

North Pacific Fishery Management Council

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May 20, 1981

DRAFT AGENDA

Forty-First Plenary Session NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

May 28-29, 1981
Hotel Captain Cook
Anchorage, Alaska

The North Pacific Fishery Management Council will convene at 9 a.m. on Thursday, May 28, in the Fore Deck Room at the Hotel Captain Cook, Anchorage, Alaska, and will adjourn about 5 p.m. on Friday, May 29, 1981. Heading the agenda will be final action on the Bering Sea King Crab Framework and Joint Statement of Principles with the Alaska Board of Fisheries for possible co-management of the king crab fishery off Alaska. The Council will also consider possible amendments to the Tanner Crab FMP and take final action on Amendment #3 to the Bering Sea/Aleutian Islands Groundfish Plan. The Council will discuss and may take further action on possible limited entry systems for both hand and power trollers in the Fishery Conservation Zone off Southeast Alaska.

The Scientific and Statistical Committee will convene at 12 o'clock noon on Tuesday, May 26, in the Council's Conference Room. (Please note that the SSC meeting time and date have been changed since first announced in the April 27, 1981 newsletter.)

The Advisory Panel will meet in the Adventure Room of the Hotel Captain Cook from 9 a.m. to 5 p.m. on Wednesday, May 27.

All meetings are open to the public.

INFORMATION ON THE OPPORTUNITY FOR PUBLIC COMMENT

Pre-registration will be required for all public comments which pertain to a specific agenda topic. Pre-registration is accomplished by informing the Agenda Clerk early in the meeting of the agenda item to be addressed and the time required. Public comments may be scheduled for C. OLD BUSINESS, D. NEW BUSINESS, AND E. FISHERY MANAGEMENT PLANS. There will be a general comment period, agenda item G., scheduled for late afternoon on Friday for testimony on matters not on the current agenda.

A G E N D A

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

B. SPECIAL REPORTS

B-1 Executive Director's Report

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

B-3 NMFS Report on Foreign Fisheries

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

B-5 Update on Joint-Venture Operations

St. George Tanaq/Highly Enterprises of Taiwan
U.S./Korean Joint Venture

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

C. OLD BUSINESS

C-1 Report on the Economics of Halibut Limited Entry

C-2 Confirmation of SSC Recommendations for Plan Maintenance Teams

C-3 Other Old Business as Appropriate

D. NEW BUSINESS

✓ D-1 Polish Joint Venture Permits

D-2 Other Business as Appropriate

E. FISHERY MANAGEMENT PLANS

E-1 Salmon FMP

No action on the FMP or Amendment #2 for 1982 is required. The Council intends to discuss and may take further action on possible limited entry systems for both hand and power trollers in the FCZ off Southeast Alaska. Discussion of State and Council differences in OY.

✓ E-2 Herring FMP

No action required. The FMP will go to Washington, D.C. to begin Secretarial review when editing is complete.

E-3 King Crab FMP

Final Council consideration of the Bering Sea King Crab Framework and Joint Statement of Principles with the Alaska Board of Fisheries and the Board's actions at their March/ April meeting. The Council may adopt the package and determine if conservation and management above the levels currently provided by the State are necessary, and if so, what further action is required.

✓ E-4 Tanner Crab FMP

Council discussion of inconsistencies between State and Federal regulations and recommendation for action.

✓ E-5 Gulf of Alaska Groundfish FMP

Amendment #10, reducing the foreign fishery in the Eastern Regulatory Area, began Secretarial review on April 20. Discussion of next step for revision of this FMP.

E-6 Bering Sea/Aleutian Islands Groundfish FMP

Final Council consideration of Amendment #3, designed to reduce the catch of incidental species in the Bering Sea. Preferred alternatives should be selected and direction given for final re-write before submission to the Secretary

F. CONTRACTS, PROPOSALS, AND FINANCIAL REPORTS

F-1 Status of Contracts and RFP's

Report on status of existing contracts. Review proposals for Marine Mammal RFP and award the contract.

F-2 Financial Status Report

F-3 FY 1982 Budget and Programmatic Funding Report

G. PUBLIC COMMENTS

H. CHAIRMAN'S CLOSING COMMENTS AND ADJOURNMENT

I N T R O D U C T I O N S

Mr. Felix Dias
Commercial Counselor
Embassy of Portugal
Washington, D.C.

(Here as observer only; no permits have arrived.)

~~Bob Gorrell
Plan Review Division
N M F S
Washington, D.C.~~

Chris Dawson for Ray Arnaudo
Department of State

~~Bill Wilkerson for Rolland Schmitten
Washington Department of Fisheries~~

*Evan Bergesen
Don Martens*

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DRAFT AGENDA SCIENTIFIC AND STATISTICAL COMMITTEE May 26 and 27, 1981

The SSC will meet at 12:00 p.m., Tuesday, May 26th, in the Council Conference Room. The meeting is scheduled to continue Wednesday, May 27th, beginning at 9:00 a.m. and adjourning at approximately 5:00 p.m.

