the quality of the final product.

There does not appear to be an urgent need to change the sablefish opening date. The Draft Environmental Assessment (EA) for Amendment 17 indicates that the purpose of the proposal to change the opening date for sablefish is to reduce the bycatch of halibut. There has been no quantitative study, however, to determine incidental halibut catches occurring in the sablefish longline fishery. The EA reports that a study of bycatch rates for halibut and other species in the sablefish longline fishery has recently been initiated and "a very limited amount of data is available. Bycatch data of a sufficient sample size or from a wide range of areas in the Gulf of Alaska have not been collected." It is also not possible to quantify how a change in the opening of the sablefish season will effect the halibut bycatch. In addition, halibut stocks are at high levels. The International Pacific Halibut Commission news release of February 2, 1988, reports that the halibut resource is rebuilt, particularly in the Gulf of Alaska.

Although there are no proposals to create multiple opening dates for sablefish in the Gulf of Alaska, we would like to stress the importance of having only one sablefish opening date. Multiple opening dates would cause pulse fishing in various areas of the Gulf. It would

Brands:



San Juan

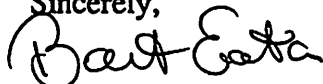
James O. Campbell
North Pacific Fishery Management Council
Page 2

drastically impact local fishermen in western Alaska who would find it difficult to travel to other areas of the Gulf.

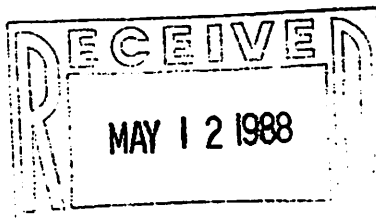
In summary, any delay in the sablefish opening will have serious impacts on Trident. If the sablefish opening is delayed we would be required to process the harvest during the time when we are receiving our peak salmon returns. The Council should not delay the opening date when important information is currently not available on the extent of halibut bycatch and the impacts on the bycatch that a delayed opening may have.

We appreciate your consideration of our concerns.

Sincerely,

A handwritten signature in cursive script that reads "Bart Eaton".

Bart Eaton
Trident Seafoods Corporation



BILL ROTECKI
Box 7738
ICETCIKAN, AK 99901
7 MAY, 1988

NPFMC COPY FOR YOUR INFORMATION

I WOULD LIKE TO COMMENT ON GULF OF ALASKA GROUPOFISH AMMENDMENT 17.

1) DELAYING THE OPENING. SINCE MANY SARLEFISH FISHERMAN FISH DIFFERENT FISHERIES (HALIBUT, TROLL SALMON, SEINE SALMON, CRAB, TO MENTION A FEW, ANY CHANGE IN SEASON IS ALSO A CHANGE IN ALLOCATION. THERE IS ONLY ONE WAY TO AVOID THIS. ADOPT A FISHERMAN'S QUOTA SYSTEM IMMEDIATELY. ~~MY PERSONA~~ MY PERSONAL PREFERENCE IS A TRANSFERABLE QUOTA SYSTEM, HARVEST ALLOWED THE GREATER PART (OR ALL OF) THE YEAR AT THE QUOTA OWNERS DISCRETION.

2) FOR US TO TRULY CONTROL OUR FISHERIES WELL (FOR EVERYONE'S BENEFIT - THE PUBLIC WHO OWNS THE RESOURCE, THE FISH, THE CATCHER, THE PROCESSOR, THE CONSUMER) WE NEED DATA AND WE NEED AN AVERAGE TO CONTROL ALL USER GROUPS. TO ~~HAVE~~ ALLOW UNLICENSED PROCESSING IS LUDICROUS. ALL FISH CAUGHT IN OUR EEZ SHOULD BE MONITORED WHETHER PROCESSED IN THE EEZ OR NOT.

