

North Pacific Fishery Management Council

CHAIRMAN

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Attachments for Fourth Plenary Session of the North Pacific Fishery Management Council, Anchorage, Alaska, February 17 and 18, 1977

1. List of attendees
2. Agenda for February 1977 meeting
3. Executive Director's report to the Council
4. Governor Hammond's joint resolution, #2, halibut
5. Letter from R.W. Schoning re: groundfish development funding
6. Changes in FEIS/PMP from DEIS/PFMD
7. Sea Grant Proposal
8. Alaska Board of Fisheries Report
9. Alaska State resolution #16
10. Opposition report regarding tanner crab size limits
11. A report of the subcommittee working on Fisheries Management Outline Plans
12. Summary report on Foreign Permit Applications
13. Advisory Panel Report - Halibut
14. Minority Report by Advisory Panel - Halibut
15. Introduced legislation affecting foreign ownership of vessels
16. Twelve month Council flow chart *for FMP's*

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North Pacific Fishery Management Council
Fourth Plenary Session
February 17 and 18, 1977, Anchorage, Alaska

Draft Summary

The fourth plenary session of the North Pacific Fishery Management Council convened at 8:30 a.m. on Thursday, February 17 in the Supreme Courtroom of the Alaska State Court Building.

Council members present: Mr. Elmer Rasmuson, Chairman
Mr. Harold Lokken, Vice-chairman
Mr. James Brooks
Mr. Charles Meacham
Mr. Harry Rietze
Mr. Henry Eaton
Mr. Douglas Eaton
Mr. Carl Price
Mr. Jim Barry
Mr. Henry Wendler
Mr. John Harville
Cmdr. Ralph Giffin

Absent were: Mr. Donald McKernan
Mr. Clem Tillion
Mr. John Donaldson

Advisory Panel members present: -Mr. Jack Cotant, Chairman
-Mr. Nick Szabo, Vice-chairman
-Mr. Keith Specking
Mr. Paul Guy
-Mr. Robert Alverson
Mr. Alan Otness
Mr. Ken Olsen
-Mr. Oral Burch
Mr. Robert Starck
Mr. Sig Jaeger
Mr. Raymond Lewis
Mr. A. W. Boddy
Mr. Robert Moss
Mr. Charles Jensen
Mr. Joseph Kurtz

Scientific and Statistical Committee members:

Mr. Steve Pennoyer, Vice-chairman

Staff members present were:

Executive Director Jim Branson
Assistant Executive Director Mark I. Hutton
Executive Secretary Florence Mynarski
Administrative Officer Judy Willoughby
Clerk-typist Janet Murray

Approximately 30 persons from the general public were in attendance and are listed in attachment #1.

A copy of the draft agenda for the Council meeting is included as attachment #2.

Chairman Elmer Rasmuson then introduced U.S. Senator Mike Gravel from the audience. In his brief remarks the Senator promised thorough and close cooperation between his office and this Council and further stated that Congress would monitor the progress of the Councils and was aware of the great task before them.

Chairman Rasmuson acknowledged the Senator's speech by identifying a specific liaison problem the Council was having with the Department of State.

Dr. Jack R. Donaldson, Commissioner of the Oregon Department of Fish and Wildlife was represented by Kirk Beiningen, who introduced himself as a non-voting observer.

The minutes of the North Pacific Fishery Council's January meeting were deferred to a working group and to the public for review and subsequent later approval.

The Executive Director, Jim Branson, presented the Director's report (Attachment #3) to the Council. In presenting the actual expenses for January, and the estimated expenses for February and March, Branson reported a potential deficit of \$7,400 by March 31: but further indicated that we did have assurances from Mr. Schoning that work should continue as needed and that any deficit spending would be made up before the end of the fiscal year.

Chairman Rasmuson emphasized 1) that the NMFS grant to all Councils is totally inadequate for Council business; 2) that the assurance of money is not backed by a dollar amount and 3) that there have been no significant replies to requests for research expenditures for (a) \$100,000 salmon research and (b) \$100,000 economic or social studies research (i.e., tanner crab economics, etc.).

