


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke
Executive Director 

DATE: April 14, 1994

SUBJECT: Experimental Permit Review

ESTIMATED TIME

1 HOUR

ACTION REQUIRED

- (a) Review Terra Marine permit application.
- (b) Review Coastal Villages Fishing Corporation permit application.

BACKGROUND

(a) Terra Marine

In January 1993, the Council reviewed a request for an experimental fishing permit from Terra Marine Research and Education. The applicant requested a permit which would allow vessels to retain up to 30 mt of halibut and 30 mt of salmon caught as normally non-retainable bycatch in directed groundfish fisheries in the Bering Sea and Aleutian Islands. The catch would be processed on vessels, then delivered by Terra Marine to Second Harvest for distribution to food banks free of charge. Because processing these fish would be costly to participating vessels, it was thought that the program would provide an incentive to avoid areas of high bycatch. The Council supported the concept of utilizing bycatch and therefore recommended that NMFS issue a short-term experimental permit to Terra Marine. The Council also requested the International Pacific Halibut Commission (IPHC) to change their regulations to allow trawl vessels operating in this experimental fishery to retain halibut. This request was denied by the IPHC, however, so Terra Marine received a permit from NMFS for salmon only.

In January 1994, Terra Marine reported to the Council the results of the 1993 season, and indicated that they were planning to submit an application to NMFS to extend their experimental program for 1994, beginning with the pollock "B" season. They also indicated that this permit application would include both salmon and halibut. Although the Council deferred making recommendations on the application until April, the IPHC was notified of Terra Marine's proposal. We indicated that the Council's review of the permit would include consideration of whether the experiment will demonstrate a cause and effect relationship between retention and reduction of bycatch.

A revised 1994 application has been submitted by Terra Marine. The applicant has requested an experimental fishing permit to assess whether sufficient quantities of salmon taken as bycatch in the pollock fisheries can be voluntarily donated to food banks. The application has been appraised by the NMFS Alaska Fisheries Science Center, and the NMFS Regional Office has initiated consultation with the Council (Item C-5(a)).

(b) Coastal Villages Fishing Corporation

NMFS has reviewed a request from the Coastal Villages Fishing Corporation (CVFC) for an experimental fishing permit to determine the feasibility of commercial groundfish fisheries near Kuskokwim Bay and Etolin Strait. CVFC is one of the six groups that received pollock CDQ during 1992-1993. According to their application, up to 500 mt of groundfish would be taken, consisting primarily of yellowfin sole and other flatfish. Pacific cod, pollock, Pacific herring, sculpins, saffron cod, halibut, and invertebrates are also expected to be taken in lesser amounts. Bycatch of prohibited species is expected to be low, and would not be retained. The survey is to be conducted by F/T *Rebecca Irene* (Golden Age Fisheries) during the period May 1 to September 30, 1994.

The application has been appraised by the NMFS Alaska Fisheries Science Center, and the NMFS Regional Office, and the Council may comment on CVFC's application at this meeting (Item C-5(b)).



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21688
Juneau, Alaska 99802-1668
April 13, 1994

Clarence G. Pautzke
Executive Director
North Pacific Fishery Management Council
P.O. Box 103136
Anchorage, Alaska 99501

Dear Clarence,

We have received two experimental fishing permit (EFP) applications: (1) Terra Marine Research and Education (TMRE); and the Coastal Villages Fishing Cooperative (CVFC) and Golden Age Fisheries (GAF). The first EFP applicant, TMRE, requests approval of an EFP to assess whether sufficient quantities of salmon can be donated, on a voluntary basis, to foodbanks when salmon are caught as bycatch during the 1994 pollock 'B' and 1995 pollock 'A' season fisheries. The second EFP is a joint application from CVFC and GAF requesting approval of an EFP to assess the feasibility of the establishment of an inshore fishery in the Kuskokwim Delta by the residents of this area. If awarded, these permits would be used to allow experiments to assess the feasibility of voluntary salmon retention caught in the directed 1994 pollock 'B' and the 1995 pollock 'A' season fisheries for the purpose of distribution to the needy; and to assess the commercial feasibility of fishing for groundfish in the Kuskokwim Delta by the residents of this area by allowing a 500 mt allocation of groundfish during the period of May 1 through September 30, 1994. Issuance of experimental fishing permits is authorized by the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands and its implementing regulations at 50 CFR § 675.6.

These regulations require the Regional Director, in consultation with the Alaska Fisheries Science Center (AFSC), to review each application for an experimental fishing permit and to make a preliminary determination whether the application contains all the information necessary to determine if the proposal constitutes a valid fishing experiment appropriate for further consideration.

We have consulted with the AFSC. We have determined that these applications warrant further consideration, although we may need certain additional information to make the application sufficiently complete. Nonetheless, I am initiating consultation with the North Pacific Fishery Management Council (Council) by forwarding these applications to you as required by regulations.



You should notify the applicant of a meeting, e.g. the April 18 - 22, 1994 meeting, at which the Council will consider the applications and invite the applicants to appear in support of the applications if the applicants desire.

We are publishing a notice of receipt of the applications in the Federal Register with a brief description of the proposal. Attached are a copies of the applications. Also attached is a copy of regulations governing the issuance of experimental fishing permits for your information.

