

North Pacific Fishery Management Council

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MINUTES

Twenty-Sixth Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
Elks Club, Homer, Alaska
June 28-29, 1979

The regular meeting of the North Pacific Fishery Management Council was held at the Homer Elks Club, Homer, Alaska on Thursday and Friday, June 28th and 29th, 1979 starting at 8:30 a.m. both days.

The Scientific and Statistical Committee conducted a two day meeting Tuesday and Wednesday, June 26th and 27th at the Land's End Hotel, Homer, Alaska.

The Advisory Panel conducted a one day meeting on Wednesday, June 27th, 1979 at the Homer Elk's Club, Homer, Alaska.

A joint meeting between the Scientific and Statistical Committee and the Advisory Panel was conducted Wednesday morning, June 27th at the Elk's Club in Homer.

The Advisory Panel conducted a half-day session following the joint meeting commencing at 2:00 p.m. Wednesday afternoon, June 27th.

A public comment period was held starting at 2:00 p.m. Thursday, June 28th. The public comment portion was continued for the balance of the Thursday meeting day and was recessed at 5:00 p.m. The public comment resumed Friday morning and was conducted until 10:00 a.m. An attendance roster of Council members, SSC members, AP and public is attached as Appendix A.

The number sequence in this narrative corresponds to Council meeting agenda numbered topics.

The meeting was conducted by Chairman Clement V. Tillion and Vice Chairman Harold Lokken.

AGENDA

1. The draft agenda was adopted on a motion by Vice-Chairman Lokken.
2. The Council minutes for the May meeting were approved pending corrections to be made by members before the end of the Council meeting. None were received.

3. Executive Director's Report - The Executive Director's Report is included as Appendix B. During the course of the report Mr. Branson informed the Council that Amendment #4 of the Gulf of Alaska Groundfish FMP had been approved. Amendment #5 concerning rattails began the Secretarial review period on June 4th. The implementation of Amendment 4 is expected sometime early in August.

Concerning the Bering/Sea Aleutian Groundfish FMP, the Secretary of Commerce received on June 4th the reserved section on the Aleutian closures passed by the Council at the May meeting. The NOAA policy group has indicated that it can not accept the estimate of DAH that is in the plan. Action on the subject is awaiting formal notification by the Secretary of Commerce to the Council on that part of the plan in question.

A letter received by the Council from John R. Donaldson, Director of the Oregon Department of Fish & Wildlife, brought to Council attention an apparently successful effort in the United States House of Representatives to cut by 50% the budget of the Department of State's Bureau of Oceans and International Environmental and Scientific Affairs. The letter requested Council support for restoring the budget cut. The Council directed the Executive Director to inform the Alaska Congressional delegation reflecting the Council's desire that such a budget cut not be instituted.

4. United States Coast Guard Report - Commander Pete Busick reported to the Council on the activities of the Coast Guard for the past month. One report of violation and four citations had been issued since the last Council meeting. In addition, two foreign fishing vessels have been seized for FCMA infractions. In the discussion which followed the report, Council member Campbell said the Council should voice its opinion of serious violations occurring in the FCZ. Several suggestions were put forward as to how the Council could participate in the processing of violations. Vice Chairman Lokken remarked that it might be possible for representatives of the fleet whose member was charged with the violation to explain to the Council the circumstances surrounding the violation and what actions will be taken to cure the problem. Member John Harville commented that underlogging is a serious offense and that the Council might well make a response on that particular subject. The State Department Representative, Ray Arnaudo, informed the Council that it may make suggestions to the Department of State on the matter of allocating surplus resources to nations with poor violation records. Member Charles Meacham said that the Council could consider making recommendations for penalties to be assessed for FCMA infractions which are considered more serious than some others. Harry Rietze, NMFS Regional Director and Council member, agreed strongly with the Council's concern for the degree of seriousness of all the violations in the FCZ. He commented that if the fleets all do as some have done and violate regulations through

underlogging, retaining prohibited species, etc., it would not be possible to manage the resource in any consistent manner. He remarked that penalties assessed for FCMA violations must be severe enough to keep them from happening again. The Executive Director was directed to draft a letter to the Department of Justice indicating that management of fishery resources is not possible if violations continue and are widespread. Admiral Duin, Commandant of the 17th U.S. Coast Guard District in Juneau and a Council member, said that it would be wise for the departments involved to get together and draft procedures for the imposition of penalties. This would include National Marine Fisheries Service, The Department of Justice and the Department of State. Council member Mace indicated that the subject might well be one for the forthcoming oversight hearings. Council member Harville said he would like to hear comments from industry and government on advice as to how to cure the problem of FCZ infractions.

[At this point in the meeting NOAA Regional Counsel Kim White introduced Patrick Travers who will be his replacement and will be taking over his position in August when Mr. White leaves Juneau.]

5. National Marine Fisheries Service Report - Ron Naab, (NMFS, Juneau) reported to the Council on National Marine Fisheries Service activities in the past month. Mr. Naab told the Council that foreign vessels had increased from 270 in May to 430 on the 25th of June. Of that total 225 were in the Japanese groundfish fleet. The salmon fleet started fishing the week of June 25th just south of Attu and reported catches some 30% higher with larger fish than previous years. There are 4 factory ships and 172 gillnetters in the fleet this year, the same as last year. Mr. Naab reported at length on the search of the seized vessel KAIYO MARU #53. Mr. Naab indicated that the National Marine Fisheries Service was successful in getting the United States Marshall to finance an inventory of the cargo. The United States Marshall's office can be paid for such a service where National Marine Fisheries Service cannot. The search itself took five days and involved cranes, forklifts, five vans, four agents, a biologist from the NMFS and a crew of longshoremen. The estimated cost of the search was something on the order of \$40,000. The catch was 230 metric tons rather than the logged amount of 145 metric tons and the value is estimated to be between \$500,000 and \$700,000. The search was a precedent for the West Coast and may be an indication of a new thoroughness to be conducted on searches in the future. Mr. Naab did indicate that a search following the same procedures will be conducted on the DONG WON #31, a ship seized and brought to Kodiak following the first incident.

Phil Chitwood (NMFS, Juneau) informed the Council that as an interim measure rattails have been put on the prohibited species list. As a prohibited species they must be returned to the sea and are not counted against TALFF. Amendment #5 to the Gulf of Alaska Groundfish Plan establishes a line item OY for rattails. It was the incidental catch of rattails associated with the Japanese longline fishery for

sablefish which threatened the OY limit for "Other species" under which rattails had been counted. The interim measure will fill in until Amendment #5 is approved by the Secretary of Commerce. Mr. Chitwood further reported that the Japanese have taken 10,150 metric tons of crab this season, which is 67.7% of their 15,000 metric ton quota. The percentage breakdown of the catch is 89% opilio, 8% bairdi and 3% hybrid.

6. Alaska Department of Fish & Game Report - The Report from the Alaska Department of Fish & Game consisted of updates on the cumulative domestic landings for Tanner crab and groundfish. The total of landings from the Bering Sea as of May 31st, 1979 for C. bairdi was 42,241,500 pounds, for C. opilio Tanner crab 27,964,500 pounds. As was indicated in an earlier report, the opilio crab total is expected to top 30 million pounds this year. That figure compares with a 1978 catch of 1.7 million pounds. Other information received by the Council indicates that the total catch of Tanner crab by the U.S. in the Bering Sea in 1980 could exceed 100 million pounds.

The 1979 groundfish landings for the Bering Sea/Aleutian area included 501.1 metric tons of Pacific cod and 24.9 tons of "unspecified." The unspecified total reflects those fish which are landed under conditions which will not permit tallying of individual species. The 1979 cumulative domestic landings for the Gulf of Alaska total 4,061.2 tons and consisted of 1,636.3 tons of pollock, 771.1 tons of flounder, 752.9 tons of cod, 466.8 tons of sablefish and 243.3 tons in the unspecified category.

7. Scientific & Statistical Committee Report (This report is included as Appendix C, a brief summary follows) - Chairman Steve Pennoyer of the SSC reported to the Council on the result of the SSC committee meeting.

- The SSC discussed an 11th member and feel that a marine mammal specialist is needed on the group. Steve Pennoyer and Don Bevan were appointed to present this to the Council at a later date.

- The King Crab Working Group has recommended the following schedule for completion of the King Crab Fishery Management Plan:

1. The draft FMP should be targeted for completion by December 1, 1979;
2. The draft should be scheduled for public review and comment during April - June, 1980;
3. The target date for Secretarial approval will be on or about January 1st so that;
4. The plan can be implemented in September of 1981.

Options to be considered for management of the fishery include; evaluations of alternative management schemes which consider both quota and non-quota systems with variations in the size and sex of crab exploited using the best available data and simulation modeling techniques such as those used at the Seattle Center by Marasco and Reeves. The SSC concurred with the recommendations of the King Crab Working Group.

- Fishery Management Units - It was the suggestion of the SSC that the first attempt in the fishery management unit problem is to develop regulations that are as consistent as possible between State and Federal jurisdiction. An attempt should be made to define the FCZ with realistic headland baselines that make it feasible to enforce any necessary differences in the regulations. The SSC also said that they do not understand how a Memorandum of Understanding between NMFS and the State of Alaska could resolve the legal question of jurisdiction in the matter of boundary dispute.

- The SSC reviewed a paper by Dr. Low-Lee-Loh (Seattle Center) on the salmon/herring savings area. It was the consensus of the SSC that no action be taken at this time until the concept is refined.

- The SSC reviewed a report from the Japanese Tanner Crab Industry indicating their fishing this year paralleled the catch trends of last year. The SSC was also alerted to the possible revision of the Tanner Crab FMP for the 1980 season to reflect changes in stock abundance and DAH. It is expected that reduced C. bairdi and C. opilio abundance and the demonstrated U.S. interest in opilio this season will impact the foreign allocation of this species in 1980. A realistic appraisal of DAH is an important facet of this equation.

- Proposed FCMA Changes - The SSC considered the North Pacific Council's recommendations as presented in June on FCMA changes and testimony at the Congressional Oversight Hearings. A list of comments on 11 of the 21 numbered items in the report is included in the Appendix material.

- Optimum Yield Report - Don Bevan discussed the optimum yield paper from the Pacific Council and the SSC feels that this is a big step forward in the evolution of OY management and a big improvement over the present system. The SSC concurs with the paper and the concepts presented.

Council member Eaton asked the SSC for an analysis of the FMP provisions and regulations to define the most economic way to develop the fishery. He suggested that such an investigation would produce better economic modeling. As an example, Mr. Eaton said that pot storage areas are no longer needed. He estimated that it takes 900,000 gallons of fuel to move the gear to the storage area and back to the grounds. This is a direct cost to the fleet and Mr. Eaton would like the SSC to review proposed regulations to see what they will cost the fleet.

Dr. Reeves concurs on the estimation of cost of regulations to the fleet and has said he will make a priority list of subjects to address.

Member Don Collinsworth remarked that economic analysis is slighted in fisheries development in general. He suggested the addition of an economist to the staff of the Council to encourage the collection of economic material that can be analyzed. Council member Harville commented that it is imperative that plan development teams be innovative in developing plans and that the SSC can help by investigating such subjects as the economic analysis of regulations.

8. Advisory Panel Report - Chairman Keith Specking presented the results of the Advisory Panel meeting to the Council. The AP report is included as Appendix D. A summary follows.

- The Advisory Panel has named a subcommittee to explore methods of fine-tuning the determination of DAH in the Bering Sea Tanner crab fishery. The committee is composed of Sig Jaeger (Chairman) Jeffrey Stephan, Chuck Jensen and Joe Kurtz.

- Concerning the subject of limited entry, member Jeffrey Stephan called for a representation on the Limited Entry Working Group of at least 50% AP members. In later discussions members Lauber, Stephan and Alverson were named to the group.

- During the joint session of the AP/SSC Chairman Specking asked what type of research is underway on herring so that FMP's might be better formulated. Dr. Reeves said that one person at the NWAFC is working full time on herring, there are studies under way on the deposit of roe-on-kelp and hydroacoustic resource surveys currently in progress. Dr. Reeves said that test gillnetting samples an unbiased age/class structure and indicates that wintering stocks northwest of the Pribilof Islands are Western Alaska herring. Member Sig Jaeger opposed the present State of Alaska proposal to ban offshore trawling by Americans while there is still a foreign effort on herring in that area.

- the Advisory Panel also passed a motion to accept the recent NMFS survey to reassess DAH in the Gulf of Alaska.

- Following extended discussion, member Alverson of the Advisory Panel made the following motion: "That the Advisory Panel inform the Council of a decision to release the following reserve amounts of the listed species in the Gulf of Alaska:

Pollock	50%	of the remaining reserve amount
Cod	0	
Flounder	90%	"
Sablefish	50%	"
POP	0	
Akta mackerel	90%	"
Squid	90%	"
Rockfish	0	
Others	90%	"

The release is scheduled for July 2nd and the sablefish reserve release is to be made only west 140° West Longitude."

(Agenda Items 9,10,11,12,13 and 14 all deal with Gulf of Alaska Groundfish FMP).

9. Estimating Domestic Annual Harvest - Agenda Item 9 concerned guidelines for estimating domestic annual harvest and processing capacity. Phil Chitwood (NMFS, Juneau) reported to the Council that at a meeting in Washington of the National Marine Fisheries Service a decision was made to leave to individual Councils the determination of what DAH will be. Member Collinsworth remarked that the Council will now need a standardized method to develop realistic DAH and that that information should come from the SSC. Executive Director Branson commented that there is a need to amend both the Gulf of Alaska and the Bering Sea/Aleutian Fishery Management Plans. Because of this the DAH working group should be active in determining realistic DAH's for the plans. Council member Rietze said that the Council must deal with OY on a general basis, not a finite basis and Chairman Tillion remarked that he would like to see some slack in the DAH so that TALFF would never have to be reduced. The Council asked the DAH group to work with the Plan Development Team. Mr. Branson will make those arrangements.

10. Reduction of DAH for 1979 in the Gulf of Alaska - The basis for revising DAH in the Gulf of Alaska was the April 1979 survey of processors by the National Marine Fisheries Service which indicated that the DAH of 44,500 metric tons now in the Gulf of Alaska Groundfish Plan was unrealistically high. Based on the survey, both the SSC and AP had recommended that the DAH be reduced from its 44,500 figure to a figure of approximately 16,800 (plus 1,300 mt pending rattail amendment) metric tons. Phil Chitwood told the Council that if the revised DAH material is submitted and implemented on schedule it can be available to TALFF the first of September. Mr. Chitwood also suggested that Pacific cod and Pacific Ocean perch be released to reserve amounts.

Member Bart Eaton said that he would prefer the release from DAH go to reserve instead of TALFF. After an extended discussion, Council member Lokken made the motion that the DAH in the Gulf of Alaska be reduced to the figure endorsed by NMFS, and that release go to TALFF. The motion was seconded by Council member Rietze and passed unanimously.

11. Release of Reserves - Gulf of Alaska - Council member Campbell moved to adopt the Advisory Panel recommendation for release of reserve in the Gulf of Alaska. The amounts are as follows:

<u>Species</u>	<u>% of Release</u>	<u>Total</u>
Pollock	50% of remaining reserve amount	33,400 mt
Flounder	90% "	4,000 mt
Sablefish	50% "	1,600 mt*
Atka mackerel	90% "	2,700 mt
Squid	90% "	850 mt
Others	90% "	2,000 mt
Pacific Ocean Perch	None	
Other rockfish	None	
Pacific cod	None	

* West of 140° West Longitude only.

In the discussion that followed Council member Rietze said the release is scheduled to be made on July 2nd, the last scheduled release date for the year. He indicated that NMFS was looking at the possibility of making a substantial release from the reserves on July 2nd with the possibility of an additional release as soon as possible after July 2nd. The motion was adopted to release the reserve amounts shown in the table to TALFF.

12. Gulf of Alaska - Joint Venture Closures - The Council has asked that the Plan Development Team for the Gulf of Alaska Groundfish Plan draft an amendment which would contain proposed joint venture closures for the Gulf of Alaska. The Council was told that under the existing time frame such an amendment would not be in effect this plan year. Council member Rietze reported to the Council that the joint venture catch to date off Alaska was 250 metric tons. The effect of this discussion was to defer until the next Council meeting any consideration of joint venture closures for the Gulf of Alaska.
13. Redefining the Fishery Management Units - The representative from the State Department, Ray Arnaudo, told the Council that he would ask the State Department geographer to draw the 3-mile Territorial Sea line on charts for the Council. He said that the lines are drawn conservatively and it was the intent of the government to retain the current interpretation of those lines. Council member

Rietze told the Council that in his view it would not be wise to try to change the definition of the Territorial Seas. He would prefer to address in it the FMP by excluding the areas of dispute from the fishery management unit. The areas involved are those which have historically and traditionally been managed by the State of Alaska under the headland to headland definition of State waters but which are technically outside the 3-mile territorial sea and therefore under the jurisdiction of the Fishery Management and Conservation Act. In previous years the absence of specific management plans in Federal waters allowed the State to exercise de facto jurisdiction in all waters outside the Territorial sea. The topic will be a subject of continued discussion.

14. Extension of the Gulf of Alaska FMP - Examination of the Gulf of Alaska Fishery Management Plan shows four areas which need attention so that the plan may be continued for the following fishing year. They include optimum yield, providing domestic annual harvest reassessment so that any excess can be released to TALFF by regulation, a method of refining domestic annual harvest prediction to a more realistic level and possibly some restrictions on joint venture fishing efforts through time/area closures.

It was pointed out by the Executive Director that the major problem in the Gulf of Alaska is one of time, that it may be expedient to notify the Secretary of Commerce of the Council's intention to amend the plan. This would give the Council the opportunity to consider the final amendment in July or August, depending upon the availability of the processor preference final regulations, the 1980 NMFS resource survey and further recommendations from the DAH working group.

The Council determined that the items which were considered as matters of business under 9, 10, 11, 12, 13 and 14 should be reported on by special working groups provided with goals and objectives and some time frames. Further reports on those topics will be given to the Council at a later date. All relate to the Gulf of Alaska Groundfish Fishery Management Plan and all of them will be used as material for the final amendment which will extend the provisions of the plan for the next regulatory year.

PUBLIC HEARING

(2 p.m.)

(The following is a summary of public comment offered during the meeting.)

Wally Pereyra, Ted Evans, and Hugh Riley spokesmen for the Marine Resources, Inc., joint venture addressed the Council on five items of interest:

- 1) release of reserves, 2) DAH, 3) permit issuance, 4) area closures and
- 5) Bering Sea/Aleutian Plan. They informed the Council that permits had been approved on May 16th for Russian vessels to engage in the joint venture. The permit pending for the Soviet processor/trawler PRIAMURYE will allow that ship to replace one of the vessels formerly licensed for

the joint venture. One of the gentlemen addressing the Council from this group, Hugh Riley, is the owner of the trawler CALIFORNIA HORIZON and has contracted with Marine Resources, Inc., to fish in the Gulf of Alaska. The target species will include ocean perch and cod fish, and they assume 70% of the catch will be composed of the two species. They asked that the reserve amounts of those two species be held so their fishing effort will not be constrained by lack of adequate reserves. The Council was urged to use prudence in allocating reserves of Pacific Ocean perch and cod in the western areas to TALFF. They asked for the release of DAH to reserve, opposed restrictions on U.S. fishermen through area closures on the joint ventures and alerted the Council to the possibility of joint venture activities in the Bering Sea area next year.

Daniel Webster, representing Stewart Fisheries, told the Council of plans by his organization for trawling off Southeast Alaska. Among other things, they plan 100 days of fishing beginning January 1 with the catch going to Sitka Cold Storage. The vessels involved will be the DISCOVERY BAY and the SUNSET BAY, a pair of 108 foot trawlers. The target species will be 60 to 65% perch and 20% sablefish. They have landed 4.5 million pounds with up to 75,000 pounds per day in trawl fisheries off the west coast.

A statement by Jesse Foster, a member of the Advisory Panel representing the Western Alaska salmon interests, was read by Harold Sparcks. The subject was the interception of Western Alaska chinook salmon by the trawl and gillnet fleets of Japan.

Mr. Sparcks commented that a paper presented to the Council which reported that biologically there was little reason for trawl closures to protect salmon in the Bering Sea is in error.

Representatives of Japanese fishing interests addressed the Council on the problem of reserves and the reevaluation of the domestic annual harvest. They indicated their pleasure with the reevaluation and suggested that implementation on an emergency basis would be helpful to foreign fishermen for the period of time left in the fishing year.

Mr. Hastings and Mr. Endo of the Hokuten Trawlers Association, exchanged comments with the Council on the general subject of enforcement.

Mr. Endo outlined the measures his association is taking to prevent future violations of FCMA regulations (the KAIYO MARU #53 is a member of the Hokuten Trawlers Association) and the penalties they plan to impose on members caught violating in the future.

Council members pointed out that the willful violations apprehended to date would probably not be prevented by further education of Japanese fishermen since they already appeared to fully understand the regulations and used that understanding to circumvent them. They also said that mandatory lay ups as proposed by the Association were frequently only an opportunity to get needed yard and repair work done and not much a

disincentive. They stressed to Mr. Endo that it did little good to further punish Captains already apprehended by the U.S., that what is needed is their help in checking their members so violations did not occur in the future.

Junior Cross, Master of the CAPTAIN JOE fishing for the KMIDC joint venture, expressed his concern to the Council about the release of reserves. He said that excessive reserve releases could jeopardize joint venture catches. He also made the point that joint venture operations will find fish and this will be valuable information for United States fishermen. He opposed area closures.

Sara Hemphill, Executive Director for the Alaska Fisheries Development Corporation, expressed her thanks to the Council for support in obtaining the S-K funding for her group.

[The Public Hearing portion of the meeting was continued Friday morning.]

Mr. Donald McCaughran, the Executive Director of the IPHC, gave the Council a recapitulation of the halibut season to date. He was assisted by Richard Myhre. Mr. Myhre said there had been a 4.9 million pound catch of halibut in Area 2 which broke down as follows:

<u>Area 2</u>	
off Canada	2.2 million
off United States	2.7 million

The U.S. portion of the Area 2 fishery was closed on the 3rd of July. There was no closure in the Canadian portion of Area 2. In Area 3, with an 11 million pound limit, 6 million pounds have been landed to date. In Area 4 126,000 pounds have been landed so far and the outlook is good. It was too early to assess stock conditions in the halibut fishery this year but the catch per unit of effort is up and all age groups are available to the fishery. While the fishery was termed good, it still is far below the long term abundance levels. Concerning the Canadian take for this season, Canada took 1.8 million lbs of a 2 million lb quota off Alaska and they were not allowed a second period in U.S. waters. With a quota of 3 million lbs over a 2 year period, Canada will be allowed 1.2 million in the 1980 season. Mr. McCaughran said that British Columbia has limited entry in their halibut fishery, reducing the fleet from 1,000 to 320 boats. He commented on the NWAFC Processed report 79-3 by Dr. Low-Lee Low on Bio-economic considerations of harvesting sablefish by longline and trawl gear in the Gulf of Alaska. He said that the approach was good but there were errors in the material on price and size and suggested that the report be redone. During this exchange of information between the Council and the halibut spokesman, the Council's Executive Director said that the previous Director of the IPHC had served on the Scientific and Statistical Committee and enquired if Mr. McCaughran would be interested in having a member of his staff as a member of the SSC. Mr. McCaughran indicated that he was in favor of that.

15. BSA Herring and Salmon Closures - A proposed amendment to the Fishery Management Plan for Groundfish in the Bering Sea/Aleutian Islands to close an area northwest of the Pribilof Islands to foreign trawling for a period in the winter to protect herring and salmon.

The Council agreed that the subject of salmon/herring closures must be given full consideration and asked for recommendations by a Council subgroup. A motion was made by Council member Lokken and seconded by member Collinsworth to delete this item from the agenda and resume discussion at a later time. Conflicting reports about the actual good such a closure would do necessitates further study on the whole problem.

16. Tanner Crab Fisheries-BSA - The Council took no action on the subject of the current Tanner crab fishery in the Bering Sea pending completion of this year's resource survey. Catch rates in the Japanese fishery are similar to 1978, indicating no immediate resource problem.
17. Extending Tanner Crab FMP Through 1980 - A major change in OY will have to be made for the extension of the plan through the coming regulatory year. The Executive Director was asked to have the Plan Development Team determine, based on OY, what the surplus over DAH will be for assignment to TALFF, if any.
18. Secretarial Disapproval of Salmon Troll Plan - The consensus of the Council continues to be to uphold the ban on hand trolling in the FCZ as originally stated in the Salmon Troll FMP. The Secretary's disapproval of the hand troll portion of the Fishery Management Plan does not take into account the possibility of increased effort in a fishery which the Council has determined can stand no more effort. The ban on hand trolling was designed to maintain the status quo in the fishery so far as effort was concerned. The Council has directed the Executive Director to write a letter within the 45-day response period maintaining the Council's view on the hand troll ban.
19. Limited Entry Workgroup Report - A report from the Limited Entry Workgroup to the Council on the progress made at their first meeting June 4, 1979. The Advisory Panel recommended that the workgroup be increased by the addition of several members from the Advisory Panel. Members Lauber, Alverson and Stephan were nominated to the workgroup from the Advisory Panel and Richard Myhre of the IPHC was nominated for his expertise in the halibut fishery. Chairman Tillion approved the nominations. The work group report is included as Appendix E.
20. FCMA Oversight Hearings - The final recommendations for the Chairman's testimony before the Congressional Oversight Committee to be held on the FCMA in July. The bulk of this material can be found under

agenda item 20 in the material which is enclosed. A brief summary follows:

Of the 15 specific items numbered and referenced the Council goes on record as approving for topics of discussion the first 11 as they are written. On Number 12, which addresses the subject of licenses for U.S. fishermen, the Council has no position and a motion was made by member Campbell to delete the topic. The motion was seconded by Mr. Lokken and passed. On the subject of redefinition of the fishery conservation zone Mr. Collinsworth moved that the Council should maintain its flexibility on the subject but that it should be struck from the topics to be brought up at the Oversight Hearings. It was seconded by Mr. Eaton and passed. Item #15 of that group addresses the processor preference amendment and this was deleted from the list of subjects to be brought up at the Oversight Hearings on a motion by Mr. Lokken, seconded by Mr. Collinsworth and passed.

Item #1 concerns the development of regulations. A discussion centered around the desirability of the Council writing the regulations for fishery management plans. Mr. Eaton said that the writing of regulations by the Council should be a high priority. The portion of the material which deals with the desirability of using criminal procedure in serious violations of the FCMA was deleted from testimony. The Council supported the Pacific Council proposals to earmark foreign fishing fees for work on FCMA programs, to reexamine the foreign fee structure and supported the recently introduced Magnuson Bill to close a loophole in Federal law that allows the use of American registered foreign built ships to fish and deliver in the FCZ.

21. Foreign Permit - PRIAMURYE - A joint venture application from the Soviet processor/trawler PRIAMURYE was approved as a replacement vessel for the previously approved KAZATIN. The motion to approve was made by Mr. Campbell.
22. Optimum Yield Report - The Council had been asked to comment on an optimum yield paper developed by the SSC of the Pacific Fishery Management Council. The paper proposes that OY can be an average value and that the Act has no requirement to establish annual values for MSY or OY. A request for response from this Council by July 1st had been made by the Executive Director of the PFMC. A motion to endorse the concept was made by Mr. Mace and seconded by Mr. DiDonato. Mr. Branson will make the appropriate response to the PFMC concerning the Council's action.
24. Council Budget - No action taken. Held for discussion and approval during the next meeting.

Internal Council Audit Review - Following a discussion about the development of operating procedures a decision was made to change the format of the meeting. The major change will be the consideration

of agenda items in progressive sequence. Council meetings have heretofore been conducted in two stages - the first where preliminary reports and information is received from the SSC, the AP and the public and the second when the material is considered by agenda number and decisions are made by the Council. It is felt that a certain amount of confusion is created when items are taken up twice in one meeting. The new format will necessitate the appearance of spokesmen who wish to testify when the topic with which they are concerned is addressed by the Council. Since it is difficult to program precise time frames for the discussion of any one agenda item, the likelihood is that the SSC and AP representatives and the public will have to attend most of the Thursday and Friday two-day Council meeting or take a chance of missing their turn to comment on an agenda item which might come up in their absence.

26. Incidental Species - A mixed (incidental) species policy has never been officially adopted by the Council. The Council working group on incidental species has been concentrating on the development of a fourth category of fish - unutilized species- to add to the presently used categories of (1) discrete species, (2) species groups (other), (3) prohibited species. No action was taken by the Council pending a further report from the working group.
27. Fur Seal Convention - Carmen Blondin, Executive Director of the Fur Seal Commission, addressed the Council on the renegotiation of the Fur Seal Convention. He indicated that one of three decisions will be made by October, either continue the Convention, to opt out or to renegotiate the Convention. The Convention expires in 1980 and the United States has to declare its intention by October, 1979. It was suggested by Commissioner Blondin that the North Pacific Council might want to make a recommendation, based on the DEIS, for that decision. Among the items of information given the Council by Mr. Blondin was the fact that the stocks totaled some 200,000 in 1900 and presently total about 1.3 to 1.8 million in the Pribilofs and about 2 million overall in the North Pacific. The stocks are considered to be at their maximum capacity for the range. The annual take of fishes by fur seals is estimated to be one half million metric tons. A motion was made by member Meacham to write a letter to the Fur Seal Commission to continue the Treaty. The letter will be written as soon as the DEIS is available for response.
28. HR 43-60 - Lucy Sloan, Executive Director of the National Federation of Fishermen addressed the Council on the subject of the Underutilized Species Development Act of 1979. The Bill, HR 43-60, was introduced by Congressman Zefferetti of New York. Hearings on the Bill are scheduled for the 23rd of July in Washington, D.C. In brief, the Bill would legalize the use of foreign fishing vessels to harvest fish within the FCZ and deliver directly to the United States under certain conditions. Vice Chairman Lokken made a motion that the Council recommend disapproval of the Bill and instruct the Executive

Director to write a letter stating as much to the Alaska congressional delegation. The motion was seconded by member Meacham and passed unanimously.

The meeting was adjourned at 1 p.m., Friday, June 29, 1979.

North Pacific Fishery Management Council

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Jim H. Branson, Executive Director

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The following members of the Council, Scientific and Statistical Committee, and Advisory Panel were in attendance at the June 28-29, 1979, meeting held in Homer, Alaska, at the Elks Club:

COUNCIL:

Clement V. Tillion
Harold E. Lokken
Douglas B. Eaton
Charles H. Meacham
James O. Campbell
Don Collinsworth for Ron O. Skoog
Gene DiDonato for Gordon Sandison
Robert Mace for John R. Donaldson
Harry L. Rietze
Donald Hales for Keith Shreiner
Rear Admiral Robert A. Duin
John P. Harville
Ray Arnaudo

Excused/Absent:

Gordon Jensen

SCIENTIFIC & STATISTICAL COMMITTEE:

Steve Pennoyer
Donald L. Bevan
Jack Robinson
Alan Millikan
Frank Fukuhara
Jerry McCrary for Jack Lechner

Edward L. Miles
George W. Rogers
Don Rosenberg

ADVISORY PANEL:

Keith Specking
A.W. "Bud" Boddy
Sigfried Jaeger
Joseph Kurtz
Rick Lauber
Ray P. Lewis
Shari Gross
Robin Chlupach
Jeffrey R. Stephan
Robert D. Alverson

Oral L. Burch
Truman C. Emberg
Charles Jensen
Daniel J. O'Hara
Kenneth O. Olsen
Alan Otness
Nick Szabo
Harry Wilde, Sr.
Carlene Welfelt
Don Rawlinson
Joe Demantle
Bob Blake
Ed Linkous
Jake Phillips
Jesse Foster

Members of the general public in attendance at the June 28-29, 1979
Council meeting held in Homer, Alaska.

Stephan B. Johnson
Daniel E. Webster
Molly Beiningen
Michael Church
Michael Radford
Norman Greenwood
Richard M. Dixon
Paul MacGregor
Takenoru Takahashi
Leo Rhode
D. J. Bartok
Walter T. Pereyra
Lucy Sloan
Nell Waage
Al Burch
Dave Hernsteen
Ron Naab
Phillip Chitwood
James W. Brooks
Mrs. Takagi
Mr. H. Nakamura
Mr. Snow
Midori Ono
Jay Hastings
John Hall
Commander Pete Buscik
Lt. Cdr. Douglas Smith
James K. White
Patrick Travers
Fred Gafney
George Utermole
Ted Evans
Sara Hemphill
Mrs. Bud Boddy
Laura Rietze
Robert W. McVey
Mr. Rielly
Harold Sparck
Mr. Endo
Mr. Johnson
Junior Cross
Ed Naughton
Dave Bartoli

A number of Japanese nationals attended the meeting but did not sign in.
(about 20)

Donald McCaughran
Richard J. Myhre

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EXECUTIVE DIRECTOR'S REPORT
June 28-29, 1979

A handwritten signature in dark ink, appearing to be 'JHB', is written over the printed name of the Executive Director.

Gulf of Alaska FMP

APPENDIX B

Amendment number four was approved by the Secretary on June 11th. She received Amendment number five (rattails) on June 4th to begin review. If no emergency regulations are implemented for the fourth amendment package it would be effective toward the end of July.

Bering Sea/Aleutian Groundfish FMP

The Secretary received the reserve section on the Aleutian closures passed by the Council at the May meeting on June 4th. At that time the review of the main body of the plan was well advanced. We can hope for approval of the entire plan in the near future.

Herring FMP

I hope to have a draft of the herring plan in early July so that it can begin review that month by the Advisory Panel, SSC and Council with first Council consideration in July and second consideration in August. If the Council approves it in August, we would forward it to the Secretary to begin her preliminary review in early September and schedule public hearings for October and November.

Memorial Fund for Don McKernan

In the letter under tab 3 from Jim Crutchfield on the establishment of a memorial fund for Don, he asks that I make this information available to as many people as possible. The letter gives details on the purpose of the fund and where donations can be made.

Budget Cut for Department of State Bureau of Oceans

Congress proposes to halve the budget for the Bureau of Oceans in the Department of State. John Donaldson, in a letter under tab 3, outlines the effects this might have on their fisheries operations. The Council may also wish to comment.

St. Paul Small Boat Harbor

The Corps of Engineers published an 'intent to prepare a draft environmental impact statement' for a small boat harbor in St. Paul in the Federal Register on June 1st (page 31693). The draft is expected to be available for review in January, 1980. This is the first formal action we've seen on a small boat harbor in the Pribilofs since the Council started pushing for action two years ago.

Joint Research with the Marine Mammal Commission

John Twiss, Director of the Marine Mammal Commission, contacted me a week ago proposing that the Council and the Marine Mammal Commission develop a joint strategy for management in the Bering Sea. He said that the Commission had \$10 - \$15,000 dollars that they could use for such a study and would like to work with the Council to jointly fund and direct something along the following lines. John envisions two phases; first a conceptual model of the effects of marine mammals on the total ecosystem and, secondly, a study of a single fishery under the existing system until we can develop a better approach. Bob Weeden of the University of Alaska will be working with the Marine Mammal Commission and I expect to talk to him next week to get a better understanding of the concepts proposed by the Commission. We should have a concrete proposal for the Council to consider in July.

Working Group Assignments

Some new assignments to working groups are necessary because of Don McKernan's death and the resignation of James Crutchfield from the SSC and the departure of Henry Wendler, Ralph Giffin and Jim Ellis.

Don was on the committee to establish priorities for the development of fishery management plans, he was Chairman of the Finance Committee, Chairman of the Foreign Permit Review Committee, a member of the Incidental Species Group and a member of the King Crab FMP review group. James Crutchfield was a member of the Socioeconomic and Data Needs Group and the DAH working group.

Henry Wendler was a member of the Clam review group for the Council and Ralph Giffin and Jim Ellis were both members of the Foreign Permit Review Committee.

The International Pacific Halibut Commission would like to have a member on the Limited Entry Working Group and Rick Lauber has suggested that members from the Advisory Panel would be valuable on the same group. I agree.

Surf Clam Leasing Study

Sometime ago I contacted Professor Burke at the University of Washington and Professor Jacobson at the University of Oregon to find out if they had anybody in their graduate groups or associates that would be interested in submitting an RFP to study the legal ramifications of leasing as a management tool in the clam fishery. We have received one proposal from the University of Washington that has been reviewed by NOAA attorney Kim White, who made several suggestions for narrowing the scope of the study. I would like to have that proposal reviewed by the Finance Committee to develop a recommendation for further action for the Council.

Finance Committee

We will need a meeting of the Finance Committee at this Council meeting. We have a draft of the fiscal 1980 administrative and programmatic budgets for their consideration. We should complete that budget at this meeting for early submission to Washington. We expect to have drafts of the FY'81 and 82 budgets for consideration at the next Council meeting. All of the budgeting material should be in Washington by August 1.

Travel

Council travel was relatively light in June. Maggie Duff went to Seattle for a two day meeting of the Socioeconomic Working Group and the Herring Plan Development Team. I was in Juneau for one day for the Limited Entry Working Group meeting and Chairman Tillion, Vice Chairman Lokken and I attended the Council Chairmen's meeting at Valley Forge, Pennsylvania last week.

North Pacific Fishery Management Council

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Certified: Steven Pennoyer
 (Chairman)
 Date: _____

MINUTES
 SCIENTIFIC & STATISTICAL COMMITTEE MEETING
 June 26-27, 1979
 Homer, Alaska

The Scientific and Statistical Committee meeting was called to order by Chairman Steve Pennoyer at 10:00 a.m., on Tuesday, June 26th. Present were:

Steve Pennoyer, Chairman
 Don Bevan
 Jack Robinson
 Al Millikan
 Frank Fukuhara
 Jerry McCrary (alternate for Jack Lechner)

SSC MEMBERSHIP

The SSC discussed an 11th member of the SSC. They feel that a marine mammal specialist is needed on the SSC. Steve Pennoyer and Don Bevan were appointed as a subgroup to present this to the Council at a later date and provide more information as to why the SSC feels this should be done.

The replacement of Dr. Crutchfield was delayed until the July meeting as the SSC nomination committee was not present at this meeting.

KING CRAB FMP

The King Crab Working Group met and made the following report to the SSC.

The King Crab Working Group met, on June 26th, 1979 to discuss recommendations regarding further development of the plan. After considerable detailed discussion concerning the completion of the plan the following schedule is recommended.

1. The draft FMP should be targeted for completion by December 1, 1979.

2. The draft should be scheduled for public review and comment during April - June, 1980.
3. The target date for Secretarial approval will be on or about January 1, 1981, so that;
4. The plan can be implemented in September, 1981.

It was suggested that the FMP consider more than one management option. The options should include evaluations of alternative management schemes which consider both quota and non-quota systems with variations in the size and sex of crab exploited, using the best available data and simulation modeling techniques such as those used by Marasco and Reeves.

The working group recommends that its chairman consolidate and prioritize the comments received on the FMP from several members of the SSC. This prioritized list will be circulated to other working group members for their concurrence after which the list will be submitted to the SSC for its discussion and approval. The SSC will then pass these comments on to the PDT for proper action.

The SSC concurs with the recommendations of the King Crab working group.

FUTURE SSC MEETINGS

The SSC discussed further meeting dates and developed the following schedule:

July 24th and 25th in Kodiak
August 21st and 22nd in Anchorage
October 2nd & 3rd in Sitka

The July agenda will cover the following items:

Tanner Crab Plan Revisions
Bering Sea Herring Plan
GOA - Changes in OY's
King Crab FMP
SSC Membership
Proposal entitled "Biometrical Analysis of Southeastern Alaska Troll Fishery Data"

FISHERY MANAGEMENT UNIT (Council Agenda Item #13)

The SSC considers the problem of definition of fishery management units only a part of a problem which will exist if we draw geographical boundaries and expect to manage the same stocks with regulations that differ on each side of a boundary. We suggest that we attempt to first develop regulations that are as consistent as possible between State and Federal jurisdiction.

Since there is a good chance that we will not achieve complete agreement in regulations we should attempt to define the FCZ with realistic headland baselines that make it feasible to enforce any necessary differences in regulations.

We do not understand how a Memorandum of Understanding between NMFS and the State of Alaska could resolve the legal question of jurisdiction.

SALMON/HERRING SAVINGS AREA (Council Agenda Item #15)

In a joint meeting with the Advisory Panel we reviewed a paper by Dr. Loh Lee Low on this subject with the author and the PDT. The paper was very useful in putting the question of need for a structure of such closure into perspective from a biological standpoint. We do not feel that any further action should be taken at this time until the past draft covering MSY-EY-ABC-OY, the results of alternative management strategies and how regulation of offshore trawling (foreign or domestic) fits in is presented to us. We understand that this will be done at the July meeting by the PDT.

Dr. Low's paper was recommended to the PDT to serve as background for their efforts.

TANNER CRAB (Agenda Item #16)

The Committee reviewed a report from the Japanese Tanner Crab Industry indicating their fishing this year still parallels the catch trends of last year.

We were also alerted, in a joint session with the AP, to the possible need for revision of the Tanner Crab FMP for the 1980 season to reflect changes in stock abundance and DAH. While results of the 1979 NMFS Bering Sea crab index charter will not be available, Jerry Reeves and the PDT will present updated information on this year's domestic and foreign fleet performance and the relationship to last year's survey. It is expected that reduced C. bairdi and C. opilio abundance and the demonstrated U.S. interest in opilio this season may impact the foreign allocation of this species in 1980. A realistic appraisal of DAH is an important facet of this equation. We understand that the AP has decided to form a subcommittee to study this matter and will be interested in reviewing their findings.

PROPOSED FCMA CHANGES (Council Agenda Item #20)

The SSC considered the North Pacific Council's recommendations as presented in a June 7, 1979 report by Jim Branson on Council recommendations on FCMA changes and testimony at Congressional Oversight Hearings on the FCMA. The SSC commented on 11 of the 21 numbered items in the report. It either had no comment or did not feel it was in its purview to comment on the balance of the items. Our positions on the pertinent items were:

2.(a) Coordination Between the FCMA and other Federal Legislation and Administrative Procedures: The SSC concurs with the Council's recommendation

for relief from requirements of certain facts and orders, etc., for the reasons given in the report. Effective and efficient management would be much assisted, if not made possible by such action.

3. (Page 3) We concurred in allowing the NPFMC to hold public hearings outside of Alaska. It is and has been our understanding that the SSC can meet (and has) outside Alaska already, but an amendment to clarify this is needed.

5. (Page 3) We concurred in this, and offer the observation that delayed plan implementation results in the use of outdated data or information in the plan finally implemented.

6. (Page 4) The SSC supports this recommendation for ensuring a viable observer program.

7. (Page 4) The SSC strongly supports increased funding for research and management functions performed by the States in support of FMP's. In a period of tight budgets, the additional demands for data and data summaries places very heavy burdens on existing state as well as Federal agencies. State agencies are equipped to gather many kinds of data, have support and confidence in many cases from the public, which is often more comfortable with local or regional input to FMP's than with National (or non-local) only input. We did find that not all State agencies, at least in respect to the FCZ fisheries, are cutting fishery management budgets. Some actually have received modest increases recently. We generally supported increased funding could be done through the mechanisms mentioned in Item 7, last paragraph.

8. (Page 5) The SSC agreed in principle with the concept of expanding Secretarial authority to promulgate emergency regulations on a wider basis than conservation only. We suggest a careful review of the criteria for making such decisions.

10. (Page 6) The SSC concurred in the need for coordination of the FCMA with other Acts affecting fishery resources. More effective management would result. This recommendation is somewhat related to item 2(b), clarification of other Federal legislation relating to fisheries and to 2(a) which we also supported.

15. (Page 7) Processor Preference: The SSC suggests that the problem of estimating processing capacity is broader than the question of price. We believe the capacity of harvesters and processors must be determined jointly. Fishermen cannot exercise their ability to harvest if they do not have a market and processors cannot utilize their capacity if they cannot have access to fishing effort.

Under items titled Miscellaneous (Page 8), the SSC endorsed compensation for certain SSC members (non-agency) on the same basis as Council members. We concurred in the Council's recommendation (negative) on inclusion of tuna in the FCMA. Relative to item (3) (page 8) - OY as an average - our discussion of the OY Decision Paper presented by Dr. Bevan at the May meeting (Council Agenda Item #22) is pertinent to this report item.

The SSC supported and endorsed that paper at this meeting, as we did in principle at our May meeting. We agreed, however, that some term other than "TAC" might be preferable to either "TAC" or an "average OY."

Last we agreed that regulations should not accompany FMP drafts at first public review, since optional regulations would have to (or best) accompany such reviewed document. This would undoubtedly confuse an already complex document and create unnecessary work. It was felt that regulations should receive public review and comment before implementation and that certainly they should be written as much as possible by the Council, but that normal statutory review procedures were adequate to such review, on second hearings by the Council, as has been done in the past.

OPTIMUM YIELD REPORT (Council Agenda Item #22)

Don Bevan discussed with the SSC the optimum yield paper presented at the last meeting. The SSC feels this is a big step forward in the evolution of OY management, and would like to signify publically to the Council that they feel this is a needed improvement to the present system. The SSC concurs with the paper and the concepts presented.

