

North Pacific Fishery Management Council

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CERTIFIED

Clement V. Tillion
Chairman

MINUTES

54th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
May 25-26, 1983
Old Federal Building
Anchorage, Alaska

The North Pacific Fishery Management Council convened its 54th plenary session on Wednesday, May 25, 1983 at 9:15 a.m. in Courtroom #2 of the Old Federal Building, Anchorage, Alaska, and adjourned at 3:05 p.m. on Thursday, May 26.

The Scientific and Statistical Committee met in the Courtroom in the Old Federal Building on Monday and Tuesday, May 24 and 25, 1983.

The Advisory Panel met in the Commodore Room of the Anchorage Westward Hilton Hotel on Tuesday, May 24 and continued in the 3rd Floor Conference Room of the Old Federal Building on Wednesday, May 25.

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
Jon Nelson for Keith Shreiner
Keith Specking
Gene Didonato for
Bill Wilkerson
Joe Demmert, Jr.

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

Scientific and Statistical Committee

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

Al Millikan
Larry Hreha
Jack Lechner
John Burns
Don Bevan

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Advisory Panel

Robert Alverson, Chairman
Bud Boddy, Vice Chairman
Barry Fisher
Joe Kurtz
Ray Lewis
James O'Connell
Don Rawlinson
Walt Smith
Tony Vaska

Greg Baker
Larry Cotter
Dick Goldsmith
Rick Lauber
Kristy Long
Dan O'Hara
Harvey Samuelson
Tom Stewart
Ed Wojeck

NPFMC Staff

Jim H. Branson, Executive Director
Clarence Pautzke, Deputy Director
Steve Davis
Jim Glock
Doug Larson

Ron Miller
Jeff Povolny
Judy Willoughby
Helen Allen
Peggy Hough

Support Staff

Pat Travers, NOAA/GC
Thorn Smith, NOAA/GC
James Brooks, NMFS
Phil Chitwood, NMFS
Paul Blayney, USCG
Guy Thornburgh, ADF&G

Fred Gaffney, ADF&G
Russ Nelson, NW&AFC
Gary Stauffer, NW&AFC
Kirk Beiningen, ODF&W
Choate Budd, USCG
Craig Hammond, NMFS

General Public

H. Talagis
Dave G. Barraw
Rick Derise
John Schmiedtke
Ken Kobayashi
David Pierce
Jim Sameth
Nancy Gross
Hong Kyuong An
Akihiko Hashimoto
Mike Broili
Bruce Thomley
Kaorie Kaiuamoto

Ruth J. Desrosier
Stephen B. Johnson
Don Martens
Tadashi Nemoto
Richard Goldsmith
David Harville
R.F. Moraw
Han Mo Kim
Hisashi Matshui
Minoru Morimoto
T. Fukui
George Matsuo

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

Chairman Tillion called the meeting to order at 9:15 a.m. on Wednesday, May 25, 1983. *The agenda was approved as submitted.*

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In the minutes of the March meeting, Dr. Harville suggested that on Page 5, a line be inserted to explain the concept of the "dual" moratorium option. This addition was acceptable to the Council.

Jim Branson advised the Council of an insertion in the March minutes: under Section C-1, Halibut Moratorium, the following paragraph has been inserted on Page 8, immediately following the third paragraph on the page.

There was lengthy discussion regarding whether eligibility determination hearings and appeal procedures to consider hardship cases should be provided in the moratorium regulation. Patrick Travers described how someone could call the National Marine Fisheries Service Regional Office or the Council office to get a determination of their eligibility to fish during the moratorium. Mr. Travers also detailed the appeal process that currently exists in the civil penalty proceedings that would be utilized during the moratorium. Mr. Travers then explained that the eligibility criteria in the proposed rule was drafted in a manner that limited agency discretion in determining who could fish during the moratorium. After it was pointed out that this restriction on agency discretion was intended to remove the need for a full-fledged administrative hearing process similar to that used by the Commercial Fisheries Entry Commission, the Council did not further discuss the need for a hardship appeal procedure.

Jim Campbell moved that the December 1982 and March 1983 minutes be approved as submitted subject to future amendments if necessary. The motion was seconded by Keith Specking and, there being no objections, carried.

Gene Didonato introduced Russ Cahill, the new Deputy Director of the Washington Department of Fisheries. Mr. Didonato and Mr. Cahill will be sharing the responsibility of attendance at Council meetings in the absence of Mr. Wilkerson.

B. SPECIAL REPORTS

B-1 Executive Director's Report

Chairmen's Meeting

Jim Branson advised the Council that the proposed Chairmen's Meeting has been rescheduled. The meeting is now tentatively scheduled for November 2-4, 1983 in Biloxi,

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Mississippi. A tentative agenda was included in Council notebooks and Mr. Branson requested input from Council members on additional agenda items for the Chairmen's meeting.

"Fish and Chips"

Mr. Branson also advised the Council of Ambassador Kronmiller's response to the Council's letter of April 8 explaining the use of the "fish and chips" policy. Mr. Kronmiller also asked the Council to consider funding travel to Council meetings for the State Department representative on a case-by-case basis. The recent amendments to the Magnuson Act would allow the Council to do so if they wish.

After some discussion, the consensus of the Council was to continue their current policy of not funding State Department travel.

Mr. Branson also advised the Council that he had been requested by Congressmen Forsythe and Breaux to submit a statement for the record to the Subcommittee on Fisheries, Wildlife and Conservation regarding OMB review of plans and amendments. A copy of the statement was included in the Council notebooks as Agenda Item B-1(d).

July Council Meeting

Mr. Branson announced that the July meeting will be held in Homer. The facilities at the Land's End and the Best Western's Bidarka have been reserved for the Council's use. However, all reservations will need to be made through Judy, Becky, or Helen at the Council office in order that we do not overbook. These reservations have to be in by July 1. After that date any unreserved rooms will be released to the public.

Council Reference Books

Summaries of the Council's fishery management plans and a general Council reference book has been completed by Clarence Pautzke, Deputy Director. The reference books were handed out to Council members at this meeting and will be distributed to the remaining members of the Council family in July. The books will be updated as necessary.

Request from AP Member

Mr. Branson advised the Council that Advisory Panel member Kristy Long will be taking a one-year sabbatical and has asked that the Council designate an alternate for her during that period of time. Ms. Long suggested Pat Barker of Bethel as the alternate. Bob Alverson reported that the Advisory Panel would agree to the request. Keith Specking, Chairman of the AP Nominating

Committee, said he felt that the Council should adhere to their policy of not having a panel member designate an alternate or to hold a place open for a member.

It was the concensus of the Council that Mrs. Pat Barker, a home economist from Bethel, be appointed in full standing to the Advisory Panel to fill the vacancy left by Ms. Long's departure on sabbatical. When Ms. Long returns, she may be reappointed to the Advisory Panel if a vacancy exists.

Jim Campbell complimented Executive Director Jim Branson on the quality of letters and memos he has drafted for the Council.

John Harville mentioned to the Council that he was very impressed with Mr. Branson's presentation for the World Trade Conference in Spokane in March. He urged Mr. Branson to pursue publication of the article.

B-2 Domestic Fisheries Report by ADF&G

Fred Gaffney, ADF&G, reported that the total harvest to date for the herring fishery in the Togiak area of the Bering Sea is approximately 26,800 short tons (gillnet 19%; purse seine 81%). The harvest began on May 3 and the catch was composed of predominately 5-and 6-year-old fish and few 4-year-olds. The average roe percentage in the catch was approximately 9%. The overall effort included approximately 250 gillnet boats, 160 purse seine boats, and 21 companies. The roe-on-kelp fishery harvested approximately 271,000 pounds. The harvest to date for other areas was 306 tons for Norton Sound, 362 tons for Cape Romanzof, 958 tons for Security Cove, and 373 tons for Goodnews Bay.

The troll salmon summer fishery opened on May 15. Early reports indicate that fishing is somewhat slow. The winter troll fishery harvested approximately 28,600 chinooks between October 1 and April 14.

B-3 Foreign Fisheries Report by NMFS

NMFS reported that by April 23 foreign fleets working the Gulf of Alaska had caught 11,549 mt of groundfish or about 10% of the current foreign allocation for the Gulf. About 86% of the catch was Pacific cod and 10% was pollock.

In the Bering Sea and Aleutians area, foreign fisheries had caught 171,092 mt by April 23. This catch was 75% pollock, 17% flatfish, and 5% Pacific cod, and represents about 21% of the currently allocated TALFF in the area.

There were 118 foreign vessels off Alaska on May 19, including 88 from Japan, 20 from South Korea, 9 from the USSR and one from

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West Germany. In the past three years, there usually have been over 220 vessels off Alaska in May.

B-3 Enforcement and Surveillance Report

USCG reported that they issued six reports of violation (civil penalty procedures) and ten citations (written warnings) since the March Council meeting. In addition, three foreign fishing vessels were seized for severe MFCMA infractions, including gross logging violations, failure to submit the required activity message twenty-four hours prior to beginning or ceasing fishing activity in the FCZ, failure to maintain the accuracy of the Daily Cumulative Catch Log, failure to begin fishing activity at the time and in the position indicated in the submitted activity message, and fishing within the U.S. FCZ without a valid permit.

