

# North Pacific Fishery Management Council

James O. Campbell, Chairman  
Jim H. Branson, Executive Director

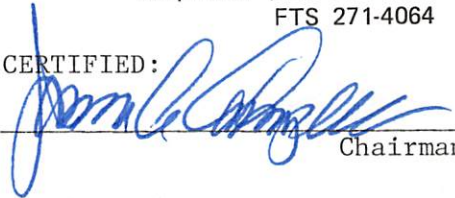
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CERTIFIED:

  
Chairman

## MINUTES

55th Plenary Session  
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL  
July 27-28, 1983  
Land's End Hotel  
Homer, Alaska

The North Pacific Fishery Management Council convened its 55th plenary session on Wednesday, July 27, 1983 at 9:10 a.m. at the Land's End, Homer, Alaska and adjourned at 3:51 p.m. on Thursday, July 28.

The Scientific and Statistical Committee met at the Land's End on Monday, July 25 and Tuesday, July 26, 1983.

The Advisory Panel met at the Elks Hall in Homer, Alaska, on Tuesday, July 26 and continued meeting on the morning of July 27.

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  
Robert McVey  
Rudy Petersen  
John P. Harville  
Jon Nelson for Keith Shreiner  
Gene Didonato for  
Bill Wilkerson  
Keith Specking

RADM Richard Knapp  
Robert U. Mace for  
John Donaldson  
James O. Campbell  
Don Collinsworth  
Jeffrey R. Stephan  
Chris Dawson for  
the State Department

### Scientific and Statistical Committee

Donald Rosenberg, Chairman  
Richard Marasco, Vice-Chairman  
William Aron  
Fred Gaffney for  
John Clark  
Robert Burgner

Steve Langdon  
Larry Hreha  
Jerry McCrary for  
Jack Lechner  
John Burns  
Don Bevan

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Advisory Panel

Robert Alverson, Chairman  
Bud Boddy, Vice-Chairman  
Barry Fisher  
Joe Kurtz  
Jack Phillips  
James O'Connell  
Walt Smith

Greg Baker  
Larry Cotter  
Rick Lauber  
Al Burch  
Ed Wojeck  
Don Rawlinson  
Tony Vaska

NPFMC Staff

Jim H. Branson, Executive Director  
Judy Willoughby  
Steve Davis  
Jim Glock  
Peggy Hough

Ron Miller  
Jeff Povolny  
Doug Larson  
Helen Allen  
Becky Wetzler

Support Staff

Pat Travers, NOAA/GC  
James Brooks, NMFS  
Phil Chitwood, NMFS  
Choate Budd, USCG  
Steve Pennoyer, ADF&G  
Bruce Twomley, CFEC  
Michael Dean, ADF&G

Fred Gaffney, ADF&G  
Russ Nelson, NWAFC  
Kirk Beiningen, ODFW  
Craig Hammond, NMFS  
Gary Stauffer, NWAFC  
Loh-Lee Low, NWAFC

General Public

Pat DeRoche  
Tim Keeney  
K.Y. Lee  
Ken Kobayashi  
Don Martens  
Tadashi Nemoto  
Z.W. Shinnars  
M.H. Cutshall  
K.Y. Shin  
Rick Deriso  
Dennis Petersen  
Cho Kang Ho  
Jay Hastings  
Mel Monsen  
Charles A. Lehn  
M. Zacharof  
Alexis H. Prokopiol  
Jacob Malavansky  
Flore Lekanof, Sr.

Chuck Kekoni  
Admiral C. Hwang  
H.M. Kim  
Jim Bamberger  
Ed Zyblut  
Rob Morley  
Yuiji Niimi  
W.K. Lim  
J.D. Yang  
Mick Stevens  
J.C. Kim  
Stephen B. Johnson  
Lee Yoon Sik  
Lee Moon Ki  
D.I. Lee  
Anthony Mercurief  
C. Lekanof  
Perfenia Pletnikoff, Jr.  
Iliodor Philemonof

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Michael Jones  
Bud Walsh  
S.L. Zowstowski  
Hugh Reilly  
Jan Needham  
Hiroaki Matsumura  
Norman Cohen

John Schmiedtke  
B.K. Woo  
Dave Harville  
Henry T. Munson  
Toru Fukui  
Paula Cullenberg  
D. Petersen

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

Chairman Tillion called the meeting to order at 9:10 a.m. on Wednesday, July 27, 1983. Mr. Tillion introduced John Winther who was recently appointed to the Council, and Rob Morley and Z.W. Shinnors of the Canadian Fisheries and Oceans Dept. Mr. Tillion also introduced Admiral Hwong of the Korea Deep Sea Fisheries Assn. and Mr. Imamura, of the Japanese delegation.

*The minutes of the previous meeting were approved with the addition of John Harville as a Council member in attendance.*

Agenda

Jim Branson, Executive Director suggested that oral staff reports on the status of the fisheries which have been submitted in written form be dispensed with in the interest of time and that Agenda item C-3, "Statement of Operating Practices and Procedures," be postponed until the September meeting. Under Agenda item B-5, "Joint Ventures," Mr. Branson suggested that oral reports be dispensed with as written reports were included in the Council reference books. *Keith Specking moved that the agenda be approved with the changes suggested by Mr. Branson. The motion was seconded and the agenda approved.*

B. SPECIAL REPORTS

B-1 Executive Director's Report

The Council was provided with a tentative agenda for the Chairmen's meeting scheduled for November 2-4 in Biloxi, Mississippi, and Mr. Branson requested Council members to submit any additional agenda items to him.

The Council meeting schedule for the remainder of 1983 and 1984 was discussed. There will not be a meeting of the Board of Fisheries in December 1983, so the Council will meet alone on December 7-8 in Anchorage. The first meeting for 1984, in conjunction with the Board of Fisheries, will be held in Juneau during the first week of February. Other meeting dates for 1984 are the third Wednesday and Thursday of March, May, July, and September, with the December 1984 meeting date yet to be set. It was suggested that the Council meet in Sitka in September 1984

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and there were no objections to that suggestion. Mr. Branson also suggested that a special meeting may be necessary to deal only with halibut sometime in the spring, possibly April. It was noted that the February 1984 meeting with the Board of Fisheries may overlap with the IPHC meeting scheduled for January 31-February 1 in Anchorage.

