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## NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

### HALIBUT MANAGEMENT GOALS

#### Introduction

Under Section 5(c) of the Northern Pacific Halibut Act of 1982, 16 USC 773(c)(c), the North Pacific Council may develop regulations for the halibut fishery off Alaska. Those regulations must not conflict with regulations adopted by the International Pacific Halibut Commission. If the Council chooses to adopt halibut regulations, it will only adopt regulations that directly allocate the resource among users. To avoid conflict with the Commission's actions the Council will not adopt regulations that have the biological aspects of the fishery as their primary focus.

Although not required by the Halibut Act, the Council will ensure that any halibut regulation it may adopt is consistent with the National Standards established by the Magnuson Fishery Conservation & Management Act, 16 USC, §1851, and the Council's Comprehensive Fishery Management Goals adopted December 7, 1984 (see Appendix A). Regulations adopted by the Council under Section 5(c) of the Halibut Act are to be implemented with the approval of the Secretary of Commerce, must not discriminate between residents of different states, and shall be consistent with the limited entry criteria of Section 303(b)(6) of the Magnuson Fishery Conservation & Management Act which states:

(A fishery management plan may)

(6) Establish a system for limiting access to the fishery in order to achieve optimum yield, if, in developing such system, the Council and the Secretary take into account--

- (A) Present participation in the fishery.
- (B) Historical fishing practices in, and dependence on, the fishery.
- (C) The economics of the fishery.
- (D) The capability of fishing vessels used in the fishery to engage in other fisheries.

- (E) The cultural and social framework relevant to the fishery.
- (F) Any other relevant considerations.

In developing regulations for the halibut fishery the Council will be guided by the following halibut management goals:

1. Promote conservation while providing for rational and optimal socioeconomic use of the resource.
2. Base management actions upon the best scientific data available.
3. Promote economic stability, growth, and self-sufficiency in maritime communities.
4. In accordance with goals 1 and 3, promote efficient use of fishery resources with due consideration for existing social and economic structures.
5. Promote resource allocation that is fair and equitable to the fishermen concerned without assigning an excessive share of the privileges to any one fisherman or other entity.
6. Adopt allocative measures that are flexible enough to account for unpredictable variations in resource and industry and are based upon the rights and obligations in existing federal law.

M E M O R A N D U M

TO: Policy & Planning Committee

FROM: Jim H. Branson *JHB*  
Executive Director

DATE: August 28, 1987

SUBJECT: Halibut Allocation Policy

Action Required

1. Review draft goals and objectives for halibut allocation and make recommendations to Council.
2. Appoint Halibut Regulatory Team.
3. Appoint Halibut Regulatory Amendment Advisory Group.

Background

Halibut Management Goals. In June the Committee directed the staff to prepare draft goals for the halibut fishery. Item C-1 is Ron Miller's memorandum sent to you on July 16. It contains the following background information that will be useful in developing management goals for the fishery.

1. Section 5(c) of the Northern Pacific Halibut Act of 1982
2. Limited entry criteria from MFCMA
3. GOA Groundfish Plan and Management Objectives
4. Draft Halibut Management Goals
5. MFCMA National Standards
6. Council's Comprehensive Fishery Management Goals

The Policy and Planning Committee needs to recommend draft goals for Council adoption in September. They will be used by the Council when initially reviewing halibut proposals in September and during their final review in December.

Halibut Management Team. A team needs to be appointed to review and analyze proposals received on halibut. In May the Council approved the following composition for the team:

IPHC staff  
 NMFS Regional Office staff  
 NWAFC staff: biologist/economist  
 ADF&G staff  
 NPFMC staff

Halibut RAAG. The Halibut Regulatory Amendment Advisory Group, scheduled to meet September 17, still needs to be appointed. In May the Council approved the following composition for the RAAG:

- 2 Council members (including NMFS-RD as IPHC Commissioner)
- 2 SSC members
- 2 AP members
- Halibut MT chairman

The functions of both the team and regulatory amendment advisory group are described in the Council's Policy on Annual Management Cycles adopted last May (see item C-2).

