

North Pacific Fishery Management Council

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12/5/86

DRAFT AGENDA

74th Plenary Session
North Pacific Fishery Management Council

December 9-11, 1986
Anchorage Sheraton Hotel
Anchorage, Alaska

The North Pacific Fishery Management Council will meet December 9-11 at the Sheraton Hotel in Anchorage, Alaska, and may continue on Friday, December 12 if necessary. The meeting will convene at 9:00 a.m. on Tuesday, December 9. Other meetings to be held during the week are:

<u>Committee/Panel</u>	<u>Beginning</u>
Scientific & Statistical Committee	*1:30 p.m., Sunday, December 7
Advisory Panel	1:30 p.m., Sunday, December 7
Permit Review Committee	3:00 p.m., Sunday, December 7
AP Nominating Committee	*7:00 a.m., Wednesday, December 10
Finance Committee	7:00 a.m., Thursday, December 11

All meetings will be held at the Sheraton unless otherwise noted.

* The SSC will meet in closed session for some portion of the meeting to discuss personnel. The AP Nominating Committee will also meet in closed session to review nominations to the Advisory Panel. In addition, the Council will meet in executive session at least once during the week to discuss personnel.

MAIN ISSUES

Of the items requiring Council attention in December the following are expected to involve the most discussion and public comment.

Groundfish Issues

The Council will review status of stocks and set final 1987 groundfish apportionments for the Gulf of Alaska and Bering Sea/Aleutian Islands.

Foreign Fishing - Permits and Allocations

The Council's Permit Review Committee will meet on Sunday, December 7, to review and take public testimony on foreign allocation requests, vessel permits and joint ventures for 1987. The committee's recommendations will be considered by the Council during their meeting later in the week.

Crab Management Issues

The Council's crab management workgroup will report on their progress on developing recommendations for crab management off Alaska. The Council is expected to make a recommendation to extend an emergency rule suspending the Tanner crab regulations and consider future action.

Other Issues

The Council will appoint members to the Advisory Panel, Scientific and Statistical Committee and groundfish plan teams for new terms beginning January 1, 1987. There will be reports from ADF&G on domestic fisheries, NMFS on current management issues, and the Coast Guard on enforcement. The Council will review the progress of the Domestic Observer Committee and information on reflagging foreign vessels.

INFORMATION FOR PERSONS WISHING TO TESTIFY AT COUNCIL MEETINGS

Those wishing to testify at Council meetings on a specific agenda item must fill out and deposit a registration card in the box on the registration table before public comment begins on that agenda item. Additional cards generally are not accepted after testimony has begun. A general comment period (Agenda Item F) is scheduled toward the end of each meeting for comment on matters not on the current agenda.

DRAFT AGENDA

74th Plenary Session
North Pacific Fishery Management Council.

December 9-11, 1986
Anchorage, Alaska

- A. CALL TO ORDER, APPROVAL OF AGENDA AND MINUTES OF PREVIOUS MEETINGS
- B. SPECIAL REPORTS
 - B-1 Executive Director's Report
 - B-2 Domestic Fisheries Report by ADF&G
 - B-3 NMFS Management Report
 - B-4 Enforcement and Surveillance Report by U.S. Coast Guard
- C. NEW OR CONTINUING BUSINESS
 - C-1 AP, SSC, and Plan Team Appointments
Council approval of memberships
 - C-2 Legislative Update
 - C-3 Domestic Observer Program
Fishery-funded Organization for Research and Monitoring
 - C-4 Halibut Regulatory Proposals
Information only
 - C-5 Review DAP for 1987
 - C-6 Review JVP for 1987
 - (a) Report on joint ventures in 1986
 - (b) Country joint venture requests
 - (c) Determine total JVP needs by species and area
 - (d) Review Portuguese internal waters joint venture request
 - C-7 Review Foreign Fisheries for 1987
 - (a) Allocations
 - (b) Vessel permits and conditions
 - C-8 Other Business

D. FISHERY MANAGEMENT PLANS*

D-1 Crab Management

- (a) Report of Crab Management Committee.
- (b) Council recommendations for further action.
- (c) Council recommendation on extending emergency rule suspending regulations.
- (d) Council recommendation on disposition of Tanner Crab FMP.

D-2 Gulf of Alaska Groundfish FMP

- (a) Review status of stocks and set new ABCs if appropriate.
- (b) Review DAP and JVP for 1987.
- (c) Set Halibut PSCs.
- (d) Set OY, TQ, DAP, JVP, and TALFF and PSC for 1987.

D-3 Bering Sea/Aleutian Islands Groundfish FMP

- (a) Review status of stocks and set new ABCs if appropriate.
- (b) Review DAP and JVP for 1987.
- (c) Set OY, TAC, DAP, JVP, and TALFF for 1987.

E. CONTRACTS, PROPOSALS AND FINANCIAL REPORT

F. PUBLIC COMMENTS

G. CHAIRMAN'S REMARKS AND ADJOURNMENT

*Abbreviations used:

- ABC - Acceptable Biological Catch is an annual harvest level for each species based only on biological considerations.
- DAP - Domestic Annual Processed catch by U.S. vessels delivering to U.S. processors and by U.S. catcher/processors.
- JVP - Joint Venture Processed catch by U.S. fishing vessels delivering to foreign processing vessels.
- OY - A range within which summed TACs or TQs must fall.
- PSC - Prohibited Species Catch is a harvest limit usually placed on halibut, salmon and crabs or other species which must be discarded in the groundfish fisheries (except for halibut by U.S. hook and line vessels during halibut openings).
- TAC/TQ - Total Allowable Catches and Target Quotas are annual harvest levels based on biological, economic and social factors.
- TALFF - Total Allowable Level of Foreign Fishing

DRAFT MINUTES

73rd Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
September 24-26, 1986
Anchorage Sheraton Hotel
Anchorage, Alaska

The North Pacific Fishery Management Council met September 24-26, 1986 at the Sheraton Hotel in Anchorage, Alaska. The Scientific and Statistical Committee and Advisory Panel began Monday, September 22.

Members of the Council, Scientific and Statistical Committee, Advisory Panel and general public in attendance are listed below.

Council

James O. Campbell, Chairman
Rudy Petersen, Vice Chairman
Don Collinsworth
Mark Pedersen for
 Bill Wilkerson
RADM Edward Nelson
Oscar Dyson
Larry Cotter
Robert Ford, State Department

Robert U. Mace for
 John Donaldson
Robert McVey
Henry Mitchell
John Harville
John Peterson
John Winther
Jon Nelson for
 Robert Gilmore

NPFMC Staff

Jim H. Branson, Executive Director
Clarence Pautzke
Judy Willoughby
Steve Davis
Jim Glock

Ron Miller
Ron Rogness
Terry Smith
Helen Allen
Peggy Kircher

Support Staff

Jim Balsiger, NMFS-NWAFRC
Jay Ginter, NMFS
Craig Hammond, NMFS
Pat Travers, NOAA-GC
Jim Brooks, NMFS
Jon Pollard, NOAA-GC

Bob Trumble, IPHC
Loh-Lee Low, NMFS-NWAFRC
Fred Gaffney, ADF&G
Bill Robinson, NMFS
Fritz Funk, ADF&G

Scientific and Statistical Committee

Don Rosenberg, Chairman
Bill Aron
Douglas Eggers
Larry Hreha
Tom Northup

Richard Marasco, Vice-Chairman
Terry Quinn
Don Bevan
Bud Burgner

Advisory Panel

Nancy Munro, Chairman
Bob Alverson
Rupe Andrews
Al Burch
Ron Hegge
Oliver Holm
Rick Lauber
John Woodruff
Joseph Chimegalrea
Gregory Favretto
Daniel O'Hara
Don Rawlinson
John Woodruff

Terry Baker
Thorn Smith
Tom Stewart
Barry Fisher
Eric Jordan
Julie Settle
Walter Smith
Richard White
Dave Woodruff
Pete Isleib
Al Osterback
Cameron Sharick

General Public

It was estimated that over 200 people attended the Council meeting during its session, including the following:

Anthony Calio, NOAA Administrator
Jim Brennan, NOAA-GC
Barry D. Collier, PSPA
Paul A. Gilliland, API
Craig Willoya, KEG
Deborah Pearson, NPFVOA
Paul Kelly, FFHMC/ICEG/AFC
K. Nagao, Consulate General/Japan
Emory Washington, Tampa Ship
Li Shanxun, CNMFC
Wayne Lewis, NMFS-Enforcement
T. Taniguchi, NDSF
Greg Baker, AK Dept of Commerce
Chris Blackburn, AGDB
David Harville, Kodiak Western Trawlers
P. Park, CAC
LCDR Roger Mercer, NMFS, Anchorage
Hal Bernton, Daily News
T. Nakamura, Japan Seamen's Union
Kathy Kinnear, Kodiak Longline Assn.
J. Jemewouk
Sharon Gwinn, AFDF
William Sullivan
Joe Kurtz
Jason Bony, NWJVF
Ted Evans, AFTA
Joe Easley, PFMC
M.G. Stevens, ProFish
Mark Royce
Dean Paddock
Frank Kawana
Arni Thomson, A.C.C.
O. Hosoya
Krys Holmes

Tom Billy, NOAA
Prudence Fox, NMFS
H. Yamashita, Taiyo
Kathleen Lee, API
Stan Carothers, New Zealand
J.R. Todd, Quest
J. Zuck
R. Anselmi, Tampa Ship
Bart Eaton
Chris Jones, CNMFC
Ray O'Neil, BBHMC/AHC
Y. Niimi, Nippon Suisan
Jim Russell, AK Fisheries
Stephan Johnson
Madelyn Walker, AVTEC
Lee Daneker, Fish Co/AK
John Sabella, NPFVOA
Howard Braham, NMFS/MML
Norman Staden
John Daly, Voyager Corp.
Jeff Stephan, UFMA
Peter Block, NDSF
Mary Ouellette
Robt. Morgan, PSPA
Phil Chitwood, MRC
Jay Hastings, JFA
Richard Bank, Graham & James
John Bruce, DSFU
Steve Grabacki
Bob Wienhard
Harold Thompson
John Enge
Paul Fuhs
Hugh Reilly

Alec Brindle
Y.S. Shin, Korea Won Yang
Steve Dickinson, JDSTA/HTA
Tomasz Pintowski
Nancy Davis, Quest
Spike Jones

Ken Kobayashi, JDSTA
Myrtle Johnson
Shari Gross
Wally Pereyra, ProFish
Eva Holm
Bill Jacobson

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

Chairman Jim Campbell called the meeting to order at 9:07 a.m. on Wednesday, September 24. Mr. Campbell announced that Larry Cotter had been appointed to a three-year term on the Council and John Winther was reappointed for another three years. The new Coast Guard representative, RADM Edward Nelson was introduced and it was announced that Mark Pedersen will be the permanent Council representative for the Washington Department of Fisheries. Special guests attending the Council meeting included Dr. Anthony Calio, NOAA Administrator; Jim Brennan, NOAA-GC; Tom Billy, Industry Services, NMFS-DC; and Joe Easley, Chairman of the Pacific Council. Dr. Calio announced that Dr. William Evans is the new Assistant Administrator for Fisheries. Bob McVey introduced Lew Queirolo, NMFS Regional Economist.

The minutes of the June 1986 Council meeting were approved as submitted.

A-1 Election of Officers

Bob Mace nominated Jim Campbell and Rudy Petersen as Chairman and Vice Chairman, respectively. The nominations were seconded by John Peterson who then moved to close the nominations. The motion was seconded by John Winther and, there being no objection, it was so ordered. The vote to elect Jim Campbell and Rudy Petersen was unanimous.

The Council unanimously approved the election of Nancy Munro to serve as Advisory Panel Chairman through December.

The agenda was approved with no changes.

B. SPECIAL REPORTS

B-1 Executive Director's Report

Mr. Branson reviewed his report in the Council notebooks. Council members were told that Pat Travers will soon leave his Juneau position for a new one in Washington, DC. Council members asked the Executive Director to draft a letter to the NOAA General Counsel expressing their appreciation for Pat's work and cooperation with the Council.

B-2 Domestic Fisheries Report

The ADF&G Domestic Fisheries Report was submitted in written form; however, there was no oral presentation because of the full Council agenda.

B-3 NMFS Management Report

(a) Amendment 14 Update

Pat Travers told the Council that on September 2 Judge Vorhees of the U.S. District Court in Seattle entered a judgement in favor of the defendants, the Secretary of Commerce and the longliners. The Court ruled against the plaintiff on all issues raised in their motion for summary judgement. Mr. Travers said that in making his decision the judge relied heavily on the administrative record filed with the Court which could make an appeal more difficult.

(b) DAP Questionnaire

The Council was provided with a copy of the NMFS industry questionnaire used to survey DAP needs.

DAP Priority Access

NMFS was asked to report on the feasibility of priority access for DAP fishermen. Bill Robinson, NMFS-Juneau, said they have researched the subject

with the Central Office and feel that any DAP priority access amendment that is well prepared and justified, shows a real benefit to domestic users, and is consistent with the National Standards, should not encounter any unusual or special obstacles in the regular amendment process.

(c) Groundfish Data Monitoring

Bill Robinson presented a report prepared in cooperation with ADF&G on future groundfish data needs. Both ADF&G and NMFS are facing large budget cuts at a time when the domestic groundfish fisheries are rapidly growing and data gathering capabilities are not. The full written report, given to Council members, pointed out that a fish ticket system, port sampling/interview program, and a full time data coordinator with a full-time assistant are critical needs for obtaining the necessary data. The estimated cost of these three items is \$350,000. In addition, the report recommended a processor survey for use in monitoring catch during the short, intense sablefish seasons in the Gulf of Alaska, a domestic at-sea observer program, check in/check out procedures for all catcher/processor and motherships, continued and expanded resource surveys by NMFS, and removal of confidentiality restrictions on data sharing between ADF&G and NMFS. Management measures to support an effective data collection program are essential.

B-4 U.S. Coast Guard Enforcement & Surveillance Report

The written report submitted by the U.S. Coast Guard was available in Council notebooks. CDR Richard Clark briefed the Council on the recent incident when Soviet ships harassed U.S. crab vessels fishing in the portion of the Bering Sea claimed by both countries. Arni Thomson, Alaska Crab Coalition, also gave a brief report and asked the Council to support their efforts to obtain a cooperative agreement that will allow U.S. and Soviet fishermen to fish in the portion of the Bering Sea claimed by both countries and an agreement that would provide reciprocal fishery access for U.S. vessel to the Soviet portion of the Bering Sea.

Henry Mitchell moved to endorse the request from the Alaska Crab Coalition and to ask the Executive Director to write a letter to the appropriate officials. The motion was seconded by John Winther and, there being no objection, it was so ordered.

B-5 Joint Venture Operations

The total joint venture catch off Alaska through August 30 as reported by NMFS was 1,025,735 mt, including 53,319 mt in the Gulf of Alaska and 972,416 mt in the Bering Sea and Aleutians. The catch was made up of about 745,000 mt pollock, 52,000 mt Pacific cod, 32,000 mt Atka mackerel, 54,000 mt flatfish, and 134,000 mt yellowfin sole. The maximum number of U.S. trawlers on the grounds was 102 vessels in August. The annual joint venture catch is expected to reach about 1.2 million metric tons, up 36% over last year's joint venture harvest of 884,000 mt.

B-6 1986 Bering Sea/Aleutian Islands Crab Survey Results

Brad Stevens, NMFS-Kodiak, reported the following:

Red King Crab. The NMFS summer trawl survey of the Eastern Bering Sea showed legal males to be sparsely distributed in Bristol Bay. Although they were over twice as abundant as last year, the increase was primarily because of growth of pre-recruits and decreased mortalities. Not many juveniles were recruited to the population, so the fishery may not improve in the next few years. Females in Bristol Bay were less abundant than last year and it appears that about half of the mature females reproduced successfully.