Sincerely,



Steven Pennoyer,
Director, Alaska Region

Attachment

SECOND REVISION**RENEWAL APPLICATION TO EXPERIMENTALLY RETAIN SALMON
PROHIBITED SPECIES BYCATCH IN THE BERING SEA AND ALEUTIAN ISLANDS**

APPLICATION DATE: January 4, 1994
SECOND REVISION DATE: APRIL 7, 1994

APPLICANT:

TERRA MARINE RESEARCH AND EDUCATION, NORTHWEST CHAPTER
7052 NEW BROOKLYN RD.
BAINBRIDGE ISLAND, WA 98110
PHONE: 206 842-3609
FAX: 206 842-5058

INTRODUCTION

Since September 1992 Terra Marine has worked in cooperation with fishermen and processors to assess the means by which dead prohibited species bycatch (PSC) can be retained for use by hunger relief agencies without undermining fisheries management objectives. By evaluating some of the components of mandatory PSC retention we have gained a greater understanding of the expense and effort inherent in processing PSC for contribution to charitable organizations.

Recent preliminary determinations by NOAA General Counsel have altered the course of our enquiry. No longer under consideration as a fisheries management measure, the regulations can, however, be changed to authorize retention of dead PSC by qualified fishermen and processors, for humanitarian reasons.

If, through our proposed renewed EFP, we can demonstrate that a voluntary program to retain and process PSC can be implemented with enforceable guidelines - and has the potential to generate sufficient quantities of fish for distribution to food banks - we strongly urge that proposed rules authorizing such retention be approved by the North Pacific Fishery Management Council and NMFS.

Terra Marine wholeheartedly agrees that the inadvertant harvest of PSC should be reduced through appropriate fisheries management measures. However, we feel strongly that when dead PSC are in the possession of fishermen or processors, we should not compound the waste generated by inefficient fishing practices through the needless mandatory discard of dead fish.

Public and private agencies spend millions of dollars - much of it tax dollars - seeking high-protein, wholesome food to feed hungry, economically disadvantaged people. Our fisheries are a national resource. The vast potential food value to the nation of dead PSC, in the fight against hunger, must be given serious consideration. It is unconscionable to require the discard of dead fish, no longer of any value to the fishery, if there is a practical alternative. We are applying for a renewal of our EFP in order to continue to assess the feasibility of such an alternative.

EXPERIMENTAL PURPOSE AND GOALS

The purpose of the experiment is to continue the development and testing of a plan, consistent with the intent of all existing fisheries regulations, with the Observer Plan, and with present enforcement procedures, which might enable prohibited species bycatch (PSC) to be diverted into the nonprofit food distribution network of the United States as a voluntary alternative to regulatory discard. Additionally, this program will continue to gather information that will help establish the guidelines for the landing, transfer and distribution of PSC salmon to food banks. Authorized retention for food banks is under consideration by NMFS and this study seeks to provide additional information regarding the operational aspects of such a program in order to better define protocol and establish meaningful program guidelines. The experiment is designed to assess the limits of the abilities of willing participants - under a variety of processing conditions - to retain, process, package, and deliver PSC salmon to Terra Marine for distribution to food banks. It is also designed to assess whether voluntary participation in such a program would produce enough salmon for food banks, to warrant regulatory change.

Renewing the permit is necessary to further develop Terra Marine's present experimental program in a manner consistent with the recent determinations made by NOAA General Counsel. They determined that mandatory retention and processing of salmon PSC for contribution to charitable organizations (The "food bank option") is not presently a legal fisheries management option under the Magnuson Act. However, at the same time they determined that the Magnuson Act would allow retention of PSC for food banks to be authorized.

In the present Terra Marine experimental program, participants are required, under all circumstances, to retain and process salmon bycatch for distribution to food banks. Until now the food bank option was under consideration as a management measure. Now, "humanitarian aid" endures as the only remaining reason to retain, process, and distribute dead PSC salmon for the benefit of food banks. Under a renewed permit, we expect to evaluate the problems posed by a voluntary program. Under the renewed EFP, participants will be authorized to retain and process PSC salmon for the benefit of food banks; but, where retention or processing become unfeasible, the participants will be allowed to discard the salmon (fully documenting the effort) in the customary way. The entire effort of retaining and processing the salmon bycatch would be at the expense of the participating processors and fishermen.

Operating under the authority of EFP #93-2 we learned that each processing environment presented a different set of problems for the participants. All of the participants entered into the experiment willingly, yet some could not fulfill the terms and conditions due to problems encountered as a result of equipment limitations or processing methods. In a voluntary program we expect to gain a greater understanding of these limitations. Such an understanding will bear on the decision of whether or not to implement regulatory changes authorizing voluntary retention for food banks, and it will facilitate

the formation of reasonable guidelines by which such retention could be managed.

Upon completion of the Terra Marine PSC retention experiment we will produce, for general distribution, detailed guidelines for the handling, landing, transfer, and distribution of prohibited species bycatch salmon from the Alaska trawl fisheries to food banks.

Further testing required --

A voluntary program presents different enforcement and logistical support problems than could have been assessed under EFP # 93-2. Specifically, it is important to establish clear guidelines for retention and discard so that enforcement personnel can effectively determine the disposition of all PSC salmon. As there are two proposed options - retain/process or discard - decisions cannot be haphazard with regard to these options; we must establish procedural consistencies. It is essential that enforcement personnel be able to monitor compliance without confronting a confusing array of discard and retention data.

