

North Pacific Fishery Management Council

Clement V. Tillion, Chairman
Jim H. Branson, Executive Director


Suite 32, 333 West 4th Avenue
Post Office Mall Building



Mailing Address: P.O. Box 3136DT
Anchorage, Alaska 99510

Telephone: (907) 274-4563
FTS 271-4064

CERTIFIED:



Vice-Chairman

MINUTES

44th Plenary Session NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

Sheraton Hotel
Anchorage, Alaska
September 24-25, 1981

The North Pacific Fishery Management Council convened at 9:30 a.m. on Thursday, September 24, 1981, in the Kuskokwim Room of the Sheraton Hotel in Anchorage, Alaska. The meeting continued until 3:55 p.m. on Friday, September 25.

The Scientific and Statistical Committee met in Anchorage on September 22-23, 1981 at the Council headquarters' Conference Room.

The Advisory Panel met from 9 a.m. to 6:15 p.m. in Room 311 of the Sheraton Hotel in Anchorage.

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

Council

Clement V. Tillion, Chairman
Harold E. Lokken, Vice-Chairman
Don Collinsworth, for Ron Skoog
Robert Mace, for John Donaldson
Charles Woelke, for Rolland Schmitt
James Brooks, for Robert McVey
Leroy Sowl, for Keith Schreiner

James O. Campbell
John P. Harville
Joe Demmert, Jr.
RADM Richard Knapp
Keith Specking
Chris Dawson, for Ray Arnaudo

Scientific and Statistical Committee

Donald Rosenberg, Chairman
Richard Marasco, Vice-Chairman
Al Millikan
Steve Langdon
Jim Balsiger, for William Aron

Ed Miles
John Clark
Larry Hreha
Jack Lechner

Advisory Panel

Robert Alverson, Chairman
A. W. "Bud" Boddy, Vice-Chairman
Jesse Foster
Eric Jordan
Rick Lauber
Dan O'Hara
Alan Otness
Lewis Schnaper
Tony Vaska

Al Burch
Larry Cotter
Richard Goldsmith
Joe Kurtz
Raymond P. Lewis
Ken Olsen
Don Rawlinson
Jeff Stephan

NPFMC Staff

Jim H. Branson, Executive Director
Clarence Pautzke, Deputy Director
Jim Glock
Jim Richardson
Peggy Hough

Peggy McCalment
Judy Willoughby
Steve Davis
Jeff Povolny
Rebecca Wetzler

Support Staff

Ron Naab, NMFS
Mark Miller, ADF&G
Steve Hoag, IPHC
Jack W. Jordan, DPS
Mary Thompson, NMFS
Douglas McCaleb, NOAA/NMFS
Jerry Reeves, NMFS
LCDR Doug Smith, USCG
Bob Otto, NMFS

Phil Chitwood, NMFS
Patrick Travers, NOAA
Kirk Beiningen, ODF&W
Daphne White, NMFS
Maggie Frailey, NOAA/GC
Ron Berg, NMFS
Robert Simon, CFEC
Fred Gaffney, ADF&G
Loh-lee Low, NWAFC

General Public

Jay D. Hastings, Japan Fisheries Association, Seattle
Brent Whitmore, Seward Chamber of Commerce, Seward
Kumi Laturia, Japan Deep Sea Trawlers Association, Tokyo
Sean Kelly, Jeff Hendricks & Associates, Anacortes, Washington
Ryozo Kaminokado, Office of the Japanese Consulate, Anchorage
Thomas H. Boyd, BLM Alaska OCS Office, Anchorage
Royal J. DeVaney, Pacific Pearl Seafoods, Seldovia
John Schmiedtke, Nordstern, A.G., Seattle
Anthony M. Aparo, International Seafoods, Kodiak
Hiromi Kawamoto, Taiyo Fishery Company, Tokyo
Dennis Petersen, Ocean Spray Fishery, Seattle
Dave Harnelle, Fisherman, Kodiak
Henry Mitchell, Bering Sea Fishermen's Association, Anchorage
Perfenia Pletnikoff, Jr., Tanadgusix Corporation, St. Paul Island
Paul MacGregor, Japanese North Pacific Longline and Gillnet Association, Seattle
Stephen B. Johnson, Japan Deep Sea Trawlers and Hokuten Trawlers Association, Seattle
Lynne Z. Hale, Alaska Native Foundation, Anchorage
Forbes G. Baker, Alaska Longline Fishermen's Association, Sitka

Ralph S. Jones, Alaska Shell, Inc., Seattle
Michael D. Kelly, AEIDC - University of Alaska, Anchorage
Richard W. Lundahl, Pelican Advisory Committee, Pelican
A. Krukoff, Aleut Corporation, Anchorage
Sig Jaeger, North Pacific Fisheries Development, Inc., Seattle
Don Beeson, Seward Fisheries, Anchorage
Keith A. Getz, Anchorage
Mel Monsen, Bering Sea Fishermen's Association, Anchorage
Roy Jackson, Natural Resources Consultants, Seattle
Maurice Ingram, Alaska Trollers Association, Ketchikan
Kathleen Graves, Anchorage
Eric Sutcliffe, Unalaska
E. O. Oswald, Sealaska, Juneau
J. J. Dirke, Anchorage
N. Tokaji, Japanese North Pacific Longline and Gillnet Association,
Tokyo
T. Nemoto, Japanese North Pacific Longline and Gillnet Association,
Tokyo
Kelly Roth, Office of the Japanese Consulate, Anchorage
Ann Cony, Anchorage Daily News

A. CALL TO ORDER AND APPROVAL OF AGENDA AND MINUTES OF THE
PREVIOUS MEETING

The meeting was called to order by Chairman Clem Tillion, who welcomed newly-appointed Council member Keith Specking, Robert Simon of the Commercial Fisheries Entry Commission, Juneau, and Margaret Frailey, Daphne White, and Mary Thompson from NOAA/NMFS in Washington, D.C.

Approval of Agenda

Chairman Tillion called for approval of the agenda. *Harold Lokken moved that the agenda be adopted as written; seconded by Robert Mace with the stipulation that election of officers be the first item handled. There being no objection, it was so ordered.*

Election of Officers

Robert Mace nominated Clem Tillion for the office of Council Chairman and Harold Lokken for Vice-Chairman, noting the need for continuity in the ongoing work of the Council. The nominations were seconded by Charles Woelke. Clem Tillion and Harold Lokken were unanimously elected Chairman and Vice-Chairman for one-year terms.

Approval of Minutes

Because only two weeks had elapsed since the joint Council/Board meeting in Kodiak, minutes of the September 10-11 meeting were not available.

B. SPECIAL REPORTS

B-1 Executive Director's Report

The Executive Director reported on Council and Council-associated events in which the staff will participate in conjunction with FISH EXPO in Seattle. These activities include the Alaska Groundfish Trawler Conference, Council public hearings in Seattle and Sitka, the 50th Anniversary Celebration of the Northwest and Alaska Fisheries Center, the Fishery Energy Conservation Conference sponsored by the Society of Naval Architects and Marine Engineers, and FISH EXPO itself.

Council member Bevan was in Washington, D.C. at the time of the meeting to testify before the House Subcommittee on Fisheries and Wildlife Conservation and the Environment on proposed amendments to the Magnuson Act.

