


MEMORANDUM

TO: Council, AP and SSC Members

FROM: Clarence G. Pautzke
Executive Director 

DATE: January 10, 1991

SUBJECT: Future Management Planning

ACTION REQUIRED

Receive Fishery Planning Committee recommendations on planning for sablefish, halibut, other fisheries, and the moratorium. Take action as appropriate.

Background

Sablefish Management

In December the Council referred the tabled motion for sablefish IFQs and an alternative IFQ system for sablefish and halibut, submitted by Mark Lundsten, to the Fishery Planning Committee for further development. These two systems are compared in item C-7(a). Clem Tillion has proposed yet a third alternative IFQ system, one that is combined with an open access/exclusive registration area fishery (item C-7(b)). The Committee will report their recommendations on these proposals and further action on limited access in the sablefish fishery.

Should the Council decide to move ahead on a particular alternative, here is a tentative schedule that would allow for final Council action in June 1991 and implementation by the Secretary in January 1993:

June 29, 1991	Final Council decision
July 31	Package forwarded for Secretarial review
November 5	Secretarial decision
December 18	End of APA cooling off period
January, 1992	Begin 120-day application period
May	End application period
August	End 90-day notification period
November	End 90-day appeals period
January 1, 1993	Implementation

It would be most expedient if the Council could choose its design options at this meeting. If the Council prefers an alternative to the tabled motion, some additional analysis will be needed to factor in 1990 participation. An open access option also would take additional work, even though the annual fishing allotment system considered earlier by the Council had such an option. The additional analysis would probably not take much more than a month of concentrated effort, especially if catch data for 1990 can be developed quickly. These analyses would be brought back to the Council as an addendum when the final decision is made. The Council's preferred alternative and revised analysis would be available for further public comment during the Secretarial review process.

A letter on the IFQ issue from Deep Sea Fishermen's Union of the Pacific is under C-7(c).

Halibut Management

In past schedules, development of a halibut limited access system always has trailed that of a system for sablefish. For example, it was anticipated last June that analysis of an IFQ system for halibut would have been initiated after the Council took final action on sablefish.

The IFQ proposal offered by Mark Lundsten includes companion systems for sablefish and halibut, both to take effect in 1993. Final action on halibut would mostly likely have to be taken no later than September 1991 to allow time for Secretarial review, applications, and appeals, if the Council wants the system in place for 1993. Consequently, the analysis would have to be completed for initial review in June, so there could be public review over the summer. The Council would need to give its design preferences to the staff as soon as possible for there to be sufficient analytical time to make the June deadline. The staffs of the Council, Region and Center will meet and be able to brief you on availability to work on a halibut proposal. The Fishery Planning Committee will also report on this topic.

Other Fisheries

In December the Council requested the Fishery Planning Committee to consider limited access schedules for fisheries other than sablefish and halibut. The public was noticed on September 5, 1990 of the Council's intent to develop limited access measures for the fisheries, however, no schedule was established. The Council needs to consider if and when to move ahead in developing alternative management strategies for the other groundfish fisheries and crab.

Moratorium

Last September the Fishery Planning Committee was asked to develop specific alternatives on the moratorium and report back to the Council in April 1991. To do this, the Fishery Planning Committee needs to establish a schedule for designing the alternatives during February and March, perhaps at the same meetings they will hold to consider inshore-offshore. There is the possibility that staff will be available after April or during the summer to analyze the proposed moratorium, depending on progress on other Council projects.

The Council also requested a report on the Capital Construction Program and its relation to the moratorium provisions. I've asked NOAA-GCAK to brief the Council on that issue.

Item C-7(d) has news items related to a moratorium on longline vessels in Hawaii's tuna-billfish fisheries.

Elements of a Sablefish Fixed Gear IFQ Management System

This outline presents the proposed individual fishing quota system (IFQ) for sablefish hook-and-line and pot fishing. When present, the left column presents the motion as tabled at the August and September meetings; the right column lists changes proposed by some industry members for this meeting. Sections which are **grayed out** represent changes to the text while sections which are **overstruck** represent deletions.

I. SCOPE OF PROGRAM

- A. **Sablefish**
- B. **Longline and pot vessels**

II. THE WHO, WHAT, WHEN, WHERE, AND HOW OF IFQS

- A. **What** - Each IFQ would be a set poundage of sablefish for a particular year. They would be based on the number of quota shares for each management area. The **amount of weight assigned to each unit would vary yearly** as the total allowable catch (TAC) varied from year to year. **Quota shares (QS)** would be issued during the initial allocation process and would be based upon historical, qualifying landings. They would represent a percentage of the TAC for each area.
- B. **Where** - **All six management areas in the Gulf of Alaska, Bering Sea, and Aleutian Islands:** Southeast Outside/East Yakutat, West Yakutat, Central Gulf, Western Gulf, Bering Sea, Aleutian Islands.
- C. **When** - IFQs would be issued **yearly to those who owned quota shares. Initial allocations would be made for the 1992 1993 fishing year.**
- D. **Who** - The person who owned or was a lease holder of a vessel that made sablefish longline or pot landings.
 - 1. **"Person"** - As defined by the Magnuson Act with the exclusion of non U.S. citizens. Any individual who is a U.S. citizen, any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State but being owned and controlled by a majority of U.S. citizens), and any Federal, State, or local government or any entity of any such government.
 - 2. **Initial allocations would go to vessel owner(s) except when a qualified lease exists. In case of a lease, it would be termed as a bareboat charter. The lease holder would receive full credit for trips made under a qualified lease.**
- E. **How initial allocations will be made.**
 - 1. **An owner or lease holder must have made longline or pot landings of sablefish in at least one of the years ~~1987, 1988, or 1989~~ 1984 through 1990.**

(TABLED)

(PROPOSED)

2. Initial allocations, **quota shares**, would be based on the recorded landings (**fish tickets**) during 1984 through 1989, of all vessels each person owned or held by lease. **The total of each person's six year landings, by area, would be added together.**

2. Initial allocations, **quota shares**, would be based on the recorded landings (**fish tickets**) during 1984 through 1990, of all vessels each person owned or held by lease. Each person's **five highest poundage years**, by area, would be added together.

(TABLED)

3. IFQs and Qs denoted by vessel category. Each person would receive allocations for the vessel category of their most recent sablefish landings. If, in their last year in the fishery, they owned or leased two or more vessels that landed sablefish then the allocations would be for the larger vessel category. Vessel categories are:
- i. Less than 50' length over all.
 - ii. 50' to 75' length over all.
 - iii. Over 75' length over all.
 - iv. All freezer/longliners regardless of size.

II. F. Hook-and-line or pot caught sablefish could not be landed without IFQs. There would be **no open access portion** to the sablefish fixed gear fishery.

III. TRANSFERABILITY

(TABLED)

- A. Permanent sales of Quota Shares (QS) are permitted. All sale and leasing of IFQs shall be **prohibited**. All leasing of QS shall be **prohibited**.
- G. 1. Any person may purchase QSs.
2. To use QSs or IFQs, a person must either own a vessel upon which the QS/IFQ is used, or be on board the vessel as crew or operator.

(PROPOSED)

3. IFQs and Qs will be denoted by vessel category. All landings made during the qualifying period shall be calculated for the category of vessel which landed them. There are no size limitations for vessels in either category. The vessel categories are:
- i. Catcher vessels.
 - ii. Freezer longliners.

(PROPOSED)

- A. i. **Freezer longliner** QSs and IFQs may be sold or leased to **any person**. The person renting or purchasing the QSs or IFQs must either own the vessel the IFQs will be used on or must be onboard the vessel as crew or operator.
- ii. **Catcher vessel** QS and IFQ owners must be **U.S. citizens** and, except where an allowable lease exists (below), **must be onboard** the vessel when that allocation is being utilized and **must sign the fish ticket**.
- a. Each person receiving catcher vessel QSs must designate a U.S. citizen to be the owner of the QSs before using them or, at most, within 90 days of their issuance.
 - b. Catcher vessel QSs may be transferred only to an individual who is a U.S. citizen.

- c. Catcher vessel IFQs may be transferred to another U.S. citizen who must be aboard the vessel utilizing those IFQs and who must sign the fish ticket. However, no more than 50% of any person's IFQs may be transferred except in cases of illness, injury, or emergency to be further defined by NMFS.