Because of recent determinations by NOAA General Counsel regarding mandatory retention/processing for charitable purposes we wish to now assess how voluntary participation would affect the ability of processors to adequately handle PSC. At what point (in terms of relative volume of PSC) would the difficulties imposed upon the operation by processing these not-for-profit salmon cause them to temporarily or permanently abandon the program? Can we establish reasonable guidelines that would require voluntary processor participants - in a proposed permanent program - to retain/process their PSC up to a minimum level of proportional abundance (No. of salmon per metric ton)? Can we ascertain minimum standards based on methods of holding - dry, RSW, ice etc. - and processing - by hand, by machine, filletting, H&G etc.? The answers to these questions can be used in the formation of management guidelines, eliminating speculative decision making based on unrealistic expectations. Clearly, as a voluntary program, retaining salmon for charitable purposes will not be suited to all fishermen and processors. As modified under this renewed EFP #93-2, our study will help to further clarify which companies can be reasonably expected to successfully undertake a charitable retention program, if authorized, and under what conditions they could be expected to abandon the program.

Experimental permit #93-2 allowed Terra Marine to assess the operational needs as they pertain to a very limited sampling of the Bering Sea trawl fleet. It was clear that different problems were encountered in different operational settings, specifically with regard to quality control and handling procedures. Our measures of effort and expense in hours and dollars per ton reflect some of those differences, but only hint at the broad diversity of problems and solutions which are to be encountered.

Under the authority of a renewed EFP we intend to increase our understanding of both the expense and effort of PSC salmon processing in different processing environments. EFP #93-2 demonstrated that the expense and effort can be characterized in direct proportion to the volume of PSC. However, it also demonstrated that the fundamental differences in equipment and methodology resulted in a wide disparity between processors.

The limited sample size of EFP #93-2 established enforceable means of tracking and distributing PSC but did not allow us the opportunity to test these landing and transfer procedures at more remote offload sites. Coordinating the landing and transfer, and particularly interim frozen storage, in these remote situations presents logistical difficulties that we wish to address experimentally in order to define the protocol by which they can be managed. We also wish to identify situations in which landing and transfer can't, even with the best intentions, be managed. Do offload sites at roadsteads and remote ports increase the enforcement and logistical support effort - and expense - to an unreasonable degree? Is it necessary to limit these activities to large, full-facility, ports such as Dutch Harbor? These questions can only be answered by testing the means by which they will be managed.

AMOUNT OF SPECIES TO BE RETAINED

The amount of prohibited species species to be retained will depend on the actual bycatch rates of the participating vessels and the ability of the participants to process PSC salmon into a food grade product for distribution by Terra Marine to food bank agencies. The experiment will be designed to assess the ability of willing participants to comply in a variety of processing environments.

ARRANGEMENT AND DISPOSITION OF ALL SPECIES HARVESTED UNDER THE EXPERIMENTAL FISHING PERMIT

All retained salmon will be processed and distributed as defined in Terra Marine's present Experimental Fishing Permit # 93-2, "Feasibility of Retaining Salmon caught as Bycatch for the Purposes of Distribution to Economically Disadvantaged Individuals" .

AREA AND TIMING OF THE EXPERIMENT

The area of the experiment will be the Bering Sea, Aleutian Island area. The timing will coincide with the 1994 "B" pollock season and the 1995 "A" pollock season and winter cod fishery.

VESSELS AND GEAR TO BE USED

A complete list of participants will be provided no later than fifteen days prior to the start of fishing. Gear type will be pelagic trawl in

the pollock fishery and bottom trawl in the cod fishery. Terra Marine is seeking participation from up to 50 percent of both the inshore and offshore sectors of the Bering Sea pollock and cod trawl fleets.

EXPERIMENTAL DESIGN AND DATA ANALYSIS

The experiment is designed to assess the limits of the abilities of willing participants - under a variety of processing conditions - to retain, process, package, and deliver PSC salmon to Terra Marine for distribution to food banks. The experiment is designed to identify which processing methods are conducive - and which, despite the best intentions of the participants, are not conducive - to the production of wholesome salmon products in a processing environment intended for species other than salmon. We will assess the ratio of discarded to retained (and processed) PSC salmon for each participating processor.

Based on processor reports - as described below - Terra Marine will profile the results, correlating the data with type of equipment, processing methods and capacity, and relative bycatch abundance.

Each participating processor will be requested to provide Terra Marine with a detailed description of the PSC processing method and capacity of their facility, including a description of any processing machinery used to process PSC salmon, and a general description of the equipment and methods used to process their target species. Included will be freezer type and capacity (blast, plate, etc.), and method of pre-processing storage (RSW, dry, champagne ice etc.).

1. The number and weight of all salmon will be documented. The amount of salmon retained, processed, and packaged will be compared to the amount of salmon discarded.
2. The processor will be requested to provide Terra Marine with the daily ratios of PSC salmon to target species (No. of salmon per metric ton of target species). Information will remain confidential and Terra Marine will report the data in aggregate form, differentiated by processor type and capacity.
3. Where salmon discard occurs a detailed explanation of the reasons for discard of PSC salmon, including equipment limitations and personnel limitations, and an accounting of the total amount of PSC salmon in the possession of the processor at the time of any discard must be provided as soon as possible following the discard operation. All salmon discards must be logged using NMFS standard Discard Product Codes. All retained salmon will be given the product code 97 as has been approved by NMFS for EFP #93-2.
4. All retained and discarded salmon will be recorded as appropriate in NMFS Fishing Logs, Daily Cumulative Production Reports, Weekly Production Reports, Groundfish Product Transfer Logs, and U.S. Vessel Activity Reports.

5. Each processor will be requested to maintain full documentation regarding the number, weight, and condition of all discarded PSC salmon.

The experiment presently operating under the authority of Experimental Fishing Permit # 93-2 has been designed to assess the feasibility of a broader retention program by determining the enforcement effort involved, evaluating means to verify legal compliance, and measuring the costs to the participants of the entire processing and storage effort.