On March 28, the USCGC STORIS seized the Japanese cargo ship HIYO MARU in the central Bering Sea for gross logging violations. On May 11, the USCGC RUSH seized the Japanese stern trawler YURYO MARU No. 31 in the central Bering Sea for grossly underlogging its catch of Pacific cod. Also on May 11, the USCGC CAPE HATTERAS seized the Canadian fishing vessel CASSIAR No. 67 in the vicinity of Dixon Entrance for fishing within the U.S. FCZ without a valid permit.

B-5 Joint Venture Operations

A staff report by NPFMC advised the Council that joint venture fisheries for pollock in Shelikof Strait have wound down after achieving an all-time high catch by U.S. fishermen of about 131,000 mt. Seven companies using over 30 U.S. trawlers delivering to 19 foreign processors operated in this fishery mainly during February and March.

Joint venture operations have now moved to the Bering Sea where three companies are fishing for yellowfin sole, cod, Atka mackerel and pollock. These operations, employing over 20 U.S. trawlers delivering to 9 processors, had taken 16,000 mt pollock, 7,400 mt flounders, and 5,300 mt of other species by May 7. Four more companies will commence operations in June.

Public Testimony

Jay Hastings, on behalf of the Japan Fisheries Association, requested Council support in seeking release of the Japanese allocation withheld under the "fish and chips" policy. This allocation was scheduled to be released on April 1, but was withheld for reasons unrelated to fisheries.

Chairman Tillion agreed that Mr. Hastings' point was reasonable and felt the Council would be sympathetic to his request.

Dr. Harville urged the Council to state again its preferences, forcefully. The Council has negotiated in good faith and is being put in an embarrassing situation.

Keith Specking moved that the Council direct the Executive Director to draft such a letter. Bob Mace seconded the motion which passed with no objections.

C. NEW OR CONTINUING BUSINESS

C-1 Halibut Fisheries Management

Ron Miller, NPFMC staff advisor, briefly reported on NPFMC's public contacts in regard to the moratorium. Between April 4 and May 20, 260 calls were received. Most of those calls were requests for a determination of eligibility to fish during the moratorium. A few requested an official determination of their particular circumstances. Mr. Miller requested that the requests be put in writing. Upon receipt of the written requests, Mr. Miller answered with his determination of eligibility.

Mr. Miller also reported that the Halibut Workgroup, consisting of Jim Campbell, Joe Demmert, Jr., Richard Marasco, Keith Specking, Tom Stewart, and Clem Tillion, met in Anchorage on May 24 to review the staff synopsis of the Stokes Report, discuss the public presentations to be given by Professor Stokes on the share-system approach to limited entry into the halibut fishery, and to review the Council objectives for halibut limited entry.

The workgroup recommended that the staff synopsis of the Stokes report be released for public review after the addition of language in the synopsis preface stating that the Council has not endorsed any particular form of access limitation for the halibut fishery. The wording of the preface would be as follows:

The North Pacific Fishery Management Council contracted with Northwest Resource Analysis of Seattle, Washington, to perform a study of limited entry in the Pacific halibut fishery. Because there was substantial information already available about other forms of fishery access limitation, the Council directed that the study should determine whether the individual quota or share system would be feasible under current conditions in the fishery. This report has been completed and is available for public review. Since the report and its attachments are nearly 200 pages in length, the Council decided a synopsis should be prepared for public distribution. Included with this synopsis is the complete "Summary and Conclusions" portion of the study. The full report will be mailed by the Council upon request. The release of this report for public

distribution should not be interpreted as Council endorsement of any statements contained herein or adoption of a particular form of limited entry for the halibut fishery.

The workgroup also recommended that the three public presentations (to be held in Kodiak, Petersburg and Seattle) required in Professor Stokes' contract with the Council be scheduled after the proposed moratorium regulation has either been enacted or formally disapproved, but not before October 1983. The workgroup felt that to hold the presentations earlier in the year would lead to confusion of their subject matter with the moratorium.

The workgroup also reviewed the Council's objectives for halibut limited entry as stated in Council RFP 82-1 and Contract 82-4 and recommended that they be reaffirmed with minor editorial changes and the addition of a preamble that the objectives are to be achieved by any halibut limited entry system, regardless of the particular form adopted by the Council. The workgroup wanted the changes made to the stated objectives in order that it be understood that the Council has not yet adopted a particular form of limited entry for the halibut fishery but was still considering the full range of management options available to it.

Report of the Scientific and Statistical Committee

Don Rosenberg reported that the SSC received the supplemental appendix to the draft report on the share-quota option for limited entry. However, due to other business, the SSC postponed final review of the report until the next meeting.

Report of the Advisory Panel

The Advisory Panel heard a review of the current status of the moratorium from Thorn Smith. No action was taken.

COUNCIL ACTION

Jim Campbell moved that the Council approve the staff synopsis of the Stokes report for distribution to the public. The motion was seconded by Don Collinsworth. There being no objection, the motion carried.

C-2 Foreign Permit Applications

Jim Branson advised the Council that they must reconsider the permit application No. JA-83-0620 for the Japanese vessel RYUSHO MARU NO. 18 for a joint venture in the Gulf of Alaska for sablefish. It had not appeared in the Federal Register by the time it was approved by the Council at the March meeting and under the stipulated settlement of the 1980 case, N.E.F.C.O. vs. Krepps, Doc. #79-1196 (D.C. D.C. 1980), was required to do so before the Council could act on it.

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Advisory Panel Report

Bob Alverson reported that the Advisory Panel reaffirmed their March decision to recommend denial of the application. They recommend that the Council and NMFS devise a set of procedures for joint venture operations in the future to avoid this situation.

Public Testimony

John Peterson, President, Ocean Beauty Seafoods and Bob Brophy of Icicle Seafoods. Mr. Peterson advised the Council that his processors are capable of buying and processing sablefish and have a strong intent to do so. If the Council approves this joint venture, it would reduce the amount of sablefish available to U.S. processors and would set a dangerous precedent.

Mr. Brophy said he would concur with Mr. Peterson's comments. Icicle Seafoods is prepared to buy and process sablefish out of the W. Yakutat area and would urge the Council to deny this application.

Greg Baker, Alaska longliner. Mr. Baker said that he and the other longliners involved in this joint venture have spent a great deal of time and money in arranging the details of the venture. After the application was approved at the March meeting they met with the Japanese industry to iron out the details. However, with the uncertainty of approval at this point, they feel that it is not possible to continue to pursue the joint venture. As an alternative, they will try to work closely with U.S. processors to get a significant amount of the OY harvested. He said that perhaps the Council could try to avoid this type of procedural problem in the future.

Jim Branson, Executive Director of NPFMC, and Ed Wolfe, representing the State Dept., assured the Council that they are working on a way to avoid this problem in the future.

Paul MacGregor, North Pacific Longline Gillnet Assn.

Mr. MacGregor advised the Council that his organization also feels that the timing is critical on this venture and it is not feasible to continue. They are therefore withdrawing the permit application.

Because the permit application was withdrawn from consideration, no Council action was required.

C-3 Appeals Procedure for the Moratorium

The Council was requested by NOAA and NMFS to consider an addendum to the moratorium approved at the March 1983 Council meeting. The addendum would provide for a hearing or appeal procedure for hardship cases.

Pat Travers briefly recapped the moratorium language as adopted by the Council in March. There was considerable Council discussion about the necessity of such a provision. Pat Travers affirmed the Council's feeling that the original moratorium language was sufficient to obtain the Council's original goal for the moratorium--to limit new entry into the fishery while a system of limited entry is studied. It was the general concensus that this "appeals" provision would create unnecessary and expensive administrative procedures. It was noted also that under any appeal procedure fishermen who had availed themselves of the procedure would be allowed to fish in the halibut fishery pending a final determination of their eligibility.

John Harville said that perhaps a clarification of the current language to point out that there is a civil procedure mechanism in place would be helpful.

Bob McVey advised the Council that he felt including a specific procedure for appeals in the moratorium would speed the review and possible approval of the moratorium by the Secretary.

Chairman Tillion told the Council that he had difficulty with the fact that the administrators in DC are taking the liberty to change the moratorium after the Council had spent considerable time and study to come up with the best possible document to achieve their objective.

Public Testimony

Eric Sutcliffe, Unalaska. Mr. Sutcliffe said he had hoped that the proposed appeals procedure would address the situation of Alaskan villages such as Unalaska and Akutan which have not had the opportunity to get established in the halibut fishery but would hope that the situation would change in the future to afford them such an opportunity. He urged the Council to consider this type of situation if a limited entry system was imposed in the future.

End of public testimony.

Report of the Advisory Panel

Bob Alverson reported that the AP debated the issue of an appeals procedure as outlined by NMFS and heard from Thorn Smith that

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basically this proposal was probably unconstitutional on several points. The AP voted 7 to 7 on a motion to recommend that the Council not adopt the proposed appeals procedure.