LIST OF DOCUMENTS REVIEWED

1. "Some Notes on Enacting Time-Area Closures in the Eastern Bering Sea to Reduce Catch of Herring and Salmon" prepared by Dr. Low-Lee Low.
2. "Statement by the Japanese Tanner Crab Industry for Tanner Crab off Alaska for 1979."
3. Proposed by the Alaska Department of Fish & Game titled "Biometrical Analysis of Southeastern Alaska Troll Fishery Data." This paper was presented to the SSC to study and comment on next month.
4. Optimum Yield Paper developed by the Scientific and Statistical Committee of the Pacific Fishery Management Council.
5. "Report - Council Recommendations on FCMA Changes and Testimony at Congressional Hearings on the FCMA" a report dated June 7, 1979 from Jim H. Branson.
6. Paper prepared by Council staff entitled "Consideration of changes in the definition of fishery management units for fishery management plans off Alaska."

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CERTIFIED: *W/CHANGES P. 3 & P. 4*
changes made
Keith Specking 7/20/79
Keith Specking, Chairman

Date: *16 July 1979*

ADVISORY PANEL REPORT Meeting of June 27, 1979 Homer, Alaska

The Advisory Panel to the North Pacific Fishery Management Council held its meeting jointly with the Scientific and Statistical Committee at 9:30 a.m., Wednesday, June 27, 1979. Chairman Keith Specking convened the meeting for the following agenda:

1. Estimating DAH
2. Consideration of Salmon/Herring closures in the Bering Sea
3. Status of Tanner Crab
4. Report on Limited Entry
5. Items to be considered for the FCMA oversight hearings

Agenda Item 16 - Tanner Crab fishery in the Bering Sea

Dr. Jerry Reeves reported to the joint SSC-AP group that the similarity in catch ratios for the C. opilio fishery, compared to last year, is similar and that the determination has been made that the fishery remains about the same this year as it was last year and there is no cause for concern regarding stocks. Preliminary figures show a total catch of:

C. bairdi 42-43 million lbs.
C. opilio 60-65 million lbs.

Dr. Donald Bevan (SSC) asked from the floor for a graph presenting the past three years' figures on both species as to total catch, CPUE and whatever else is necessary to enable a comparison to be made and predictions for the future outlook of the fishery. As estimate of OY will be available in July, according to Dr. Reeves. Member Sig Jaeger said a number of crabbers left the crab fishery to participate in competing resource fields. His view is that the domestic effort for 1980 will be 100 million lbs. and that it could have been a 100 million lbs. total harvest this year had those boats which left the fishery remained on crab. So far as can be determined, fishing patterns were generally the same this year as last year and the catch rates were similar. A conclusion has been made that a shift in population accounts for the good fishing, since recruitment alone would not have been responsible.

On the subject of water temperature and its influence on the fishery, Dr. Reeves reported that as of now the effects of temperature are inconclusive. Mr. Jaeger indicated that the domestic harvest this year was held up by the lack of processing facilities, and that indications are another 8-10 catcher processors will be at work in 1980. Crabbers are currently being held to a 100,000 lb/wk limit in the fishery, about half their capacity. Fleet expansion is predicted to be 30-40 new boats. The decision of the AP on this subject is to evaluate next month the OY-TALFF-DAH portion of the Tanner crab fishery.

Agenda Item # 10 - Reduction of DAH in the Gulf of Alaska

A sub-committee was named to explore methods of fine tuning the determination of DAH. The committee is:

Sig Jaeger Chairman
Jeffrey Stephan
Chuck Jensen
Joe Kurtz

Agenda Item #19 - Preliminary Report from the Limited Entry Workgroup

Concerning the subject of limited entry, the joint AP-SSC group heard a report from the Executive Director of the Council, Jim H. Branson, on the results of the workshop limited entry group meeting on June 4. Mr. Branson indicated two possible courses of action on the subject for short term solutions:

1. None (acceptance consequences of entry into the fishery)
2. Cut the amount of fishing time (by all participants)

Other, long-range solutions are still the subject of discussion and include the installation of a limited entry system within the Comprehensive Salmon FMP now in progress.

Member Stephan called for a representation on the Limited Entry working group of at least 50 percent AP members. In later discussion, members Lauber, Stephan and Alverson were named to the group.

Agenda Item 15 - Bering Sea Salmon/Herring Savings Area

Dr. Loh-Lee-Low (NW&AFC) reported to the group on the desirability of salmon/herring closures in the Bering Sea/Aleutian area. His report is available in the agenda books and the conclusion by Dr. Low was that the proposed closures are not biologically necessary, but may be desirable from a social or economic standpoint.

Chairman Specking asked what type of research is underway on herring, so that FMP's might be better formulated. Dr. Reeves indicated one person (Vidar Weststad) is working full-time on herring, there are studies on the deposit of roe-on-kelp and hydro-acoustic studies currently in progress. He was told that test gill netting gives an unbiased age class structure and that such netting indicates the stocks in the Pribilof wintering grounds are Western Alaska herring stocks. Sig Jaeger opposed

the present State of Alaska proposal to ban offshore trawling by Americans while there is a foreign effort.

The meeting recessed for lunch and resumed at 2:00 p.m. in the Elks Hall.

Agenda Item # 10 - Reduction of DAH for 1979 in the Gulf of Alaska

The Advisory Panel passed a motion to accept the NMFS survey to reassess the DAH in the Gulf of Alaska. A portion of the rationale included the fact that the domestic effort will be less in the months to come than in the past, and the DAH as reassessed seems capable of satisfying U.S. needs.

Agenda Item # 11 - Recommendations for the Release of Groundfish Reserve in the Gulf of Alaska

Phil Chitwood (NMFS) reported to the AP on the release of reserves, and pointed out that a timely release of reserves is necessary to allow the foreign nations to gear up for the fishery. Kim White, NOAA legal counsel told the AP it could make a decision to release part of the reserved amount and then the remaining as soon as possible, and such action would be within the intent of the law. Following extended discussion, the AP adopted the following motion:

"That the AP inform the Council of a decision to release the following reserve amount of the listed species:

Pollock	50%	of remaining reserve amount
Flounder	90%	"
Sablefish	50%	"
Pacific Cod	0	"
POP	0	"
Atka Mackerel	90%	"
Squid	90%	"
Rockfish	0	"
Others	90%	"

The release is to be made on July 2 and the sablefish reserve release is to be made only west of 140 degrees West longitude."

Agenda Item #14 - Extend Provisions of GOA FMP Thru 1980

On the subject of extending the provisions of the Gulf of Alaska FMP through 1980, the AP wants to study this further before making a recommendation to the Council. Concerning the portion of the subject dealing with joint venture restrictions, Phil Chitwood reported that the individual Councils are to tailor the necessary restrictions as it fits the fishery involved. Chairman Specking asked if permits could be used to restrict activities and Chitwood indicated that the Secretary of Commerce would prefer that the permit not be the instrument of regulation; restrictions are better made a part of the FMP than a condition of permit granting.

Sara Hemphill addressed the AP to thank its members for being supportive of the work of the Alaska Bottomfish Development Corporation.

A motion by member Alverson requests the AP to have the Council support such action as is necessary to allow the Halibut Commission (IPHC) to stop the issuance of new halibut permits and begin the formation of limited entry concepts for the halibut industry through the Council's limited entry study committee. The motion was adopted.

A second motion by Alverson was adopted: "The AP requests that the Council, through the SSC and AP begin the examination of alternative fishing methods for sablefish, including but not limited to exclusive longlining, exclusive trawling or some combination of the two methods."

Agenda Item # 17 - Extend Provisions of Tanner Crab FMP Thru 1980

Concerning the extension of the provisions of the Tanner Crab FMP through 1980, the AP will study the plan and suggestions concerning the OY-DAH for comment at a later time.

Agenda Item #18 - Disapproval of ban on Hand Trolling

On the subject of hand trolling and the SOC's determination to exercise the severability clause in the plan and implement it without the hand troll ban for the FCZ, the AP will determine the feasibility of developing a system of limited entry on hand trolling in the FCZ and reaffirms its decision of May, 1979, to ban hand trolling in the FCZ.