Under a renewed permit we would continue to gather data regarding the expense and effort of processing as well as the expense and effort of related enforcement effort.

1. Participating processors will maintain a detailed account of the time and expense of their involvement with the Terra Marine program. As it was under EFP #93-2, effort and expense will be reported by Terra Marine in hours and dollars per ton of salmon PSC.

2. Information regarding observer and enforcement personnel effort and expense (if any) will also be collected, on a processor-by-processor basis as it relates to the EFP.

COMPANY BYCATCH MANAGEMENT PRACTICES

As a means of gaining a greater understanding of individual companys' PSC management practices, Terra Marine will survey the participants with the following questionnaire. It has no statistical value and the identities of the respondents will remain confidential. We are hopeful that the survey will provide valuable information regarding the decision of whether or not to go forward with regulatory changes authorizing retention of PSC for food banks.

At the end of the permit period we will ask representatives from each participating company the following questions:

1. Can salmon PSC rates be affected by procedural changes in your company's operation? How?

2. Can salmon PSC rates be affected by fishing gear changes in your operation? What Changes?

3. What role does vessel to vessel, and vessel to processor communications play in your company's efforts to reduce salmon PSC?

4. Does your company actively seek to minimize salmon PSC rates?

5. If yes to No. 4, how?

6. If no to No. 4, why not?

7. Does retaining salmon for distribution to food banks affect your company's decisions regarding reduction of salmon PSC? How?

8. Would your company voluntarily participate in a salmon PSC-for-food bank program if regulations were changed which authorized their participation on a regular basis?

9. During your company's participation under Terra Marine's EFP, did they make any procedural or equipment changes specifically designed to reduce salmon PSC? Please describe.

10. Did your company make any changes to equipment or methods in order to facilitate the processing of salmon PSC during the permit period. Please describe.

QUALITY ASSURANCE

Strict quality assurance guidelines have been defined and will be maintained and monitored in compliance with generally accepted health and quality standards for these products.

RELEASE OF INFORMATION

All obtained information will be released in a final report to the North Pacific Fishery Management Council and to the Regional Director, NMFS Alaska Region no later than sixty days from the last day of experimental fishing. An annual report will be made available to the North Pacific Fishery Management Council and the Regional Director, NMFS by December 31, 1994

OBSERVER COVERAGE

The experiment will have observer coverage to the full extent required by the laws regulating the vessels, processors, and target fisheries represented. The entire experiment will be carried out in consultation with the Observer Program.

ENFORCEMENT

All participants will comply with existing fisheries regulations. All records will be made available to NMFS Enforcement upon request. At all times the PSC retained for the project will be verifiable and will be recorded in a manner consistent with present NMFS recording procedures using product code 97 as issued for use under EFP # 93-2.

THE COORDINATING PARTIES

Terra Marine Research and Education, a nonprofit corporation registered in the states of Alaska, Washington, and California is the applicant for this experimental fishing permit and will be the primary coordinator. Tuck Donnelly, a Director of Terra Marine Research and Education is project director.

Other coordinating parties include:

Second Harvest National Foodbank Network
Food Lifeline

PRINCIPAL PARTIES

Terra Marine Research and Education: Applicant
All participating vessels and processors (Full list available fifteen days before start of fishing)

TAX AND OTHER ECONOMIC BENEFITS TO PARTICIPATING PROCESSORS

Our tax advisor has informed us that in no case can the tax benefits to processors ever exceed 34% of the actual "out of pocket" processing cost of the salmon PSC. No matter what kind of entity owns the processor, it will still cost money to process salmon bycatch, even after any tax benefits the processor may receive. Applicable tax law is contained in Internal Revenue Code section 170(e)(3) and related regulations.

Salmon PSC has no commercial value whatsoever, further limiting any potential tax benefits. Salmon PSC cannot be sold, traded, or bartered.

OPERATIONS AREA

Dutch Harbor, Alaska will be the central operations area and a representative of Terra Marine Research and Education will be in Dutch Harbor, as required, for the duration of the experiment. Terra Marine's registered address in Alaska is: Terra Marine Research and Education, Inc., c/o Freight Management Services, P.O. Box 976, Dutch Harbor, AK 99692. Phone 907 581-2410 Fax 907 581-2441. Freight Management Services is Terra Marine's registered agent in Alaska.



UNITED STATES DEPARTMENT OF THE INTERIOR
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Alaska Fisheries Science Center
7600 Sand Point Way NE
BIN C15700, Building 4
Seattle, Washington 98115-0070

APR - 6 1994

MEMORANDUM FOR: F/AK - Steve Penoyer
FROM: F/AKC - William Aron
SUBJECT: Experimental Fishing Permit Application from
the Coastal Villages Fishing Corporation

The Coastal Villages Fishing Corporation's (CVFC) original application was reviewed from the perspective of augmenting the NMFS trawl survey. Limitations of the application in this respect are noted in my memorandum to you dated September 17, 1993. The stated purpose in the resubmitted application dated March 7, 1994 is, "...to gather information about the marine resources of the Kuskokwim Delta that can be used in the development of inshore fisheries by residents of that area." This statement suggests that this project is intended to be a feasibility study and not an attempt to produce biomass estimates for a specific geographical area. It, therefore, appears that we may have misinterpreted the objective of the initial submission.

Given that the experiment is intended to be a feasibility study, we have the following comments to offer:

1. We have no way of judging whether or not the 500 mt requested is large enough to determine commercial feasibility.
2. It should be made explicit that the total catch of the following species will in no case exceed 500 mt:

yellowfin sole
Alaska plaice
Pacific cod
rock sole
saffron cod.