Mr. Branson advised the Council that the North Pacific and Pacific Councils have been invited to choose a delegate to the Food and Agriculture Organization's special World Fisheries Conference to be held October 10-19 in Rome. After speaking with the Pacific Council, Mr. Branson submitted the name of Don Bevan as a possible delegate. *Bob Mace moved that Don Bevan be approved as the delegate to the FAO Conference subject to the Pacific Council's sharing the costs. The motion was seconded by Don Collinsworth and was unanimously approved.*

Mr. Branson also advised the Council that the 2nd Annual National Fisheries Law Symposium is scheduled for October 21-22 in Seattle. He requested three spaces be reserved for Council and staff pending Council approval of the expense. *It was the consensus of the Council that the Executive Director may proceed with the arrangements for sending three Council staff members to this meeting.*

Mr. Branson also brought up the subject of a Pacific troller on our Council's Advisory Panel. He suggested that the Council create a special position of Panel Advisor on Salmon. The Pacific Council could then nominate someone to fill that position. Attendance at our meetings would be by invitation when salmon matters are being discussed. He would not be a full-fledged member of the AP.

Mr. Branson also advised the Council that the staff is doing a close scrutiny of staff procedures to assist the Council's decision-making process. Recent amendments to the MFCMA require a great deal more work before amendments are submitted to the Secretary for review. More supporting documents are required than in the past and in more detail. However, the Council will have a much more complete evaluation to work with and this should greatly shorten the time required between a Council decision and submission of the entire package for Secretarial review. More details on proposed changes should be available for the Council at the September meeting.

B-2 Domestic Fisheries Report by ADF&G

ADF&G estimates a preliminary harvest of 30,750 mt in the Bering Sea/Chukchi coast herring fishery during the spring 1983 season. The total Southeast sablefish harvest to date is approximately 1,900 mt with about 30 vessels currently participating in that fishery. It is estimated that the FCZ fishery in the South-

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eastern and Eastern Yakutat areas will likely achieve the upper end of the 2,500 mt guideline by mid-August and be closed by emergency order. The Bering Sea and Gulf of Alaska groundfish catches through June were 31,143 mt. Statewide preliminary Tanner crab catches total 59.7 million pounds.

B-3 Foreign Fisheries Report by NMFS

According to a report submitted by NMFS, foreign fleets working the Gulf of Alaska had caught 32,037 mt of groundfish, or about 25% of the current foreign allocation for the Gulf, by July 9. The catch was about 47% Pacific cod and 24% pollock.

In the Bering Sea and Aleutians, the foreign fisheries had caught 421,294 mt, about 51% of the current foreign allocation. The catch was about 80% pollock, 14% flatfish, and 4% Pacific cod.

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

Ten reports of violation (civil penalty procedures) and 16 citations (written warnings) had been issued by the U.S.C.G. since the May 1983 Council meeting. In addition, one foreign fishing vessel was seized for a severe MFCMA infraction. Details of these actions are as follows:

On May 13 a citation was issued to the Soviet transfer ship, BEREG NADEZDY, for failure to submit the required activity message twenty-four hours prior to ceasing fishing activity.

In June the following vessels received citations for failing to submit the required activity messages twenty-four hours prior to beginning or ceasing fishing activities: UST-KUT (U.R.); EBISU MARU NO. 88 (JA); SUZUDAZE MARU (JA); KUMKANG SAN HO (KS); TENKI MARU (JA); and MITO MARU NO. 8 (JA). All vessels had checked into the Fishery Conservation Zone prior to the infractions.

On June 7, individual citations were issued to the Japanese medium stern trawlers EIKYU MARU NO. 16 and HOKUO MARU NO. 25 for failure to maintain the readability of their International Radio Call Signs.

On June 15, the USCGC CAPE HATTERAS seized the Canadian fishing vessel, SALMON KING, in the vicinity of Dixon Entrance for fishing within the U.S. FCZ without a valid permit. The boarding team found over 500 pounds of halibut on board.

On June 19, a report of violation was issued to the South Korean large stern trawler, HAN KIL HO, for failure to maintain the accuracy of its Daily Cumulative Catch Log (DCCL) and for failure to enter its catch of 130.5 mt of pollock in its DCCL. A citation was also issued for failure to report 130.5 mt of pollock caught outside the FCZ prior to beginning activity inside the Zone. That reporting omission demonstrates the potential for

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significant underlogging that exists whenever a vessel neglects to report any fish aboard that were caught outside the FCZ.

On June 29, reports of violation were issued to the Japanese medium stern trawlers, DAIKICHI MARU NO.51 and RYUHO MARU NO. 37 for failure to submit the required activity messages twenty-four hours prior to ceasing fishing activity. Both vessels were checked into the FCZ prior to the infraction. Also on June 29, the USCG issued a report of violation to the Japanese large stern trawler, TSUDA MARU, for failure to return its catch of a prohibited species (halibut) to the sea in a timely manner.

In July the Japanese transport ships KENTOKU MARU and WHITE ARROW were cited for failure to submit the required activity messages twenty-four hours prior to ceasing fishing activity. A citation was issued to the Japanese pot fishing vessel, CHOSEI MARU NO. 78 for failure to maintain the readability of its International Radio Call Sign and two reports of violation were issued to the Japanese medium stern trawler, AKEBONO MARU NO. 17, for failure to return a catch of prohibited species (halibut) to the sea in a timely manner, and for failure to update its DCCL within 12 hours following the end of the day on which the catch was taken. On July 8, a citation was issued to the South Korean transport ship, GAE CHEOG HO NO. 2 for failure to return its catch of a prohibited species (halibut) to the sea in a timely manner.

