

North Pacific Fishery Management Council

Clement V. Tillion, Chairman
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MINUTES

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CERTIFIED:

By Clement V. Tillion

Thirty-Fourth Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
Anchorage Westward Hilton Hotel
Anchorage, Alaska
July 24/25, 1980

The monthly meeting of the North Pacific Fishery Management Council was held in Anchorage, Alaska, July 24 and 25, 1980, in the Kenai/Aleutian Room of the Anchorage Westward Hilton Hotel. The Council met Thursday, July 24, 1980, from 9 a.m. to 5:30 p.m., and again on Friday, July 25, 1980, from 8:30 a.m. to 2:15 p.m.

The Scientific and Statistical Committee meeting was held at the Council Conference Room, Post Office Mall Building, 333 West 4th Avenue, Anchorage, Alaska, on July 22, 1980 from 10 a.m. to 6:30 p.m. and again on July 23, 1980 from 8:30 a.m. to 6 p.m.

The Advisory Panel meeting was held at the Kenai Room of the Anchorage Westward Hilton Hotel, Anchorage, Alaska on July 23, 1980 from 9:10 a.m. to 3:50 p.m.

Council members, Scientific and Statistical Committee members, Advisory Panel members, and the general public in attendance are listed below:

Council

Clement V. Tillion, Chairman
Harold E. Lokken, Vice-Chairman
D. B. Eaton
Charles Meacham
Gordon Jensen
J. O. Campbell
Donald E. Bevan
Don Collinsworth, for Ron Skoog
Gene Didonato, for Gordon Sandison
Robert Mace, for John R. Donaldson
Robert W. McVey
Leroy Sowl
RADM Richard Knapp
CDR Peter Busick
J. P. Harville
Richard Cashdollar, for Carl Price

Advisory Panel

Jessie Foster
Sharon Macklin
Anthony Vaska
Weaver Ivanoff
A. W. Boddy
Sig Jaeger
Joseph Kurtz
Rick Lauber
Jeff Stephen

Scientific and Statistical Committee

Steven Pennoyer, Chairman
D. L. Rosenberg
Alvin Burch
Larry Hreha
H. A. Larkins

General Public in Attendance

Ron Naab, National Marine Fisheries Service
Phillip Chitwood, National Marine Fisheries Service
Phil Rigby, Alaska Department of Fish and Game
Guy Thornburgh, Alaska Department of Fish and Game
Fred Gaffney, Alaska Department of Fish and Game
Chuck Meacham, Jr., Alaska Department of Fish and Game
Hiroya Sano, Japanese Fisheries Agency
Harold Sparck, Nunam Kitlutsisti
Norman Cohen, Villages of Southwestern Alaska
Ted Evans, Marine Resources Company
Walter Pereyra, Marine Resources Company
Jay Hastings, Japanese Fisheries Association
John Bradbury, Bradbury, Bliss & Riordan
Francis Fay, University of Alaska, Fairbanks
Sharon Winn, Alaska Fisheries Development Foundation
Ken Puckett, KMIDC
Dick Marshall, National Marine Fisheries Service
Tim Hennessey, University of Rhode Island - Sea Grant
Rick Friedman, Sitka
Robert Iversen, Department of State, Tokyo Embassy
Guy Martin, Eskimo Walrus Commission
Laurence Freebury, SEALASKA
Paul MacGregor, Mundt, MacGregor & Happel (Japanese Longline and Gillnet Assoc.)
Lewis Schnaper, Alaska Trollers Association
Dale Orbeck, Office of the Governor - Bottomfish Program
Lev S. Berezkin, Soviet Embassy, Washington, D.C.
Daphne White, National Marine Fisheries Service, Washington, D.C.
Royal DeVaney, Pacific Pearl Seafoods
Michele McKibbage, FOE, Anchorage
Linda Wild, Office of Rep. Nels Anderson
Stephen B. Johnson, Japanese Trawlers Association
Don McGee
Jeffrey R. Richardson, Alaska Federation of Natives
Michael L. Stepat
Eric Bulmer, Seapro Alaska
Bob Schultz, Juneau
Japanese Delegation representing Hokuten Trawlers Association and Japanese
Deep Sea Trawlers Association

A. CALL TO ORDER AND APPROVAL OF AGENDA

Chairman Clement V. Tillion presided during both days of the meeting. Chairman Tillion welcomed new Council members RADM Richard Knapp, U. S. Coast Guard, and Robert W. McVey, Regional Director, National Marine Fisheries Service, and presented each with their official Council name plates and badges.

Chairman Tillion introduced Mr. Bob Iversen, newly appointed Fisheries Attache to the U.S. State Department Tokyo Embassy, and welcomed Mr. Hiroya Sano, Director of the Japan Fisheries Agency, and Mr. Lev Berezkin, Assistant Fisheries Attache to the Soviet Union.