Further, the catches of the following prohibited species in no case will exceed:

crab - 1.25 mt
Pacific halibut - 2.5 mt
Pacific herring - 0.5 mt.

The attached memo from Jerry Berger to Bill Karp explains how the PSC caps were developed.



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3. A detailed description and physical dimensions of the trawl gear are essential.
4. Sampling and data collection protocols employed must be in compliance with those used by the NMFS Observer Program.
5. The person responsible for carrying out the experimental design, conducting and preparing the report should be specified.



Coastal Villages Fishing Cooperative

204 N. Franklin, Suite 1 • Juneau, AK 99801 • Phone 907-586-2360 • Fax 907-586-2331

March 11, 1994

**Steven Pennoyer
Alaska Region Director
National Marine Fisheries Service
P.O. Box 1668
Juneau, AK 99802**

Dear Steve:

Enclosed please find an "Experimental Permit Application" for a nearshore trawl survey in the Kuskokwim Bay/Etolin Strait area. This application is an amended version of an application submitted last year.

Coastal Villages Fishing Cooperative (CVFC) has set out its intent to have this nearshore survey conducted in both its 1992-1993 and 1994-1995 CDQ applications and community development plans. Completion of this survey and collection of resource information in this area is critically important for us to determine the future potential for coastal fisheries development in the CVFC villages.

If you have any questions, please feel free to contact me or John Henderschedt at Golden Age Fisheries in Seattle.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Norman A. Cohen". The signature is written in a cursive style with a long horizontal line extending to the right.

**Norman A. Cohen
Executive Director**

MARPIO-MUIT PARTNERSHIP

18 West Mercer Street
Suite 400
Seattle, WA 98119
Tel: 285-2815
Fax: 282-5938

EXPERIMENTAL PERMIT APPLICATION

- (1) **Date:** March 7, 1994
- (2) **Applicants:** Coastal Villages Fishing Cooperative
204 North Franklin, Suite 1
Juneau, AK 99801
Norman Cohen, Executive Director
(907) 586-2360
- Golden Age Fisheries
18 West Mercer, Suite 400
Seattle, WA 98119
John Henderschedt, Director of Operations
(206) 285-2815

(3) **Statement of Purpose:**

The purpose of this experimental fishery and trawl survey is to gather information about the marine resources of the Kuskokwim Delta that can be used in the development of inshore fisheries by the residents of that area. This survey needs to be done because annual trawl surveys done by the National Marine Fisheries Service (NMFS) generally do not include the near-shore region of Kuskokwim Bay and therefore do not provide sufficient information for determining the viability of small-boat inshore fisheries. This trawl survey is a part of the Coastal Village Fishing Cooperative's (CVFC's) plan to develop a near-shore fishery in its region. Golden Age Fisheries (GAF) has agreed to conduct the survey. CVFC and GAF hope to locate an abundance of marketable fish species in near-shore waters that can be harvested from small fishing vessels owned by residents of CVFC villages.

This trawl survey will be conducted over a seven to ten day period and will include trawliable stations in Kuskokwim Bay, Etolin Strait, and the waters north of Nunivak Island that do not normally fall within the boundaries of the NMFS annual survey. The project will be conducted during the period of May 1 through September 30, 1994. The survey will be conducted by Golden Age Fisheries' F/T Rebecca Irene.

On the basis of the results of the limited survey effort already put forth in the Kuskokwim Bay area, CVFC and GAF predict that a large portion of the catch will be yellowfin sole. Some catch

of Alaska plaice, Pacific cod, rock sole, and saffron cod might also be expected. GAF anticipates that the total groundfish catch taken in the course of the trawl survey is likely to be between 400 and 500 metric tons and will in no case exceed 500 metric tons. In order to defray the cost of the survey, the marketable catch from each tow will be processed and frozen once the tow has been sampled. Existing survey reports indicate that some small amounts of crab, halibut and Pacific herring may be taken. These and any other prohibited species taken in the survey will be returned to the sea as soon as possible.

(4) Technical Details:

(i) Up to 500 metric tons of groundfish will be taken during this experiment. Much of this amount will be yellowfin sole and other flatfish. Other species taken in surveys nearby include pollock, Pacific cod, Pacific herring, sculpins, saffron cod, halibut, starfish, and other invertebrates. Only trace amounts of prohibited species are expected to be caught. All marketable groundfish (with the exception of prohibited species) will be retained by the fishing vessel. Non-marketable fish and prohibited species will be discarded.

(ii) The survey will take place at some time during the period of May 1 through September 30, 1994. The area surveyed will be Kuskokwim Bay, Etolin Strait and the area to the North of Nunivak Island (Please see Attachment One).

(iii) The survey will be conducted by the F/T Rebecca Irene. The Rebecca Irene is a 140 foot factory trawler capable of freezing approximately 40 metric tons of product per day. She can carry approximately 270 metric tons of frozen product. The Rebecca Irene carries up to 35 people. A Bering Sea Combination Trawl 120/153 will be used in conducting the survey. This net is constructed with 8 inch, 5.5 inch and 4 inch 5.0 mm and 6.0 mm poly netting. Riblines are made of 1 1/4 inch Duralon Rope. The head and breast lines are constructed of 3/4 inch wire core 6x19 wire rope. The footrope is constructed of 5/8 inch alloy chain covered with 6" and 14" rubber discs. The trawl has a fishing circle of approximately 1,560 square feet.

