

MEMORANDUM

TO: Council, SSC, and AP

FROM: Clarence Pautzke
Executive Director

DATE: September 6, 2000

SUBJECT: Reports

ESTIMATED TIME
3 HOURS

ACTION REQUIRED

Receive reports.

BACKGROUND

(a) MSA Reauthorization Issues

In April I gave you a marked up version of the Gilchrist bill, HR 4046, which had many provisions proposed by the environmental community. In June, I summarized the recommendations voiced at the various Senate and House hearings over the past year. Since our June meeting, Senators Snowe and Kerry each have submitted proposed amendments. A section-by-section analysis provided by the Senate staff for the Kerry bill is under C-5(a)(1). Helen Allen has incorporated the changes for all three bills into the Act in separate versions, and they are available on our website for downloading. I will have limited copies available for this meeting. I will attempt to have a comparison of the bills prepared by meeting time.

I have been told that major changes to the Act will not be forthcoming until 2001, but am also aware that the issue of the IFQ moratorium is lingering out there and will need to be addressed in the near future. I have heard that possible courses of action may include letting the moratorium expire, extending it one year, or four years, and/or allowing an exception to it for certain fisheries such as crab off Alaska, or redfish in the Gulf of Mexico. Maybe we will be able to receive more information from industry representatives who are tracking the issue much more closely. An interesting letter on IFQs from none other than Governor George W. Bush is under C-5(a)(2).

(b) Socio-economic Data Committee

The Socio-economic Data Committee met August 15 in Seattle. Committee Chair Dennis Austin will report on the meeting.

(c) Stakeholder Process and HAPC

Habitat areas of particular concern (HAPC) are those areas of special importance that may require additional protection from adverse effects. Part one of the HAPC amendment package was finalized for action in April 2000, and applies to both the Bering Sea and Gulf of Alaska groundfish FMP's. The amendment added

corals and sponges to the prohibited species category. The action split prohibited species into two types, the first will continue to allow no retention and includes halibut, salmon, and crab species and the second type would include only corals and sponges. These HAPC prohibited species would allow retention for personal use, but sale, barter, and trade would be prohibited.

The second part of the HAPC initiative is to develop a more comprehensive and iterative approach for future HAPC identification and habitat protection involving researchers, stakeholders and management agencies. A draft discussion paper, "The Stakeholder Process and Identification of Habitat Areas of Particular Concern," was prepared by staff and discussed at the last Council meeting. Copies of the discussion paper have been distributed and the paper is also available on our website.

In June, the Council directed staff to prepare meeting materials on corals and sponges for an initial set of stakeholder meetings this fall. The purpose of the meetings will be information exchange on gorgonian corals. The meetings will be held in Sitka, Yakutat, and a location representing the Western Aleutians. Staff recently presented a paper summarizing the why's and how's of protecting gorgonian corals off Alaska, and a copy of that paper is attached as Item C-5(c)(1).

(d) Status of Western Alaska Salmon Fisheries

This year's returns of chinook and chum salmon to the Yukon, Kuskokwim, and Norton Sound regions were poor. In July, Governor Tony Knowles declared this to be a disaster, and has written a letter requesting the Council to stop or at least further reduce bycatch of chinook and chum salmon (Item C5(d)(1)). He is also asking the Council to require 100% observer coverage on all vessels fishing in the EEZ.

I have provided background material on our existing management measures to control salmon bycatch (Item C5(d)(2)). The Council may find this information useful as they consider additional actions.

**Section by Section
Magnuson-Stevens Act Amendments of 2000**

Section 1. Short Title

This section provides a short title of the bill, "The Magnuson-Stevens Act Amendment of 2000".

Section 2. Amendment of Magnuson-Stevens Act

This section provides that all amendments in the bill are made to the Magnuson-Stevens Fishery Conservation and Management Act.

Title I- Fishery Management and Enforcement

Section 101. Regional Fishery Management Councils.

This section provides for various changes to section 302 of the Act related to the Regional Fishery Management Councils. These include: (1) allowing closed Council meetings when discussing selection of cooperative research projects under Section 404; (2) expanding the jurisdiction of the Caribbean Fishery Management Council to effectively manage coral resources in the Caribbean region; and (3) allowing NMFS to disseminate meeting notice by means other than newspaper publication so long as such means result in wide publicity.

In addition, the provisions relating to selection of Council members are changed to respond to concerns over whether the Council representation is sufficiently balanced. While the Act would make eligible any person who is knowledgeable about conservation, management, or harvest of the fisheries under the jurisdiction of a Council, the existing apportionment requirements address only the balance between recreational and commercial fishing participants on a Council. These amendments make changes to ensure there continues to be fair and balanced apportionment among fishery participants (recreational and commercial) but adds the requirement that there be representation of other eligible individuals concerned with fisheries conservation and management. Second, it requires that the list of nominees by each Governor include no more than two individuals from any one interest or sector of the fishery and requires each Governor to consult with members of recreational, commercial, and other fishing or conservation interests within a State before selecting his list.

In addition, the bill attempts to increase independent scientific involvement in the Councils by clarifying that Councils must involve science and statistics committee (SSC) members on a continuing basis in the development and amendment of FMPs. In addition, the bill would permit SSC members to be compensated at the same level as Council members when engaged.

Section 102. Contents of Fishery Management Plans.

This section makes changes to the required provisions of FMPs, discretionary provisions of FMPs and the IFQ moratorium provisions of section 303 of the Magnuson-Stevens Act.

Required provisions of FMPs would be changed in require plans: (1) protect and identify habitat areas of particular concern (HAPC) as part of requirements to identify and protect essential fish habitat (EFH); (2) describe observer coverage and observer monitoring data needs for a fishery;

and (3) provide for the use of enforceable hard total allowable catch levels for fisheries that are overfished or undergoing rebuilding.

The bill would also add discretionary provisions that (1) remove the prohibition on collection of economic data from processors; (2) would allow NMFS to restrict actions of vessels in sensitive areas such as coral reefs; and (3) would allow implementation of measures to reduce or eliminate overcapacity identified under Section 303(e) that are necessary to prevent or end overfishing or to rebuild stocks of fish.

Section 103. Exclusive Quota-Based Programs.

This section contains provisions that would allow Councils to develop 'exclusive quota-based programs', including, but not limited to, community quotas, cooperatives, and IFQs. Councils could approve such programs only if a 3/5 majority of eligible permit holders in a fishery approve and if the program meets certain national criteria. These criteria would include the following: (1) ensuring that quota-based programs provide a fair and equitable initial allocation of quota (including the establishment of an appeals process for qualification and allocation decisions); (2) ensuring the conservation mandates of the Act are met; (3) preserving, to the extent practicable, the historical distribution of catch among vessel categories and gear sectors, (4) considering allocation of a portion of the annual harvest specifically to small fishermen and crew members; (5) requiring programs to consider the effects of consolidation of quota shares and establish limits necessary to prevent inequitable concentration of quota share or significant impacts on other fisheries or fishing communities; (6) establishing procedures and requirements for the regular and periodic review of exclusive quota-based programs; and (7) requiring that it contain a plan for rationalizing the fishery, which may include reduction of capacity under section 312(b).

In addition, each Council would be required to establish and maintain a review committee to develop, evaluate, and modify any exclusive quota-based program, and to conduct a 7 year review of quota share holder's compliance with the standards of the Act. Following this review, quota would either be re-issued to the initial holder if they are found to be in compliance with the requirements of the Act, or be re-allocated through a reverse auction if the holder is not in compliance. Any such change to allocation would be determined under the review procedure established under the program. If any re-allocation occurs, preference would be granted to quota share holders who are providing additional and substantial conservation benefits to the fishery, including benefits related to bycatch reduction and protection of essential fish habitat.

Section 104. Action by the Secretary

Section 304 of the Magnuson-Stevens Act would be amended by making streamlining changes concerning Secretarial approval of FMPs. This section would allow for NMFS to expeditiously evaluate FMPs for consistency with the National Standards and to determine whether it is sufficient in scope to warrant full review (and provides for immediate notification of such decision to the Council). It would also require that 15 days following transmittal of plan and proposed implementing regulations, NMFS must publish a notice of and the implementing regulations for the FMP in the Federal Register for a 50 day comment period.

Section 105. Essential Fish Habitat

This section would amend section 305 of the Act to add provisions to refine and clarify the essential fish habitat provisions of the Act. The bill would amend the existing EFH provisions to clarify that the Secretary has a continuing obligation to assist councils in the identification of EFH and refinement of the description of EFH and that the Secretary shall set forth a schedule for amending FMPs to identify such habitat and for the review and updating of such information. It also clarifies that HAPCs are to be identified and protected under the EFH provisions, and adopts the approach to identifying HAPCs developed in the NMFS EFH guidelines. It would also mandate priority identification and protection of HAPCs, including establishment of pilot cooperative research projects on fishery and non-fishery impacts to HAPCs.

Section 106. Cooperative enforcement agreements

Authorizes cooperative enforcement agreements between states and federal government that will allow deputization of State law enforcement officers with marine law enforcement responsibilities to enforce this and other acts.

Section 107. Bycatch.

The bill would require the Secretary to annually report to Congress on progress in implementing the standardized bycatch reporting methodology required under section 303(a) of the Act. The bill also would establish a task force to recommend measures to monitor, manage, and reduce bycatch and unobserved fishing mortality. The task force would be comprised of individuals from the recreational, commercial fishing industries, conservation organizations, and other interested parties. The Secretary would be charged with developing an implementation plan for the report's recommendations within 6 months of the report's submission. In the interim, the bill would also direct the Councils to develop bycatch reduction incentive programs that could include (but are not required to include): a system of fines (used to fund fishery observers for that fishery); non-transferable bycatch quotas; or measures to promote gear with verifiable low bycatch rates. Such programs would only be required for fisheries that have documented and verified high bycatch rates that will not be addressed through existing management measures. Finally, in order to support implementation of the International Plan of Action for Seabirds, the bill would change the definition of bycatch to include sea birds.

Section 108. Fishery Ecosystem Plans

Requires each Council within 18 months of the Secretary's issuance of ecosystem guidelines to prepare one fishery ecosystem plan for a marine ecosystem under its jurisdiction, and provides elements that should be included in these plans, in accordance with the recommendations of the 1999 report to Congress on Ecosystem-Based Fishery Management. Required elements would include a listing of data and information needs identified during development of the plan and means of addressing any scientific uncertainties associated with the plan. The provisions would allow adjacent Councils to cooperate on the same fishery ecosystem plan if the ecosystem selected falls within the jurisdiction of both Councils.

Section 109. Fishery Management Process Review

This section tasks the National Academy of Sciences with reviewing the Federal fishery management process and making recommendations to Congress on legislative measures or institutional and structural changes to improve this process. This review would include a review

of the roles and responsibilities of the Councils and Secretary of Commerce on the allocation among fishery participants, design and development of fishery management alternatives, long-term planning for the biological and economic management of the fishery, and establishment of conservation objectives and biological limits for the fishery.

Title II- Fisheries Data Collection, Research, and Assessment

Section 201. Fisheries Outreach and Improving Scientific Information

This section creates a new section 317 of the Magnuson-Stevens Act to establish a new fishery outreach program within NMFS to foster improved communication with fishing communities and practical use of technical expertise related to fishery conservation and management. This Section provides for (1) heightening public understanding of NMFS research and technology through workshops or town hall meetings, (2) training of Council members on implementation of National Standards 1 and 8 and requirements of NEPA and the Regulatory Flexibility Act, (3) identify, with the fishing industry, means of improving quality and reporting of fishery-dependent data, (4) analysis of the response of the regulated industry to fishery management regulations and developing management approaches that consider such behavior, (5) establishment of a means for NMFS to communicate information to the general public in an accessible and understandable form, including web-based communications.

This section also contains provisions designed to improve public confidence in stock assessment science relied upon in fishery management plans. First, it specifically requires the fishery outreach program to improve the transparency of stock assessment methods to further the regulated community's understanding of the scientific basis for fishery management measures. Second, it requires the Secretary to periodically review (every 7 years beginning 180 days after enactment) its fishery data collection and assessment methods, as recommended by the 1998 Report of the National Research Council on Improving Fish Stock Assessments. Third, it authorizes the Secretary to establish a Center for Independent Peer Review under which independent experts can be provided for special peer or science review functions. Finally, it authorizes a Cooperative Marine Education and Research program with universities and institutions of higher learning in order to conduct basic research on abundance and life history information, the interdependence of fisheries or stocks of fish, and other necessary fisheries information.

Section 202. Socioeconomic Information Collection

This section removes the limitation of Council access to proprietary or confidential commercial or financial information of fishermen or processors to allow better analysis of economic impacts of regulations. Once submitted, such information would remain confidential for a period of 10 years except when the existing exceptions apply (i.e. disclosure allowed to federal and Council employees in development of FMPs, when required by court order, etc.)

Section 203. National Observer Program

This section would authorize the Secretary to establish a national observer program to address technical and administrative responsibilities over regional observer programs, including observer

training and to issue guidelines for minimum qualifications of observers. The section would also allow Councils or the Secretary to develop observer monitoring plans that comply with certain requirements and establishes a fishery observer fund for the purpose of carrying out this section which would include funds: appropriated for this purpose, collected as fines under the bycatch incentive program, or deposited through fees established under this section. The fund would have regional subaccounts to ensure that fees collected within a region are utilized for observer programs within that region. It also requires the Secretary to evaluate the adequacy of observer coverage and encourage representative participation of fishing vessels in observer programs. The provisions would allow the Secretary to receive and administer gifts, bequests, and devises to implement the program.

Section 204. Cooperative Research and Management Program

This section would establish a national cooperative research program for activities that are developed through partnerships among federal and state managers, fishing industry participants, and academic institutions. This section further gives priority to projects to reduce bycatch, conservation engineering projects, projects to identify and protect EFH or HAPCs, projects to collect fishery ecosystem information and improve predictive capabilities, and projects to collect and compile social and economic data on fisheries. Further, the Secretary is required to establish an expedited permitting process for cooperative research projects approved under this section.

Section 205. Data Protocols and Compatibility

This section would amend section 401 of the Act to add a new subsection (h) to increase access and compatibility of data relied upon in fishery management decisions. It requires the Secretary, as part of the Fisheries Information System, to develop standardized data protocols for commercial fisheries data nationwide and to ensure compatibility to fishery data with data from other sources such as other federal and state agencies, particularly with respect to ecosystem and fish habitat data, which are often collected through a variety of programs outside of the fishery management and data collection process.

Section 206. Fishery Survey Vessels

This section would amend the Act to authorize the Secretary to acquire a series of modern fishery survey vessels that are required to meet increasing national fishery survey and assessment needs. This provision was passed by the Senate and House as part of H.R. 1651; this section would add that language to the Magnuson-Stevens Act, as well.

Title III Capacity Reduction

Section 301. Capacity Reduction

This provision would require the Secretary to evaluate overcapacity in each fishery and identify measures planned or taken to reduce any such overcapacity. The provision also clarifies that the results of this evaluation shall be utilized in the fishery impact statements required to be prepared by the Councils under section 303(a) of the Act. This requirement is intended to ensure that economic impacts of overcapacity (too many boats chasing too few fish) are differentiated from impacts caused by management measures, and that improvements made by reductions in capacity are translated into the fishery impact statement. In addition, section 312 is amended to clarify that capacity reduction programs submitted under 312(b) must consider and address latent capacity in the fishery. Finally, this section would make amendments to the Merchant Marine Acts of 1936 and 1966 to allow funds deposited in the Capital Construction Fund and funds available through the Fisheries Finance Program to be used for measures to benefit the conservation and management of the fisheries, including: capacity reduction programs under section 312, upgrades to improve data collection and reporting, gear changes to reduce bycatch and other fishing impacts, and upgrades to improve vessel safety. These changes were recommended by the Federal Fisheries Investment Task Force report mandated in the 1996 Sustainable Fisheries Act.

Title IV - Reauthorization

Section 401. Authorization of appropriations

The Act is authorized beginning at \$415,000 and increasing by \$15 million in out years through 2005. Of such sums, the following are provided specific authorizations per year:

| | |
|------------------------------------|--------------|
| Fishery Management Councils | \$25 million |
| National Observer Program | \$20 million |
| Fisheries Outreach Program | \$10 million |
| Center for Independent Peer Review | \$5 million |
| Cooperative research | \$35 million |
| Socioeconomic data | \$10 million |
| Ecosystem Plans | \$15 million |
| Essential fish habitat | \$20 million |
| Fishery Information System | \$50 million |
| Fishery research vessels | \$60 million |
| Fishery Buybacks | \$20 million |



FOR YOUR INFORMATION
From: Arni Thomson

STATE OF TEXAS
OFFICE OF THE GOVERNOR

GEORGE W. BUSH
GOVERNOR

April 28, 2000

The Honorable Kay Bailey Hutchison
United States Senate
Washington, D.C. 20510

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|---------------------|---------------|----------------------------|--|
| Date: 4/28 | # Of Pages: 1 | QUICK FAX OfficeMax | |
| TO: Clarence Pautke | | From: Bob Alverson | |
| Co./Dept. | | Co./Dept. | |
| Fax: | | Fax: | |
| Phone: | | Phone: | |
| Note: | | E-Mail: | |

Dear Senator Hutchison:

As you and members of the Senate Committee on Environment and Public Works consider reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act, I urge you to strengthen the Act and ensure that the Act's current moratorium on individual transferable quotas (ITQs) expires so that they may be considered for use in the Gulf of Mexico.

A healthy Gulf Coast ecosystem is critical to Texas, and appropriate management of red snapper and other reef fish is needed to protect against overfishing. To provide such protection, Congress should consider the use of market-based management approaches, including ITQs.

This innovative mechanism grants the owner the right to harvest a certain amount of fish in a given year. If a fisherman wants to catch more red snapper, he can purchase allowances from another fisherman. Importantly, this tool vests fishermen with an incentive to conserve the fishery, eliminates such bureaucratic restrictions as minimum size limits and season closings, and reduces dangerous operating conditions for fishermen caused by the current race to catch fish. ITQs have been successfully introduced and refined by several countries around the world, particularly New Zealand.

I join the Coastal Conservation Association, commercial fishermen, local government officials, Environmental Defense and others in Texas in requesting that the Act's moratorium be lifted so that ITQs can be fairly considered as a tool in ensuring a healthy Gulf of Mexico.

Sincerely

GEORGE W. BUSH

GWB:jlh

[Note: this manuscript is being submitted for a special volume of the Proceedings of the Nova Scotian Institute of Science. It was presented as a poster at the First International Symposium on Deep Sea Corals, July 30 - August 2, 2000.]

Protecting Gorgonian Corals off Alaska from Fishing Impacts

David Witherell and Cathy Coon

Abstract -- Large deep sea corals of the Order Gorgonacea are found in the North Pacific Ocean off Alaska, USA. The North Pacific Fishery Management Council has identified these corals as essential fish habitat of particular concern, so management measures to reduce the fishery impacts are being considered. These corals have been shown to be 1) important shelter for rockfish and other fish species; 2) very long lived; 3) easily damaged by fishing gear; and 4) slow to recover from damage. Coral conservation measures previously implemented include trawl closure areas and a prohibition on commercial harvests. Because other fishing gears (e.g., longlines and pots) also impact corals, a prohibition of all gear types in areas of high coral concentration was proposed and evaluated. The proposal was tabled because available scientific data on coral distribution was at too large of a scale to define discrete locations of coral colonies. Additionally, many fishermen using longline and pot gear were concerned about being displaced from areas they had previously fished, and many felt that their gear caused less damage to corals than trawl gear. Involvement of stakeholders at the local level will allow for better information exchange, including information on coral distribution, fishing gear impacts, and development of appropriate management measures.

Introduction

It is not widely known that corals commonly occur in the cold waters off the Alaska coast of the United States. The focus of national and international legislation designed to protect corals has been on shallow water coral reefs located in tropical areas. Protection of cold water corals has been generally overlooked, yet these corals are no less spectacular from a biological, ecological, and even aesthetic standpoint. Perhaps it is just a case of 'out of sight; out of mind'. The purpose of this paper is to review the need to protect coral from fishing impacts, and to discuss an approach to achieve this objective.

The largest and perhaps most charismatic of the deep sea corals belong to the Order Gorgonacea. Gorgonians are colonies of animals composed of individual polyps which deposit a tree-like skeleton. Common gorgonians off Alaska include red tree coral (*Primnoa willeyi* and *P. resedaeformis*), bubble gum coral (*Paragorgia arborea*), and other sea fans (*Calligorgia* sp.) (Heifetz, 1999). These large coral colonies (up to 3 m high and 7 m wide) are

slow growing and may be very long lived (> 500 years) (Risk et al., 1998). The colonies are attached to rocks and generally occur in discrete aggregations (like groves of trees) in deep water (10-800 m) characterized by fairly strong currents (3-4 knots) and low turbidity (Cimberg et al., 1981; Krieger, 1998). When alive, deep sea gorgonian corals are brightly colored and make for breathtaking underwater sights. There are many reasons to protect large deep sea corals, some of which are related to their ecological functioning, and others related to their use by mankind.

Corals create complex habitat by providing shelter, prey, and habitat for fish. Fossa et al. (1999) observed dense aggregations of rockfish (*Sebastes* sp.) on deep water Scleractinian coral (*Lophelia* sp.) off Norway. Longline catches of rockfish and other species were much higher in coral areas than surrounding areas without corals. Other studies in Norway have also shown the importance of deep-water corals in marine ecosystems, in providing habitat and prey for other megafauna species (Mortensen et al., 1995). Krieger and Wing (1999) reported that rockfish were associated with *Primnoa* and

that starfish were preying on the colonies.

Deep sea corals also have use for medicine and scientific research. Sea fans are known to contain high concentrations of prostoglandins, a 'wonder drug' used to treat heart disease and asthma (Faulkner, 1992). Corals also contain pseudopterosins (a pain killer) and gorgonians produce antibiotics. Hanfee (2000) reports that tons of gorgonians have been harvested off India and exported worldwide for pharmaceutical uses. Another scientific use of corals is a time record of sea temperatures. Skeletons of *Primnoa* colonies grow directly in relation to water temperature so they can provide a historical record of ocean temperature (Smith et al., 1997). A 5 cm diameter specimen of *Primnoa* was estimated to be about 500 years old, based on isotope dating (Risk et al., 1998). Given that larger specimens have been reported, *Primnoa* colonies may provide temperature data from the last thousand years or more, thus allowing scientists to test hypotheses on climate change and regime shifts.

In the United States, protection of gorgonian corals may be warranted under the Magnuson-Stevens Act (the law that establishes the U.S. national program for conservation and management of fishery resources), as modified by the Sustainable Fisheries Act of 1996. The law requires fishery management councils to minimize, to the extent practicable, adverse effects on essential fish habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat (Fluharty, 2000). Areas of special importance that may require additional protection from adverse effects were designated as habitat areas of particular concern. Habitat areas of particular concern are defined on the basis of their ecological importance, sensitivity, exposure, and rarity of the habitat. Gorgonian corals epitomize this type of special habitat.

Where are corals located off Alaska?

Gorgonian corals are widely distributed along the

continental shelf and slope along the Gulf of Alaska and the Aleutian Islands. Distribution information was examined using two databases: the National Marine Fisheries Service bottom trawl research surveys, and incidental catch data collected by fishery observers. Gorgonian corals off coastal Alaska were analyzed from the 1954-1998 survey data and plotted by location. Catch per unit effort was calculated by weight of gorgonians (kg) in trawls by the area swept (distance towed * net width) for each tow with coral present. Observer data included any haul containing coral from any species during the period 1991-1998. Unfortunately, there is no taxonomic identification of coral in the observer database, and coral is combined with bryozoans in the records, so this data base has only limited use as supplemental information on distribution.

The relative distribution of Gorgonian coral from survey data is shown in Figure 1. Relative total amounts of gorgonian coral were highest off of Southeast Alaska near the Canadian border, at the western end of the Aleutian Islands, and near the Kenai Peninsula. The highest CPUEs for gorgonians occurred near Attu Island, Kiska Island, Amlia Island, the Kenai Peninsula, Yakutat, and Dixon Entrance.

Relative distribution of coral and bryozoans using observer data of trawl, longline, and pot gear fisheries is shown in Figure 2. The relative longline and pot gear catch of coral (all species) in the Aleutian Islands was highest in the vicinity of Kiska, Attu, and Amchitka Islands. The highest observed catch in trawl fisheries was taken in the Aleutian Islands in the vicinity of Kiska Island and the Pribilof Islands. Analysis of survey data indicated that the Pribilof catch was likely all bryozoans, however (NPFMC 2000). No catch of coral of a similar magnitude was found in trawl catches in the central Gulf of Alaska nor in Southeast Alaska. The only relative catch in fixed gear fisheries of a similar magnitude to that found in the Aleutian Islands was found off Southeast Alaska.

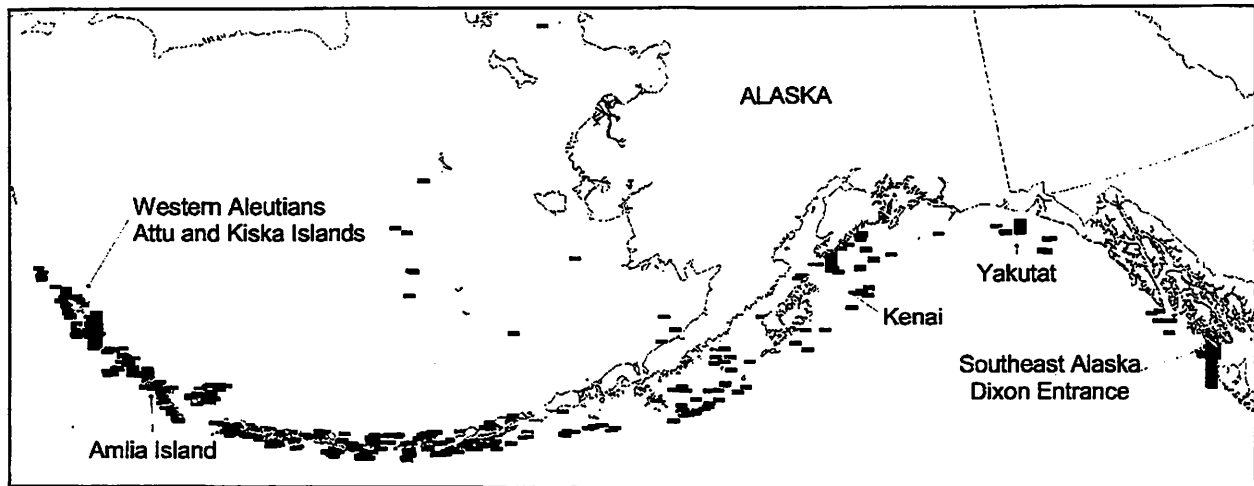


Figure 1. Relative abundance and distribution of gorgonian corals based on trawl survey data, 1954-1998.

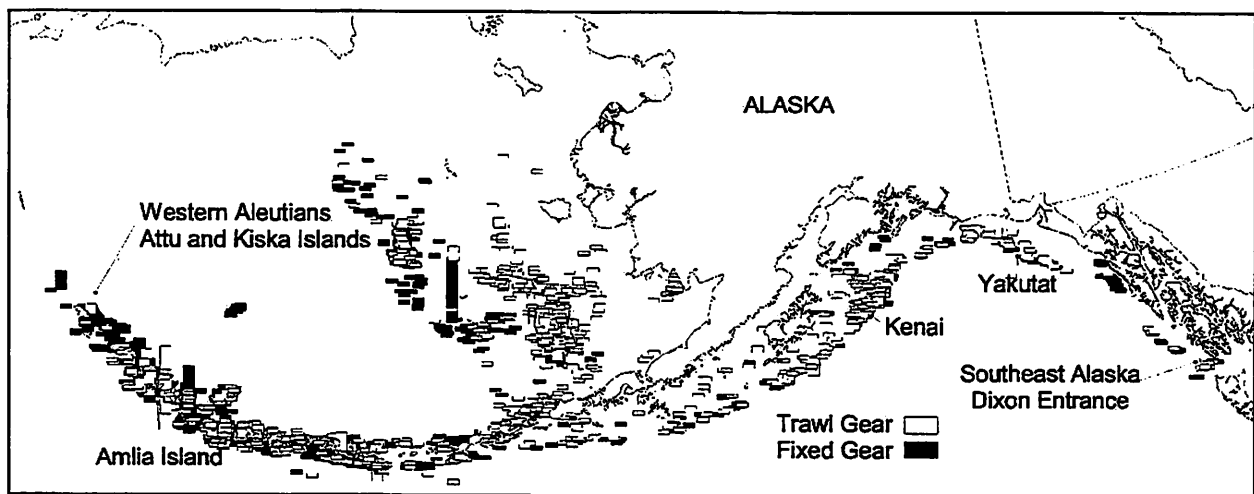


Figure 2. Relative abundance and distribution of all corals and bryozoans based on commercial fishery observer data, 1991-1998.

How does fishing gear affect corals?

Very few studies have been conducted on the effects of fishing gear on deep sea corals. Research has shown that trawl gears can damage sponges and hard corals on tropical shallow water reefs (Tilmant, 1979; van Dolah et al., 1987; Sainsbury et al., 1997), and sponges off Alaska (Freeze et al., 1999). Much less is known about the effects of fishing on deep, cold water corals. Until recently, all that was known for certain was that in areas of fishing, corals had become less abundant (Breeze et al. 1997). In the past couple

of years, however, biologists have become concerned about fishing impacts on these deep water corals and studies are underway around the world where these corals exist.

Three recent studies have show that deep water corals are impacted by trawling, even at low intensity. Underwater observations of deep water (200-400 m) Scleractinian coral (*Lophelia* sp.) reefs off Norway have confirmed that trawl gear caused considerable damage (Fossa et al., 1999). A remote operated vehicle, combined with an accurate underwater tracking system, was used to quantify damage caused by shrimp trawls off Australia (Pitcher et al., 1999). They found that about 10% of the fan gorgonians were removed

with each pass of the trawl. Krieger (1998) used a submersible to examine the damage of *Primnoa* caused by a single pass of a research trawl off Dixon Entrance, Alaska, at 365 m depth, made 7 years earlier. The net had removed approximately 1000 kg of *Primnoa*. He observed that about 30% of the coral in the trawl path was removed or broken.

Few observations have been made on the effects of other fishing gear types such as longlines and pots. At a 260 m site off Alaska, rocks and small boulders with attached *Primnoa* and sea anemones had been tipped and dragged, probably by longline gear used to fish halibut (*Hippoglossus stenolepis*) and sablefish (*Anoplopoma fimbria*) (Ken Krieger, NMFS, personal communication). High (1998) observed longline gear from a submersible and noted that large branches of corals were snagged by loose groundlines or hooks, and that the hard corals (i.e., *Primnoa* sp.) often had portions broken off. Longlines also catch and retain gorgonians and other corals off Alaska, based on observations from the NMFS sablefish longline survey (Jon Heifetz, NMFS, personal communication), the commercial fisheries observer program, and anecdotal reports from fishermen. Fishermen off Nova Scotia report that longline gear gets tangled up and catches coral when gear is set in areas of coral "trees" (Breeze et al., 1997). The Alaska golden king crab pot fisheries sometimes snag gorgonian corals in the Aleutian Islands area, and observers are now beginning to identify and record these incidental catches (L. Byrne, Alaska Department of Fish and Game, personal communication). An anecdotal report cited in Risk et al. (1998) describes the bycatch of red tree corals entangled in mesh of prawn pots off British Columbia, Canada, and the subsequent disappearance of corals in only six years.

What has been done to date to protect coral off Alaska?

Marine protected areas and catch controls are the two types of management measures that

have helped to protect deep sea corals from fishing impacts off Alaska. The government bodies established to manage the groundfish fisheries (North Pacific Fishery Management Council and National Marine Fisheries Service) have implemented marine protected areas to protect sensitive bottom habitats and to reduce potential competition of the fisheries with marine mammals (Witherell et al., 2000). In most cases, only mobile gear (trawls, dredges) have been excluded from the marine protected areas.

In 1991, longline fishermen from Sitka and other local citizens proposed that all trawling be prohibited off southeast Alaska. The rationale for this was that trawling was causing long term damage to deep sea corals, causing conservation problems for rockfish, and causing social disruption to the local fishing industry (Behnken, 1993). Although the original proposal was not adopted when brought forth to the Council for final decision, it was later adopted as part of another amendment to the groundfish fishery management plan. Beginning in 1998, all trawling was prohibited in southeast Alaska, a 52,600 nmi² area.

A more recent initiative by concerned citizens of Sitka led to establishment of the Sitka Pinnacles Marine Reserve. All bottom fishing gear types (except pelagic troll gear used for salmon) were prohibited in this small 3.1 nmi² area. These pinnacles contain high relief habitat, including red tree corals, where lingcod and several species of rockfish aggregated. Increased effort by the charter boat and commercial fleet had raised concerns about localized depletion of lingcod and associated habitat impacts (O'Connell et al., 1998). There was strong local support for this reserve as a result of extensive research, underwater video, and public outreach.

In April 2000, the Council adopted a regulation that defines all corals and sponges as prohibited species. The purpose of this amendment was to prohibit a full scale commercial fishery from developing on invertebrates that provide important habitat for fish (NPFMC, 2000). Because the skeleton can be cut and polished to a luster, gorgonian corals had previously been harvested commercially off Alaska and sold for

jewelry (Cimberg et al., 1981). The regulation will prohibit the sale, barter, trade of corals and sponges, but allow retention for personal use. Gorgonian corals are often retained as souvenirs by fishermen when caught incidentally in fisheries off Nova Scotia (Breeze et al., 1997) and off Alaska (Dan Falvey, commercial longline fishermen, personal communication).

What else can we do to protect deep sea corals?

Because gorgonian corals don't move, establishment of a marine reserve or marine protected area in coral "hotspots" seems to be one reasonable management option worth consideration. Marine protected areas have been widely supported in the scientific literature (e.g., Argardy, 1994; Allison et al., 1998; Lauck et al., 1998; Lindeboom, 2000) as a management tool to protect biodiversity, benthic habitats, viable populations, and ecological processes. Marine protected areas implement the precautionary approach by reducing risk and hedging against uncertainties, errors, and biases in fisheries management, thus providing insurance against fishery collapses. In Alaska, marine protected areas have been implemented to prevent damage to vulnerable living substrates caused by trawl gear (Ackley and Witherell, 1999; Witherell et al., 2000). United States President Clinton recently issued an Executive Order to establish a national system of marine protected areas -- known as New Ocean Conservation Zones -- where all fishing, oil drilling, and other consumptive uses of marine resources will be prohibited to preserve marine resources and ensure sustainable economic use of the ocean.

The objective of establishing marine protected areas where gorgonian coral colonies aggregate would be to protect this vulnerable benthic habitat from potential degradation due to fishing, and reap all other benefits provided by such protection. In this particular case, any fishing or non-fishing activity that adversely impacts gorgonian corals should be tightly regulated within

these marine protected areas. The most conservative approach would prohibit all bottom fishing gear from the areas, as it is likely that all fishing gear that touches corals would cause some damage. Fisheries using longline, pot, dredge, and trawl gear would be impacted by such action, however, and the social and economic impacts could be significant depending on the size and location of the designated closure areas.

In February 2000, the Council reviewed a bio-economic impact analysis of a proposal to protect gorgonian corals by establishing six marine protected areas, totaling over 7,000 nmi². After considerable review and debate, the proposal was tabled for several reasons. First, some fishermen felt that the proposed areas were too large and did not reflect the patchiness of gorgonian coral colonies. Second, quantitative scientific data are limited on coral distribution, so closure areas based on just survey data may divert fishing effort into other areas that contain unknown quantities of coral. Third, many fishermen using longline and pot gear were concerned about being displaced from areas they had previously fished, and many believed that their gear caused less damage to corals than trawl gear. The Council decided that many of these concerns could be addressed by increasing the involvement of coastal community stakeholders in the development of appropriate management measures to protect gorgonian coral colonies.

In this case, the involvement of local community stakeholders, rather than just relying on regional fishing industry spokespersons, is critical. Coastal community stakeholders can provide local and traditional knowledge regarding the abundance and location of benthic habitat types. This information can be extremely useful and valuable in cases where data are limited (e.g., gorgonian corals). Additionally, with increased understanding, stakeholders may take more responsibility for habitat protection and regulatory compliance, thereby reducing the need for enforcement (Lindeboom, 2000). Enforcement has been a major impediment in the effectiveness of marine reserves, particularly when they are small in size or apply to only certain gear types. In

the North Pacific region, coastal community stakeholders include not only individuals such as commercial fishers, recreational fishers, and other local people, but also larger groups and coastal businesses involved in fish processing, mining, and dredging, and others.

The stakeholder approach we will be using is based on the focus-group meeting format recommended by Pederson and Hall-Arber (1999) for collecting fish habitat information from fishermen. Our plan is to hold informal meetings in coastal communities to disseminate information, gather local knowledge of coral distribution, build consensus on the need to protect these corals, and develop appropriate management alternatives. We expect this to be a difficult task, but hope that our efforts will provide valuable feedback and insights to protect gorgonian corals from fishing impacts.

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TONY KNOWLES
GOVERNOR



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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

August 8, 2000

RECEIVED
AUG 10 2000
N.P.F.M.C.

Rick Lauber, Chair
Council Members
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501

Dear Mr. Lauber and Council Members:

On July 19 I signed a disaster declaration for the Yukon, Kuskokwim, and Norton Sound regions due to all-time low returns of chinook and chum salmon to this region. In addition to seeking assistance for individuals and communities in need, I request that all sectors of the fishing industry—including those in federal waters—share in the responsibility for conservation by stopping bycatch of these salmon stocks that threaten the subsistence and escapement needs of Western Alaska.

While returns to these Western Alaska rivers have been weak in recent years, warranting closures of commercial fisheries and a disaster declaration in 1998, this year's returns have been even worse. Chinook returns to the Yukon are the lowest on record; the river's commercial catch of chums was less than 1 percent of the long-term average, and the situation in the Kuskokwim and Norton Sound regions is equally dire.

The subsistence needs of many villagers have not been met and it appears that escapement requirements will not be met on many of the spawning grounds. These salmon are critical for the nutritional, economic, and cultural needs of residents of the Yukon, Kuskokwim, and Norton Sound watersheds. Traveling to the region, I sensed fear among many villages for their families and their future, fear that the salmon would stop returning to their rivers.

As Governor, I am bound by a constitutional mandate to manage fisheries for sustained yield and state statutes clearly establish subsistence as the highest priority of any harvest of the resource. Accordingly, I am calling for stronger management actions regarding the incidental harvest of these salmon wherever it occurs, including bycatch in the federal exclusive economic zone (EEZ) fisheries around Alaska.

Although steps have been taken by the North Pacific Fishery Management Council (NPFMC) to reduce the incidental take of salmon in the EEZ, the National Marine Fisheries

Mr. Rick Lauber
August 8, 2000
Page 2

Service reports an average annual bycatch of almost 42,000 chinook and 57,000 other (mostly chum) salmon in the Bering Sea fisheries over the past five years. While these stocks have multiple origins, they certainly include salmon bound for the Yukon, Kuskokwim, and Norton Sound drainages. Therefore, I call on federal regulators and industry to take new and expeditious actions to stop the bycatch of these salmon that threaten subsistence and conservation needs of this disaster region.


I request the NPFMC review measures that have been adopted, and those measures adopted but not yet implemented, to determine if these are the most efficient and effective measures to deal with bycatch of depressed Western Alaska chinook and chum salmon stocks. With implementation of the American Fisheries Act and the current Steller sea lion measures, changes will be occurring in the way these fisheries are managed. These management measures must lead to further reductions in the bycatch of chinook and chum salmon so they do not threaten subsistence or spawning needs.

To enforce these actions and to document bycatch, I also call for 100 percent observer coverage in the EEZ fisheries off Alaska, meaning that an observer is present every time a net is hauled on board.

In making this request, I also call for similar management actions in state and international waters to stop any incidental harvest of chinook and chum salmon that impacts conservation or subsistence. The Bering Sea pollock fishery is a major Alaska industry but the crisis that now exists on the Yukon, Kuskokwim, and in Norton Sound makes it imperative that all segments of the industry share in the responsibility for conservation.

Please contact my office to inform me of the steps you propose to take to meet this responsibility.

Sincerely,



Tony Knowles
Governor

cc: Norm Mineta, Secretary of Commerce
Clarence Pautzke, NPFMC
John Katz, Office of the Governor, Washington, D.C.
Rear Admiral Thomas Barrett 17th Coast Guard District



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1011 E. Tudor Rd.
Anchorage, Alaska 99503-6199

IN REPLY REFER TO:

FWS/OSM

JUL 31 2000

Mr. Richard Lauber
Chairman
North Pacific Fisheries Management Council
605 West 4th, Suite 306
Anchorage, Alaska 99501-2252

RECEIVED

AUG - 8 2000

N.P.F.M.C

Dear Richard:

Salmon runs in Western Alaska, involving Kuskokwim and Yukon chum and chinook stocks, are experiencing the most severe failures on record. Chinook salmon could be more than 60 percent below recent year returns and chum salmon 75 percent below average. As a Federal Subsistence Board member and a member of the North Pacific Fisheries Management Council, I am requesting your support for a renewed resolve and commitment to address the concerns being raised by Western Alaskan rural residents who depend on these resources for survival.

Although the reasons for these declines are unclear, certain management actions will hopefully contribute to the restoration and long-term conservation of certain Western Alaskan salmon. A critical need exists to understand what environmental factors, occurring in the freshwater and marine environment, are contributing to these declines. Expanded studies of the marine and freshwater ecology of salmon in the Bering Sea ecosystem will be critical to develop long-term management solutions. Additionally, a better understanding is needed regarding the impact of bycatch on specific stocks of salmon and how many of each stock are being caught.

The Council's recent action in 1999 to reduce chinook salmon bycatch by the pollock trawl fleet represents an important step. I recommend that an expedited analysis of the effect of these actions be developed as soon as possible. Given the gravity of the current situation, additional measures must be considered by the Council to conserve Western Alaskan chum and chinook stocks.

Sincerely,

David B. Allen
Regional Director

cc: Robert Mace, Oregon Dept. of Fish and Wildlife
James W. Balsiger, NOAA Fisheries
Frank Rue, Alaska Department of Fish and Game
Stetson Tinkham, Office of Marine Conservation, Dept. of State
Jeff Koenings, Washington Dept. of Fish and Wildlife
NPFMC members

08/24/00 THU 08:50 FAX 2024560753

08/23/2000 WED 15:25 FAX 2024560474

08/23/00 WED 10:01 FAX 202 456 5428

2024560753

CEQ

FLK



STATE OF ALASKA

Office of the GOVERNOR

JUNEAU

JULY 10, 2000

424346

The President
The White House
1600 Pennsylvania Avenue
Washington, DC 20500
Dear Mr. President

I am deeply concerned about indications of disproportionately weak returns of chinook and
return salmon to the Yukon River and other rivers in western Alaska this year. The
preliminary indications are that salmon returns to the Yukon River are as bad, or worse
than the record-low salmon disaster that was declared in 1998. Initial returns to the
Kuskokwim River and Norton Sound are also indicative of a disastrous season ahead.

As we know from past experience, the impacts from depressed salmon returns are
devastating to rural communities where often there are no economic or nutritional
alternatives. Rural residents depend on the fishery for basic food needs, with the summer
subsistence take feeding families throughout the year. The commercial fishery in the
region has always been limited, but the small cash income is essential for heating,
electricity and the necessities of life.

I am writing today to inform you of the state's intentions regarding this year's fishery in
the region and the immediate steps that I have already put in action. I have two primary
objectives. First, I have asked my commissioners of Fish and Game, Labor and
Workforce Development, and Community and Economic Development to identify the
extent of the fishery disaster and impacts on local residents through a fact-finding
mission to the region.

I will be personally involved in this fact-finding process by visiting the region this week.
We will meet with resident fishermen, community and regional leaders, and appropriate
state and federal agency personnel.

To assist in our understanding of the situation, I have asked the Department of Fish and
Game to immediately begin compiling all relevant harvest and escapement data for these
regions and a comparison of this year's returns with historical run information.

JUL 14 2000



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08/24/00 THU 09:51 FAX 2024580753

2024580753
CEQ

08/23/2000 WED 18:25 FAX 2024580474

08/23/00 WED 18:01 FAX FOR 456 8426

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003
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The President
July 10, 2000
Page 2

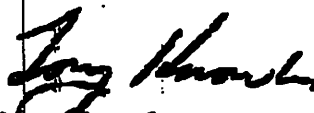
Second, I have asked my commissioners to recommend an appropriate response to assist residents of these affected areas, including a disaster declaration where necessary to generate and substantiate federal support.

Thanks to help from Senator Ted Stevens and several federal agencies, we have successfully responded to similar problems in the past. State and federal money allocated for previous fishery disasters was well used to help families in need, boost economic diversification, and provide needed fishery research.

Although FEMA has previously denied our requests for such assistance, I intend to explore every avenue. I have also asked for a report on previous federal fishery disaster assistance and any remaining fund balances that may have resulted from federal restrictions.

I appreciate your continued interest and support of these efforts and will work closely with your Administration to seek appropriate assistance for these Alaskans in distress. As soon as we have additional data I will be communicating with you and the various federal agencies involved in this process.

Sincerely,


Tony Knowles
Governor

cc: The Honorable Bruce Babbitt, U.S. Department of the Interior
The Honorable Dan Glickman, U.S. Department of Agriculture
Secretary Designee Norm Mineta, U.S. Department of Commerce
James Lee Witt, FEMA
John Katz, Office of the Governor, Washington, D.C.

Comments on Salmon Bycatch:

Some salmon are taken incidentally as bycatch in the Alaska groundfish trawl fisheries of the Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA). Bycatch is closely monitored through the fisheries observer program. Salmon bycatch from groundfish trawl fisheries is shown in the adjacent table. Bycatch of salmon in the BSAI has been somewhat variable in recent years. Most of the salmon bycatch is taken in the pelagic trawl pollock fishery.

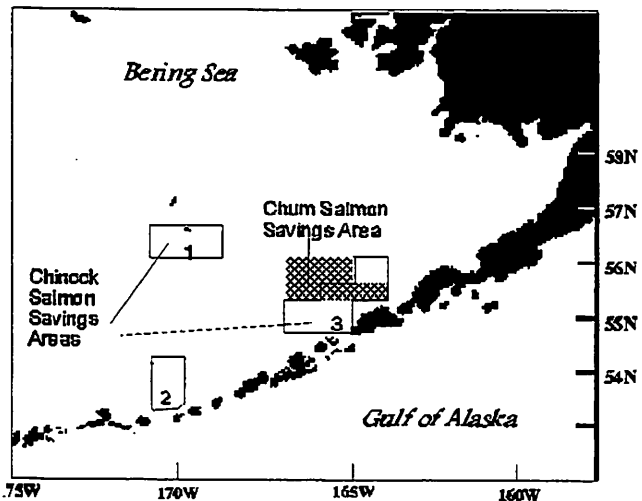
Number of salmon taken as bycatch in BSAI and GOA groundfish trawl fisheries 1993-2000 (through 8/5/00). Note that >95% of the 'other' salmon is chum salmon.

| | Chinook Salmon | | Other Salmon | |
|------|----------------|------------|--------------|------------|
| | <u>BSAI</u> | <u>GOA</u> | <u>BSAI</u> | <u>GOA</u> |
| 1993 | 45,964 | 24,465 | 243,246 | 56,388 |
| 1994 | 43,636 | 13,613 | 94,508 | 37,226 |
| 1995 | 23,079 | 14,647 | 21,780 | 64,792 |
| 1996 | 63,179 | 15,761 | 77,926 | 4,176 |
| 1997 | 50,218 | 15,095 | 67,536 | 3,416 |
| 1998 | 55,427 | 16,984 | 65,631 | 13,544 |
| 1999 | 12,924 | 30,600 | 46,295 | 7,522 |
| 2000 | 6,666 | 15,735 | 25,683 | 3,088 |

Virtually all salmon bycatch is chinook salmon and chum salmon, with less than 5% of the salmon bycatch comprised of sockeye, pinks, or coho salmon. Previous analysis of bycatch data had indicated the bycatch is primarily juvenile salmon that are one or two years away from returning to the river of origin as adults. The origin of salmon taken as bycatch includes rivers in western Alaska, central and southeast Alaska, Asia, and British Columbia. Four separate studies of salmon taken as bycatch in Bering Sea trawl fisheries have shown that about 60% of the chinook salmon originate from western Alaska rivers (Yukon, Kuskokwim, Bristol Bay drainages). An unknown, but likely lower, percentage of the GOA salmon bycatch originates from western Alaska. The origin composition of chum salmon taken as bycatch remains unknown, but preliminary work suggests that Asian and North American stocks are well intermixed in the Bering Sea, so one would expect bycatch to reflect relative run strengths. It has been estimated that bycatch from Bering Sea trawl fisheries accounted for < 1% of the chum salmon population and in the order of 2 - 4% of the adult chinook salmon population in Alaska.

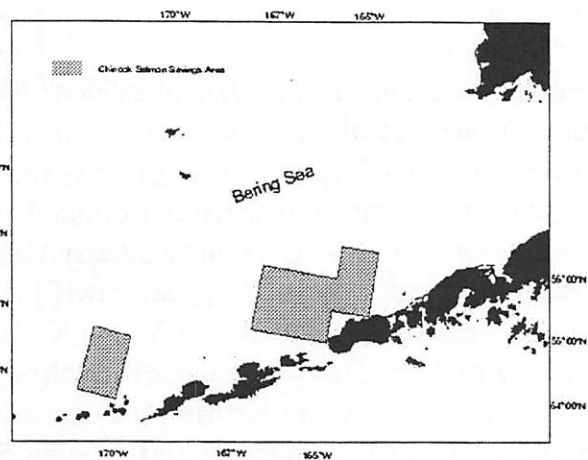
Salmon are listed as a prohibited species in the groundfish fishery management plans, meaning that they cannot be kept, and must be returned to the sea as soon as possible with a minimum of injury. However, regulations implemented in 1994 prohibited the discard of salmon taken as bycatch in BSAI groundfish trawl fisheries until the number of salmon has been determined by a NMFS certified observer. The intent of these regulations was to provide additional information on the magnitude of salmon bycatch in these fisheries. Additional regulations were adopted to allow voluntary retention of salmon for donation to foodbanks. Salmon retained for this purpose are processed and distributed in a fashion that is easily monitored.

The Council has taken measures to control the bycatch of salmon in trawl fisheries. Several bycatch "hotspot" areas have been closed to trawl



fishing if too many salmon are encountered (see adjacent figure). Beginning in 1995, the Chum Salmon Savings Area has been closed to all trawling from August 1 through August 31. Additionally, regulations specify that the area remains closed if a bycatch limit of 42,000 chum salmon is taken within the catcher vessel operational area. Although more than 42,000 chum salmon were taken over the course of a year from 1995 through 1999, additional closures had not been triggered because the bycatch limit was not attained within the area prior to the accounting period (January 1 to October 14). From 1996 through 1999, regulations were in place to prohibit trawling in the Chinook Salmon Savings Areas through April 15 if and when a bycatch limit of 48,000 chinook salmon was attained in the Bering Sea and Aleutian Islands trawl fisheries. More than 48,000 chinook salmon were taken as bycatch annually from 1996 through 1998, but the closure was not triggered because the bycatch limit was not exceeded before April 15.

In 1999, the Council adopted Amendment 58 to reduce the amount of chinook salmon allowed to be taken as bycatch in BSAI trawl fisheries. Specifically, the alternative adopted did the following (1) reduced the chinook salmon bycatch limit from 48,000 to 29,000 chinook salmon over a 4-year period, (2) implemented year-round accounting of chinook salmon bycatch in the pollock fishery, beginning on January 1 of each year, (3) revised the boundaries of the Chinook Salmon Savings Areas, and (4) set more restrictive closure dates. In the event the limit is triggered before April 15, the Chinook Salmon Savings Area closes immediately. The closure would be removed on April 16, but would be reinitiated September 1 and continue through the end of the year. If the limit were reached after April 15, but before September 1, then the areas would close on September 1. If the limit were reached after September 1, the areas would close immediately through the end of the year. The bycatch limit for 2000 fisheries was set at 41,000 chinook salmon.



Location of the chinook salmon savings areas in the BSAI, as modified by Amendment 58.

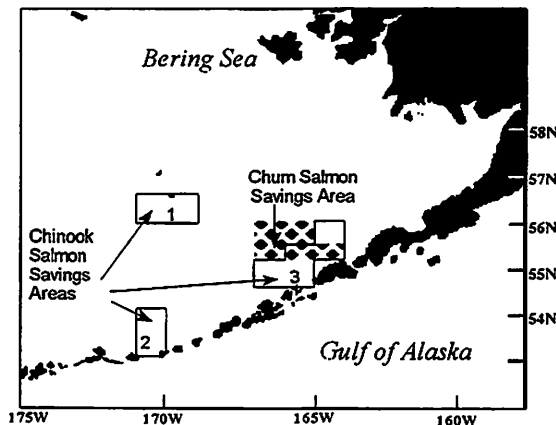
In light of the current situation of depressed chum and chinook salmon stocks in the Yukon, Kuskokwim, and Norton Sound regions, the North Pacific Fishery Management Council will review status of the those stocks at it next meeting beginning September 8, 2000. The Council will hear reports from the National Marine Fisheries Service and the Alaska Department of Fish and Game, and also may have recommendations from a joint committee of Council and Alaska Board of Fisheries members which will meet September 7. After reviewing the situation and cumulative bycatch information, the Council may consider taking further action as appropriate.

BSAI Amendment 21b Chinook Salmon Savings Areas

Dates: Amendment 21b was adopted by the Council in November 1995. NMFS published final rule on November 29, 1995 (60 FR 61215). Effective date of implementation was January 1, 1996.

Purpose and Need: Salmon are a target species in directed salmon fisheries, but are taken as incidental bycatch in groundfish trawl fisheries. The objective of the amendment was to provide the Council with the means to control chinook salmon bycatch in the BSAI groundfish trawl fisheries. Chinook salmon bycatch control measures were thought to be needed for two reasons. First, many chinook salmon stocks are fully utilized, and uncontrolled bycatch constitutes an additional, unaccounted for allocation of the resources. Second, uncontrolled bycatch levels exceeding recent highs may lead to conservation problems for Alaskan and Canadian chinook salmon populations. During the previous 10 years, several major river systems had experienced low levels of returns, particularly the Nushagak, Yukon, and Kuskokwim rivers.

Regulation Summary: Amendment 21b established measures to control the amount of chinook salmon taken as bycatch in BSAI trawl fisheries. Specifically, the alternative adopted would close three areas in the BSAI to all trawling when 48,000 chinook salmon were taken as bycatch. The chinook salmon savings areas are shown in the adjacent figure. A closure will remain in effect from the time the trigger is reached until April 16, when the areas would reopen to trawling for the remainder of the year.



Location of the chinook and chum salmon savings areas in the BSAI.

Analysis: A 203-page EA/RIR/IRFA (final draft dated August 16, 1995) was prepared for this amendment. Three primary alternatives including the status quo were considered. There were 8 different area closure options, two bycatch limit options, and three seasonal closure options. The other primary alternative that was not chosen would have established a time/area closure but without a PSC limit that triggered a closure. In selecting the preferred alternative, the Council recognized that a PSC limit of 48,000 chinook salmon would not constrain groundfish fisheries in most years, but would allow for closures in areas and times of historic high salmon bycatch.

Results: Although more than 48,000 chinook salmon were taken over the course of a year in 1996, 1997, and 1998, closure of the area has not been triggered because the cap was not exceeded prior to April 15. Total number of chinook salmon taken annually as bycatch in BSAI groundfish fisheries is shown in the adjacent table. In February 1999, the Council adopted Amendment 58, which reduced the chinook salmon bycatch trigger level to 29,000 chinook salmon (with year-round accounting) and refined the closure areas based on more recent data.

Despite these actions, chinook salmon populations in western Alaska remain in relatively poor shape, and have not yet recovered to earlier levels.

Number of chinook salmon taken as incidental bycatch in BSAI trawl fisheries, 1989-1999.

| Year | Chinook Salmon |
|------|----------------|
| 1989 | 40,354 |
| 1990 | 13,990 |
| 1991 | 35,766 |
| 1992 | 37,372 |
| 1993 | 45,964 |
| 1994 | 43,636 |
| 1995 | 23,079 |
| 1996 | 63,179 |
| 1997 | 50,218 |
| 1998 | 58,966 |
| 1999 | 12,918 |

BSAI Amendment 35 Chum Salmon Savings Area

Dates: Amendment 35 was adopted by the Council in January 1995. The proposed rule was published April 25, 1995 (60 FR 20253), and the final rule was published on July 5, 1995 (60 FR 34904). Effective date of implementation was August 1, 1995.

Purpose and Need: Salmon are a target species in salmon fisheries, but are taken as incidental bycatch in groundfish trawl fisheries. The objective of the alternatives considered in the analysis is to provide the Council with the means to control chum salmon bycatch in the BSAI groundfish trawl fisheries. Chum salmon bycatch control measures were thought to be needed for two reasons. First, many chum salmon stocks are fully utilized, and uncontrolled bycatch constitutes an additional, unaccounted for allocation of the resources. Second, uncontrolled bycatch levels exceeding recent highs may lead to conservation problems for Alaskan chum salmon populations. During the previous 10 years, several major river systems had experienced low levels of returns, particularly the Nushagak, Yukon, and Kuskokwim rivers.

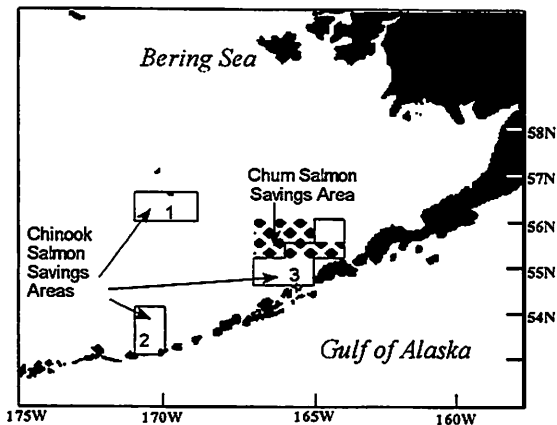
Regulation Summary: Amendment 35 established measures to control the amount of chum salmon taken as bycatch in BSAI trawl fisheries. Specifically, the alternative adopted would close an area in the BSAI to all trawling from August 1 through August 31 (the time of year when bycatch is highest). In addition, the area would remain closed or re-close after September 1, upon the attainment of a bycatch limit of 42,000 "other" salmon taken within the catcher vessel operational area (CVOA), through October 14. The chum salmon savings area is the area bounded by a straight line connecting the following pairs of coordinates in the order listed:

56°00'N., 167°00'W.;
 56°00'N., 165°00'W.;
 55°30'N., 165°00'W.;
 55°30'N., 164°00'W.;
 55°00'N., 164°00'W.;
 55°00'N., 167°00'W.;
 56°00'N., 167°00'W.

Analysis: A 132-page EA/RIR/IRFA (final draft dated March 21, 1995) was prepared for this amendment. Four alternatives including the status quo were considered, along with seven options for closure areas. The other alternatives not chosen would have established a year-round closure in hotspot areas, or changed the starting date for the pollock 'B' season. The alternative chosen allowed for a time/area closure that would be expected to have high bycatch of chum salmon, and allowed for continuation of the closure if salmon bycatch remained high.

Results: Although more than 42,000 chum salmon were taken over the course of a year from 1995 through 1999, closure of the area has not been triggered because the cap was not attained within the CVOA during the accounting period. Total number of chum salmon taken annually as bycatch in BSAI groundfish fisheries is shown in the adjacent table.

Despite these actions, salmon populations in western Alaska remain in relatively poor shape, and have not yet recovered to earlier levels.



Location of the chinook and chum salmon savings areas in the BSAI.

Number of chum salmon taken as incidental bycatch in BSAI trawl fisheries, 1989-1999. Note that >95% of the "other" salmon is chum salmon.

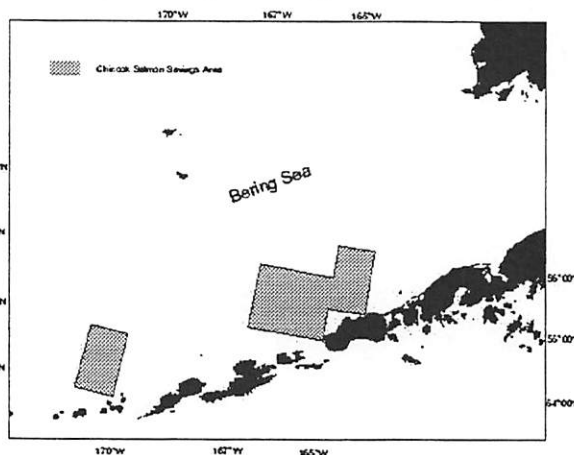
| Year | Other Salmon |
|------|--------------|
| 1989 | 5,545 |
| 1990 | 16,661 |
| 1991 | 31,987 |
| 1992 | 38,919 |
| 1993 | 243,246 |
| 1994 | 94,508 |
| 1995 | 21,780 |
| 1996 | 77,926 |
| 1997 | 67,536 |
| 1998 | 69,237 |
| 1999 | 46,624 |

BSAI Amendment 58 Reduced Chinook Salmon Bycatch Limits

Dates: Amendment 58 was adopted by the Council in February 1999. NMFS published a notice of availability on November 4, 1999 (64 FR 60157) and a proposed rule on December 21, 1999 (64 FR 71390). NMFS gave final approval on February 2, 2000.

Purpose and Need: Chinook salmon bycatch control measures, originally implemented under Amendment 21b, were thought to be needed for two reasons. First, many chinook salmon stocks are fully utilized, and uncontrolled bycatch constitutes an additional, unaccounted for allocation of the resources. Second, uncontrolled bycatch levels exceeding recent highs may lead to conservation problems for Alaskan and Canadian chinook salmon populations.

In 1996, the Magnuson-Stevens Act was amended in 1996 by the Sustainable Fisheries Act. The new Act emphasized the importance of reducing bycatch to maintain sustainable fisheries. National Standard 9 of the Magnuson-Stevens Act mandates that conservation and management measures shall minimize bycatch, to the extent practicable, and shall minimize mortality where bycatch cannot be avoided. The objective of Amendment 58 is to reduce chinook salmon bycatch in the BSAI groundfish fisheries.



Location of the chinook salmon savings areas in the BSAI, as modified by Amendment 58.

Regulation Summary: Amendment 58 reduced the amount of chinook salmon allowed to be taken as bycatch in BSAI trawl fisheries. Specifically, the alternative adopted did the following (1) reduced the chinook salmon PSC bycatch limit from 48,000 to 29,000 chinook salmon over a 4-year period, (2) implemented year-round accounting of chinook salmon bycatch in the pollock fishery, beginning on January 1 of each year, (3) revised the boundaries of the Chinook Salmon Savings Areas, and (4) set new closure dates. In the event the limit is triggered before April 15, the Chinook Salmon Savings Area closes immediately. The closure would be removed on April 16, but would be reinitiated September 1 and continue through the end of the year. If the limit were reached after April 15, but before September 1, then the areas would close on September 1. If the limit were reached after September 1, the areas would close immediately through the end of the year.

Analysis: A 238-page EA/RIR/IRFA (final draft dated September 29, 1999) was prepared for this amendment. Five primary alternatives including the status quo were considered along with several options for seasonal allocation, area closures, and applicable fisheries. The alternatives not chosen would have established a time/area closure but without a PSC limit that triggered a closure, or established a closure based on an annual limit of 36,000 salmon. The preferred alternative was the most conservative in that it reduced the PSC limit to only 29,000 chinook salmon taken in the pollock fisheries.

Results: Total number of chinook salmon taken annually as bycatch in BSAI groundfish fisheries is shown in the adjacent table. Because the amendment has not been in effect for this time series, the effects on bycatch cannot yet be evaluated.

Number of chinook salmon taken as incidental bycatch in BSAI trawl fisheries, 1989-1999.

| Year | Chinook Salmon |
|------|----------------|
| 1989 | 40,354 |
| 1990 | 13,990 |
| 1991 | 35,766 |
| 1992 | 37,372 |
| 1993 | 45,964 |
| 1994 | 43,636 |
| 1995 | 23,079 |
| 1996 | 63,179 |
| 1997 | 50,218 |
| 1998 | 58,966 |
| 1999 | 12,918 |



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RECEIVED

Governor Tony Knowles
P.O. Box 110001
Juneau, AK 99811-0001

AUG 21 2000

August 17, 2000

Dear Governor Knowles:

N.P.F.M.C

The Center for Marine Conservation (CMC) supports your recent proposed measures to address the drastic declines of the chum and king salmon runs of the Yukon and Kuskokwim Rivers and the Norton and Kotzebue Sound region that accompanied your declaration of a salmon disaster in western Alaska. CMC's mission is to protect ocean ecosystems and conserve the global abundance and diversity of marine wildlife through science-based advocacy, research and public education. Headquartered in Washington, DC, CMC has regional offices in Alaska, California, Florida and Virginia and field offices in Maine, Santa Barbara and Santa Cruz, California, and the Florida Keys.

Your July 19 disaster declaration speech addressed many of the factors likely contributing to the decline of the salmon in western Alaska and recommended action to the appropriate state and federal agencies. These actions include:

- stopping high seas interception of Western Alaska salmon passing through Area M
- reducing or stopping hatchery production in Southeast and Prince William Sound that are competing in the ocean with wild Western Alaska chums
- halting bycatch of king and chum salmon by trawlers
- increasing patrols for illegal high-seas driftnetters and obtaining a full accounting of possible harvests of migrating Alaska salmon in foreign fishing zones
- addressing contaminants from landfill and other pollution that is seeping into the marine environment.

You sent letters to the various agencies requesting or directing specific actions for all of the above factors except regarding contaminants. You have astutely recognized that contaminants from landfills and other pollution seeps into the marine environment. However, along the coast of western Alaska and the Aleutian Islands there are also dozens of contaminated sites identified by the Department of Conservation, as well as numerous toxic waste sites caused by the U.S. military, Federal Aviation Administration, Coast Guard, and Department of Commerce, including radioactive waste sites and chemical weapons dumps. A request for action should be directed to the appropriate state and federal agencies to identify and monitor all sites potentially contributing contaminants to anadromous fish ecosystems, and to determine the impacts of these contaminants on the salmon and ecosystem, and to develop a plan to clean them up.

Your strong position recognizes your obligation under the Alaska Constitution and statutes to make fish conservation and subsistence top priorities. While it is difficult to identify the sole cause of the decline, we applaud your leadership in recognizing that all of the factors – high-seas and foreign interceptions, hatchery fish competition, trawl bycatch, and contamination – are contributing to some degree cumulatively to the

problems of western Alaska salmon. Clearly the decline of salmon in western Alaska is a complicated and important issue with far-reaching effects on communities and ecosystems. We hope that the complexity of the issue does not impact the ability of the various agencies to follow through with the requests you have made.

Sincerely,



Kris Balliet
Alaska Region Director

cc: James Balsiger, Regional Administrator, National Marine Fisheries Service
Dan Coffey, Chair, Alaska Board of Fisheries
Richard Lauber, Chair, North Pacific Fisheries Management Council
Admiral James M. Loy, Commandant, U.S. Coast Guard
Norman Mineta, Secretary of Commerce
Myron Naneng, Association of Village Council Presidents
Frank Rue, Commissioner, Alaska Department of Fish and Game

North Pacific Fishery Management Council*
Comparison of MSA Amendments
Proposed by Senator Kerry on July 27, 2000
with those
Proposed by Senator Snowe on June 7, 2000

| Issue | Kerry | Snowe |
|-------------------------------------|--|---|
| New Definitions | <ol style="list-style-type: none"> 1. New definitions for United States Citizen and exclusive quota-based program (deleted IFQ definition). | <ol style="list-style-type: none"> 1. New definitions for best scientific information available, habitat areas of particular concern, maximum sustainable yield, overfished and overfishing, and shark-finning. |
| National Standards Revisions | None | <ol style="list-style-type: none"> 1. Number 8 is revised to require consideration of individual and cumulative economic and social impacts of fishery conservation and management measures on communities, and minimize such impacts to the extent practicable. |
| Regional Councils | <ol style="list-style-type: none"> 1. Expands jurisdiction of Caribbean Council. 2. Allows NMFS to disseminate meeting notices other than in newspapers. 3. Clarifies that councils must involve SSC members on continuing basis in developing and amending FMPs and would permit compensation of SSC members. 4. Continues balanced representation between commercial and recreational sectors, but adds requirement for representation by other eligible individuals concerned with fisheries conservation and management. 5. Requires governors to include on their nomination list no more than two individuals from any one interest or sector, and requires governor to consult with members of recreational, commercial, and other fishing or conservation interests within a State before selecting the list of nominees. 6. Allows closed sessions to select cooperative research projects. | <ol style="list-style-type: none"> 1. Expands jurisdiction of Caribbean Council. 2. Allows councils to notify public about meetings by means other than newspapers. 3. Requires councils to establish one or more scientific review committees to conduct peer reviews of stock assessments and economic and social analyses. Must include SSC members and independent scientists qualified for peer review. 4. Requires councils to conduct the peer reviews of all stock assessments and analyses. 5. Requires councils to establish specific operating procedures for their industry advisory committees. |

| Issues | Kerry | Snowe |
|---|--|--|
| Contents of Fishery Management Plans | <ol style="list-style-type: none"> 1. FMPs would be required to have provisions to protect and identify HAPC, describe observer coverage and observer data monitoring needs for a fishery, and provide for hard TACs for fisheries that are overfished or undergoing rebuilding. 2. Discretionary provisions would include removing prohibition on collection of economic data from processors, allowing NMFS to restrict vessel activities in sensitive areas such as coral reefs, and allowing implementation of measures to reduce or eliminate overcapacity to prevent or end overfishing or to rebuild fish stocks. | <ol style="list-style-type: none"> 1. Revises EFH requirement to require councils to describe EFH and HAPC under guidelines established by Secretary, and if a stock is overfished, minimize to the extent practicable, adverse effects on HAPC caused by fishing and identify other actions to encourage the conservation and enhancement of such habitat. 2. Councils must describe in detail the likely effects, including individual and cumulative economic and social impacts, of the conservation and management measures on participants in the fisheries. 3. If observers are used, the program must comply with goals and objectives listed for observer programs in the Act. 4. Councils may collect economic data from processors. |
| Overfishing Provisions | No specific changes. | <ol style="list-style-type: none"> 1. If information is insufficient to conclude that a fishery is approaching being overfished, the Secretary shall notify the appropriate council and implement a research program to gather the necessary information. 2. If a fishery is determined to be overfished and the fishery harvests more than one stock of fish, the fishery shall be managed as a unit, but each stock does not have to be managed at a level which would maintain the highest abundance of each component of the fishery. 3. Rebuilding plans must consider socioeconomic impacts on fishing communities, oceanographic and environmental conditions, and the interaction of the overfished stock of fish within the marine ecosystem. |

Exclusive Quota-Based Programs

1. Councils would be allowed to develop such programs, but would not be limited to CDQs, cooperatives and IFQs.
2. New definition of exclusive quota-based programs. Deletes separate IFQ definition.
3. Would need approval of 3/5 majority of eligible permit holders and must meet seven national criteria.
4. Each council would be required to establish and maintain a review committee to conduct a 7-year review of the program and quota share holder compliance with standards of the Act. QS could be reissued to initial holder or reverse auctioned to other potential holders, giving preference to those that are providing additional and substantial conservation benefits to the fishery, such as to bycatch reduction and EFH.

1. IFQ moratorium extended to October 1, 2003.

Action by the Secretary

1. Secretarial review would be streamlined, and provide for immediate notification if a proposed plan amendment was not approvable.

1. Streamlines review and allows for early disapproval.

Essential Fish Habitat

1. Amends Section 305 to refine and clarify EFH.
2. Secretary would have continuing obligation to assist councils in identification of EFH and there will be a specified schedule for updating such information.
3. Clarifies that HAPC is to be identified and protected and would mandate priority identification and protection of HAPCs, including establishment of pilot cooperative research projects on fishery and non-fishery impacts to HAPCs.

1. Secretary must develop guidelines for identifying and describing HAPC and plans must be amended to include HAPC identifications.

| Issues | Kerry | Snowe |
|---|--|-------|
| Cooperative Enforcement Agreements | <ol style="list-style-type: none"> 1. Authorizes cooperative enforcement agreements between states and federal governments that will allow deputization of State law enforcement officers with marine law enforcement responsibilities to enforce this and other acts. | None |
| Bycatch | <ol style="list-style-type: none"> 1. Secretary must annually report to Congress on progress in implementing standardized bycatch reporting methodology required under section 303(a). 2. Establishes task force to recommend measures to monitor, manage, and reduce bycatch and unobserved fishing mortality, and the Secretary would have 6 months to develop an implementation plan. 3. Councils would need to develop bycatch reduction incentive programs that could include system of fines, non-transferable bycatch quotas, or measures that promote low bycatch gear. 4. Definition of bycatch would be revised to include seabirds. | None |

Fishery Ecosystems Plans

1. Each council within 18 months of Secretary's issuance of ecosystem guidelines, must prepare one fishery ecosystem plan for a marine ecosystem under its jurisdiction.
2. Required elements would include listings of data and information needs and means of addressing scientific uncertainty associated with the plan.
3. Councils with overlapping jurisdictions or fisheries could cooperate in developing a joint plan.

1. Within 12 months, each SSC shall identify and submit a report outlining prioritized information or research needs to support ecosystem-based management of fisheries. Secretary shall provide assistance in obtaining the necessary information without displacing existing research efforts and priorities identified by the Secretary and councils.
2. Within 18 months, the Secretary in consultation with the 8 council chairs and affected stakeholders, shall identify at least one fishery or fishery complex suitable for development of a pilot fishery ecosystem plan.
3. The Secretary shall then coordinate with the appropriate council to identify research needs and conduct research to complete the plan, including a model of the food web, habitat needs of organisms in the food web, rates of mortality, indicator species and any other relevant information needs.
4. Within 30 months of identification of pilot fishery, the council shall submit a fishery ecosystem plan for Secretarial approval.

Fishery Management Review Process

1. National Academy of Sciences would be tasked with reviewing federal fishery management process and making recommendations to congress on legislative measures or institutional and structural changes to improve the process.
2. Must review roles and responsibilities of councils and Secretary on allocations among fishery participants, design and development of fishery management alternatives, long-term planning for biological and economic management of the fishery, and establishment of conservation objectives and biological limits for the fishery.

None

| Issues | Kerry | Snowe |
|---|--|-------|
| Fisheries Outreach and Improved Scientific Information | <ol style="list-style-type: none"> 1. Creates new section 317 to establish fishery outreach program in NMFS to foster improved communication with fishing communities and practical use of technical expertise related to fishery conservation and management. 2. Workshops or town meetings would be held to explain research and technology; council members would be trained on implementation of national standards 1 and 8, NEPA, and RFA; ways of improving quality and reporting of fishery-independent data would be identified with help from industry; the response of industry to regulations would be analyzed; and NMFS would be required to develop means of communicating information to the general public in an accessible and understandable form, including web-based communications. 3. The fishery outreach program would be required to improve transparency of stock assessment methods to further the regulated community's understanding of the scientific basis for management measures. 4. Data collection and assessment methods would need to be reviewed every 7 years. 5. The Secretary would need to establish a Center for Independent Peer Review to bring in independent experts for special peer or science review. 6. A Cooperative Marine Education and Research program would be authorized with universities and institutions of higher learning in order to conduct basic research on abundance and life history information and interdependence of fisheries or stocks of fish, and other necessary fisheries information. | None |

**Socioeconomic Data
Collection**

- | | | |
|---|--|--|
| <ol style="list-style-type: none"> 1. Removes limitation on council access to proprietary or confidential commercial or financial information of fishermen or processors to allow better analysis of economic impacts, but submitted information would remain confidential for 10 years. | <ol style="list-style-type: none"> 1. Prohibition removed on collection of confidential commercial or financial information regarding fishing operations or fish processing operations. 2. Such information shall be kept confidential for 10 years following submission to Secretary. | |
|---|--|--|

**National Observer
Program**

- | | | |
|---|---|--|
| <ol style="list-style-type: none"> 1. Secretary would be authorized to establish a national observer program with oversight over regional programs and guidelines for minimum qualifications of observers. 2. Councils or Secretary would be allowed to establish observer programs funded by appropriations, fees, or fines collected under the bycatch incentive program. There would be regional subaccounts to ensure fees go back to a region. 3. Secretary would be required to evaluate adequacy of observer coverage and encourage representative participation of fishing vessels in observer programs. Gifts and bequests could be received by Secretary to administer the programs. | <ol style="list-style-type: none"> 1. Councils must establish goals and objectives, an implementation schedule, and statistically reliable methods, before establishing any new observer program. They shall ensure equity among harvesting and processing sectors, ensure that costs of program are fairly and equitably shared among participants in the fishery, and ensure that vessels and processors with observers are not put at a disadvantage with respect to other vessels and processors in the fisheries. 2. Any fees collected shall not exceed combined costs of stationing observers, inputting data, less amounts received from any other sources. | |
|---|---|--|

| Issues | Kerry | Snowe |
|--|---|---|
| Cooperative Research and Management Program | <ol style="list-style-type: none"> <li data-bbox="504 146 1218 406">1. A national cooperative research program would be established to support partnerships among state and federal governments, fishing industries, and academia for projects with priorities on bycatch reduction, conservation engineering, EFH or HAPC identification, fishery ecosystem data collection, and socioeconomic data collection. <li data-bbox="504 406 1218 535">2. Secretary would have to establish an expedited permitting process for cooperative research projects. | <ol style="list-style-type: none"> <li data-bbox="1218 146 1944 406">1. Secretary shall establish a national cooperative research and management program to be administered by NMFS, based on council recommendations. It shall consist of cooperative research and management activities between fishing industry participants, the affected states and NMFS. <li data-bbox="1218 406 1944 600">2. Each research project shall be awarded on a standard competitive basis established by NMFS in consultation with the councils. Each council must establish a research steering committee to carry out this subsection. <li data-bbox="1218 600 1944 795">3. The Secretary, in consultation with the appropriate council and industry, shall create guidelines so that participants in this program are not penalized for loss of catch history or unexpended days-at-sea as part of a limited entry system. <li data-bbox="1218 795 1944 876">4. Special authorizations of \$15 million in 2001, increasing to \$35 million by 2005, are included. |
| Data Protocols and Compatibility | <ol style="list-style-type: none"> <li data-bbox="504 941 1218 1218">1. Secretary must increase access to data and develop standardized data protocols for commercial fisheries data collection nationwide to ensure compatibility of data from other sources such as other federal and state agencies, particularly with respect to ecosystem and fish habitat data, as part of a Fisheries Information System. | None |
| Fishery Survey Vessels | <ol style="list-style-type: none"> <li data-bbox="504 1282 1218 1396">1. The Secretary would be authorized to acquire a series of modern fishery survey vessels to increase national fishery survey and assessment needs. | None |

| | | |
|--|--|---|
| Capacity Reduction | <ol style="list-style-type: none"> 1. Secretary must evaluate overcapacity in each fishery and identify measures planned or taken to reduce any such overcapacity. This information would have to be used by councils in preparing fishery impact statements. 2. Any capacity reduction program must consider and address latent capacity in the fishery. 3. Funds in the Capital Construction Fund and funds available through the Fisheries Finance Program would be available to be used for measures to reduce capacity, improve data collection and reporting, change gears to reduce bycatch and other fishery impacts, and improve vessel safety. These changes were recommended by the Federal Fisheries Investment Task Force report mandated by the 1996 SFA. | None |
| Atlantic Highly Migratory Species | None | <ol style="list-style-type: none"> 1. Secretary must consult with ICCAT commissioners in preparing plans and amendments. 2. Conservation and management measures cannot have the effect of increasing or decreasing any allocation or quota of fish or fishing mortality level to which the US agreed pursuant to ICCAT. 3. Permitting, reporting, monitoring and enforcement requirements must be comparable for commercial and recreational fisheries. |
| Shark Finning | None | <ol style="list-style-type: none"> 1. Shark finning is added to list of prohibited acts in section 307. 2. Extensive section is added on regulations needed to implement shark finning prohibition. |
| Coral Reef Conservation | None | <ol style="list-style-type: none"> 1. Extensive new section is added entitled "Coral Reef Conservation Act of 1999." |

Social and Economic Data Committee
DRAFT Summary of Proceedings,
August 15, 2000

Present:

Dennis Austin (WDFW; NPFMC)
Dave Colpo (PSMFC)
Keith Criddle (NPFMC SSC)
Steve Freese (NMFS)
Chuck Hamel (NPFMC Staff)
Jeff Hartman (ADF&G)
Dan Holland (AFSC)
Lynn LaSoff (Westward Seafoods)

Todd Lee (AFSC)
Liz Luba (Premier Pacific)
Rich Marasco (AFSC)
Ed Richardson (APA)
Susan Russell (PSMFC)
Joe Terry (AFSC)
Geana Tyler (PSMFC)

As directed by the Council, the Social and Economic Data Committee convened on Tuesday, August 15th, to continue discussions on data requirements for economic analysis. The discussions focused on two parallel issues: 1) aggregate versus disaggregate data relative to the NFMS cost/earnings/employment survey of the pollock fishery; and 2) identification of a suite of data needs for economic analysis in light of regulatory requirements and how the cost/earnings/employment survey bears on initiatives for developing a long term, encompassing approach for acquiring such data.

After considerable discussion, the Committee addressed the first issue by forming a workgroup to discuss a specific survey response proposal to be put forth by industry. Ed Richardson will chair the workgroup discussions between NMFS economists and members of industry. This workgroup will meet prior to the next Social and Economic Committee meeting, scheduled for Tues., October 3. Responding to the second point, the Committee discussed how economic analyses might be affected by procedural requirements such as the forthcoming RFA guidelines. Additionally, the committee reviewed a list of current data collection efforts proposed by the State of Alaska, the Council, and various other agencies elsewhere at the national and state levels.

NMFS Cost/Earnings/Employment Survey

The committee discussed the status of the NMFS/AKFSC pollock industry cost/earnings/employment survey and reiterated the survey's role as a stepping stone toward amassing similar data from other groundfish fisheries in the future. NFMS staff clarified that the intent of the survey was not to establish a definitive process for acquiring data, nor is it aimed at addressing immediate policy issues, but instead to provide a first step toward a data collection strategy. Therefore the survey fulfills a dual role as a pilot project to guide us in future projects while providing economic performance indicators for the pollock fishery.

While NMFS economists have undertaken a major effort, working closely with industry members to develop the survey, the project has suffered from a very low response rate. At issue is the level of disaggregation required for useful economic analysis. The Committee discussed an industry proposal to supply firm level data to an agreed upon accounting firm instead of directly to AKFSC. Industry maintains that this would be desirable for maintaining a standardized quality control process and most importantly, that such a system would alleviate serious concerns regarding the sensitive nature of firm level data. Upon NMFS' request, said accounting firm would process the data according to the requested criteria,

and then supply aggregated cuts of the data runs. NMFS economists identified numerous problems with such a system:

1. Aggregated data is only useful for generalized, broad-based analysis. For example, the regional distributional effects of reduced fishing or plant closures cannot be evaluated with aggregated data.
2. In general, data is less useful when aggregated because its statistical properties cannot be addressed. Moreover, economists' theoretical models don't lend themselves to asking the right questions ahead of time without the ability to manipulate raw data.
3. Rerunning a data cut may require OMB approval if the data run requires the agreement of all entities involved in supplying the original data.
4. It will be difficult to request data cuts that do not undermine the practical reasons for aggregation, since consecutive data runs will eventually reveal some individual level information. Given the large number of entities involved, consensus may be difficult to reach for each data run request.
5. There may be problems associated with a single accounting firm becoming a defacto contractor to the Council. It was suggested that instead of an accounting firm, a neutral body such as Pacific States Marine Fisheries Commission might be better suited.

The Committee concluded that a first step toward resolving these issues necessitates a question by question review of the survey so that NMFS economists and industry members can identify those questions which industry cannot respond to, those which will be responded in the aggregate, and those which can potentially be analyzed at the individual firm/plant/vessel level. A process of aggregation should be agreed upon for those items that industry would be reluctant to provide at the firm level. Industry representatives agreed to provide a "strawman" proposal prior to the initial workgroup meeting. To this end, a workgroup composed of industry members and NMFS economists was formed and tasked to meet prior to the Committee's next meeting. Todd Lee was designated to represent NMFS on the workgroup with Committee member Keith Criddle also participating.

Long-Term Goals

Having delegated the NMFS survey to the new workgroup, the Committee discussed its long-term goals and reviewed a number of data collection initiatives taking place elsewhere. Of particular concern was the impact of procedural guidelines on economic analysis, such as those pursuant to the requirements of E.O. 12866 and RFA. It was noted that legal challenges to agency actions were often decided based upon how well analyses adhered to procedures, regardless of whether analysts were successful in addressing each of the questions specified in procedural guidelines. The Committee's near and long-term scope will entail reviewing the RFA guidelines, determining what components analysts are currently capable of addressing, and what it would take to satisfy those elements that do require more data and/or resources typically not available to Council staff. The Committee's goals and objectives would then focus on recommending projects to address such data shortcomings.

Among a number of proposed projects brought to the Committee's attention that promise to be helpful in the near future are the following:

1. Economic and Sociocultural Pilot Study

An interagency agreement between NMFS, east coast state governments, Management Councils, the Atlantic States Marine Fisheries Commission, and U.S. Fish and Wildlife Service with industry calling itself the Atlantic Coast Cooperative Statistics Program (ACCSP). This project is aimed at

testing data collection procedures for commercial harvesters, recreational charter and party boats, recreational anglers, and seafood processors and wholesalers.

2. ADF&G proposals for AFA cooperative management.

Projects include:

- a) Tracking changes in ownership and consolidation in pollock fisheries
- b) Analysis of AFA style cooperatives
- c) Tracking changes in pollock harvesting sector employment

3. Interim Estimate of Seafood Harvesting Labor

A cooperative effort involving ADF&G, the Alaska Dept of Labor, CFEC, and the Alaska Fisheries Information Center to update estimates of seafood employment and wages.

4. Input Price Data Investigation and Feasibility Study – Pacific States Marine Fisheries Commission

This project will determine which inputs should be collected for economic modeling, analyses, and descriptive purposes for both the harvesting and processing sectors. Also provided will be recommendations on collection mechanisms and levels of disaggregation.

5. Intermediate and Final Market Data Investigation and Feasibility Study – Pacific States Marine Fisheries Commission

This study will determine the availability, timeliness, accuracy, and scope of secondary market data to provide product and market data not available through the COAR reports.

6. Atlas Project – NPFMC

For some time the Social and Economic Data Committee has discussed the merits of developing an atlas of community profiles to describe the historical and current context of the groundfish and crab fisheries relative to fishery dependent communities.

Committee Schedule

The Social and Economic Data Committee will meet again on Tuesday evening, October 3rd, in Sitka, to coincide with the Council's October meeting, and tentatively again on Tuesday evening, December 5th in Anchorage. The purpose of these meetings will be to review the Committee's recommendations to the Council made in February 1999; clarify and discuss the goals and objectives of the Committee; and review data collection initiatives by other Councils and at the national level. Copies of the Atlantic Coastal Cooperative Statistics Program have been obtained and will be distributed to the Committee members for their information.

RESOLUTION NO. 00-01

A RESOLUTION IN SUPPORT OF STUDIES AND ACTION IN DISTANT MARINE INTERCEPT FISHERIES THAT NEGATIVELY IMPACT THE SUBSISTENCE FISHERIES ON THE YUKON AND KUSKOKWIM RIVERS IN ALASKA

The Federal Subsistence Board convened a Regional Advisory Council (RAC) training session and requested feedback from the RACs on fisheries projects to be implemented by Federal Subsistence Management program in 2000 and 2001.

Whereas: The Subsistence Regional Advisory Councils of the Eastern Interior, Western Interior and Yukon/Kuskokwim Delta are duly appointed by the Secretary of the Interior pursuant to Section 805 of the Alaska National Interest Lands Conservation Act (ANILCA) Title VIII; and

Whereas: These RACs are charged with making recommendations on subsistence uses and concern of the subsistence users to the Federal Subsistence Board; and

Whereas: The communities within these regions rely heavily on Yukon River salmon; and

Whereas: The Yukon and Kuskokwim RACs support the language and intent of the unified, whole river drainage and open sea approach to management; and

Whereas: All three RACs together represent every village and all subsistence users on both the Yukon and Kuskokwim Rivers, and

Whereas: All three RACs unanimously and jointly find that as subsistence users they have noticed a steady decline in salmon stocks on both the Yukon and Kuskokwim Rivers since the 1980's; and

Whereas: Subsistence use of salmon stocks are of the utmost importance on both rivers; and

Whereas: All three RACs believe that, and have confirmation of state and federal biologists that the decline is not due to in-river subsistence, commercial, sports or recreational uses on the Yukon or Kuskokwim Rivers; and

Whereas: All three RACs find that the problem is not within the river systems, it is in the take by distant marine intercept fisheries of salmon destined for the Yukon and Kuskokwim Rivers; and

Whereas: Studies and regulatory actions are needed to determine and regulate the

distant marine intercept fisheries take of Yukon and Kuskokwim bound salmon;
and

Whereas: Data on Yukon and Kuskokwim bound salmon is lacking; and

Whereas: All three RACs find the steady decline of salmon species on the Yukon
and Kuskokwim Rivers to be of the utmost concern to subsistence and all users; and


Whereas: All three RACs speak with one mind and one voice, unanimously and
jointly agree that the signatures of their respective Council Chairs to this Resolution
represents their unanimous and joint recommendations.

NOW THEREFORE BE IT RESOLVED: That all three RACs jointly and
unanimously set the status of Yukon and Kuskokwim salmon stocks as their highest
fisheries priority.

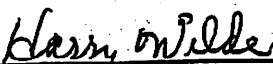
BE IT FURTHER RESOLVED: That the Federal Subsistence Board request joint
studies with National Marine Fisheries and other appropriate agencies to determine
distant marine intercept fisheries impacts on Yukon and Kuskokwim bound
salmon.

BE IT FURTHER RESOLVED: That as a part of a distant marine intercept
fisheries impact assessment, the appropriate federal agency halt these distant
marine intercept commercial fishing for a period that would allow a significant
number of salmon to escape and supplement escapement goals at both rivers, and
study the impact of that cessation on Yukon and Kuskokwim River subsistence
fisheries.

Adopted and duly passed on January 26, 2000:


Charles Miller, Sr., Chair
Eastern Interior Regional Advisory Council


Ronald Sam, Chair
Western Interior Regional Advisory Council


Harry Wilde, Chair
Yukon/Kuskokwim Delta Regional Advisory Council

RESOLUTION NO. 00-02

A RESOLUTION REQUESTING STUDIES ON THE IMPACTS OF HATCHERY SALMON ON WILD SALMON ON THE YUKON AND KUSKOKWIM RIVERS IN ALASKA

The Federal Subsistence Board convened a Regional Advisory Council (RAC) training session and requested feedback from the RACs on fisheries projects to be implemented by Federal Subsistence Management program in 2000 and 2001.

Whereas: The Subsistence Regional Advisory Councils of the Eastern Interior, Western Interior and Yukon/Kuskokwim Delta are duly appointed by the Secretary of the Interior pursuant to Section 805 of the Alaska National Interest Lands Conservation Act (ANILCA) Title VIII; and

Whereas: These RACs are charged with making recommendations on subsistence uses and concern of the subsistence users to the Federal Subsistence Board; and

Whereas: The communities within these regions rely heavily on Yukon River salmon; and

Whereas: The Yukon River and Kuskokwim River RACs support the language and intent of the unified, whole river drainage and open sea approach to management; and

Whereas: All three RACs together represent every village and all subsistence users on both the Yukon and Kuskokwim Rivers, and

Whereas: All three RACs unanimously and jointly find that as subsistence users they have noticed a steady decline in salmon stocks on both the Yukon and Kuskokwim Rivers since the 1980's; and

Whereas: Subsistence use of salmon stocks are of the utmost importance on both rivers; and

Whereas: All three RACs believe that the decline is not due to in-river subsistence, commercial, sports or recreational uses on the Yukon or Kuskokwim Rivers; and

Whereas: All three RACs find that the problem is not within the river systems, it is in the take by distant marine intercept fisheries of salmon destined for the Yukon and Kuskokwim Rivers; and

Whereas: Studies and regulatory actions are needed to determine and regulate the impact of hatchery reared salmon on Yukon and Kuskokwim bound salmon; and

Whereas: Data on Yukon and Kuskokwim bound salmon is lacking; and

Whereas: All three RACs find the steady decline of salmon species on the Yukon and Kuskokwim Rivers to be of the utmost concern to subsistence and all users; and

Whereas: All three RACs speak with one mind and one voice, unanimously and jointly agree that the signatures of their respective Council Chairs to this Resolution represents their unanimous and joint recommendations.

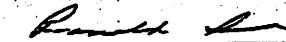
NOW THEREFORE BE IT RESOLVED: That all three RACs jointly and unanimously set the status of Yukon and Kuskokwim salmon stocks as their highest fisheries priority.

BE IT FURTHER RESOLVED: That the Federal Subsistence Board request studies be done by appropriate agencies to determine impacts of hatchery fish on wild salmon stocks in the Yukon and Kuskokwim Rivers.

Adopted and duly passed on January 26, 2000:



**Charles Miller, Sr., Chair
Eastern Interior Regional Advisory Council**



**Ronald Sam, Chair
Western Interior Regional Advisory Council**



**Harry Wilde, Chair
Yukon/Kuskokwim Delta RAC**

RESOLUTION NO. 00-03

A RESOLUTION IN OPPOSITION OF HATCHERIES ON THE YUKON AND KUSKOKWIM RIVERS DRAINAGES IN ALASKA

The Federal Subsistence Board convened a Regional Advisory Council (RAC) training session and requested feedback from the RACs on fisheries projects to be implemented by Federal Subsistence Management program in 2000 and 2001.

Whereas: The Subsistence Regional Advisory Councils of the Eastern Interior, Western Interior and Yukon/Kuskokwim Delta are duly appointed by the Secretary of the Interior pursuant to Section 805 of the Alaska National Interest Lands Conservation Act (ANILCA) Title VIII; and

Whereas: These RACs are charged with making recommendations on subsistence uses and concern of the subsistence users to the Federal Subsistence Board; and

Whereas: The communities within these regions rely heavily on Yukon River salmon; and

Whereas: The Yukon River and Kuskokwim River RACs support the language and intent of the unified, whole river drainage and open sea approach to management; and

Whereas: All three RACs together represent every village and all subsistence users on both the Yukon and Kuskokwim Rivers, and

Whereas: Subsistence use of salmon stocks are of the utmost importance on both rivers.

NOW THEREFORE BE IT RESOLVED: All three RACs unanimously and jointly oppose fish hatcheries on the Yukon and Kuskokwim Rivers and within their entire drainages.

BE IT FURTHER RESOLVED: That all three RACs jointly and unanimously set the status of Yukon and Kuskokwim salmon stocks as their highest fisheries priority.

BE IT FURTHER RESOLVED: That all three RACs jointly and unanimously support wild stocks only within the entire drainages of the Yukon and Kuskokwim Rivers.


Adopted and duly passed on January 26, 2000:



Charles Miller, Sr., Chair
Eastern Interior Regional Advisory Council



Ronald Sam, Chair
Western Interior Regional Advisory Council



Harry Wilde, Chair
Yukon/Kuskokwim Delta RAC



**United States Department of the Interior
FISH AND WILDLIFE SERVICE
OFFICE OF SUBSISTENCE MANAGEMENT
101 12TH Avenue, Box 19, Room 110
Fairbanks Alaska 99701
(907) 456-0277 or 1-800-267-3997
Vince_Mathews@FWS.GOV**



February 2, 2000

Mitch Demientieff, Chair
Federal Subsistence Board
c/o U.S. Fish and Wildlife Service
1011 E. Tudor Road
Anchorage, Alaska 99503

Dear Mitch:

Attached are three resolutions unanimously adopted at the caucus sessions of the Yukon-Kuskokwim, Eastern Interior, and Western Interior Regional Advisory Councils during the Federal Subsistence Fisheries Management Training held in Anchorage on January 24- 27, 2000. The three resolutions address concerns about the declining salmon stocks of the Kuskokwim and Yukon Rivers and hatcheries.

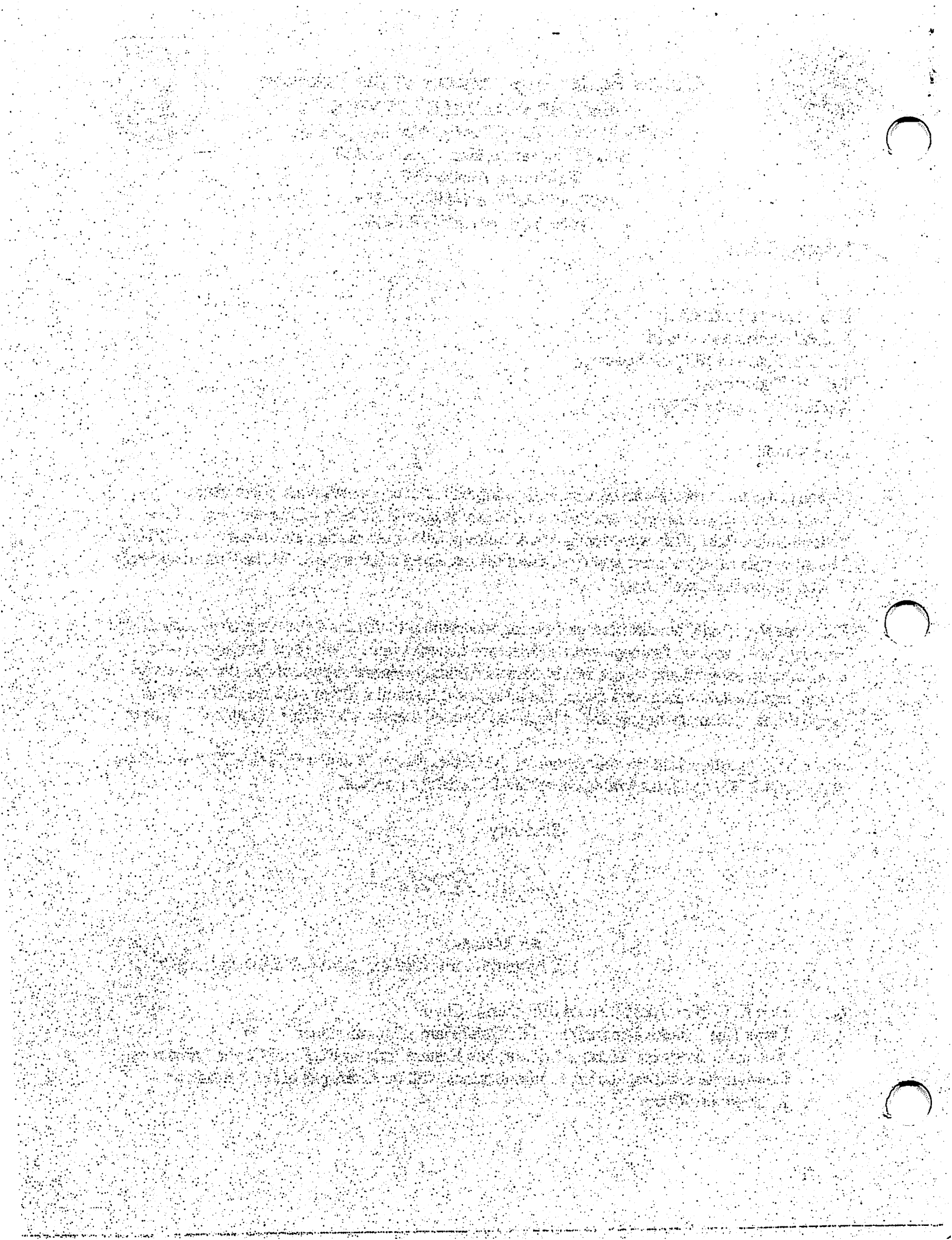
The three Regional Councils caucused during the training to discuss topics of mutual interest and how they will work on drainage wide subsistence fisheries issues. All three resolutions were unanimously adopted and copies will be sent to communities and organizations throughout the Yukon and Kuskokwim Rivers areas. Each Regional Council will have the resolutions as an agenda item at their upcoming public Regional Council meetings later this month and in March.

If you have questions, please contact one of the Chairs (Harry Wilde at 907-591-2039, Ron Sam at 907-968-2235, or Chuck Miller, Sr. at 907-882-2695) or myself.

Sincerely,

Vince Mathews
Regional Coordinator for Eastern & Western Interior

cc: Dan K. Coffey, Alaska Board of Fisheries Chair
Frank Rue, Alaska Department of Fish and Game Commissioner
Yukon-Kuskokwim, Western Interior, and Eastern Interior Regional Council members
Communities, tribes, and other organizations with the drainages of the Yukon and Kuskokwim Rivers





**alaska
fresh
seafoods, Inc.**

PLANT: 105 MARINE WAY, KODIAK, AK 99615 (907) 486-5749 FAX (907) 486-6417
HEAD OFFICE: 105 MARINE WAY, WEST, SUITE 204, SEATTLE, WA 98199

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SEP - 5 2000

September 4, 2000

N.P.F.M.C.

Clarence Pautzke
Executive Director
North Pacific Fishery Management Council

Re: Agenda Item C-5(a): Magnuson Stevens Act Reauthorization, Transferable Processing Quotas for Bering Sea Crab Processors

Dear Mr. Pautzke,

As the Council may be aware, several members of the Bering Sea crab industry are attempting to pass an amendment to the Magnuson Stevens Act that would grant Bering Sea crab processors transferable processing quotas for Bering sea crab. I ask the Council to take the circumstances of Alaska Fresh Seafoods, and other Kodiak processors into account as you discuss the proposal to distribute transferable processing quotas to Bering Sea processors.

Alaska Fresh Seafoods, and several other Kodiak processors, have a long history of processing Bering Sea crab. It is important that the Council understand the history of the Kodiak processors when they discuss the granting of transferable processing quotas for Bering Sea crab. I am worried that Kodiak processors may be precluded from the opportunity to process Bering Sea crab in the legislation that has been proposed. Kodiak processors should not be required to meet the same qualification requirements that may be determined for Bering Sea processors. Any formula that is used as the basis of determining the general qualification of a processor to receive a transferable processing quota, or that is used to compute the individual transferable processing quota for a specific processor, should consider the special circumstances of Kodiak processors, and therefore, the formulas and qualifying criteria may need to be different for Kodiak processors.

I hope that the Council understands that many of the Bering Sea crab processors will end up owning a substantial portion of any harvesting IFQs that are distributed because of the ownership interest that many of these Bering Sea crab processors have in crab catcher vessels and in crab catcher processors. I hope that the Council also understands, depending on the qualifications that are adopted, that some of the processors who will receive transferable processing quotas for Bering Sea crab could end up to be the only processors who will be able to process Bering Sea crab in Kodiak and elsewhere in the Gulf of Alaska because of their ownership of processing assets in the Gulf. And, some of these processors are already protected and capitalized under AFA, whereas many Kodiak processors are not.

Depending on the year, Bering Sea crab has represented an important component of the overall product mix that Alaska Fresh Seafoods and other Kodiak processors depend upon. Since we opened the doors in 1978, and through the mid-1980's, AFS has processed Bering Sea king crab and tanner crab on a fairly regular basis. Bering Sea crab was an extremely important part of our product mix during that time. Since the mid-1980's, we have still processed Bering Sea crab, but to a lesser degree because of declining crab quotas, and the shortness of the seasons. We have frequently depended upon Kodiak and non-Kodiak crab vessels bringing their last trips back to Kodiak. I feel that AFS, and other Kodiak processors, have provided an important alternative market for crab vessels that needs to be protected. It is very likely that AFS, and other Kodiak processors, will be largely left out of the allocation scheme for Bering Sea crab because of the amounts of Bering Sea crab that we have processed in recent years, and the priority that we are told is being put on recent processing history since 1996. Also, if only 10% of the Bering Sea crab quotas are left for open competition among processors as we are told is being proposed, that will not go far. For example, the 2000 Bristol Bay red king crab quota is approximately 8.0 Million pounds. That means that only approximately 800 Thousand pounds would be available for open competition between Kodiak processors and those Bering Sea processors that will already have received transferable processing quotas. You can see that AFS and other Kodiak processors will have a difficult time competing in this fishery.

I believe that the Council should tell Congress that the Council is the proper entity to be developing IFQ programs. However, if Congress wishes to grant Bering Sea crab processors transferable processing quotas for Bering sea crab, we ask the Council to request Congress to grant protection to, and provide for the special circumstances of, Alaska Fresh Seafoods and other Kodiak processors.

Sincerely,

David Woodruff
Vice President, Owner, and General Manager
Alaska Fresh Seafoods

LATE COMMENT