COUNCIL ACTION

Bob McVey moved that the Council adopt the May 25, 1983 draft by NMFS for an appeals procedure. The motion was seconded by Jeff Stephan. The motion failed by a vote of 8 to 2 with one abstention. Voting for the motion were McVey and Jeff Stephan. Voting against the motion were Campbell, Collinsworth, Demmert, Mace, Lokken, Specking, Tillion, and Didonato. Rudy Petersen abstained.

Executive Director Jim Branson was requested to write a letter to Bill Gordon advising him of the Council's decision and the reasons for that decision.

Jim Campbell suggested that perhaps a Council member should go to Washington to facilitate review and action on the proposed moratorium. *It was the consensus of the Council that Chairman Tillion and Ron Miller should go to Washington as soon as possible to meet with NOAA officials.*

Don Collinsworth expressed concern for the time frame involved because of the nearing opening date for the halibut fishery. Bob McVey said there isn't really anything that can be done at this point, but that NMFS would get the moratorium into effect as expeditiously as possible if it is implemented by the Secretary of Commerce.

C-4 Other Business

Jim Branson advised the Council of a request from United Fishermen of Alaska for funding in the amount of \$5,000 for an Alaskan Fisheries Directory. The directory would be a compilation of all the statutes, regulations and issues relating to fisheries in the State of Alaska and would be periodically updated.

Jim Campbell advised that the Finance Committee feels that this is a very ambitious project for the amount of money requested and would like to have further details of the project before making a recommendation. *It was the consensus of the Council that the Executive Director should obtain further information on the project and report back to the Council at the July meeting.*

D. FISHERY MANAGEMENT PLANS

D-1 Salmon FMP

The NPFMC staff estimates the winter troll catch from October 1-April 14, 1983 may exceed 30,000 kings. This large catch means the summer season will be shortened so that the total catch does not exceed 255,500 kings. The projected season is as follows:

May 15-June 8	open, all species but coho
June 9-June 30	CLOSED
July 1-Aug. 14	open, all species
August 15-24	CLOSED
Aug. 25-Sept. 20	open, all species

If the catch rates remains high, additional closures of either the entire fishery or specific areas are anticipated.

Report of the Advisory Panel

Bob Alverson said the AP requested the Council to ask INPFC attempt to negotiate a time-area closure on the Japanese high seas squid fishery.

Public Testimony

Henry Mitchell, Bering Sea Fishermen's Assn (BSFA). Mr. Mitchell said his organization is still concerned about several problems, one of which is the mothership operation. Over the past four or five years BSFA has been concerned about large chinook catches. However there was a volunteer agreement by the Japanese industry to reduce their chinook catches in the central Bering Sea. At the last INPFC meeting, the U.S. delegation asked if the Japanese would consider withdrawing to the west of 180°. It is his understanding that the State Dept. has again officially asked the Japanese to move west and Mr. Mitchell would like the Council to use any means at their disposal to ask the Japanese industry to inform their government that this would be a good idea for this season. There are serious problems in western Alaska with fish prices and a decrease in the number of fish returning. In addition, BSFA also feels that there is a continuing problem with the monitoring of the Japanese squid and albacore/pomfret fisheries. Mr. Mitchell feels that the incidence of net marks on fish in Cook Inlet, Bristol Bay and Southeast is very much related to that fishery in addition to the illegal fishing activities by the land-based salmon gillnet fleet. He would like to know if the Council is going to be involved in trying to set up some sort of monitoring system on these various fishing fleets. Results of Council involvement in the squid observer program conducted last fall are still not available. Many fishing groups feel the Council should play a leading role in getting to the core of these interception fishery problems.

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Mr. Branson said that the only interaction that the United States has had with Japan on the high-sea squid fishery has been on an industry-to-industry basis which was partially financed by the Bering Sea Fishermen's Assn. and other fishing groups in Alaska concerned with the interception and net mark problems. Mr. Branson stressed his support for Mr. Mitchell's request that the Council continue to follow up on this problem. Mr. Branson expressed uncertainty about how the Council should approach this or whether the Council should take the lead role. It is an area they should be active in and support as much as they can.

Don Collinsworth asked Bob McVey if NMFS is planning to conduct any studies on the squid fishery and net-mark problem. Mr. McVey said that the fishery occurs beyond the 200-mile limit and the logistics of it are so difficult that they haven't been able to put anything together.

Don Collinsworth said that since the Council is asked to deal with this situation consistently by constituents, he feels the Council should prepare some proposal or devise a combination of agencies to develop a plan to obtain data.

Chairman Tillion suggested a group be appointed to study this situation and perhaps coordinate with U.S., State, NMFS, Council and industry representatives to try to work out a solution.

Chairman Tillion appointed Don Collinsworth, Bob McVey, and John Harville to look into this matter. Dr. Harville will act as chairman of the group.

D-2 Herring FMP

Staff Report

By an action memorandum included in the Council notebooks, the Council was provided with a recap of the actions taken on herring at the March 1983 meeting. The PDT was asked to incorporate the decisions made at that meeting into the FMP and present the revised document to the Council for review and approval at this meeting. The draft FMP was mailed to the Council prior to this meeting.

Report of the Scientific and Statistical Committee

Don Rosenberg reported that the SSC reviewed the May 1983 draft FMP in detail and continues to have major problems with the plan and the management regime which is established. However, the SSC felt that it is important that the FMP accurately reflect the Council's intent. The SSC reviewed the FMP in detail and recommended that certain changes be made to clarify the Council's objectives. The SSC provided a section-by-section revision of the

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FMP which they feel is a more accurate interpretation of what the Council wants the FMP to accomplish. The SSC's detailed review is included in these minutes as Appendix I.

Report of the Advisory Panel

Bob Alverson reported that the AP reiterates their disapproval of the draft FMP as stated at the December and March meetings. The AP further recommended that, with regard to foreign regulations in the Herring FMP, herring be made a prohibited species. One member of the AP was opposed to this recommendation stating that the prohibited species stipulation should not include foreign processors involved in joint ventures.

Public Testimony

Richard Goldsmith, Coalition for Open Ocean Fisheries.

Mr. Goldsmith applauded the SSC for their efforts on the Herring FMP. Mr. Goldsmith does not think herring needs to be a prohibited species for successful management and would oppose prohibiting herring for domestic fishermen and processors, or foreign processors receiving from domestic fishermen. The Coalition would also oppose regulations which would close an area of the FCZ to U.S. trawlers because AIC levels had been reached. The Coalition thinks that the U.S. industry deserves the freedom to conduct its groundfish fishery to its conclusion in that year. Then, if analyses indicate a problem, the Council could consider modification to the domestic AIC levels, or consider other management measures for the following year. Finally, Mr. Goldsmith reminded the Council that there has been no proposal to make herring a prohibited species for domestic fishermen. If the Council decides to make herring a prohibited species for foreign fishermen, then he feels that the plan should clearly state that herring will not be a prohibited species, either now or in the future, for domestic trawlers.

Henry Mitchell, Bering Sea Fishermen's Assn. BSFA is still very concerned that neither the State nor the Federal government has initiated appropriate research on herring in the Bering Sea. For good management, these data are badly needed. Mr. Mitchell asked whether his suggestion that a coded-wire tagging study be initiated had been pursued. Mr. Mitchell pointed out that the inshore fishery alone is worth \$15-\$30 million. Proper management of the inshore and offshore fisheries requires substantial additional information on migration, distribution and abundance of herring stocks. Spending a couple of million dollars over the next two or three years, he thinks, is an appropriate action.

End of public testimony.

Don Collinworth advised that a study is underway using scale pattern analysis to determine stock distribution and migration.

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Funding status is still in doubt; old projects are being cut and funds for new projects are not available. He agrees that there is a need to develop this information and feels that there is promise in the coded-wire tag method; however they simply do not have the resources to fund it at this point.

Mr. McVey also concurred that the information is badly needed. However, it is very costly information to obtain. The question is whether they are prepared to drop some ongoing projects at the Center (NW&AFC) in order to fund this.

Staff Report

Jim Glock advised that although there was insufficient notice for a PMT meeting to review the SSC's recommendations, several of the Team members attended the SSC's meeting and Mr. Glock had spoken with other Team members by phone for their views. As a result, Mr. Glock presented the Council with a staff analysis of the SSC's recommendations. That analysis is included in these minutes as Appendix II.

There was lengthy Council discussion on the SSC's recommendations. Because the Council had not had time to review the SSC's report in depth, it was felt that they could not make any final decisions without further consideration.

COUNCIL ACTION

Harold Lokken moved that the PDT redraft the FMP to incorporate the SSC's recommendations and that the implementing regulations be drafted by NMFS for review and final consideration at the July 1983 Council meeting. The motion was seconded by Campbell and passed with a vote of 6 to 5, with Gene Didonato, Don Collinsworth, Jeff Stephan, Rudy Petersen, and Joe Demmert in opposition. John Harville commended the Council staff and the SSC for their efforts.

Bob McVey moved that the AIC in the Herring FMP be treated as a PSC for foreign fisheries, but that this change would not apply to U.S. fishermen or foreign processors participating in joint ventures. The motion was seconded by Keith Specking. It was the consensus that the FMP should be drafted with and without this provision and separate sets of implementing regulations prepared so the Council could consider whether or not it should be included in the plan when it is considered at the July meeting.