Executive Director Jim Branson noted the addition of Item E-3, Review of Herring FMP/PMP, to the Council Agenda, and the agenda for the July 24/25, 1980 Council meeting was approved as submitted.

B. APPROVAL OF MAY 1980 MINUTES

Chairman Tillion pointed out several minor changes to the Minutes of the May meeting and the minutes of the May meeting were approved with the corrections submitted. Council member John Harville expressed his appreciation to the staff for the excellent content of the minutes of the Council meetings.

C. EXECUTIVE DIRECTOR'S REPORT

The Executive Director introduced four new members of the Council staff: Clarence Pautzke, Deputy Director; Peggy McCalment, Executive Secretary; Jim Richardson, Fisheries Economist; and Elise Zuspan, Bookkeeper/Secretary. Also introduced was Jock Mills, a graduate student of Public Policy at the University of California at Berkeley, who is working with the Council this summer developing a regulatory analysis for the Bering Sea Groundfish FMP and the 1981 amendments.

Council member Jim Campbell suggested that the NPFMC information booklet should be revised due to the number of new Council, SSC, AP, and staff members since its last publication. The Council agreed that the information booklet updating project should begin as soon as possible after year-end AP vacancies are filled.

The Executive Director announced the Chairmen's meeting in Puerto Rico on October 20-22, and the Executive Directors' meeting in Washington, D.C. on September 4-5. The purpose of the Executive Directors' meeting is to discuss administrative matters and the problems with plan development and approval, to exchange information in the hope of learning from each other, and to develop an agenda for the Chairmen's meeting. The Executive Director, Deputy Director, and Administrative Officer will be attending the meeting.

A meeting of the Finance Committee at 6:30 p.m. on Thursday evening, July 24, was announced, with the major agenda item being the development and approval of the 1981 administrative and programmatic budgets for the Council. A meeting of the Permit Review Committee was also announced, to be held during the afternoon break on Thursday, July 24th, to discuss permit applications for a West German trawler, 15 Soviet vessels, and three Korean vessels.

The Executive Director commented on the status of the U.S./Canadian fisheries agreement for the East Coast, indicating that a large package of material on the subject had been received from John R. Sharpe, Counsel General for Canada in Seattle, which was available for Council perusal on request.

D. SPECIAL REPORTSD-1 ADF&G Report on Domestic Fisheries

Fred Gaffney of the Alaska Department of Fish and Game reported to the Council on domestic fisheries activities. Southeastern Alaska sablefish catch was 961,000 pounds (dressed weight) through May, with effort increasing over previous months in spite of the continued low price of 45¢/pound dressed weight. The Gulf of Alaska groundfish fishery has shown little activity. In the Bering Sea, Soviet and Korean joint venture operations are presently underway; 10 domestic vessels are making weekly deliveries of 700 to 1,000 metric tons.

Preliminary figures on the 1979-80 C. bairdi harvest were 81,860,750 pounds with all fisheries now closed. The C. opilio fishery in the Bering Sea is still going with the catch through July reported at 38.5 million pounds. Ten vessels are currently delivering crab to 2 processors. These processors intend to cease purchasing Tanner crab by August 1.

The chinook season in outside waters opened on April 15, with estimated power and hand troll harvest as of July 15 at 163,000 chinook. Projections for the 1980 chinook catch are 270,000, below the lower end of the OY range. The coho season opened on June 15th, with a reported harvest of 53,000 as of July 15th. The actual harvest is expected to be significantly higher when all fish tickets are compiled. An emergency field order closed the troll salmon fishery for 10 days beginning July 15 in order to allow more coho to move inshore.

Ken Puckett, of Fish Producers Associates, reported on KMIDC's joint venture activities. The Gulf of Alaska operation has ended but the Bering Sea operation with five U.S. trawlers and one ROK processor continues. He said Korea would be submitting permit applications for 3 more processors. Although they have the processing capability, production is low and schooling is abnormal; more catching vessels are needed. Catch to date is 5,327 metric tons, with total payments to fishermen of \$770,000. Mr. Puckett pointed out that Korea has lost a great deal of money in this project, but intends to continue the venture.

Accumulation of catch data on joint venture operations has continued to be a major gap in the data base. Council member Harville suggested that perhaps the persons responsible for joint venture operations could provide this information voluntarily, as KMIDC's representative had done with their report. Responding to a suggestion that NMFS look into the problem, Council member McVey indicated that there is no problem with data accumulation in situations where three or more firms are operating in a given area. NMFS is revising their reporting system to consolidate individual information. Chairman Tillion noted that data from successful groups of vessels tended to construe the information positively, even though the majority of individual vessels may not be so successful. A report on the status of the data base reporting system will be forwarded to the Executive Director by Phil Chitwood for review by the SSC.