Mr. Branson reported that a delegation from the Korean Marine Industrial Development Corporation and the Republic of Korea visited the Council office on their way to Kodiak to investigate their latest violation apprehended by the Coast Guard. They were very concerned about their reputation for adherence to U.S. regulations.

B-2 Alaska Department of Fish and Game Report on Domestic Fisheries

Mark Miller reported that through the end of July the Alaskan domestic groundfish catch was over 180 million pounds -- almost twice the 1980 total catch of 98 million pounds. As many as 11 foreign processors and 15 domestic catcher vessels participated in joint venture fisheries off Alaska during August.

The Southeast Alaska troll salmon season closed on August 10 in the FCZ. Preliminary harvest estimates indicate that optimum yield (243,100 - 272,000 chinooks) was reached. Final figures are not yet available, but they are expected to be at or above the upper end of the range.

Bristol Bay produced 27.7 million salmon in 1981, second only to the 28.1 million landed in 1980. Record landings of chinook, chum, sockeye, and coho were also recorded.

The king crab fishery opened on September 15 from the Kodiak area westward. The opilio Tanner crab season closed on September 1 with a total catch of approximately 53 million pounds.

Chairman Tillion asked Mr. Miller for a report on chinook escapements for all British Columbia rivers before the next Council meeting.

B-3 National Marine Fisheries Service Report on Foreign Fisheries

Phil Chitwood reported that slightly over 59% or 837,000 mt of the 1.4 million mt Bering Sea TALFF had been taken as of August 29. Poland had taken 63% of its 71,000 mt allocation; Korea, 76% of its 160,000 mt allocation; and Japan, 58% of its 1.1 million mt allocation. Pollock comprised 81% of the catch, flatfish 11.5%, Pacific cod 2.3%, Atka mackerel 1.3%, and all other species 4.2%.

Thirty-five percent or 110,000 mt of the 309,000 mt Gulf of Alaska TALFF had been taken as of August 29. Pollock comprised the greatest portion of the catch (56%), followed by Pacific cod at 18%.

Ron Naab reported a steady decline in the number of foreign vessels fishing off Alaska. At the end of July, 493 vessels (90% Japanese) were operating in the Alaska FCZ. At the end of August only 325 foreign vessels remained, and by September 18 the number had fallen to 249. Japanese concentration was heaviest in the central Bering Sea where six factory ships and 90 catcher boats participated in surimi production from pollock and 54 stern trawlers targeted on Pacific cod. South Korea fished a total of 21 vessels, with 14 in the Gulf of Alaska targeting on pollock and Atka mackerel; four stern trawlers and a support ship in the Bering Sea fishing for pollock and flounders; and a factory ship and one stern trawler participating in the joint venture pollock fishery in the Bering Sea.

B-4 U.S. Coast Guard Report on Enforcement and Surveillance

LCDR Doug Smith reported that since the July Council meeting the Coast Guard issued nine reports of violation and six citations to seven Japanese, six Korean, and one Taiwanese vessel fishing in the FCZ off Alaska.

The Japanese stern trawler FUKUI MARU NO. 8 was seized near Attu for 37% underlogging of its turbot catch. That case is pending. Two Korean vessels, NO. 7 SANG WON and JINAM NO. 305, were seized for apparent underlogging; however, upon inventory of the holds, the catch logs were found to be reasonably correct and the vessels were immediately released.

B-5 Update on Joint Venture Operations

John Schmeidtke of Nordstern, A.G., reported that the West German operation using the FRIEDRICH BUSSE ended on September 1 with a total of approximately 3,000 mt of fish bought, which is 25% of the allocation. The operation was quite good for the U.S. fishermen, but not economically viable for the BUSSE on pollock alone. Nevertheless, Nordstern is trying to work out the details for a 1982 joint venture and wants to carry trainees and observers on board.

Mr. Schmeidtke asked the Council for an extension of time to November 1 for trans-shipping in the Makushin Bay area. The area is now scheduled to close on October 15. Last year the FRIEDRICH BUSSE suffered damages, personal injuries to its crew, and significant time losses due to inclement weather while attempting to offload at sea after the designated trans-shipping area had been closed. He also asked the Council to consider opening a free port in Alaska for foreign vessels to offload their catches, citing not only the increased convenience for foreign vessels but economic advantages for the state.

The Council instructed the Executive Director to write a letter to the Regional Director, NMFS, stating that the Council has no objection to extending the use of the Makushin Bay loading zone beyond its current closing date. The Council agreed that the next series of amendments to the Bering Sea/Aleutian Island Groundfish FMP should include re-examination of loading zones, closed areas, and other static regulations in light of the current situation.

Pribilof-Highly SeaProducts, Inc. has encountered mechanical and other problems in its operation with the Taiwanese vessel GOLDEN DRAGON NO. 1. Highly Enterprises reports a total catch of 2,174 mt for the GOLDEN DRAGON and 574 mt for the HIGHLY 302, replacement vessel for the GOLDEN DRAGON during its down time. All but one of the Aleut trainees working aboard the GOLDEN DRAGON have dropped out of the program and returned to St. George Island. The remaining trainee is now enrolled in the commercial fisheries program at Clatsop Community College in Oregon.

Mick Stevens reported that five processors and eight U.S. catcher vessels harvested over 28,000 mt of yellowfin sole and cod from early May to September 12 in the Marine Resources Company joint venture. The operation plans to continue into early October.

Nippon Suisan and Universal Seafoods used the AMERICAN NO. 1 and the MUIR MILACH to supply 6,225 mt of pollock and cod and 775 mt of incidental species to the Japanese mothership KONGO MARU from June 1 to July 7 in the Bering Sea. Nippon Suisan is currently evaluating another, possibly longer joint venture operation with the two U.S. vessels.

The Taiyo/Pan-Alaska venture ended on June 1 with a catch of 5,253 mt pollock, 43 mt cod, and 20 mt other species.

Two U.S. trawlers delivered about 2,200 mt of pollock and 20 mt of cod to a Polish processor between June and mid-September from the Unimak Pass area. Although temporarily halted now, the operation is expected to resume on October 1.

With improved coordination between KMIDC and its American partners, approximately 27,000 mt of pollock has been harvested in that venture since March. The operation is expected to continue through October.

Sig Jaeger, Perfenia Pletnikoff, and Agafon Krukoff presented an informational report on the Tanadgusix Corporation operation off St. Paul Island. With the assistance of TDX Corporation the Aleut Native Corporation built two 24-foot baby longliners for their developing halibut fishery. They hope to begin taking true cod and squid also. Their total catch this year was 18,000 pounds, the first commercial halibut landings in the Pribiloffs. The product, which is shipped immediately to Anchorage by air, has been well received. Future plans include fisheries training for Island residents, but this year's principal focus will be vessel repair and maintenance.

B-6 SSC and AP Reports on Non-Agenda Items

The SSC reviewed its current charter, which will expire on April 13, 1982, for consistency with current activities and policies. No changes were recommended.