Harold Lokken suggested that the FMP presented to the Council in July should be prepared in such a way that the changes are highlighted for easy reference by the Council.

D-3 King Crab FMP

Staff Report

Steve Davis advised the Council that the regulatory actions taken by the Board of Fisheries concerning the 1983 Bering Sea/Aleutian Islands king crab fishery have been reviewed by the staff and were found to comply with the Joint Statement of Principles adopted by the Board and Council in October 1981.

Mr. Davis also advised that the Secretarial review period for the BS/AI King Crab FMP has been 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 the Secretary will act on the King Crab FMP in the near future.

There was Council discussion on the Council's participation in the review of proposed regulatory changes prior to implementation by the Board. It was felt that the Council does not take active participation. Don Collinsworth said that it is not the role of the Council to comment on specific proposals unless they are likely to fall outside the management agreement between the Council and the State. Several Council members, however, felt the need for better preparation on the proposed regulations prior to joint Board/Council meetings.

Report of the Advisory Panel

Mr. Alverson advised that the AP was generally satisfied with the king crab regulations made by the Board of Fisheries. The only comment made was a suggestion that the regulations' rationale should have referenced the framework plan between the Council and Board.

The AP adopted a motion stating that the Council should be present when the Board of Fisheries makes decisions so the review procedure can be expedited by having the Council vote its desires with the Board. It was felt that this might speed things up by about two months.

Report of the Scientific and Statistical Committee

The SSC received a brief report from Council staff on the Board of Fisheries' actions regarding the management of the king crab resource. The SSC did not review those actions, and therefore provided no comment.

Public Testimony

Richard Goldsmith, North Pacific Fishing Vessel Owners' Assn. Mr. Goldsmith advised he would provide written comments on the procedures used to draft regulations at a later date. He feels that persons or organizations submitting proposals should be required to submit a justification for the proposals. Mr. Goldsmith was also concerned with the two-month time lag between the time the Board implements regulations and the Council reviews them. Mr. Goldsmith complimented NMFS and ADF&G on their research on brown king crab.

End of public testimony.

D-4 Tanner Crab FMP

Staff Report

Steve Davis reviewed the Tanner crab regulatory decisions made by the Alaska Board of Fisheries in March and summarized the resulting inconsistencies between State regulations and the Tanner crab FMP. The PMT met on April 21, 1983 to discuss these inconsistencies and began preparation of amendments to remove them from the plan.

Mr. Davis advised the Council that Amendment 9, which was prepared in response to continuing difficulties in coordinating federal season dates with those established by the State of Alaska, will have to have the numerical MSY, ABC and OY values updated due to the close interrelationship that exists between setting a fishing season and the resulting attainment of the OY. This update has been requested by the Central office of NMFS. The expanded Amendment 9 was included in the Council notebooks.

To eliminate remaining inconsistencies in the plan, the PMT presented Amendment 10, as a discussion document, which responds to the "exclusive" designation given to the Southeast and Alaska Peninsula registration areas, and the reduction of the Kodiak pot limit from 250 to 200 Tanner crab pots. The PMT requested that the Council consider approving these amendments for public review.

The Council was advised that Amendment 8 to the Tanner Crab FMP began Secretarial review on May 16, 1983. This amendment is one of the first plan amendments to be reviewed under the recent MFCMA amendments and should be reviewed using the new "fast track" method.

Amendment 7, which established new C. bairdi OYs and set C. opilio OY equal to DAH (i.e., TALFF = 0) terminating the foreign fishery on this species, was implemented by the Secretary of Commerce on April 8, 1983. It had been submitted by the Council for Dept. of Commerce review on December 24, 1980.

Report of the Scientific and Statistical Committee

The SSC reviewed a presentation by Council staff on the regulations adopted by the Alaska Board of Fisheries and the proposed amendments which have been developed to cover inconsistencies between the two management regimes. Amendment 9 covers items which have long been outstanding and have previously been reviewed by the SSC. The SSC recommends that this amendment go out for public review.

With regard to Amendment 10, the SSC identified some concerns. Changes in regulations for exclusive registration areas and pot limits requires some reason other than economic if they are to conform to the FCMA. The conservation benefits asserted in this amendment are not supportable by any scientific information that has been presented to the SSC. We recommend the amendment not go to public review until a conservation-based rationale can be developed.

Report of the Advisory Panel

The Advisory Panel recommended that Amendment 9 go out for public review.

The AP also recommended, on a vote of 8 to 7, rejecting the pot limits or exclusive/super-exclusive areas proposed in Amendment 10. The AP felt that the Council and Board should develop similar definitions for exclusive and super-exclusive areas for the king and Tanner crab plans as they currently have different meanings in each set of proposed regulations. If there are socioeconomic issues (and it was felt there are), these should also be incorporated into the decision-making process and not ignored.

Public Testimony

Richard Goldsmith, NPFVOA. He urged the Council not to send Amendment 10 out for public review because he doesn't feel that exclusive or super-exclusive areas conform to the National Standards. Mr. Goldsmith said he had no problems with Amendment 9.

Another problem brought to the Council's attention was the apparent confusion among fishermen as to which body proposals should be made for the Tanner crab fisheries in the FCZ. He mentioned that in recent years all of the Tanner crab proposals have been submitted to the Board. He has requested legal opinions from both Mr. Gissberg and Mr. Travers and when both responses have been received he will make a presentation to the Council. The other item Mr. Goldsmith wished to bring before the Council is the pot storage area established by Federal Regulation between 57° and 58° and 164° and 166°. The Council voted to

abolish that storage area in favor of another Bristol Bay storage area which had been accepted by the Board of Fisheries. Right now, there could be an abolition of that area while pots are stored in it. He asked that if that area is abolished, it not be done until after the Pribilof king crab fishery which takes place roughly October 1. Otherwise, changing in the middle of the summer would require fishermen now storing their pots there to move them to another storage area.

End of public testimony.

Phil Chitwood, NMFS, explained that the elimination of the pot storage area is being handled separately from the rest of Amendment 8, has not yet been published as a proposed rule, and is at least three or four months away from implementation.

COUNCIL ACTION

Don Collinsworth moved that the Council send to public review proposed Amendments 9 and 10. The motion was seconded by Jeff Stephan and approved with Keith Specking and Rudy Peterson voting no.

Gene Didonato expressed concern with sending Amendment 10 out for public review because of comments from the SSC and AP regarding justification language, and he would hope that this could be cleared up before sending this amendment out for public review. His other concern was the issue of whether the Chignik exclusive registration zone and the pot limit in Kodiak meet the National Standards. He feels that the Council shouldn't be sending out proposals that do not meet National Standards if, in fact, the legal advisors indicate that they do not meet the Standards. If the proposal in the end is not a viable proposal, then the Council is generating public comment and possible controversy for no reason.

It was the concensus of the Council that the PMT should add further justification language to the Amendment 10 before sending it out for public review.

D-5 Gulf of Alaska Groundfish FMP

Staff Report

Jeff Povolny briefed the Council on a request by the Japanese trawl industry to raise the OY for pollock in the Western and Central Gulf of Alaska.

Dr. Gary Stauffer, NW&AFC, gave an analysis of the request for the PMT. He said the current stock assessment for pollock in that area is based on the estimated stock condition in 1981, noting the latest data for this assessment is now two years old.

Current conditions are greatly dependent on the strength of the 1977, 1978, and 1979 year classes. Confirmation of those year class strengths depends on the final 1982 and preliminary 1983 catch-at-age data and the 1983 survey results. An increase of 144,000 mt as suggested in the Central and Western Gulf would amount to a 107% increase in possible harvest over 1982. An additional catch of 144,000 mt could be expected to increase the incidental catch of halibut by 1,300 to 1,700 mt. Council members were provided with the complete PMT report and Dr. Stauffer's review of the Alton and Deriso report on Alaska pollock in the Gulf of Alaska.

Doug Larson, NPFMC staff economist, reviewed staff comments which described four possible outcomes of changing the OY for pollock in the Gulf of Alaska.

Report of the Scientific and Statistical Committee

Don Rosenberg reported that the SSC received and reviewed several reports on the subject of OY for the pollock stock in the Central and Western management areas of the Gulf of Alaska. The SSC presented three options available to the Council with respect to the pollock OY issue:

1. Leave OY set equal to 200,000 mt for the Western and Central Gulf management areas for the remainder of 1983. The OY for 1984 would be set after results of the analysis of 1983 fisheries and survey data are known.
2. Set the total OY for the Western and Central areas at 240,035 mt. This alternative recognized that modification of the current OY is necessary to allow foreign catches during 1983 to remain at 1982 levels and was considered a viable option.
3. Increase OY to 344,000 mt as proposed by the Japan Deep Sea Trawlers Assn. As previously indicated, the basis for this proposal was the results of a cohort analysis performed by Alton and Deriso (1982) which indicated an annual surplus production (ASP) range for the Western and Central areas of from 180,000 mt to 508,000 mt, with 344,000 mt as the mid-point.

Because other status of stocks information is still preliminary, the SSC preferred the first option. Further, in light of these data, the SSC could not support a modification to the mid-point of the ASP range. Relative to future OY modification for the pollock fishery in the Gulf of Alaska, the SSC recommended that the Council adopt a schedule that will be followed in arriving at any such decision.

Report of the Advisory Panel

Bob Alverson reported that the AP recommended, on a vote of 13 to 2, that the current OY of 200,000 mt in the Gulf of Alaska not be increased. The AP felt that the Council should stay at the current level until data from recent years can be evaluated.

Public Testimony

Steve Johnson, Japan Deep Sea Trawlers Assn. Mr. Johnson said that the request for the increase in the pollock OY was submitted by his firm on behalf of the Japan Deep Sea Trawlers Assn. The request was based on information generated by the Northwest and Alaska Fisheries Center. He said that the request for 344,000 mt could be revised down, but his main concern is that the Japanese trawlers be able to operate at the same level as in the past and that Japanese participation in joint ventures be rewarded with continued allocations for directed pollock fishing.

Greg Baker, ALFA. Mr. Baker said he favors maintaining the OY level at the current 200,000 mt. To increase foreign fishing time would result in an increase of the catch of incidental species, therefore he would oppose any increase in the pollock OY.

Henry Mitchell, BSFA. Mr. Mitchell said he is concerned about any possible increase in the incidental catch of halibut.

End of public testimony.

COUNCIL ACTION

Jim Campbell moved that the Council follow the recommendation of the SSC and leave the pollock OY set equal to 200,000 mt for the Western and Central management areas for 1983 and set 1984 OY after analysis of 1983 survey data is complete. The motion was seconded by Harold Lokken. The motion passed with Rudy Petersen, Keith Specking, Clem Tillion, and Gene Didonato voting no.

D-6 Bering Sea/Aleutian Islands Groundfish FMP

Staff Report

Jeff Povolny reported that the Council needed to approve Amendment 8, the Prohibited Species Catch (PSC) limits for salmon for the foreign trawl fisheries in the Bering Sea: 38,441 fish in 1984 and 27,957 fish in 1985. Amendment 8 was sent out for public review on April 7; no comments were received. The salmon PSC numbers proposed for 1984 and 1985 were agreed to by Western Alaska Residents who depend on the salmon resource and the Japanese trawl industry, principal harvesters of groundfish in

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the Bering Sea. It has been determined that a formal amendment is not required to incorporate these figures into the plan as this action can be implemented through a rule-related notice.

Mr. Povolny also brought the Council up to date on the current status of Amendments 1, 3, 4, 5, 6 and 7. Because Amendment 3 will be implemented in 1983, Amendment 5 is no longer required and should be formally withdrawn from Secretarial review.

Report of the Scientific and Statistical Committee

The SSC recommended approval of Amendment 8 for Secretarial review and formal withdrawal of Amendment 5.

Report of the Advisory Panel

The Advisory Panel unanimously recommended approval of Amendment 8 for Secretarial review and also recommended formal withdrawal of Amendment 5.

The AP also requested the Council have the PMT review the significant reduction in salmon incidental catches in the Japanese fleet to determine whether the reduction is a result of gear modification, fleet fishing in different areas and times, and/or low abundance of salmon. The AP further requested the Council to advise NMFS to expedite implementation of Amendment 1.

Public Testimony

Jay Hastings, Japan Fish Assn. Mr. Hastings wished to clarify to the Council that although his name appeared on a document as being in favor of the halibut moratorium, he was not involved in the cited meeting and, in fact, has taken no position on the moratorium.

Mr. Hastings advised the Council that when Amendment 1 was originally proposed he was in support of it. However, since that time he feels there have been several significant changes and that it does not reflect the Council's original intentions. Mr. Hastings advised the he would submit a letter to the Council specifying the changes in implementing regulations that he is concerned with.

End of public testimony.

Chairman Tillion said he would like to review Mr. Hastings letter before considering action.

COUNCIL ACTION

Harold Lokken moved that the Council approve the PSC limits for salmon for foreign trawl fisheries in the Bering Sea at 38,441

fish in 1984 and 27,957 fish in 1985. The motion was seconded by Bob McVey and carried with no objection.

Bob Mace moved that the Council formally withdraw Amendment 5 from Secretarial review. The motion was seconded by Don Collinsworth and carried with no objection.

E. CONTRACTS, PROPOSALS, AND FINANCIAL REPORTS

E-1 Status of Contracts

The Council was provided with a written report on the status of current Council contracts. The Council was requested to approve the extension of Contract 82-3, Salmon Economic Profile, to July 31, 1983. There was no objection to this extension.

E-2 FY 1983-84 Budget Review

Jim Campbell, Chairman of the Finance Committee, reported that the Committee met on May 26 to review FY/84 Administrative and Programmatic funding. The Committee approved the total budget of \$1,037,452 which is a 5.4% increase over the FY/83 funding level of \$982,000. The Committee recommended immediate programmatic funding for the Steller Sea Lion Pup Counts Adjacent to Shelikof Strait in the amount of \$16,548 and the Additional Analysis of Salmon Troll Data in the amount of \$22,600. For FY/84, the Committee recommended funding be requested for six proposals, totalling \$500,000. The proposals were outlined to the Council in the minutes of the Finance Committee meeting.

Report of the Scientific and Statistical Committee

The SSC recommended 1983 funding of the Steller Sea Lion Pup Counts in Shelikof Strait project and the Additional Analysis of Salmon Troll Data project.

COUNCIL ACTION

Keith Specking moved that the Council approve the Administrative budget in the amount of \$1,037,452, as recommended by the Finance Committee. The motion was seconded by RADM Knapp and carried with no objection.

Bob Mace moved that the Council approve immediate funding for the Steller Sea Lion Pup Count proposal and the proposal for Additional Analysis of Salmon Troll Data. The motion was seconded by Keith Specking and carried with no objection.

E-3 Review of Programmatic Funds for FY/84

Recommendations of the Finance Committee are found under agenda item E-1.

Report of the Scientific and Statistical Committee

In reviewing the proposals for FY/84 funding, the SSC advised the following: The SSC does not recommend funding for the proposal, Handling Induced Mortality in Pre-recruit and Female Red King Crab.

The SSC recommended that the study on the Growth and Size at Maturity of Golden (Brown) King Crab be reviewed by the PMT, and that the study area be changed to the Bering Sea, and that the proposers respond to agency comments. The SSC would like to review the final proposal in July before recommending final approval. The SSC did not support the proposal for Stock Assessment Methodology for Sablefish. They recognized this to be a high priority for research and recommended that the Council identify funds at the \$200,000 level for sablefish research. Research priorities will be determined at a meeting to be hosted by the NWAFC in June. After that meeting, the SSC will review research needs and recommend a course of action by the Council.

The SSC did not recommend funding for the proposed studies on the Effects of Various System-wide Limited Entry Options . . . , and on the Economic Impacts of Fishing Activities on the Central and Western Regions of Alaska. They did, however, recommend that \$100,000 be set aside for research on limited entry and regional economics.

The SSC also noted that in addition to the above-mentioned projects, funds should be requested for ADF&G plan development and maintenance, and for the second year of the herring stock separation studies.

Don Collinworth moved that the Council approve the request for FY84 programmatic funding for the six proposals outlined in the Finance Committee's report. The motion was seconded by Keith Specking and carried with no objection.

The Finance Committee also recommended that a workgroup be appointed to review Council procedures prior to the July meeting. Chairman Tillion said he would appoint a group and notify them.

F. PUBLIC COMMENTS

Hank Ostrosky, Naknek. Mr. Ostrosky advised the Council that in view of the EEZ changes, responsibility for the Council would

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change from the Secretary of Commerce to the Secretary of Interior. Therefore, he feels the Council should not conduct business until it is resolved.

Richard Goldsmith, NPFVOA. Mr. Goldsmith told the Council that he is very pleased with the results of the combined efforts of the Coast Guard, NMFS, U.S., Japanese, Korean, and West Germany industry representatives to deal with gear conflicts in the Bering Sea. He hopes that it will be possible to get information out to foreign trawlers in the Bering Sea on a weekly basis through the Coast Guard and ADF&G. He also feels it would be beneficial to sit down and work out a gear conflict code.

G. ADJOURNMENT

Chairman Tillion adjourned the meeting at 3:05 p.m. on Thursday, May 26, 1983.

ATTACHMENT 1

to the
Scientific and Statistical Committee Minutes
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2.2 Definition of terms (Page 2-3)

- b. Acceptable biological catch (ABC). ABC is a seasonally determined acceptable catch that may differ from MSY for biological reasons. It may be less than, equal to, or greater than MSY, depending on resource conditions. ABC applies to the combined state and federal management areas.
- c. Optimum yield (OY). OY is that portion of the biomass which is available for harvest in the FCZ.
- h. Allowable incidental catch (AIC). AIC is that amount of herring allocated to be taken incidentally to United States and foreign groundfish fisheries. It is not considered a part of the OY for the herring resources. It is considered a part of the OY of the groundfish fishery. The AIC is allocated to each nation's groundfish DAH or TALFF in accordance with the relative amounts of DAH or TALFF for groundfish species other than herring.

7.6.2. Acceptable biological catch (Page 7-40)

Because the herring population of the Bering Sea fluctuates significantly, the acceptable biological catch (ABC) in any given year must reflect current stock conditions to the maximum extent possible. Therefore, ABC shall be determined annually and may be adjusted during the year as new information becomes available. The ABC determined under this plan applies to the combined state and federal management areas. The method of determination is as follows.

7.6.2.1 Spawning biomass estimation (Page 7-40)

Since 1977, ADF&G has performed aerial surveys along the western Alaska coast during the spawning period. The purpose of these surveys is to count schools of herring which are then recorded according to total surface area. Estimates of the spawning biomass are then obtained by applying a density factor to the total surface area of all schools recorded on the peak day in each spawning area. Using this technique, the spawning biomass in 1978 from Bristol Bay to Norton Sound was estimated to be 187,210-334,723 mt and estimates for 1979 were 258,079-637,583 mt (Barton and Steinhoff 1980). The estimate generated by ADF&G in 1982 was 116,000 mt (Table 7-7).

The spawning biomass estimate does not include any data from the Aleutian Island/Alaska Peninsula area or from the Port Clarence/Kotzebue Sound region. Reliable spawning biomass estimates do not presently exist for either of these areas. When spawning biomass estimates are available they will be included in the spawning biomass estimation used to determine ABC.

Despite the problems with the method, the spawning biomass estimates developed by aerial surveys are the best available. Until additional data become available through hydroacoustic surveys, spawn deposition surveys, or other sources, the aerial surveys shall be the basis for determining annual spawning biomass.

In the past, there have been times when ice and weather conditions have been such that aerial surveys could not be conducted to accurately assess spawning biomass. When spawning surveys are limited by these or other factors, the primary stock assessment tool will be virtual population analysis (VPA). VPA is based on data generated from previous years' inshore and offshore surveys. The biomass of each year-class of herring is computed and subjected to an estimated annual mortality (a combination of natural and fishing mortality). An estimate of recruitment into the fishery is also computed. The current biomass estimate is then the sum of the computed biomass estimates for each year-class and the predicted recruit biomass.

If it is not possible to determine herring abundance by using aerial surveys or VPA, stock condition will be assessed by using commercial catch rates, the percentage of roe recovery, ratios of pre- to post-spawners from test net and commercial catches (both inshore and offshore), spawn deposition observations, and any other available information.

It must be noted that when virtual population analysis or other methods are used to provide biomass estimates, those estimates must be reduced to a spawning biomass estimate before they may be used to determine ABC.

7.6.2.2 (not changed)

7.6.2.3 Determination of ABC (Pages 7-46)

Using the procedure described in Section 7.6.2.5, the Council shall annually determine ABC using the following formula.

$$ABC = \frac{\text{spawning biomass estimate}}{\text{MSY biomass}} \times 0.2 \times \text{spawning biomass estimate}$$

7.6.2.3.1 Spawning biomass estimate

Spawning biomass estimate will be determined in accordance with Section 7.6.2.1. The most current data available at the time of determination of ABC shall be used.

Spawning biomass estimates for the Nelson Island subsistence stocks will be excluded from the spawning biomass estimate. This exclusion reduces the ABC and is intended to provide an additional degree of protection for these stocks.

7.6.2.3.2 MSY biomass

In accordance with Section 7.6.1 the best available estimate of MSY biomass is 243,560 mt.

7.6.2.3.3. Limitations on exploitation rate

In accordance with Section 7.6.2.2. the exploitation rate may not exceed 20%. If the spawning biomass estimate divided by the MSY biomass is greater than 1, then the value is set equal to 1.

7.6.2.4 Determination of ABC (new)

Annually by July 1, ABC shall be estimated by the Regional Director of the NMFS using the procedure described in Section 7.6.2.3. This estimate shall be reviewed by the Council and its advisory groups. The Council shall provide for public comment on the estimated values and procedures.

The Council shall on October 1 recommend a final value of ABC to the Assistant Administrator or the Alaska Regional Director, NMFS, who will specify the final values. The ABC so specified will be for the current fishing year.

7.7 Allowable incidental catch (AIC) (Page 7-47)

A small incidental catch of herring unavoidably occurs each year in the groundfish trawl fishery of the eastern Bering Sea. Because of the great value of this groundfish trawl fishery, and the importance that is specifically ascribed to its development in Section 2(a)(7) and (b)(6) of the Magnuson Act, the utilization of this small portion of the herring resource in the Bering Sea groundfish trawl fishery contributes to the "greatest overall benefit to the Nation" within the meaning of Magnuson Act Section 3(18). This unavoidable incidental catch of herring is thus part of the optimum yield of the Bering Sea groundfish fishery. Because the fishery is currently dominated by foreign participants, most of the herring taken in the fishery is currently taken by foreign vessels. As United States participation in the Bering Sea groundfish trawl fishery increases, a greater and greater percentage of the herring taken in that fishery will be taken by United States fishermen.

The amount of the herring that is allocated to the Bering Sea/Aleutian Islands groundfish fisheries is referred to in this FMP as the "Allowable Incidental Catch" (AIC). Like other components of the Bering Sea groundfish fishery OY, AIC must be apportioned to domestic annual harvest (DAH) and total allowable level of foreign fishing (TALFF). AIC is a function of the groundfish allocations to all foreign and domestic groundfish trawl fisheries. AIC is equal to the 1979-81 average incidence rate of herring times each nation's groundfish allocation. It is automatically allocated with and inseparable from groundfish DAH and individual foreign groundfish allocations. If a nation does not harvest its AIC allocation, the remainder need not be reallocated. Herring harvest under an AIC allocation may be retained.

The average incidence rate is based on observer data and catch reports from the 1979, 1980 and 1981 foreign groundfish operations. The methods used to calculate the incidence rate for each year are described in Section 8.3, along with an in-depth review of 1978-79. The computed incidence rate was 0.136% in 1979, 0.125% in 1980, and 0.04% in 1981. The average for the three-year period is 0.10%. The incidence rate used to calculate the AIC is therefore established as 0.10%.

The maximum expected Bering Sea groundfish OY is 2.0 million mt. Thus, the maximum expected AIC is 2,000 mt. In 1982 the calculated total AIC would have been approximately 1,400 mt.

The provisions of this FMP concerning AIC constitute a supplement to and are to be considered an integral part of the Bering Sea/Aleutian Islands Groundfish FMP, which is hereby amended to incorporate those provisions by reference.

AIC shall be determined annually at the time of the determination of the groundfish total allowable catch under the Bering Sea/Aleutian Islands Groundfish FMP.

10.0 Optimum Yield (page 10-1)

OY shall be the sum of two components, a summer apportionment of OY and a winter apportionment of OY. These two components shall be determined as follows:

10.1 Summer apportionment of OY

The summer apportionment of OY shall be 2,000 mt, and shall be available for harvest south of 55°47'N latitude during the period of July 1 through September 30. In order to assure that this summer apportionment of OY does not cause the fishery to exceed historic levels, harvests in the inshore (territorial sea) fishery south of 55°47'N latitude from July 1 through September 30 shall be counted against the achievement of the 2,000 mt summer apportionment of OY. When 2,000 mt has been harvested in the FCZ and the territorial sea taken together, the FCZ south of 55°47'N latitude shall be closed to fishing for herring until the next apportionment is made. Any unharvested portion of the summer apportionment of OY should not be reallocated.

The summer apportionment of OY may be reduced if NMFS, in consultation with the Council and the State, finds a serious problem resulting from any of the following factors:

- a. the extent to which the subsistence and inshore commercial fisheries harvested or overharvested the ABC;
- b. condition of the spawning stocks of herring with special focus on the subsistence stocks;
- c. abundance of spawning herring and their spawning success;
- d. age composition of the spawning herring;
- e. recruitment to the spawning stocks of herring;
- f. the variation in exploitation rates between the spawning stocks; and
- g. changes in the State's management of the inshore commercial fishery.

10.2 Winter apportionment of OY

The winter apportionment of OY shall be determined as follows:

$$\text{Winter Apportionment of OY} = \text{ABC} - \text{Inshore Commercial Harvest} - \text{subsistence adjustment} - \text{AIC}$$

In the event that the winter apportionment of OY as calculated is less than zero, the winter apportionment of OY shall be set equal to zero.

The winter apportionment of OY is further reduced by 50%. This reduction of the winter apportionment of OY is due to the social and economic importance of the subsistence and inshore commercial fisheries. This reduction insures that

the winter apportionment of OY will remain conservative to protect these priority fisheries. The Council will review this procedure for determining the winter apportionment of OY within three years after the implementation of this plan.

The winter apportionment of OY shall be available for harvest throughout the management unit from October 1 (or the date which notice of its determination is filed with the Federal Register, whichever comes later) until March 31, the end of the fishing year.

10.2.1. Subsistence adjustment

The subsistence harvest of herring has been identified as a priority fishery by both the State of Alaska and the Council (see Section 3). The majority of this harvest takes place in the Nelson Island area. These stocks have already been provided an additional degree of protection by the exclusion of those stocks from the spawning biomass estimates. But it is noted that subsistence harvest of herring does occur elsewhere in the management area. To insure protection of all subsistence fisheries, 500 mt is subtracted in the determination of the winter apportionment of OY in order to provide an additional degree of protection for all subsistence stocks.

10.2.2. Inshore commercial harvest

The inshore commercial harvest shall be the total harvest taken from State waters between April 1 and September 30 and from the FCZ directed harvest between July 1 and September 30.

10.2.3. AIC

The allocation of herring provided for an incidental catch in the groundfish trawl fishery is subtracted in the determination of the winter apportionment of OY. The value to be subtracted will be the number determined for the current year in accordance with Section 7.6.2.4. This value is subtracted before determination of the winter apportionment of OY since it becomes an allocation under the Bering Sea/Aleutian Islands Groundfish FMP and is not considered a part of OY in this plan.

10.2.4. Limitation of Winter Apportionment of OY

This apportionment shall be further limited as follows:

- a. If the amount so calculated is less than 2,000 mt, the winter apportionment of OY shall be zero. This limitation is to insure that any winter appropriation of OY will be large enough to insure that a directed herring fishery is undertaken, not just an increase of the incidental harvest in the groundfish fishery.
- b. If the current herring spawning biomass is less than one-half of the MSY biomass, the winter apportionment of OY shall be zero. This limitation is to insure that at times of low spawning biomass rebuilding of stocks is placed in higher priority than the offshore fishery.

- c. If the amount so calculated is greater than 10,000 mt, then the winter apportionment of OY shall be 10,000 mt. This limitation is to insure that any offshore fishing which is authorized is controlled in its development. The Council does not feel in light of the priorities for other fisheries established in this plan and the status of the resource that a winter apportionment of OY will be available in every year, and therefore the Council does not wish to encourage an offshore fishery to develop which is dependent upon this allocation.

The winter apportionment of OY as calculated may be further reduced if NMFS, in consultation with the Council and the State, find a serious problem resulting from any of the following factors.

- a. The extent to which the subsistence and inshore commercial fisheries harvested or overharvested the ABC.
- b. Condition of the spawning stocks of herring with special focus on the subsistence stocks.
- c. Abundance of spawning herring and their spawning success.
- d. Age composition of the spawning herring.
- e. Recruitment to the spawning stocks of herring.
- f. The variation in exploitation rates between the spawning stocks.

10.3 Determination of OY

Upon the estimation of ABC by the Regional Director of the NMFS, the Council shall develop and make available recommended values for the two components of OY. The summer apportionment of OY shall be made immediately available for harvest. The Council shall provide for public comments on the estimated winter apportionment of OY. The Council shall by October 1 recommend a final value of the winter apportionment of OY to the Assistant Administrator or the Alaska Regional Director, NMFS, who will specify the final values.

12.0 MANAGEMENT SYSTEM (Page 12-1)

This section prescribes the management regime for herring fishing operations in the FCZ of the Bering/Chukchi Sea. The subsistence and inshore commercial fisheries described in this plan will continue to be managed by the State of Alaska and are beyond the scope of this FMP and this management regime.

12.1 Objectives (Page 12-1)

This FMP has been prepared in accordance with the National Standards set forth in Section 301(a) of the Magnuson Act.

The Council has determined that the priorities for fisheries which utilize the herring stocks which are covered by this plan are as follows:

1. subsistence fishery
2. inshore commercial fisheries
3. offshore domestic fisheries

Based upon these priorities, the following specific objectives have been developed.

1. To conduct any harvest of herring in the FCZ in such a manner to insure:
 - a. Maintenance of the herring resource at a spawning level that will provide the maximum production of recruits.
 - b. Maintenance of the subsistence herring stocks and the subsistence fishery.
 - c. Maintenance of the herring resource at a level that will sustain populations of predatory fish, birds and mammals.
 - d. Development and maintenance of the inshore commercial fisheries.
2. Consistent with objective 1, promote full utilization of the herring resources by domestic offshore fisheries.
3. Provide to the extent possible a unified management regime between federal and state jurisdictions.

It is recognized that to achieve these objectives on a long-term basis it will be necessary to establish a conservative management regime for the near future. The rationale for support of a conservative management regime is that the abundance of herring declined sharply in the early 1970s and only recently has an increase become apparent. Although several hypotheses could be advanced to explain the cause of the observed decline, data are insufficient to establish conclusively a casual factor. Also, present knowledge of the resource is rudimentary and inferences on many aspects of life history must be drawn from other more thoroughly studied populations. Since rapid, marked changes in abundance are expected to occur in the future, based on historic patterns in world herring fisheries, and as management and research are at an embryonic stage, it is prudent to manage the resource conservatively until basic management data become available.

Justification and Rationale for Objectives

Objective 1 recognizes the importance and priority established for the subsistence and inshore commercial fisheries. The objective is to insure that any harvest in the FCZ recognizes the importance of these other fisheries and of the herring resource to the Bering Sea ecosystem.

Herring managers world-wide have recognized the importance of maintaining a strong spawning biomass. In the North Atlantic Ocean, management is based on setting yield at or below the $F_{0.1}$ level (see Section 7.6.2) to maintain a sufficiently large multi-age spawning biomass. In British Columbia, management is based on escapement where the fish surplus to spawning requirements

are allocated to the fishery on data that egg survival is greatest at moderate densities and a maximum number survive to the critical larval stage.

At present, data are insufficient to determine the level of biomass that will produce maximum recruitment, however, assuming that MSY is an indicator of long-term average yield achievable at an exploitation rate of 20%, then at least average recruitment should be maintained at this biomass level.

The high priority placed on the subsistence stock and subsistence fisheries. The adjustment in determination of OY and the removal of the Nelson Island subsistence stocks from the annual biomass determination, are specifically designed to insure the maintenance of the subsistence fisheries. Additionally, the conservative approach in determining the winter apportionment of OY further insures protection for these priority fisheries.

Maintenance of the resource at a level that will sustain populations of predatory fish, birds and mammals is met since resource surveys will be conducted annually and deviation about the mean biomass level reflects changes in the survival of herring year-classes of which predation is a major component. If a strong predatory-prey relationship exists between herring and a mammal, bird or fish species, then managing herring to dampen strong stock fluctuations should also dampen fluctuations in the predatory species. Also, limiting yields to or below the $F_{0.1}$ level should insure an adequate amount of herring for use by other species.

Development and maintenance of the inshore commercial fisheries is insured by the higher priority placed upon these fisheries and by the limitation placed upon the development of the offshore commercial fisheries.

Objective 2 recognizes that need to promote the full utilization of the herring resources within the limits expressed in the priorities and concerns of Objective 1. This objective is met to the degree possible by the plan through the formulation and allocation of optimum yield.

Objective 3 recognizes the need for cooperative management of these resources between the Council and the State. This objective is met by insuring that management actions which would affect the state's management activities are coordinated with the state and that the state is consulted on matters pertaining to the conservation of the resource.

12.2 Allocations to the fisheries (Page 12-4)

12.2.1 Fishing year

The fishing year shall be April 1 to March 31.

A fishing year commencing April 1 coincides with the migration of herring into coastal waters for spawning and is a natural division between the fisheries occurring on the winter grounds and those on the spawning grounds.

12.2.2 Summer apportionment of OY

Two thousand mt of herring is apportioned to the offshore summer food and bait fishery of the Aleutian Islands/Alaska Peninsula area. This apportionment

shall be harvested only south of 55°47'N latitude, during the period July 1 through September 30. In order to assure that the summer apportionment of OY does not cause the fishery to exceed historic levels, harvests in the inshore (territorial sea) fishery south of 55°47'N latitude from July 1 through September 30 shall be counted against the achievement of the summer apportionment of OY. When 2,000 mt has been harvested in the FCZ and the territorial sea taken together, the FCZ south of 55°47'N latitude shall be closed to fishing for herring until the next apportionment is made. Any unharvested portion of this apportionment of OY should not be reallocated.

12.2.3 Winter apportionment of OY

Any winter apportionment of OY determined by the method established under Section 10.2 of this plan shall be made available to the domestic offshore fishery starting October 1 (or the date which notice of its determination is filed with the Federal Register which comes later) and will be available until March 31.

12.3 Management Measures and Rationale for Domestic Fisheries (Page 12-5)

12.3.1 Inshore commercial fisheries

Regulations for the orderly conduct of the inshore commercial fisheries are promulgated by the State of Alaska.

12.3.2 Offshore commercial fisheries

- i. Provisions for allocation, see subsections 12.2.2, 12.2.3.
- ii. The FCZ will be closed to directed fishing for herring from the beginning of the fishing year, April 1, until July 1, south of 55°47'N latitude. North of 55°47'N latitude the FCZ will be closed to directed fishing for herring from April 1 to September 30 or the date on which notice of the winter apportionment of OY is filed with the Federal Register (whichever comes later). In the event the winter apportionment of OY is zero, the total management area is closed to directed herring fishing from October 1 to March 31.

Rationale

The FCZ closure from April 1 to July 1 prevents interception of roe-bearing fish during the spawning period. The July 1 opening south of 55°47'N allows continuation of the summer fishery which has developed in the Aleutians. The July 1 opening date allows fishing during a time when there is a likelihood that local stocks are present in this fishing area.

The 55°47'N boundary does not restrict fishermen from traditional summer fishing areas. This particular boundary is identical to the current boundary established by State of Alaska regulation, and will thus help reduce potential conflict.