D-2 NMFS Report on Foreign Fisheries

Ron Naab, National Marine Fisheries Service - Juneau, reported that in May there had been less than 300 foreign fishing vessels off the coast of Alaska. However, with the arrival of the Japanese salmon fleets in June, the number had risen to a seasonal high of 505, with 450 of these vessels belonging to Japan. Japanese efforts have declined somewhat during July, with 393 vessels as of July 17th, most of their activity in the eastern Bering Sea. Catch figures from Japan indicate an estimated 420,000 sockeye taken from the Bristol Bay run through June 10.

Soviet activity consists of 3 joint venture processors in the Bering Sea receiving Pacific cod and yellowfin sole from American fishermen, and 11 vessels in the Gulf of Alaska fishing for Atka mackerel and pollock. South Korean activity as of July 17th centered in the Bering Sea with 12 trawlers and 2 joint venture processors in the pollock fishery, and 4 vessels in the Gulf of Alaska fishing for Pacific cod and pollock. Polish effort has dropped off, with only 3 stern trawlers in the central Aleutians; and Taiwan has one ship off Alaska. Mexico has not fished in 1980. Copies of diagrams used by Mr. Naab in his report are attached to these minutes as Appendix I.

Mr. Naab reported that a 4-day halibut season in area 3 closed on July 19th. This season was opened to take the remaining 700,000 pounds from the earlier fishing period when only 9.3 million pounds of the 10 million pound catch limit was taken. A halibut season will open in Area 4 on July 29th and will remain open until the catch limit of one million pounds has been taken or until November 15th, whichever is earlier.

The 1980 Japanese crab catch through July 15th showed that bairdi made up 14% of the 6,000 MT catch to date, compared with 9% in 1979. The Japanese crab factory ship has left the grounds.

In the Gulf of Alaska, all of the reserve and a substantial portion of DAH, except that needed by the American fishery for the rest of the year, have been released. The attached reserve release table will serve as Appendix II to these minutes. To date only 20-30% of the foreign allocations have been taken.

D-3 U.S. Coast Guard Report On Enforcement and Surveillance

CDR Pete Busick reported that since the last Council meeting 6 reports of violation (civil penalty) procedure and 7 citations (written warning) have been issued. Additionally, the Soviet stern trawler MYS PROKOFYEVA was seized for underlogging its catch of Atka Mackerel by approximately 67 tons (65%). The vessel was escorted to Kodiak and the case was turned over to the U.S. Attorney in Anchorage for prosecution. CDR Busick reported that patrol scheduling is back to normal, and he anticipates no problems for the rest of the year.

D-4 Report on Spring Herring Fishery

A preliminary report on the 1980 Western Alaska herring fishery was presented by Fred Gaffney, Alaska Department of Fish & Game. A total of 24,061 metric tons of herring were harvested commercially during the 1980 season in Togiak, Security Cove, Goodnews Bay, Cape Romanzof, and Norton Sound, compared to a harvest of 10,939 metric tons in these districts in 1979. Herring fishing in all districts was closed by June 7. Aerial surveys were used in all districts to estimate the inshore biomass, except in Goodnews Bay and Cape Romanzof, where turbid waters prohibited their use. Fishery exploitation rates exceeded 20% in all districts where reliable biomass estimates were obtained. Wastage was a major concern in the Togiak fishery. Based on the Board of Fisheries guidelines and the 20% guideline contained in the Herring FMP, ADF&G recommends that no additional fishing be permitted on the Western Alaska herring stocks for the remainder of the 1980 season. Mr. Gaffney indicated that a final report will be prepared in September.

Council member Didonato questioned the precipitous decline in biomass estimates from 1979 to 1980, and asked Mr. Gaffney if there were any specific factors unique to the current year's estimates. Mr. Gaffney explained that the techniques used to obtain biomass estimates were as similar as possible during both years, with stocks evaluated according to the method outlined in the draft FMP. Resources declined 68% from 1979 to 1980. Entry patterns were different this year and age composition consisted primarily of 5-year and older fish. It appears that next year the stocks will be dominated by 7 and 8 year old fish, and the outlook is not encouraging for next year since the younger age groups of fish have not been observed. Mr. Gaffney indicated that the estimates will be somewhat refined in the final report due in September, but he does not expect the figures to change drastically.