On July 10, a citation was issued to the Japanese longliner, FUKUYOSHI MARU NO. 8, for failure to maintain the readability of its International Radio Call Sign. On July 10, a citation was issued to the South Korean large stern trawler, DAI HO No. 303, for failure to return its catch of an unallocated species (Pacific herring) to the sea in a timely manner. On July 19, four reports of violation were issued to the Japanese transfer ship, DAISHO MARU, for logging violations. The ship had taken on product from three Japanese fishing vessels and was enroute to Japan. Prior to ceasing activity and departing the FCZ, the ship was boarded 150 miles southeast of Attu Island. After extensive tunneling and audit efforts the boarding team determined that gross underlogging had occurred for rockfish and total product aboard. A subsequent overlog of flounder was also determined. Upon completion of boarding efforts, the boarding team sealed all holds which contained fish products in order to preserve the exact amount on board during the DAISHO MARU'S return to Japan. An inventory to be conducted on the DAISHO MARU'S arrival in Japan is expected to confirm the findings of the boarding team.

#### B-5 Joint Venture Operations

NPFMC staff reported that joint ventures in the Gulf of Alaska harvested 133,260 mt of pollock and other species through June 25, 1983. By June 25 in the Bering Sea/ Aleutian Islands, joint ventures harvested 80,059 mt which consisted of 50,933 mt pollock, 18,803 mt flatfish, 5,668 mt Pacific cod, and 4,092 mt Atka mackerel.

B-6 Report on 1983 Halibut Fishery by IPHC

Donald McCaughran, Executive Director of the International Pacific Halibut Commission, reported on the 1983 halibut fishery. He told the Council that there was an increase of 430 permits this year issued to vessels over 5 nt. All areas are now closed with quotas being reached or exceeded with the exception of Area 3B which will reopen approximately August 27 for a probable 3-day period. IPHC set the halibut openings assuming the same amount of fishermen would be involved as last year, and the failure of the moratorium was considered to be one of the causes of the quota being exceeded by almost 3 million pounds. It appears that when fishermen reached the quota in other areas they moved into the Bering Sea area (4C), which was being managed for development of a halibut fishery by local residents, and caught 135,000 pounds which was not anticipated. It is possible that over 400,000 pounds have been taken, a large amount for that area from conservation standpoint. It was not expected that those fishermen would fish in that area. Again, he feels the failure of the moratorium was a direct cause for this occurrence.

Dr. McCaughran said that other measures will have to be taken next year if a moratorium or some other management scheme is not in place. Among those possibilities are early seasons, setting the seasons to directly conflict with the salmon season, and, in the Southeast, possible one-day-per-week openings to avoid over-fishing. Dr. McCaughran said that Canada had stayed within their limit since the 1979 agreement with the United States, while the U.S. has regularly exceeded theirs. From the processors' point of view, the fish are not being handled properly and many are of poor quality.

During Council discussion, Mr. McVey asked Dr. McCaughran about the possibility of getting an additional 100-200,000 pounds in the Pribilof Islands since more had been taken by non-local fishermen than expected. Dr. McCaughran said they could consider that request, but at the same time it may lower the catch rate for next year in order to avoid overfishing the stocks.

C. NEW OR CONTINUING BUSINESS

C-1 Halibut Fisheries Management

Ron Miller of Council staff briefed the Council on the moratorium failure and presented options for the Council to consider for future halibut fisheries management. The Council could assess management objectives, either by adopting the objectives already developed for limited entry or by establishing a workgroup to formulate general management objectives for presentation to the Council at the September meeting. The second step would be the assessment of management methods. This could be done by appointing a workgroup to propose management schemes to the

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Council for consideration, or to conduct public hearings on the most effective method of achieving the management objectives. Mr. Miller also outlined the options available to the Council with regard to a moratorium and discussed schedules for implementation of the various options.

There was no report from the Scientific and Statistical Committee on this agenda item.

Public Testimony

Mike Zacharof, St. Paul Island. Mr. Zacharof said that the residents of St. Paul Island are requesting an additional 200,000 pounds of halibut in the Pribilof Islands because other fishermen moved into their area which resulted in a considerable loss of income to the villagers. He said that they can provide up to 45 jobs for the Aleut people in this fishery.

Flore Lekanof, Sr., President, St. George Tanaq Corporation. Mr. Lekanof said that the St. George Island people have a depressed economy and are caught in the struggle for the halibut. He asked the Council if they could come up with a solution that would be fair and that his people could live with. He requested that the Council recommend to IPHC that Area 4D be reopened for the taking of an extra 200,000 pounds of halibut.

Norman Cohen, Paula Cullenberg, Bering Sea Fishermen's Assn. Ms. Cullenberg was on Nelson Island throughout the halibut season this year and summarized what occurred. Four villages participated in the halibut fishery with 30-40 small skiffs. Fishermen from the Pribilofs were able to fish seven four-day periods, but Nelson Islanders had bad weather the last two periods so they fished five four-day periods and caught about 16,000 pounds, twice last year's catch. It is predominantly a jig fishery although about six people used hand-pulled longlines. Unlike the Pribilofs, there is no outside effort in the Nelson Island area; the fish are a lot smaller and the water is shallower. The people of Nelson Island are very excited about the halibut fishery; this is the only commercial fishery they have access to. They would like to continue fishing this summer if at all possible.

Mr. Cohen said it would be appreciated if the Council would make a recommendation to the Halibut Commission to act when the statistics are in to increase the quota in 4C by 250,000 pounds and that some type of new system be put in place to make sure that the effort not get out of hand; perhaps a one-day fishery or two days on, one day off.

Perfenia Pletnikoff, Jr., St. Paul Island. Mr. Pletnikoff was also concerned about the large number of boats coming into the area and said it was very difficult for his people to compete



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with the larger boats and equipment. He also would like to see an extra 200,000 pounds of halibut allotted in the area previously discussed.

Chuck Kekoni, Chugiak. Mr. Kekoni referred to a letter in the Council reference books sent by the Kodiak Halibut Fishermen's Assn. outlining suggestions for future management of halibut and said that he would support that letter and ask the Council to use it in future considerations for halibut fishery management. He also suggested that any future workgroup involve representatives from communities participating in this fishery. Mr. Kekoni felt that the increased effort and influx into the fishery were not necessarily a direct result of the failure of the moratorium, that many of the established boats may have increased their effort in anticipation of some future share system. He felt that limited entry is only limiting people, not managing the fishery. Such measures as exclusive registration areas, one-day seasons, etc. should be considered rather than a form of limited entry and that the Council should look into other biological ways of managing the fishery.