Pribilof Islands Blue King Crab. Abundance of legal males increased slightly from last year. However, very few pre-recruits were caught and their abundance decreased by 87%. Almost all segments of the male population have declined over the past three years. Abundance of mature females apparently increased, although it is very difficult to estimate because of their preference for rocky habitat.

St. Matthew Island Blue King Crab. Distribution of legal males was similar to last year, but their abundance declined by 64% from last year. Pre-recruit abundance did not change. Very few adult females were encountered by the survey, probably because they occur almost exclusively in rocky nearshore habitat. No significant changes were evident for any portion of the female population. Size-frequency data show very little recruitment of juvenile crab and indicate that the population probably will continue to decline, although there are indications of successful larval settlement during the past two or three years.

Tanner Crab (C. bairdi). Legal males were distributed sparsely throughout Bristol Bay and the continental slope, with the highest abundance in inner Bristol Bay. The estimated abundance of legal males has been declining since 1975 and is now at an historic low. Over the past year legal males declined by 30%, but pre-recruits increased by 33%. Although large mature females did not change in abundance, immature females increased by about 75% over 1985. Despite increased juvenile abundance, near-term recruitment to the fishery shows no signs of improvement.

Tanner Crab (C. opilio). Large males were concentrated north and west of the Pribilof Islands. The distribution of pre-recruits was similar to that of large males except that their areas of highest abundance were slightly to the north. The estimated mean abundance of both pre-recruit and recruit male C. opilio remained stable over the past year. The estimated abundance of juvenile males and juvenile and adult females increased. Size frequency data indicate that recruitment to the fishery will probably not improve greatly in the near-term.

B-7 Special Reports

Special reports to the Council were given by Lee Alverson, on marine debris; Howard Braham, on the NWAFC Marine Mammal Program; John Sabella of NPFVOA, on their vessel safety program; and Rolly Schmitten, NMFS Northwest Regional Office, on recent Taiwan salmon violations.

Dr. Lee Alverson, Natural Resources Consultants, presented a slide presentation showing the extent of marine debris on beaches and the effects of various debris on marine mammals and seabirds.

Dr. Howard Braham, of the NMFS Marine Mammal Laboratory at the Northwest & Alaska Fisheries Center, briefly outlined current research at the Marine Mammal Laboratory which, for the past several years, has focused on monitoring populations and determining status of stocks. The lab is also studying the entanglement of fur seals and sea lions in debris, the incidental take of Dall's porpoise in the Japanese North Pacific high seas salmon driftnet fishery, and the incidental take of marine mammals in the high seas squid driftnet fishery.

John Sabella, Safety Program Director for the North Pacific Fishing Vessel Owners' Assn., gave a presentation on the Association's recently developed vessel safety program. There has been high interest in their classes and their safety manual developed in a joint effort with the U.S. Coast Guard.

Rolland Schmitt, Western Regional Director of NMFS, reported on the recent investigation of an alleged multimillion-dollar "fish laundering scheme" involving the sale of Taiwanese-caught salmon to Japan. Taiwanese-caught salmon cannot be legally exported from Taiwan and Japan prohibits its importation. According to the investigation, the fish were shipped first to Singapore and Hong Kong and then shipped to Tacoma, Washington by a California trading company. Mr. Schmitt reported that, in addition to forfeiture of the fish seized in Washington, civil actions against the California trading company, Union, Inc., were expected later in the week.

C. NEW OR CONTINUING BUSINESS

C-1 Legislative Update

Ron Miller briefed the Council on the current status of the NOAA Fishery Management Study and current fisheries legislation. The Council also discussed the draft MFCMA amendment prepared by Pat Travers and possible agenda items for the Council Chairmen's meeting.

COUNCIL DISCUSSION AND ACTION

The Council reviewed the MFCMA amendment at a workshop on Tuesday of Council week. They agreed that if they accept the draft it should then be presented to other Councils, preferably by Pat Travers, before placing it on the Council Chairmen's agenda. The Council's MFCMA Reauthorization Committee will continue to follow up on this subject and will provide Pat with written comments as soon as possible.

The Advisory Panel asked the Council to send a letter to the Alaska, Washington and Oregon Congressional delegations expressing disappointment over the defeat of H.R. 5013, the Commercial Fishing Vessel Liability Act of 1986. The Council agreed to do so.

John Harville mentioned several items in current legislation which should be monitored by Council staff to be sure our Congressmen know the Council's position. Ron Miller is monitoring legislative progress on these issues and assured the Council that Senate staffs are aware of their wishes.

The Council agreed with the three items suggested for the next Chairmen's meeting: the Council liaison position in Washington, DC, the draft MFCMA amendment prepared by Pat Travers, and the NOAA Fishery Management Study. Also, the Council told Mr. Branson that if new issues become apparent he should include them as well.

C-2 Domestic Observer Program

Barry Fisher reported on the September 24 meeting of the Domestic Observer Committee. The Committee recommended that a meeting of industry and agency representatives be convened to discuss the formation of a non-profit foundation to fund fishery research and data gathering, including the placement of observers on domestic vessels. The Advisory Panel agreed with this suggestion.

Public Comments

Harold Sparks, suggested that the meeting involve non-industry participants; he felt it should be accomplished through government entities such as NMFS.

Lee Alverson, said he supported the concept and suggested that the Fisheries Management Foundation may be able to sponsor the meeting.

COUNCIL DISCUSSION AND ACTION

The Council agreed with the concept presented by Barry Fisher and committed to provide staff support to help organize the meeting.

John Winther moved to endorse the recommendations of the Domestic Observer Committee and to direct them to explore all avenues of funding a domestic observer program. The motion was seconded by Oscar Dyson and, there being no objection, it was so ordered.

Henry Mitchell pointed out that it is important that all segments with interest in this subject be represented at the meeting. It was made clear during Council discussions that participants would be responsible for their own expenses and that Council would provide staff support. Council staff will also pursue funding from the Fisheries Management Foundation.

C-3 Permitting U.S. Transport and Support Vessels

The Council discussed the requirement of permits on U.S. vessels supporting fishing operations in the Alaskan EEZ to aid in tracking the transport of fishery products from foreign processors in the Bering Sea and Gulf of Alaska to U.S. ports. Current groundfish regulations require permits on all U.S. fishing and fishing support vessels in federal waters off Alaska, but NMFS-Alaska Region has not determined which operations are considered "support."

Report of the Advisory Panel

The AP recommended that, rather than requiring permits for U.S. support vessels, U.S. observers on foreign vessels add transshipment information to their weekly reports. This information would include the type, quantity, and destination of products.

COUNCIL DISCUSSION AND ACTION

The Council was unsure of what would be accomplished by taking action on this item. There was also some concern about putting another reporting burden on the U.S. industry. Bob McVey said he will prepare an issues paper on the subject for the December Council meeting.

C-4 Foreign Fees and Permit Conditions

Recommendations on 1987 foreign fees, foreign vessel permit conditions, and a proposal from JAC Creative Foods were discussed by the Council.

Report of the Permit Review Committee

(a) 1987 Foreign Fees

The Permit Review Committee reviewed the new procedures for setting foreign fees and received an overview from Prudence Fox, NMFS Central Office, on the merits of each country with a TALFF allocation off Alaska. The Committee expressed the following concerns:

1. It was noted that NMFS should modify its definition of equity joint ventures to coincide with industry's normal usage of the term, i.e., investment of dollars in a company.
2. The Council should direct its energies to fully reviewing foreign allocations in December making use of the recommendations and information developed by NMFS on each country.

3. The Council should request NMFS to provide them with a copy of its report to Congress and any other information developed between now and December for allocation purposes.
4. NMFS should be strongly urged to allow a Council observer to attend the meetings of the NMFS Allocations Board in Washington, DC.

(b) Foreign Vessel Permit Conditions

The Committee noted that time/area restrictions on joint ventures will be the subject of Amendment 11 to the Bering Sea/Aleutian Islands groundfish plan and probably could not be addressed through the permit process alone. After much discussion the Committee recommended that the Council continue its policy of recommending whatever permit conditions they deem necessary to address an identified problem. However, NMFS should do a preliminary legal analysis, explore the attendant policy issues, and set up the appropriate mechanisms to follow through on Council recommendations on industry-related permit conditions.

(c) JAC Creative Foods Proposal

After a review of the proposal for Hoko Fishing Company to custom process 10,000 mt of pollock, delivered by Alyeska Ocean joint venture vessels in the Bering Sea and Gulf of Alaska, into surimi and then delivered by U.S. transport directly to the West Coast. The Committee had no objection to Council approval of the venture.

Public Testimony

Frank Kawana, JAC Creative Foods, briefed the Council on the proposed operation and stressed that it would be a one-time, short-term venture. He did not feel that it will take away U.S. jobs. His company will continue to buy from U.S. sources during this time and beyond. He did not feel it would hurt U.S. production but would, in fact, pave the way for total

Americanization of the process. Mr. Kawana was accompanied by Mr. T. Suzuki, Richard Bank, Jeff Hendricks, and H.B. Meecham.

Dick Pace, Great Land Seafoods, Dutch Harbor, said this type of venture, if allowed, could be the end of shore-based processors because they could not compete with the lower overhead of foreign at-sea processors.

Alec Brindle, Alyeska Seafoods, Seattle, said his company is building a surimi plant in Dutch Harbor and is concerned that Council approval of this proposal would lead to more such operations and cause serious problems for the shore-based processors.

Wally Pereyra, speaking on behalf of the North Pacific Fishing Vessel Owners' Assn., said the association has been working for several years to expand opportunities for American vessels. They feel the proposed operation is a joint venture operation little different from the current ones and that the Council should support it.

Paul Fuhs, Mayor of Unalaska, was concerned with the precedent that might be set if this operation is approved by the Council. A venture like this directly competes with shore-based processors. He urged the Council to discourage this operation and any like it in the future.

Ted Evans, Alaska Factory Trawlers Assn., said his company is operating a surimi line on a vessel. Although JAC has been a leader in the development of analog production, operations like this could hurt the development of the U.S. surimi industry.

COUNCIL DISCUSSION AND ACTION

In discussing the JAC proposal, Council members felt they did not have the authority to approve or disapprove the venture and that they should not make a recommendation. The majority of the Council members felt that the U.S. shore-based processing industry is coming on line and that they should foster the most desirable economic environment for development and full utilization of these resources by the U.S.

John Peterson moved to adopt the Permit Review Committee's recommendations on foreign fees and permit conditions. The motion was seconded by Oscar Dyson and, there being no objection, it was so ordered.

C-5 OTHER BUSINESS

Japanese Request for Additional Cod Allocation

Mr. Moriya of the Fishery Agency of Japan requested the Council to approve Japan's request for an additional 10,000 mt of cod in the Bering Sea in accordance with industry agreements made late last year.

Public Testimony

John Jemewak, Andy Golia, KEG Fisheries, supported the request because of their dependence on joint venture activities with the Japanese longliners who would get the codfish.

Paul Kelly, Raymond O'Neill, Bristol Bay Herring Co-op., also supported the request for the same reasons.

Paul MacGregor, Japan Longliners, noted that the domestic processing industry will not fulfill their groundfish projections. In the industry-to-industry negotiations it was agreed that there would be a reassessment of harvests toward the end of the year and if there was an excess available they (the U.S. industry) would support Japan's request for additional allocations.

Lloyd Cannon, All Alaska Seafoods, said that they had been approached by Japanese interests to buy processed groundfish but they are having a hard time fulfilling last year's contracts with them.

Bart Eaton, Trident Seafoods, said that cod production has decreased each year over the past several years. When foreign and joint venture interests fish the same stocks as domestic fishermen prices fall, making it difficult for domestic processors to develop.

Oliver Holm, Kodiak Longliners. All of their fisheries are finished for the season and they have the plants in Kodiak to process cod.

COUNCIL DISCUSSION AND ACTION

The Council agreed that the Japanese Longliners Association had been very cooperative over the years. However, it was felt that both sides had lived up to the industry-to-industry agreement. They were concerned about whether additional allocations would make it difficult for domestic processors to continue their development.

Henry Mitchell moved to recommend approval of 8,000 mt Pacific cod for Japan. The motion was seconded by Bob Mace and failed, 8 to 2, with Mace and Mitchell voting for and Bob McVey abstaining.

Mark Pedersen moved to recommend approval of 6,000 mt Pacific cod for Japan. The motion was seconded by Bob Mace and failed, 7 to 3, with Mace, Mitchell and Pedersen voting for and Bob McVey abstaining.

(b) Reflagging of Foreign Vessels

The Council heard from industry representatives that some foreign fishing companies were interested in reflagging foreign processing ships to U.S. registry. Such a vessel processing U.S.-caught fish would be considered a DAP operation and receive priority access even though it may be wholly foreign owned.

Report of the Advisory Panel

The AP passed a resolution supporting legislation which would ban the reflagging of foreign vessels into the U.S. processing fleet.

Public Testimony

Bob Alverson, Thorn Smith, Bart Eaton, and Ted Evans submitted a draft letter to Washington, Oregon and Alaska Congressmen urging action to prevent reflagging of foreign fishing vessels in the U.S. They asked the Council to support their position and send a similar letter to the three Congressional delegations.

Paul Fuhs, Southwest Municipal Conference, also urged the Council to take swift action to discourage this practice. It could be devastating to the developing domestic processing industry.

Ralph Anselmi, American Ship Building Co., said that only vessels built in the United States should be allowed to participate in the U.S. fisheries. If allowed, reflagging could hinder the development of domestic processors.

COUNCIL DISCUSSION AND ACTION

Bob Mace moved to send a letter to the Congressional delegations for Washington, Oregon and Alaska asking for support in blocking the reflagging of foreign fishing vessels in the U.S. The motion was seconded by Rudy Peterson and was passed unanimously.

The Council also suggested this issue be put on the agenda for the next Council Chairmen's meeting.

D. FISHERY MANAGEMENT PLANS

D-1 Tanner and King Crab FMPs

In March the Council voted to suspend Tanner crab regulations until further notice following a review of continuing problems with federal Tanner crab management. A discussion paper exploring alternatives for Council/federal management presented at the June Council meeting was approved by the Council for public review. The discussion paper focussed on Tanner crab management but was not limited to just that crab species.

The Council also heard a report on the 1986 NMFS trawl survey results and discussed recommendations for the 1986 directed C. bairdi pot fishery.

Report of the Scientific and Statistical Committee

Although the overall population of C. bairdi Tanner crab has increased slightly, the increase is attributed to an increased abundance of juvenile crab. Based on this information, the SSC recommended no 1986 C. bairdi Tanner crab fishery be allowed.

Report of the Advisory Panel

The AP recommended that the Council adopt Alternative 1, Option 2 in the Tanner Crab Discussion Paper (no FMP, operate under a joint statement of principles with the State of Alaska). The AP requested the Council and Alaska Board of Fisheries to consider the development of an industry workgroup, without regard for residency, to develop a management plan for the Bering Sea and Aleutian Islands crab fisheries. Composition of the panel should include state and federal biologists, fishermen, processors, a NPFMC member, and ADF&G personnel. The workgroup would be charged to develop a comprehensive management plan that would be responsive to the needs for inseason adjustments in the fisheries.

Regarding a 1986 C. bairdi pot fishery, the AP recommended the Council accept the recommendations of the Tanner Crab Bycatch Committee which were (1) no 1986 fishery; and (2) an annual pot survey by charter vessel under the auspices of the NWAFC.

Public Testimony

Thorn Smith, Wally Pereyra, NPFVOA. Their association favors federal management of crab stocks off Alaska under an FMP administered by the Council. Any acceptable alternative to federal management under the Council would have to provide adequate protection for the interests of nonresident fishermen.

Mr. Smith also presented a letter from Arnie Aadland, President of NPFVOA, expressing the same view.