(iv) The captain of the Rebecca Irene will be given a list of sampling stations to be covered in the course of the survey. The stations will be selected to provide as much information about the fisheries resources in the Kuskokwim area as possible. A list of these stations can be found in Attachment Two. If the station is untrawlable, the captain will be instructed to tow as close to that station as possible.

Each tow will last approximately 30 minutes. The captain of the Rebecca Irene will record tow data such as date and time, location where tow is set, location where tow is hauled back, gear depth, duration of tow, and distance fished. Each tow will be sampled by an observer who will collect information on catch size, catch composition, and fish size. The total catch of each tow will be estimated by the observer and the vessel captain. Catch composition will be determined

through basket sampling of the catch. At least 300 kilograms per tow will be sampled. Tow and sample data will be recorded in the format of the weekly observer report format. A list of data that will be recorded for each tow includes date, time of set, location of set (latitude and longitude), time of haul back, location of haul back, average fishing depth, average bottom depth, average towing speed, estimated total catch, total sample weight, total kilograms of each species in each sample, and the average weight of each species in sample. In order that all tows be sampled, the Rebecca Irene will carry two observers for the duration of the survey. Fishing operations will be conducted around the clock. Catch per unit of effort (by species) will be calculated for each station.

Upon completion of the survey, all of the data collected will be forwarded to CVFC, GAF and NMFS. CVFC and GAF will review the data to determine the abundance and location of groundfish species that can be harvested by near-shore fishermen from the CVFC region. All data and analysis will be retained and used as a baseline for future surveys done in the area.

While this survey is necessitated by the fact that the Kuskokwim Bay area is not included in the NMFS annual trawl survey, it is not the intent of CVFC and GAF to "replicate" every aspect of the official trawl survey. The sponsors of this survey are primarily concerned with gather data that will support the development of near shore fisheries in that region.

(v) Copies of all survey data and subsequent analytical reports will be forwarded to the NMFS Alaska regional office, the North Pacific Fishery Management Council, and the Alaska Department of Fish and Game. National Marine Fisheries Service will be notified of the actual survey dates prior to the beginning of the survey.

(5) Observers:

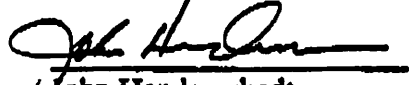
The Rebecca Irene will carry two observers during the survey. These observers will receive accommodations and a work area equal to that which is normally provided to an NMFS observer. GAF does not anticipate that the space needed to sample the catch during the survey will be much greater than that required by the observer during normal fishing operations.

(6) Coordinating Parties:

Coastal Villages Fishing Cooperative
204 N. Franklin, Suite 1
Juneau, AK 99801


Norman Cohen
Executive Director

Golden Age Fisheries
18 W. Mercer, Suite 400
Seattle, WA 98119


John Henderschedt
Director of Operations

7) Information about the participating vessel:

(i) F/T Rebecca Irene

(ii) Rebecca Irene Joint Venture
18 W. Mercer, Suite 400
Seattle, WA 98119

Captain: Phil Souter / Kris Jones

(iii) U.S. Document No. 697637
1994 Federal Fisheries Permit No. AK941610
ADF&G No. 51873


(iv) Seattle, WA


(v) 140 ft.

(vi) 130 net tons

(vii) 191 gross tons

(8) Signatures:


Norman Cohen
Coastal Villages Fishing
Cooperative


John Henderschedt
Golden Age Fisheries

ATTACHMENT ONE

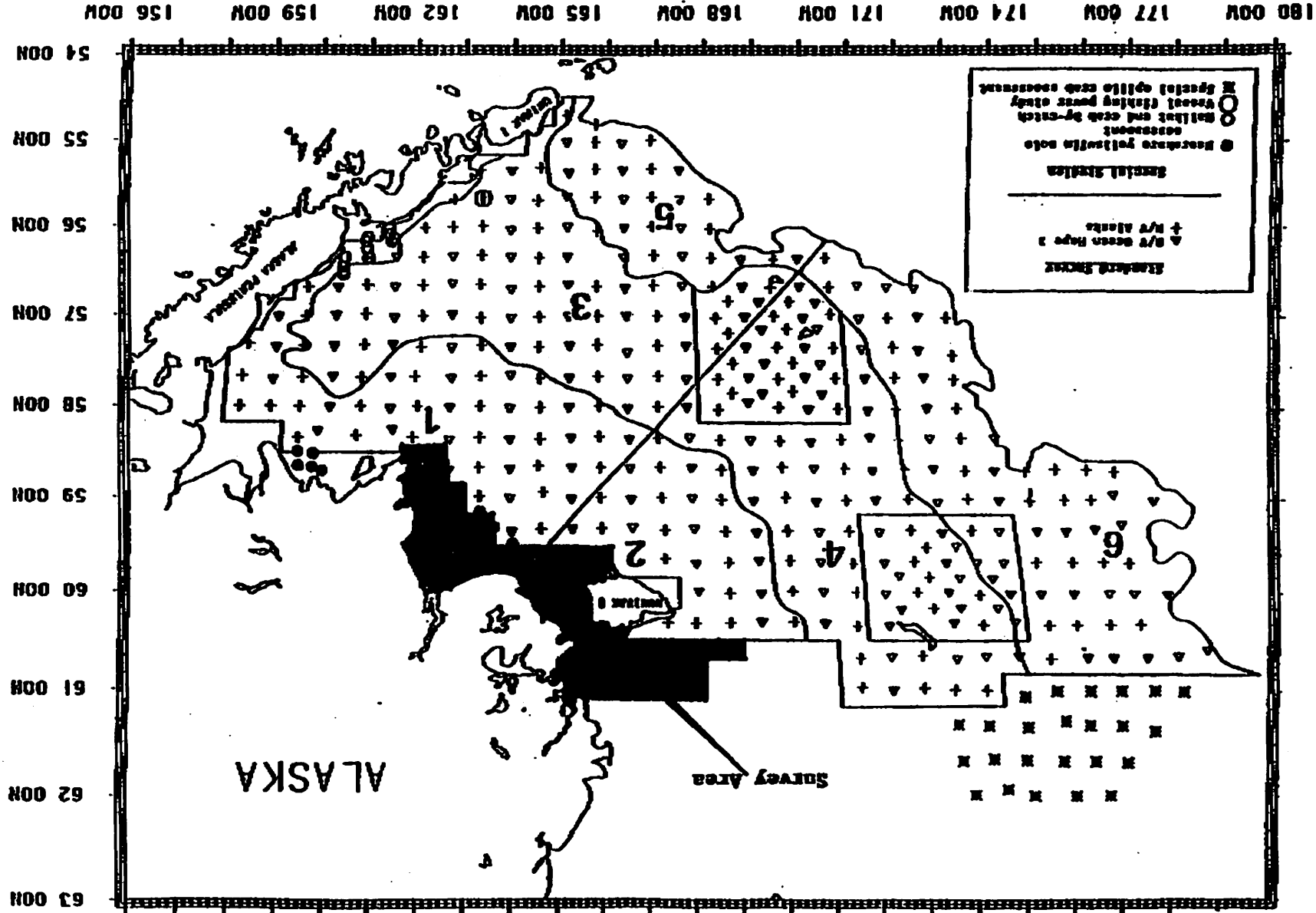
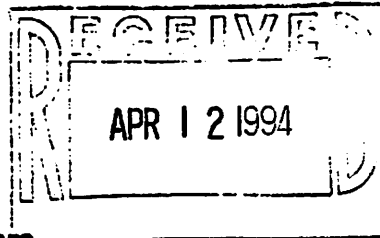