Kathleen Graves, Port Graham. Ms. Graves said she did not feel that the majority of fishermen agree with the Council that limited entry is needed. She said any workgroup formed to deal with a moratorium or limited entry should include people who are opposed to those particular management schemes. She also feels that access to the fishery is a property right and should not be restricted. She would prefer to let market forces prevail and also supports KHFA's suggestions outlined in their letter to the Council.

Hank Ostrosky, Naknek. Mr. Ostrosky reviewed the recent outcome of his court case challenging limited entry in the salmon fishery and cited several reports on limited entry, one by Dr. Rogers and another by Steve Langdon that would confirm the detrimental effects of limited entry.

Patricia DeRoche, Anchorage. Ms. DeRoche urged the Council to take a different approach to the management of the halibut fishery. She does not feel that the Council has considered all possibilities and asked them to consider other options besides a moratorium or limited entry. She would suggest more effort on research.

#### Report of the Advisory Panel

Because of inadequate and often conflicting responses from OMB and NOAA for the specific reasons for not approving the moratorium, the AP found it difficult to suggest a definitive course of action. The AP requested the Council to continue its pursuit of an adequate rationale from OMB on its turn-down of the moratorium. The AP recognizes a problem in the halibut fishery and

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suggests the Limited Entry Workgroup be reconvened to try to come up with a solution to the issue. It was recommended that the Council add appropriate personnel to the group from the various regions of Alaska to participate in any meetings of the workgroup, such as Seward/Homer area, Kodiak, or the Shumagin Island areas. The Advisory Panel also felt it is time for the Secretary of Commerce to define specifically the role of OMB in the regulatory process. The ground rules for OMB's involvement need to be spelled out; they should be required to provide adequate evidence and justification for any rejection. The Advisory Panel also reconfirmed its previous position to endorse the fishery in the Pribilofs and to try to do what can be done to continue the fishery this year.

In Council discussion, Don Collinworth said regardless of what management decisions are made, the Council should first come to some agreement on general objectives. Once the objectives are defined, then the Council can go into an analysis of feasible options to achieve those objectives.

COUNCIL ACTION

*Chairman Tillion appointed a steering committee indicating that representatives from Kodiak and the Homer/Seward area will be members. This steering committee will be charged with recommending future Council action. Mr. Branson asked if the members of the original workgroup are to remain on the committee; Mr. Tillion replied in the affirmative.*

Mr. Branson reviewed the tasks of the workgroup, which are: recommendations as to whether a moratorium for 1984 should be implemented, and whether they feel the objectives for limited entry would be effective as general management objectives. Recommendations should be brought back to the Council at their September 1983 meeting.

Mr. McVey said that he will contact IPHC to see if there is a possibility of an additional quota of 200,000 pounds for the Pribilof Islands, but he does not have any indication at this time that they will support this proposal.

C-2 Marine Sanctuaries Legislation

Ron Miller, Council staff, reviewed the proposed amendment to Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, H.R. 2062 currently before the Senate Committee on Commerce, Science and Transportation. It would reauthorize the Marine Sanctuary Program for three years, clarify Congressional intent for the program through explicit statements of purposes and policies, set standards by which the Secretary of Commerce will assess an area for designation as a sanctuary, establish procedures for sanctuary designation, and amend current Congressional and gubernatorial review procedures.

Report of the Advisory Panel

Bob Alverson reported that the AP recommends that the Council write a letter to the Alaska Congressional delegation requesting the legislation be amended to insure reasonable access to sanctuaries for subsistence, sport and commercial fishing.

There was some Council discussion. *It was the concensus of the Council that they would remain silent on this particular legislation since they are not properly prepared to comment on it at this time.*

C-3 Statement of Operating Practices and Procedures

This agenda item was deferred until the September Council meeting. However, a draft copy of these procedures was included in the Council reference notebooks.

C-4 OTHER BUSINESS

C-4(a) Foreign Permit Applications

The Council had two permit applications for consideration at this meeting. The first for a directed fishery by the KORYO MARU NO. 23, a 350-ton stern trawler under a permit sanction since the first of December 1982 ending July 31, 1983. The KORYO MARU NO. 23 has been seized twice. The first time in October 1979 for underlogging (it was then called the EBISU NO. 38) for which they paid a \$300,000 fine and were given a two-month permit sanction. In August of 1982, they were again apprehended for underlogging and species manipulations, paid a fine of \$400,000, and the aforementioned permit sanction was levied (12/83-7/31/83).

The second application was from the Taiwanese ship HIGHLY NO. 301 to work as a processing vessel to receive fish from U.S. ships. The American partner will be the Pribilof-Highly Seaproducts, Inc., an Alaskan company 75% owned by the St. George Tanaq Corporation.

Report of the Permit Review Committee

Keith Specking, Chairman of the Permit Review Committee reported that the Committee met on July 28 to consider the two applications. The Committee would recommend approval of the permit application of the KORYU MARU NO. 23 with the proviso that any additional violations would result in an expedited permit sanction procedure.

In the case of the HIGHLY NO. 301, the Committee had considerable discussion on the effect the denial of the application would have on the St. George Tanaq Corporation. However, the HIGHLY NO. 301

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has had several serious violations and it was suggested that the Corporation may be doing themselves a disservice by continuing a business relationship with this particular vessel. The Committee suggested denial of this application.

Report of the Advisory Panel

The Advisory Panel recommended denial of both applications because of past violations and the fact that the applications were not completed properly. The Advisory Panel also suggested that in the case of major violations perhaps the State Department should look into reducing the TALFF of the country involved.

Public Testimony

Flore Lekanof, Jr., Pribilof-Highly, Inc. Mr. Lekanof said he is very much concerned about many of the comments being made about the violations of the HIGHLY NO. 301. Although the HIGHLY has had violations, he feels that the review process has not been complete and that the Council is not properly informed. The St. George Tanaq Corp. has had a good business relationship with the Highly company and needs their cooperation to obtain the larger vessels and experience needed to develop a viable fishing fleet now that a harbor is assured.