There was further discussion about monies that had been allocated for two research vessels but which had been deferred in the President's budget message of January, 1977. The money was apparently lost to the National Marine Fisheries Service for any possible reallocation to Council operations.

Mr. Branson continued with his report by announcing the appointment of Mr. Mark Hutton as assistant executive director, Mrs. Judy Willoughby as administrative officer and Mrs. Irma Nelson as clerk-typist, completing staffing for the Council at this time.

Mr. Branson introduced the following correspondence: a letter from Governor Hammond forwarding Joint Legislative Resolution No. 2 requesting U.S. withdrawal from the Pacific Halibut Convention (Attachment #4) and a letter from Mr. Schoning responding to the Council's request for funds for bottom fish development (Attachment #5). Also discussed were foreign fishing permit applications, which have been received for USSR, the Republic of China, Japan, and Korea.

The Chair delegated the responsibility of foreign fishing permit application review to the same subcommittee designated at the January meeting: chaired by Mr. Keith Specking. Mr. Specking was asked to report on subcommittee progress on Friday to the Council.

A computer terminal request for Council headquarters was presented to the Council. For approximately \$200 a month (leased equipment), the Council could have data retrieval potential from Alaska Department of Fish and Game computer files, National Marine Fisheries Service files, University of Alaska files, and a hard copy communication system. The Council directed the Executive Director to meet with the Scientific and Statistical Committee, discuss computer service and report to the Council at the March meeting on the feasibility and practicality of a computer terminal for Council headquarters.

The Scientific and Statistical Committee progress report was given by Steve Pennoyer, vice-chairman of the SSC. The SSC had not met in January, would not meet until March and had not met with various Management Planning Drafting Teams. Action requested by the SSC was for the Council to adopt a formal outline for management plans and approve the definitions developed by the SSC for use by the Management Plan Drafting Teams. The first meeting of the MPDT was announced for March 3.

Mr. Carl Price, Council member from the Department of State reported on the current status of the Governing International Fisheries Agreements. He reported that GIFA's for the European Economic Community, Spain and Japan had been signed and that GIFA's for Poland, Bulgaria, Romania, the Soviet Union, the German Democratic Republic and Taiwan had been approved by Congress. Price said that GIFA's for Japan, Korea, the EEC and Spain would be considered in the second Congressional review.

Korean GIFA approval had been delayed because the application had been submitted in the interim White House transition and was therefore delayed in reaching Congress.

Mr. Price also reported that an agreement had been reached with Japan which involved an exchange of notes between the U.S. and Japan for 1977 and a five year agreement for 1978 through 1982. The five year agreement has been initialed by the U.S. and is pending Japanese Diet approval.

Mr. Price also reported that on February 10, the Department of State made a formal notice of intent to either withdraw or seek renegotiation of the International North Pacific Fisheries Convention which he emphasized should only be construed as a necessary technical and tactical negotiating step to start the process of re-negotiation.

In his report Mr. Price also mentioned the lack of progress at the U.S.-Canada talks in Los Angeles and at a subsequent meeting in Washington, D.C., but indicated that the Department of State would do everything possible to reach an agreement by 1 March, 1977.

The Council then discussed liaison problems with the Department of State and the regulations that would apply to Canadian fishermen on March 1. Commander Giffin, Coast Guard representative on the Council, stated that there would be permits required on all foreign fishing vessels fishing in Alaska's 200-mile waters on March 1.

The Chairman expressed his disappointment with the Department of State for not acknowledging his letter designating Charles Meacham as the North Pacific Council representative to the Los Angeles U.S.-Canada negotiations, and for not advising him immediately prior to the U.S. notice of withdrawal from the INPFC. This failure was described as intolerable by Rasmuson, who further stated that as the INPFC U.S. Section Chairman he might have been able to clarify erroneous editorial comments in Alaska newspapers if he had been notified of the timing of State Department action.

