

M E M O R A N D U M

TO: Council, SSC, and AP Members  
FROM: Jim H. Branson  
Executive Director  
DATE: July 15, 1981  
SUBJECT: Gulf of Alaska Groundfish

*ACTION REQUIRED*

*None. Information on status of Amendments #9 and #10. Presentation of PMT Report.*

BACKGROUND

I. Amendment #9, "The Lechner Line around Kodiak Island".

The Secretarial Review on Amendment #9, started on August 28, 1980. The Council did not receive a formal notice of approval, but it was published as a Notice of Proposed Rule Making on July 9, initiating the 45-day comment period.

Based on expected review times, implementation could occur on November 29, 1981 as shown in the schedule [Item E-5(a)].

II. Amendment #10, Eastern Regulatory Area, reduced OY for Pacific ocean perch, pelagic gear restriction for foreign trawlers, no foreign fishing East of 140°E.

The Secretarial Review on Amendment #10 started April 20 and should have ended June 18. We have received no information on its status.

Observer coverage in the Eastern Regulatory Area continues to be scarce. Since June 1 there have been only 2 vessel days of observer coverage in the area, though there have been several ships working there. The week of July 10 one large trawler was in the Southeast Area, two small trawlers and two longliners in the Yakutat Area; none had observers on board. No reports of prohibited species catches in the Eastern Regulatory Area have been received by NWAFC.

More information on the status of Amendment #10 may be available at the Council meeting.

Item E-5(b) shows the NMFS Region's tentative schedule for reviewing and implementing Amendment #10. (We're probably already behind.)

### III. Gulf of Alaska Groundfish PMT Report

The Gulf of Alaska Groundfish PMT submits their report on the status of the FMP as item E-5(c). The team has proposed a tentative schedule for public meetings to discuss changes to the FMP and would like Council concurrence. The exact dates for the public meetings will depend on availability of personnel, writing assignments, scheduling facilities, availability of scientific reports, and time required for public notice.

JP

GULF OF ALASKA GROUND FISH  
Amendment #9, Possible Implementation Schedule

<u>Date</u>	<u>Action</u>
August 28, 1980	Secretarial Review starts.
February 18, 1981	Leitzell approves amendment. No written confirmation.  175 days elapsed.
June 15, 1981	NOAA Administrator concurs. No written confirmation.  292 days elapsed
June 16-26	Department of Commerce review of proposed regulations.
June 27 - July 7	OMB review of proposed regulations.
July 9	Proposed rules published in the <u>Federal Register</u> .  315 days elapsed.
July 10 - August 24	45-day public comment period on proposed regulations.
August 25 - September 5	Preamble and Final Regulations proposed by NMFS Juneau and submitted to NMFS Washington.
September 6-18	NMFS Washington reviews and clears Final rules
September 19-24	NOAA reviews Action Memorandum and Final Rules
September 25 - October 5	DOC Assistant Secretary for Regulatory Reform reviews and clears final regulations.

October 6-16

OMB review of final regulations.

October 23

Final rules filed with the Federal Register

October 30

Federal Register publishes Final Regulations.  
Begin 30-day APA delayed-effectiveness period  
(this could be waived).

November 29

Final Regulations become effective.

459 days elapsed.

MAY 8 1981

AGENDA E-5(b)  
July 1981

ACTION	ROUTE
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**TENTATIVE SCHEDULE \***  
**for Approving and Implementing Amendment 10 to the**  
**Fishery Management Plan for Gulf of Alaska Groundfish.**