Michael Jones, General Manager of the Pribilof-Highly Sea-products, Inc. Mr. Jones said he also feels the Council has not been well informed on the violations of the HIGHLY NO. 301. He gave a brief background of the violations: possession of prohibited species (salmon) in 1975 for which they were fined; an underlogging violation in 1979: They had transferred fish from a disabled vessel, the HIGHLY NO. 302, and the Master neglected to cable Juneau reflecting the change in tonnage; and in 1983 they were found fishing  $1\frac{1}{2}^{\circ}$  outside the legal zone.

Mr. Jones said that Taiwan had not, until recently, had the opportunity of training for their Masters. All Masters of Highly vessels must now have the training provided by the U.S. Departments of Commerce and State.

Mr. Jones also told the Council that his business relationship with the Highly Corporation had been very satisfactory and that St. George is getting a good deal from their joint venture. No other company has offered as good a business arrangement. Mr. Jones said that during the joint venture they would be willing to have 100% observer coverage. He asked the Council to give their support to St. George by approving this application.

Bill Gordon advised the Council that court action has been initiated against the Highly corporation and that the principle has not cooperated by appearing or sending a representative to answer. The U.S. is willing to sit down and talk about the allegations, however, Highly has not been cooperative.

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Craig Hammond, NMFS Enforcement, also briefed the Council on the violations of the HIGHLY NO. 301. Pat Travers, NOAA/GC advised that NOAA is preparing to initiate a permit sanction against this vessel.

Harold Lokken suggested that the Council delay action on this permit until the September meeting to allow time for the East Coast issues to be resolved. Mr. Lekanof said he did not see a problem with delaying the decision until September.

COUNCIL ACTION

*Harold Lokken moved that the Council delay action until the September meeting. Jeff Stephan seconded the motion which carried without objection.*

Jim Branson asked Bill Gordon if the 45-day comment period could be extended on this permit application. Mr. Gordon agreed that the Council could have the additional time.

*Bob Mace moved to approve the application of the KORYO MARU NO. 23 contingent upon a proviso which would require expeditious permit sanction procedures in the event of additional violations. The motion was seconded by Keith Specking and carried with no objection.*

C-4(b) Conflict of Interest

Pat Travers, NOAA/GC, advised the Council that he had researched the question of conflict of interest for Council, AP and SSC members. A 1978 NOAA General Council Opinion #70 dealt primarily with the issue of conflict of interest for Council members. It concluded that Council members are subject to this law but Advisory Panel members were not. The opinion proposed a rule and suggested the General Counsel's office ask the Secretary to exempt Council members under the second subsection of the conflict of interest law from liability if he finds that the supposed conflict is something that would not harm the governmental decision process. However, this had not been done and as a result, there is a General Counsel opinion that concludes that Council members are subject to these limitations, but no exemption to those limitations has been pursued. Mr. Travers recommended that the exemption procedure be revived.

Harold Lokken proposed that this subject be added to the agenda for the Chairmen's meeting in November. John Harville said that the Council should pursue the "blanket exemption" for future members. If Council and advisory bodies have to deal with this type of harrassment, it will be difficult to obtain new members.

D. FISHERY MANAGEMENT PLANS

D-1 Salmon FMP

Steve Pennoyer, and Mike Dean, ADF&G, gave preliminary salmon catch statistics for 1983. The statewide total for all species through July 16 is about 50 million salmon. That does not include pink salmon catches in Southeast Alaska, Prince William Sound, and 2-3 million sockeye in the upper Cook Inlet.

In Southeast, early fishing on sockeye was somewhat below average. In Bristol Bay the total red salmon catch was approximately 35 million from a run of 44 million sockeye, exceeding the historical record catch by about 8 million. Most of the other areas of Western Alaska experienced strong initial king salmon runs. The Yukon River experienced a strong run of summer chum salmon; an average run of fall chum is expected, although it is somewhat early to predict. The Kodiak Island area fisheries are generally below average at this time; initial sockeye returns were good but then tapered off, forcing closure of many of the island systems in order to meet escapement goals.

The lower Cook Inlet pink salmon, sockeye and chum returns are average to below average with the exception of one or two systems. The upper Cook Inlet sockeye catch will probably be the second largest in the State with a catch of approximately 4.2-4.3 million at this time.

In Prince William Sound the purse seine fishery did not open until the week of July 16 due to a price dispute on pink salmon prices. Initial catches of pink salmon averaged around 600,000 fish per day for the first four days and indications are that the catch rates have picked up during the past week to approximately 1.8-2 million pink salmon per day.

The Copper River red salmon catch is approximately 495,000, about average.

Don Collinsworth told Council that ADF&G will close the chinook troll fishery at midnight August 4. Current projections of the troll and net catch project a harvest approximately the same as last year. This year's 60-day fishery will be the shortest in history. The troll fishery will remain closed for a short time, then reopen for coho or non-chinook fishing with some specific area closures to minimize incidental hooking of chinook. The chinook season will reopen on October 1 when a new accounting year begins.

John Harville reported on last week's actions by the Pacific Council were supportive of the North Pacific Council. On OMB's veto of the halibut moratorium, the Pacific Council felt that it was appropriate to comment on the generic issue of whether the

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Executive Branch should supercede the Council in making substantive management decisions. A copy of a letter sent by Dr. Harville on this subject was distributed to the Council. Dr. Harville suggested that this subject be added to the agenda for the upcoming Chairmen's meeting.

The Pacific Council addressed a number of salmon issues and asked Dr. Harville to relate to NPFMC two important actions taken. Concerned because the harvest off Washington was running at about 50% of the severely reduced quotas set for this year, and information received that Canadian harvests were also down, the Pacific Council requested the Secretary of State immediately send forward the draft salmon treaty for earliest possible Senate action. The Council's letter emphasized their overwhelming concern for the shared chinook from Alaska through Canada and the Pacific states.