The Council unanimously passed a motion by Harold Lokken which would inform the Department of State that "The Council shall designate a minimum of two persons (or their alternates) to participate in all negotiations." Further discussion of specific designee selection was deferred until Friday morning.

A working subcommittee of Charles Meacham (Chairman) Bob McVey, Dr. Fukuhara, Jim Barry and John Harville was selected to study and make comments on the outline for draft management plans and on the list of working definitions.

Harry Rietze then reviewed the changes in the four DEIS/PMP's for the sablefish fishery, the Gulf of Alaska trawl fishery, the herring gill net and trawl fishery of the Bering Sea and Aleutian Islands and the king and tanner crab fishery of the Bering Sea. After presenting the changes there was intense discussion as to the origin of and rationale for the changed optimum yield and foreign allowable catch figures. These changes are found in attachment #6.

The Council discussed the final foreign allowable catch figures contained in the FEIS/PMP's and while they were not in complete agreement with the figures they generally concluded that it was desirable to begin incorporating the Council's own ideas of allowable catches into their permanent management plans as soon as possible.

An economic market analysis proposal for tanner crab submitted by Dr. Frank Orth and Dr. Don Rosenberg from the University of Alaska's Sea Grant Program was reviewed by the Council (Attachment #7). Both the Council and the SSC commented on the strengths and weaknesses of the proposal concluding that 1) the Council's short-term needs in this field could best be served by research sponsored by the NMFS Northwest and Alaska Fisheries Center and 2) the Council's long term need for economic and social studies could in many cases be handled through the University's Sea Grant Program. The SSC was then charged with reviewing the proposal and commenting on it at the March Council meeting, with a specific directive from the Chair to ensure that the basic proposal objective is to determine the amount of tanner crab that the U.S. can catch, process and market. The SSC was further directed to resolve the Council's needs of market economic information in the most expeditious and efficient manner possible.

The Council adjourned for lunch. From 1:30 - 3:30 p.m. the special working subcommittees met. Public testimony began at 3:30 p.m.

Mr. Nick Szabo, as Vice-chairman of the Alaska Board of Fisheries, presented the Council with a Board request (Attachment #8) urging the Council to support a change in the tanner crab FEIS/PMP. Establishing a minimum size limit of 5 1/2 inches (140 mm) for all tanner crab catches in the Bering Sea. The Board's intent was to insure a large number of mature males in the spawning population and require all vessels fishing the same stocks to operate under the same regulations. In response to a question on how to incorporate this requested change into the finalized FEIS/PMP, Harry Rietze discussed three methods which could be used: (1) a repetition of the entire management plan process to include the revisions, (long-term), (2) amend the final EIS/DMP, which requires 30 days, and (3) make a negative EIS declaration for amendments, declare an emergency and implement immediately. No Council action was taken.

Representative Keith Specking of the Alaska Legislature and an Advisory Panel member reported that Alaska State Legislative Joint Resolution No. 16 was being forwarded to the Council urging that the International North Pacific Fisheries Convention be re-negotiated as soon as possible and encouraging members from the North Pacific Fishery Council, the International North Pacific Fisheries Convention and the Alaska Board of Fisheries to participate jointly in the re-negotiations (Attachment #9).

The meeting was adjourned until 8:30 Friday morning (Feb. 18).

Friday
February 18, 1977
8:40 a.m./Supreme Courtroom

Chairman Rasmuson called the second day of the North Pacific Fishery Management Council's fourth plenary session to order.