1. Salmon FMP (E-1)

At the request of the Council, data on the numbers of participants which would receive limited entry permits under different criterion are being gathered. The Salmon Plan Coordinator will make a presentation to the SSC summarizing the evaluation. This is an informational item for the SSC, no formal action is required.

2. Bering Sea/Aleutian Island Groundfish FMP (E-6)

The SSC needs to make final recommendation to the Council on Amendment #3 to the Bering Sea/Aleutian Island FMP (Controlling the Incidental Catch of Prohibited Species in the Bering Sea/Aleutian Groundfish Fishery). The public comment period for the amendment ended 05/01/81. As soon as they are summarized, these comments will be mailed to the SSC members.

3. Tanner Crab FMP (E-4)

The Tanner crab PDT subgroup has identified portions of the FMP which are not consistent with current ADF&G regulations and some other changes which are necessary to update the FMP. A presentation summarizing these discrepancies will be made by the Tanner Crab Plan Coordinator. The SSC should identify any necessary changes to the FMP so that they will be able to make a recommendation on whether or not an amendment is required at this time.

4. Plan Maintenance Teams

The SSC has been requested to make nominations for members of the PMT's for the various fishery management plans.

5. Contracts

79-4 "Analysis of Southeastern Alaska Troll Fisheries Data." Dr. Burgner has given the SSC comments to Fritz Funk for his response. Final copies of this report will be available for contract approval review at the May meeting.

6. Research

RFP Marine Mammals. An SSC subcommittee will meet to evaluate the proposals received by the Council and make its recommendation.

Programmatic Research Funding. The SSC needs to determine what the level of research funding is necessary for the next fiscal year. A summary of research needs identified last year, projects identified, and projects initiated will be available at the meeting. If SSC members have any suggestions for research projects for Council funding they should have these ready for the meeting.

Letters received concerning research. Letters were received from the North Pacific Fishing Vessel Owner's Association and the IPhC regarding research projects. The SSC may wish to review these letters. Copies have been mailed to members.

7. Miscellaneous

The SSC should review the SSC subgroup membership list mailed by Don Rosenberg to ensure that it is current.

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CERTIFIED:

Chairman

MINUTES

40th Plenary Session
North Pacific Fishery Management Council
Council Conference Room
Anchorage, Alaska
April 23-24, 1981

The North Pacific Fishery Management Council convened at 9:10 a.m. on Thursday, April 23, 1981, in Anchorage, Alaska at the Council headquarters' Conference Room. The meeting continued until 11:25 a.m. on Friday, April 24.

Neither the Scientific and Statistical Committee nor the Advisory Panel met during April.

Council members and general public in attendance are listed below.

Council

Clement V. Tillion, Chairman
Harold. E. Lokken, Vice-Chairman
Ronald O. Skoog
Robert Mace, for John Donaldson
Gene DiDonato, for Rolland Schmitt
LeRoy Sowl, for Keith Schreiner

Donald Bevan
Robert W. McVey
RADM Richard Knapp
James O. Campbell
John P. Harville

Also attending were Don Rosenberg, SSC chairman, Bob Alverson, Advisory Panel chairman, and Richard Lauber, Advisory Panel member.

NPFMC Staff

Jim Branson, Executive Director
Clarence Pautzke, Deputy Director
Jim Glock
Jeff Povolny
Steve Davis

Peggy McCalment
Judy Willoughby
Peggy Hough
Elise Zuspan
Jim Richardson

General Public

Hugh Takagi, Taiyo Fisheries, Seattle
Koh Ishida, Taiyo Fisheries, Seattle
Jowanda Shelton, Friends of the Animals, Washington, D.C.
Erling O. Oswald, Sealaska Corporation, Juneau

Kelly Rohn, Office of the Japanese Consulate, Anchorage
Henry Mitchell, Bering Sea Fishermen's Association, Anchorage
Jay Hastings, Japan Fisheries Association, Seattle
Paul MacGregor, Japanese North Pacific Longline and Gillnet
Association, Seattle

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

The meeting was called to order by Chairman Clem Tillion.

The Executive Director recommended amending the agenda to include under item C, Old Business, confirmation of the Inter-Council Salmon Coordinating Team, and under item D, New Business, Council discussion on the sale of raw fish to foreigners in state waters. *The agenda was approved as amended.*

Chairman Tillion called for approval of the minutes of the March Council meeting. *Harold Lokken moved that the minutes be approved; seconded by John Harville. The minutes were approved as submitted.*

B. SPECIAL REPORTS

B-1 Executive Director's Report

In preparation for the Chairmen's meeting in June, the Executive Director contacted all the regional fishery management councils and NMFS, Washington, D.C., for agenda item suggestions. The preliminary draft agenda includes amendments to the MFCMA, federal/council/state interaction in management, federal enclaves in state waters, and future funding.

