



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
P. O. BOX 1668 - JUNEAU, ALASKA 99801

August 21, 1978

AGENDA ITEM #14
AUGUST 1978

Jim Branson, Director
North Pacific Fisheries Management Council
P.O. Box 3136 DT
Anchorage, AK 99510

Dear Jim:

The Trawl Fishery of the Gulf of Alaska PMP established TALFF's under which allocations were made to foreign nations and also established reserves to cover any U.S. harvests which exceeded the estimated DAH's or which could be released to foreign nations if DAH's are not attained. Implementation of the Council's FMP on November 1 shortens the time period for which those reserves could be allocated to foreign nations and creates an urgency for considering their release.

There has been only minor U.S. fishing for groundfish in the Gulf of Alaska in 1978. The estimated catch of all species combined through the first half of the year is about 500 metric tons. We are unaware of any planned major U.S. expeditions during the remainder of 1978 except possibly for joint ventures. Mr. R. A. Davenny, at the July North Pacific Fisheries Council meeting, testified that he had eight vessels under contract to fish in a joint venture with KMIDC and he still planned to take 50,000 mt in 1978. That venture would have to start very soon and enjoy extremely good fishing to take that quantity.

Following is a table which shows the DAH and reserve for each species established by the Gulf of Alaska Trawl Fishery PMP, the quantity of each species needed to cover the maximum allowable catch as stipulated in permits issued for joint ventures, and the amount of reserves of each species that can be released at this time:

<u>SPECIES</u>	<u>DAH(MT)</u>	<u>RESERVE(MT)</u>	<u>NEEDED FOR US HARVEST ^{1/} (MT)</u>	<u>RESERVE AVAILABLE FOR RELEASE (MT)</u>
Pacific Cod	15,500	8,120	7,719	8,120
Flounder	9,200	6,700	7,719	6,700
POP	1,100	5,000	1,544	4,556
O. Rockfish	2,000	1,520	2,573	947
Sablefish ^{2/}	800	2,200	772	2,200

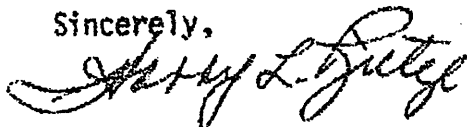
^{1/} Including Joint Ventures

^{2/} Not including Southeastern Alaska



The Region is recommending to the Central Office that the amounts of "Reserve Available for Release" as shown above be released for allocation to foreign nations immediately. We believe this action is necessary if we are to operate within the concept under which the reserves were created and to preserve the reserve concept for future use.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harry L. Rietze".

Harry L. Rietze,
Director, Alaska Region

Bottomfish Catch in Pounds in Western Alaska, Jan.-Dec. 1978

(MT)

1978	Black Cod Sablefish	Pollock	Flounder	Gray Cod Pacific Cod	Rockfish	Sculpin	Skates	General Groundfish	Others	Ling Cod	Sole	Red Snapper	Eels	Total
Jan.	-	15,670	2,560	5,352	-	-	-	-	2,368	-	-	-	-	25,950
Feb.	-	29,568	7,188	7,465	-	5,377	-	-	-	-	-	-	-	49,598
Mar.	-	231,387	38,688	86,704	-	12,356	-	-	4,252	-	-	-	-	373,387
Apr.	-	355,065	40,761	116,389	535	1,187	1,000	-	-	-	-	-	-	514,937
May	-	318,472	13,870	200,190	14	-	-	-	1,694	-	-	-	-	534,240
Jun.	-	-	-	39,171	-	-	-	-	-	-	-	-	-	39,171
Jul.	-	966	-	72,929	-	-	-	-	1,230	-	-	-	-	75,125
Aug.														
Sep.														
Oct.														
Nov.														
Dec.														
Total	0	951,128	103,067	528,200	549	18,920	1,000	0	9,544	0	0	0	0	1,612,408
		(431)	(47)	(240)	(<1)	(9)	(<1)		(4)					(731)