The Pacific Council, as a result of the State of Alaska's failure to close the troll fishery for chinook in accordance with the NMFS closure in the FCZ and the catch limits established by the NPFMC, unanimously voted to send a telegram to Secretary Baldrige requesting the Secretary to, "use all legal means at your disposal, including preemption of Alaska's salmon management authority for the remainder of the 1983 season, to minimize the adverse consequences of Alaska's management inaction."

Don Collinsworth said that when the Pacific Council took action on salmon they did not know that the season would be closed on August 4 and the most current information on the status of the Alaska troll or net catches was not available to them. The telegram might have been mitigated, if they had.

Gene DiDonato told the Council that on July 21 the Washington Dept. of Fisheries sent a letter to Secretary Baldrige asking for Federal preemption of management of the Alaska troll fishery. This action was taken independent of the Pacific Council's action. His department had already sent a request to Alaska for an immediate closure to forestall reaching the 255,500 chinook harvest guideline and had received no response. This WDF action was taken in an attempt to preserve coho management options when the season was reopened, and to ensure that the harvest ceiling would include at least a portion of the incidental hooking mortality which would occur during the chinook closure.

COUNCIL ACTION

*Gene DiDonato moved that the North Pacific Council send a letter to the Secretary of Commerce requesting that he use all legal means at his disposal, including Federal preemption, to stop any further troll harvest off Alaska for the remainder of the 1983 season. The motion was seconded by Bob Mace. The motion failed by a vote of 5-4, with Campbell, Collinsworth, Specking, Stephan,*

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and Tillion voting no. Bob McVey abstained. Mr. Collinsworth said he would have to strongly oppose the motion. He didn't think this would fall within the Secretary's legal prerogative for preemption.

John Harville suggested reactivating the inter-council salmon committee. Don Collinsworth suggested the Executive Director send a letter to the Pacific Council encouraging them to reactivate the Committee to meet on a regular basis. The Committee may have to be restructured since some participants are no longer Council members. He feels that the Directors of the various state agencies should be included on the Committee.

Chairman Tillion named Don Collinsworth, Jim Campbell and John Harville to the inter-Council coordinating group. The Pacific Council will be asked to nominate members from their organization to participate on this group.

#### D-2 Herring FMP

*Don Collinsworth moved that this agenda item be delayed until the September Council meeting. The motion was seconded and carried.*

Harold Lokken suggested that between this meeting and the September meeting, some effort be made to determine what research is being done to identify herring stocks. Fred Gaffney, ADF&G, said the Council has funded the scale analysis study which is continuing and has discussed the use of coded-wire tagging. Don Collinsworth said the State could not afford coded-wire tag studies at this time.

#### COUNCIL ACTION

*Harold Lokken moved that prior to the September Council meeting an effort should be made to outline a research program that will develop information about herring in the mid-Bering Sea, whether or not the offshore stocks are the same as those in the inshore fishery, and to present an array of options to the Council that might give them information for developing a specific research program. The motion was seconded and carried with no objection. Keith Specking suggested that any options presented should include estimated costs.*

#### D-3 Bering Sea/Aleutian Islands King Crab

Steve Davis reported that the BSAI King Crab FMP and supporting documents began Secretarial review on June 10, 1982. The Secretarial review period was extended pending receipt of minor editorial and technical changes to the FMP, the final Environmental Impact Statement, and revised set of implementing regulations. These documents are nearing completion and it is anticipated that they will be sent to the Central Office in the near future.



D-4 Tanner Crab FMP

Steve Davis reviewed Amendment 9 to the Tanner Crab FMP which proposes a framework procedure utilizing pre-season notices for setting Tanner crab fishing seasons. The amendment was prepared in response to the continuing difficulties in coordinating federal season dates with those established by the State of Alaska.

Also before the Council was Amendment 10 which focuses on the inconsistencies between state and federal regulations created by the Alaska Board of Fisheries at their spring shellfish meeting. Specifically, the amendment addresses the establishment of two new exclusive registration areas and the lowering of the Kodiak pot limit.

Report of the Scientific and Statistical Committee

The SSC reviewed the first draft of Amendment 9 to the Tanner Crab FMP and the Regulatory Issues Paper developed in support of the document and recommended that the issues paper be expanded to include a discussion of the impact of the amendment on administrative costs. Additionally, the SSC recommended that the Council staff examine the statements in the document regarding the king crab industry to insure they are current. The SSC recommended that the amendment be submitted for Secretarial review.

The SSC also reviewed the staff's modification to the justification of the management changes as proposed in draft Amendment 10. The SSC felt that Council deliberation on this amendment would be facilitated by specification of objectives for the proposed measures and a discussion of how the various user groups would be affected by the alternatives proposed. The SSC did not recommend that this amendment be released for public review at this time.

Report of the Advisory Panel

The Advisory Panel recommended that Amendment 9 be sent to Secretarial review and that Amendment 10 be sent out for public review.

Public Testimony

Dennis Petersen, NPFVOA. Mr. Petersen advised that the position of NPFVOA has not changed from their previous testimony at the May 1983 meeting. They are against pot limits and believe there are legal problems with exclusive registration areas.

There was Council discussion about the coordination of State and Federal regulations. Don Collinworth said there is a real problem with the lag in Council response time to Board decisions. If the Council postpones sending Amendment 10 to the Secretary, there will not be time for the regulations to be in place for the

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start of the season in February. He suggested sending the Amendment package to Secretarial review at this time and beginning the Federal 45-day comment period. The Secretary could, if he wished, excise the pot limits and approve the rest of Amendment 10, or the Council could excise the pot limit proposal before sending the rest of the package forward.

Bob McVey advised that there is informal word that the Secretary will disapprove the pot limits in Amendment 8. The Region, on their review of Amendment 8, found that enforcement of pot limits would be impossible with the resources available and concluded that the provision was not consistent with National Standard 7 which requires that the measures adopted, when practicable, minimize costs. They are concerned with having consistent state and federal regulations; however, because of the two very controversial provisions, the normal review procedure should be followed. NMFS would have to recommend disapproval of the pot limit provisions and there may be a real question about exclusive registration areas. If exclusive registration areas are found to be only allocative in economic terms, there would be a problem in approving them. Pat Travers also cautioned the Council against adopting the Amendment without public review.