Terry Leitzell recently wrote to the councils suggesting that they meet in small workshops during May or June to work on improving the management of fisheries under the Magnuson Act. The Executive Director felt that the workshops would be more timely if they were postponed until after the Chairmen's meeting, preferably August or September. *It was the consensus of the Council that the Executive Director should write to Mr. Leitzell to suggest postponing the workshops until after the Chairmen's meeting.*

The State Department has notified St. George Tanag Corporation that the additional 1,000 tons of Pacific cod requested by the Council at the March meeting will be distributed to Highly Enterprises for use in their joint venture.

The Commercial Attache from the Portuguese Embassy wants to attend a future Council meeting to discuss an allocation for Portugal. NMFS has apparently negotiated a trade agreement with Portugal which, following ratification of the Portuguese GIFA, would entitle Portugal to an allocation. When the Executive Director questioned the State Department, they had no information on the proposed agreement. Bill Hannum of NMFS has agreed to keep the Council informed of future developments on the trade agreement.

B-2 Report on Law of the Sea Negotiations

Charles Meacham reported that the United States did not negotiate at the April meeting of the Law of the Sea in New York City, but did monitor the proceedings. The Reagan Administration has asked for time to review the work of previous negotiating sessions before the agreement is executed. Because of this request, no vote was taken at the April meeting. Paragraph by paragraph voting will take place in Geneva, Switzerland in August, 1981. If the Administration has not completed its review of previous proceedings by that time, the United States will not vote.

C. OLD BUSINESS

It was necessary for the Council to confirm the North Pacific Council's membership on the Inter-Council Salmon Coordinating Team. Bill Robinson of NMFS, George Utermohle of ADF&G, and Jim Glock of the Council staff had been suggested as candidates for these positions.

Bob Mace moved that the Council confirm appointment of Bill Robinson, George Utermohle, and Jim Glock to the Inter-Council Salmon Coordinating Team; seconded by Harold Lokken. Hearing no objection, it was so ordered.

D. NEW BUSINESS

D-1 Amendment Proposals for the Magnuson Act

Discussion on Proposed MFCMA Amendments

The Council's MFCMA Amendments Workgroup last met in August, 1980. A list of 19 proposed changes or clarifications to the MFCMA resulted from that meeting. A copy of that list is made a part of these Minutes as Appendix I. The Council reviewed that list, a summary of the August 1980 MFCMA Amendments Workgroup meeting, the text of the American Fisheries Promotion Act, and a series of reference materials compiled by the New England Council covering SSC compensation, FACA applicability, confidentiality of data and Council access, EO 12291, the Regulatory Flexibility Act, NEPA, Council and Secretarial roles under the MFCMA, and joint plan preparation and designation of the lead Council.

After discussion of the 19 proposed amendments to the MFCMA, the Council compiled the following revised list of problem areas which should be considered as possible amendments or clarifications to the Magnuson Act:

1. Exemption of MFCMA from NEPA, EO 12291, APA, and FACA.
2. Limit Secretarial review period to 60 days or less, with no action within that time meaning approval.
3. Allow Council review of allocations.
4. Expand permit sanctions on foreign fishing violators. (This could be combined with item 3.)
5. Redefine baseline for FCZ.
6. Remove the limit on license fees for U.S. fishermen engaged in any limited entry fishery.
7. Support voting membership of Alaska on the Pacific Fishery Management Council.
8. Compensation for some SSC members.
9. Study relationship of MFCMA with MMPA, CZMA, ESA, Nicholson and Marine Sanctuaries.
10. Clarification on Council's ability to determine whether a fishery is in need of management.

Discussion on Sale of Raw Fish to Foreigners in State Waters

John Gissburg reported on the Bering Sea Herring Marketing Association's lawsuit to enjoin the state from prohibiting foreign processing in state internal waters. In preparing its defense, the state is considering two approaches which relate to the state's authority under the MFCMA. Because current state regulations prohibit only foreign fishing in state internal waters, the state has asked NOAA general counsel for an interpretation of the term "at sea" as it relates to both fishing and processing. The state is also seeking additional flexibility through possible amendments to the MFCMA which would allow any future harvestable surplus in excess of domestic needs to be processed by foreigners in state waters. A third approach involves determining whether work visas should be issued by the Immigration and Naturalization Service to foreign processors operating in state waters.

Richard Lauber, representing Pacific Seafood Processors' Association, said that foreign processing in internal waters on a long-term basis could pose a serious threat to the domestic processing industry. He asked the Council to support the prohibition of foreign processing in state internal waters for the meantime until the Council and state can come to agreement.

Henry Mitchell, executive director of the Bering Sea Fishermen's Association, concurred with Mr. Lauber that long-term foreign processing in state internal waters could be detrimental to the domestic industry, but said that on a short-term basis it could be in the fishermen's best interests.

D-2 Review and Revision of Council Statement of Operating Policies and Procedures

The SOPPs developed and adopted by the Council in 1977 are outdated and need to be revised to conform with actual practices and procedures developed by the Council over the past four years. The Council reviewed the existing SOPPs, the Pacific Council's proposed SOPPs, and revised SOPPs developed by the Council staff. They also reviewed proposed personnel rules and various policies developed by the Council through motions or custom and discussed whether these policies should be included in the revised SOPPs or in a separate Council Operating Manual.

After a point-by-point review of the staff's proposed SOPPs, it was the consensus of the Council that the Executive Director should incorporate into the staff's proposed SOPPs the Council's suggestions for revisions. Final Council approval of the revised SOPPs will be scheduled for the July meeting. The revised SOPPs dated 4/29/81 are made a part of these Minutes as Appendix II.

The Council instructed the Executive Director to review the proposed personnel rules and various Council policies developed over the years and, at his discretion, formulate them into a Council Operating Manual for Council review and approval.

Don Bevan asked about the feasibility of contracting with Council members rather than paying them as employees so the Council can save money on FICA matching contributions. The Administrative Officer was asked to review applicable regulations which may affect the Council's ability to make this change and to contact all Council members for their consent to have no FICA paid on their remunerations.

D-3 Agenda for Council Chairmen's Meeting in June, 1981

The Council took no action on this agenda item.

D-4 Proposal for Halibut Limited Entry Workshop

Jim Richardson, staff economist, reported on a workshop to be held in Seattle on May 14-15 to consider the applicability of various measures for controlling effort in the Alaska halibut fishery. The goal of the workshop is to determine whether some kind of limited entry program is desirable, feasible, or warranted for Alaska's halibut fishery and, if so, which approaches would be most applicable.

Discussion on Research Projects and Priorities

The Council reviewed a list of current and future research projects and priorities, compiled by Jim Richardson, including a study to investigate markets for black cod products from fish caught in Alaskan waters; an economic profile of the Southeast Alaska salmon industry; a study on the use of the Alaskan herring resource as a roe fishery vs. a food/bait fishery; a study on the effects of vessel financing programs on the composition and investment decisions of Alaska's commercial fishing fleet; and an analysis of joint venture fisheries off Alaska.

Jim Campbell suggested that the Council also consider research on the relationship between Alaska's transportation and fishing industries to determine how the two can work together for the benefit each other. *Jim Richardson was asked to research the costs and problems of transportation as it concerns the fishing industry.*

D-5 Review of Proposed Alaska Fisheries Center

The Council reviewed a letter from Representative Terry Gardiner explaining proposed legislation for an Alaska Fisheries Center to provide information and research on fishery resources. Don Rosenberg, who worked with Mr. Gardiner on the proposal, reported on the status of the legislation.

It was the consensus of the Council that the concept of the fisheries center should receive the Council's endorsement, with the strong suggestion that the Center should be attached to either the University of Alaska or the Alaska Department of Fish and Game to function as a coordinating body between other fisheries research facilities. The Executive Director was asked to convey the Council's position on the proposed Alaska Fisheries Center to Representative Gardiner.

E. FISHERY MANAGEMENT PLANS

The Council reviewed the status of the herring, salmon, king crab, Tanner crab, and groundfish plans.

Dr. Bevan suggested that at its May meeting the SSC should nominate a Tanner Crab PMT to study the inconsistencies which exist between current federal and state Tanner crab regulations and determine whether the FMP should be amended.

Bob Mace suggested that may be appropriate for the SSC to nominate potential members for all six PMT's, and suggested this as an SSC agenda item for its May meeting.

The Council asked Bob McVey to give a report at the May meeting on how NMFS will handle the difference in chinook OY for state and federal waters.

F. CONTRACTS, PROPOSALS AND FINANCIAL REPORTS

F-1 Review of Second Half FY 81 Budget

No action required. Information only.

F-2 Review of Council Staff Policies and Procedures

No action required. Information only.

G. PUBLIC COMMENTS

No further public testimony was presented to the Council.

H. CHAIRMAN'S CLOSING COMMENTS AND ADJOURNMENT

There being no further business to come before the Council, the fortieth plenary session of the North Pacific Fishery Management Council was adjourned at 11:25 a.m. on April 24, 1981.

LIST OF APPENDICES

- APPENDIX I: MFCMA Amendments Workgroup List of Proposed Amendments or Clarifications to the MFCMA
- APPENDIX II: Revised Statement of Operating Policies and Procedures dated 4/29/81
- APPENDIX III: Council Research Projects and Priorities