# North Pacific Fishery Management Council

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Jim H. Branson, Executive Director



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## M E M O R A N D U M

TO: Policy & Planning Committee

FROM: Ron Miller  
Special Advisor *RM*

DATE: July 16, 1987

SUBJECT: Halibut Management Goals

At the June 16-17 meeting, the Committee directed the staff to prepare draft halibut management goals patterned after those developed for the Gulf of Alaska groundfish fishery. The draft goals were also to incorporate the intent of the Council to operate consistently with the National Standards and the Council's Comprehensive Management Goals. The draft goals are attached for your review prior to the next meeting of the Committee on September 1.

The introduction and the goals were drafted with the specific guidelines and the Halibut Act in mind. For your reference the relevant section of the Halibut Act is set out below. Also listed below are the plan and management objectives for the Gulf of Alaska groundfish plan. If you have any questions please call me.

### Section 5(c) of the Northern Pacific Halibut Act of 1982

The Regional Fishery Management Council having authority for the geographic area concerned may develop regulations governing the United States portion of Convention waters, including limited access regulations, applicable to nationals or vessels of the United States, or both, which are in addition to, and not in conflict with, regulations adopted by the Commission. Such regulations shall only be implemented with approval of the Secretary, shall not discriminate between residents of different states, and shall be consistent with the limited entry criteria set forth in Section 303(b)(6)\* of the Magnuson Fishery Conservation & Management Act. If it becomes necessary to allocate or

\*The limited entry criteria of Section 303(b)(6) of the MFCMA are:

- "(A) present participation in the fishery,
- (B) historical fishing practices in, and dependence on, the fishery,
- (C) the economics of the fishery,
- (D) the capability of fishing vessels used for the fishery to engage in other fisheries,
- (E) the cultural and social framework relevant to the fishery, and
- (F) any other relevant considerations."

assign halibut fishing privileges among various United States fishermen, such allocation shall be fair and equitable to all such fishermen, based upon the rights and obligations in existing law, reasonably calculated to promote conservation, and carried out in such a manner that no particular individual, corporation, other entity acquires an excessive share of the halibut fishing privileges (emphasis added): Provided, that the Regional Council may provide for the rural coastal villages of Alaska the opportunity to establish a commercial halibut fishery in areas in the Bering Sea to the north of 56°N latitude during a 3-year development period.

### Gulf of Alaska Groundfish Plan and Management Objectives

#### Primary Plan Objectives:

1. Promote conservation while providing for optimum yield.
2. Promote efficient use of fishery resources but not solely for economic purposes.
3. Promote fair resource allocation without allowing excessive privileges.
4. Use best scientific data available.

#### Secondary Plan Objectives:

1. Conservation and management measures must be flexible enough to account for unpredictable variations in resource and industry.
2. Manage stocks throughout their range.
3. Promote rebuilding if stocks are less than Maximum Sustainable Yield.
4. Promote efficiency while avoiding disruption of existing social and economic structures.

#### Management Objectives:

1. Rational and optimal biological and socioeconomic use of resource.
2. Protect halibut.
3. Provide for orderly development of domestic groundfish fisheries consistent with 1,2, at expense of foreign participants.
4. Provide for foreign fisheries consistent with 1,2,3.
5. Seek to maintain the productive capacity of the habitat required to support the groundfish fishery.

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

HALIBUT MANAGEMENT GOALS

Introduction

Under Section 5(c) of the Northern Pacific Halibut Act of 1982, 16 USC 773(c)(c), the North Pacific Council may develop regulations for the halibut fishery off Alaska. Those regulations must not conflict with regulations adopted by the International Pacific Halibut Commission. To avoid conflict with the Commission's regulations, the Council will, if it chooses to act in this regard, only adopt regulations that allocate the resource among the various users. The Council will not adopt regulations that have, as their primary focus, the biological aspects of the fishery.