Bottomfish Catch in Pounds in Alaska, Jan.-Dec. 1978

1978														Total
Jan.	-	337,088	97,377	5,352	461	-	-	12,100	2,368	-	-	-	-	454,746
Feb.	-	386,698	16,870	12,337	-	5,377	-	16,590	-	-	-	-	-	437,872
Mar.	6,282	775,391	94,108	101,804	526	12,356	-	21,410	4,252	-	-	-	-	1,016,129
Apr.	266,176	384,116	43,621	256,567	4,105	1,187	1,000	8,660	-	311	-	-	-	965,743
May	311,200	318,472	13,870	231,595	40,362	-	-	11,693	1,694	4,179	-	-	-	933,065
Jun.	386,862	-	-	76,320	5,540	3,918	-	10,905	-	2,765	-	-	-	486,310
Jul.	755,138	966	75	131,911	50,884	10,276	894	8,170	5,027	18,021	-	173	848	982,383
Aug.	(343)	(<1)	(<1)	(60)	(23)	(5)	(<1)	(4)	(2)	(8)		(<1)	(<1)	(45)
Sep.														
Oct.														
Nov.														
Dec.														
Total	1,725,658	2,202,731	265,921	815,886	101,878	33,114	1,894	89,528	13,341	25,276	0	173	848	5,276,248
	(783)	(999)	(121)	(310)	(46)	(15)	(1)	(41)	(6)	(11)		(<1)	(<1)	(2393)

Bottomfish Catch in Pounds in Southeast Alaska, Jan.-Dec. 1978

(MT)

1978	Black Cod Sablefish	Pollock	Flounder	Gray Cod Pacific Cod	Rockfish	Sculpin	Skates	General Groundfish	Others	Ling Cod	Sole	Red Snapper	Eels	Total
Jan.	-	321,418	94,817	-	461	-	-	-	-	-	-	-	-	416,969
Feb.	-	357,130	9,682	4,872	-	-	-	-	-	-	-	-	-	371,684
Mar.	6,282	544,004	55,420	15,074	526	-	-	-	-	-	-	-	-	621,306
Apr.	266,176	29,051	2,860	76,658	3,570	-	-	-	-	311	-	-	-	378,628
May	310,280	-	-	30,699	30,515	-	-	-	-	2,434	-	-	-	373,928
Jun.	386,837	-	-	13,422	5,540	-	-	-	-	2,765	-	-	-	408,564
Jul.	754,496	-	-	56,964	50,884	-	894	-	3,797	15,251	-	-	-	882,286
Aug.														
Sep.														
Oct.														
Nov.														
Dec.														
Total	1,724,071	1,251,603	162,779	197,689	91,496	0	894	0	3,797	20,761	0	0	0	3,453,090
	(782)	(568)	(74)	(90)	(42)		(41)		(2)	(9)				(1566)

29

Bottomfish Catch in Pounds in Central Alaska, Jan.-Dec. 1978

1978														Total
Jan.	-	-	-	-	-	-	-	12,100	-	-	-	-	-	12,100
Feb.	-	-	-	-	-	-	-	16,590	-	-	-	-	-	16,590
Mar.	-	-	-	26	-	-	-	21,410	-	-	-	-	-	21,410
Apr.	-	-	-	63,520	-	-	-	8,660	-	-	-	-	-	72,180
May	920	-	-	706	9,833	-	-	11,693	-	1,745	-	-	-	24,897
Jun.	25	-	-	23,727	-	3,918	-	10,905	-	-	-	148	-	38,723
Jul.	642	-	75	2,018	-	10,276	-	8,170	-	2,770	-	25	848	24,824
Aug.														
Sep.														
Oct.														
Nov.														
Dec.														
Total	1,587	0	75	89,997	9,833	14,194	0	89,528	0	4,515	0	173	848	210,750
	(41)		(41)	(41)	(4)	(6)		(41)		(2)		(41)	(41)	(96)

AGENDA ITEM 15 AUG 1978

MUNDT. MACGREGOR. HAPPEL. FALCONER & ZULAUF

ATTORNEYS AT LAW

JAY H. ZULAUF
JAMES C. FALCONER
HENRY HOWARD HAPPEL, III
WM. PAUL MacGREGOR
J. CARL MUNDT

BANK OF CALIFORNIA CENTER
SUITE 1230
SEATTLE, WASHINGTON 98164
206-624-5950

August 18, 1978

Dr. Dayton L. Alverson
National Marine Fisheries Service
2725 Montlake Boulevard East
Seattle, Washington 98112

Re: Sablefish (Black Cod) and Pacific
Cod Reserves Under the 1978 PMPs

Dear Dr. Alverson:

Enclosed for your information as Chairman of the North Pacific Fishery Management Council's Scientific and Statistical Committee, please find a copy of my August 18, 1978 letter to Mr. Harry Rietze, Director of the National Marine Fisheries Service's Alaska Region, regarding our request for the immediate release of the black cod and Pacific cod Reserves in the Gulf of Alaska.

As you can see from my letter, this request was submitted on behalf of our client, the North Pacific Longline-Gillnet Association, and is based upon the fact that the most recent figures available demonstrate that domestic fishermen will not achieve catch levels above the DAHs established for black cod and/or Pacific cod under the respective 1978 PMPs.

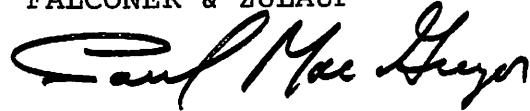
In order for foreign fishermen, particularly the longliners, to make the changes and adjustments in their schedules necessary to harvest the additional Reserve resources, it is imperative that the Reserves be released for reallocation by the Secretary of State immediately. If such releases do not occur in the very near future, a serious short-fall from the OY for each of those species will occur in 1978.

Dr. Dayton L. Alverson
Page Two
August 18, 1978

If you and/or any of your Committee members have any questions or comments concerning our request, please give me a call.

Sincerely yours,

MUNDT, MacGREGOR, HAPPEL,
FALCONER & ZULAUF

A handwritten signature in cursive script that reads "Paul MacGregor". The signature is written in black ink and is positioned above the typed name.

Paul MacGregor

PM:cg
Enclosure

MUNDT, MACGREGOR, HAPPEL, FALCONER & ZULAUF

ATTORNEYS AT LAW

JAY H. ZULAUF
JAMES C. FALCONER
HENRY HOWARD HAPPEL, III
WM. PAUL MacGREGOR
J. CARL MUNDT

BANK OF CALIFORNIA CENTER
SUITE 1230
SEATTLE, WASHINGTON 98164
206-624-5950

August 18, 1978

Mr. Harry L. Rietze
Director, Alaska Region
National Marine Fisheries Service
Post Office Box 1668
Juneau, Alaska 99802

Re: Black Cod and Pacific Cod Reserves Under
The 1978 Preliminary Fishery Management Plans

Dear Mr. Rietze:

I am writing to you on behalf of our client, the North Pacific Longline-Gillnet Association (the "NPL-GA"). The purpose of this letter is to make formal request that the Preliminary Fishery Management Plan ("PMP") Reserve set aside in the Gulf of Alaska for black cod and a portion of the PMP Reserve set aside in that area for Pacific cod^{1/} be released by NMFS for allocation to foreign fishermen by the Secretary of State.

There are primarily two reasons why we believe that the black cod and Pacific cod Reserves should be released at this time. First, the Reserves on these species, especially black cod, are desperately needed by the NPL-GA members to help relieve the economic consequences of the severe cutbacks which were imposed on their catch quotas by the PMP.^{2/}

1/ See the PMP for the Sablefish Fishery of the Eastern Bering Sea and Northeastern Pacific; and the PMP for the Trawl Fishery of the Gulf of Alaska.

2/ In 1977, the NPL-GA members were allowed to take 16,850 mt. of black cod, a species of great economic value to the longliners. In 1978, under the PMP, their black cod quota was reduced to 8,050 mt. -- less than half of the previous year's catch. Although some increase in the Pacific cod quota has been allowed to the longliners in an effort to offset their loss of black cod, Pacific cod is a much less desirable species from an economic standpoint and the amounts made available (5,850 mt. so far) do not nearly compensate for the 8,800 mt. reduction in black cod.

Mr. Harry L. Rietze
August 18, 1978
Page Two

As will be discussed more fully below, the second reason, and perhaps a more important one from a national fishery management policy standpoint, is the fact that it is now clear that the domestic harvest of both black cod and Pacific cod in the Gulf of Alaska will fall far below the levels anticipated when the 1978 DAH levels were established. The Reserves are not, therefore, necessary to supplement DAH for U.S. fishermen. On the other hand, unless the Reserves are released immediately, foreign fishermen, particularly the longliners,^{3/} will not be able to make the adjustments necessary to increase their fishing capacity in time to harvest the available resource and thereby avoid a greater short-fall from OY than is already inevitable.

Black Cod

At the time the 1978 TALFF on black cod in the Gulf of Alaska was established, a Reserve of 3,000 mt. was set aside to ensure that additional resource would be available if domestic fishermen exceeded the estimated 4,000 mt. DAH in that area.^{4/} Based on the most current information available to us,^{5/} it appears that the domestic catch of black cod in the Gulf of Alaska will fall far short of the levels projected in setting the DAH. Indeed, by the end of the first seven months of this year, domestic fishermen had taken a total of 784 mt. of black cod in the Gulf of Alaska, a figure representing less than 20% of that area's DAH for 1978.

3/ Longlining is one of the most selective of all fishing techniques. While this selectivity allows longline vessels to target on specific species and, indeed, on certain portions of individual populations, it does require a greater degree of planning, vessel scheduling and co-ordination than other types of fishing. It is, therefore, necessary for longliners to have a sufficient amount of lead time to make the preparations necessary to significantly alter their harvesting capacity.