C. OLD BUSINESS

C-1 Report on Halibut Limited Entry Meeting

Jim Richardson, staff economist, reported on the initial meeting of the special halibut limited entry workgroup appointed by Chairman Tillion at the July Council meeting. The workgroup considered three choices for limited entry in preparation for identifying objectives for a limited entry program: (1) the status quo; (2) a limited entry program for the halibut fishery; and (3) a limited entry program for a hook and line fleet fishing for halibut and other species. The workgroup agreed that because of the biological interrelationships of possible target species for the longline fleet, it would be more appropriate to consider a limited hook and line fleet rather than to concentrate only on the halibut fishery. Management objectives identified by the workgroup were:

1. Distribute the hook and line fishery, both in time and space, to ensure conservation of the resource.
2. Avoid further overcapitalization, thus encouraging development of an economically viable and efficient year-round multi-species domestic hook and line fishery that:
 - a. is made up of owner/operator rights holders; and
 - b. makes it possible for fishermen to earn a major share of their income from hook and line fishing.
3. Make certain that the costs of administration and enforcement, while effective, are not excessive relative to the benefits of the program.

the 1980 Review is current and will expire on April 30, 1982, for consistency with current policies. No changes were recommended.

2-2 and 2-3 Report on Boarding Procedures

The 1980 Review is current and will expire on April 30, 1982, for consistency with current policies. No changes were recommended.

2-4 BOARDING PROCEDURES

2-4-1 Report on Boarding Procedures

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4. The program would not preclude the extraction of rents or royalties from the fishery at some point in the future.
5. Minimize adverse biological impacts of the program on related fisheries.
6. Insure that no particular entity acquires excessive control of rights to participate in a fishery.
7. Attempt to be compatible with IPHC objectives.
8. Minimize disruption of the present fleet by using past performance to distribute initial rights.
9. Use the market to transfer fishing rights after initial distribution.

The SSC subgroup for halibut and the Council staff are prepared to develop a specific RFP upon request of the Council.

The Council discussed various methods of recordkeeping and enforcement for the proposed limited entry system. Chairman Tillion suggested another alternative for consideration, that only those fishermen who deliver other kinds of fish than halibut (i.e., Pacific cod, sablefish, rockfish) be allowed to fish halibut the next season. He felt this would help to quickly develop the U.S. longline fleet and end foreign involvement in the gray cod and sablefish fisheries.

Robert Simon, Executive Director of the Alaska Commercial Fisheries Entry Commission, was asked to comment on the feasibility of the program under consideration by the Council. Mr. Simon suggested that before the Council issues a Request for Proposals on a halibut limited entry system, it should seek legal advice as to the constitutionality of assigning property rights on a resource. He also suggested that a demographic study be conducted to determine shareholder eligibility.

Patrick Travers reminded the Council that the state's current limited entry law has been declared illegal by the Superior Court and action is now pending in the Supreme Court.

Public Testimony

Hank Ostrosky, Naknek fisherman, said that the high salmon losses sustained in western Alaska this year were triggered by the state's limited entry system. He urged the Council to study limited entry from a maritime model before going any further in establishing a limited entry system.

Forbes G. Baker, president of Alaska Longline Fishermen's Association, Sitka, said that ALFA has favored the concept of limited entry for the halibut fishery since 1978. Their members

have considered limited entry both for the halibut fishery and for the hook and line fishery and do favor establishing some type of limited access system.

Council Action

The Advisory Panel heard and discussed the report of the Limited Entry Workgroup, but no consensus was reached as to how the Council should proceed. The AP felt that the procedure for developing options for limited entry was unclear.

Bob Mace moved that the Council approve the objectives contained in the report of the Limited Entry Workgroup and instruct the staff to develop an RFP for Council review at the December meeting. The RFP should include information on the legal restraints of such a system, the three basic options for limited entry --status quo, halibut limited entry, or hook and line fishery limited entry, and any other such options as may be appropriate. The motion was seconded by Don Collinsworth. There being no objection, it was so ordered.

C-2 Review of Advisory Panel Subgroup Memberships

The Advisory Panel reviewed the composition of FMP subgroup memberships. Dick Goldsmith was added to the Gulf of Alaska Groundfish subgroup and Larry Cotter to the Inter-Council Salmon Coordinating subgroup. AP members were instructed to contact the Council staff if further changes are desired.

Council confirmation of Advisory Panel subgroup memberships was postponed until the December Council meeting.

D. NEW BUSINESS

D-1 Election of Council Chairman and Vice-Chairman

Report of the election is included under item A of these Minutes.

D-2 Approve 1982 Meeting Schedule

The Executive Director proposed the following meeting schedule for 1982:

January 4-7	Juneau
March 24-26	Anchorage
May 27-28	Anchorage
July 29-30	Anchorage
September 23-24	Sitka or Anchorage
December 6-10	Anchorage

Seven full Council, SSC, and AP meetings and one additional Council-only meeting were budgeted for FY 82. With a six-meeting schedule, sufficient funds would be available in the budget for an emergency meeting, if necessary, and/or various Council workshops.

The Advisory Panel concurred with the proposed meeting schedule and urged the Council to hold a meeting in Sitka in either March or September.

Council Action

Don Collinworth moved adoption of the six-meeting schedule outlined by the Executive Director with the understanding that additional meetings will be called if necessary; seconded by Bob Mace. There being no objection, it was so ordered.

D-3 Update Council Subgroups

Action on this item was deferred until the December Council meeting.

D-4 Interim Appointments to the Advisory Panel

Council policy allows the Chairman to make appointments for interim vacancies on the Advisory Panel from existing nominations on file. *Forbes G. Baker and Kristy Long were appointed to fill the remaining terms vacated by Keith Specking, who was appointed to the Council, and the resignation of Paula Easley.*

D-5 Review of Foreign Permit Applications

The Permit Review Committee considered permit applications from six Japanese vessels which committed serious violations during 1981. Council policy states that any violation resulting in a fine of \$3,000 or more constitutes a "serious" violation.

In December 1980 the Permit Review Committee recommended denial of a 1981 permit to the RYUHO MARU NO. 38, whose case on an October 1980 seizure for mislogging was at that time unsettled. The case remains unsettled, and because the vessel was also seized in December 1979 for mislogging, the Permit Review Committee recommended that no permit be granted until the October 1980 case is settled.

The Permit Review Committee recommended that no recommendation for either approval or disapproval be made for the four vessels whose cases were still unresolved at the time of the meeting (DAIRIN MARU NO. 28, YAMASAN MARU NO. 85, YURYO MARU NO. 8, and FUKUI MARU NO. 8).

The Permit Review Committee recommended approval of a permit for the DAIKICHI MARU NO. 38, whose case was settled for \$550,000 and a six-month permit suspension.

The Advisory Panel recommended that the Council deny permits to all six Japanese vessels due to the severity of their past offenses.

Council Action

Don Collinworth moved acceptance of the recommendations of the Permit Review Committee; seconded by Charles Woelke. There being no objection, it was so ordered.

E. FISHERY MANAGEMENT PLANS

E-1 Salmon FMP

Plan Coordinator Jim Glock said that the technical review group for Confederated Tribes v. Baldrige will meet in Seattle on October 1 and 2. The Salmon PMT reviewed what little data were available at the time and had no regulatory proposals for the 1982 season. Because of the pending lawsuit and the lack of PMT proposals, the PMT suggested that the period for proposals be extended through the January Council/Board meeting in Juneau.

The Council and AP reviewed a summary of discussions at the Kodiak meeting on the Confederated Tribes case.

After hearing the report on the lawsuit, the Advisory Panel adopted the following motion by a vote of 9 to 5.