Figure 3.—Standard and special stations sampled during the 1989 eastern Bering sea groundfish survey and stratification used for analyses of the data. Boxed areas surrounding the Pribilof Islands and St. Matthew Island indicate locations of high-density sampling.

21.	60° 00' N, 164° 00' W
20.	60° 00' N, 164° 30' W
19.	59° 45' N, 161° 30' W
18.	59° 45' N, 162° 00' W
17.	59° 45' N, 162° 30' W
16.	59° 45' N, 163° 00' W
15.	59° 45' N, 163° 30' W
14.	59° 45' N, 164° 00' W
13.	59° 45' N, 164° 30' W
12.	59° 45' N, 165° 00' W
11.	59° 30' N, 161° 30' W
10.	59° 30' N, 162° 00' W
9.	59° 30' N, 162° 30' W
8.	59° 15' N, 161° 30' W
7.	59° 15' N, 162° 00' W
6.	59° 15' N, 162° 30' W
5.	59° 00' N, 161° 00' W
4.	59° 00' N, 161° 30' W
3.	59° 00' N, 162° 00' W
2.	58° 45' N, 161° 30' W
1.	58° 30' N, 161° 30' W
22.	60° 00' N, 163° 30' W
23.	60° 15' N, 164° 30' W
24.	60° 30' N, 167° 30' W
25.	60° 30' N, 167° 00' W
26.	60° 30' N, 166° 30' W
27.	60° 30' N, 166° 00' W
28.	60° 30' N, 165° 30' W
29.	60° 30' N, 165° 00' W
30.	60° 45' N, 167° 00' W
31.	60° 45' N, 166° 30' W
32.	60° 45' N, 166° 00' W
33.	60° 45' N, 165° 30' W
34.	60° 45' N, 165° 00' W
35.	60° 45' N, 164° 30' W
36.	61° 00' N, 167° 00' W
37.	61° 00' N, 166° 30' W
38.	61° 00' N, 166° 00' W
39.	61° 00' N, 165° 30' W
40.	61° 00' N, 165° 00' W
41.	61° 00' N, 164° 30' W

TRAWL SURVEY STATIONS

ATTACHMENT TWO



March 30, 1994

To: NPFMC Members

I do not think the Council should renew the Terra Marine program for trawl bycatch unless the ONLY fish used in the program are species that they are allowed to catch at other times. I feel very strongly that it is wrong for the Council to make it politically okay for the trawlers to continue to have gross bycatches that are unacceptable and hurt other fisheries while not hurting their own. If this is such a grand program why does it target only forbidden species?

A recent study done for Alaska Dept. Of Fish and Game states that in the Bering Sea/Aleutian Islands Pollock fishery the amount of pollock dumped, according to onboard observers, is 237% greater than industry generated reports. The trawl net fishery in the BS/AI was responsible for 93% of groundfish dumped, of which 47% was their target species. The trawlers may claim that there aren't markets for some of their other bycatch, or that the processing technology is not available for some sizes of fish, but without some reason to no one will ever try to come up with solutions to these problems and eliminate the gross waste that is happening.

The Council and the people in Western Alaska wanted the trawlers to have incentive not to catch so many salmon but it is plainly obvious that the measures in place now are not even remotely a deterrent as the catches have gone up. It really makes the Council look like they are just trying to appease those who look at the trawlers bycatch and cry foul while all the time allowing the trawlers to have at it. If the Council is as concerned about lowering bycatch rates as they claim then put some caps on it and shut down fisheries when they are reached. Whether they are personal caps or per fishery caps doesn't matter as long as the consequences are severe enough to mean something.