4/ Although no DAH was set for the Bering Sea, a Reserve of 600 mt. was established for that area. It is our understanding that release of the Bering Sea Reserve, or at least a portion thereof, has been recommended. We are, therefore, directing our comments in this letter to the Reserves in the Gulf of Alaska.

5/ Data provided by Alaska Department of Fish and Game on August 17, 1978.

Mr. Harry L. Rietze
August 18, 1978
Page Three

Even assuming that U.S. fishing effort on black cod doubles, or even triples, after the close of the halibut season, a significant short-fall from DAH will still occur. Since it is extremely doubtful that U.S. fishermen can, or will, increase their harvesting capacity to that extent, much less the four-fold increase necessary to reach DAH levels, it is obvious that the Reserve will not be needed for domestic purposes.^{6/} The black cod Reserve should, therefore, be released for allocation to foreign fishermen as soon as possible.

In the event there is any lingering doubt about the need for a black cod Reserve, may we suggest that consideration be given to a graduated release. Such a procedure would allow the State Department to allocate, for example, two-thirds (2/3) of the Reserve on September 1, with the remainder being held back for an additional two or three weeks in order to confirm that no part of the Reserve will be necessary for domestic needs.

If steps are taken to release the black cod Reserve as suggested above, it will still be possible for the NPL-GA members to make the changes and modifications in their fishing plans necessary to harvest the additional resource. Time is, however, running short; and, unless such steps are taken immediately, it will be difficult for the NPL-GA members to increase their efforts sufficiently to avoid a significant short-fall from OY.

Pacific Cod

According to the best data now available to us, the disparity between DAH and the actual domestic catch of Pacific cod will be even greater than that for black cod. The PMP estimated the DAH on Pacific cod at 15,500 mt. in the Gulf of Alaska, and set a Reserve of 8,120 mt.^{7/} As of

^{6/} This is especially true in view of the fact that the implementation date of the 1979 FMP for sablefish is presently scheduled for November 1, leaving only a little more than two months of the PMP season still remaining. Furthermore, under any reasonable estimate of domestic fishing effort during the next two months, DAH short-fall will more than offset the fact that OY was calculated on a 12-month basis, rather than a 10-month basis.

^{7/} A total Reserve of 1,500 mt. was also set for the Bering Sea/Aleutian Island area. No DAH was established for that area and it is our understanding that NMFS and the North Pacific Fishery Management Council have already recommended a partial release of the Bering Sea/Aleutian Island Reserve.

Mr. Harry L. Rietze
August 18, 1978
Page Four

August 1, the actual domestic catch of Pacific cod totalled 370 mt., leaving more than 97% of the DAH unharvested at a point more than half-way through the season. There is no conceivable way that the domestic catch of Pacific cod will come anywhere near the DAH level set for that species this year. It is clear, therefore, that the Reserve on Pacific cod will not be necessary to supplement domestic harvesting requirements.

Unfortunately, due to the large Reserve set aside for this species, as well as the fact that we are now in the waning stages of the 1978 fishing season under the PMP, it is doubtful that our clients, or any other group of foreign fishermen for that matter, can now increase their fishing efforts to the extent necessary to harvest the entire Reserve of Pacific cod before the end of the season. The members of the NPL-GA do believe, however, that they could take 2,000 mt. of the Pacific cod Reserve by the end of the season if that amount were to be released immediately.

As the attainment of OY for any given fishery is one of the stated purposes of the Fishery Conservation and Management Act of 1976, and where, as here, there is no scientific evidence that there has been any unexpected change in the status of the stock, it is incumbent upon the NMFS to release the Reserve on any given species as soon as it becomes clear that the Reserve will not be necessary to supplement the DAH. As discussed above, all indications are that the domestic catch levels of black cod and Pacific cod will fall far short of DAH levels. The Reserves should, therefore, be released. Unless the Reserves are released soon, short-falls in DAH will be compounded to the extent the Reserves themselves are not utilized. This will result in an even greater disparity between OY and the annual harvest than is already inevitable. This is, obviously, a result which should be avoided.

For all the foregoing reasons, we believe that the Reserves on black cod and Pacific cod should be released for reallocation to foreign fishermen in the quickest and most expeditious way possible. To whatever extent the NPL-GA, or this office, can be of assistance to you and/or the North Pacific Fishery Management Council in further assessing the

Mr. Harry L. Rietze
August 18, 1978
Page Five

need for release of the above-mentioned Reserves, please do not hesitate in giving us a call.

Sincerely yours,

MUNDT, MacGREGOR, HAPPEL,
FALCONER & ZULAUF

PAUL MACGREGOR

Paul MacGregor

WPM:dlr

cc: Jim Branson - NPFMC
Lee Alverson - SSC ✓
Terry Leitzell - NOAA
H. Nakamura - NPL-GA