Jeff Stephan, UFMA, said his organization is in favor of withdrawing the FMP and operating under a joint statement of principles with the State of Alaska similar to the one included in the Tanner Crab Discussion Paper.

Arni Thomson, Alaska Crab Coalition, supports the suggestion of the Advisory Panel. He also supports the suggestion of an industry workgroup to develop a comprehensive crab management plan.

COUNCIL DISCUSSION AND ACTION

Don Collinsworth said he is encouraged that the crab stocks are coming back and that the State and federal agencies should have the opportunity to work together to manage those resources. There should be a way to get the job done efficiently with the resources available. The State is not prepared to do the annual trawl survey in the Bering Sea - the federal government would have to continue to provide the research, but he feels the state has a good management framework, the offices and staff to contribute. The State would be willing to work with a workgroup to develop a framework for crab management.

The Council concurred with the AP's recommendation to form an industry workgroup. Chairman Campbell appointed Larry Cotter, as chairman, John Winther, Arni Thomson, Thorn Smith, Bob McVey, Lloyd Cannon, Bill Woods, Jeff Stephan, Don Collinsworth, and Rudy Petersen. Oscar Dyson moved to endorse the workgroup. Mark Pedersen seconded the motion and, there being no objection, it was so ordered. The Council noted that the workgroup should not have a particular method of management in mind, but should explore all possibilities.

Regarding the 1986 C. bairdi pot fishery in the Bering Sea, Larry Cotter reported that the Tanner Crab Bycatch Subcommittee recommends no 1986 directed fishery. In order to better assess the population for 1987 and beyond, they suggested a charter survey boat be employed under the auspices of the NWAFC.

This survey should be continued annually. The subcommittee also expressed an interest to continue their activities on crab bycatch.

Larry Cotter moved to adopt the recommendations of the Tanner Crab Bycatch Subcommittee. The motion was seconded by Henry Mitchell and, there being no objection, it was so ordered.

D-2 Gulf of Alaska Groundfish FMP

The Council reviewed the status of Gulf groundfish stocks, discussed preliminary estimates of TAC, DAP, JVP, TALFF and halibut PSC for 1987 for release to public review, and reviewed Amendment 15 to the Gulf of Alaska Groundfish FMP for final approval.

(a) Amendment 15

Amendment 15 contained five issues and their management alternatives:

1. Revised management goals and objectives.
2. Established an administrative framework procedure for setting annual harvest levels without plan amendment.
3. Revised catch reporting requirements for at-sea processor vessels.
4. Established four time/area closures effective for three years for nonpelagic trawling to protect king crab around Kodiak Island.
5. Expands the field order authority for making inseason adjustments.

Public comments received on these management measures were mailed to Council members prior to the Council meeting and a summary of comments was provided in Council notebooks.

Report of the Scientific and Statistical Committee

The SSC made the following comments on Amendment 15:

Goals and Objectives. The SSC developed and approved a set of definitions for the various terms used by the Council and recommended the Council adopt them for use in the future. In light of these definitions the SSC recommended Objective 7 be changed to read "Population threshold will be established for each major species or species complex under Council management on the basis of the best scientific information." The SSC also recommended that the Council coordinate the use of common terms with the Pacific Council.

Problem 1 - Inability to Efficiently Adjust Harvest Guidelines

The SSC was unable to recommend either Alternative 1 or 2. Their specific concerns are outlined in the SSC Minutes, Appendix I to these minutes. The SSC proposed a third alternative for Council consideration (contained in SSC minutes). Their recommended alternative establishes an OY range for the groundfish complex and establishes quotas on a species-by-species basis. No further plan amendment would be required as long as the sum of the quotas is within the OY range.

Problem 2 - Inadequate Reporting Requirements

The SSC supported Alternative 1, to redefine domestic catcher/processor and domestic mothership/processor vessels and clarify reporting requirements for those vessels, as submitted in the amendment package.

Problem 3 - Inadequate Protection of King Crab in the Vicinity of Kodiak Island

The SSC did not support the status quo; however, they questioned the degree of protection offered red king crab by Alternatives 1 and 2. They had no specific recommendation.

Problem 4 - Inadequate Inseason Management Authority

The SSC supported Alternative 1, which was to authorize the NMFS Regional Director to open/close fisheries on the basis of all relevant information to promote fishery conservation.

Report of the Advisory Panel

Goals and Objectives

The AP recommended the Council approve the Goals and Objectives with the following exceptions:

(1) Objective 5 should be deleted; the AP felt this was a policy statement rather than an objective.

(2) Objective 6 should be reworded, deleting "only if benefits to the United States can be predicted." The revised objective would read as follows:

"The decision to rebuild stocks to commercial or historical levels will be undertaken after evaluating the associated costs and benefits and the impacts on related fisheries."

(3) Objective 7 should be reworded to replace "major species" in the first line with "economically viable species" and the last sentence reworded to delete an automatic ABC of zero.

Problem 1 - The AP recommended approval of Alternative 1, to establish an overall harvest framework procedure which accounts for total fishing mortality of the groundfish resource and provides a procedure for adjusting individual quotas (TAC) on an annual basis.

Problem 2 - The AP recommended approval of Alternative 1, which was to redefine domestic catcher/processor and domestic mothership/processor vessels and clarify reporting requirements for those vessels, as submitted in the amendment package.

Problem 3 - The AP recommended the Council adopt a variation on Alternative 1, by expanding the Marmot Flats area to encompass areas of reported crab

concentrations. (A chart showing these areas was in the written AP report.)

Problem 4 - The AP recommended the Council adopt Alternative 1, which was to authorize the NMFS Regional Director to open/close fisheries on the basis of all relevant information to promote fishery conservation.

Public Testimony

Don McCaughran, IPHC, is concerned about moving the bottom trawl fleet into areas of halibut importance by displacing the fleet with closed areas solely based on the need to protect king crab. The IPHC submitted written comments on the total amendment package.

Ted Evans, AFTA; Thorn Smith, NPFOVA; Chris Blackburn, Groundfish Databank; and Al Burch, ADA: Ted Evans said they essentially support the recommendations of the SSC and the AP minority report with regard to Problem 1. Frameworking is needed but the vagueness in the RIR leads them to believe public comment would be less than [GET TAPE 11:30, 9/25] Thorn Smith - said they could support Alternative 1, Problem 4 (expanded field order authority) after Bill Robinson's explanation. Chris Blackburn said they support the workgroup's recommendations with regard to trawl closures - more data and observers. Al Burch also urged the Council to adopt the report of the workgroup with regard to trawl closures.

Bob Alverson, FVOA, agreed with the AP recommendation that Objective 5 should be removed from the Goals and Objectives section. He supports the AP recommendations.

Oliver Holm, Kodiak Longliners Assn., favors Alternative 1 for Problem 1; also favors dropping Objective 5 from the Goals & Objectives and agrees with the AP's recommendations on Objectives 6 and 7. On Problem 3, he favors Alternative 2, but the scope of the bycatch problem should include halibut and Tanner crab, not just king crab.

Lee Daneker, Fishing Company of Alaska, felt that the framework concept proposed in Problem 1 is difficult to understand; once a clear concept is

developed there is still a long way to go to develop the operational aspects. Prefers Alternative 3 - draft the procedures and go out for public review and not take action until the December meeting.

Jeff Stephan, UFMA, prefers Alternative 2 for Problem 3 - the emergency regulation developed by the Council earlier this year.

Eric Jordan, had general comments on enforcement problems in the Gulf of Alaska. Many of these problems are related to funding. There is a definite need for adequate funds for research and enforcement - without them there will be serious conservation problems. Conservation of the resources for future generations is important. Regarding the Goals & Objectives, he agrees with the AP's recommendations.

COUNCIL DISCUSSION AND ACTION

Bob Mace moved to amend Objective 7 of the Goals and Objectives to read as follows:

"Population levels will be established for economically viable species or species complexes under Council management on the basis of the best scientific information and ABCs will be established as defined in this document. If populations drop below established thresholds, ABCs will be set to reflect rebuilding as reflected in Objective 6,"

and to approve the Goals and Objectives as amended.

John Peterson seconded the motion and, there being no objection, it was so ordered.

Problem 1: Inability to efficiently adjust harvest guidelines. Rudy Petersen moved to accept the SSC's recommended alternative (3). (See SSC Minutes, Appendix I for complete text). Bob Mace seconded the motion. Some Council members wanted clarification on the PSC aspect of the alternative and asked the Plan Team to prepare it for approval of the final document. This motion carried 10 to 1, with Henry Mitchell objecting.

Problem 2: Inadequate reporting requirements. Rudy Petersen moved to approve Alternative 1 (redefine domestic catcher/processor and domestic mothership/processor vessels and clarify reporting requirements for those vessels). The motion was seconded by Don Collinsworth and, there being no objection, it was so ordered. It was noted that the intent of this action is to have all vessels report once a week.

Problem 3: King crab bycatch in Kodiak bottom trawl groundfish fisheries. Larry Cotter moved to adopt the Advisory Panel's recommendation which was Alternative 1 (establish a time/area closure scheme for bottom trawling to help rebuild the Kodiak king crab resource. Type I areas would be closed to bottom trawling year-round. Type II areas are closed to bottom trawling during the February 15 through June 15 softshell period) with an enlarged closed area around Marmot Flats. The motion was seconded by John Winther and, there being no objection, it was so ordered.

Problem 4: Inadequate inseason management authority. Bob Mace moved to adopt Alternative 1 (authorize the NMFS Regional Director to close/open fisheries on the basis of all relevant information to promote fishery conservation). The motion was seconded by Henry Mitchell and, there being no objection, it was so ordered.

Proposed Regulations for Amendment 15:

Draft regulations were prepared by Jon Pollard, NOAA General Counsel-Alaska Region, for Council review.

The regulations contained two options under gear limitations and under the reporting requirements section. The Council was asked to decide whether to approve the regulations with or without the requirement for trawlers fishing with pelagic gear in the closed areas around Kodiak to use net sonde devices. Mr. McVey said that the requirement is important for enforcement of the closures. There was also an option under the catcher/processor reporting requirements; it was explained that the second option was a more comprehensive one and would apply to all at-sea processing vessels.

Bob Mace moved to adopt the draft regulations. The motion was seconded by Larry Cotter and, there being no objection, it was so ordered.

Bob Mace moved to adopt the reporting requirement definition on page 8 of the draft regulations, inserting "or use" after the words "human consumption" and striking the word "cleaning". The motion was seconded by Don Collinsworth and, there being no objection, it was so ordered. For a full text of the regulation, see Appendix II.

Henry Mitchell moved to adopt the net sonde requirement as outlined in pages 12-14 of the draft regulations. The motion was seconded by John Winther and, there being no objection, it was so ordered. (See Appendix II for full text)

Larry Cotter moved to adopt the draft regulations, as amended. The motion was seconded by Henry Mitchell and, there being no objection, it was so ordered.

Changes to the FMP - Amendment 15:

Henry Mitchell moved to amend the Changes to the FMP document in the Amendment 15 package as follows: Under Section 2.2, Operational Definitions, to amend the definition of ABC to read: "The Council can set the ABC for individual species anywhere between zero and the maximum possible removal based on the best scientific information presented by the plan team and/or SSC." The motion was seconded by Don Collinsworth and carried 6 to 5, with Jim Campbell, Oscar Dyson, Bob Mace, Rudy Petersen and John Peterson voting against.

John Peterson moved to approve the entire Amendment 15 package, as amended. The motion was seconded by John Winther and, there being no objection, it was so ordered.

D-2(b) Status of Stocks

Jim Balsiger, NWAFC, briefly reviewed the Resource Assessment Document (RAD) for the Gulf of Alaska.

D-2(c) Initial Apportionments for 1987

Report of the Scientific and Statistical Committee

Based on the RAD, the SSC recommended the following ABCs be adopted for public review. The SSC made these recommendations using their revised definition of ABC (see SSC Minutes, Appendix I).

<u>Species</u>	<u>Preliminary ABCs</u>
Pollock	113,600
Pacific cod	125,000
Flounder	340,000
Pacific ocean perch	10,500
Sablefish	20,000
Atka mackerel	-0-
Other rockfish	2,700
Thornyhead rockfish	3,750
Squid	5,000

The SSC recommended the team reanalyze the ABC for Pacific ocean perch, Atka mackerel, Other rockfish, Thornyhead rockfish and Squid prior to the next Council meeting. The SSC also encouraged the Council to continue the pollock fishery outside of Shelikof Strait during the January-April period.

Report of the Advisory Panel

Referring to Table 1 on page 3 of the Resource Assessment Document, the AP recommended that the proposed TACs be equal to the Fishing Mortality Guideline (FMG) for pollock, Pacific ocean perch, sablefish, Atka mackerel, other rockfish, thornyheads, squid, and other species.

For Pacific cod the AP recommended a TAC of 75,000 mt, equal to the 1986 OY.

For flounders, the AP recommended a TAC of 30,000 mt.

The AP recommended that the Council retain the 2,000 PSC limit on halibut in the Gulf, that the Council leave DAP and JVP unspecified for 1987 until further public comment is reviewed before the December meeting, and that no TALFF be allocated for 1987.

COUNCIL DISCUSSION AND ACTION

Don Collinsworth moved to adopt the ABCs recommended by the SSC to be sent out for public review. The motion was seconded by Mark Pedersen and, there being no objection, it was so ordered.

Bob Mace moved to adopt the Initial Target Quotas on the table provided by the Plan Team (final table is Appendix III to these minutes). The motion was seconded by Rudy Petersen and, there being no objection, it was so ordered.

John Petersen moved to set the DAP amount for pollock at 28,000 mt. The motion was seconded by Larry Cotter and, there being no objection, it was so ordered.

John Winther moved to keep the halibut bycatch rate at 2,000 mt. The motion was seconded by John Peterson and carried 10 to 1, with Bob Mace objecting.

The Council discussed sending out the table with a narrative explaining that these are the initial quotas suggested by the AP and that the Council will be better able to divide them between DAP and JVP after the NMFS industry survey in November and further public comments. The narrative should also stress that the Council doesn't want the halibut PSC to be more than 2,000 mt and would like recommendations on where the initial quotas should be reduced to keep it at that level.

Henry Mitchell moved to send out for public review the table of proposed harvest quotas (Appendix III), as amended, with the appropriate narrative as discussed above. The motion was seconded by Bob Mace and, there being no objection, it was so ordered.

D-3 Bering Sea/Aleutian Islands Groundfish FMP

(a) Status Report on Eastern Bering Sea Trawl Restrictions

Bill Robinson, NMFS-Juneau, briefed the Council on the emergency rule trawl restrictions to protect Tanner and king crab in the Bering Sea. The bycatch

of red king crab was low until the week of May 17; bycatch up until that time was less than half a crab per metric ton. The week of May 17 there was a dramatic increase and the catch went to over 5 crabs per metric ton. Within a two-week period the red king crab catch almost reached the 135,000 PSC limit. The bairdi crab incidental catch rose at the same rate and exceeded the PSC limit the week of May 17. All of the observer data have not been analyzed yet, but there is some indication that when the flounders disbursed tow lengths increased and the catch of groundfish went down. The incidental catch of halibut during this period was 95,000.

Joint venture companies were issued individual company guidelines for incidental catches before the fishery started. Most of the companies voluntarily left Zone 1 when they approached their guidelines and began fishing in Zone 2, where the red king crab bycatch was 3,000 crab; the bairdi Tanner crab bycatch was 92,000, and the opilio Tanner crab bycatch was approximately 3 million.

In Zone 3, which had no PSC limits, about the same amount of groundfish was taken as in Zones 1 and 2. The red king crab bycatch was 2,800 crabs, the bairdi catch was 13,000 crabs, and the opilio Tanner crab catch was 1.5 million. The opilio crab were very small, predominantly juveniles.