D-5 Report on Walrus/Surf Clam Study

Dr. Francis (Bud) Fay, University of Alaska, reported to the Council on his ongoing study of walrus distribution and feeding habits in Bristol Bay. In the first quarter's work under the Council contract, aerial survey design was refined and tested and computer programs for analysis of the survey developed. Aerial surveys were conducted in mid-April, late May, and late June. A large number of walrus were using the prospective surf clam fishery area in April, lesser numbers in May, and were apparently absent from the area by mid-June. A 1-week cruise to collect walrus in early June was unpredictably delayed for 2 weeks, by which time the animals had vacated the clam fishery area. None have been collected to date.

Inflation-triggered cost overruns have hampered progress on the study as well. Fuel costs have escalated charter fees to carry out the aerial surveys. Dr. Fay outlined three possible solutions to deal with the cost overrun problems: (1) reduce the area of coverage; (2) reduce the number of

aerial surveys from the planned 12 to 8; (3) request additional funding from the Council. Dr. Fay also addressed the problems involved in obtaining the permit required to collect walrus specimens. Council member Harville suggested that the problem in obtaining permits may be worthy of further examination as an agenda item for the Executive Directors'/Chairmen's meetings so that the agencies involved realize the necessity of speedy action on permit applications in order to successfully complete studies such as this one.

The Executive Director asked Dr. Fay to provide the Council with information regarding the extent of additional funding required to complete the study so the Council can decide whether to cut back on the number of surveys or seek the additional funding. Further discussion on this topic was postponed until Dr. Fay could submit the estimate to the Finance Committee.

At their meeting on July 24, 1980, the Finance Committee recommended additional funding of the Walrus/Surf Clam Study in an amount not to exceed \$10,000 to cover cost overruns due to the increased cost of fuel for aerial survey charters. *The Council approved the recommended expenditure unanimously on July 25.*

E. OLD BUSINESS

E-1 Report on Council Operations and Policy

The Executive Director reported that the Policy and Scheduling Subcommittee had met once since the May meeting and recommended three actions: (1) that a subcommittee be selected at the July meeting of the Council to review, with selected members of the Alaska Board of Fisheries, the scheduling of FMP amendments of mutual interest and to discuss appropriate mechanisms for coordinating those schedules; (2) that a policy committee be selected to develop Council recommendations for possible changes to the FCMA; and (3) that a committee should meet before the July meeting to discuss the "nuts and bolts" of Council operations and the procedures for the development and review of FMP's and amendments. The Executive Director told the Council that he had been unable to develop the necessary material to have a second meeting before the July meeting; however, he anticipates a second meeting will be held before the September Council meeting.

Chairman Tillion appointed the following persons to serve on the Council/Board of Fisheries coordinating group to review annual schedules and coordination between the two agencies: Don Bevan, Gene Didonato, Don Collinsworth, Charles Meacham, and Gordon Jensen.

E-2 FCMA Amendments

The Executive Director reported to the Council on the current status of HR 7039 (the Breaux Bill) and S 2765 (the Magnuson Bill). Immediately after the May Council meeting, a telegram with the Council's comments was sent to Congressman Breaux, followed by a letter from the Executive Director. No further action on HR 7039 is expected until after the Labor Day recess in September. The Magnuson Bill has been referred to the Committee on Commerce, Science, and Transportation, also with no further action expected until after the Labor Day recess.

Chairman Tillion expressed the need to spend time in researching these changes to the FCMA, and suggested the formation of a committee to study further changes to facilitate Plan review and implementation. *Chairman Tillion appointed the following persons to serve on this committee: Robert Mace, Harold Lokken, Don Bevan, Jim Campbell, Jeff Stephen, Rick Lauber, Steve Pennoyer, Ron Skoog, John Harville, Bart Eaton, and Clem Tillion.*

E-3 Bering Sea Herring FMP/PMP

The Executive Director told the Council that substantially lower biomass estimates for Bering Sea herring this spring have aroused concern with the user groups of that resource; therefore this topic has been included as an agenda item to provide an opportunity for public testimony on the subject. Reporting on the current status of herring management, he said that the Council FMP cannot be expected to be in place prior to June, 1981. The Bering Sea/Aleutian Island Groundfish PMP currently manages herring for the foreign fishery. As a result of a Court suit last spring, herring are a prohibited species for all foreigners, including American fishermen delivering to foreign processors. The U. S. fishery is currently controlled by State regulations.

A proposal by Marine Resources Company to conduct a production/research/experimental fishery for herring in the eastern Bering Sea had been reviewed by the Advisory Panel and Scientific and Statistical Committee in their meetings on Tuesday and Wednesday. Marine Resources proposes to conduct this fishery from Unimak Pass to southwest of St. Matthew Island this fall. Estimated total production would be about 13,000 metric tons, including 3500 mt herring, 7500 mt pollock, and 1500 mt Pacific cod. Marine Resources would provide the SULAK and/or up to 4 BMRT-RTM-type processors working with four or five American trawlers as sampling platforms for biological research in the age class structure and relative abundance of eastern Bering Sea herring stocks. It was the recommendation of the Advisory Panel that the Council decline the Marine Resources request for endorsement of a high seas herring fishery at this time. The SSC did not address the issues relating to allowing or encouraging a production fishery for herring, but agreed that if a production fishery is allowed and the opportunity to accommodate a research effort exists, the research should be conducted.

Norman Cohen, representing the villages of Southwestern Alaska, testified with regard to the proposal, stating that even though the villages of Southwestern Alaska realize the significance and support research studies on herring, they prefer that the government conduct strictly research-oriented fisheries with the MILLER FREEMAN.

Harold Sparck, representing Nunam Kitlutsisti, testified that it was his understanding that the MILLER FREEMAN would be returning to the area for research this year. He said that Terry Leitzell and Dick Frank had confirmed that a five-year program on Bering Sea herring research would be continued. It is their feeling that with the MILLER FREEMAN working offshore, adequate research on the eastern Bering Sea herring stocks will be done. Mr. Sparck said his organization could not support the Marine Resources proposal.

Considerable discussion on the subject by the Council followed. *Council member Campbell moved that this discussion be tabled until Friday; seconded by Council member Jensen.*

On Friday, the Executive Director reviewed with the Council the proposal by Marine Resources Company and the testimony received regarding this proposal. Before action was taken on this motion, Chairman Tillion asked Mr. Cohen if there had been any progress in talks between his clients and Marine Resources. Mr. Cohen said there had been no progress in negotiations. Council member Lokken stated his opposition to conducting a commercial fishery under the guise of a research project, pointing out the possibility of opening doors to scientific operations which are commercially oriented.

Chairman Tillion called for a vote on the question: Shall no action be taken by the Council on the Marine Resources Company proposal at this time? *By a vote of 7 to 3, the Council agreed to take no action regarding the issue at this time.*

F. NEW BUSINESS

F-1 Review Permit Applications

The Executive Director reported that action was required on a West German permit application for the FRIEDRICH BUSSE to fish for the allocation recently given to West Germany in the Bering Sea, from the reallocation of the fish withdrawn from the Soviets. Action was also required on 15 Soviet vessel applications, and 3 South Korean applications received via telecopier Thursday morning. The permit applications from Spain which were expected to be submitted prior to the meeting were reported to be bogged down in Madrid.

In their consideration of the West German and Soviet permit applications, the Advisory Panel was concerned that the arrangement with West Germany to harvest bottomfish off Alaska included no definitive agreement on purchasing of bottomfish from U. S. processors or fishermen. The Advisory Panel requested that the FRIEDRICH BUSSE have an observer on board during its first months of operation as a condition of permit approval. The Advisory Panel voted 5 to 4 to decline the 15 Soviet applications for JV support operations.

Testimony was received from Royal Devaney, Pacific Pearl Seafoods, opposing additional permits to foreign fish catchers or processors. Mr. Devaney indicated that foreign activity has negatively affected expansion and capitalization by American processors.

Sharon Gwinn, Alaska Fisheries Development Foundation, testified regarding the permit application for the FRIEDRICH BUSSE. She suggested that the permit be granted with the condition that an observer, whose salary would be paid by the FRIEDRICH BUSSE, be allowed on board to collect economic information.

Bart Eaton, chairman of the permit review committee, told the Council his committee recommended approval of the FRG and ROK applications and noted the Soviet applications did not require action by the Council.

Unconditional approval was recommended for the permit of the FRIEDRICH BUSSE, noting that the West Germans had offered to buy a substantial quantity of processed products, intend to utilize U. S. trainees for 30% of the crew, and agree to support two observers. The Committee expressed a desire to participate with the West Germans in good faith.

The Republic of Korea applications were for modifications to permits for three vessels that would allow them to support the KMIDC joint venture operations. The Committee recommended the modifications be approved.

The 15 Soviet permits were for vessels already authorized to support Soviet vessels within the FCZ for non-joint venture operations and joint venture operations outside 12 miles. The permit conditions have been changed to allow them to support Soviet vessels engaged in joint venture activities anywhere those activities are authorized. The permits, and the new conditions, had been submitted to the Council for informational purposes; no action was required. As originally received it was unclear as to exactly what action was required, and the staff had prepared them for AP and Council review assuming that they were regular applications.

Council member Campbell moved to accept the recommendations of the Permit Review Committee; the motion was seconded by Council member Bevan. There being no objections, the Council unanimously accepted the recommendations of the Permit Review Committee.

F-2 Foreign Fee Schedule Increase

The Executive Director summarized the proposal of the National Marine Fisheries Service to recover the management and enforcement costs of the foreign fishery published in the the Federal Register in June. Because the date of response to the notice was July 11 and there was no June meeting, the Executive Director commented on the proposals posed in the Federal Register notice of proposed rulemaking by letter on July 3, 1980. A copy of that letter and the Federal Register notice is attached to these minutes as Appendix II.

The options proposed were a daily effort fee to be levied for each day a foreign fishing vessel spends on the fishing grounds, or an increase in percentage charged on the U.S. ex-vessel value of the foreign catch, an extension on the current method. In his letter to Dr. Roland Smith, Acting Chief of the Permits and Regulations Division of NMFS in Washington, D.C., the Executive Director recommended increasing the percentage of the poundage fee, arguing that an effort fee would be unduly complicated and may cause fishermen to maximize daily efforts and fail to follow regulations. He also proposed the possibility of a bid system for surplus fishery resources as a method worth consideration in recovering the costs of maintaining the foreign fishery.

In their consideration of this issue, the Advisory Panel endorsed the increased percentage fee, and further endorsed 100% observer coverage on foreign vessels. Council member Bevan suggested that the Council direct the Executive Director to send another letter to Dr. Smith, confirming the Council's agreement with his position on the matter, and further strengthening the endorsement for the poundage fee. *There being no objections, the Council so instructed the Executive Director.*

F-3 Other New Business

Discussion regarding a proposed experimental fishery to be conducted by the International Pacific Halibut Commission surfaced during the Council's consideration of Agenda Item D-2, NMFS Report on Foreign Fisheries. Because this topic was not a scheduled agenda item, it is being considered as Other New Business for the purpose of construction of the minutes.

The proposed fishery would be conducted by four boats between Kodiak Island and the Shumagin Islands and four boats between the Shumagin Islands and Unimak Pass during the period September 1-17, 1980. Issuance of permits to vessels participating in the fishery would be determined by random draw, with the specification that vessels participating be capable of fishing at offshore locations and provide space for an observer who can sample the catch. A copy of the International Pacific Halibut Commission's news release announcing the proposed fishery is attached to the minutes as Appendix III.

Citing arguments in opposition to the proposed experimental fishery, such as discrimination against small vessels unable to fish offshore, chaotic enforcement, dissention in the fishing fleet, particularly between Alaskan resident and non-resident fishermen, unnecessary observer coverage, and repercussions affecting transboundary management between Canada and the U.S., *Vice-Chairman Lokken moved that the Council respectfully request the International Pacific Halibut Commission to (1) reconsider its proposed experimental fishery; (2) cancel the draw scheduled to take place in early August to determine eligibility of vessels; and (3) replace the proposed experimental fishery with a season that does not discriminate between small and large vessels and between vessels not receiving special privileges to fish and those who do. The motion was seconded by Council member Meacham. By a show of hands the motion carried, ten to one. The Executive Director was instructed to write the IHPC, requesting said reconsideration of the proposed experimental fishery.*

G. FISHERY MANAGEMENT PLANS

G-1 King Crab FMP

The first draft of the king crab plan was reviewed by the Council in August, 1979. The PDT revised the plan and submitted it to the Council at the May, 1980 meeting in Kodiak. The SSC subgroup met with the PDT to review the plan on June 19, 1980. Council action was required at this meeting to decide whether the document should be released for public hearings or whether it should be revised before being released to the public. Recommendations were also solicited on the time and locations of public hearings.

The SSC met with the king crab plan development team on Tuesday, July 22nd. The subgroup which met with the PDT on June 19th and the SSC both applauded the innovative approach taken by the team on their plan draft. However, the SSC felt that some reordering and redrafting were necessary, particularly in the definition and measuring of a framework plan, including mechanics of implementation; the MSY-OY-ABC-EAC sections to clarify their relationships; the statement of objectives; and reworking the options section to clarify their relationship to the proposed ABC-EAC framework and the implementation of management regulations. The SSC did authorize the PDT to send the draft for public review after making the suggested changes without sending it back to the SSC.

After hearing comments from Fred Gaffney, Mike Stanley, and Dr. Bevan during their Wednesday meeting, the Advisory Panel unanimously favored submitting the king crab FMP to public comment and recommended that hearings be held in Seattle, Nome, and Kodiak in late November and December. The Advisory Panel requested that the draft be made available to the fishing fleet prior to September 10, 1980 if possible because the season begins on September 15th. They also suggested as an option to pot storage problems a proposal to allow random pot storage east of 165° in the Bering Sea.