DATE	EVENT
April 20 - June 18	Secretarial Review (60-days)
June 10	Assistant Administrator for Fisheries approves the amendment and the proposed regulations.
June 17	Administrator of NOAA concurs on the approval.
June 18	Regulations sent to DOC Assistant Secretary for Regulatory Review.
	End of 60-day Secretarial Review.
June 19-29	Department of Commerce review of proposed regulations.
June 30 - July 10	OMB review of proposed regulations (10 days).
July 17	Proposed rules published in the <u>Federal Register</u> .
July 18 - Sept 30	45-day public comment period on proposed regulations.
October 5-9	Preamble and Final Regulations prepared by the Region and submitted to NMFS Washington Office.
October 12-23	NMFS Washington Office reviews and clears final rules.
October 26-30	NOAA reviews Action Memorandum and Final Rules.
November 2-11	DOC Asst. Sec. for Regulatory Reform reviews and clears final regulations.
November 12-21	OMB 10-day review
November 23	Final rules filed with the Federal Register.
November 26	Federal Register publishes Final Regulations. Begin 30-day APA delayed-effectiveness period.
December 27	Final regulations become effective.

\* Schedule assumes that the amendment will be approved or partially disapproved.

GULF OF ALASKA PLAN MAINTENANCE TEAM REPORT  
ON THE STATUS OF THE FISHERY MANAGEMENT PLAN

The Gulf of Alaska Plan Maintenance Team (PMT) submits the following report on the status of the FMP and suggestions for Council action.

The FMP was written to be a one year management plan, which should be amended each year to update OY's, and make necessary changes to the management regime. To date, it has been amended ten times. Secretarial approval of Amendment #10 is imminent, but implementation is still at least six months away.

The experience gained from processing the ten amendments has clearly shown that the amendment process is cumbersome, at best. In fact, management decisions may become effective one year or more after they are determined to be necessary. This is an unacceptable situation if the goal of the Council is to effectively meet the objectives of the Fishery Management Plan.

Given the above, there are three actions which need to be considered for the FMP: (1) an amendment which addresses immediate changes in OY or minor adjustments to the management regime; (2) a prohibited species amendment; and (3) an amendment which radically changes the management regime.

1. An amendment which addresses immediate changes in OY or minor adjustments to the management regime.

This amendment could change the following parts of the FMP:

A. Change in OY

Before OY can be amended, the condition of stocks should be assessed. The assessment is based on U.S. research surveys, observer reports, foreign research surveys, results of the domestic commercial fishery, and foreign catch reports. As of this writing, none of this information is available for scientific review. Normally the status of stocks reports are prepared for the INPFC annual meeting to be held in early autumn. Therefore, this information will probably be available in late August or early September.

The PMT has requested the Scientific Support leader to reevaluate the sablefish OY in terms of the domestic preferred market size. Domestic longliners maintain that the current OY should be lowered, and resource assessments show a decline in larger fish. A lowered OY should decrease fishing effort on all sizes of sablefish and favor increased populations of large sablefish.

According to Low and Marasco <sup>1/</sup> a sablefish cohort maximizes its biomass at age 6, which corresponds to an average length of 65 cm. Domestic fishermen currently receive highest prices for fish 5 lbs

<sup>1/</sup> Low, L.L. and R. Marasco, "Preliminary Report on Bioeconomic Considerations of Harvesting Sablefish by Longline and Trawl Gear in the Gulf of Alaska" NWAFC Processed Report 79-3, April, 1979.

and over, eastern cut, which corresponds to a 69 cm fish, although at this length cohort biomass is 98% of maximum. The Council will need a comparison of the net benefit to the domestic fishery, if any, of defining OY in terms of 69 cm fish, as opposed to an OY defined in terms of the size of a recruit fish.

In addition, the Scientific Support Leader is currently evaluating the basic biology of sablefish; i.e., age and size at maturity, etc.