(b) Report on Halibut Stock Status

Don McCaughran, Director of IPHC, reported that halibut catches for the 1986 season totaled about 68.9 million pounds, worth about \$100 million, ex-vessel. He said the IPHC would like to see more growth in the Bering Sea stocks and that whether this occurs is up to the Council and how they handle halibut bycatch. He estimated total halibut bycatch this year at approximately 10 million pounds.

He also told the Council that the effort in the U.S. halibut fishery has become so large that it is now interfering with their ability to manage the species. Seasons have to be continually shortened increasing safety hazards to fishermen. There is also a problem with bycatch in the halibut fishery now because fishermen are setting far more gear than they can retrieve, causing

high mortality when gear that can't be hauled is cut and left on the grounds. He pointed out that the IPHC will have to take this into consideration when setting the quotas next year.

Another major problem that has been brought to their attention is that some fishermen are setting gear before the season, fishing at night, etc. Fishermen are reporting catches in a one-day fishery that they couldn't possibly physically accomplish. Something has to be done with enforcement of the one-day fisheries.

It is critical that effort be reduced so that control of the fishery can be regained. If the Council can't do anything to aid this effort, then the IPHC will have to.

(c) Amendment 10

Amendment 10 addressed four issues:

- (1) Inadequate control of bycatch of crabs and halibut by domestic fishermen.
- (2) Inadequate catcher/processor reporting requirements.
- (3) Inadequate authority for inseason reapportionment among domestic fishermen.
- (4) Inadequate authority to manage inseason biological emergencies.

Report of the Scientific and Statistical Committee

The full text of the SSC's comments on Amendment 10 are in Appendix I. Following are their recommendations.

Problem 1 - Inadequate control of bycatch of crabs and halibut by domestic fishermen.

The SSC felt that Alternatives 1 (status quo), 4 (the emergency rule as implemented by NMFS) and 5 (complete closure of the Pot Sanctuary to groundfish fishing) were not viable. They had several comments on Alternatives 2 and 3, but did not specifically recommend one or the other.

Problem 2 - Inadequate catcher/processor reporting requirements.

The SSC supported Alternative 2, requiring any catcher/processor or mothership/processor vessel that freezes or dry-salts any part of its catch on board to submit weekly catch reports regardless of time between landings. The SSC noted, however, that this amendment only partially addresses the data collection problems.

Problem 3 - Inadequate authority for inseason reapportionment among domestic fishermen.

The SSC supported Alternative 2, to give the Regional Director authority to make reapportionments between DAP and JVP, as already provided for in the Gulf of Alaska groundfish FMP.

Problem 4 - Inadequate authority to manage inseason biological emergencies.

The SSC supported Alternative 2, to authorize the Regional Director to open or close fisheries, or change any previously specified TAC or PSC limit as a means of conserving the resource.

Report of the Advisory Panel

Problem 1 - The AP recommended the Council adopt Alternative 2 (the emergency rule as implemented by NMFS) for a two-year period. During this time they recommended an annual review of the issue be conducted by the Council, including reports from the AP Tanner Crab Bycatch Subcommittee. They also recommended that the frameworking concept in Alternative 4 be further developed by the plan team for the next amendment cycle.

Problem 2 - The AP recommended Alternative 2 (requiring any catcher/processor or mothership/processor vessel that freezes or dry-salts any part of its catch on board would be required to submit weekly catch reports regardless of time time between landings) with some minor editorial changes.

Problem 3 - The AP rejected any change in NMFS authority, supporting status quo.

Problem 4 - The AP supported Alternative 2, to authorize the Regional Director to open or close fisheries, or change any previously specified TAC or PSC limit for the purpose of conserving the resource.

Report of the AP Tanner Crab Bycatch Subcommittee

The Subcommittee found that there are methods of controlling bycatch which would provide greater flexibility to the trawl fishermen and still protect crab stocks that were not included in the Amendment 10 package. They recommended the Council continue with implementation of the amendment, however, requested that the the Subcommittee be allowed to continue to meet to prepare and submit a more comprehensive bycatch proposal for the 1987 management cycle.

Public Testimony

Bert Larkins, MRCI; Steve Hughes, NRC; Ted Evans, AFTA; Chris Blackburn, Alaska Groundfish Databank. For Problem 1, they preferred Alternative 2 in the short term, but are concerned that when crab stocks improve they would be locked into the same PSC caps making it more difficult to take groundfish catches. For the long term, a more definitive system, similar to Alternative 4, should be developed. Mr. Larkins also addressed the closed area of Zone 1, saying that they had no problem with the intent of the closed area, but question whether that is the best regulatory process. Crab stocks may not always have the same distribution as shown by current data and may shift thereby "requiring" them to fish in areas of higher crab abundance and

prevent them from going into an area that may have less. A cap would do the same thing except that it puts more of a burden on the industry.

Steve Hughes essentially agreed with Mr. Larkins' testimony, and suggested that the frameworking concept be further developed.

Ted Evans said that they had four vessels involved in the Port Moller cod fishery and he thinks they've come a long way since last year in terms of their knowledge of the bycatch in those fisheries and coordination among the groups participating. Information obtained from observers on board indicate the bycatch of crab was under half a crab per ton, which substantiates the information they have previously provided. They feel Alternative 2 would be the better measure to adopt as an interim measure with a sunset clause. They also suggested a groundfish cap of approximately 40,000 tons which would relieve them of the burden of having to carry an observer when there is no domestic observer program.

Chris Blackburn agreed with Ted Evans on the observer problems for industry, particularly smaller operations.

Arni Thomson, Ron Peterson, and Kris Poulsen, Alaska Crab Coalition. Ron Peterson said they were originally in favor of closing the Pot Sanctuary to all trawling, however at this time they feel some sort of compromise should be worked out. While they still support closing the Sanctuary, they will support Alternative 2 as a compromise. He is concerned, however, that once a compromise has been worked out, the parties seem to begin chipping away at the agreed upon alternative. He is also still concerned with the problem of fishing inside 25 fathoms without observers.

Arni Thompson briefly summarized the economic value of crab fisheries in Alaska in 1986. Kris Poulsen gave a brief history of the Pot Sanctuary since it was reopened.

Don McCaughran, IPHC. IPHC staff disagrees with most of Amendment 10 and thinks the Council should instruct the plan team to go back and develop a

comprehensive package for bycatches which addresses conservation issues. Fishermen will find ways to stay within a cap by modifying their operations.

COUNCIL DISCUSSION AND ACTION

Problem 1: Inadequate control of bycatch of crabs and halibut in DAH fisheries. Bob Mace moved to adopt Alternative 2 as proposed by the Advisory Panel, including a cap of 828,000 halibut for the flatfish- only fishery in the Bering Sea, and that the plan team be instructed to prepare language for Alternative 4 to be incorporated in the next amendment cycle. The motion was seconded by Oscar Dyson.

Pat Travers pointed out that the proposal on halibut bycatch appears to cover only joint venture fishing vessels which might cause legal objections that DAP vessels are not covered, too. For the record, Council members stressed that the DAP fishery was already taken into account by deducting 10% for halibut bycatch in that fishery.

There was some discussion about the high halibut bycatch limit. Henry Mitchell suggested that it be set in line with their performance last year.

John Peterson moved to amend the main motion to reduce the halibut cap to 570,000. The motion was seconded by Don Collinsworth and failed, 6 to 5, with Collinsworth, Dyson, Pedersen, J. Peterson, and Winther voting in favor. The main motion carried unanimously.

Problem 2: Inadequate catch reporting requirements in DAP fisheries. Mark Pedersen moved to adopt Alternative 2, requiring weekly reporting from vessels which process at sea, using the AP's suggested wording (substituting "freezes or salts" for "freezes or dry-salts"). The motion was seconded by John Winther and, there being no objection, it was so ordered.

Problem 3: Inadequate authority for inseason reapportionment among domestic fisheries. Bob McVey moved to approve Alternative 2, using the language from the Gulf of Alaska Groundfish FMP and implementing regulations giving the

Regional Director explicit authority to reapportion unneeded DAP to JVP. The motion was seconded by Bob Mace and carried with John Peterson objecting.

Problem 4: Inadequate authority to manage inseason biological emergencies. Don Collinsworth moved to approve Alternative 2, giving the Regional Director inseason management authority to open/close fisheries for the purpose of conserving the resource. Rudy Petersen seconded the motion which carried with John Winther, Henry Mitchell, and Larry Cotter objecting.

Regulations for Amendment 10:

The Council decided to insert the same definitions regarding catcher/processors discussed in the Gulf regulations into the Bering Sea regulations.

Oscar Dyson moved to adopt the draft regulations for Amendment 10 as presented, with the definitions approved under the Gulf regulations (see Appendix IV). John Peterson seconded and the motion and, there being no objection, it was so ordered.

Changes to the FMP

Bob Mace moved to approve the Changes to the FMP document and the total amendment package as amended. The motion was seconded by Don Collinsworth and, there being no objection, it was so ordered.

Bob McVey asked the Council's advice on the level of observer coverage on vessels fishing in the 25-fathom cod fishery. He feels that the appropriate data gathering goals can be achieved with less than 100% coverage. The consensus of the Council was that 100% coverage is no longer needed and that the Regional Director should use his discretion.

(d-e) 1987 TAC, DAP and JVP Recommendations

Dr. Low, NWAFC, reviewed the 1987 Bering Sea Resource Assessment Document for the Council.

Report of the Scientific and Statistical Committee

The SSC recommended EY/ABC values in Table 1 of the SSC Minutes (Appendix I). New data or new analysis could result in changes in the EY/ABC for pollock, Pacific cod and Greenland turbot. The SSC recommended the public review document make it clear that these changes could be made. The SSC did not have any suggested modifications to the team's recommendation on preliminary TACs.

Report of the Advisory Panel

The AP recommended the Council send the TACs proposed in the RAD out for public review with a notation on the species which may change. The AP also recommended the Council send out for public comment the idea of subdividing the Bering Sea for purposes of sablefish management between a northern area and a southern area. They recommended an overall OY for the Bering Sea of 2 million mt. They also recommended that the provisional DAP and JVP apportionments proposed by the plan team be sent out for public review with the provision that DAP equal TAC for POP, rockfish, sablefish and Greenland turbot.

Public Testimony

Ralph Anselmi, Tampa Shipyards. They are in the process of developing a barge-like floating processor that could move with the migration of the fish. They plan to be in the area by late 1987 and requested a 10,000 mt pollock allocation. They will be using the pollock for fillets and surimi.

Satoshi Moriya, Fishery Agency of Japan. Reviewed Japanese/U.S. industry agreement for 1986 and the progress made in fulfillment of that agreement. They have not received their total allocation and are suffering economic hardships as a consequence. Urged the Council to support further allocations.

Paul MacGregor, Japan Longline Association. Requested Council support of an allocation release of 10,000 mt of Pacific cod.

Tadahiko Nakamura, All Japan Seamen's Union read a prepared statement stressing the importance of cooperation among American and Japanese fishermen so that both industries can remain viable.

Harold Sparks spoke for the United Villages of Nelson Island the Kokechik Fishermen's Association of Hooper Bay-Chevak area. The residents of these areas are trying to revitalize a commercial fishery for Arctic cod. It is essential to their success that the cod biomass is very large so that the population spread into their area in commercial densities. Allowing only domestic harvest would help this to happen.

COUNCIL DISCUSSION AND ACTION

Bob Mace moved to send out the TACs in Table 1 as proposed by the SSC (final table is Appendix V to these minutes), including the stipulation that the total OY will be 2 million metric tons and the AP suggestion to request comments on dividing the Bering Sea area for sablefish management. John Peterson seconded the motion. Also to be included in the public review package is a request for comments from industry on information regarding the pollock fishery in the "donut hole." The Council felt this information might have a bearing on final TAC decisions in December. The motion carried with no objection.

Henry Mitchell moved to send out the DAP and JVP apportionments recommended by the Advisory Panel (final Table is Appendix IV to these minutes). The motion was seconded by John Peterson and, there being no objection, it was so ordered.

E. CONTRACTS, PROPOSALS AND FINANCIAL REPORT

(a) Final Approval of Groundfish Data Monitoring Contract

Report of the Scientific and Statistical Committee

The SSC recommended approval of the final report.

(b) RFP for Survey on Groundfish Management Alternatives

Report of the Scientific and Statistical Committee.

The SSC recommended approval of the RFP with some editorial comments (included in the SSC minutes).

COUNCIL DISCUSSION AND ACTION

Don Collinsworth moved to accept the SSC's recommendations on the Groundfish Data Monitoring Contract and RFP. The motion was seconded by John Winther and, there being no objection, it was so ordered.

F. PUBLIC COMMENTS

There were no further public comments.

G. ADJOURNMENT

Chairman Campbell adjourned the meeting at 5:08 p.m. on Friday, September 26.

North Pacific Fishery Management Council

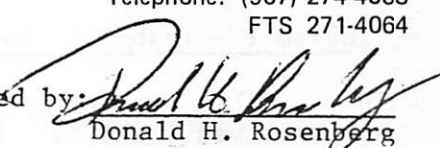
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Certified by: 
Donald H. Rosenberg
Chairman

Date: 10/24/86

MINUTES

Scientific and Statistical Committee Minutes September 22-24, 1986 Anchorage, Alaska

The Scientific and Statistical Committee met in Anchorage, Alaska on September 22-24, 1986. Members present were:

Donald Rosenberg, Chairman
Richard Marasco, Vice Chairman
Bill Aron
Don Bevan
Robert Burgner

Doug Eggers
Larry Hreha
Phil Rigby, Alternate for Phil Mundy
Tom Northup
Terry Quinn

D-1 Tanner and King Crab FMP

The SSC reviewed the status of crab stocks in the Eastern Bering Sea during 1986 as presented in the paper included under Agenda item B-6. Additionally, we discussed the status of C. bairdi Tanner crab with Dr. Otto of NWAFC. Although the overall population has increased slightly, this increase is due to small crab. The SSC does not support a directed C. bairdi Tanner crab fishery.

D-2 Gulf of Alaska Fishery Management Plan

Amendment 15

The SSC reviewed the RIR/IRFA and public comments for Amendment 15 to the FMP for Gulf of Alaska Groundfish.

Goals and Objectives

The SSC has developed and accepted a set of definitions for the various terms used by the Council. These are contained in Attachment I. The SSC recommends that the Council adopt these definitions for use by the Council family in the future.

In light of these definitions the SSC recommends Objective 7 be changed to read "Population threshold will be established for each major species or species complex under Council management on the basis of the best scientific information." This is being proposed to simplify the statement of that objective.

Given the national attention in the use of terms such as ABC, and the Pacific Council action on this subject at their last meeting, we suggest the two Councils approve a common set of definitions.

Problem 1 - Inability to Efficiently Adjust Harvest Guidelines

The SSC reviewed the proposed management regime provided in Alternatives 1 and 2. The SSC is unable to recommend either of these two alternatives. Our concerns are:

1. The SSC was unable to determine how the management system being proposed will actually work.
2. There are terminology uses which we felt will cause confusion.
3. The alternatives do not include an adequate description of how PSC will be handled in the context of the framework.

Recognizing the administrative difficulties that the Council is experiencing under the status quo, the SSC proposed a third alternative (Alternative 3) for Council consideration (Attachment II). The SSC feels this alternative addresses these administrative difficulties. The alternative establishes an OY range for the groundfish complex and establishes quotas on a species-by-species basis. No further plan amendment will be required as long as the sum of the quotas is within the OY range.

The proposed alternative does not include any change to the way the Council currently addresses bycatch concerns.

Problem 2 - Inadequate Reporting Requirements

The SSC supports Alternative 1 and has no specific comments.

Problem 3 - Inadequate Protection of King Crab in the Vicinity of Kodiak Island

The SSC is still concerned about the condition and status of the red king crab resource in the Kodiak area. In light of this concern the SSC does not support the status quo alternative.