"The AP urges the Council to seek a final legal determination that the salmon fishery in the waters off Alaska is subject to treaty obligations before amending the Southeast Alaska Troll Fishery Management Plan to meet treaty obligations."

The SSC discussed some of the implications that Judge Craig's ruling may have on future management measures for the Troll Salmon FMP and the importance of the workshop on the Washington Department of Fisheries salmon model. *The Council authorized the SSC to send Bud Burgner, Al Millikan, Don Rosenberg, and Steve Langdon to the workshop at Council expense.*

Public Testimony

Dennis Karnopp, representing the Confederated Tribes and the Columbia River Inter-Tribal Fish Commission, said that the Confederated Tribes' lawsuit is an outgrowth of a case which has spanned more than a decade. The treaty rights of the 1850's with the United States government are political rights. He said that because tribal councils are, in fact, governments, the Indians cannot be considered just another user group.

Mr. Karnopp asked the Council to appoint a CRITFC scientist to the Salmon PDT. *The Chairman asked Mr. Karnopp to furnish to the Council resumes of CRITFC scientists they would like to have considered for membership on the Salmon PDT.*

E-2 Herring FMP

Review of Herring Fishery Management Plan

Plan Coordinator Jim Glock reported that the Plan Maintenance Team has discovered significant problems in applying this year's data to the procedures outlined in the FMP. Specific problem areas were the determination of OY, allocation of harvestable surplus, the allowable incidental catch (AIC) formula, inclusion of the Nelson Island subsistence stocks in determination of OY, and the need for greater flexibility to allow for inadequate data. The PMT recommended withdrawing the plan from Secretarial Review to make technical modifications which will allow the FMP to work more effectively.

The SSC agreed that application of the AIC formula does present a problem, but were not convinced that the problem is with the formula itself. The SSC recommended that Vidar Weststad be appointed scientific advisor to the team and that the team work with him to resolve the problems encountered.

The SSC recommended against withdrawing the plan from Secretarial review, and suggested that an amendment package addressing the concerns of the PMT be developed immediately and submitted for Secretarial review.

The Advisory Panel stated emphatically that everything possible should be done to remedy the problems with the Herring FMP before deciding to withdraw the plan from Secretarial review.

Public Testimony

Steve Johnson, representing Japan Deep Sea Trawlers Association and Hokuten Trawlers Association, suggested that more than one technique be employed for biomass estimates. He felt the plan is adequately flexible as it now stands, but said that if specific problems in the plan must be addressed, it should be done by amendment rather than withdrawal of the plan.

Norm Cohen, testifying on behalf of natives of western Alaska, urged the Council to take a good look at the herring AIC formula to insure its applicability.

Council Action

Don Collinworth moved that the Bering-Chukchi Sea Herring Fishery Management Plan be withdrawn from Secretarial review so the necessary changes to the problem areas noted by the PMT can be made; seconded by Bob Mace. There being no objection, it was so ordered.

Request for Winter Joint Venture Herring Fishery

Marine Resources Company requested that the Council release the unharvested portion of the herring OY for an offshore winter

Review of the Financial Management Plan

The Commission on the Plan reported that the Plan Management Team has discovered a significant problem in carrying out the plan. The problem is that the data for the procedure outlined in the Plan is not available. The Commission has recommended that the Plan be revised to include a provision for the collection of data. The Commission has also recommended that the Plan be revised to include a provision for the collection of data. The Commission has also recommended that the Plan be revised to include a provision for the collection of data.

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Public Testimony

Steve Johnson, representing the American Association of University Professors, testified that the plan is not workable. He said that the plan is not workable because it does not take into account the needs of the faculty. He also said that the plan is not workable because it does not take into account the needs of the students. He also said that the plan is not workable because it does not take into account the needs of the community.

John Jones, representing the American Association of University Professors, testified that the plan is not workable. He said that the plan is not workable because it does not take into account the needs of the faculty. He also said that the plan is not workable because it does not take into account the needs of the students. He also said that the plan is not workable because it does not take into account the needs of the community.

Conclusions

The Commission has concluded that the plan is not workable. It has recommended that the plan be revised to include a provision for the collection of data. It has also recommended that the plan be revised to include a provision for the collection of data. It has also recommended that the plan be revised to include a provision for the collection of data.

Recommendations for the Future

The Commission has recommended that the plan be revised to include a provision for the collection of data. It has also recommended that the plan be revised to include a provision for the collection of data. It has also recommended that the plan be revised to include a provision for the collection of data.

joint venture fishery. Although the fishery is still regulated under the PMP, NMFS asked for the Council's views on the proposal. Kenneth R. Petersen, American Fisheries Products of Seattle, wrote a letter to the Council indicating his company's desire to harvest the surplus offshore, but said they had not decided whether to do it on their own or in a joint venture with MRC.

The Advisory Panel defeated by a vote of 10 to 5 a motion to allow a high seas harvest of 3,000-6,000 mt of herring in the Bering Sea. The AP recommended that if the Council allows the potential surplus to be harvested at all that it be granted to the domestic fishery.

The SSC reviewed the MRC request for a high seas herring fishery and determined that, in accordance with the procedure outlined in the FMP, as modified by the PMT and SSC, there is a surplus of herring. The SSC estimated that the surplus ranges from 2,500 mt to 4,800 mt and noted that in accordance with the plan, the surplus would only be available until April 1, 1982. The SSC recommended that any high seas fishery which may be authorized include a scientific sampling program to gather data for future management of the herring fishery, such as using scale analysis to identify Bering Sea herring stocks.

Public Testimony

Richard Goldsmith, Executive Director of the North Pacific Fishing Vessel Owners Association, testified in favor of granting the surplus of herring to the domestic operations which have expressed an interest in harvesting it.

Norman Cohen, representing natives of western Alaska, said that since domestic processing capacity is available for the surplus of herring, the Council should not, and must not by virtue of the Act, allow it to be taken in a joint venture operation. He said the people of western Alaska are trying to become economically solvent by developing a small scale herring fishery and they should receive first opportunity to take any herring surplus which may be available.

Mick Stevens of Marine Resources Company asked for the Council's endorsement of MRC's request to conduct a winter joint venture offshore herring fishery between January and April, 1982. MRC offered to provide at-sea facilities for biologists to conduct independent stock condition studies.

Larry Cotter, representative of International Longshore Worker's Union and Advisory Panel member, said that MRC's request deserves no consideration at all so long as domestic processing capability is available. He encouraged the Council to allocate any available surplus to the developing native herring fishery.

Council Action

The Council discussed the policy questions involved with an amendment to the PMP to allow a joint venture fishery on the surplus herring stocks, including the need for agreement between the Alaska Board of Fisheries and the Council on herring management philosophy. There was disparity among Council members as to whether the surplus was real or a "paper" surplus.

Harold Lokken moved that the Council recommend to the Regional Director, NMFS, that a joint venture herring fishery of 2500 mt be allowed under the Preliminary Management Plan; seconded by Bob Mace. Upon roll call vote, the motion failed as a result of a tie, with Council members Demmert, Specking, Collinsworth, and Brooks casting negative votes.

E-3 King Crab FMP

Review of FMP and Supporting Documents

At the September 10-11 Council/Board meeting the staff was instructed to complete the Bering Sea/Aleutian Islands King Crab Fishery Management Plan (Draft #11 dated September 22, 1981) and prepare all necessary supporting documents (DEIS and DRIR) for review and possible final approval at the September 24-25 Council meeting. The Executive Director explained that if approved by the Council at this meeting, the package would be sent to the Region for preliminary review. Upon completion of the Region's review, the package would be corrected, if necessary, and sent to Washington, D.C. to begin Secretarial review. Once the Central Office has had an opportunity to look over the package, a small workgroup plans to meet with the reviewers in Washington, D.C. to answer questions, clarify the Council's position on certain matters, if necessary, and work to resolve any problems which may exist between the Central Office and the Council.

The SSC reviewed Draft #11 with particular emphasis on Section 4.1, Determination of Optimum Yield, in light of the recent stock assessment results and actions of the Board of Fisheries. The SSC felt that the ABC approach specified in the draft plan for the Bristol Bay management area will continue to be a source of contention between the Board and Council because of the requirement that ABC be set equal to the maximum catch which will maintain the minimum required spawning stocks. The SSC felt that the Board's actions indicated a preference for a more conservative management approach in establishing ABC for this management area. The SSC again affirmed its support of the procedure contained in the Draft FMP for determining ABC for the Bristol Bay management area and suggested that the Council discuss with the Board the method for moving from ABC to OY.

Subject to several minor technical modifications, the SSC recommended that the Council approve Draft #11 for Secretarial review.

The Advisory Panel passed the following motion by a vote of 12 to 4:

"Whereas the Alaska Board of Fisheries has provided sufficient conservation and management for the king crab fishery off Alaska; and,

Whereas an FMP for king crab would impose unnecessary regulatory burdens and increased costs to the industry,

the Advisory Panel recommends to the Council that action on the proposed King Crab FMP be terminated and a finding made and communicated to the U.S. Secretary of Commerce that no need for a king crab FMP exists."

The majority felt that the State has successfully managed the king crab fishery on a time-tested and proven philosophy which has provided a profitable development climate for the multi-million dollar industry; that the MFCMA does not require the Council to develop an FMP for king crab; that the Alaska Board of Fisheries bears the weight of direct regulatory responsibility for their actions and is, therefore, closer to the consequences of their management decisions than the Council would be in their advisory capacity under federal management; that the Board and ADF&G have intimate knowledge of the king crab management regime and have the management and enforcement machinery, experience, and empirical knowledge which cannot be duplicated by the federal government; that the allegations of regulatory discrimination by the Board and unfair treatment of non-residents in State Courts are unfounded and unsubstantiated; that the increased regulatory requirements of an FMP and the associated processes would be unnecessarily burdensome to the industry; and that an FMP would further divert valuable human and financial resources from those fisheries which are truly in need of conservation and management.

The minority objected to the motion because no formal analysis has been conducted to ascertain that Alaska's regulatory system has, in fact, provided "sufficient conservation and management" for the king crab fishery or accomplishes the objectives of the MFCMA. The minority contended that because by law the Board of Fisheries must be responsive to the interests of the State and its citizens, it has discriminated against non-residents involved in the fishery; that the MFCMA requires that a fishery management plan be developed for this fishery; and that Alaska has no authority to regulate non-resident vessels fishing for king crab in the FCZ.

Due to the increasing number of complaints from crab fishermen of lost pots in the Pot Sanctuary to foreign trawl activity, the Advisory Panel suggested that the Council coordinate a meeting for the Ad Hoc Crab Pot Storage Workgroup to meet with appropriate ADF&G, Coast Guard, NMFS, and other appropriate agencies to determine if a different area can be designated for pot storage.

Public Testimony

Richard Goldsmith, Executive Director of the North Pacific Fishing Vessel Owners Association, and Dennis Petersen, Acting President of NPFVOA, opposed the management regime proposed in Draft #11 of the King Crab Fishery Management Plan. Mr. Goldsmith referred the Council to his written testimony dated September 21, 1981, made a part of these Minutes as Appendix I.

Mr. Petersen said there have been many incidences of gear conflicts which appear to be the result of trawl snagging in the Bering Sea Pot Sanctuary. He said that losses of as many as 75 pots have been reported, and suggested that if an amendment will be required to close the gear storage area to trawlers next season, work on the amendment should begin at once.

Preliminary Report on 1981 King Crab Fishery

Bob Otto, NMFS, and Fred Gaffney, ADF&G, reported that as of September 20, the Kodiak fishery had landed 1.7 million pounds compared to 1.9 million pounds last year. Two hundred vessels are registered in the fishery; fishermen are getting approximately \$1.35 per pound.

Area Q has 33 registered vessels, but no landings as of the 20th. Area T (Bristol Bay) had landings of slightly over 3.9 million pounds compared to 20 million pounds at the same time last year. The South Peninsula district already has several closed areas. That fishery is expected to continue until the first week of October. As of September 20, fifty-six vessels had taken 1.6 million pounds.

Overall catch per unit of effort this year is averaging 24 crabs per pot compared with 61 per pot in 1980. The crab appear to be fairly widely distributed with no real "hot" spots. Ten catcher/processors have taken 25% of the harvest to date. The total harvest is expected to be near 40 million pounds.

Council Action

The Council discussed at length the need for including a general history of the king crab fishery in the fishery management plan. The staff felt that this would be a difficult, time-consuming writing assignment which could slow review and implementation of the plan. They suggested that the cover letter to D.C. include a paragraph noting that this section will be forwarded at a later date. Several Council members expressed concern over sending an incomplete package for review.

Bob Mace moved that the Council approve the September 22, 1981 Draft #11 of the Bering Sea/Aleutian Islands King Crab Fishery Management Plan, with the modifications noted by the SSC, for submission to the Region for preliminary review and then to Washington, D.C. for Secretarial review, followed by a meeting with the Central Office staff as outlined by the Executive

Director. The motion was seconded by James Brooks. Upon roll call vote, the motion carried with Council members Lokken and Woelke in objection. The report of the minority will be included in the FMP package and is made a part of these Minutes as Appendix II.

The Council asked the Bering Sea/Aleutian Islands Groundfish Plan Maintenance Team to investigate the alleged gear conflict problems in the Bristol Bay Pot Sanctuary and recommend a course of action to the Council.

NRC Research Proposal

The Council, AP, and SSC reviewed a proposal from Natural Resources Consultants to examine the NMFS king crab trawl survey design, analysis of data, and eventual use of results by fishery managers. The National Bank of Alaska and others offered to assist in funding the study.

The Advisory Panel suggested that the Council first evaluate the need for this type of research and if the need does exist, then distribute an RFP for a Council-funded research project. The AP said that ADF&G and NMFS already provide the information proposed in the study; that the proposed study is not necessary and can wait until after results of the 1981 fishery are evaluated this winter; that it is improper to award a contract without first circulating an RFP; that NMFS biologists could provide the same information if requested; and funding contributors other than the National Bank of Alaska were unidentifiable and/or non-committal.

The SSC felt it premature to undertake any studies on the management process, strategies, and procedures for the fishery at this time. They suggested that the fishery be closely monitored and at the end of the season its performance compared with the results of the 1981 survey and resulting management strategies. After that analysis the Council may wish to initiate an appropriate study under the Council system for review of potential research proposals.

Council Action

The Council discussed at length the proposed study and its primary focus. Some Council members felt that the study would not focus on the biological question of king crab stock condition but rather on the management philosophy employed over recent years. It was noted that the proposed study was not designed to consider possible environmental factors contributing the decline in recruit male crabs. Bob Otto said that NMFS is now conducting a thorough analysis of the 1981 survey data to consider biological and environmental implications. Mr. Otto noted that the harvest last year was extremely high; an average harvest range is, in fact, more in line with the expected harvest for the 1981 season.

Director. The report was prepared by the Council on the basis of the information received from the Council members and the report of the working group on the subject of the Council's activities and its work in the field of research.

The Council has also been informed by the Council on the basis of the information received from the Council members and the report of the working group on the subject of the Council's activities and its work in the field of research.

Research Program

The Council, AR, and 800 reviewed a proposal from the Council on the basis of the information received from the Council members and the report of the working group on the subject of the Council's activities and its work in the field of research.

The Advisory Panel suggested that the Council first evaluate the need for this type of research and if it is needed, then distribute an RFP for a contract-funded research project. The Panel said that the RFP should already provide the information requested in the study, that the proposed study is not necessary and that the results of the 1981 survey are available. The Panel also suggested that it is important to conduct without delay a study of the RFP, that the RFP should provide the same information as requested, and funding commitments other than the National Bank of America were unacceptable and non-negotiable.

The 800 felt it premature to undertake any studies on the management process, at least until the information for the study is available. They suggested that the study be closely monitored and that the results be compared with the results of the 1981 survey and existing management studies. After that analysis, the Council may wish to initiate an appropriate study under the Council system for review of potential research proposals.

General Issues

The Council discussed at length the proposed study and the study team. Some Council members felt that the study would not focus on the strategic position of the Council and would not be relevant to the management process. They suggested that the study be closely monitored and that the results be compared with the results of the 1981 survey and existing management studies. After that analysis, the Council may wish to initiate an appropriate study under the Council system for review of potential research proposals.

Bob Mace moved that the Council defer final consideration of the NRC proposal until the December Council meeting, when more data on the current season will be available; seconded by Don Collinsworth. There being no objection, it was so ordered.

E-4 Tanner Crab FMP

Plan Coordinator Steve Davis explained that Amendment #6 has been delayed by OMB's objections to some of the reporting requirements contained in the amendment. OMB alleges that the requirements are unnecessary because they parallel state regulations.

Amendment #7, which established new bairdi OY's and eliminated the TALFF for opilio, was published in the Federal Register on September 3 as a proposed rule.

E-5 Gulf of Alaska Groundfish FMP

Jeff Povolny, Groundfish Plan Coordinator, reviewed a report of the Gulf of Alaska PMT assessing the current management regime and proposing methods to enhance management flexibility. Because the plan uses a species specific management regime, amendments often lag from one to two years behind the current scientific information on status of stocks. The PMT was concerned that continual regulatory lag may retard development of the domestic groundfish fishery and proposed a method whereby the Regional Director, in consultation with the Council, could determine OY's for the upcoming fishing year. The OY for each species/species group would be apportioned to the western, central, and eastern regulatory areas of the Gulf of Alaska on the basis of biomass (when available) or recent catch proportions. Under this procedure, the lengthy amendment process for establishing OY's for the beginning of each fishing year would be eliminated and the Gulf of Alaska groundfish fishery would be managed using information one-year old or less compared to the two-year old status of stocks information under which the fishery is now managed.

The PMT recommended that DAH be set for the beginning of each fishing year at the previous year's harvest level modified appropriately by changes in projected processing capacity and/or intent to process and harvesting capacity and/or intent to harvest. If necessary the DAH may be increased during the fishing year by apportionment of reserves. The PMT recommended amending the FMP to provide a framework which would allow the Regional Director to establish DAH's in this manner, thereby eliminating the need for FMP amendments when DAH's need to be revised.

The PMT also recommended that the FMP be reorganized so that scientific data is put into annexes and removed from the body of the FMP, such as has been done with the Bering Sea/Aleutian Islands Groundfish FMP. This would facilitate the means by which annual changes to the status of stocks information, OY, DAH, reserve, and TALFF are reflected in the FMP itself.

The PMT presented a time table for reorganization of the FMP beginning with redrafting the FMP in October or November, 1981 and projected Secretarial review commencing in May or June, 1982. The PMT suggested that the Council contact NMFS-Juneau, the Northwest and Alaska Fisheries Center, Alaska Department of Fish and Game, and the International Pacific Halibut Commission to request personnel assignments and funds commitments for the reorganization of the FMP.

The Council, SSC, and AP reviewed proposed Amendment #11, which would lower the OY for sablefish in the Gulf of Alaska FMP; a draft paper on prohibited species incidental catch problems in the Gulf of Alaska; proposed amendments from the Alaska Longline Fishermen's Association, Japanese North Pacific Longline and Gillnet Association, and Japan Deep Sea Trawlers Association; a report from ADF&G on the need for reporting domestic groundfish catches landed outside of Alaska; and a report from the Northwest and Alaska Fisheries Center on the status of the sablefish resource; and a draft Gulf of Alaska prohibited species amendment.

The Advisory Panel recommended that Amendment #11 to reduce the OY for sablefish and the proposals by ALFA and the Japanese Longline and Gillnet Association be released for public comment.

The SSC did not receive the subject documents in time to conduct an in-depth review, but did comment on what they understood to be the proposed amendments. The SSC recommended expanding Table 1 of the proposed prohibited species amendment to include data on how the reduction would be apportioned among the three fishing areas. Subject to this change, the SSC recommended that the prohibited species amendment be released for public review.

The SSC opposed sending the amendment to reduce sablefish EY/OY to public review because the SSC had not had sufficient time to review and support or reject either the values proposed in the amendment or the background documentation.

The SSC took no position on the amendments proposed by ALFA and the Japanese Longline and Gillnet Association, but was concerned about sending proposed amendments to public review without some internal review for reasonableness.

The SSC recommended that the Council develop a step-by-step procedure for amendment packages similar to the procedure for reviewing programmatic research funding requests. Sufficient time must be provided to allow the Council staff to develop an amendment package and then for the AP and SSC to review each of the proposals.

Public Testimony

Steve Johnson, representing the Japan Deep Sea Trawlers Association, questioned the advisability of sending the Gulf of Alaska prohibited species amendment to public review in its

present form. He said the PMT had merely taken Bering Sea Amendment #3 and converted it to the Gulf of Alaska without reviewing its appropriateness. As an example, Mr. Johnson cited figures included in Table 1 on page 3 of the amendment which would put a harvest of 104 mt of groundfish at risk to save 20 king crabs. Mr. Johnson suggested that this example represents just one of many assumptions in the package which require complete review before releasing the Gulf prohibited species amendment for public review.

Paul MacGregor, representing the Japanese North Pacific Longline and Gillnet Association, said that any reduction in sablefish OY would severely impact the Japanese longline fleet. Mr. MacGregor said that the PMT had made its decision to reduce the sablefish OY based on only two reports available out of five reports which all will be available in a reasonable amount of time. He noted that even the SSC felt it was premature to reduce OY in the absence of the other pertinent background information.

Greg Baker, president of the Alaska Longline Fishermen's Association, spoke in favor of ALFA's proposed amendments to the Gulf of Alaska Groundfish FMP. These proposals include limiting the harvest of sablefish east of 140°W longitude to hook and line gear only and a gulf-wide closure of the sablefish fishery from November 15 to March 15. Mr. Baker said that ALFA strongly favors reducing the sablefish OY because fishermen believe there are serious stock problems, particularly in the eastern regulatory area.

Eric Jordan, testifying on behalf of the Sitka ADF&G Advisory Committee, favored sending Amendment #11 to public review. He said that something must be done immediately from a resource standpoint to save the sablefish fishery.

Council Action

The Executive Director said that procedurally it would be beneficial to send Amendment #11 to public review at this time. Public review of the prohibited species amendment could be deferred until the SSC's suggested changes and further in-house review have been completed. He asked State Department representative Chris Dawson to consider the potential reduction in sablefish OY at the time that foreign allocations are made.

Bob Mace moved that the Council send to public review the sections of Amendment #11 dealing with the reduction of sablefish OY and reporting requirements, and that the Alaska Longline Fishermen's Association and Japanese North Pacific Longline and Gillnet Association be given the opportunity to include their proposed amendments at this time if they choose to do so. The prohibited species amendment would be addressed in the general re-write of the FMP. The motion was seconded by Charles Woelke. There being no objection, it was so ordered.

The Council asked the Executive Director to write to the agencies which would be involved in the re-write of the Gulf of Alaska Groundfish FMP asking for commitments of personnel and resources to undertake this task early in 1982.

E-6 Bering Sea/Aleutian Islands Groundfish FMP

The Bering Sea/Aleutian Islands Groundfish PDT met with Council, AP, and SSC subgroups on August 18 and 19 to draft the final form of Amendment #3 according to the Council's instructions at the July Council meeting. The latest version of the amendment differs from previous drafts in that reductions in prohibited species catches are calculated based on catch rates. Two main objectives of the amendment and a suggested Council policy statement regarding the domestic trawl fishery have also been incorporated into the draft. The draft amendment was mailed to the public on September 3. Council approval of Amendment #3 was required to submit the amendment for Secretarial review.

The Plan itself is scheduled to be implemented on January 1, 1982. Amendment 1a, protection of chinook salmon, and Amendment #2, increasing Pacific cod OY and yellowfin sole DAH, will be implemented simultaneously with the FMP. Amendment #1, the multi-species optimum yield, is not expected to be implemented until after implementation of the FMP.

John Harville submitted for Council consideration the following statement of position on what the Council expects of domestic groundfish fishermen to control their catches of prohibited species:

"The North Pacific Fishery Management Council believes that domestic fishermen targeting on the groundfish fisheries of the Bering Sea and Aleutians share a responsibility to avoid to the fullest extent practicable the incidental taking of halibut, salmon, king crab, and Tanner crab. They also share with the North Pacific Fishery Management Council a responsibility to develop an accurate information base concerning these species through maintenance of log-books, accurate reporting of catch, and contributions to knowledge of fish distribution, behavior, etc.

"The North Pacific Fishery Management Council advocates and strongly supports development of domestic harvesting and processing of the groundfisheries of the Bering Sea and Aleutian Islands. To avoid any unnecessary impediments to that development, the Council will not at this time recommend any regulations of the domestic fishery specifically designed to protect "prohibited" species. However, the Council also is fully committed to protection from needless waste of stocks of salmon, halibut, king crab, and Tanner crab which are fully utilized in other domestic fisheries. Furthermore, in accordance with MFCMA provisions, the Council has a continuing obligation to assure their management in accordance with optimum use objectives. Therefore,

the Council charges domestic fishermen to develop their fishing strategies, techniques, and practices with full regard for and attention to the objectives of the Council for protection of species not properly a target of those groundfisheries, as demonstrated by the measures taken to assure protection by foreign fleets. The Council urges domestic fishermen to study the techniques used by foreign fleets to meet Council requirements for protection of non-target species, to adapt those techniques where appropriate for domestic use, and to experiment actively with gear modifications, selection of time and area fishing strategies designed to avoid concentrations of prohibited species, and other techniques designed to develop a clean fishery. The Council will work with domestic fishermen to facilitate transfer of useful information and technology from foreign sources, and to insure the collection of relevant fisheries data and information from all sources, foreign and domestic.

"The Council will follow the development of Bering Sea and Aleutian Island groundfish fisheries with much interest, and with particular attention to the success of those fisheries in avoiding unnecessary or excessive taking of prohibited species.

"The Council hopes that through voluntary measures developed with the cooperation of domestic fishermen, stocks of salmon, halibut, king crab, and Tanner crab can be sufficiently sequestered from unnecessary and wasteful bycatch to make unnecessary the imposition of special protective regulations upon the domestic groundfish fishery."

The Advisory Panel reviewed the status of the Bering Sea/Aleutian Islands Groundfish FMP and Amendments #1, 1a, and 2 and asked the Council to send a telegram to the Secretary of Commerce in support of immediate implementation of the Bering Sea/Aleutian Islands Groundfish FMP. The AP reaffirmed its support of the NMFS fee schedule in light of comments contained in a letter from the Korean Trawler's Association.

The Advisory Panel reviewed the September 3 draft of Amendment #3 and John Harville's draft Council position statement. The AP adopted the Harville draft as a substitute for the current annex to Amendment #3 and approved Amendment #3 for Secretarial review after making a change in wording under "Establishment of Targets for Prohibited Species Catches" and a change in the formula for determining allocation of PSC's. The formula suggested by the AP was:

$$PSC_{ij} = \frac{\text{Annual Catch Rate} \times \text{Percentage Target Reduction}_{ij}}{\text{x TALFF}_i + \text{Reserves}_i}$$

The Council should consider the development of a research program which will provide a comprehensive and systematic approach to the study of the various aspects of the fishery. The Council should also consider the development of a research program which will provide a comprehensive and systematic approach to the study of the various aspects of the fishery. The Council should also consider the development of a research program which will provide a comprehensive and systematic approach to the study of the various aspects of the fishery.

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The Advisory Panel reviewed the status of the fishery and the various aspects of the fishery. The Advisory Panel reviewed the status of the fishery and the various aspects of the fishery. The Advisory Panel reviewed the status of the fishery and the various aspects of the fishery.

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The change was suggested because the AP felt the formula in the draft amendment does not take into consideration the increase in OY (1,400,000 mt to 2,000,000 mt) established by the Council in January. These OY ranges are from 11% to 62.5% greater than the 1977-80 averages used to establish the base catch rate. The AP contended that under the PDT's formula, incidental catches of prohibited species for 1982 or 1983 would increase regardless of the health of the prohibited species. For instance, in 1982 the target for halibut is 90% of 3,182 mt, or 2,863 mt. Using the PDT's formula would result in a 47% over-catch of halibut.

The AP felt that their modified formula will take into account annual changes in the abundance of the overall groundfish resource. If the status of the prohibited species is changed, the target figures can be increased or decreased under the annual review section.

The SSC reviewed the September 3 draft of Amendment #3 and extensively discussed interpretations of certain sections of the amendment, primarily those dealing with salmon, and recommended specific modifications. Specific recommendations of the SSC as outlined in their Minutes are made a part of these Minutes as Appendix III. Subject to the suggested modifications, the SSC recommended that the Council approve Amendment #3 for Secretarial review.

The SSC encouraged the Council to specify management objectives for the domestic fleet and applicable PSC levels in order for the PMT to develop a prohibited species management regime for the domestic fleet.

Public Testimony

Norman Cohen, representing Nunam Kitlutsisti, asked the Council to send a strong letter to Ted Kronmiller of the State Department, NOAA Administrator John Byrne, and Assistant Administrator Bill Gordon urging implementation of the PMP amendment to limit the interception of western Alaska chinook salmon by the foreign trawl fleet for the 1981 fishing season.

Mr. Cohen said that Amendment #3 should spell out that the domestic fishery must take precedence over the foreign fisheries. He suggested that the most recent changes in the draft made by the PDT may have been detrimental. Mr. Cohen supported the changes suggested by the SSC, but noted that the 93% figure for chinook salmon was the figure agreed upon in negotiations between the natives of western Alaska and the Japanese trawl associations.

Steve Johnson, representing Japan Deep Sea Trawlers Association and Hokuten Trawlers Association, said that the September 3 draft of Amendment #3 is considerably better than previous drafts, although he was not sure how the foreign fleet would be able to live within its bounds.

Mr. Johnson urged the Council to leave the 93% factor for chinook salmon as agreed upon by the Japanese trawl associations and the western Alaskans. The difference in the two is marginal, and using 93% would be simpler. He said that the salmon roll-over limit in the draft was meant to apply to all salmon, not just chinook, and suggested that this may be a misunderstanding in the draft.

Mr. Johnson agreed with the SSC that groundfish catches related to government research should not count against that nation's direct allocation.

Council Action

John Harville explained that the intent of his position statement is to avoid specific PSC limits for the domestic fishery at this time. He felt the Council should encourage domestic groundfish fishermen to develop techniques to avoid catching prohibited species which are the basis of support for other sectors of the industry.

Bob Mace suggested that perhaps the Council should give a little more indication of the bounds in which it expects the domestic groundfish fishery to operate. Once those boundaries are reached or exceeded, the domestic fishery can expect the Council to take specific, more extreme action.

Harold Lokken stressed that the domestic industry must be put on notice that it cannot expand to the unreasonable detriment of other fisheries in the area.

Don Collinworth moved that the Council substitute the Harville draft for the existing annex to Amendment #3; seconded by Charles Woelke. There being no objection, it was so ordered.

The Council discussed with SSC Chairman Don Rosenberg, AP Chairman Bob Alverson, and Plan Coordinator Jeff Povolny the pros and cons of the AP's modification to the formula for determining allocation of PSC's. Mr. Alverson contended that using the PDT's formula may result in taking more than the prohibited species target level if an increase in OY results in an increase in TALFF. Jeff Povolny explained that under the annual review provisions of the amendment, the Regional Director will, in consultation with the Council, review prohibited species catch calculations and make adjustments as necessary to respond to such conditions as changes in the stock condition and abundance of prohibited species; changes in stock condition and abundance of target groundfish species; impact on operational ability of foreign fisheries to take their TALFF; and the degree of socio-economic impact of prohibited species catches on domestic fisheries dependent on them. The Council may also review annually the target rates and period of reduction and the percentage reduction in rates from the previous year which are used to calculate PSC's. In making annual adjustments to PSC's, the Regional Director, in consultation with the Council, will consider all of the following, in order of priority:

1. the need to protect prohibited species for biological and other conservation reasons;
2. the impact of PSC's on the domestic fisheries dependent on these species;
3. the impact of the PSC regulations on development and operation of domestic groundfish fisheries; and
4. the impact of PSC's on the foreign groundfish fisheries.

Once determined, the final PSC's shall be established through field orders by the Regional Director.

PDT Chairman Loh-lee Low agreed that what the Advisory Panel contends is true, but stressed that the Council must keep in mind that the rate of prohibited species catch is still reduced. If TALFF does go down, then the prohibited species catch goes down. If TALFF goes up, the prohibited species catch will go up, but the rate of catch goes down. The concept involves a percent of the total catch rather than specific numbers of fish.

Jim Brooks moved that the Council approve for Secretarial review the September 3 draft of Amendment #3 to the Bering Sea/Aleutian Islands Groundfish FMP, substituting the Harville draft for the current annex to the plan; incorporating all the modifications suggested by the SSC except that the figure used for chinook interceptions will be 93% as recommended by the parties to the negotiated agreement; including an additional footnote as suggested by Pat Travers referencing the text of the FMP itself regarding changes in OY; providing for the roll-over procedure to begin in 1981 for Japan (party to the western Alaskans' agreement) and in 1982 for other countries; and including such other text changes as may be necessary resulting from combining chinook and total salmon in Table 1. The motion was seconded by Bob Mace. There being no objection, it was so ordered.

Don Collinsworth moved that the Executive Director write a letter to Ted Kronmiller, John Byrne, and Bill Gordon urging implementation of the PMP amendment to limit the interception of western Alaskan chinook salmon by the foreign trawl fleet for the 1981 season; seconded by Harold Lokken. There being no objection, it was so ordered.

It was the consensus of the Council that the Harville Annex to Amendment #3 should be published in the Council Newsletter as an effective means of communicating to the industry the Council's expectations of the domestic groundfish fishery.

F. CONTRACTS, PROPOSALS AND FINANCIAL REPORTS

F-1 Status of Contracts and RFP's

Council action was required for final approval to Contract 80-3, "Seasonal Use and Feeding Habits of Walrus in the Proposed

Bristol Bay Clam Fishery Area", award of the contract for a study for "Determination of Stock Origins of Chinook Incidentally Caught in Foreign Trawls", and an amendment to Contract 81-4, "Compilation and Evaluation of Data on Feeding Habits and Food Requirements of Marine Mammals in the Bering Sea" for additional funding for a computer model.

The Finance Committee recommended that final payment in the amount of \$17,649.40 be made for Contract 80-3, bringing the total of this contract to \$97,220.

The Finance Committee recommended award of Contract 81-5, "Determination of Stock Origins of Chinook Salmon Incidentally Caught in Foreign Trawls in the Alaska FCZ" to the Fishery Research Institute. This is a two-year contract which will be reviewed after one year for approval of the second year's funding.

The Finance Committee recommended approval of the additional \$3,100 to Contract 81-4 for a computer model to be done by Gordon Swartzman.

Don Collinsworth moved that the Council accept the recommendations of the Finance Committee for action on Contracts 80-3, 81-4, and 81-5; seconded by Bob Mace. There being no objection, it was so ordered.

F-2 Financial Status Report

Information only - no action required.

F-3 Report on Council Audit

The Finance Committee reviewed the draft audit report from Price Waterhouse and recommended final payment on this contract upon receipt and approval of the final report by the Executive Director. *The Council unanimously adopted the recommendation of the Finance Committee.*

F-4 FY 82 Programmatic Research Funding Request

The Finance Committee reviewed and recommended adoption of the proposed Process for Identifying and Requesting Funding for Needed Fisheries Research as presented to the Council. The Committee suggested, however, that Advisory Panel review should be made part of steps 2 and 4 of the procedure. *The Council unanimously adopted the recommendation of the Finance Committee.*

G. PUBLIC COMMENTS

No further testimony was presented to the Council.

H. CHAIRMAN'S CLOSING COMMENTS AND ADJOURNMENT

There being no further business to come before the Council, the 44th Plenary Session of the North Pacific Fishery Management Council adjourned at 3:55 p.m.