Although not required by the Halibut Act, the Council will ensure that any halibut regulation it may adopt is consistent with the National Standards established by the Magnuson Fishery Conservation & Management Act, 16 USC, §1851, and the Council's Comprehensive Fishery Management Goals adopted December 7, 1984 (see Appendix A). In developing regulations for the halibut fishery the Council will consider the criteria and be guided by the specific halibut management goals set out below:

A. Halibut Management Criteria

1. Present participation in the fishery.
2. Historical fishing practices in and dependence on the fishery.
3. Economics of the fishery.
4. The capability of fishing vessels used in the fishery to engage in other fisheries.
5. The cultural and social framework relevant to the fishery.
6. Any other relevant considerations.

B. Halibut Management Goals

1. Promote conservation while providing for rational and optimal socioeconomic use of the resource.

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- AMJ 6/1/73*
2. Base management actions upon the best scientific data available.
  3. Promote economic stability, growth, and self-sufficiency in maritime communities.
  4. Promote efficient use of fishery resources, <sup>*with due consideration*</sup> ~~while avoiding disruption~~ of existing social and economic structures.
  5. Promote resource allocation that is fair and equitable to the fishermen concerned without assigning an excessive share of the privileges to any one fisherman or other entity.
  6. Adopt allocative measures that are flexible enough to account for unpredictable variations in resource and industry and are based upon the rights and obligations in existing federal law.

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## APPENDIX A

### NATIONAL STANDARDS FOR FISHERY CONSERVATION AND MANAGEMENT

(1) Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.

(2) Conservation and management measures shall be based upon the best scientific information available.

(3) To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

(4) Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

(5) Conservation and management measures shall, where practicable, promote efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

(6) Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

(7) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

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## NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

### Comprehensive Fishery Management Goals Adopted December 7, 1984

1. Conserve and manage fishery resources of the Region to assure long-term productivity of indigenous marine and anadromous fish stocks, maintenance of habitat quality and quantity, and full consideration for interactions with other elements of the ecosystem.
2. Ensure that the people of the United States benefit from optimum utilization of the nation's publicly-owned fishery resources.
3. Promote economic stability, growth and self-sufficiency in maritime communities.
4. Achieve optimum utilization by the U.S. fishing industry of fishery resources in the Exclusive Economic Zone off Alaska.
5. Minimize the catch, mortality, and waste of non-target species, and reduce the adverse impacts of one fishery on another.
6. Support efforts by the U.S. industry to develop new fisheries for underutilized species, while minimizing the negative impact on existing U.S. fisheries.
7. To the extent consistent with other comprehensive goals promote the economic health of the domestic fishing industry: Encourage the profitable development of underutilized resources: Discourage unneeded investments in fisheries with excess harvesting capacity.
8. Strengthen fisheries research, data collection, and analysis to ensure a sound information base for Council decisions.
9. Improve the flexibility, timeliness and efficiency of fishery management plan development, review and implementation processes.

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## NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

Policy on Annual Management Cycles\*

The Council has adopted annual schedules for processing proposals and decision making on groundfish, salmon, crab, and halibut. These cycles dictate how the Council will gather and process proposed changes to its plans and regulations, when decision documents will be available for public review, and when final decisions will be made for each fishery. Annual cycles and an example extended cycle for groundfish are displayed in Attachment A and further explained below. In addition, the Council's Policy on Processing Proposals for Changes in Fishery Plans or Regulations (approved in April 1984) should be referenced when a rapid response to an emergency is requested.

Gathering and Processing Proposals. All proposals except those determined to require a rapid response will be processed according to the relevant annual cycle. Deadlines for receiving all proposals, regardless of source, have been established for each fishery, and will be announced in the Council's Newsletter and other public mailings, approximately 30 days in advance. All proposals must conform to the proposal format approved by the Council (Attachment B) and available from the Council office.

Council Staff. The Council staff will screen proposals to identify those which do or do not satisfy the Council's criteria (identified in the proposal format) or are questionable and will require special attention of the Plan Amendment Advisory Groups (explained below). The staff will provide reasonable amounts of guidance and assistance to proposers to encourage compliance with Council criteria and standards.

Plan Teams. Upon completion of the Council staff review of proposals, the appropriate plan team will review those satisfying the Council's criteria and those that have been judged as questionable in the staff's preliminary review. The team will provide the following recommendations:

1. Identify proposals that are not necessary because the requested action is already included in the fishery plan or does not require plan amendment.
2. For proposals within the team's area of expertise (e.g., concerning mechanics of plan operation and status of the resource and resource habitat),
  - a. specify alternatives if possible on the basis of the limited information available;
  - b. estimate resources required to prepare amendment proposal documents (manpower specifications, man-hours, etc.)
  - c. identify projects of high priority;
  - d. based on above, recommend assignment to current year cycle or extended cycle.

\*Approved by the Council in May 1987.

3. For proposals outside the team's areas of expertise (allocational, socioeconomic, etc.):
  - a. suggest any apparent alternatives;
  - b. identify amounts and sources of relevant information known to be available;
  - c. identify recognized problems and difficulties, including information gaps, and helping in identifying "reasonable" alternatives.
  - d. estimate as well as possible the time required to complete tasks, and external resources needed (i.e., tentative advice as to current year or extended cycle assignment).

During its review the plan team should also assess the technical merits of the proposals against Council goals and FMP objectives, and obtain a preliminary legal review if desirable.

Plan Amendment Advisory Group (PAAG). PAAGs will be established for each fishery plan. The Council Chairman will designate members with the appropriate expertise as follows:

Two Council Members (or three to achieve odd-number membership)  
Two SSC Members  
Two AP Members  
One to Two Team Chairmen

Total: Seven - Nine

The PAAG will meet before the Council initially considers the proposals (e.g. January for groundfish), to:

1. Review and validate staff recommendations on whether proposals meet all the criteria in the Council's proposal format, with special attention to those proposals identified as questionable -- the exceptions to the rules.
2. Review and discuss team reports and recommendations, and categorize all acceptable proposals tentatively as current year cycle or extended year cycle.
3. Recommend additional alternatives for all proposals, paying particular attention to those not in the team's areas of expertise.
4. Identify those proposals of apparent high priority based on the limited information available.
5. Recommend a time schedule and milestones for all extended cycle proposals (normally within the two-year cycle, but with any alternative available for consideration for special reasons of urgency, etc.)

The PAAG will forward its tentative findings on choice of cycles, alternatives to each proposal, assessment of urgency, and identification of problem areas and special needs, along with the plan team report, through the SSC and AP to the Council for its initial consideration of proposals.

Initial Council Consideration. The Council retains sole authority to determine final disposition of all proposals. During the Council's initial review of proposals, they will consider the recommendations of the plan teams, PAAG, SSC and AP and take public testimony as necessary. During its review, the Council may:

1. Choose to further process a proposal, previously judged incomplete, because of special Council interest.
2. Reject a structurally complete proposal because a majority of the Council does not want to address it.
3. Change a proposal's processing cycle recommended by the PAAG, after fully considering team workloads.

For those proposals placed in an extended cycle, milestones should be clearly stated for the proposal's processing and review.

Council Consideration of Proposals for Public Review. When the Council meets to approve proposed amendments for public review (e.g. April for groundfish), usually two-three months after its initial consideration of proposals, they will have available as complete an analysis as time and team workload, and available data can provide, along with the recommendations of the team, the AP and SSC. The Council will review all proposals before they are sent to public review and retains full latitude to delete proposals in their entirety, or add alternatives to existing proposals, provided the new alternatives can be analyzed sufficiently for public review. The Council will attempt to allow for adequate public review of its proposals and supporting documentation, with thirty days expected to be the minimum.

Decision Documents. Analyses of proposed amendments should be based upon the best information available to the team. On rare occasion data may be received late which will have significant bearing on a fishery. Every attempt will be made to incorporate this information as well as information presented to the Board of Fisheries into the Council's decision process where relevant.

It is anticipated that all data and analyses used for decision documents must be reviewed by the appropriate team and the SSC prior to Council action. Cut off dates based on the annual management cycles must be established for receipt of data and analyses consistent with permitting these reviews. The plan teams should endeavor to provide the SSC at least 30 days for review of all analyses. The SSC will make a recommendation to the Council as to what constitutes the best scientific information available.

It is assumed that peer review will take place within individual agencies. All analyses should be reviewed by the SSC, AP and appropriate plan team. The one exception may be salmon data which become available very late in the management cycle. Products of special Council workgroups will undergo the same review criteria. A preferred alternative is not required for analyses presented to the Council. Late arriving comments may be incorporated as necessary.

Final Council Decisions on Proposed Amendments. After the public comment period, the Council will make its final decisions on which proposed amendments should be sent to the Secretary of Commerce for consideration and approval.

The Council will have before it all decision documents required for review when making its final decisions. The analyses will be as final as possible given time constraints.

The Council may delegate authority to its staff to finalize all documents after the Council makes its final decision. Any substantive changes outside the original range of alternatives sent to public review by the Council must be re-sent to public review with the appropriate supplemental analyses. Draft regulations should be prepared for each significant alternative, time permitting. Should these regulations not be available when the Council makes its final decision as shown in the appropriate plan schedule, the Council will delegate authority to write the regulations to its staff with advice from NOAA-GC and NMFS.

Annual Management Cycles for Groundfish and Halibut\*  
(Day of month in parenthesis)

	<u>Groundfish</u>	<u>Halibut</u>
JULY	NMFS: Resource Assessment Document (RAD) Available	
AUG		(15) Solicit Halibut Proposals
SEP	(1) Solicit Groundfish Proposals	(15) Deadline for Proposals. Team Review. (17) Regulatory Amendment Advisory Group Review
	<u>Council Meeting:</u> Initial consideration of harvest levels and apportionments	<u>Council Meeting:</u> Initial review of proposals.
OCT	(1) - Proposal Deadline. Staff review of proposals.	(15) Team analyzes proposals and submits Notice of Availability (NOA) for 30- to 45-day review.
NOV	Public review of initial harvest and apportionment specifications. Teams update RAD. Teams review proposals.	Preliminary IPHC meeting
DEC	<u>Council Meeting:</u> Final determination on harvest level and apportionments. Plan Amendment Advisory Group (PAAG) review of proposals	<u>Council Meeting:</u> Final action. (20) Forward to Secretary of Commerce (SOC)
JAN	<u>Council Meeting:</u> Initial review of proposals and direction to teams.	(20) SOC Notice of Proposed Rulemaking (NPRM) 30-day comment period begins.  IPHC meets and comments on NPRM. Sets other regulations.
FEB	<u>Team:</u> Development of draft decision documents.	(20) SOC prepares Final Rulemaking Notice (FRN).
MAR	30-day Advance review by SSC and AP.	(10) FRN published.
APR	<u>Council Meeting:</u> Send proposals and analyses to public review.	(10) Final rule takes effect along with IPHC rules.
MAY	Public Review.	
JUNE	<u>Council Meeting:</u> Final approval of amendments.	
JULY	Submit to SOC. <sup>1/</sup>	

\*Approved by the Council in May 1987.

<sup>1/</sup> If approved, amendment takes effect in mid- to late November.  
POLSOP/C<sup>2</sup>

Annual Management Cycles for Salmon and Crab

Salmon

Crab

JAN Council: Preferred alternative  
Team: Draft final decision document

START: Proposal deadline  
Board sends to public review  
Team: Issues identified, work schedules and work assignments  
Team: Development of draft decision document

FEB Staff: Final decision documents to public

Staff: Draft final decision documents to public

APR Council: Final decision

Council: Preferred alternative

MAY Submit package to SOC

Team: Draft final decision documents  
Staff: Documents available for public

JUN

Council: Final decision

JUL

Submit package to SOC

SEP START: Proposal deadline  
Team: Issue identification, work schedule assignments

NOV Team: Draft decision document

DEC Staff: Draft decision document to public



6/2/87

SUMMARIES OF ADVISORY PANEL MEMBER RESUMES

Robert Alverson                      Manager of Fishing Vessel Owners' Assn., Seattle. Member of NPFMC Advisory Panel since 1976 and chairman for 5 years.

Rupe Andrews                         Juneau, Sports fisherman representative. Fishery consultant/outdoor writer. Retired Director of Sport Division, ADF&G, Fishery Biologist.

Terry Baker                            President of Arctic Alaska Seafoods, Inc., Seattle. Marketing and labor negotiator. President of Alaska Factory Trawlers Assn. Board member of Alaska Fisheries Development Foundation.

Al Burch                                 Manager of Alaska Draggers' Assn., Kodiak. Member of NPFMC Advisory Panel since 1979. Manager and part owner of two trawlers. Member of numerous fishery-related and civic organizations.

Joseph Chimegalrea                   Deputy Director Nunam Kitlutsisti, Bethel. Commercially fished salmon and herring (Bristol Bay/Togiak). Member of Fish and Game Advisory Committee.

Lamar Cotten                          City Administrator, Sand Point, Alaska. Chairman of the Southwest Municipal Conference Fish Committee.

R. Barry Fisher                        Captain/Owner two trawlers involved in joint ventures for pollock, cod, and yellowfin sole. From Newport, Oregon; fisherman for over 40 years on East and West Coasts. Member of NPFMC Advisory Panel since 1981. Highliner of the Year, 1979. Member of numerous fishery-related organizations.

Edwin Fuglvog                         Commercial longline fisherman, Petersburg, Alaska. Member, Petersburg Vessel Owners Association.

Ron Hegge                              Director, Alaska Longline Fishermen's Assn., Sitka. Owner-operator fishing vessels since 1972 for variety of fisheries. Now longlines for halibut and blackcod.

Oliver Holm                             Owner-operator 44' combination vessel in Kodiak for Tanner crab, roe herring, halibut and salmon. Member of Kodiak Fish & Game Advisory Committee and President Kodiak Longliners Association.

M.E. "Pete" Isleib                    Commercially fishes net, line and pot fisheries in Southeast, Prince William Sound, Gulf of Alaska, Bering Sea and Bristol Bay. Currently fishing salmon and herring. Ornithological consultant for U.S. Fish and Wildlife and others. Ex-member of Board of Fisheries and affiliated with numerous fishery-related, civic and environmental groups.

Cameron Jensen Attorney specializing in fishery-related matters, Anchorage. Member of numerous fishery and natural resource professional associations.

Richard Lauber Vice President and Alaska Manager of Pacific Seafood Processors Assn., Juneau. Member of NPFMC Advisory Panel since 1976. Member of numerous Boards and Commissions including INPFC Advisory Panel.

Nancy Munro Supervisor of production and communications for Arctic Environmental Information and Data Center, Anchorage, specializing in Alaska marine affairs. Published several fishery-related articles and producer/writer of many films and videos.

Dan O'Hara Commercial fisherman; operates air charter service; and minister from Naknek. NPFMC Advisory Panel member since 1979. Board member Alaska Seafood Marketing Institute (ASMI).

Ron Peterson Commercial fisherman, Seattle. President of the Alaska Crab Coalition.

Thorn Smith Executive Director, North Pacific Fishing Vessel Owners' Assn., Seattle. Served as Acting Chief of Fishery Management Operations, NMFS, Juneau, Alaska and with NOAA Office of General Counsel, 1980-85. Commercial fisherman, diver, processor, broker, exporter.

Richard White President of Dutch Harbor Seafoods, which operates processing vessels and a freezer barge in crab salmon and herring. Also, Vice President of Universal Seafoods.

Dave Woodruff Owner/Operator Alaska Fresh Seafoods, Kodiak. City Councilman and past chairman of Kodiak Advisory Council. Chairman of Limited Entry Study Group for Kodiak; member of A.S.M.I. Whitefish Promotional Committee O.C.S. advisor.

John Woodruff Plant manager for Icicle Seafoods Inc., Seward. Major products are salmon, halibut, roe herring, crab, sablefish and bait.