The winter offshore fishery has historically occurred in October through March. Any winter apportionment of OY will be made as early as possible to allow this fishery to proceed as usual.

- iii. All or part of the Herring Savings Area as described in Section 8.4 will be closed to domestic herring and groundfish trawl fisheries by the Regional Director, if:
 - a. the total DAH and domestic allocation of AIC have been harvested; or
 - b. the amount of remaining domestic allocation of AIC can be harvested within one reporting period (one week).
- iv. When the domestic AIC has been used herring becomes a prohibited species and may not be retained.

Rationale

To simplify the accounting of herring harvested as DAH or AIC, all herring caught in an area open to directed herring fishing will be charged against DAH. All herring harvested in an area closed to directed herring fishing will be charged against AIC. If no domestic allocation remains (either DAH or AIC), the Herring Savings Area closure would be implemented to protect the feeding stocks against further harvesting by the winter fisheries. If there is a small amount of AIC outstanding that can be taken in one reporting period, the Herring Saving Area would be implemented by the Regional Director in order to avoid exceeding the AIC between reporting periods.

12.3.3 Other regulations

Regulations in the Bering Sea/Aleutian Islands Groundfish FMP for time and area closures shall also apply to all offshore herring fisheries.

Rationale

Any herring trawl fishery in the FCZ most likely will be conducted in conjunction with domestic groundfish fisheries. The restrictions on groundfish fishing operations have been developed to protect incidentally caught species and prevent gear conflicts. As herring fishing gear is similar to groundfish fishing gear (e.g. pollock), the herring fishery has potentially the same impact. Thus, the Bering Sea Groundfish FMP implementing regulations specifying time and area closures shall also apply to the herring fisheries to minimize adverse impacts and to maintain consistency of regulations.

12.3.4 Statistical reporting requirements

All necessary information regarding inshore harvest and spawning biomass estimates can be obtained from the State of Alaska.

U.S. fishermen fishing in the FCZ and not landing their catches on shore are currently not required to report their catches to either state or federal authorities. Due to the vast area of the FCZ which may be opened to herring fishing and the unknown distribution and composition of offshore stocks, it is critical that the FMP provide for collection of harvest information. The need for this information increases with the magnitude of the offshore catch--if the FCZ harvest is small only total catch and general area information may be

required. However, due to the lack of definitive data and uncertain impacts of mixed-stock offshore fishing, much more detailed information should be required for managing a major FCZ fishery. Without an adequate information collection mechanism, a major fishery could cause irreparable damage and should not be allowed. The type of information for management of an FCZ herring fishery includes catch, time, area and effort. Non-fishing "search" time might also be critical for detection of stock declines. Specifically, where information is not available from other sources, this FMP authorizes collection of the following statistics from domestic vessels harvesting herring in the FCZ:

1. catches reported by $\frac{1}{2}$ degree latitude x 1 degree longitude areas; and
2. effort reported by gear type and vessel class by month. Examples of effort data include hours towed, number of landings, and number of trips.

12.3.5 Permit requirements

All U.S. vessels fishing in the FCZ of the Bering/Chukchi Sea must have on board a permit issued by the Secretary of Commerce or a State of Alaska commercial herring permit.

12.4 Management Measures and Rationale for the Foreign Fishery (Page 12-9)

12.4.1 Area closures

- i. Directed fishing for herring is not allowed within the management unit.
- ii. All or part of the Herring Savings Area, as described in Section 8.4, will be closed to a nation's groundfish trawl fisheries by the Regional Director if:
 - a. that nation has no remaining AIC; and
 - b. the amount of remaining AIC can be harvested within one reporting period (one week).
- iii. When a nation has used all of its allocated AIC, herring becomes a prohibited species and may not be retained.

Rationale

The U.S. industry has demonstrated the capacity and its intention to harvest the total optimum yield of herring. Therefore, the TALFF is zero and no directed fishing for herring will be allowed.

The purpose of the Herring Savings Area closure is to reduce the incidental catch of herring by foreign groundfish trawl fisheries when AIC has been reached. An in-season closure provision is necessary to allow the Regional Director to act within a reasonable amount of time to protect herring stocks from being overharvested during one reporting period.

This closure applies to trawl gear only. Longline, pot or other gear which are not utilized to fish for herring or catch herring above trace amounts (less than 0.001% of total catch) are exempt from this time/area restriction.

12.4.2 Foreign reporting requirements

The operators of all foreign vessels must maintain an accurate log of catch and effort information in accordance with the requirements of the implementing regulations of the Bering Sea/Aleutian Islands Groundfish FMP and other foreign fishing regulations, 50 CFR Part 611.

12.4.3 Permit requirements

All foreign vessels fishing for groundfish in the FCZ must have on board a permit issued by the Secretary of Commerce, as required by the Magnuson Act.

(Presented to Council, Thursday, May 26, 1983)

Staff Review of SSC-Herring FMP Revisions

This review includes the views stated in past PDT/PMT reports and discussions held at past meetings. Because we did not provide adequate notice for a PMT meeting, we did not formally meet. Three team members were present at the SSC meeting on Monday and discussed certain issues with the SSC at that time. I believe this report does reflect the views of the Team.

1. This is a very comprehensive effort by SSC; it is the first in-depth review in over two years, and things have changed in that time. What the SSC has done, basically, is to separate the biological adjustments from the socio/economic/political adjustments in the determination of OY.
2. Only minor problems were found in our review of the SSC document. The Team has shared some of the same concerns in the past, but feels some of these are minor.

- A. .2 exploitation rate cap - the PMT in the past has opposed this change from 1980 draft. The Team will comment after we have reviewed a paper by Vidar Weststad and Steve Fried (July meeting). This problem was not addressed by the SSC and in fact was adopted by the Council on an SSC recommendation. The issue is critical only when biomass estimates exceed the MSY biomass.

- B. ABC formula change - The PMT looked at the 2000 mt adjustment in the formula in June 1982 and modified the original formula to be more flexible. The Team said the adjustment would be 2000 mt until we know better; the SSC suggests we make delete the adjustment until we know better.

- C. Summer apportionment problem (i.e., where does the 2000 mt apportionment come from?) The SSC states that this is an OY adjustment, which is within the Council's prerogative. The SSC states that any unharvested portion will not be reallocated to the winter fishery. In all probability the vast majority of the harvest would occur in State waters and is beyond the scope of the FMP, so this is only a potential problem and not an immediate problem.

One potential question has been raised that can be taken care of easily by cooperation with the State. If the first 2000 mt is harvested in the FCZ, can 3400 mt more be taken in State waters? I believe current State regulations prevent this, but suggest it be clarified.

Specific comments:

- D. The format changes suggested by the SSC for the ABC section (7.6.2.3, 7.6.2.3.1 - 7.6.2.3.3.) and winter apportionment (10.2, 10.2.1 - 10.2.4) are very helpful and make the sections much more clear and concise.

The Team has tried to emphasize in the ABC formula how the exploitation rate is calculated, and the SSC has eliminated this step. It is a minor change that can be easily fixed.

E. The new section 7.6.2.4. Determination of ABC.

The Regional Director would now estimate ABC by July 1 instead of the PMT/SSC/Council. This change is necessary if a summer apportionment is to be established by the opening of the summer season. Unless the Council had a June meeting it would not be possible to review this before July 1 - this approach would allow the Council to review the Regional Director's action at the July meeting, suggest changes if necessary, and the Regional Director could modify the apportionment as necessary. The Council will make preliminary determination of winter apportionment at the July meeting, allow public review until the September meeting, and specify final values at that time.

F. AIC. The proposed definition (SSC page A-1) does not address retention of AIC or how the OY formulation takes the incidental catch into account. A more complete definition would make the later sections fit together better.

With respect to PSC, the Team has supported the AIC concept in the past and has not reviewed the approach recently. However, I would like to note the potential problem if herring is prohibited to foreigners and not to domestic fishermen. The problem is how to deal with J.V. processors. The AP recommended that herring be totally prohibited to foreigners, but not to domestic fishermen. They specifically said foreigners should not be allowed to buy J.V. herring.

G. Winter apportionment - In the SSC version, AIC is divided by 2, which is a change from the Council's present position. This could be easily changed if the Council desires. The SSC suggests subtracting a subsistence adjustment, which reduces any difference to about 200 mt. Again, the SSC intends these adjustments to be social/economic/political in nature since no scientific justification exists for reducing the offshore catch.

H. Management Objectives (FMP Section 12, SSC Report Page A-11) - Because the Team could not meet and discuss these changes we cannot comment at this time. The SSC has attempted to clarify and more accurately reflect the Council's real goals. The presentation, i.e. stating priorities first and then the objectives to achieve them, is much less ambiguous.

Objective 1 contains Objectives 1,2, & 3 of the May 1983 draft. It adds the priority of the inshore commercial fishery as well (which may be Objective 5 of the May 1983 draft).

Objective 2 is nearly identical to Objective 4 of the May 1983 draft, except that it refers to full utilization of the FCZ resource by offshore fishermen.

Objective 3 is identical to Objective 6 of the May 1983 draft.

The justification of these objectives includes most of the text of the May draft but expands the discussion to reflect the other changes suggested throughout the SSC amendment.