There is no reason the trawl fleet should be allowed to cause hardship in other fisheries while wasting a very finite resource. There is no reason the trawl fleet should be labeled good guys for catching and donating salmon and halibut, which are prohibited for them to catch, while wasting millions of tons of groundfish species that would, IF accurately accounted for, put them right into the category of grossly overfishing.

Thank You,

Carolyn Nichols
305 Islander Drive
Sitka, AK 99835

AGENDA C-5 Supplemental
APRIL 1994

APR 12 1994

THOMAS K. POPE

Marine Surveyor since 1967

Rick Lauber, Chairman
N.P.F.M.C.
Box 103136
Anchorage, Alaska 99510April 12th, 1994
Re: Apr 22nd adgenda
C-5 Terra Marine
D-3(h3) Incidental
Chinook trawl
by/catch

Mr. Lauber:

Enclosed, please find a copy of my letter of January 14th, addressed to the chair of the Alaska Board of Fish, for inclusion in the Council's briefing book for the April meeting.

It should be noted that with the electronic sophistication that exists in the pelagic trawl fleet today, (sounders & cameras on the gear doors, ect), it is an insult to the intelligence of all involved, to contend that these vessels are not able to avoid areas of Chinook Salmon abundance.

It is also important to note that while the (tax) deduction of incidental Chinook is open to discussion under the current sceanario, it would seem to be a 'fait accompli' under the most recent Terra Marine proposal, according to my tax accountant.

While improvements in the quality of data are laudable, the cost of this data appears to be an increase, rather than A decrease in incentive to catch Chinook. To use food bank donations as a cop-out for this 'Marie Antoinette-like' approach to feeding the poor, is doubly offensive. Tax incentives, such as those detailed in the attached letter, are major items for large vessels which fish behind multiple corporate veils.

It was my intention to comment on the current Terra Marine proposal, currently under scrutiny by NMFS. However, since I am unable to obtain a copy of this revision from either your staff, NMFS, or Terra Marine, I am only ably to comment on the inability of the public, and other affected fisheries, to address this important issue.

I respectfully request that the council take 'no action', until such time as public comment has been solicited and received.


Thomas K. Pope

Tom Elias, Chairman
Alaska Board of Fish
Box 103136
Anchorage, Alaska, 99510

January 14th, 1994

Dear Mr. Elias:

A startling proposal recently surfaced at the Alaska Board of Fish meeting in Ketchikan, regarding pelagic trawl retention of incidentally caught Chinook Salmon, and their charitable donation to a food bank.

This thought causes severe *deja vu*, as well as reflections on the circular nature of life. In 1979-1982, while I was the chair of the executive committee of the West Coast Professional Fisherman's Union (AFof L/ CIO), and that organization's representative to the P.F.M.C., we were trying to get a handle on the foreign trawl fleet's incidental catch level of Salmon off the Washington and Oregon coasts. For two years, the figures given, extracted from the observers notes, were so low as to be insignificant. However, we never seemed to be able to get anything on paper.

Finally, by accident, we were sent a two year compilation of this data (by Bevins et al, as I recall), and discovered, to our amazement, that the figures given the council verbally, had been in error by an order of magnitude.

When we compared this new number, extrapolated to reflect the known number of vessel/effort days, it became apparent that their incidental catch was larger than the entire Oregon commercial troll fleet for the period involved.

Even more interesting was the comparative value (ex vessel), of the Salmon by catch, and the value of the target specie(Hake). The value of these fish, landed in Bordeaux France (Sept '82) was larger by 15%, than that of the Hake, making this a directed trawl fishery on Chinook!!

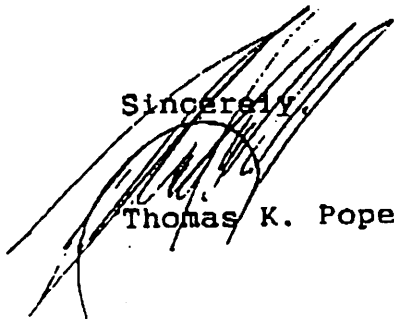
Now consider that the IRS allows food producers (and selected others) to make charitable contributions of their product, far in excess of the minimum allowed to the population at large. Furthermore, these contributions have historically been valued at 80% of retail. Chinook retail on the west coast is about \$10.00 per pound, making their deduction value \$8.00. Assuming a 30% tax bracket, this would make trawl bycatch chinook worth \$2.40 per pound to the vessel, which is a full dollar over the current ex-vessel price.

The only conclusion that I can draw from this, is that to allow retention of incidentally caught trawl Salmon, for the purpose of food bank donation, would not only create a new directed (trawl) fishery on a fully utilized specie, in clear violation of the stated principles of the Pacific Salmon Treaty, but would additionally provide for them a market superior to all others (by \$1.00/#).

I'm quite sure that it was never the Board's intention to support anything of this nature. I'm equally sure that your staff does not contain tax consultants, so I thought this regrettably lengthy letter might be in order.

Things are not always as they appear, especially in fishery management.

Sincerely,



Thomas K. Pope

c/c

Carl Rosier, Commissioner
Alaska Dept of Fish & Game
PO Box 25526
Juneau Alaska, 99802-5526

Walter J. Hickel
Governor
State Capitol
Juneau Alaska 99811

Rick Lauber, Chairman
N.P.F.M.C.
Box 103136
Anchorage, Alaska 99510

Steve Pennoyer
NMFS Alaska Region
PO Box 21668
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