Chairman Tillion asked for a report from the plan development team, and Fred Gaffney and Steve Pennoyer came forward. They said they had discussed the items needed for a re-write of the plan, including a more concise definition of MSY. They proposed three options for arriving at an estimated annual catch (EAC): (1) size and season with females considered separately; (2) multiple age class concept (currently used by the state); (3) a procedural approach where the PDT recommends an ABC and the Council, using a matrix of quotas, manipulates sizes and harvest rates to arrive at their choice of OY (EAC). Council member Bevan suggested that when the Plan goes to public hearing, the Council should make it clear that it is looking for new ideas and are not limiting comments to those options rigidly prescribed in the DFMP. Council member Collinsworth questioned the necessity of an FMP at this time, indicating that there may be some very good reasons to defer action on this Plan indefinitely. Noting problems with the amendment process within the confines of a framework plan, interaction between the Council and the Board, and questioning any public benefit by implementation of a plan, *Council member Collingsworth moved to defer action on the king crab plan indefinitely; the motion was seconded by Council member Meacham.*

Dr. Harville objected, pointing out that release of the Plan for public hearing is not a commitment to implement it, and suggested that we may reap many advantages from public input. Mr. Collinsworth countered with the comment that he was not sure the Council should go to the time and expense of public hearings if the plan is not expected to be implemented. Dr. Bevan suggested that, if the Council abrogates its responsibility with regard to this plan, the Secretary could step in and implement his own FMP under the authority of the FCMA. Dr. Bevan stressed the need for industry input in order for the Council to properly carry out its responsibilities.

Mr. Meacham spoke to reinforce Mr. Collinsworth's motion, stating that the fishery is being managed by the state and is being managed well. He suggested that the state has the right to regulate its own citizens, and suggested spending the money on things that need more attention than the king crab plan.

Mike Stanley, NOAA attorney, explained that in choosing not to implement the plan, the decision could fall to the Secretary. The Secretary's criteria for deciding whether or not a plan is needed could be influenced by the value of public input.

Chairman Tillion called for a vote on the question: Should action on the plan be deferred indefinitely? *A roll call vote was taken, and the motion passed 6 to 5.*

Mr. Collinsworth moved that king crab be an agenda item for the next meeting to develop a method for obtaining public input on the subject to improve the state's management of the fishery resource, without the intent of implementing an FMP; seconded by Gordon Jensen. After considerable discussion on the pros and cons of obtaining public input and the method for obtaining such, Council member Collinsworth moved to withdraw the motion with the consent of his second; consent of the second was given.

Council member Eaton moved to rescind the action voted upon, and postpone further action on this subject until Friday; motion seconded by Dr. Bevan. Chairman Tillion asked for unanimous consent to take up this issue on Friday; the Council agreed unanimously to postpone further discussion and action on the subject until the Friday session.

When the Council reconvened on Friday, Council member Collinsworth amended his previous motion, moving that the Council (1) proceed to public hearing with the draft king crab FMP subject to the incorporation of the modifications recommended by the SSC; (2) that the draft plan include an explicit no FMP now option and an explanation that choosing this option means that the state would continue to manage the fishery; and (3) that the public be clearly informed that taking the plan through the public hearing phase does not automatically or necessarily lead to implementation and the promulgation of federal regulations. The motion was seconded by Dr. Bevan. There being no objections by any members of the Council, the motion was unanimously adopted.

After discussion regarding possible hearing locations and testimony given by Guy Martin of Kawarek, Inc., Nome, regarding the necessity for public hearings in Nome, Chairman Tillion directed the Executive Director to develop a hearing date and location schedule for the king crab plan, probably in Nome, Seattle, Anchorage, and Kodiak. Dr. Bevan asked that comment be requested on the size and bounds of the Fishery Management Unit (FMU) considered in the FMP -- noting that it now includes only six of the nine regulatory areas included in State management. It may be desirable to consider further decreases in the size of the FMU. The Executive Director was directed to ask for comment on that subject in the DFMP cover material sent to the public.

G-2 Bering Sea/Aleutian Islands Groundfish FMP

Action required by the Council on the Bering Sea Groundfish FMP was a review of the amendments and recommendation for release of the amendments to the public, and development of a schedule for public hearings.

The SSC reviewed the proposed amendments (July, 1980), the DAH estimates as presented in the table dated June 13, 1980 by NMFS, and a memo dated July 21, 1980 regarding the incidental catch of salmon in the Bering Sea. The SSC recommended approval of the July, 1980 amendment package for public review. Further comment on the DAH estimates by NMFS was reserved pending further review. The SSC considers the issue of incidental salmon catch to be important, and requests that NMFS continue and intensify its analysis of the foreign observer data base, and recommends research in the areas of stream of origin, age, and sex analysis on these trawl-caught fish. Additionally, the SSC recommended that the PDT consider the development of possible amendments using all old and

new data in order to reduce the problem of incidental salmon catches, that the salmon biologist assigned to the PDT be included in the team meetings and that the team begin consideration of the incidental catch problem.

In their consideration of the Bering Sea Groundfish FMP, the Advisory Panel recommended releasing the amendments for public hearings.