B. Minor adjustments to the management regime

1. The Alaska Department of Fish and Game would like domestic reporting requirements in the FMP which require catcher processors to report catches either before leaving the Alaska FCZ or on a weekly basis. The FMP currently requires domestic catches to be reported seven days of the date of landing, and additional information (vessel registration gear licensing, landing/fish receipt) to be reported no later than three months after the end of the month of record. The Council may wish ADF&G to report on problems encountered with the current domestic reporting requirements.
2. The Japan Deep Sea Trawlers Association would like the FMP amended to lift the prohibition on foreign trawling from February 16 to June 1 between 147°W and 157°W longitude. The purpose of this time/area closure is to reduce the incidental catch of halibut during periods of high concentration in the winter months. However, with the implementation of the FMP foreign trawlers are restricted to using only pelagic gear in this area from December 1 to June 1, which should adequately protect halibut. Lifting the time/area closures should allow year-round fishing and reduce the concentrated effort of the summer foreign trawl fishery.

2. A prohibited species amendment.

Due to the interest which a prohibited species amendment would generate, the PMT suggests that it be separate from all other amendments the Council may consider and approve.

Currently there are many measures designed to protect prohibited species in the Gulf of Alaska, mostly time/area closures and gear restrictions. These measures are designed to protect halibut, and thereby, meet the FMP's second management objective:

Protection of the Pacific halibut resource, which for decades has supported the only significant U.S. groundfish fishery in the region, but which is currently in a state of grave decline,  
... .

Attachment "A" lists the current management measures to protect prohibited species.

When Amendment #10 becomes effective, the protection afforded Pacific halibut will increase dramatically. Amendment #10 will close the Eastern regulatory area to all foreign fishing East of 140°W and impose a pelagic gear restriction between 140°W and 147°W. In 1979, the Yakutat and Southeastern Areas (between 147°W and Dixon Entrance) accounted for 67% by weight of the incidental halibut catch. In 1980, the<sup>2/</sup> same areas accounted for 44% by weight of the incidental halibut catch<sup>2/</sup>.

The Council may wish to receive a report on an evaluation of the current measures to protect prohibited species, their purpose, effectiveness and whether they should be eliminated from the FMP or kept in addition to another amendment (possibly modeled on the Bering Sea/Aleutian Islands prohibited species amendment).

It would be useful to know if the current measures have reduced the incidental catch, if not, why, and if there are areas in the Gulf which need special protection which are not included in current time/area closures.

The studies which have been completed for the Bering Sea/Aleutian Islands prohibited species amendment may not be applicable to the Gulf of Alaska, and similar such studies may be required.

3. Institute a flexible, responsive management regime and eliminate the need for yearly amendments.

The PMT notes that the current amendment cycle is unrealistic for effective fisheries management. The length of time needed for review and implementation of any action is so long that the FMP always lags between one and two years behind the best available scientific information. This situation could retard the development of the domestic fishery in the Gulf of Alaska.

To remedy this situation, the PMT favors defining OY as a range for each species for each management area, with the annual total allowable catch to be fixed by the NMFS Regional Director, as advised by the Council. In addition, the PMT would recommend that an initial DAH be set at last year's harvest levels modified as appropriate by the addition of processing facilities and fishing vessels, and that, if necessary, the DAH be increased during the year by apportionment of reserves.

The PMT recommends that the FMP be reorganized such that scientific data be put in annexes and taken out of the body of the FMP, as has been done for the Bering Sea/Aleutian Islands FMP. In addition, the PMT would like to have an assessment of the number of regulatory areas in the FMP. This would be a determination by the Scientific Support Group of the optimum number of regulatory areas, based upon stock analysis, for the Gulf of Alaska.

<sup>2/</sup> Wall, J., R. French, R. Nelson Jr., "Observations of Foreign Fishing Fleets in the Gulf of Alaska," NWAFC, September, 1980 and French, R., unpublished data, 1981.



4. Proposed Actions

The PMT proposes the following actions for Council approval:

- A. For "I" above, the PMT will draft an amendment and hold public hearings during August and September and ask for Council approval at the September meeting. The amendment will include any revised OY's including sablefish if this is justified, and the above minor changes to the management regime (status of stocks reports may be available in August).
- B. For "II" and "III" above, the PMT will schedule a series of open meetings to receive information from the public on these issues. These meetings will be held separately from the public hearings for the amendment for Part I.