Jeff Stephan said it is important to have gear restrictions in the Tanner crab fishery even though enforcement may be difficult. The 1982 season is the third season Kodiak has operated with a pot limit under State regulations and, for the most part, the pot limit has worked successfully.

COUNCIL ACTION

*Jim Campbell moved to send Amendment 9 to Secretarial Review. Bob Mace seconded the motion which carried without objection.*

*Jim Campbell moved to send Amendment 10 out for public review. Harold Lokken seconded the motion which carried with no objection.*

Don Collinsworth asked the Council to recommend, at the appropriate time, that the Secretary expedite action on Amendment 10 in order to have it in place by the beginning of the next season.

D-5 Gulf of Alaska Groundfish FMP

Gary Stauffer, NWAFC, provided an update on the analysis of the status of pollock stocks in the Central area of the Gulf of Alaska, concluding that the current condition of the pollock resource in the western and central Gulf is strong. The 1977, 1978, and 1979 year classes continue to appear strong; the stock increased in abundance from 1978 through 1980 as the strong 1975 and 1976 year classes recruited to the fishery. Since 1980 the stock size appears to have remained relatively constant. If the 1983 pollock OY is increased by 40,000 mt, it appears reasonable to assign all of the increase to the central Gulf.

Report of the Scientific and Statistical Committee

Don Rosenberg said that the updated report on the status of pollock in the central Gulf has removed some of the concerns of the SSC relative to the pollock stocks. With respect to allowing the pollock catch in the Western and Central areas to increase to 240,000 mt in 1983, the SSC feels that the risk of overfishing is minimal. It is expected that a 40,000 mt increase in the pollock catch will result in the incidental catch of halibut remaining at about 1982 levels. The SSC recommends that any final adjustment to the ABC wait until the status of stocks analysis is further updated to include the 1983 survey and the joint venture data.

Report of the Advisory Panel

The Advisory Panel reaffirmed their recommendation at the May 1983 meeting against increasing the pollock OY in the Gulf of Alaska.

Public Testimony

Dennis Petersen, NPFVOA. After hearing the updated status report on the pollock resources, his organization would be in favor of the requested increase in pollock OY. He feels that fishermen participating in joint ventures in the Shelikof area are in favor of it, also.

Steve Johnson, Japan Deep Sea Trawlers Assn. Mr. Johnson said that Dr. Stauffer's report has made clear the status of the pollock stocks. He feels that when a discussion of 1984 figures comes up, the question will not be whether or not to increase the figures, but by how much. The concern of the Japanese industry is to be allowed to co-exist with the expanding domestic fishery. The biological information for the Gulf seems to support this continuing co-existence. He asked the Council to approve the increase in the pollock OY as requested at the May 1983 Council meeting.

Greg Baker, ALFA. His organization opposes the increase in pollock OY in the central Gulf. The major issue here is the increase in the incidental catch of halibut.

Larry Cotter, International Warehousemen's Union. His organization is against the requested increase. Foreign fishermen in U.S. waters should have an obligation to work with the U.S. domestic industry. He feels that the Council should factor the consideration of the halibut incidental catch into their decision and send additional signals to foreign countries that it is our resource and it's time for them to join with us in developing it domestically.

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Chairman Tillion said that when negotiations were held on joint ventures the foreign countries participating in joint ventures were assured that, until such time as the total OY was taken, a decrease in their allocations would not occur.

COUNCIL ACTION

*Rudy Petersen moved that the Council increase the pollock OY in the central Gulf of Alaska by 40,000 mt in 1983. Gene Didonato seconded the motion which carried with no objection.*

Jeff Povolny, NPFMC staff, said the Council needs to appoint Council and AP members to the Prohibited Species Phase II workgroup. Mr. Branson will contact the Chairman to get the appointees. Bob McVey suggested that foreign representatives be placed on the group.

Mr. Povolny also discussed the problem of sablefish catch reports in the East Yakutat and Southeast management districts where the State of Alaska reporting area in the Cape Spencer area is intersected by the line between the two FMP districts at 137°W longitude. Since fishermen report by State area and not FMP district, it is impossible to separate the catch from the East Yakutat and Southeast areas. Historically, most foreign sablefish catches in the East Yakutat area come from the overlap area, along the 100-fathom line. Because catches from this area cannot now be assigned to either East Yakutat or Southeast, NMFS would like to manage them as one district and combine the OYs, for a total range of 1,320 mt to 2,570 mt. The PMT would like to develop an amendment package for Council review at a later meeting. There was no objection.

D-6 Bering Sea/Aleutian Islands Groundfish FMP

Jeff Povolny advised the Council of the background on Amendment 6, the Fishery Development Zone, and the request for reconsideration. The RIR was mailed to the Council prior to the meeting.

He also asked the Council to approve Amendment 9, addressing field order authority, for public review.

Report of the Scientific and Statistical Committee

The SSC concluded that the RIR for Amendment 6 is not complete and recommended that in the future RIRs be released to the SSC prior to Council review.

The SSC reviewed draft Amendment 9 and expressed concern that the criteria to be considered by the Regional Director are too general and felt that the Team should reconsider the criteria and

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limit it to items which deal with conservation of the resource and which can be monitored. The SSC recommended that the team make these modifications before the amendment is released for public review. With regard to Amendment 1, the SSC reviewed the amendment and determined that changes have occurred. It was pointed out that these changes were made to bring the amendment into conformity with certain guidelines; but it was unclear to the SSC which guidelines were being referred to. The SSC felt the changes were significant and could have scientific implications and therefore recommended that the Council examine the changes to determine whether they correspond with its intentions.

Report of the Advisory Panel

The AP recommended that the Council reaffirm its prior action on Amendment 6. On Amendment 9, the AP requested that the PMT re-draft the amendment so that the Regional Director can use his authority to close any portion of the Bering Sea.