Council members present: Mr. Elmer Rasmuson
Mr. Harold Lokken
Mr. James Brooks
Mr. Charles Meacham
Mr. Harry Rietze
Mr. Henry Eaton
Mr. Douglas Eaton
Mr. Carl Price
Mr. Jim Barry
Mr. Henry Wendler
Mr. John Harville
Cmdr. Ralph Giffin

Absent were: Mr. Donald McKernan
Mr. Clem Tillion
Mr. John Donaldson

Advisory Panel members present: Mr. Jack Cotant
Mr. Nick Szabo
Mr. Keith Specking
Mr. Paul Guy
Mr. Robert Alverson
Mr. Alan Otness
Mr. Ken Olsen
Mr. Oral Burch
Mr. Robert Starck
Mr. Sig Jaeger
Mr. Raymond Lewis
Mr. A. W. Boddy
Mr. Robert Moss
Ms. Judith Ayers
Mr. Charles Jensen
Mr. Joseph Kurtz
Mr. Harry Wilde

Scientific and Statistical Committee member:

Mr. Steve Pennoyer, Vice-chairman

Staff members present were:

Executive Director Jim Branson
Assistant Executive Director Mark Hutton
Executive Secretary Florence Mynarski
Administrative Officer Judy Willoughby
Clerk-typist Janet Murray

Approximately 30 persons from the general public were in attendance.

Mr. Sig Jaeger, Manager of the North Pacific Fishing Vessel Owners' Association and an Advisory Panel member testified in opposition to the need for a 140 mm minimum size limit for tanner crab (Attachment #10). In his report he concluded that while an equitable standard was needed, he questioned the 140 mm size, stating that in 1976 the average size of C. bairdi tanner crab caught by the U.S. in the Bering Sea was 154 mm and by the Japanese a 149.8 mm.

Commenting on the testimonies of Jaeger and Szabo, Pennoyer stated that the SSC was reviewing two papers on tanner crab size limits, and would report to the Council at the June meeting. The Council, while deciding not to act in the absence of an SSC recommendation, did vote to approve a motion by Hank Eaton which established a general policy of "across the board" fishery regulations for all fishermen regardless of nationality. The motion reads: "It is the sense of the Council that when size limitations are placed upon fish or shellfish harvested by fishermen in the North Pacific, such size limitations shall not be placed upon domestic fishermen in a manner more stringent than those limitations placed on foreign fishermen. The Scientific and Statistical Committee is directed to prepare a report setting forth a recommendation, to be both fair and equitable, as to size limitations for tanner crab to be imposed upon both foreign and domestic fishermen." (The motion passed with Mr. Rietze casting a dissenting vote.)

Mr. Tom Casey, Manager of the United Fishermens' Marketing Association made a presentation concerning responsibility for optimum yield figures in the preliminary management plans.

The Public Testimony portion of the meeting ended.

Dr. Alan Beardsley, NMFS Northwest and Alaska Fishery Center's Kodiak Laboratory, reported to the Council on the 1977 foreign observer program, stating that there would be two trained observers on each of two Japanese factory ships--the Keiko Maru and the Koyo Maru. The observers will board when the ships leave Hakodate around the first of

March. The duties of the observers will be (1) to conduct biological studies on catch size and species composition and on the condition of crab taken aboard, (2) to monitor each delivery of crab to the Mother Ship and regularly calibrate the weighing scales, and (3) to make daily and bi-weekly summary reports to NMFS and to the Commander of the 17th Coast Guard District.

Chuck Meacham, Council member and Chairman of a subcommittee working on an outline for fishery management plans, made a report to the Council. This full report is available in attachment #11. Steve Pennoyer, Dr. Frank Fukuhara, and Bob McVey were assigned by Meacham as the three principals to work out the differences that were existing in separate outlines prepared by the SSC and the Department of Commerce. The Committee's recommendation was to accept the report as prepared by the SSC with some modifications. A copy of this report would then be sent to the Department of Commerce as the NPFMC's suggested changes in the NMFS/DOC outline. The report was unanimously accepted.

The report of the ad hoc committee studying foreign fishing permit applications was given to the Council and is contained in attachment #12. Keith Specking, Chairman of the ad hoc committee, told the Council that the review process would be more meaningful if the committee had the total foreign fishing allocations; but in their general analysis 1) the Taiwanese applications had requested ten times last year's catch and 2) the USSR applications had requested more fishing days than they had fished during the 1976 season. The Japanese applications had arrived during this meeting and were not summarized. The report was unanimously accepted.

In a Council discussion on funding the Chair introduced John Harville's letter regarding alternative funding solutions. Based on the letter and ensuing discussion, the Council approved a motion (with Harry Rietze opposing) which requested the Alaska Congressional delegation to support either 1) restoration of the deferred vessel construction funds or 2) a separate supplementary appropriation for additional funds to NMFS for disbursement to the Council.

Jack Cotant, Chairman of the Advisory Panel, was designated as the Council's representative at a public hearing (Feb. 19) in Seattle on the troll salmon management plan prepared by the Pacific Fishery Management Council. Mr. Cotant was directed to inform the PFMC that this Council desired a maximum amount of input into any troll plan affecting the transboundary stocks of Alaskan salmon and that this Council urged a closer 3-way cooperative negotiation to include Canada, the NPFMC and the PFMC.

The Council discussed joint U.S.-Canada problems of trans-boundary salmon and halibut management and the potentially delicate problem of re-negotiating these joint management agreements into conformity with P.L. 94-265.

In an associated Advisory Panel report (Attachment #13) to the Council by Jack Cotant, the Council was urged to take the initial steps to withdraw from or re-negotiate the International Pacific Halibut Convention. Bob Alverson, an Advisory Panel member in a minority Advisory Panel report (Attachment #14) to the Council, urged the Council not to support any abrogations of the existing halibut treaty.

No action was taken on these two reports. The Council noted that it is necessary to bring into conformity with P.L. 94-265 all existing treaties and conventions and therefore notice of intent to re-negotiate must be made.

Mr. Ken Olsen, an Advisory Panel member and Chairman of a subcommittee studying foreign vessel ownership problems, reported to the Council that more data was required to complete this study. Upon receiving this data Mr. Olsen will submit a report to the Council.

Kirk Beiningen presented to the Council a bill that Republican Senator Les Aucoins, from Oregon, had introduced into the U.S. Legislature involving the regulation of foreign fishing investments in the American fishing industry (Attachment #15).

The Council requested the Advisory Panel to prepare a position statement on joint U.S.-foreign ownership of fishing vessels interaction and present the report at the March Council meeting.

The Executive Director presented the Council with a 12-month plan of requested Council, SSC and AP actions and management plan logistics. (Attachment #16). The major items of importance in the time table were 1) the need for Council High Seas troll salmon, Gulf of Alaska and Bering Sea and Aleutian trawl fishery and king and tanner crab fishery approved draft management plans at the June meeting, and 2) the need for an operational high seas salmon management plan drafting team by May or June of this year.

The Chair then requested that the 12-month flow diagram be approved and finalized in consultation with the SSC and the executive Council staff.

The Executive Director was designated by the Council as the NPFMC's principal bonded check signatory. The Chairman and

Vice-chairman of the Council were also designated as co-signers for checks. This was placed into a motion: seconded and carried.

The January Council minutes were approved with the changes submitted by Harry Rietze.

Harold Lokken introduced a motion which read, "That the Council designate our Chairman as one of the Council's minimum of two persons to represent the North Pacific Council on all negotiations by the State Department with foreign countries on fishery matters of interest to the North Pacific Council; the other, or others, to be selected by the Chairman based upon their knowledge and expertise of matters to be negotiated included an alternate for the Chairman himself whenever such a substitute is deemed necessary." It was seconded and unanimously approved.

Mr. Kim White, NOAA lawyer from Washington, D.C., reported that a recent joint resolution passed in the U.S. Legislature will allow six GIFA's to become effect on March 1 when the President signs the bill. He further noted that Japan was not included. Council members requested individual copies of the Japanese GIFA and will respond individually to Congress based on their review of the GIFA.

The next two meetings of the North Pacific Fishery Council were scheduled for March 21, 22 and April 27, 29 in Anchorage.

By common consent the fourth plenary session of the North Pacific Fishery Management Council was adjourned at noon.