- B. All QS and IFQ transfers would have to be approved by NMFS based on findings of eligibility criteria prior to fishing.
- C. Persons must control IFQs for amount to be caught before a trip begins.
- D. QSs and IFQs are management area specific and may not be transferred between areas.
- E. QSs and IFQs are vessel category specific and may not be transferred between vessel categories.
- F. A limit of 2% 3% of the combined area fixed gear TACs would exist on the amount of IFQs one person or vessel could own, use, or control. Any person receiving an initial distribution of QSs in excess of 2% 3% of the combined area fixed-gear TAC shall not be able to own, use, or control more QS or IFQ above the amount initially received.
- G. Fish caught with freezer longliner IFQs may be delivered frozen or unfrozen but fish caught with catcher vessel IFQs may not be frozen aboard the vessel utilizing those IFQs.
- H. IFQs would not be valid for trawl caught sablefish from any area nor for pot caught sablefish from the Gulf of Alaska.

IV. DURATION OF IFQ HARVEST PRIVILEGES

- A. No specified ending date. Harvesting privileges may be subject to periodic change, including revocation, in accordance with appropriate management procedures as defined in the Magnuson Act. (The privileges are good for an indefinite period of time.)

V. COASTAL COMMUNITIES - ~~The issue of allocations to economically disadvantaged coastal communities is being considered by the Council in concept. The concept is attached. No more than 3% of any area's TAC may be allocated as special quota shares among disadvantaged coastal communities such as Atka, St. George, and St. Paul.~~

VI. ADMINISTRATION

- A. NMFS Alaska regional office would administer the IFQs.
- B. Settlement of appeals disputes during the allocation process.
 - 1. The basis of judgement for use in appeals will be fact. That is, unsubstantiated testimony will not be considered. Lease holders would have to come to the Appeals Board with verifiable certified records and

agreement of the owner of record of the vessel. If such agreement cannot be reached, judicial proceedings outside of the Appeals Board would be required. Appeals could be brought forth based on **two criteria**:

- a. **Errors in records.**
 - b. **Documented lease holder qualification.**
2. Initial appeals would be heard by an **Appeals Board composed of government employees rather than industry members**. Subsequent appeals would go to NMFS Alaska Regional Director followed by appeals to the Secretary of Commerce and then the court system.

NOTE: The Council wishes to express its intent concerning the following ~~two~~ specific points.

1. It is the Council's intent to find a way to finance the IFQ program without redirecting costs. This might include a cost recovery program from QS and IFQ owners.
2. Should the program end, no compensation would be due to QS or IFQ owners or users. That is, the termination of this program would not constitute "taking".
3. ~~The Council intends to pursue the development of an IFQ alternative for the halibut fishery. This halibut system would closely resemble the above sablefish IFQ plan with only a few changes. After a full public review, the Council will decide on the halibut alternative based on its own merits.~~

LONGLINE MANAGEMENT PLAN - Sablefish and Halibut -

Outline

- 1 - 1984-1990 qualifying years, best 5 out of 7 for each area.
- 2 - Two categories - Freezer boats and catcher boats - no size restrictions.
- 3 - Freezer boat quota shares fully saleable and leaseable to a "person" as defined by the Magnuson Act (includes partnerships, corporations, etc.).
- 4 - Catcher boat quota shares to be owned and used only by U.S. citizens, and sold and leased only to U.S. citizens.
- 5 - Catcher boat quota shares only 50% leaseable.
- 6 - Owner or lessor of catcher boat IFQs must be aboard while using IFQs and must sign the fish ticket.
- 7 - 3% of total TAC will be limit for ownership of quota shares.
- 8 - Halibut freezer boat quota shares capped at 15% of halibut quota.
- 9 - Any fish caught with IFQ available on that vessel must be retained.

1 - FIXED GEAR IFQs FOR SABLEFISH

(1) Each quota share represents a percentage of the total allowable catch (TAC) for each management area. They will be issued during the initial assignment process and will be based upon historical, qualifying landings. Each IFQ will be a set poundage of sablefish for a particular year. The amount of weight assigned to each unit of IFQ will vary yearly as the TAC varies from year to year. Any person's IFQ for any area and vessel category always will be directly proportional to that person's number of quota shares for that management area and vessel category.

(2) All six management areas of the GOA and BS/AI will be included.

(3) IFQs will be issued annually to those who hold quota shares. Initial assignments will be made for the 1993 fishing year.

(4) Initial assignments of quota shares will go to qualified vessel owners except when a qualified lease (a "bare-boat charter") exists. This kind of lease holder will receive full credit for deliveries made under a qualified lease.

(5) Quota shares shall be issued for each management area of the Gulf of Alaska and the Bering Sea.

(6) Initial assignments of quota shares would be based on the recorded landings (fish tickets) from 1984 through 1990. For each area, each person will use the 5 years out of 7 in which that person's total catch in poundage is highest. The sum of each person's 5 selected years for each area shall be divided by the total poundage of all persons' 5 selected years for that area. The resultant percentage shall be that person's quota share for that area's TAC.

(7) Quota shares and IFQs shall be vessel category specific. All landings made during the qualifying period by freezer longliners shall be calculated for one category of quota shares. All landings made during the qualifying period by catcher boats shall be calculated for a separate category of quota shares. There shall be no size limitations for vessels in either category.

(8) Each initial allocation of quota shares in either vessel category shall be to a "Person" as defined by the Magnuson Act.

(9) Each person owning freezer longliner quota shares may sell those quota shares to any other person or lease the annually issued IFQs from those quota shares to any other person as long as that person either owns a vessel upon which those quota shares or IFQs are used or is on board the vessel as crew or operator. Fish caught with freezer longliner IFQs may be delivered frozen or unfrozen.

(10) Each person receiving catcher boat quota shares in the initial assignment process may land their initial quota share IFQs on a vessel they own without that person being present or signing the fish ticket. Otherwise, and for any subsequent quota-shares or IFQs acquired, the following regulations shall be in effect. Each person owning catcher boat quota shares must designate before using those quota shares or within 90 days of their issuance a U.S. citizen to be the owner of those quota shares. That U.S. citizen must be aboard the vessel utilizing IFQs of those quota shares while that vessel is fishing for that allocation of IFQs and must sign the fish ticket except when an allowable lease occurs. Catcher boat IFQs may be leased, but only to another U.S. citizen who must be aboard the vessel utilizing those leased IFQs and who must sign the fish ticket. No more than 50% of any person's IFQ may be leased except in cases of illness, injury or emergency to be further defined by NMFS. Any U.S. citizen owning catcher boat quota shares may sell those quota shares only to another U.S. citizen. Fish caught with catcher boat IFQs may not be frozen aboard the vessel utilizing those IFQs.

(11) There will be a limit of 3% of the combined area fixed-gear TAC on the amount of IFQs that any one person or vessel can hold, control, or use in any given year. Any person or vessel receiving an initial assignment of quota shares in excess of 3% of the combined area fixed-gear TAC shall not be able to hold, control, or use more quota share than the amount initially received.

(12) Persons must control IFQs for the amount to be caught before a trip begins.

(13) Quota shares or IFQs for either vessel category or any management area may not be transferred to the other vessel category or any other management area.

(14) IFQs would not be valid for trawl caught sablefish from any area nor for pot caught sablefish from the GOA.

(15) Hook-and-line or pot caught sablefish cannot be landed without IFQs. There will be no open access portion of the sablefish fixed gear fishery.

(16) All quota share and IFQ transfers will have to be approved by NMFS based on findings of eligibility criteria prior to fishing.

(17) IFQ harvest privileges are good for an indefinite period of time. There is no specified ending date. These privileges may be subject to periodic change, including revocation, in accordance with appropriate management procedures as defined by the Magnuson Act.

(18) No more than 3% of any area's TAC may be allocated as special quota shares among disadvantaged coastal communities such as Atka, St. George, and St. Paul.

(19) Any vessel may not discard any legal size fish for which it has available IFQ.

(20) Administration of IFQs, the original issuance of quota shares, and the handling of appeals from that process shall be handled by NMFS.

2 - LONGLINE IFQs FOR HALIBUT

A system for halibut will be exactly identical to the system for sablefish in all details except for the following:

(1) All halibut quota shares shall be issued according to the same procedures and with the same regulations governing their ownership and use as the sablefish catcher boat quota shares except as stated below in (2) and (3).

(2) Any hook-and-line freezer vessel that fishes for any species besides halibut may use halibut quota shares issued to them or may buy halibut quota shares in order to retain halibut.

(3) A maximum of 15% of all halibut quota shares may be held by the hook-and-line freezer vessel fleet. All regulations regarding the use and ownership of these halibut quota shares shall be the same as for the sablefish freezer longliner quota shares.

(4) In all management areas, as per the regulations of the International Pacific

Halibut Commission, only hook-and-line gear shall be used to harvest halibut. All regulations of the IPHC concerning size limits, closed areas, etc., shall remain in effect.

NOTE: After the initial issuance of all quota shares by NMFS for all categories for both species, any recipient shall have six (5) months to respond and claim those quota shares. Any unclaimed quota shares shall be redistributed proportionately among those recipients who have claimed their quota shares.

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This proposal attempts to take an overall view of the longline industry, the groundfish industry as a whole, and the total complex of all fisheries in the North Pacific. Implementation of this plan will not obviate any other existing or future plans of the Council or the state of Alaska to manage any other fishery. Pacific cod, for longliners, pots, or trawl, may not need an IFQ system, and will not necessarily have to have one with this system in place. The whole pollock question in its current overcapitalized state, and with all the attendant onshore processing vs. offshore processing questions remains unaffected by this plan.

The provision to require U.S. citizens to own certain quota shares and to be on board while they are used will do two things: 1) It will keep the pool of bidders for quota shares small, within the social and economic class of fishermen - skippers and crew. The cost of quota shares will thus find its own level within the marketplace for the purposes of fishing, not speculative investing, and thus should be lower. A crewman wishing to invest in his livelihood for purposes of future ownership of a vessel or for use of his own IFQs on the deck of someone else's boat will not be bidding against Unisea or Arctic Alaska for quota shares, but rather against other fishermen with the same resources for capital. 2) It will more or less maintain the socioeconomic complexion of the longline fleet and allow for its continuance.

The limitation on leasing of catcher-boat IFQs at 50% is included: 1) to mirror the predominant, owner-operator nature of that fleet; 2) to allow for those who have designed 12-month-a-year operations to have relief skippers, and; 3) to prevent the "landlording" of quota shares.

Size categories are not included in this plan since they seem to breed too many management complications. With only two vessel function classes, the aforementioned complexion of the fleet is

accommodated and allowed to continue. Breaking the fleet into size classes, though, would serve to isolate too many small pieces of quota share in certain areas: e.g. under 50 feet in the Aleutians would probably be an unmanageably small number. Again, the marketplace will determine what size vessel will predominate in which area. Clearly, the vessels that extract the most dollars from a pound of black cod in SE Alaska, for example, are trollers, with their minimal crew and fuel expenses. Their poundage may not be high, but their profit percentage is. The Aleutians, on the other hand, will undoubtedly be fished more by boats that can handle the long distances and the weather.

The freezer longliner fleet is already a non-owner operator fleet and in this plan is treated as such. The allocation of IFQs to such a fleet is a direct reflection of that fleet's historical production and does not infringe on that fleet's production of Pacific cod, the species for which most of that fleet has been designed predominantly to catch.

Except for the freezer longliners, the onshore-offshore question has not really been an issue in the longline business. But, with these quota shares, many processors fear that processing will become an almost exclusively offshore operation before too long and that the traditional processors will receive very little product. The breakdown of quota shares into the two classes and the requirements placed on the use of catcher boat IFQs insure that historical patterns of catching and processing sablefish and halibut are maintained: product still will be coming to shore based companies for processing.

By applying some requirements and restrictions in as basic a manner as possible, we can maintain historical social and economic patterns of the longline fleet. If, in the future at any time, these provisions prove cumbersome or unnecessary, they can always be removed. In the meantime, they provide a working system for all facets of the contemporary system. In general, the provisions of this plan are analogous to land use zoning. You can always change residential zones to industrial; but, it's pretty difficult to change back from industrial to residential. Better to "zone" conservatively, and simply, now and be able to lift those zoning laws later.

Mark S. Lundsten
11/1/90

January 9, 1991

Joseph R. Blum, Director
Washington Department of Fisheries
115 General Administration Building
Olympia, WA 98504

Dear Joe:

Commissioner Collinsworth has designated me as the Alaska Department of Fish and Game's alternate to the North Pacific Fishery Management Council. I plan on attending the Fishery Planning Committee meeting you will chair in Anchorage on January 14, 1991.

I understand that you will be considering the sablefish IFQ system designed by the Council last summer, and the sablefish/halibut IFQ systems proposed by Mark Lundsten in December. I would like you to also consider the attached IFQ proposal which I have developed with the help of Ron Hegge. It is similar to the other designs, but has the following unique features:

1. The IFQ fishery would be restricted to 80% of an area's fixed gear TAC. The other 20% would go to an open access fishery in the area. Areas would coincide with current sablefish management areas.
2. Any person owning or using IFQs in any area could not fish in the open access fisheries, except as provided in item 3 below.
3. The 20% TAC open access fishery would be managed using exclusive registration areas. A person (without IFQs anywhere off Alaska) would have to choose one and only one area to fish in the first three quarters of the year.
4. In the fourth quarter, exclusive areas with unused quota would be opened to all open access fishermen and to IFQ fishermen who had used up their IFQ for the year.
5. Initial IFQs would be based on one of two options: (1) the best one of three years (1988-1990), or (2) the average of five of seven years (1984-1990).
6. There would be no vessel categories for IFQs.
7. IFQs would be fully saleable and leasable.
8. No more than 2% of the combined area fixed gear TACs could be used on a single vessel, except for those vessels initially qualifying for more than 2%.
9. There would be no special CDQ provisions other than continuing opportunity for newcomers in the open access fisheries.

Joseph Blum
January 9, 1991
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I hope that the Committee will ask the Council to direct staff to move ahead as quickly as possible with whatever supplemental analysis might be required so that final approval for sablefish could be considered this June, or even earlier, if possible. Eventually I would like to have the three major longline fisheries - Pacific cod, halibut and sablefish - under IFQs, and require fishermen holding IFQs of one species to hold some proportion of the other two species for bycatch purposes and to ensure a diversified portfolio in case one species experiences a downturn in abundance.

A companion concept I'd like the Committee to consider is to allow the retention of halibut bycatch in the fixed gear, Pacific cod fishery, up to a limit based on the amount of Pacific cod harvested, for example, one pound of halibut to four pounds of cod. Excess bycatch would have to be discarded and would count toward the halibut PSC for the gear type in the area. The bycatch retained in a regulatory area would be deducted from just that area's directed halibut quota, and therefore would not decrease the quotas in other areas off Alaska or Washington.

Such a system would promote development in the cod fishery and put fresh halibut in the market place almost year round, satisfying a consumer need. It would reduce waste of halibut and would help keep halibut bycatch from overly controlling the directed cod fishery. As the cod fishery develops, the directed halibut fishery would diminish in importance and may turn into a clean-up fishery toward the end of summer. The bycatch retention system might also be carried over into the 20% open access fisheries to control the race for bycatch if the Council extends an IFQ system such as the above to include Pacific cod.

Perhaps this bycatch concept is more properly placed before the Council's Ad Hoc Bycatch Committee, or first before the full Council. My thought is that it would be beneficial for your Committee to at least give the concept some initial consideration, especially as you examine staff workloads in 1991.

I look forward to seeing you at the Committee meeting.

Sincerely,



Clem Tillion
Special Assistant for Fisheries
Governor's Office
State of Alaska

Elements of a Sablefish Fixed Gear IFQ Management System

This outline presents a proposed individual fishing quota system (IFQ) for sablefish hook-and-line and pot fishing. It is presented in the same form as the motion currently under Council consideration.

I. SCOPE OF PROGRAM

- A. **Sablefish**
- B. **Longline and pot vessels**

II. THE WHO, WHAT, WHEN, WHERE, AND HOW OF IFQS

- A. **What** - Each IFQ would be a set poundage of sablefish for a particular year. They would be based on the number of quota shares for each management area. **The amount of weight assigned to each unit would vary yearly as the total allowable catch (TAC) varied from year to year. Quota shares (QS) would be issued during the initial allocation process and would be based upon historical, qualifying landings.**
- B. **Where** - **All six management areas in the Gulf of Alaska, Bering Sea, and Aleutian Islands: Southeast Outside/East Yakutat, West Yakutat, Central Gulf, Western Gulf, Bering Sea, Aleutian Islands.**
- C. **When** - IFQs would be issued yearly to those who owned quota shares. **Initial allocations would be made for the 1993 fishing year.**
- D. **Who** - The person who owned or was a lease holder of a vessel that made sablefish longline or pot landings.
 - 1. **"Person"** - As defined by the Magnuson Act with the exclusion of non U.S. citizens. Any individual who is a U.S. citizen, any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State but being owned and controlled by a majority of U.S. citizens), and any Federal, State, or local government or any entity of any such government.
 - 2. **Initial allocations would go to vessel owner(s) except when a qualified lease exists. In case of a lease, it would be termed as a bareboat charter. The lease holder would receive full credit for trips made under a qualified lease.**
- E. **How initial allocations will be made**
 - 1. **An owner or lease holder must have made longline or pot landings of sablefish in at least one of the years 1984 through 1990.**
 - 2. **Initial allocations, quota shares, would be based on the recorded landings (fish tickets) during 1984 through 1990, of all vessels each person owned or held by lease. The five best of each person's seven year landings, by area, would be added together. Years with no landings would be counted as 0.**

*Suboption would be to require an owner or leaseholder to have made landings of sablefish in at least one of the last three years (1988, 1989, or 1990); initial allocations, quota shares, would be based on the single best year of the three.

- F. **Open access fishery.**
1. Each area would have the fixed gear TAC divided between an IFQ fishery and an open access fishery. The proportions would be **80% in IFQs and 20% in open access.**
 2. **Any person or vessel who owns or uses IFQs in any area would not be permitted to participate in the open access fishery in any area except as noted below.**
 3. The open access fishery would be managed by **exclusive registration areas.** No person could fish with hook-and-line or pot gear in more than one area except as noted below. The areas would be based on the existing sablefish management areas.
 4. **At the beginning of the fourth quarter, the open access fishery would be opened to any person or vessel from any area provided they did not own or control any unused IFQs for that fishing year. The exclusive registration areas would no longer exist for that fishing year.**

III. TRANSFERABILITY

- A. All IFQs and QSs would be **fully saleable and leasable.**
- B. All QS and IFQ transfers would have to be **approved by NMFS based on findings of eligibility criteria prior to fishing.**
- C. **Persons must control IFQs for amount to be caught before a trip begins.**
- D. **QSs and IFQs are management area specific and may not be transferred between areas.**
- E. **A limit of 2% of the IFQ portion of the combined area fixed gear TACs would exist on the amount of IFQs one person could own or control. Any person receiving an initial distribution of QSs in excess of 2% of the combined area fixed-gear TAC shall not be able to own or control more QS or IFQ above the amount initially received.**
- F. **Any person, as defined above, may own or control QSs and IFQs. Proof of citizenship or majority ownership and control may be required.**
- G. **IFQs would not be valid for trawl caught sablefish from any area nor for pot caught sablefish from the Gulf of Alaska.**
- H. **Currently, this proposal contains no vessel categories.**

IV. DURATION OF IFQ HARVEST PRIVILEGES

- A. **No specified ending date. Harvesting privileges may be subject to periodic change, including revocation, in accordance with appropriate management procedures as defined in the Magnuson Act. (The privileges are good for an indefinite period of time.)**

V. ADMINISTRATION

- A. **NMFS Alaska regional office would administer the IFQs.**
- B. **Settlement of appeals disputes during the allocation process.**
 1. **The basis of judgement for use in appeals will be fact. That is, unsubstantiated testimony will not be considered. Lease holders would have to come to the Appeals Board with verifiable records and agreement of the owner of record of the vessel. If such agreement cannot be reached, judicial proceedings outside of the Appeals Board would be required. Appeals could be brought forth based on two criteria:**

- a. **Errors in records ~~fish ticket information.~~**
- b. **Documented lease holder qualification.**
- 2. **Initial appeals would be heard by an Appeals Board composed of government employees rather than industry members.** Subsequent appeals would go to NMFS Alaska Regional Director followed by appeals to the Secretary of Commerce and then the court system.
- C. All persons who are first point of sale purchasers of sablefish (processed or unprocessed) would be required to obtain a purchasers license from NMFS.
- D. Vessels may unload sablefish (processed or unprocessed) only in areas designated by NMFS. Prior notification of such offloading may also be required by NMFS, especially in the case of deliveries to non-permanent facilities.
- E. All catch of sablefish will be counted against IFQs or the open access TAC, whichever is appropriate. Discards of sablefish will be permitted but must be accounted for.

NOTE: The Council wishes to express its intent concerning the following two specific points.

- 1. It is the Council's intent to find a way to finance the IFQ program without redirecting costs. This might include a cost recovery program from QS and IFQ owners.
- 2. Should the program end, no compensation would be due to QS or IFQ owners or users. That is, the termination of this program would not constitute "taking".

**Distribution of Sablefish TAC under IFQ Proposal
which includes 20% Open Access Fishery
(all values are metric tons)**

	<u>1991 TAC*</u>	<u>LLTAC**</u>	(IFQ holders) <u>80% LL TAC</u>	(open access) <u>20% LL TAC</u>
Eastern Bering Sea	3,100	1,550	1,240	310
Aleutian Islands	<u>3,200</u>	<u>2,400</u>	<u>1,920</u>	<u>480</u>
Subtotal	6,300	3,950	3,160	790
<u>Gulf of Alaska</u>				
Western Area	2,925	2,340	1,872	468
Central Area	10,575	8,460	6,768	1,692
W. Yakutat	4,050	3,847	3,078	770
E. Yakutat/S.E. Outside	<u>4,950</u>	<u>4,703</u>	<u>3,762</u>	<u>940</u>
Subtotal	22,500	19,350	15,480	3,870

* Total Council recommended TAC for 1991 for each regulatory area

** This is the longline (LL) or fixed gear share of the total TAC for each regulatory area based on the following gear share apportionments: Bering Sea - 50%; Aleutian Islands - 75%; GOA Western Area - 80%; GOA Central Area - 80%; GOA W. Yakutat - 95%; GOA E. Yakutat/S.E. Outside - 95%. The remainder is apportioned to trawl fisheries.

**Deep Sea
Fishermen's
Union
of the Pacific**

DEC 13 1990

5215 Ballard Avenue N.W.
Seattle, Washington, 98107
Phone: (206) 783-2922
Fax: 783-5811



Established 1912

Clarence G. Pautzke, Executive Director
North Pacific Fishery Management Council
P.O. Box 103136
Anchorage, Alaska 99510

December 11, 1990

Dear Council Members:

As many Council members know, the Deep Sea Fishermen's Union has a long history of supporting methods of controlling effort and conserving the fishery resources for generations to come. I know the Council was a little surprised that the D.S.F.U. did not endorse any IFQ proposal's presented to the Council members at the 1990 Council meetings.

The reason the Membership chose not to actively support IFQ's was the lack of entry for fishermen with a proven history in the blackcod industry. During debate, we expressed our desire to include in the start-up of IFQ programs, a place for fishermen with a history of participation and a desire to be vessel owners. I know many Council members were sympathetic to our request. The Council actively tried to work out a means to get fishermen into IFQ ownership at the same qualifications as those being given the initial IFQ shares.

But! The system did not hold up and too many questions could not be adequately addressed and the IFQ issue was tabled (I guess). The problem has not resolved itself yet. We still have too many boats chasing too few sablefish (4000 MT's less in 1991).

To the dismay of many, the idea of IFQ's has not gone away. Many person's have been tinkering with all sorts of differing approaches. I don't believe the concept of limiting access to fisheries has become anymore popular, but I do believe some better methods of controlling fisheries through the IFQ method of management are evolving.

Mark Lundsten, owner of the F/V Masonic, came to us with his modified proposal and our Board has had a change in our position as it relates to supporting IFQ's. The Union now finds itself backing Mark's Longline Management Plan for Sablefish and Halibut. Many of the concerns about keeping the IFQ in the fleet have been addressed by Mark; catcher boats shares only 50% leasable, catcher boats quota shares must be owned and used by U.S. citizens, owner or lessor of catcher IFQ must be onboard while fishing IFQ's and must sign fish ticket, 3% total TAC will be the limit for ownership of quota shares, halibut freezer boat quota shares capped at 15% of halibut quota, fish caught with IFQ available on vessel must be retained.

December 11, 1990

DSFU

Page 2

The most important issue to us is that fishermen owning IFQ shares must be fishing them. This should keep cost down and should eliminate big business investment. We realize any system will be plagued with problems and inequities, but we believe something needs to be done to get a handle on effort. Some people will lose in this process, but the betterment of the resource is the desired end result.

The membership of the Deep Sea Fishermen's Union is supporting the Lundsten Plan for IFQ Fishery Management in the hook and line sablefish and halibut fishery. The attitude of our fishermen is that we need to act now. This issue has been hanging over all our heads for too long. With each postponement and delay more and more gear is being dumped on the grounds to the detriment of the sablefish resource.

The Council needs to take action. We support Mark's proposal for IFQ's as it appears in the attached form.

I want to thank the Council for its efforts in protecting the fishery resource in the North Pacific.

Respectfully,



John M. Bruce,
Executive Director

Enclosure



John Waihee
Governor

NEWS RELEASE

December 6, 1990

DEPARTMENT OF LAND AND NATURAL RESOURCES
CONTACT: Linda McCrerey, 548-6957

COUNCIL BANS NEW LONGLINE FISHING VESSELS

Responding to concerns that longline vessels may be depleting Hawaii's tuna-billfish fisheries, the Western Pacific Regional Fishery Management Council imposed an emergency, 90-day moratorium on new longline vessels entering Hawaiian waters.

The emergency moratorium caps Hawaii's longline fishing fleet at its current 152 vessels. About 47 of these vessels arrived in Hawaii since June 21, when warnings first went out, Council officials said.

The 90-day emergency moratorium is effective Wednesday, Dec. 5, and probably will be extended another 90 days. The six-month period will give the Council staff time to draft an amendment to the Pelagics Fishery Management Plan for a three-year moratorium on new entries into Hawaii's longline fleet. The three-year moratorium also was unanimously approved Wednesday at the Council meeting at Dole Cannery Visitor Center.

About 250 persons attended Wednesday's session. The meeting concluded at 11:00 a.m. today.

"Protecting Hawaii's fisheries resources is our main concern," said William W. Paty, Council chairperson. (Paty also is

Chairperson of the Department of Land and Natural Resources.)

"In 1987 there were 45 longline boats in Hawaii, and today there are 152.

"We heard many local fishermen tell the Council that their catches have been drastically declining during the past two years, when many new longline vessels came to Hawaiian waters. The moratorium will give us time to collect the facts necessary to formulate a new management plan for longline fishing. We will collect and analyze data needed to prevent over-fishing on a long-term basis," Paty said.

"We're all fishing ohana here, and we've got to work together," he said.

The Council approved these actions related to the moratorium:

- * Directed Council staff to prepare an amendment for a moratorium lasting three years. The amendment package should include a full assessment of the impacts of using a June 21, 1990 "control date" for the moratorium to be implemented and the impacts of using other dates between June 21 and Dec. 5, 1990. (This means that the Council may decide to impose a control date as early as June 21, 1990. Longline fishing vessels entering the Hawaiian fleet after the control date may be asked to leave, Paty said.)

- * Excepted from the moratorium persons who, prior to June 21, 1990, had made substantial financial commitment or investment in the construction of a new fishing vessel for participation in the longline fishery in Hawaii or the EEZ (200-mile Exclusive Economic Zone) surrounding Hawaii, and who can clearly establish

that his or her intent to participate in the fishery was formulated prior to or contemporaneously with the commitment or investment.

* Prohibited transfer of longline fishing permits with the sale of a vessel except in cases of extreme hardship (such as death or illness of the vessel owner) which the Council will review on a case-by-case basis.

* Allowed transfer of a longline fishing permits to a replacement vessel as long as the replacement vessel doesn't increase harvesting capacity. Vessel owners wishing to increase their harvesting capacity must present their cases to the Council for approval.

* Established a control date of January 1, 1991 for new entries into the domestic longline fleet of American Samoa.

* Deferred until the Feb. 25, 1991 meeting issues related to Hawaii's lobster and bottomfish fisheries.

* Heard from fisherman James Witten, who is co-chair of the Council's Pelagics Task Force, on a proposal to reduce gear conflicts by developing a formal closure area prohibiting longline fishing.

"Longliners are not observing the 'Gentlemen's Agreement' to stay outside of 20 miles," Witten said. "We need binding enforcement, not a voluntary program. Gear conflicts are here. They are not going away--they'll get worse with the summer ahi season. We need a formal program in place by May."

#



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

**SUMMARY OF COUNCIL ACTIONS AT THE 71st COUNCIL MEETING
DOLE CANNERY, WAHIAWA BALLROOM
DECEMBER 5-6, 1990**

The Council took action to:

- (1) clarify the June 21, 1990 control date language
- (2) request the Secretary of Commerce to take emergency actions to establish a moratorium using a December 5, 1990 date.
- (3) direct staff to prepare an amendment to the Pelagics FMP to provide for the moratorium lasting a total of 3 years. The amendment package should include a full assessment of the impacts of using the June 21, 1990 control date for the moratorium to be implemented by plan amendment as well as the impacts for other dates between June 21 and December 5, 1990. It is expected that the fishermen, the NMFS Honolulu Lab, Southwest Center and Region offices, and the state of Hawaii will fully cooperate in the gathering and analysis of the amendment package.
- (4) establish control dates for the longline fisheries in American Samoa and Guam. The control dates are as follows: American Samoa, January 1, 1991; and Guam, December 6, 1990.
- (5) approve a Task Force approach to address gear conflict problems through regulation.

These actions are described in greater detail below:

HAWAII CONTROL DATE

A vessel participating in the Hawaii longline fishery whose owner or owners cannot document for such vessel either:

- (1) ownership of the vessel landing fish in Hawaii taken by longline gear, or
- (2) a substantial financial commitment or investment in gear for participation in the longline fishery by such vessel, which was located in Hawaii or the EEZ surrounding Hawaii,

prior to June 21, 1990 may be determined to be ineligible for continued participation in the Hawaii longline fishery should the Council decide in the future to limit effort in the fishery.

Except that a person who, prior to June 21, 1990, had made substantial financial commitment or investment in the construction of a new fishing vessel for participation in the longline fishery in Hawaii or the EEZ surrounding Hawaii and who can clearly establish that his or her intent to participate in the fishery was formulated prior to or contemporaneously with the commitment or investment, may not be excluded from participating in the fishery with this vessel.

**COUNCIL REQUEST FOR
EMERGENCY ACTION BY THE SECRETARY OF COMMERCE
TO ESTABLISH A
MORATORIUM ON NEW ENTRY INTO THE HAWAII LONGLINE FISHERY**

A vessel participating in the Hawaii longline fishery by fishing, landing or transshipping fish whose owner or owners cannot document for such vessel either:

- (1) ownership of the vessel landing fish in Hawaii taken by longline gear, or
- (2) a substantial financial commitment or investment in gear for participation in the longline fishery by such vessel, which was located in Hawaii or the EEZ surrounding Hawaii,

prior to December 5, 1990 will be ineligible for continued participation in the Hawaii longline fishery during the emergency action period.

Except that a person who, prior to June 21, 1990, had made substantial financial commitment or investment in the construction of a new fishing vessel for participation in the longline fishery in Hawaii or the EEZ surrounding Hawaii and who can clearly establish that his or her intent to participate in the fishery was formulated prior to or contemporaneously with the commitment or investment, may not be excluded from participating in the fishery with this vessel.

As a guide to what constitutes substantial financial investment, the Council suggested documented expenditures of at least \$25,000.

Further, during the moratorium period longline permits are not transferable with the sale of a vessel except in cases of extreme hardship, e. g. , death or terminal illness preventing the vessel owner from participating in the fishery will be received by the Council and acted upon on a case by case basis by the Council. A vessel owner may replace his vessel; however, there is a restriction on upgrading harvesting capacity. Vessel owners wishing to increase their harvesting capacity must present their case to the Council for approval.

The Council intends to follow the emergency action by plan amendment to extend the moratorium for a total of 3 years. The plan amendment may change the date for continued participation to the June 21, 1990 control or some other date between June 21 and December 5, 1990.

CONTROL DATES FOR AMERICAN SAMOA AND GUAM

The Council took action on December 6, 1990 to establish control dates for the American Samoa and Guam longline fisheries. The respective control dates are as follows:

American Samoa: January 1, 1991
Guam: December 6, 1990

Owners of vessels entering the longline fishery after the established control date are warned that they may be ineligible for continued participation in the fishery should the Council decide to limit effort in the future.

**GEAR CONFLICT RESOLUTION
TASK FORCE APPROACH
FOR DEVELOPING MANAGEMENT ALTERNATIVES**

I. Establish a Task Force to develop an area closure proposal for the Council's consideration

- 1. Selection of Task Force members (December)**
 - A. AP Subpanel Meets to Discuss Composition of Task Force**
 - 1. Determines categories of pelagic fishermen who need to be represented**
 - 2. Makes recommendations of number of representatives from each island area**
 - 3. Recommends procedure to solicit Task Force members**
 - B. Council staff works with AP members to solicit and choose Task Force members**
- 2. Task Force members develop negotiated area closures alternatives for recommendation to Council. (January)**
 - A. Several meetings are scheduled to complete this process with time for representatives to consult with their fellow fishermen between meetings**
- 3. Task Force recommendation is presented to Council at its February meeting. (February)**
- 4. Council gives direction to staff, PMT and AP to develop draft amendment package (February-March)**
- 5. Public hearings are held on each island (March)**
- 6. Council takes final action on amendment package (April)**

Emergency long-line fishing halt may go unheeded

□ Fishermen prepare for court fights to keep their free rein of waters

By Linda Hosek
Star-Bulletin

News is out about an emergency moratorium to prevent new long-line boats from fishing around Hawaii, but that may not stop boats from coming.

Some mainland fishermen who have spent thousands of dollars to put long-line gear on their boats say they still plan to set sail, said Jed Inouye, a seafood wholesaler and fourth-generation fisherman who testified against the moratorium.

And if the moratorium is backdated to June 21, many boats that came here later might stay unless the courts order them to leave, said Inouye, Seafood Hawaii president.

"We have to really fight," he said, adding that he and others are working on legal strategy. "We should be allowed to fish where we want."

Inouye and wholesaler Mai McDowell together represent 27 of nearly 50 long-line boats that would be forced out if the government approves the June date. They buy fish from their

clients and sell it locally or export it.

Inouye said two of his clients who spent several months outfitting their boats for Hawaii plan to come despite the moratorium, adding at least five more to the long-line fleet of about 150.

Wednesday, the Western Pacific Regional Fishery Management Council passed an emergency moratorium on new long-line boats to begin that day. The action, expected to be approved by the U.S. Commerce Secretary within a month, can run for up to six months.

But the council hopes to gather enough social and economic data to move the date further back to June 21 and extend the moratorium to three years, said William Paty, chairman of the council and state land board.

The regional council also approved additional long-line restrictions. One likely will lead to closing certain waters off Hawaii to long-liners; another, to limiting the number of long-line fishermen in American Samoa and Guam.

A program to limit the number of long-liners in Hawaii also is expected after the three-year moratorium, said Bunny Lowman, council economist.

Supporters of the June date say they fear the long-line fleet, which tripled in the last two years, may be harming Hawaii's tuna stocks and jeopardizing traditional Hawaiian fishing lifestyles.

But federal and regional biologists say data doesn't show that the long-liners are stressing the migratory stocks.

Local fishermen, who include about 1,000 commercial trollers and more than 5,000 recreational trollers, say their catches have declined since the long-line fleet mushroomed.

Catch reports show that about the same poundage of tuna was landed in 1988 and 1989, but that long-liners claimed a higher percentage of it last year, Lowman said.

In 1988, long-liners caught 4.7 million pounds and commercial trollers caught 3.1 million pounds, totaling 7.8 million pounds. But last year, long-liners caught 5.9 million pounds and the trollers dropped to 1.6 million pounds, totaling 7.5 million pounds.

The council will try to determine if the drop in landings for the trollers is related to the increase for the long-liners, Lowman said.

The drop could be caused by other factors, including a bad year, overfishing among the trollers and declining fish habitat, she said.

Long-liners also have landed fish that weigh about twice as much as the fish caught by trollers, she said.

The average weight of a yellowfin tuna on a long-line boat last year was

104 pounds, but only 59 pounds on a troll boat.

The difference could suggest that the two groups are catching fish of different ages — or that the long-liners are catching the bigger fish before they get closer to shore.

Long-liners can fish hundreds of miles out, dropping hundreds of hooks from miles of line. Trollers tend to fish closer to shore and drop only a few hooks for each boat.

Conflicts have occurred when long-liners fished too close to shore, causing trollers to cut lines and fire shots. Long-liners last year informally agreed to stay at least 20 miles offshore, but conflicts have continued.

Inouye said he believes long-liners should fish at least 75 miles offshore and that all his boats go 200 miles offshore.

Although Inouye and McDowell oppose a moratorium, they support studies to determine the size and health of tuna stocks.

The long-line fleet has increased rapidly as tuna stocks in the Gulf of Mexico and swordfish stocks in the Atlantic have declined.

Fishermen have refitted their boats and traveled up to two months to Hawaii to drop hooks in waters that have been almost entirely unregulated.

Overfishing

Don't let it happen here

The Western Pacific Regional Fishery Management Council is right to call for a moratorium on the growth of the exploding Hawaii longline fishing fleet.

A three-month ban on new vessel entries, with a possible extension to six months, seems about right for a start. In fairness, a proposed three-year moratorium shouldn't be imposed without more evidence that it's needed.

Local fishermen say their tuna and swordfish catches have declined. But no one really knows whether fish stocks are being harmed by overfishing. A new federal law requiring each vessel to keep a logbook may give scientists some of the tracking data they need.

The council warned Mainland fishing interests earlier this year that a moratorium was being considered. It said that, if it was imposed, any vessel that

arrived after June 21 might be asked to leave. But boats kept coming, from East and Gulf Coast areas that are now fished out.

The regional fishery management council expects to decide in February on a three-year moratorium. If one is adopted, the council will have the difficult job of enforcing the June 21 entry cutoff date, or setting a new cut-off date, with exceptions for hardship cases.

Of course, every case will be a hardship case to boat owners affected. The council's duty is to take the long view of what will sustain good fishing here.

Even the absence of positive proof of a decline in fish stocks should not keep us from applying common sense. Hawaii doesn't have to wait for the disasters that befell Mainland fisheries where action was taken too late.

Longline fleet's size still not determined

Fishery council calls for survey

By Stu Glauberman
Advertiser Staff Writer

Action by a federal fishery council ensures that entry into Hawaii's tuna and marlin fishery will be limited for at least three years, but the final number of longline boats to be allowed hasn't been determined.

Members of the Western Pacific Fishery Management Council, who closed a two-day meeting in Honolulu yesterday, have called for a quick study of how Hawaii-based vessels are exploiting deep-sea resources.

The council plans to use the study when it meets in February to formally adopt a three-year ban, specifying how many Hawaii-based boats will be permitted to fish in the 200-mile economic zone around Hawaii.

The limit could be set at about 110, the size of the fleet on June 21 when controls were first considered, or at about 150, the present number, or at some other level.

The majority of the council, responding to advisory team recommendations, indicated that it hopes to use the study to justify the June 21 "control date."

During the meeting, local fishermen and charter boat captains expressed enthusiasm for such a limit, but new arrivals, fleet owners and seafood brokers questioned the need for controls.

On Wednesday night, the council voted to ask U.S. Secretary of Commerce Robert Mosbacher to impose a 90-day emergency ban preventing longliners from entering the Ha-

wai fishery. The Honolulu-based council is also asking for \$100,000 to get the study done.

But council chairman William Paty said the emergency ban may be extended another 90 days to give the council staff more time to document the need for a moratorium.

Council executive director Kitty Simonds said the process of putting the emergency ban into effect is expected to take about a month.

Once approved, longliners that joined the fleet after Dec. 5 would have to leave.

The fate of some 40 vessels that have joined since June won't be known until a permanent moratorium is approved.

But the council agreed to allow exceptions for individuals who purchased a new fishing boat for Hawaiian waters before the June 21 control date.

The council clarified the wording of its moratorium language to specify that it was regulating "vessels" documented by specific owners, not "persons" entering the longline fishery. And it agreed to allow transfer of ownership of permits under the moratorium only in the case of extreme hardship. Vessels under permit could be replaced or upgraded, but their harvesting capacity could not be increased.

During the three-year moratorium, scientists will learn more about the changing nature of the fishery from the logbooks longline captains are now required to complete daily, detailing the quantity and location of their catch.

The logbook requirement went into effect on Nov. 27.

State catch-reporting require-

ments already in effect give resource managers sketchy information about the number of trips made and pounds of fish landed.

Paty noted that longtime local tuna and marlin fishermen said their catches had been drastically reduced since the longline fleet began, expanding rapidly the past two years. The newcomers have been boats from the Mainland manned mostly by Vietnamese immigrants.

"The moratorium will give us time to collect the facts necessary to formulate a new management plan for longline fishing," Paty said.

Longlining, which describes the miles-long line the vessels suspend from the surface to depths of 900 feet, is Hawaii's largest commercial fishery. Other fishermen have complained about longline rigs fouling their boats and fishing gear.

Landings from Hawaii-based ships are bought by brokers in the Islands, with the best big-eye tuna exported to Japan.

James Witten, co-chairman of the council's Pelagics Task Force, proposed reducing conflicts between longliners and others by making some areas off limits to the longliners.

"Longliners are not observing the 'gentlemen's agreement' to stay outside of 20 miles," Witten said. "We need binding enforcement, not a voluntary program. Gear conflicts are here. They're not going away. They'll get worse with the summer ahi season. We need a formal program in place by May."

12-8-90

Long-line fishing ban

THE agency that regulates fishing in Hawaii waters has taken the first step to deal with a simmering feud between local and immigrant fishermen. Whatever it does, it's sure to displease someone. But ignoring the problem has become impossible.

The agency, the Western Pacific Regional Fishery Management Council, has approved an emergency moratorium banning new long-line fishermen from Hawaii waters, effective last Wednesday. That could last as long as six months. In addition, a three-year moratorium is under preparation. The council is considering last June 21 as the cutoff date for new long-line fishermen under that plan. That could eliminate about 47 boats from the current licensed fleet of about 169. Council chairman William Paty said the agency would have proposed the June 21 cutoff date Wednesday, but lacked data to justify exclusion of the long-liners. The council will continue trying to prepare a case for the June 21 date.

The conflict developed in early 1989 when refugees from Vietnam who had been fishing in the Gulf of Mexico sailed their boats to Hawaii and began long-line fishing off Waianae. Local sport and commercial fishermen complained that their catches of tuna and other fish have dropped sharply since the Vietnamese appeared. An earlier agreement for the long-liners to stay at least 20 miles off shore didn't work.

Local fishermen charge that the newcomers are driving them out of business. The long-liners maintain they have a right to compete. Biologists say the data don't show the newcomers are hurting fishing stocks. They say the problem is primarily economic — who is catching how many fish.

The council has the unenviable job of finding a workable solution in a conflict in which there are no clear rights and wrongs. Both the local fishermen and the newcomers are simply trying to make a living. Both have legitimate concerns. Somehow they must be reconciled, but that can only be through compromise. The council can't satisfy both sides, but it must try to be fair to both.

May force
many boats
to depart

New longliners banned

By Stu Glauberman
Advertiser Staff Writer

An emergency moratorium that freezes the entry of new longline fishermen into Hawaiian waters was imposed yesterday by the federally sponsored Western Pacific Regional Fishery Management Council.

The action is the latest step in a long-simmering dispute between long-time local fishermen and recently arrived longliners.

Depending on how the details of the moratorium are worked out, the ban on new entries could actually force close to a third of the newly arrived longliners to leave the Islands.

The council voted unanimously to develop a three-year moratorium on new entries while experts study the overall impact of the wide-ranging longline fleet on tuna resources around the Islands.

While the language of the three-year halt is being written, a three-month emergency moratorium on new fishing boats will be in place. Eventually, the formal cutoff date could be as early as June 21, when first warnings went out, to Dec. 5, the date of yesterday's decision.

The earlier cutoff date would force as many as 47 of the roughly 152 longline boats currently operating here to relocate, officials said.

The council's action late last night came after hours of emotional public testimony, marked by occasional outbursts from fishermen on both sides of the issue.

Opinion appeared divided as to whether the proposed entry limit was warranted to protect the fishery.

Many who spoke expressed fears about the impact that continued fishing by a growing fleet of longliners. Others charged that exclusion from the fishery would ruin their businesses.

An overflow crowd of about 250 people showed up at the Dole Cannery for the meeting.

On one side of the debate were small-boat owners, longtime longliners and charter-boat owners, who generally favored a moratorium. The other side was made up of recently arrived longliners — many of them

Longliners: Panel imposes a moratorium

FROM PAGE ONE

of Vietnamese ancestry — who were teamed with fleet owners and fish wholesalers against the moratorium.

When attorney Matthew Pyun, representing two seafood companies, said a moratorium was unwarranted because there was no data to support the need for one, he was applauded by some and hooted down by other fishermen and women.

"Hold on here, fellows and ladies," said council chairman Bill Paty, who also chairs the state Land Board. "Let's not get into a shouting wrangle."

Paty opened the meeting by reporting that the number of Hawaii-based longliners had grown from 45 in 1987 to 152 today.

Longlining refers to the fishing gear, a long line suspended by surface floats so that multiple hooks dangle from it.

Paty said Hawaii-based longliners are dangling some 200,000 hooks, greatly increasing the capacity of the fleet in search of tuna and other species.

Several fishermen said they had brought petitions filled with signatures in support of an immediate three-year moratorium based on the June 21 cut-off date.

But Banglai Nguyenle said she mortgaged her home in May and borrowed money with partners to build a \$283,000 fishing boat in Louisiana that won't be ready until next year.

"We invested our life savings in a longline vessel to fish here in Hawaii," she said. "That should be enough investment and commitment to satisfy the law," she said.

Mai McDowell said she represented 10 longline boats, only two of which would qualify under the June 21 control date.

William Aila said he had his own sad story. "I don't have \$280,000 to invest in a boat," he said. "I have a 21-foot boat. I put \$21,000 in it, but hey, I'm not catching enough fish now." Aila told council members, "Your job is to protect the resource."

But Luong Lam, who said he represented 50 Vietnamese fishermen, urged

the council not to act hastily, even though it was "under tremendous pressure from local fishermen."

He noted that the Magnuson Fishery Conservation and Management Act, which establishes federal jurisdiction over fish in federal waters (and created the management council) prohibits the adoption of policies that discriminate between residents of different states.

Herman Nao, who described an incident when a longliner nearly hit his boat and ran over his line, said: "What's going to happen when these guys clean us out and just move out? What's my son going to catch? We gotta stop them."

Fishermen also complained that a "gentleman's agreement" worked out by Paty last year to reduce gear conflicts between longliners and offshore fishermen by keeping the longliners 20 miles out hasn't solved the problem. One fisherman suggested that longliners be kept 100 miles offshore.

The council will meet again today to discuss issues related to bottom fish and lobster.

New long-line boats out of luck

□ The fishery panel bans trollers from isle fishing if they arrived yesterday

By Linda Heseck
Star-Bulletin

A regional council has approved an emergency moratorium banning new long-line fishermen from Hawaii waters.

But the decision was booed yesterday by one side of a rowdy fishing crowd who wanted the controversial measure to apply to fishermen who weren't here before June.

After a six-hour meeting at Dole Pineapple Cannery before about 250 fishermen, the Western Pacific Regional Fishery Management Council selected yesterday as the temporary date to begin the planned three-year moratorium, which still needs federal government approval.

Thursday, Dec. 6, 1990

Star-Bulletin

Proponents of the earlier date said they were worried about their declining catches and incomes and asked the council to use June 21 as the starting point.

The earlier date would have cut about 47 boats from a licensed fleet of about 169, leaving fewer hooks to compete for the prized migratory fish.

But federal and regional biologists said data couldn't show that the long-liners were hurting the stocks and described the problem as primarily economic.

"The moratorium is good," said William Aila, Waianae harbor master and part-time fisherman who wants his son to carry on the family fishing tradition. "But the Dec. 5th date doesn't help me in the short term. I'll still be catching fewer fish."

While voting 10-1 to begin the moratorium yesterday, the council said it would try to prepare a case for the June 21 date, citing

LONG-LINERS: New arrivals can't fish here

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the simmering long-line war with local trollers and reports of decreased catches.

The council has six months to propose an amendment, which must be approved by the U.S. Commerce secretary.

The council would have proposed the earlier date yesterday, but it didn't have enough data to justify excluding the 40 some boats from Hawaii's waters, said Bill Paty, chairman of the council and state land board.

Council biologist Robert Harman said there was some evidence of a decreasing catch rate, but it couldn't be attributed to long-line fishing in Hawaii. Harman said declining catches could result from overfishing in general, foreign fishing outside 200 miles, pollution and habitat changes.

He summed up the dispute as "Fortress Hawaii," in which fishermen chose to close the doors to newcomers to preserve their piece of the pie. "A limited-entry program won't protect the stocks," he said. "It's for economics."

The council agreed to set June 21 as a cutoff date if it ever decides to limit the number of long-liners who can fish in the region.

The meeting included more than three hours of public testimony in which daughters spoke up for fathers and fathers spoke up for sons.

Julie Do, a Moanalua High School student who arrived from Louisiana in July, called the June 21 date "unjust and wrong."

"It puts fishermen to a dead end," she said, speaking for her

father who named his boat after her. "It takes away my father's dreams and stops me from accomplishing my dreams."

Do said her family left the Gulf Coast in May before the council had discussed the moratorium and arrived in July, spending thousands of dollars on the trip. She also said her father had contacted the state and wasn't told about a potential moratorium.

Jim Witten, a longtime Hawaii resident, said he was worried about his son, Jay, a commercial troller. "His investment is at risk," he said. "We're being fished out."

Not all local fishermen supported the moratorium. Jed Inouye, a fourth-generation fisherman now with Seafood Hawaii, said the moratorium would hurt fishermen, boat owners and suppliers.