Public Testimony

Steve Johnson, Japan Deep Sea Trawlers Assn. and Hokutan Deep Sea Trawlers. Mr. Johnson feels the Council has taken an erroneous approach to the fishery development zone issue from the beginning. A regulatory measure was selected before the Council established an objective for it. The PMT report presented to the Council prior to their first action on the amendment indicated that they couldn't determine whether this measure would have any benefits for shoreside development. Mr. Johnson felt that the FDZ idea is not going to serve any useful purpose and that the information available will indicate that. He felt that the Council had not had time to digest the RIR and asked that the Council delay any action until the September meeting.

Dennis Petersen, NPFVOA. NPFVOA will never be in favor of "chopping up" segments of the ocean and creating hardship for fishermen. Mr. Petersen supported the concerns expressed in letters to the Council by Steve Johnson and the Coalition for Open Ocean Fisheries. He requested a postponement of action on this amendment until the September meeting. Mr. Petersen felt there are other alternatives, such as regulation of the cod OY and making it an incidental catch for foreign fisheries, which would benefit shoreside processors.

Mick Stevens, Marine Resources Co. and a member of the Coalition for Open Ocean Fisheries. Mr. Stevens endorsed the letter sent to the Council by the Coalition on the FDZ amendment and said he would like to have time to study the documents in order to make a responsible evaluation.

Jay Hastings, Japan Fisheries Assn. Mr. Hastings spoke about Amendment 1 to the BSAI FMP. He had no problems when it was first drafted and approved for Secretarial review in 1979. Since

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that time however, there have been substantive revisions in the wording. The SSC at that time recommended that the amendment go back out for public review, which it did. In May it was before the Council again for approval and the PMT put together an acceptable amendment package. Mr. Hastings had no problems with the document approved by the Council and SSC in May 1982; however when it was sent back for Secretarial approval, there had been a number of changes in the wording. These changes in the wording of the provisions relating to the reserve system lend themselves to a substantially different interpretation from the Council-approved document in May 1982. Council and NMFS staff have indicated that they would like to try to work this out with Mr. Hastings before the next meeting. He would like to pursue this avenue to have the original intent expressed by the Council in May 1982 reinstated.

Council discussion on the Fishery Development Zone included the situation at Trident Seafoods processing facility at Akutan. Chairman Tillion suggested that if they were assured there would be no foreign fishing in that area, they may be encouraged to make the investment to rebuild. If the plant is not rebuilt and the area is open to joint ventures, he fails to see how the domestic fisherman could be harmed by the development zone.

COUNCIL ACTION

*Rudy Petersen moved that any decision on the Fishery Development Zone be postponed until the September meeting. The motion was seconded and failed by a tie vote of 4-4.*

*Keith Specking moved that the Council reaffirm its adoption of the Fishery Development Zone. The motion was seconded and passed by a vote of 6-4.*

Council member McVey expressed concern that the user groups did not have the opportunity to study the RIR before the Council's decision.

*Bob Mace moved that the Council send Amendment 9 out for public review. The motion was seconded and passed with no objection.*

*It was the concensus of the Council that, in regard to Amendment 1, action be postponed until the September meeting to give the staff and Mr. Hastings time to discuss the Amendment.*

E. CONTRACTS, PROPOSALS AND FINANCIAL REPORTS

E-1 Status of Contracts and Proposed Projects

The Council was provided with an update on the status of current contracts and descriptions of proposed projects.

Report of the Scientific and Statistical Committee

The SSC received the draft final report for Contract 82-3, Salmon Economic Profile and will review it and provide the Council with their recommendations at the September meeting.

At their May meeting, the SSC reviewed the appendix to the draft final report on Contract 82-4, Halibut Limited Entry Study. The contractor has agreed to make the minor modifications suggested by the SSC and, therefore, the SSC recommended approval of the final report.

The SSC also reviewed the quarterly report for Contract 81-5, Incidental Catch of Salmon, and noted the contractor has identified additional areas of research. The SSC recommended waiting for receipt of the final report before evaluating additional research in this area.

The SSC reviewed the proposal from the University of Alaska for partial support for a Lowell Wakefield Symposium on the non-fishing and fishing-induced changes in the king crab populations and recommended Council support of this conference.

The Council was in general agreement that they would support the proposed Wakefield Symposium and the UFA Compendium; however, they wished to delay action until September when actual dollar amounts would be available and the Finance Committee could discuss and make recommendations on the various proposals.

The Council also discussed the final report of the Limited Entry Study. *It was the concensus of the Council that the public hearings be withdrawn from the contract at this time.* After the halibut workgroup meets and makes recommendations to the Council, then the public presentations would be discussed in connection with possible public hearings on halibut management.

E-2 FY84 Programmatic Research Proposals

Report of the Scientific and Statistical Committee

The SSC reviewed the proposal on Golden king crab, which was modified in accordance with their recommendations, and felt that the modified proposal should now be reviewed by ADF&G and NMFS crab biologists to ensure information needs are met. The SSC will make its final recommendation at the September meeting.

The SSC also identified the need for additional research in regard to the sablefish resource. The SSC heard a report by Gary Stauffer of the Northwest and Alaska Fisheries Center and recommended the Council support the efforts of the various agencies to coordinate their research on sablefish. The SSC recommended that the research priorities, identified by a document compiled by scientists working in sablefish management and research, be sent

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to management agencies for their consideration and identification of those areas they can support so that the Council will be able to determine the areas of research they need to support.

The SSC also reviewed correspondence regarding the possibility of a conference on limited entry. The SSC recommended that the Council participate in the identification of the objective and format for such a conference.

F. PUBLIC COMMENTS

Vice-Chairman Harold Lokken commented briefly on Mr. Tillion's tenure as Chairman of the Council and presented him with the gavel he has used while Chairman. Keith Specking read an editorial from The Alaska Fisherman's Journal, entitled "Goodbye, Clem Tillion." Dr. Bill Aron of the Northwest and Alaska Fisheries Center also expressed appreciation to Mr. Tillion for his work on the Council and a letter of appreciation from the Washington Department of Fisheries was also presented to Mr. Tillion

G. CHAIRMAN'S COMMENTS AND ADJOURNMENT

Delayed certificates of appointment were presented to Don Bevan, SSC; Barry Fisher, AP; Ed Wojeck, AP; and Greg Baker, AP.

The meeting was adjourned at 3:51 p.m. on Thursday, July 28.