THANK YOU

Bin Rotecki
CREW MEMBER LONGLINER

JUN - 6 1988

Box 393
Wrangell, Alaska 99929

May 30th, 1988

North Pacific Fishery Management Council
Box 103136
Anchorage, Alaska 99510

Dear Sirs:

I am a resident of Wrangell and make my livelihood entirely from fishing. My family and crew also depend on fishing for their income.

This letter is in two parts-the first concerns the blackcod fishery.

I did not have a chance to attend any of your hearings concerning limited entry in the blackcod fishery as I was engaged in another fishery at the time. However I am one hundred percent in favor if it! Halibut also. As one who has been fishing blackcod since 1975 I find the present situation beyond comprehension. I can't understand how anyone who has seen the conditions that we must fish under can be opposed to limited entry. By conditions I mean the caos that takes place when the time comes to start. You've probably heard it all-the gear conflicts, the gear loss, the loss of life. People stop acting like humans and act more like animals. Its like the stress that occurs when rats are confined to close in a cage.

I would like to see the season postponed until April 10th or 15th. My reasoning is because of the conflict between the herring and the blackcod at the S. E. processing plants. It creates a hardship on both the processors and the fishermen. It also costs jobs to those Alaskans who work at these processing plants. For example those workers who work at Sitka Sound Seafoods didn't get to work the roe herring. Because of the timing of the two fisheries the company had to call in a floating prossessor to process the herring.

My other recommendation is that the blackcod season start at 12:00 noon like the halibut season. It would lesson gear conflicts(crossed groundline).

The second part of my letter is about halibut-or perhaps dragging? I have just returned from the first halibut opening in area 3A. The exact area is the large bank west of

the Yakutat gully. I will furnish loran readings on request. I arrived a day early and observed two large factory trawlers (Oceon Enterprise and Harvester Enterprise) dragging on this bank. I contacted these boats on the radio and they said they were bottem trawling. The areas that they had been working in was almost devoid of halibut. The areas that had contained rock and coral are now mud. What halibut we did get had been eating the offal from the prosscassing that was taking place aboard these ships. There is no question that my halibut season was greatly reduced by these boates having fished the hell out of this place with there trawles. I had no idea that these trawlers were working this area and probably wouldn't have gone anyplace else anyway (its all well covered) when I arrived to put out our gear. My crew and I spent a lot of time preparing for this fishery. We spent a lot of money for outfitting and a lot of time traveling (it's ten days from Wrangell-fishing-unloading-back to Wrangell). We got burned quite badly and feel that if we were going to be displaced by these Draggers we should have been notified. We were not alone. A lot of other halibut fishermen were hurt as much or more than we were. It is my hope that you will stop these draggers from ruining this halibut and blackcod fishery (I also saw them working in the blackcod depths).

Once again: I think its wrong-I object to you allowing (if indeed they are allowed to do this) these draggers to bottem trawl on these halibut and blackcod grounds.

Sincerly,

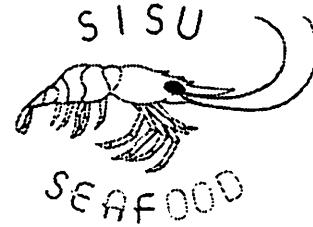
A handwritten signature in cursive script, appearing to read "Anthony Guggenbickler".

Anthony Guggenbickler

DATE June 8, 1988

SUBJECT Sablefish

JUN 13 1988



TO NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL
P.O. Box 103136
Anchorage, Alaska 99510

Mary & David Clemens
F/V ARIEL

Call Sign: WSZ 7295

509
Box ~~512~~
Seward, AK 99664

Msg Ph: (907) 224-3571
(Leave Message)

Sirs:

I understand there is a NPFMC meeting starting June 20, 1988. As it coincides with a 24 hour halibut opening I will be unable to attend. I still wish to make my point of view known.

I am in favor of moving the opening date of longline Sablefish from April 1 to May 1, in the Gulf of Alaska. In the past couple of years the spring weather has been quite harsh, causing loss of vessels and life. A later season affords a greater safety factor because of better weather.

At this time I am NOT in favor of Individual Transferable Quotas or Single Species Limited Entry.

It is also "unfair" to solícite fishermen's opinions at this time of the year due to the impending fishing seasons. Further input would be more timely come fall/winter.

Sincerely,

David Clemens

SIGNED

LATE COMMENT

LINDA ALEXANDER
PARKSVILLE, B.C.
DENNIS N. BROCK
OTTAWA, ONT.
RICHARD ELIASON
SITKA, AK
ROBERT W. MC VEY
JUNEAU, AK
GEORGE A. WADE
SEATTLE, WA
RY T. WILLIAMSON
SURREY, B.C.

INTERNATIONAL PACIFIC HALIBUT COMMISSION

DIRECTOR
DONALD A. MC CAUGHY

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ESTABLISHED BY A CONVENTION BETWEEN CANADA
AND THE UNITED STATES OF AMERICA

AGENDA D-3
JUNE 1988
SUPPLEMENTAL

June 13, 1988

Clarence Pautzke
North Pacific Fishery Management Council
PO Box 103136
Anchorage, AK 99510

Dear Clarence:

The IPHC staff has collected information that helps determine the scale of halibut bycatch mortality in the Gulf of Alaska sablefish fishery. This information may be useful to the Council as you decide the season beginning date for sablefish fishing.

The IPHC field staff interviewed fishermen during the May 23-24 halibut opening in the ports of Sitka, Petersburg, Excursion Inlet, Seward, and Kodiak.

Fishermen were asked if they had participated in the 1988 sablefish fishery; if so, what region (Southeast, Gulf, or Bering Sea); and how much halibut they may have incidentally caught. Fishermen were asked to estimate their bycatch as one of six categories:

1. none
2. less than 1,000 pounds
3. between 1,000 and 5,000 pounds
4. between 5,000 and 10,000 pounds
5. between 10,000 and 20,000 pounds
6. more than 20,000 pounds.

The operators of over 700 vessels were contacted and about 75 percent indicated they did not fish for sablefish. We recorded 174 occurrences of sablefish fishing and the results are shown in Table 1. The number of responses is probably slightly greater than the actual number of halibut vessels that fished sablefish because some boats may have fished both areas, thus being recorded twice. Also, vessels fished varying amounts of time, thereby representing differing levels of effort. In any case, most of the sablefish fishermen (74 percent) indicated less than 5,000 pounds of halibut had been incidentally caught. The distribution of numbers of vessels, estimated bycatch, and estimated mortality for each bycatch category is presented in Figures 1, 2, and 3.

We estimated the magnitude of halibut bycatch represented by this sample by multiplying the number of responses in each category times the midpoint for that category range, e.g. the midpoint of 0 to 1,000 pounds

is 500 pounds, the midpoint of 1,000 to 5,000 pounds is 2,500 pounds, the midpoint of 5,000 to 10,000 pounds is 7,500 pounds, the midpoint of 10,000 to 20,000 pounds is 15,000 pounds, and for 20,000+ pounds, 25,000 pounds was used. The resulting estimate of halibut bycatch is 835,000 pounds. We emphasize that this procedure is designed to indicate the scale of the problem, not to provide a precise estimate.

Using a 25 percent mortality rate, the estimated mortality is 209,000 pounds (net wt.) or 126 mt (rd. wt.). If it is assumed that this sample represents 150 vessels and that there are 500 to 700 vessels fishing sablefish, then a 1:4 expansion of the mortality estimate would indicate 500 mt of halibut mortality. Thus, it appears that halibut bycatch in the sablefish fishery is neither as low as has been assumed by using foreign bycatch rates, not as high as has been recently suggested using the meager domestic observer program bycatch rates.

Please let me know if you have any questions concerning this data set.

Sincerely,



Robert J. Trumble
Senior Biologist

jdf

enc

Table 1. Number of responses of halibut bycatch by bycatch category.

Category (000's lbs)	Southeast	Gulf	Total
None	11	10	21
< 1	28	31	59
1 - 5	12	36	48
5 - 10	6	12	18
10 - 20	6	9	15
20 +	3	10	13
Total	66	108	174

Table 2. Estimated bycatch (000's lbs, net) by bycatch category.

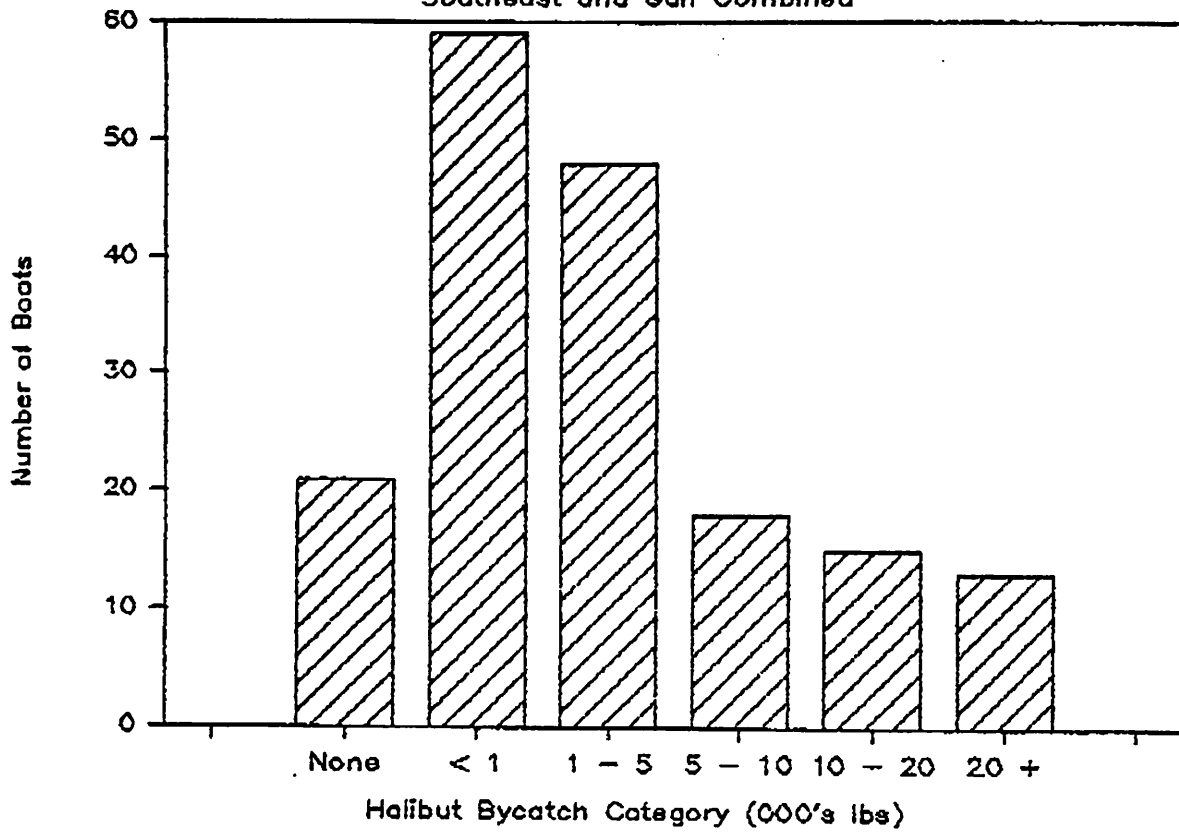
Category (000's lbs)	Southeast	Gulf	Total
None	0	0	0
< 1	14	16	30
1 - 5	30	90	120
5 - 10	45	90	135
10 - 20	90	135	225
20 +	75	250	325
Total	254	581	835

Table 3. Estimated mortality (000's lbs, net) by bycatch category.

Category (000's lbs)	Southeast	Gulf	Total
None	0	0	0
< 1	4	4	7
1 - 5	8	23	30
5 - 10	11	23	34
10 - 20	23	34	56
20 +	19	63	81
Total	64	145	209
mt (rd)	38	88	126

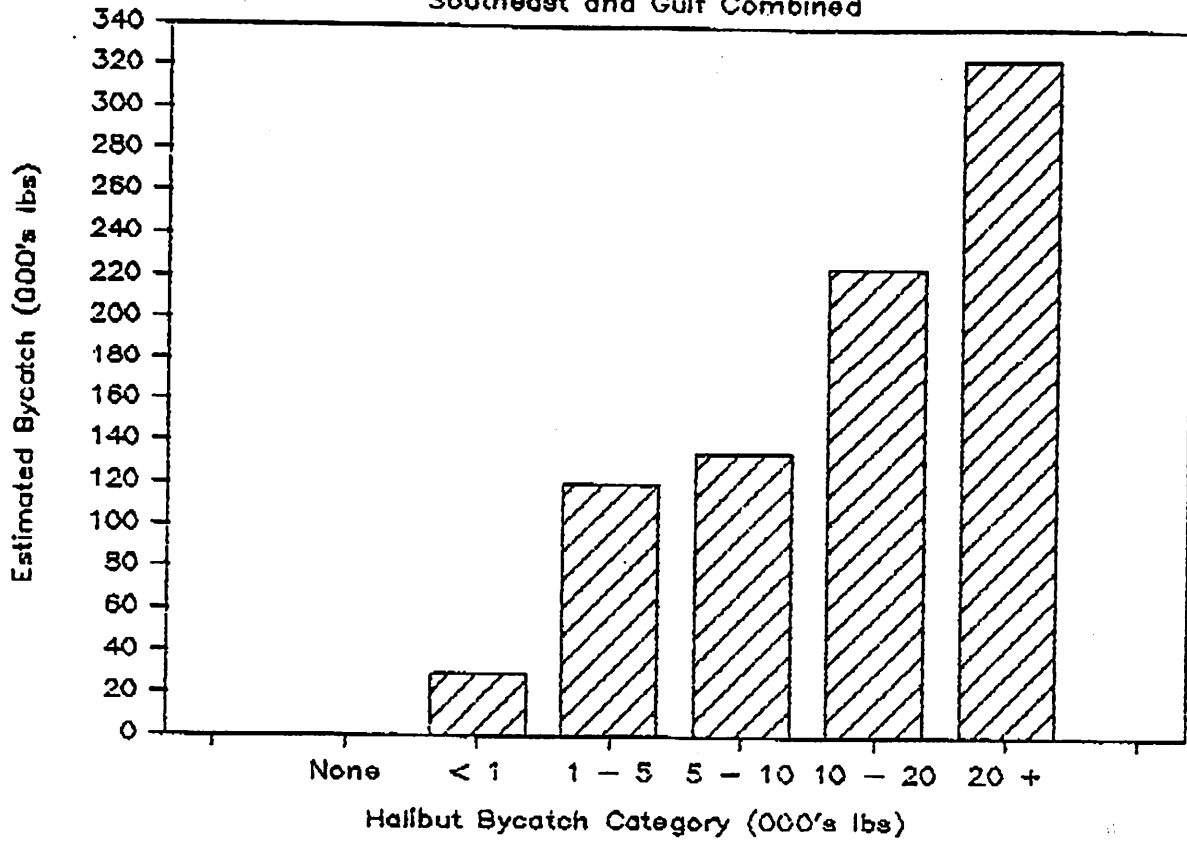
No. of Boats With Bycatch By Category

Southeast and Gulf Combined



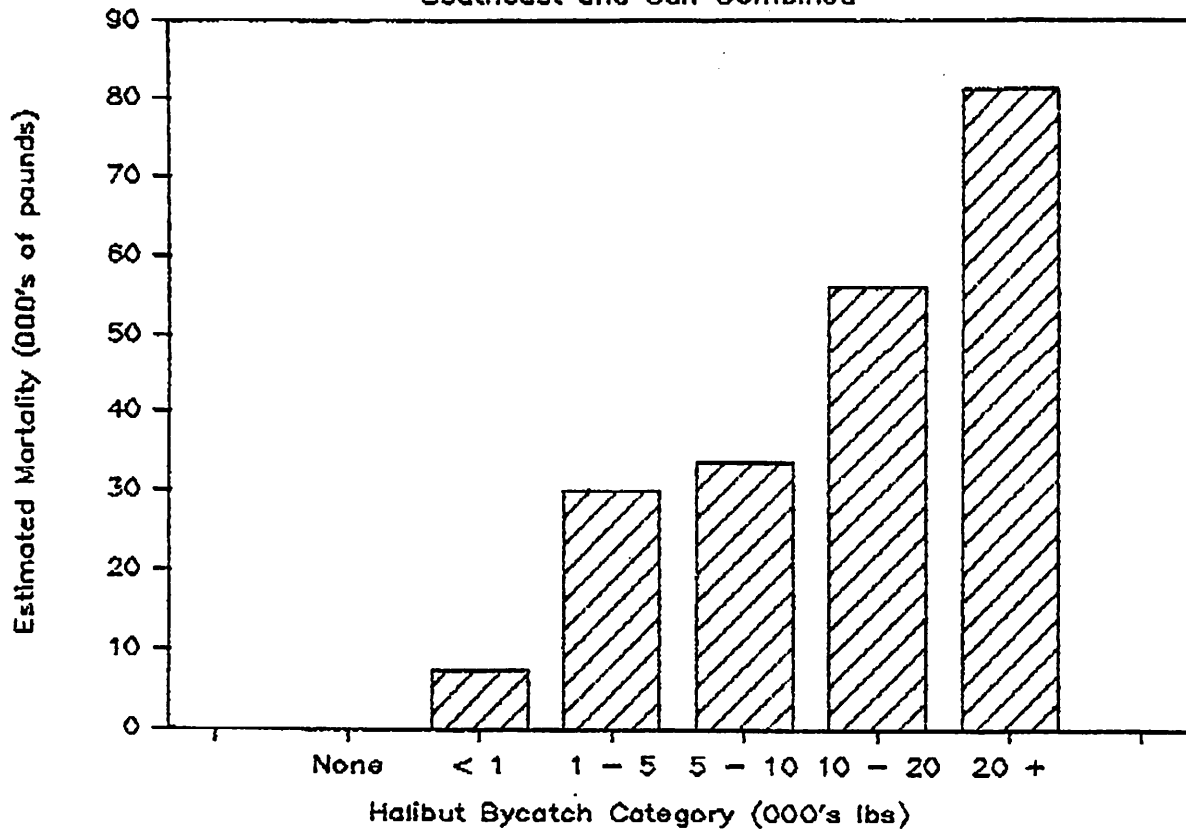
Estimated Bycatch Within Category

Southeast and Gulf Combined



Estimated mortality by category.

Southeast and Gulf Combined





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

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James O. Campbell, Chairman
North Pacific Fishery Management Council
p.O. Box 103136
Anchorage, AK 99510

Dear Jim:

Thank you for the opportunity to review the public hearing package for draft Amendment 17 to the Fishery Management Plan for Groundfish of the Gulf of Alaska. The package was made available to the Central Office for their review. This letter combines comments from the Central Office with our own.

This draft amendment contains two measures, (1) a requirement for vessels receiving EEZ-caught groundfish to have a Federal permit, and (2) a delay in the starting date for the sablefish hook-and-line fishery. We believe the first measure is a straight forward procedural modification and is necessary for conservation and management of groundfish. It appears to be consistent with the Magnuson Act and other applicable law, including Executive Order 12291 and the Regulatory Flexibility Act.

The remainder of our comments mainly address the second measure that changes the starting date of the sablefish season. This measure was proposed as a means to reduce the number of Pacific halibut caught during the sablefish hook-and-line fishery. Five alternatives are offered: (1) status quo, which would maintain the April 1 starting date, (2) May 1, (3) July 1, (4) maintain the April 1 starting date but prohibit fishing shoreward of the 500 meters depth contour, and (5) framework the starting date. Alternatives 2 and 3 are intended to allow time for Pacific halibut to migrate to shallower water, thereby escaping the sablefish fishery. Alternative 4 is intended to restrict sablefish fishing to depths where Pacific halibut are less likely to be encountered. Alternative 5, frameworking the starting dates, is intended to allow maximum flexibility to address Pacific halibut bycatches as well as other problems that might arise.

In our view, the preparers of the analytical documents did an excellent job defining the above alternatives and presenting available data to illustrate Pacific halibut bycatch rates. These data were derived from bycatches observed in prior years' foreign fisheries and from the Alaska Department of Fish and Game observer program. However, the paucity of data to demonstrate



the extent of the problem, as recognized in the environmental assessment/initial regulatory impact review (EA/IRIR) prepared for this measure, does not allow the analyst to show quantitatively that either alternative 2 or 3 is superior to the status quo. Nonetheless, available life history information on Pacific halibut seems to indicate that delaying the season long enough should accomplish the intent of this part.

Should the Council recommend a specific date, we would like to see more analysis on the Pacific halibut bycatch that results from fishermen targeting on Pacific cod from April 1 until the sablefish season starts. Would the resulting Pacific halibut bycatch during a Pacific cod fishery offset the gains intended by the delayed sablefish season starting date? The EA/IRIR also alludes to gains from both alternatives 1 and 2 resulting from improved flesh quality and yield. This apparent advantage might be enough to justify a date change absent arguments about minimizing Pacific halibut bycatches. If this is the case, more analysis should be provided.

We have the most concern about the fifth alternative, which would allow setting seasons by a framework procedure. We consider the "litmus test" for a framework procedure to be whether changes under the framework are exempted from further review by the Office of Management and Budget (OMB) once OMB has reviewed the framework procedure. As presented in the EA/IRIR, we doubt this alternative would be exempt from OMB review and, therefore, would not be approvable as a framework measure. Our reasons are as follows:

As written, the framework procedure would allow a starting date on any of the 365 days of the fishing year. This alternative does not contain the necessary framework provisions, as discussed in the Operational Guidelines--Fishery Management Plan Process, pages 33-35. These provisions are:

- (a) Define the circumstances that will trigger a change in management, whether it be an annual review, the arrival at a catch quota, a sudden drop in yield in a fishery, etc;
- (b) Indicate criteria that will be considered in determining if a change is needed and for selecting a proposed response from among the options available. These criteria should include, at least, a determination that the proposed change is consistent with the FMP's objectives and with the priorities identified for the fishery; and

(c) Define the procedures to be used in making changes, which may include public hearings on the issues, and/or the preparation of Council recommendations to the Regional Director for action.

Frameworking should result in a reasonable prediction about what the final result will be. Frameworking seasons in such a manner that any one of 365 days could be selected is too open-ended. The fishing industry could never predict with certainty within any window of time what the starting date would be. Our advice from the Central Office is that such open-ended season changes are not very amenable to the frameworking process.

Should the Council still wish to institute a season-setting procedure that allows flexibility, we recommend that the FMP be amended to allow changes by regulatory amendment. The exact season date would not be a part of the FMP. Rather, the FMP would specify that the date would be established by regulations. Criteria to be considered in changing a date, however, should be included in the FMP. An economic analysis would be required for each change, and OMB would review each regulatory amendment. However, a season change through this process would be easier to implement than an FMP amendment, which now takes almost an entire year.

Sincerely,



James W. Brooks
Acting Director, Alaska Region