The following tentative schedule is proposed:

<u>Date</u>	<u>Place</u>	<u>Action</u>
August, 1981	Kodiak	Public Meeting
August, 1981	Seattle	Public Meeting
September 8, 1981	Sitka	Public Meeting
September 24, 25	Anchorage	Council receives framework amendments, AP & SSC review
November 4, 5	Sitka	Council approves amendments for public hearings
December 2, 3, 4	Anchorage	Council approves amendments for Secretarial Review

- C. PMT members will request their agencies to provide the necessary analyses and reports required for the proposed actions, public meetings, and public hearings.

Please refer to Attachment "B" for a list of the required work.

ATTACHMENT "A"

Measures to protect prohibited species in the Gulf of Alaska

A. Domestic Fishery

From December 1 through May 31, when the total incidental trawl catch of halibut in any statistical area exceeds the amount listed below, the area is to be closed to domestic trawling for the remainder of this period.

Western	29 mt
Central	52 mt
Eastern	31 mt

Questions which need to be addressed are: Has this measure effectively reduced the incidental catch in the domestic fishery, if not why? Does this measure inhibit development of the domestic trawl fishery, if so, how can it be changed? What information is needed to evaluate this measure? Should the domestic fishery be included in an unallocated species amendment? Can this measure be effectively enforced without the participation of the Alaska Department of Fish and Game?

B. Foreign Fishery

Foreign fishermen must minimize their catch of and may not retain any of the unallocated species. They are restricted by the following management measures:

1. No foreign fishing east of 140°W (Secretarial Approval Imminent.)
2. The "Davidson Bank" is closed year-round to foreign fishing.
3. The "Kodiak Gear Area" as defined by the "Lechner Line" is closed to foreign trawling from 2 days prior to the opening of the king crab season through February 15 (Amendment #9, approved, not yet implemented, should be implemented by September 15, 1981).
4. The "Kodiak Halibut Areas" as defined by Appendix I to the GOA FMP are closed to foreign trawling five days before to five days after the opening of the domestic halibut setline fishery.
5. The FCZ from 147°W to 157°W is closed from February 16 through May 31 to foreign trawling.
6. From 140°W to 147°W foreign trawlers may use only pelagic gear, but may fish year-round (Amendment #10, see note at 1, above).
7. Foreign longliners may not fish for sablefish landward of 400 meters from May 1 through September 30 and landward of 500 meters from October 1 through April 30 between 140°W and 169°W.

8. From December 1 through May 31, foreign trawlers fishing in open areas of the Gulf of Alaska must use pelagic trawls.
9. Foreign directed fisheries for sablefish may be conducted only with longline or pot gear.

ATTACHMENT "B"

Reports, Studies, for GOA FMP Amendments, Rewrite

1. Status of Stocks Report

Source: NWAFC  
Expected: September

2. Sablefish

- (a) re-evaluation of basic biological parameters
- (b) OY of 69 cm fish

Source: NWAFC  
Expected: September

3. Proposal on Reporting Requirements

Source: ADF&G  
Expected:

4. Scientific evaluation of proposal to lift ban on foreign trawling from February 15 to June 1 between 147°W and 157°W

Source: ADF&G & NMFS (NWAFC ?)  
Expected:

5. Prohibited Species Studies

- (a) effectiveness of current measures - foreign and domestic
- (b) current and proposed measures' effects on developing U.S. fishery
- (c) role of ADF&G, participation of ADF&G
- (d) General report on the problem - history, magnitude since FCMA, trends, affected species, applicability of management measures.  
(Do we need another Council Document #13 - type study?)

Source: ADF&G, NMFS, Halibut Commission  
Expected:

6. Study on FMP Reorganization

- to include:
- (a) applicability of a range for OY
  - (b) appropriate number of regulatory areas

Source: NMFS, NWAFC, ADF&G  
Expected: