


M E M O R A N D U M

TO: Council, SSC, and AP members

FROM: Clarence Pautzke   
Executive Director

DATE: June 14, 1988

SUBJECT: Directed Fishing Definition

**ACTION REQUIRED**

Adopt a regulatory amendment redefining directed fishing based on the recommendation of the Bycatch Committee.

**BACKGROUND**

In April NMFS reported on problems with the directed fishing definition which have resulted in fishing violations and frustrated the industry [item C-10(a)]. The Council directed the Bycatch Committee to review the regulatory problems and develop a new definition. They met June 7-9 and developed the new definition in item C-10(b). It differs from the current definition by emphasizing retained catch rather than what comes up in the net.

The Bycatch Committee recommends adopting this new definition as a regulatory amendment that will sunset on December 31, 1989. The sunset provision reflects the Committee's concern that the new definition will not deter dirty fishing. As long as excess bycatch is discarded the fishermen will be complying with the rule.

The directed fishing problem is on the Council's extended amendment cycle and the Bycatch Committee plans to address it in a more comprehensive bycatch program which should be in place when the regulatory amendment expires at the end of 1989.

# STATE OF ALASKA

## THE LEGISLATURE

1988

Source

SJR 51

Legislative  
Resolve No.

56



Requesting a support services priority for American carriers and bulk fuel suppliers servicing foreign processing vessels in the exclusive economic zone.

### BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the 200-mile Exclusive Economic Zone (EEZ) was established to encourage the development of the domestic fishing industry; and

WHEREAS the Magnuson Fishery Conservation and Management Act is intended to stimulate new jobs and new sales for the domestic fishing industry; and

WHEREAS regulations adopted under the Magnuson Act define the term "fishing" to include the "transferring or transporting of fish or fish products" and other support activities (50 C.F.R. 611.2); and

WHEREAS more than 500 foreign flag vessels spent 34,000 vessel days operating in the United States EEZ in 1986, but used only marginal amounts of United States shipping capacity and other support services; and

WHEREAS in 1986, more than 5,000 vessel-to-vessel at-sea transshipments were made involving frozen fish and meal products by foreign vessels, amounting to 1,200,000 metric tons of fish product; and

WHEREAS value-added activities involving processing, transportation, cold storage, fuel bunkering, provisioning, and ship repair will benefit Alaska communities through increased employment, improved infrastructure, and additional tax revenue; and

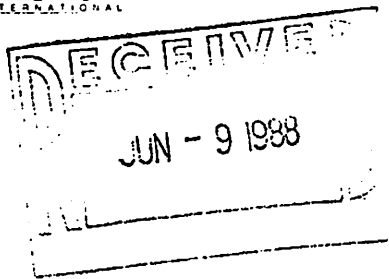
WHEREAS domestic fishery support firms should have the opportunity to service these needs to the greatest extent possible, as intended by the Magnuson Act;

BE IT RESOLVED by the Alaska State Legislature that the North Pacific Fishery Management Council is respectfully requested to amend the 1989 groundfish fishery management plan for the Bering Sea and the Gulf of Alaska to include a support services priority for American carriers and bulk fuel suppliers servicing foreign processing vessels in the United States Exclusive Economic Zone.

COPIES of this resolution shall be sent to the Honorable C. William Verity, Jr., Secretary of Commerce; to the Honorable George P. Shultz, Secretary of State; to Mr. James Campbell, Chairman of the North Pacific Fishery Management Council; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

# ProFish International, Inc.

**PROFISH**  
INTERNATIONAL



Mr. Jim Campbell  
Chairman  
North Pacific Fishery Management Council  
411 W. 4th Avenue, Suite 2D  
Anchorage, AK 99510

ACTION	ROUTE TO	INITIAL
	Exec. Dir.	1
	Deputy Dir.	9
	Admin. Off.	
<i>Orig to JC</i>	Exec. Sec. June 2, 1988	<i>Rev</i>
	Staff Asst. 1	
	Staff Asst. 2	
	Staff Asst. 3	
	Economist	
	Sec. Bkkr.	
	Sec./Typist	

Dear Jim:

ProFish International, Inc., together with our Korean buyers and U.S. trawlers as sellers, have conducted a mixed species joint venture fishery for atka mackerel, cod, and pollock in the Aleutian Islands for several years. Traditionally this fishery runs from May - August and is the most difficult of all joint venture operations to conduct because of the remoteness of location, underwater topography of the fishing grounds, tides and currents, fishing technique, and continuous gear repair required.

Presently JVP for AI atka mackerel is 17,770 MT and remaining JVP for AI pollock is 16,700. However, there is a directed fishery for AI pollock now underway, and it is quite likely by the time the directed atka mackerel fishery gets underway approximately June 5-10, this pollock JVP will be consumed except for the approximately 3500 MT which NMFS will save as the retainable 20% by-catch in the directed atka mackerel fishery.

Quite frankly, this Aleutian Island fishery does not lend itself to very strict by-catch control of a species such as pollock. Retention, of course, can be controlled by regulation, even though overly strict retention levels of 20%, for example, can and will very seriously impact the viability of the commercial fishery on a day-to-day basis. We are very concerned about the continuing interpretation and enforcement of the antiquated 20% by-catch regulation as it presently is being applied to not only retention but catch and delivery. It is virtually impossible to conduct our target fishery for atka mackerel without the occurrence of tows where pollock by-catch exceeds 20%. It is also impossible to cull these tows out of the delivery sequence to our foreign processing ships because catch composition cannot be accurately ascertained by the catcher boats.

Topography, tides and currents dictate certain towing tracks or lines which our fleet can make on the fishing grounds. Tide fluctuations and their effects on currents and fish behavior greatly determine the species composition on a day-to-day tow-by-tow basis. Unfortunately, atka mackerel do not have air-bladders, thus making their underwater detection by electronic fish finding methods more difficult. The fact of life in this fishery is that the same tow track on the same day or subsequent days or on the alternating or opposite tide sequence can produce dramatically different species composition results.

A fisherman can intend not to harvest pollock in excess of the 20% regulatory limit on each tow, yet, because of the physical limitations of where he can tow and the conditions as described above, he or she will simply not be able to avoid exceeding this limit in a totally unpredictable fashion.

Frustrations abound in this fishery as it is. Antiquated regulations which the Council and NMFS have been unable to timely modernize together with previous bizarre enforcement actions where agents issue citations to some boats with potential fines at levles of hundreds of thousands of dollars and tell others that "their bill is in the mail" because they "don't have time to write all the tickets" do not foster an optimistic expectation of this year's fishery. Fishermen and trawler owners do not know at the time of ticket writing or log book photocopying for further ticket writing what the outcome will be.

The system is very distastefully and inefficiently impacting people and businesses in a negative way, yet nothing has been done or said in any official fashion to ease our minds.

Regrettably, it seems we must live this year at least with the 20% pollock retention restriction in the 1988 atka mackerel fishery. Our operations will not be conducted with any intent to target or retain greater than that amount, yet we request the system note that the actual harvest on many occassions will unavoidably exceed that regulatory limit.

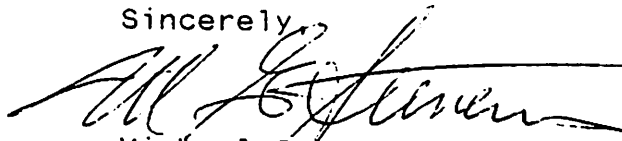
Until a point in time is reached where managers or industry consciously concludes and states publicly that our operations do not deserve or have a right to proceed in a viable fashion for newly stated reasons, then we expect a realistic management approach and realisic interpretation/enforcement activities. We seem not to be there at this time.

Mr. Jim Campbell

3

We hope for and would ask the council's assistance to facilitate the speediest possible solution to the existing dilemma.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael G. Stevens".

Michael G. Stevens  
Vice-President, Operations

sej

cc J. Brooks, NMFS, Juneau  
J. Brennan, NMFS, WA, DC

Current Definition

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

Bycatch Committee's Recommended Definition

Directed fishing means the retention on board a fishing vessel of a quantity of any groundfish species or species group in an amount equal to or greater than the following percentages of the total amount of fish or fish products on board, as calculated in round weight equivalents:

Bering Sea/Aleutian Islands

- (a) A percentage determined by the Regional Director after consideration of the southern extent of sea ice within the range of 20 percent to 30 percent of pollock while fishing in the Bering Sea subarea from January 1 through March 31;
- (b) Fifty percent of pollock while fishing in the Aleutian Islands subarea; and
- (c) Twenty percent of any other groundfish species while fishing in the Bering Sea and Aleutian Islands management area.

Gulf of Alaska

- (a) Four percent of sablefish caught with hook-and-line gear; and
- (b) Twenty percent of any other groundfish species.