Testimony on this subject was given by Norman Cohen, representing the villages of Southwestern Alaska, and Harold Sparck, Nunam Kitlutsisti, proposing a further amendment to the FMP. A copy of Mr. Cohen's proposal, "Winter Salmon/Herring Savings Area", is attached to these minutes as Appendix IV. The proposed amendment is intended to reduce high incidental catches of juvenile chinook salmon and overwintering eastern Bering Sea herring.

Ted Evans, Marine Resources Company, testified regarding area closures in the Bering Sea for joint venture processors. At the May meeting in Kodiak, a plan had been considered to judge the merit of the proposed closures. Because that criteria has not yet been formulated, Mr. Evans suggested that the issue is too speculative. Mr. Evans voiced Marine Resources Company's opposition to the closures and asked the Council to consider the issues on a case-by-case basis and delete the policies regarding closures from the amendment package.

Jessie Foster, of Quinhagak, Alaska, testified as to the effect of incidental trawl catches of salmon on the inland user groups. Mr. Foster suggested that a closure in the area from September through February could reduce up to 70% of this incidental catch of salmon by trawlers in the Bering Sea. According to Mr. Foster, his people had projected a salmon catch of approximately 200,000 fish this season, but the actual catch was only 58,000 fish; therefore, he has concluded that the high incidental catch of salmon by the trawlers in the fishery has contributed significantly to this shortfall of 142,000 fish. Mr. Foster testified that last year the incidental catch of salmon was approximately 42,000 fish; this year the incidental catch has been approximately 90,000 - more than twice that of last year.

Mr. Foster requested that the Council schedule public hearings for the Bering Sea amendments in Western Alaska in order to inform the resident user groups of the status of stocks and biomass estimates.

Following this testimony, Council member Bevan moved to include the amendments suggested by Mr. Cohen and Mr. Sparck in the package for public hearing and develop an appropriate hearing schedule, and to make the package available to the SSC and AP; the motion was seconded by Council member Mace. There being no objection to the motion, the Council agreed unanimously to include the amendments suggested by Mr. Cohen and Mr. Sparck and to prepare the package and develop a hearing schedule.

Some concerns were expressed regarding the prohibited species section of the amendment. The Executive Director indicated that the plan development teams are having procedural problems on the TAC for prohibited species, and that this section will not be available for use in the 1981 amendment package under the current time schedule. Phil Rigby, Alaska Department of Fish and Game, testified that it would be unfortunate to hold up the public hearing process just

because the entire prohibited species package is not completed. He indicated that he thought the PDT could get options on the TAC concept ready within the next month or so, but said he would not guarantee what the final recommendations would be.

Council member Bevan moved to incorporate into his previous motion the PDT's TAC concept options with the amendment requested by Cohen and Sparck and to proceed with a joint hearing schedule for king crab and Bering Sea groundfish amendments; the motion was seconded by Vice-Chairman Lokken. There being no objections, the Council adopted the motion to include the options available with regard to the TAC concept, and to hold joint hearings on the king crab plan and the Bering Sea groundfish amendments.

G-3 Surf Clam FMP

The surf clam fishery management plan has been in the development process since November, 1978. Final revisions to the plan, reviewed by the PDT in February, 1980, have not yet been made. Because there is little or no industry interest in the fishery at this time, the Executive Director recommended that the document be completed and put on a hold status until such time as industry interest warrants implementation of the plan.

It is the recommendation of the Advisory Panel that until the PSP studies have been completed by the State of Alaska and market conditions become more favorable, the Surf Clam FMP should be set aside.

Guy Martin of the Eskimo Walrus Commission testified before the Council, objecting to the possibility of shelving the surf clam plan. He indicated that the Commission would like to become involved with the scientists in doing the research work on walrus necessary to the plan.

It was the consensus of the Council that because of the lack of industry interest and unresolved problems with testing for paralytic shellfish poisoning, the Surf Clam FMP would be shelved indefinitely after adding the results of research currently in progress.

G-4 Gulf of Alaska Groundfish FMP

Three items from the original amendment package for the Gulf of Alaska Groundfish FMP were deferred by the Council at the May meeting to be considered in July. These items are (1) the enlargement of the Kodiak trawl closure to prevent gear conflicts and grounds preemption by foreign trawlers in conflict with the U. S. crab fishery; (2) determination of a Total Allowable Catch (TAC) for prohibited species and application of an economic disincentive for catching prohibited species; and (3) develop criteria for the Regional Director to close certain areas around domestic shore-based processors to foreign processing. Additional items to be considered by the Council at this meeting were revisions of DAH estimates for 1981 and restrictions on the Pacific Ocean perch catch in the eastern regulatory area.

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