Agenda #19, June 1979

North Pacific Fishery Management Council

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APPENDIX E

MEMORANDUM

DATE: June 6, 1979

TO: Council Members, Scientific & Statistical Committee and
Advisory Panel

FROM: Jim H. Branson, Executive Director 

SUBJECT: Limited Entry Workgroup

The Limited Entry Workgroup appointed by the Council at its May meeting met at 9:45 a.m. on June 4th in the NMFS conference room in Juneau. Attendees were June Baker, CFEC; Bob Simon, CFEC; Lt. Cmdr. Doug Smith, U.S. Coast Guard; Bruce Hart, Extended Jurisdiction, ADF&G; Don Collinsworth, ADF&G; Mike Stanley and Kim White, NOAA/NMFS; and Jim H. Branson, NPFMC (Chairman).

The meeting started with a general discussion of the objectives of the Workgroup, priorities it might establish to achieve those objectives and the product expected from the group. It was generally considered desirable to develop an approach to limited entry systems, recommendations for machinery to administer such systems and recommendations for the establishment of adjudicatory machinery to review disputes. Various methods were discussed for doing this and included such things as contracting with the Alaska Commercial Fishery Entry Commission for some of the developmental and administrative work, a new branch or additional positions within NMFS to administer limited entry and the possibility of some of it being done by the North Pacific Fishery Management Council.

It was generally agreed that any limited entry system developed for salmon by the Council would, of necessity, have to follow the pattern already set by the State of Alaska for that fishery. The group felt that limited entry in any other fishery where limited entry has not been established by the State need not follow that pattern and that all possible approaches should be considered if controlled access is deemed desirable for a specific fishery or fisheries.

The Working Group set as its priorities for this meeting; first, recommendations for a Council instituted, federally administered limited entry system for the hand and power troll fishery off Alaska under the current FMP; second, a limited entry system for the comprehensive salmon FMP expected to be implemented in 1980; and third, limited entry in other fisheries including shellfish, groundfish, etc.

On the first priority item, immediate action on the hand troll and power troll fishery for salmon, the group considered two elements. One was

the partial disapproval of the FMP on salmon by the Secretary of Commerce that eliminated the ban on handtrolling in the FCZ recommended by the Council. The other was the Secretary's concept of the Council's recommendation to adopt the Alaska Limited Entry System for the power troll fishery as a one-year moratorium on entry into that fishery rather than adoption of the system itself. In response to the elimination of the ban on handtrolling, the group makes the following recommendations.

1. Continue to press the Secretary of Commerce to approve the ban on handtrolling in the FCZ. Develop stronger justification for the ban to accompany the Council's request.
2. Encourage the State of Alaska to continue with its present enforcement program on handtrolling in the FCZ and between the surfline and the boundaries of the Territorial Sea, expecting that program will control virtually all of the handtrollers that could be expected to fish off Alaska in 1979.
3. Defer any Council action on limited entry for a handtroll fishery in the Fishery Conservation Zone until the development of the comprehensive salmon management plan. The group felt that a federal limited entry system for handtrollers at this time would tend to lock the Council into that position in the future, negate the State's closure between the surfline and the outer State boundaries and might not mesh with later action taken by the State to develop a limited entry system for handtrollers in all Alaskan waters.
4. In the event that the State enforcement program fails on the handtroll issue in the FCZ the group foresees two possible courses of action:
 - a. Do nothing in hopes that an influx of handtrollers will not result and that no resource damage will be done.
 - b. Cut fishing time by emergency order for all trollers in the FCZ, if a resource problem appears to be developing making those time restrictions proportional to the extra effort exerted by handtrollers in the FCZ. Those offshore closures need not be for all of the FCZ between Dixon Entrance and Cape Suckling but might be instituted for specific statistical areas as defined in the Fishery Management Plan.

The second area for discussion, the comprehensive salmon FMP, was discussed by the group on the basis of its primary objective for the troll fishery - to control effort at or below the status quo in 1975 - 1977. The group recommended the following action which closely parallels the action recommended for priority one:

1. Continue to press for a ban on handtrolling in the FCZ, strengthening the arguments previously used in the FMP. With a comprehensive salmon management plan it was the feeling of the group that banning handtrolling in the FCZ was not as discriminatory as perceived by the Secretary under the existing FMP since handtrollers would still have a large area inside southeastern Alaska to exercise their trade.
2. The comprehensive salmon FMP should be written so that regulations could be promulgated on a timely basis to control fishing time in proportion to increases in effort. Similar in concept to number 4.b. discussed under priority one the FMP itself would contain a formula to apportion fishing time in relation to effort in the FCZ (and possibly in State waters) by both hand and power trollers.

The Working group then considered how the State and Federal limited entry systems could be meshed to handle the recommendations in both the previous discussion areas. It was recognized that the Federal government needed the ability to review and possibly override State decisions on disputed permits and transfers. Assuming the same system envisioned in the current FMP, that is, holders of State of Alaska limited entry permits for the power troll fishery would automatically be considered to hold Federal limited entry permits for that fishery and that the criteria developed by the Commercial Fishery Entry Commission to award those permits is satisfactory to the Secretary of Commerce, some system is needed for Federal review of the decisions made by the State Hearing Officers. That review should extend not only to approval/disapproval of interim permits, but on transfers and emergency transfers of permits that might be refused by the State.

Criteria, based probably on that used by the State, should be developed for a Federal Hearing Officer for all classes of review.

Another concept, which will be explored by Mike Stanley/Kim White, is the possibility of a Memo of Understanding between the State of Alaska and the Department of Commerce that would allow the State Commercial Fishery Entry Commission and its Hearing Officers to make judgments on disputed permits and permit transfers, based on federally accepted criteria, that would not have to be reviewed by a Federal official.

It was recognized that a Federal official might do a review of all decisions made by the State system in issuing, transferring, refusing, or revoking permits. If the Federal official concurred with the State decision, the applicant would have a Federal permit allowing the same privileges as the State limited entry permit, that is, it would be transferable and good in the FCZ as well as State waters. If the Federal reviewing official did not concur with the State decision for denial or revocation, the individual would then be issued a nontransferable Federal permit good only in the CFZ, using the same system and criteria as developed in the current FMP for Washington and Oregon boats who have

fished in the FCZ but have never held Alaska limited entry permits. The group recognized four categories where Federal review would have to be provided if the function cannot be delegated to the State under contract:

1. Denial of transfer of a permit;
2. Denial of a permanent limited entry permit, i.e., revocation of an interim permit (there are 42 in the power troll fishery).
3. Denial of an emergency transfer of a permit; and
4. Any revocation of a permit by the State.

The Working group recommended developing criteria for revoking a Federal limited entry permit for cause and a system of doing so. They suggest that at least two actions should be cause for revocation:

1. Falsification of an application
2. Aggravated or repeated violations of Fishery Conservation laws.

The Working group recognized that there is still a problem with the State confidentiality restrictions on release of fish tickets and other data needed for a Federal Hearing Officer to make a judgment on a permit case. It is hoped that problem will be eliminated by amending the State confidentiality legislation during the next session of the Legislature. In the meantime it is probable that any applicant for a limited entry permit or transfer who has been denied a permit by the State of Alaska would be willing to voluntarily give confidential information to a Federal Hearing Officer for review.

The Working group concluded the session with a discussion of limited entry in general as it may be needed or used in other fishery management plans developed or being developed by the Council. They recognized the need to develop better objectives for all FMP's so that the need for access control in the fishery could be more clearly identified. The group will meet again, probably in July, to begin work on consideration of limited entry for each management plan or fisheries complex and develop a recommendation for a basic approach to a discussion of limited entry in each FMP. They recognized that there are many different forms of controlled access and that not all of them require restrictions on individual fishermen.

cc: Working Group