The SSC does recognize that closing these areas will cause a shift in effort. As indicated in the public comment, this shift in effort could have an effect on other prohibited species. However in the case of halibut, there is a 2,000 mt Gulfwide cap.

In light of the information supplied to the Council by public comment the SSC questions the degree of protection offered red king crab by Alternatives 1 and 2. Time constraints prevented the SSC from conducting an evaluation.

The RIR/EA made strong statements regarding the degree of protection offered by these alternatives. The SSC suggests that these statements be carefully evaluated in light of this public comment.

Problem 4 - Inadequate inseason Management Authority

The SSC supports Alternative 1. We are unable to support Alternative 2, including social economic factors in an emergency action.

Status of Stocks

The SSC reviewed the Resource Assessment Document for the Gulf of Alaska Groundfish Fishery dated August 29, 1986, and received a presentation from the Plan Team.

Based upon this report and the discussion with the team, the SSC recommends the following preliminary ABCs be adopted for public review. It should be noted that this recommendation is made using the SSC definition of ABC as associated with the process described in Alternative 3.

<u>Species</u>	<u>Preliminary ABCs</u>
Pollock	113,600
Pacific Cod	125,000
Flounder	340,000
Pacific Ocean Perch	10,500
Sablefish	20,000
Atka Mackerel	-0-
Other Rockfish	2,700
Thornyhead Rockfish	3,750
Squid	5,000

The SSC has requested that the team reanalyze the ABC for Pacific ocean perch, Atka mackerel, other rockfish, thornyhead rockfish and squid prior to the next Council meeting.

The SSC would like to encourage the Council to continue the pollock fishery outside of Shelikof Strait during January to April.

D-3 Bering Sea/Aleutian Island FMP

The SSC received a presentation by the Northwest and Alaska Fisheries Center on the status of the eastern Bering Sea crab stocks. This presentation indicated that there still is a conservation problem with red king crab and C. bairdi Tanner crab.

The SSC also received a presentation from the Halibut Commission on the status of the halibut stock in the Bering Sea. It was indicated that the current (1985) biomass is at 76% of the MSY biomass. The SSC does not see a conservation problem with the halibut resource in this area. Therefore, the bycatch problem is one of allocation between the various resource users.

Amendment 10

The management problems addressed by this amendment are:

1. Inadequate control of crab and halibut bycatches in DAH Fisheries.
2. Inadequate catch reporting requirements in DAP fisheries.

3. The need to formalize the procedure of reapportionment of unneeded DAP and JVP.
4. Inadequate authority to manage biological emergencies inseason.

Problem 1 - Inadequate Control of Bycatches of Crabs and Halibut in DAP Fisheries

The SSC feels that of the five alternatives being considered, Alternatives 1, 4 and 5 are not viable. Alternatives 1 and 5 were rejected because they do not provide protection for depleted crab stocks. While Alternative 4 would allow adjustment of bycatch caps as the condition of prohibited species stocks changes, it has several serious problems. First, definitions given for the stock status levels of bycatch species are not biologically defensible. Second, the bycatch rates specified when the status of bycatch species is high are more restrictive than those that would be used when the stocks are depressed. And third, the proposed groundfish cap of 6000 mt for the DAP Pacific cod fishery operating between 160°W and 162°W longitude, south of 25 fathoms would institutionalize a bycatch rate of 2 king crab per metric ton of groundfish. The SSC feels that this cap should be developed using the best scientific information, i.e. using information collected during the 1986 fishery.

The following comments are offered on Alternatives 2 and 3.

Alternative 2 - The emergency rule as implemented by NMFS

The major drawback associated with this option is its lack of flexibility with respect to both bycatch limits and area closures. In the case of both king crab and C. bairdi Tanner crab catch limits have been set by zone. The SSC feels that this is overly restrictive, since the possibility should exist to adjust the bycatch limits when changes occur in the status of stocks.

Recent NMFS surveys of the eastern Bering Sea crab populations indicate that 95% or more of the red king crab resource is contained in the area south of 58°N latitude and east at 165°W longitude. The highest concentration of mature female red king crab was found between 160°W and 162°W longitude. The survey also indicated that this area contains concentrations of legal male and large female C. bairdi Tanner crab. While the closure of the area south of 58°N latitude and north of a straight line approximating the 25 fathom line between 160°W - 162°W longitude has the potential for providing protection to crabs at present, the amount of protection provided will change as the distribution of crabs shift.

The SSC notes that the bycatch limits specified under this alternative are for the DAP fishery, with the exception of the DAP cod fishery inside of 25 fathoms.

Conduct of the fishery during 1986 under an emergency rule that contains all of the provisions of this alternative has indicated that implementation of this alternative will reduce the bycatches of king crab, C. bairdi Tanner crab and halibut below those that would be experienced under Alternative 1 (Status Quo). This experience suggests that the benefits associated with this alternative are likely to exceed the costs.

Alternative 3 - The Emergency Rule as recommended by the Council

Differences between this alternative and Alternative 2 are the inclusion of halibut bycatch caps and specification of how the DAP fishery will be treated.

With respect to this alternative's treatment of the halibut bycatch issue, the SSC feels it is flawed since it doesn't provide a comprehensive solution to minimize bycatch. The JVP flatfish fishery covered by this measure accounted for about 40% of the 1985 DAP and crab/shrimp (directed fishery) halibut bycatch.

An examination of groundfish catch patterns for the 1986 fishery indicated that if the halibut measures proposed by this alternative had been included in the emergency rule that was implemented, Zone 1 would have been closed to the flatfish fishery at approximately the same time as the C. bairdi Tanner crab cap did close the fishery. The total halibut cap proposed would have closed the JVP and foreign flatfish fisheries in late August. This would have resulted in a substantial reduction in the JVP flatfish fishery catch. It would have also had a serious impact upon the foreign flatfish fishery, since a large portion of the catch, 50% in 1985, is taken late in the year.

In light of the information provided, the SSC is not clear that the benefits associated with this alternative exceed the costs.

The SSC notes that any changes in these management measures (Alternative 2 and 3) will require plan amendment. We are concerned about the time required to get plan amendments through the system.

The SSC also notes that 100% observer coverage is not necessary for scientific data collection.

Problem 2 - Inadequate Reporting Requirements in DAP fisheries

The SSC supports Alternative 2. The SSC notes that this amendment only partially addresses the data collection problems. It was brought to the attention of the SSC that the Regional Office of the NMFS has prepared a 1987 domestic groundfish data collection report. The SSC did not have time to review this document.

Problem 3 - Inadequate Authority for Inseason Reapportionment among Domestic Fisheries

The SSC supports Alternative 2. We have no comments or changes.

Problem 4 - Inadequate Authority to Manage Inseason Biological Emergencies

The SSC supports Alternative 2. We have no comments or changes.

Status of Stocks and Preliminary TACs

The SSC reviewed the document entitled "Resource Assessment Document for Bering Sea/Aleutian Island Groundfish for 1987 and Recommended Catch Levels for 1987," dated July 1986. We discussed each species or species group with the team. The SSC recommends that the EY/ABC (SSC Table 1) be used by the Council

in establishing the preliminary TACs to be released for the public review. During our discussion with the team, three species were identified having new data or new analysis that could result in a change in the EY/ABC. These possible changes are:

- Pollock (EBS) - EY may be adjusted upward to 1,200,000 mt.
- Pacific Cod - ABC may be adjusted upward to as high as 400,000 mt.
- Greenland Turbot - EY may be adjusted upward to as high as 30,000 mt.

It is expected that the analysis to support these possible changes will be provided in the RAD supplement. The SSC recommends the Council notify the public of these possible changes to the EY/ABC. These changes are presented as footnotes in Table 1.

The SSC also notes that the team has recommended establishing a separate EY/ABC for one component of the "Other Flatfish" group. The team is recommending that rock sole be given a separate TAC. This recommendation is not based upon a conservation problem with this species but because of a change in the composition of the catch and apparent recent interest in rock sole by the domestic industry. The SSC does not have any suggested modifications to the team's recommendation on preliminary TACs.

E. Contracts, RFP

ADF&G Groundfish Data Monitoring Contract

The SSC reviewed the draft final report for the groundfish data monitoring contract. We find that the contractor has met the terms of the contract and recommend that the Council accept the final report.

RFP for Survey on Groundfish Management Alternatives

The SSC reviewed the draft RFP to conduct a fishery industry survey to determine the preferred management alternative for the Gulf of Alaska and Bering Sea Groundfish fisheries. We have the following comments:

1. If the "results of this survey will be used by the Council to determine whether management methods other than the status quo are desirable or necessary..." (pages 2 and 3), then the SSC believes the survey needs to include industry opinions on the status quo.
2. We suggest that a statement of work (1a) be included which would allow the Council or a Council appointed group the opportunity to review the draft survey before it is used.
3. The SSC feels that statement of work (3) would be better stated as "The contractors shall structure the survey in a manner that results in a response error of no more than + or - 5% with a 95% confidence level.
4. As written the survey will only provide information by a randomly selected related cross section of harvesting and processing sectors of the groundfish industry. If the intent is to provide information by some breakdown of that sector, this will need to be specified (i.e., gear type, size of vessel, size of processing plant, etc.).

TABLE 1

	<u>EY/ABC</u>	<u>Preliminary TAC</u>
Pollock		
BS	1,100,000 ⁽¹⁾	1,100,000
AI	100,000	100,000
Pacific Ocean Perch		
BS	3,000	3,000
AI	11,900	11,900
Rockfish		
BS	550	550
AI	1,900	1,900
Sablefish		
BS	5,000	5,000
AI	5,000	5,000
Pacific Cod	265,000 ⁽²⁾	265,000
Yellowfin Sole	187,000	187,000
Turbots		
Greenland	5,500 ⁽³⁾	5,500
Arrowtooth	33,400	33,400
Other Flatfish		
Rock sole	70,500	70,500
Other	89,200	89,200
Atka Mackerel	30,800	30,800
Squid	10,000	10,000
Other Species	<u>36,700</u>	<u>36,700</u>
	1,995,450	1,995,450

(1) Analysis of new data indicates that the EY may be adjusted upward to 1,200,000 mt.

(2) Analysis of new data indicates that the ABC may be adjusted to 400,000 mt.

(3) A reanalysis may indicate that the EY may be adjusted upward to as high as 30,000 mt.

Definitions

Threshold - The minimum size of a stock that allows sufficient recruitment so that the stock can eventually reach a level that produces MSY. Implicit in this definition are rebuilding schedules. They have not been explicitly specified since the selection of a schedule is a part of the OY determination process. Interest instead is on the identification of a stock level below which the ability to rebuild is uncertain.

The estimate given should reflect use of the best scientific information available. Whenever possible, upper and lower bounds should be given for the estimate.

Allowable biological catch (ABC) - A seasonally determined catch that may differ from MSY for biological reasons. It may be lower or higher than MSY in some years for species with fluctuating recruitments. It can be set anywhere between zero and the maximum possible removal given suitable data and justification by the Plan Team and/or Scientific and Statistical Committee. The allowable biological catch may be modified to incorporate safety factors and risk assessment due to uncertainty. Lacking other biological justification, the allowable biological catch is defined as the maximum sustainable yield exploitation rate multiplied by the size of the biomass for the relevant time period. The ABC is defined as zero when the stock is at or below its threshold.

Overfishing - As defined in "Guidelines for Fishery Management": "Overfishing" is a level of fishing mortality that jeopardizes the capacity of a stock(s) to maintain or recover to a level at which it can produce maximum biological yield or economic value on a long-term basis under prevailing biological and environmental conditions. (50 CFR Part 602, p. 27228).

This definition does not provide criteria for a determination of the level of population that might threaten the capacity of the stock to recover. We retain this definition and add the concept of a threshold. Biological overfishing is the application of exploitation rates that drive the stock below its threshold. Exceeding allowable biological catch need not result in overfishing, unless the excess is carried out over sufficient time at high enough exploitation rates to reduce the population below the threshold.

Annual Surplus Production (ASP) - The excess of exploitable biomass from one year to the next beyond what is required to maintain the population at current levels. In practice harvesting below the annual surplus production usually leads to an increase in population biomass. Annual surplus production is a positive or negative number, estimated by adding the catch in a year to the estimated change in biomass.

Equilibrium Yield (EY) - The long term average annual or seasonal harvest which allows the stock to be maintained at approximately the same level of abundance. EY is the long term average annual surplus production at a given level of biomass.

Total Allowable Catch (TAC) - An annually determined retainable catch which is species specific and based on biological and socioeconomic considerations.

Allocate - To apportion the OY or TAC for a specific purpose or among specific categories of fishermen.

- D. Alternative 3: Establish an overall harvest framework procedure which establishes an OY range and provides a procedure for adjusting individual target quotas (TQ) on an annual basis.

A framework procedure has been developed whereby the Council can set harvest levels and specify a target quota (TQ) for each groundfish fishery on an annual basis. The procedure consists of three steps:

- (1) Determining the ABC for each managed species or species group.
- (2) Determine a TQ based on biological and socioeconomic information. The TQ may be lower than the ABC if bycatch considerations or socioeconomic considerations cause the Council to establish a lower harvest. Conversely, the TQ may be higher than ABC if the Council believes that socioeconomic considerations warrant a harvest in excess of ABC.
- (3) Sum TQ for all groundfish species excluding nonspecified species to assure that the sum is within the OY range specified in the FMP. If the sum falls outside this range the TQs must be adjusted or the plan amended.

The range of OY specified in the FMP is 116,000-800,000 mt of groundfish. This range was established by examining for each major groundfish species, historical and recent catches, recent determinations of ABC, and the current and past estimates of MSY (Tables 3.1 and 3.2).

In particular, the end points of the range were derived as described below: For the minimum value, 116,000 mt is approximately equal to the lowest historical groundfish catch during the 21-year period 1965-1985 (116,053 mt in 1971). In that year catches of pollock, Pacific cod and Atka mackerel were all at their minimum value. Given the current status of the groundfish resources and the present management regime, it is considered extremely unlikely that future total harvest will fall below this level. Thus, the TQs will be established so as to result in a sum of at least 116,000 mt.

The upper end of the OY range, 800,000 mt, was derived from MSY information. The MSY for all species of groundfish (excluding the other species category) has ranged from 804,950 mt in 1983 to 1,000,750 mt for the 1987 fishing year. The average MSY over the five-year period is 845,670 mt. Therefore, the upper end of the range is approximately equal to 95% of the mean MSY for the last recent five-year period. It is possible that in the immediate future, the Council may wish to establish TQ equal to MSY for all species. It should be noted that to do this the Council would have to amend the upper bound of the OY range.

The ABC summed for all species has ranged from 457,082 mt in 1985 to 720,005 mt in 1984, with an ABC recommended for 1987 of 619,352 mt. The upper end of the OY range is some 29% larger than the 1987 recommended ABC allowing for future expansion in the fishery to that extent.

Most of the variation in the ABC and catch over the five-year interval results from changes in the status of two species: pollock and flounder. Pollock ABC has ranged from 113,600 mt in 1987 to 516,600 mt in 1984, a greater than 400,000 mt deviation. Likewise, flounder ABC was 33,500 mt in 1985 and 340,000 mt for 1987, while MSY has gone from 67,000 mt in 1983 to 340,000 mt in 1987. The variation in flounder ABC is therefore approximately 300,000 mt. Therefore, the 800,000 mt upper end of the OY range was selected in consideration of the volatility in pollock and flounder ABC, the potential for harvesting at MSY, and the desire to allow for some moderate expansion in the future flounder fisheries.

The Framework Procedure for Alternative 3.

The timing of actions to be taken under Alternative 3 in establishing target quotas (TQs) is as follows:

- (1) September. The plan team prepares a draft Resource Assessment Document (RAD) which establishes preliminary ABCs, and initial TQs for all managed groundfish species. TQ will be specified for DAP, JVP, and TALFF. For fully utilized species (where DAP = TQ), there will be no retainable catch available for JVP and TALFF. Each TQ may be apportioned among the regulatory areas and districts of the Gulf of Alaska.
- (2) September Council meeting. Council will approve preliminary TQs and release RAD for 30-day public review.
- (3) October 1. As soon as practicable after October 1 the Secretary, after consultation with the Council, will publish a rule-related notice in the FEDERAL REGISTER specifying the proposed TQs for DAP, JVP, and TALFF. Public comments on the proposed TQs will be accepted by the Secretary for 30 days after the notice is published.
- (4) November. Plan team prepares final RAD.
- (5) December Council meeting. Council reviews public comments, takes public testimony and makes final decisions on annual TQ limits.
- (6) By January 1 the Secretary will publish rule-related notice of final TQ limits in FEDERAL REGISTER.
- (7) January 1. Annual TQ limits take effect for the current fishing year.

The Resource Assessment Document (RAD) will contain the following information:

- (1) Current status of Gulf of Alaska Groundfish resources, by major species or species group.
- (2) Estimates of maximum sustainable yield (MSY) and allowable biological catch (ABC).

- (3) Estimates of groundfish species mortality from nongroundfish fisheries, subsistence fisheries, and recreational fisheries, and the difference between groundfish mortality and catch, if possible.
- (4) Catch statistics (landings and value) for the current year.
- (5) The projected responses of stocks and the fisheries to alternative levels of fishing mortality.
- (6) Any relevant information relating to changes in groundfish markets.
- (7) Plan team recommendations for target quotas (TQ) by species or species group and area.
- (8) Any other biological, social, or economic information which may be useful to the Council.

The Council will use:

- (1) recommendations of the plan team and SSC and information presented by the PT and SSC in support of these recommendations;
- (2) information presented by the AP and the public; and
- (3) other relevant information,

to develop its own preliminary recommendations.

It should be noted that with Alternative 3 the attainment of a TQ for a species will result in the closure of the target fishery for a species. That is, once the TQ is taken further retention of that species may be prohibited. Other fisheries targeting on other species would be allowed to continue as long as the nonretainable bycatch of the closed species is found to be nondetrimental to that stock (status quo).

With the exception of the "other species" management category, the framework procedure described above is used to determine TQs for every groundfish species and species group managed by the plan. Groundfish that support their own fishery, and for which a sufficient data base exists that allows each to be managed on the basis of its own biological, social, economic, and ecological merits, are called "target species". Groundfish species that are not specified as a target species are collectively grouped in the "other species" category. These species currently are of slight economic value and are generally not targeted upon. This category, however, contains species with economic potential or which have importance to the ecosystem, but which lack sufficient data to allow separate management. Accordingly, a single TQ, equal to 5% of the combined TQs for target species shall apply to this category. Records of catch of this category must be maintained.

All other species of fish and invertebrates taken incidentally that are not managed by other FMPs and are associated with groundfish fisheries, are designated as "nonspecified species" and catch records need not be kept.

Section 672.5 Reporting requirements.

(a) * * *

(1) Landing in Alaska. The operator of any fishing vessel regulated under this Part that lands fish in the the State of Alaska shall, for each sale or delivery of groundfish caught in any Gulf of Alaska regulatory area, be responsible for the submission to ADF&G of an accurately completed State of Alaska fish ticket.

* * * * *

(2) Landing outside of Alaska

(i) * * *

(ii) The operator of any fishing vessel regulated under this Part who lands fish outside the State of Alaska, including the EEZ adjacent to the State of Alaska, shall, for each sale or delivery of groundfish caught in any Gulf of Alaska regulatory area, submit a completed State of Alaska fish ticket, or an equivalent document containing all of the information required on an Alaska fish ticket, together with the additional information required by paragraph (a)(1)(ii) of this section, to the ADF&G within one week after the date of each such sale or delivery. Send these documents to the Director, Commercial Fish Division, Alaska Department of Fish and Game Headquarters, P.O. Box 3-2000, Juneau, Alaska 99802.

(3) Catcher/processor and mothership/processor vessels.

The operator of any fishing vessel regulated under this Part who processes, within the meaning of process under Section 672.2, any

groundfish on board that vessel must, in addition to the requirements of paragraphs (a)(1) and (a)(2) of this section, meet the following requirements:

(i) Twenty-four hours before starting and upon stopping fishing or receiving groundfish in any area, the operator of that vessel must notify the Regional Director of the date and hour in GMT and the position of such activity.

* * * * *

(iv) After notification of starting fishing by a vessel under paragraph (a)(3)(i) of this section, and continuing until that vessel's entire catch or cargo of fish has been off-loaded, the operator of that vessel must submit a weekly catch or receipt report, including reports of zero tons caught or received, for each weekly period, Sunday through Saturday, GMT, or for each portion of such a period, during which groundfish were caught or received at sea. Catch or receipt reports must be sent to the Regional Director within one week of the end of the reporting period through such means as the Regional Director will prescribe upon issuing that vessel's permit under Section 672.2 of this Part. These reports must contain the following information:

* * * * *

6. In Section 672.7, paragraph (h) is redesignated as (i) and a new paragraph (h) is added to read as follows:

Section 672.7 General prohibitions.

* * * * *

(h) Conduct any fishing contrary to a notice of inseason adjustment issued under section 672.22(a) of this Part;

* * * * *

7. In Section 672.20, the section title is changed to General Limitations, paragraphs (a) and (b) are revised, paragraphs (c), (d), and (e) are redesignated as paragraphs (d), (e), and (f), a new paragraph (c) is added, and the redesignated paragraph (d) is revised to read as follows:

Section 672.20 General limitations.

(a) Harvest limits.

(1) Optimum Yield. The optimum yield (OY) for the fishery regulated by this section and by 50 CFR 611.92 is a range of 116,000 to 800,000 mt for target species and the "other species" category in the Gulf of Alaska management area, to the extent this amount can be harvested consistently with this Part and 50 CFR Part 611, plus the amounts of "non-specified species" taken incidentally to the harvest of target species and the "other species" category. The species categories are defined in Table 1 of this section.

(2) Target quota. The Secretary, after consultation with the North Pacific Fishery Management Council (Council), shall specify the annual target quota (TQ) for each calendar year for each target species and the "other species" category, and shall apportion the TQ among domestic annual processing (DAP), joint venture processing (JVP), and total allowable level of foreign fishing (TALFF). The sum of the TQs specified must be within the OY range of 116,000 to 800,000 mt for target species and the "other species" category.

(i) The annual determinations of the TQ for each target

species and the "other species" category, the reapportionment of reserves, and the reapportionment of surplus DAH may be adjusted, based upon a review of the following:

(A) Assessments of the biological condition of each target species and the "other species" category. Assessments will include, where practicable, updated estimates of maximum sustainable yield (MSY), and acceptable biological catch (ABC); historical catch trends and current catch statistics; assessments of alternative harvesting strategies and related effects on component species and species groups; relevant information relating to changes in groundfish markets; and recommendations for TQ by species or species group.

(B) Socioeconomic considerations that are consistent with the goals and objectives of the fishery management plan for groundfish in the Gulf of Alaska area.

(b) Prohibited species catch limits.

(1) When the Secretary determines after consultation with the Council that the TQ for any species or species group will be fully harvested in the DAP fishery, the Secretary may specify for each calendar year the prohibited species catch (PSC) limit applicable to the JVP and TALFF fisheries for that species or species group. Any PSC limit specified under this paragraph shall be provided as bycatch only, and may not exceed an amount determined to be that amount necessary to harvest target species. Species for which a PSC limit has been specified under this paragraph shall be treated in the same manner as prohibited species under paragraph (e) of this section.

(2) The annual determinations of the PSC limit for each species or species group under paragraph (b)(1) of this section may be adjusted, based upon a review of the following:

(i) Assessments of the biological condition of each PSC species. Assessments will include where practicable updated estimates of maximum sustainable yield (MSY), and acceptable biological catch (ABC); estimates of groundfish species mortality from nongroundfish fisheries, subsistence fisheries, recreational fisheries, and the difference between groundfish mortality and catch. Assessments may include information on historical catch trends and current catch statistics; assessments of alternative harvesting strategies and related effects on component species and species groups; relevant information relating to changes in groundfish markets; and recommendations for PSC limits for species or species group fully utilized by the DAP fisheries;

(ii) Socioeconomic considerations that are consistent with the goals and objectives of the FMP.

(c) Notices.

(1) Notices of Harvest Limits and PSC Limits. As soon as practicable after October 1 of each year, the Secretary, after consultation with the Council, shall publish a notice in the FEDERAL REGISTER specifying preliminary annual TQ, DAP, JVP, TALFF, reserves, and PSCs amounts for each target species, "other species" category, and species fully utilized by the DAP fisheries. The preliminary specifications of DAP and JVP will be the amounts harvested during the previous year plus any additional amounts the Secretary finds will be harvested by the

U.S. fishing industry. These additional amounts will reflect as accurately as possible the projected increases in U.S. processing and harvesting capacity and to the extent to which U.S. processing and harvesting will occur during the coming year. Public comment on these amounts will be accepted by the Secretary for a period of 30 days following publication. In light of comments received, the Secretary shall, after consultation with the Council, specify the final PSC limits and annual TQ for each target species and apportionments thereof among DAP, JVP, TALFF, and reserves. These final amounts will be published as a notice in the FEDERAL REGISTER by January 1 of each year. These amounts will replace the corresponding amounts for the previous year.

(2) Notices of Closure

(i) If the Regional Director determines that the TQ for any target species or of the "other species" category in any regulatory area or district in Table 1 of paragraph (a) of this section has been or will be reached, the Secretary shall publish a notice in the FEDERAL REGISTER prohibiting directed fishing for that species, as defined at Section 672.2, in all or part of that area or district, and declaring such species in all or part of that area or district a prohibited species for purposes of paragraph (e) of this section. During the time that such notice is in effect, the operator of every vessel regulated by this Part or Part 611 shall minimize the catch of that species in the area or district, or portion thereof, to which the notice applies.

(ii) If, in making a determination under paragraph (b)(1) of this section, the Regional Director also determines that directed

fishing for other groundfish species in the area or district, or portion thereof, to which the notice applies may lead to overfishing of the species for which the TQ has been or will be achieved, the Secretary shall, in the notice required by that paragraph, also prohibit or limit such directed fishing for other groundfish species in a manner that will prevent overfishing of the species for which the TQ has been or will be taken.

(iii) If the Regional Director determines that a PSC limit applicable to a directed fishery in any regulatory area or district in Table 1 of paragraph (a) of this section has been or will be reached, the Secretary shall publish a notice of closure in the FEDERAL REGISTER closing that directed fishery in all or part of the area or district concerned.

(d) Apportionment of reserves, initial DAH, and adjustment of PSC limits.

* * * * *

(4) Adjustment of PSC limits resulting from apportionments. If the Secretary makes inseason apportionments of target species, the Secretary may proportionately increase any PSC limit amount of species fully utilized by the DAP fishery if such increase will not result in overfishing of that species. Any adjusted PSC limit may not exceed an amount determined to be that amount necessary to harvest target species.

(5) * * *

(v) * * *

(D) Any adjustments in PSC limit amounts made under this section;

(E) The reasons for any apportionments or adjustments and their distribution; and

(F) Responses to any comments received.

* * * * *

(e) Prohibited Species.

(4) In any regulatory area where the TQ in Table 1 of paragraph (c) for any species is "0" (zero), any catch of that species by a vessel regulated by this part, in that fishing regulated by this part, in that fishing area, shall be considered catch of a "prohibited species" and shall be treated in accordance with this paragraph.

(f) Halibut.

* * * * *

8. In Section 672.22, the section label is changed to Inseason adjustments, and paragraphs (a) and (b) are revised to read as follows:

Section 672.22 Inseason adjustments.

(a) General.

(1) Inseason adjustments issued by the Secretary under this paragraph include: (i) The closure, extension, or opening of a season in all or part of a management area;

(ii) Modification of the allowable gear to be used in all or part of a management area; and

(iii) The adjustment of TQ and PSC limits.

(2) Determinations

(i) Any inseason adjustment under this paragraph must be based upon a determination that such adjustments are necessary to

prevent:

(A) The overfishing of any species or stock of fish or shellfish; or

(B) The harvest of a TQ for any groundfish species, or the taking of a PSC limit for any prohibited species, which on the basis of the best available scientific information is found by the Secretary to be incorrectly specified.

(ii) The selection of the appropriate inseason management adjustments under paragraphs (a)(1)(i) and (a)(1)(ii) of this section must be from the following authorized management measures and must be based upon a determination by the Regional Director that the management adjustment selected is the least restrictive necessary to achieve the purpose of the adjustment:

(A) Any gear modification that would protect the species in need of conservation, but which would still allow other fisheries to continue; or

(B) An inseason adjustment which would allow other fisheries to continue in noncritical areas and time periods; or

(C) Closure of a management area and season to all groundfish fishing.

(iii) The adjustment of a TQ or PSC limit for any species under paragraph (a)(1)(iii) of this section must be based upon a determination by the Regional Director that the adjustment is based upon the best available scientific information concerning the biological stock status of the species in question and that the currently specified TQ or PSC limit is incorrect. Any adjustment to a TQ or PSC limit must be reasonably related to the

change in biological stock status.

(3) Data. All information relevant to one or more of the following factors may be considered in making the determinations required under paragraph (a)(2) of this section:

(i) The effect of overall fishing effort within a regulatory area;

(ii) Catch per unit of effort and rate of harvest;

(iii) Relative abundance of stocks within the area;

(iv) The condition of the stock within all or part of a regulatory area;

(v) Any other factor relevant to the conservation and management of groundfish species for which a TQ has been specified or incidentally caught species which are designated as prohibited species or for which a PSC limit has been specified.

(b) Procedure.

(1) No inseason adjustment issued under this section shall take effect until:

(i) The Secretary has filed the proposed adjustment for public inspection with the Office of the FEDERAL REGISTER, and

(ii) The Secretary has published the proposed adjustment in the FEDERAL REGISTER for public comment for a period of thirty (30) days before it is made final, unless the Secretary finds for good cause that such notice and public procedure is impracticable, unnecessary, or contrary to the public interest.

(2) If the Secretary decides, for good cause, that an adjustment is to be made without affording a prior opportunity for public comment, public comments on the necessity for, and

extent of, the adjustment will be received by the Regional Director for a period of fifteen (15) days after the effective date of the notice.

(3) During any such 15-day period, the Regional Director shall make available for public inspection, during business hours, the aggregate data upon which an adjustment was based.

(4) If written comments are received during any such 15-day period which oppose or protest an inseason adjustment issued under this section, the Secretary shall reconsider the necessity for the adjustment and, as soon as practicable after that reconsideration, shall either:

(i) Publish in the FEDERAL REGISTER a notice of continued effectiveness of the adjustment, responding to comments received; or

(ii) Modify or rescind the adjustment.

(5) Notices of inseason adjustments issued by the Secretary under paragraph (a) of this section shall include the following information:

(i) A description of the management adjustment;

(ii) The reasons for the adjustment and the determinations required under paragraph (a)(2) of this section; and

(iii) The effective date and any termination date of such adjustment. If no termination date is specified, the adjustment will terminate on the last day of the fishing year.

9. In Section 672.24, paragraph (b) is revised, and paragraph (c) is added to read as follows:

Section 672.24 Gear limitations.

* * * * *

(b) Sablefish gear restrictions and allocations.

(1) Eastern Area. No person may use any gear other than hook and line gear and trawl when fishing for groundfish in the Eastern Area. No person may use any gear other than hook and line gear to engage in directed fishing for sablefish. When vessels using trawl gear have harvested 5 percent of the TQ for sablefish during any year in any district of the Eastern Area for which TQs are specified, the Regional Director will close that district to all fishing with trawl gear.

(2) Central and Western Areas. Hook and line gear may be used to take up to 80 percent and trawl gear may be used to take up to 20 percent of the TQ for sablefish in the Central Area. During 1987 and 1988 in the Western Area, hook and line gear may be used to take up to 55 percent of the TQ for sablefish; pot gear may be used to take up to 25 percent of that TQ; and trawl gear may be used to take up to 20 percent of that TQ. After the year specified above, hook and line gear may be used to take up to 80 percent of the sablefish TQ in the Western Area and trawl gear may be used to take up to 20 percent of that TQ. When the share of the sablefish TQ assigned to any type of gear for any year and any area or district under this paragraph has been taken, the Regional Director will close that regulatory area or district to all fishing for groundfish with that type of gear, subject to Section 672.20(b) of this part.

No person may use any gear other than hook and line gear, pot, or trawl gear in fishing for groundfish in these areas

during the years specified above. After those years no person may use any gear other than hook and line or trawl in fishing for groundfish in the Gulf of Alaska.

(c) Trawls other than pelagic trawls.

(1) No person may fish in any of the following areas in the vicinity of Kodiak Island (see Figure 1, Area Type I) from a vessel having any trawl other than a pelagic trawl either attached or on board:

(i) Alitak Flats and Towers Areas: All waters of Alitak Flats and the Towers Areas enclosed by a line connecting the following seven points in the order listed:

	N. lat.	W. long.	
Point a	57-00-0	154-31-0	Low Cape
Point b	57-00-0	155-00-0	
Point c	56-17-0	155-00-0	
Point d	56-17-0	153-52-0	
Point e	56-33-5	153-52-0	Cape Sitkinak
Point f	56-54-5	153-32-5	East point of Twoheaded Island
Point g	56-56-0	153-35-5	Kodiak Island
Point a	57-00-0	154-31-0	Low Cape

(ii) Marmot Flats Area: All waters enclosed by a line connecting the following five points in the clockwise order listed:

	N. lat.	W. long.	
Point a	58-00-0	152-27-0	
Point b	58-00-0	151-47-0	
Point c	57-37-0	151-47-0	
Point d	57-38-0	152-09-1	Cape Chiniak Light to North Cape
Point e	57-58-0	152-27-0	
Point a	58-00-0	152-27-0	

(2) From February 15 to June 15, no person may fish in any of the following areas in the vicinity of Kodiak Island (see Figure 1, Area Type II) from a vessel having any trawl other than

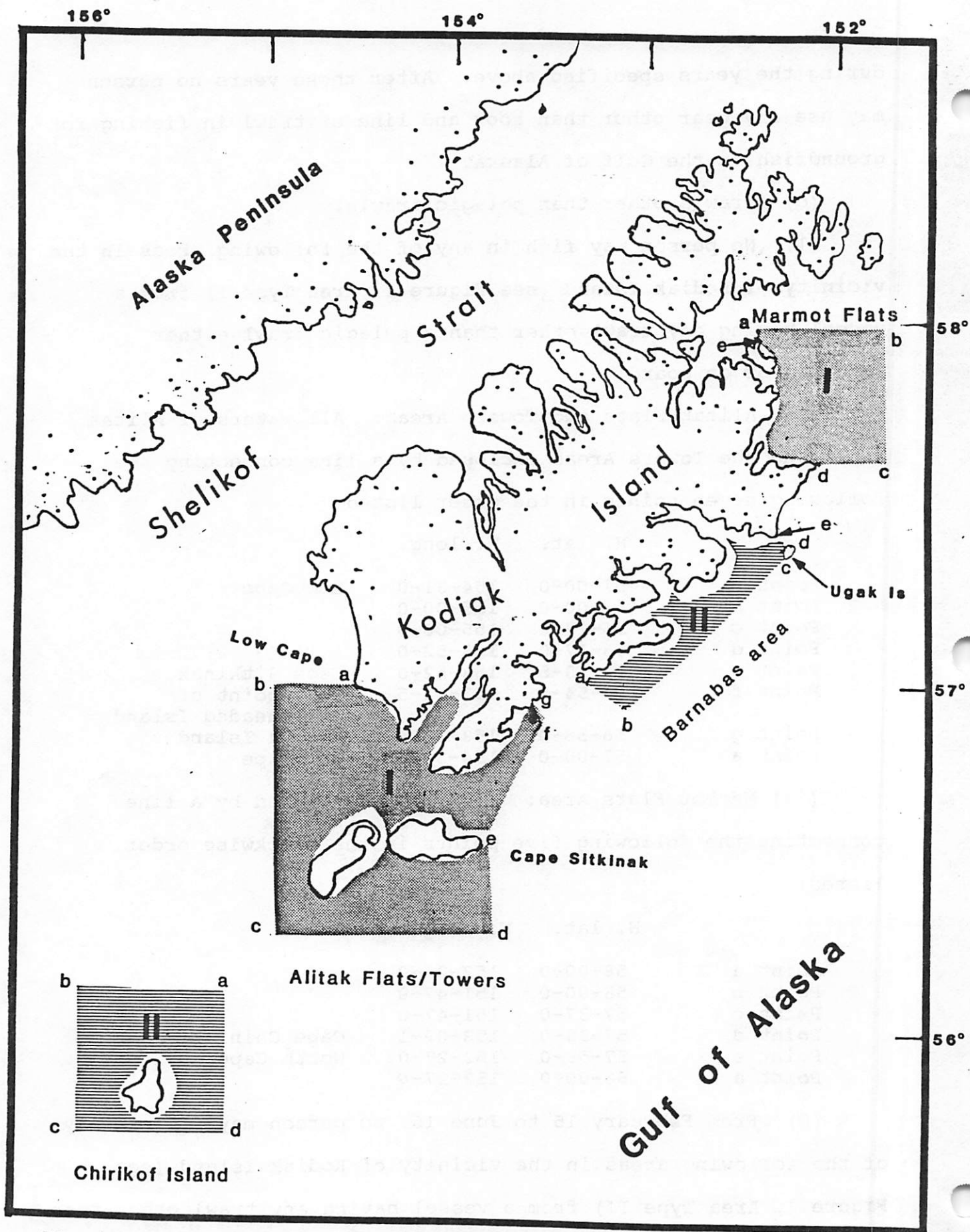


Figure 1. Areas around Kodiak Island closed to trawling, except with pelagic trawls. TYPE I areas are closed year round. TYPE II areas are closed February 15 to June 15. See Section 672.24, Gear Limitations for coordinate descriptions.

a pelagic trawl either attached or on board:

(i) Chirikof Island Area: All waters surrounding Chirikof Island enclosed by a line connecting the following four points in the counter clockwise order listed:

	N. lat.	W. long.
Point a	56-07-0	155-13-0
Point b	56-07-0	156-00-0
Point c	55-41-0	156-00-0
Point d	55-41-0	155-13-0
Point a	56-07-0	156-00-0

(ii) Barnabas Area: All waters enclosed by a line connecting the following five points in the counter clockwise order listed:

	N. lat.	W. long.	
Point a	56-58-5	153-18-0	Black Point
Point b	56-56-0	153-09-0	
Point c	57-22-0	152-18-5	South Tip of Ugak Island
Point d	57-23-5	152-17-5	North Tip of Ugak Island
Point e	57-26-0	152-19-0	Narrow Cape to
Point a	56-58-5	153-18-0	Black Point, incl. inshore waters

(3) Each person using a trawl to fish in any area limited pelagic trawl under paragraphs (c)(1) and (c)(2) of this section must maintain in working order on that trawl a properly functioning, recording net-sonde device, and must retain all net-sonde recordings aboard the fishing vessel during the fishing year.

(4) No person using a trawl to fish in any area limited to pelagic trawl under paragraphs (c)(1) and (c)(2) of this section shall allow the footrope of that trawl to be in contact with the seabed for more than 10 percent of the period of any tow, as indicated by the net-sonde device.

PRELIMINARY GULF OF ALASKA GROUND FISH HARVEST LEVELS AND APPORTIONMENTS FOR 1987 (MT)

Species	Area	ABC	TQ ^{1/}	RESERVE ^{2/} 20% TQ	DAP ^{3/}	JVP ^{3/}	TALFF
Pollock	W/C	97,000	97,000	19,400	28,000	49,600	0
	Out. Shel.	n/a	50,000	10,000	0	40,000	0
	E	16,600	16,600	3,320	1	0	0
	Total	113,600	163,600	32,720	28,001	89,600	0
Pacific Cod	W	33,750	29,951	5,990	23,817	144	0
	C	70,000	33,049	6,610	24,826	1,613	0
	E	21,250	12,000	2,400	9,600	0	0
	Total	125,000	75,000	15,000	58,243	1,757	0
Flounders	W	54,400	6,900	1,380	5,448	72	0
	C	244,800	22,500	4,500	16,740	1,260	0
	E	40,800	600	120	480	0	0
	Total	340,000	30,000	6,000	22,668	1,332	0
Pacific ocean perch	W	2,800	1,316	0	1,316	0	0
	C	3,300	1,511	0	1,511	0	0
	E	4,400	875	0	875	0	0
	Total	10,500	3,702	0	3,702	0	0
Sablefish	W	3,800	3,800	0	3,800	0	0
	C	8,200	8,200	0	8,200	0	0
	W. Yakutat	3,400	3,400	0	3,400	0	0
	E. Yak. / S. E. Out.	4,600	4,600	0	4,600	0	0
	Total	20,000	20,000	0	20,000	0	0
Atka Mackerel	W	0	250	50	100	100	0
	C	0	250	50	100	100	0
	E	0	100	20	40	40	0
	Total	0	600	120	240	240	0
Rockfish	S. E. Central Outside	600	600	0	600	0	0
	Remaining	2,100	2,100	0	2,100	0	0
	Total	2,700	2,700	0	2,700	0	0
			-25,000				
Thornyhead	GW	3,750	3,750	750	1,500	1,500	0
Squid	GW	5,000	5,000	1,000	2,000	2,000	0
Other Species	GW	n/a	15,218	3,044	6,087	6,087	0
TOTAL			319,570	58,634	145,142	102,515	0

Predicted Halibut Catch ^{4/}
5,666 mt Mortality ^{4/}
2,933 mt

Proposed 1987 Halibut PSC Mortality Limit 2,000 mt

/ The term target quota (TQ) is synonymous with the past use of optimum yield for groundfish in the Gulf of Alaska.

^{2/} The Reserves equal 20% of the TQ.

^{3/} Based on projected 1986 catches and/or intended apportionments.

^{4/} Given the above groundfish harvests and apportionments.

with the approved coastal zone management program of Alaska. This determination has been submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act.

List of Subjects in 50 CFR Parts 611 and 675

50 CFR Part 611

Fisheries, Foreign fishing

50 CFR Part 675

Fisheries, Reporting and Recordkeeping Requirements

Dated:

[Insert name and title of responsible official]
National Marine Fisheries Service

For reasons set out in the preamble, 50 CFR Parts 611 and 675 are proposed to be amended as follows:

1. The authority citation for Parts 611 and 675 continues to read as follows:

AUTHORITY: 16 U.S.C. 1801 et seq.

PART 611--[AMENDED]

2. Section 611.93 is amended by adding new paragraphs (b) (1) (iii), (c) (2) (ii) (E) (2) (iv), and (c) (2) (ii) (F) and (G), and figure 1 to read as follows:

<611.93 Bering Sea and Aleutian Islands groundfish fishery.

* * * * *

(b) * * *

(1) * * *

(iii) Directed fishing, with respect to any species, stock, or other aggregation of fish, means fishing that is intended or can reasonably be expected to result in the catching, taking, or harvesting of quantities of such fish which amount to 20 percent or more of the total amount by weight of fish or fish products on board at any time. It will be a rebuttable presumption that, when any species, stock, or other aggregation of fish comprises 20 percent or more by weight of the catch, take, or harvest, or 20 percent or more of the total amount by weight of fish products on board at any time, such fishing was directed fishing for such fish.

* * * * *

(c) * * *

(2) * * *

(ii) * * *

(E) * * *

(2) * * *

(iv) When, during the fishing year, the trawl vessels of foreign nations conducting directed fishing for yellowfin sole and "other flatfish" in either Zone 1 or Zone 2 (areas A and C in Figure 1) catch the PSC limit of 64,000 C. bairdi Tanner crabs, the Regional Director will publish a notice in the FEDERAL REGISTER prohibiting foreign trawling for yellowfin sole and "other flatfish" in both of these areas for the remainder of the fishing year. For this purpose, Zone 1 is defined as that part of the management area south of 58 degrees N. latitude and east of 165 degrees W. longitude exclusive of other closed areas specified under this part (area A in Figure 1), and Zone 2 is defined as that part of the management area bounded by straight lines connecting the following coordinates in the order listed and exclusive of other closed areas specified under this part (area C in Figure 1):

54 deg. 30 min. N. lat., 165 deg. 00 min. W. long.;
58 deg. 00 min. N. lat., 165 deg. 00 min. W. long.;
58 deg. 00 min. N. lat., 171 deg. 00 min. W. long.;
60 deg. 00 min. N. lat., 171 deg. 00 min. W. long.;
60 deg. 00 min. N. lat., 179 deg. 20 min. W. long.;
59 deg. 25 min. N. lat., 179 deg. 20 min. W. long.;
54 deg. 30 min. N. lat., 167 deg. 00 min. W. long.;
54 deg. 30 min. N. lat., 165 deg. 00 min. W. long.

(F) At all times in the area enclosed by straight lines connecting the following coordinates: 57 deg. 30 min. N. lat., 162 deg. 00 min. W. long.; 58 deg. 00 min. N. lat., 162 deg. 00 min. W. long.; 58 deg. 00 min. N. lat., 160 deg. 30 min. 30 sec. W. long. (area B in Figure 1).

(G) When the domestic fishery for yellowfin sole and "other flatfish" is prohibited under <675.21(b) of this chapter, the directed fishery for yellowfin sole and "other flatfish" is prohibited in the same area specified in <675.21(b) (Area A, Figure 1).

[Insert Figure 1]

* * * * *

PART 675--[AMENDED]

3. In <675.2, three new definitions are added in correct alphabetical order to read as follows:

<675.2 Definitions.

* * * * *

Bycatch limitation zone 1 (Zone 1) means that part of the Bering Sea subarea that is south of 58 deg. 00 min. N. latitude and east of 165 deg. 00 min. W. longitude (areas A and B in Figure 2).

Bycatch limitation zone 2 (Zone 2) means that part of the Bering Sea subarea bounded by straight lines connecting the following coordinates in the order listed (area C in Figure 2):

54 deg. 30 min. N. lat., 165 deg. 00 min. W. long. ;
58 deg. 00 min. N. lat., 165 deg. 00 min. W. long. ;
58 deg. 00 min. N. lat., 171 deg. 00 min. W. long. ;
60 deg. 00 min. N. lat., 171 deg. 00 min. W. long. ;
60 deg. 00 min. N. lat., 179 deg. 20 min. W. long. ;
59 deg. 25 min. N. lat., 179 deg. 20 min. W. long. ;
54 deg. 30 min. N. lat., 167 deg. 00 min. W. long. ;
54 deg. 30 min. N. lat., 165 deg. 00 min. W. long.

Processing, or to process, means the preparation of fish to render it suitable for human consumption, industrial uses, or long-term storage, including, but not limited to, cooking, canning, smoking, salting, drying, freezing, and rendering into meal or oil.

* * * * *

4. In <675.5, paragraph (a)(2) is deleted, paragraph (a)(1) is redesignated as paragraph (a)(2), a new paragraph (a)(1) is added, and renumbered paragraph (a)(2) and paragraph (a)(3) are amended to read as follows:

<675.5 Reporting requirements.

(a) * * *

(1) Landing in Alaska. The operator of any fishing vessel regulated under this Part who lands fish in the State of Alaska shall, for each sale or delivery of groundfish caught in the Bering Sea and Aleutian Islands management area, be responsible for the submission to ADF&G of an accurately completed State of Alaska fish ticket. At the election of the vessel operator, the fish ticket required under this paragraph (a)(1) shall be either:

(i) Submitted by the vessel operator directly to the ADF&G within one week after such fish are sold or delivered; or

(ii) Prepared, at the request of the operator, by the purchaser and submitted by the purchaser to ADF&G within one week after such fish are received by the purchaser. For the purposes of this paragraph (a), a "purchaser" is any person who receives, from a fishing vessel regulated under this Part, groundfish caught in the Bering Sea and Aleutian Islands management area.

(2) Landing outside Alaska. The operator of any fishing vessel regulated under this part who lands fish outside the State of Alaska, including the EEZ adjacent to the State of Alaska, shall submit a completed State of Alaska fish ticket, or an equivalent document, containing all of the information required on an Alaska fish ticket. This information must be submitted to ADF&G within one week after the date of each sale or delivery of any groundfish taken in the Bering Sea and Aleutian Islands management area. The address to which these documents must be sent is: Director, Commercial Fish Division, Alaska Department of Fish and Game Headquarters, Subport Building, Juneau, Alaska 99801.

(3) Catcher/Processor and Mothership/Processor Vessels. The operator of any fishing vessel regulated under this part processing any groundfish on board that vessel must, in addition to the requirements of paragraphs (a)(1) and (2) of this section, meet the following requirements:

(i) Twenty-four hours before starting and upon stopping fishing or receiving groundfish in any area, the operator of that vessel must notify the Regional Director of the date and hour in GMT and the area of such activity.

* * * * *

(iv) After notification of starting fishing by a vessel under paragraph (a)(3)(i) of this section, and continuing until that vessel's entire catch or cargo of fish has been off-loaded, the operator of that vessel must submit a weekly catch or receipt report, including reports of zero tons caught or received, for each weekly period, Sunday through Saturday, GMT, or for each portion of such a period. Catch or receipt reports must be sent to the Regional Director within one week of the end of the reporting period through such means as the Regional Director will prescribe upon issuing that vessel's permit under <675.4 of this part. These reports must contain the following information:

* * * * *

5. In <675.7, paragraph (g) is redesignated as paragraph (j) and new paragraphs (g), (h) and (i) are added to read as follows:

<675.7 General prohibitions.

It shall be unlawful for any person to:

* * * * *

(g) Use a vessel (1) to fish with trawl gear in Area B of Figure 2 unless specifically allowed by the Secretary as provided under <675.22 of this part; (2) to fish with trawl gear in the

area at any time when no approved data gathering program exists or after such a program has been terminated; or (3) to fish with trawl gear in the area without complying fully with an approved data gathering program;

(h) Conduct any fishing contrary to a notice of inseason adjustment issued under <675.20 (e) of this part;

(i) Conduct any fishing contrary to a notice issued under <675.21.

* * * * *

6. In <675.20, subparagraph (b)(1)(ii) is redesignated as subparagraph (b)(1)(iii) and a new subparagraph (b)(1)(ii) is added to read as follows:

<675.20 General limitations.

* * * *

(b) * * *

(1) * * *

(i) * * *

(ii) Apportionment between DAP and JVP. As soon as practicable after April 1, June 1, and August 1, and on such other dates as he determines appropriate, the Secretary shall, by notice in the FEDERAL REGISTER, reassess and reapportion to JVP the part of DAP that he determines will not be harvested by U.S. vessels and delivered to U.S. processors during the remainder of the fishing year, unless such reapportionments to JVP would adversely affect the conservation of groundfish or prohibited species or would have an adverse impact on the socioeconomic considerations set forth in paragraph (a)(2)(i)(B) of this section.

* * * * *

7. In <675.20, paragraph (c)(1) is amended to read as follows:

<675.20 General limitations.

* * * * *

(c) Prohibited species. (1) Prohibited species, for the purpose of this part, means any species of fish caught while fishing for groundfish in the Bering Sea and Aleutian Islands management area, the retention of which is prohibited by other applicable law. Any catch of Pacific halibut by fishing vessels regulated under this part is a catch of a prohibited species,

unless retention is authorized by regulations of the International Pacific Halibut Commission. Any catch of Tanner crab, king crab, or salmon by vessels regulated under this part must be treated in the same manner as a catch of a prohibited species.

* * * * *

8. In <675.20, new paragraphs (e), (f) and (g) are added to read as follows:

<675.20 General limitations.

* * * * *

(e) Inseason adjustments.

(1) Inseason adjustments issued by the Secretary under this paragraph include:

(A) The closure, extension, or opening of a season in all or part of a management area;

(B) Modification of the allowable gear to be used in all part of a management area; and

(C) The adjustment of TACs or PSC limits.

(2) Any inseason adjustment under this paragraph must be based on a determination that such adjustments are necessary to prevent:

(A) The overfishing of any species or stock of fish or shellfish; or

(B) The harvest of a TAC for any groundfish species, the taking of a PSC limit for any prohibited species, or the closure of any fishing for groundfish based on a TAC or PSC limit which on the basis of the best available scientific information is found by the Secretary to be incorrectly specified.

(3) The selection of the appropriate inseason management adjustments under (1)(A) or (B) of this paragraph must be from the following authorized management measures and be based on a determination by the Regional Director that the management adjustment selected is the least restrictive necessary to achieve the purpose of the adjustment:

(A) Any gear modification that would protect the species in need of conservation protection, but which would allow fisheries to continue for other species; or

(B) A time/area closure which would allow fisheries for other species to continue in noncritical areas and time periods; or

(C) Closure of a management area to all groundfish fishing for the remainder of the fishing year.

(4) The adjustment of a TAC or PSC limit for any species under (1)(C) of this paragraph must be based on the best available scientific information concerning the biological stock status of the species in question and on the Regional Director's determination that the currently specified TAC or PSC limit is incorrect. Any adjustment to a TAC or PSC limit must be reasonably related to the change in biological stock status.

(f) Data. All information relevant to one or more of the following factors may be considered in making the required determinations under paragraph (e)(2) of this section:

(1) The effect of overall fishing effort within a regulatory area;

(2) Catch per unit of effort and rate of harvest;

(3) Relative abundance of stocks within the area;

(4) The condition of the stock within all or part of a regulatory area; and

(5) Any other factors relevant to the conservation and management of groundfish species or any incidentally caught

species which are designated as a prohibited species or for which a PSC limit has been specified.

(g) Procedure.

(1) No inseason adjustment issued under paragraph (e) of this section shall take effect until:

(A) The Secretary has filed the proposed adjustment with the office of the FEDERAL REGISTER for public inspection and,

(B) The Secretary has published the proposed adjustment for public comment for a period of thirty (30) days before it is made final, unless the Secretary finds for good cause that such notice and public comment is impracticable, unnecessary or contrary to the public interest.

(2) If the Secretary decides, for good cause, that an adjustment is to be made without affording a prior opportunity for public comment, public comments on the necessity for, and extent of, the adjustment will be received by the Regional Director for a period of fifteen (15) days after the effective date of the notice.

(3) During any such 15-day period, the Regional Director shall make available for public inspection, during business hours, the aggregate data on which an adjustment was based.

(4) If written comments are received during any such 15-day period which oppose or protest an inseason adjustment issued under this section, the Secretary shall reconsider the necessity for the adjustment and, as soon as practicable after that reconsideration, shall either:

(A) Publish in the FEDERAL REGISTER a notice of continued effectiveness of the adjustment, responding to comments received;
or

(B) Modify or rescind the adjustment.

(5) Notices of inseason adjustments issued by the Secretary under this paragraph must include the following information:

(A) A description of the management adjustment;

(B) The reasons for the adjustment and the determinations required by this part; and

(C) The effective date and any termination date of the management adjustment. If no termination date is specified, the adjustment will terminate on the last day of the fishing year.

9. A new <675.21 and Figure 2 are added to read as follows:

<675.21 Prohibited species catch (PSC) limitations.

(a) Tanner crab (C. bairdi). (1) If, during the fishing year, the Regional Director determines that vessels of the United States will catch the PSC limit of 80,000 C. bairdi Tanner crabs while conducting directed fishing for yellowfin sole and "other flatfish" in Zone 1 (area A in Figure 2), he will publish a notice in the FEDERAL REGISTER prohibiting a directed fishery in Zone 1 by vessels of the United States for yellowfin sole and "other flatfish" for the remainder of the fishing year, subject to paragraph (d) of this section.

(2) If, during the fishing year, the Regional Director determines that vessels of the United States will catch the PSC limit of 326,000 C. bairdi Tanner crabs while conducting directed fishing for yellowfin sole and "other flatfish" in Zone 2 (area C in Figure 2), he will publish a notice in the FEDERAL REGISTER prohibiting a directed fishery in Zone 2 by vessels of the United States for yellowfin sole and "other flatfish" for the remainder of the fishing year, subject to paragraph (d) of this section.

(b) Red king crab. If, during the fishing year, the Regional Director determines that vessels of the United States will catch the PSC limit of 135,000 red king crabs while conducting directed fishing for yellowfin sole and "other flatfish" in Zone 1 (area A in Figure 2), he will publish a notice in the FEDERAL REGISTER prohibiting a directed fishery in

Zone 1 by vessels of the United States for yellowfin sole and "other flatfish" for the remainder of the fishing year, subject to paragraph (d) of this section.

(c) Pacific halibut. If during the fishing year, the Regional Director determines that vessels of the United States will catch the PSC limit of 828,000 Pacific halibut while conducting directed fishing for yellowfin sole and "other flatfish" in the Bering Sea and Aleutian Islands management area for delivery to floating foreign processors, he will publish a notice in the FEDERAL REGISTER prohibiting directed fishing in Zone 1 for yellowfin sole and "other flatfish" by such vessels for the remainder of the fishing year, subject to paragraph (d) of this section.

(d) When the fishing vessels of the United States to which a PSC limit applies have caught an amount of prohibited species equal to that PSC limit (but less than an amount which would constitute over fishing), the Secretary may allow some or all of those vessels to continue or resume directed fishing for yellowfin sole and "other flatfish" under conditions which will limit fishing by permissible gear, areas, times, and other appropriate factors, and subject to other provisions of this part. Such other factors may include delivery of a vessel's catch to United States fish processors. In authorizing and conditioning such continued or resumed directed fishing by those

vessels, the Secretary will take into account the following considerations:

(1) A determination by the Regional Director of the risk of biological harm to Pacific halibut, Tanner and king crab stocks and of socioeconomic harm to authorized halibut and crab users posed by authorizing continued or resumed directed fishing for yellowfin sole and "other flatfish";

(2) A determination by the Regional Director of the extent of incidental catches of Pacific halibut, Tanner and king crabs in specific areas;

(3) A determination by the Regional Director of the accuracy of the estimates of incidental catches of Pacific halibut, Tanner and king crabs;

(4) A determination by the Regional Director that adherence to the prescribed conditions can be assured in light of available enforcement resources; and

(5) A determination by the Regional Director that continued or resumed directed fishing for yellowfin sole and "other flatfish" will not lead to overfishing of prohibited species.

[Insert Figure 2]

10. A new <675.22 is added, to read as follows:

<675.22 Time and area closures.

(a) No fishing with trawl gear is allowed at any time in that part of Zone 1 in the Bering Sea subarea that is south of 58 deg. 00 min. N. latitude, east of 162 deg. 00 min. W. longitude and west of 160 deg. 00 min. W. longitude (area B in Figure 2).

(b) The Secretary may allow fishing for Pacific cod with trawl gear in that portion of the area described in paragraph (a) of this section that lies south of a straight line connecting the coordinates 56 deg. 43 min. N. latitude, 160 deg. 00 min. W. longitude, and 56 deg. 00 min. N. latitude, 162 deg. 00 min. W. longitude, provided that such fishing is in accordance with a data gathering program, approved by the Regional Director after consultation with the Council, designed to provide data useful in the management of the trawl fishery, the Pacific halibut, Tanner crab, and king crab fisheries, and which will be monitored to prevent overfishing of the Pacific halibut, Tanner and king crab stocks in the area.

(c) The owner or operator of each vessel which fishes in Area B pursuant to an approved data gathering program must agree with the Secretary to comply with all requirements of that program.

(d) If the Regional Director determines that vessels fishing with trawl gear in the area described in paragraph (a) of this section will catch the PSC limit of 12,000 red king crabs, he will immediately close all fishing with trawl gear in that area by notice in the FEDERAL REGISTER and will make reasonable attempts to notify all parties to each agreement referred to in paragraph (c) that the program has terminated.

Captions for Figures

Figure 1.

- A. Zone 1 area defined at <611.93(c)(2)(ii)(E)(2)(iv)
- B. Closed area defined at <611.93(c)(2)(ii)(F)
- C. Zone 2 area defined at <611.93(c)(2)(ii)(E)(2)(iv)
- D. Bristol Bay "pot sanctuary" defined at
<611.93(c)(2)(ii)(A)

Figure 2.

- A. Zone 1 area defined at <675.2
- B. Closed area defined at <675.22(a)
- C. Zone 2 area defined at <675.2

Provisional TACs and apportionments approved by the Council on 9/25/1986 for Bering Sea and Aleutian Islands Groundfish (all in metric tons). See footnotes for anticipated changes.

Species	Area	TAC ^{1/}	DAP ^{2/}	JVP ^{3/,6/}	DAH	Potential ITALFF ^{4/}	RESERVE
Pollock	BS	1,100,000	101,755	750,000	851,755	83,245	
	AI	100,000	5,500	33,804	39,304	45,696	
Pacific ocean perch ^{5/}	BS	3,000	3,000	0	3,000	0	
	AI	11,900	11,900	0	11,900	0	
Rockfish ^{5/}	BS	550	550	0	550	0	
	AI	1,900	1,900	0	1,900	0	
Sablefish	BS	5,000	5,000	0	5,000	0	
	AI	5,000	5,000	0	5,000	0	
Pacific cod ^{7/}	BSAI	265,000	33,484	50,830	84,314	140,936	
Yellowfin sole	BSAI	187,000	60	144,300	144,360	14,590	
Turbots-Greenland	BSAI	5,500	5,500	0	5,500	0	
Arrowtooth	BSAI	33,400	50	1,667	1,717	26,673	
Other flatfish	BSAI	159,700	7,247	98,850	106,097	29,648	
Rock sole	BSAI	70,500	5,966		5,966	53,959	
Other flatfish	BSAI	89,200	1,281		1,281	74,539	
Atka mackerel	BSAI	30,800	10	30,790	30,800	0	
Squid	BSAI	10,000	0	100	100	8,400	
Other species	BSAI	36,700	295	7,000	7,295	23,900	
TOTAL		1,955,450	181,251	1,117,341	1,298,592	363,541	293,318

1/ TAC recommendations from 1986 Resource Assessment Document (RAD). Changes in ABC are anticipated for the following species:

		From	To
Pollock	BS	1,100,000	1,200,000
POP	BS	3,000	3,800
POP	AI	11,900	10,800
P. cod	BSAI	265,000	404,000
G. turbot	BSAI	5,000	16,500 - 30,000
Other Flatfish	BSAI	89,200	94,000

Some TACs must be reduced to bring the total down to 2.0 million.

- 2/ DAP projected catch to the end of 1986, except for POP, Rockfish, and Sablefish (which follow the Advisory Panel's recommendation in September)
Source: NMFS, AK Region
- 3/ Current 1986 JVP apportionment, except as reduced so that DAP and TAC are equal.
Source: NMFS, AK Region
- 4/ Potential ITALFF = TAC - (DAH + Reserve)
- 5/ POP refers to the POP complex, and the other rockfish species comprise "Rockfish"
- 6/ Minimal allowances for JVP and TALFF bycatches will be made where DAP = TAC.
- 7/ The Advisory Panel recommends setting DAH = TAC.