"We gonna hurt, hurt, hurt," he said. "If you vote for the moratorium, you vote for high prices. Even the consumer will be hurt."

The council also agreed to allow fishermen who had invested in new boats before the June 21 date to participate in the long-line fleet.

Fishermen would have to prove that their intent was to fish in Hawaii. The council proposes to produce a plan at the end of the moratorium.

Gear conflicts surfaced in early 1989 after long-liners from the Gulf of Mexico began fishing off Waianae, competing with "week-end warriors" and sports fishermen. Part-time fishermen such as Aila have watched their catches drop as much as 50 percent in the past two years while the long-line fleet has tripled.

Locals trollers drop only a few hooks per boat and usually fish within 20 miles of shore. But long-liners use hundreds of hooks and can travel hundreds of miles into the ocean. After threats of violence and cut lines, long-liners informally agreed to stay at least 20 miles off shore.

Fisheries meet will debate moratorium

By James Gonser

The fate of about 40 long-line fishing boats and enactment of the first, three-year moratorium on additional vessels working in Hawaiian waters, will be decided this week at a meeting of the Western Pacific Regional Fisheries Management Council.

The council will meet Dec. 5 and 6 at the Doie Cannery, Wahiawa Ballroom to hear public comment.

Although the council agrees that an entry ban is needed to check the rapid growth of the long-line fishing fleet, the question facing the council is what date should be used as a cut-off.

At a summer council meeting a control date of June 21 was set to determine eligibility for vessels to remain in the long-line fleet. About 113 long-line fishing boats were working in Hawaiian waters before the control date. All of those boats will be allowed to continue to fish commercially during the three-year moratorium.

Since that meeting, a Hawaii state coordi-

nation council has come out in support of the "time-out" period to help conserve ocean resources, reduce fishing conflicts and make it easier to track the long-range impact on the fishery industry with the present fleet.

Boats entering the state since the control date have been warned that they could be stopped from fishing these waters 90 days after the Dec. 5 decision.

Since June 21, about 40 fishing vessels have entered the state, bringing the local fleet to about 150 boats. Other boats are reportedly being built in Louisiana to fish here.

Some fishermen have argued that a control date of Dec. 5 should be used to allow all boats now here to continue to operate over the moratorium because attrition will reduce the fleet size, shoreside businesses would be hurt if the fleet is reduced, and consumers now benefit from a larger supply of fish.

The council will also decide if any exceptions should be made for vessels being readied but that are not now fishing, and whether permits should be transferable during the moratorium.

State luring longliners here

The state is sending mixed signals to long-line fishermen.

One state agency is telling long line fishermen to leave because island waters are being overfished for tuna while another has printed a brochure trying to lure more fishermen here.

William Paty, head of the state Department of Land and Natural Resources, says it's a question of the left hand not knowing what the right hand is doing.

Paty wants to put a three-year moratorium on new long-line boats — and also wants to send back 40 boats that arrived this summer.

But the state Department of Business and Economic Development has published a brochure to attract more fishermen to Hawaii.

Don't like DBED action? Speak up

Fishing in Hawaii will not be as good 20 years from now as it is today.

How do I know?

Because it is not as good today as it was 20 years ago in 1970. And in 1970 it was not as good as it was 20 years before, in 1950. And 20 years before that, in 1930. And so on.

Ask anyone familiar with fishing today and yesterday, and you'll hear universal dismay. Such opinions are what scientists refer to as "anecdotal evidence," which is not to be given the same credence as good, hard "statistical evidence."

Unfortunately, there is no believable statistical evidence, a fact that was the single universal agreement at the scientific symposium on billfish held in Kona several summers ago. The gravity pulling the fishery down this slippery spiral is the force of fishing pressure, which increases year by year. And that spiral has become even slipperier because of technological advances that are as destructive as they are effective.

Over the last few years, the major new component of these unnatural forces has been the huge increase in longlining activity — up from the 37 boats here in 1987 to over 150 boats today.

Many of these boats were attracted here by the flashy promises of the Hawaii Department of Business and Economic Development, which has



**JIM
RIZZUTO**

touted Hawaii waters as rich with opportunity.

Don't expect to find any useful data from past records of the longlining industry. The State only began requiring longliners to keep and report statistics as of November 27, 1990.

In the face of the longlining growth, the Western Pacific Regional Fishery Management Council (WESPAC) has declared a 90-day emergency moratorium on new longline boats. The purpose of the moratorium is to give WESPAC a chance to study the impact of longlining on the fishery.

The moratorium, while better than nothing, makes my head buzz with cynical questions.

What kind of useful study can be completed in only 90 days?

If meaningful conclusions can be generated in 90 days, why haven't the agencies responsible for protecting and managing our fishery found them during

the hundreds of past 90-day periods leading up to today's problems?

Without reliable and believable data from the past, how can a study come with anything better than "the results are inconclusive." And doesn't a finding of "inconclusive" play into the hands of those who want to keep the fishery open to all comers?

If longlining doesn't deplete a fishery, why are new boats here? Why have they chosen to leave the very fishing grounds that first attracted them into longlining?

When State agencies like the DBED have a vested interest in the growth of longlining, how much effort really will be put into documenting the opposing view?

The facts aren't going to speak for themselves because the facts aren't there and the people whose job it is to hear them just might not be listening.

But it is your job to speak up anyway and find the people who will listen.

WESPAC has invited written comment on questions that we'll reprint in subsequent paragraphs. Answer the questions with your views. Send them to Kitty Simonds, Executive Director of WESPAC at 1164 Bishop Street, Suite 1405, Honolulu, HI 96812.

See SILENCE
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...Silence not helpful to fishermen this time

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But don't stop there. Send copies of your comments to your elected officials. Make sure they know you don't intend to be silent on this matter, and if they are silent now, you will be sure to silence them permanently with your next vote.

The major WESPAC questions are:

Should there be a moratorium at this time? Why or why not?

If a moratorium is recommended, how long should it be and what date should be used to limit participation (the June 21, 1990 control date, or the Dec. 5, 1990 meeting date, or some other)? What are your reasons for the choice of date?

Who should be eligible to use

longline gear and under what circumstances should a vessel owner be permitted to transfer his right to fish to another?

(The language of the law is technical on these matters. If you wish to send a written comment on eligibility and transferability, contact WESPAC for the technical details.)

Remember this truism: anything used to its full capacity will break. You only know the full capacity when you've passed it. We seem determined to do nothing to fix our fishery until we make sure we've done everything possible to break it.

Comments and questions for this column should be addressed to Box 635, Kamuela, HI 96743-0635.

DRAFT MINUTES
FISHERY PLANNING COMMITTEE
January 14, 1991 - Anchorage Hilton Hotel

The Fishery Planning Committee (FPC) met on January 14, 1991 at the Anchorage Hilton Hotel. The meeting was chaired by Joe Blum and attended by Council members Bob Alverson, Ron Hegge, Clem Tillion, Henry Mitchell, Oscar Dyson, Wally Pereyra, Larry Cotter, Rick Lauber, Bob Mace, Joe Kyle, and Steve Pennoyer.

1. INSHORE-OFFSHORE ALLOCATIONS

The Committee received a report from staff economists Jim Cornelius and Marcus Hartley on the status of the inshore-offshore analyses. Dr. Cornelius briefly reviewed progress on the economic, biological, and social impact analyses and reported on the response to the economic surveys. The staff is working hard at completing the analysis and the first draft will be available at the next FPC meeting on February 27 in Juneau, Alaska. The FPC will meet a second time on March 19 in Seattle.

The Committee reviewed the December 28 letter from the American Factory Trawlers Association concerning the adequacy of the social impact analysis. The staff recommended holding in abeyance any response to the concerns expressed in the letter until the consultant in charge of the social impact analysis has completed his first draft of the analysis and presented it at the February 27 FPC meeting. Paul MacGregor noted that AFTA has recently provided funding to an outside consultant to enhance the social impact coverage of Ballard. The results will be forwarded to Impact Assessment, Inc., the consultant performing the social impact analysis for the Council.

2. SABLEFISH AND HALIBUT IFQs

The Committee reviewed the three proposals for a sablefish IFQ system: the Council's tabled motion, Mark Lundsten's proposal, and a proposal offered by Council members Clem Tillion and Ron Hegge. The Committee reviewed a staff comparison of the proposals to verify the provisions of each. The attached table has been revised in accordance with Committee clarifications. The Committee recommends that the Council retain all three alternatives for analysis, and the flexibility to chose provisions from any of the three in fashioning the final preferred alternative.

Concerning the exclusive registration areas in the Tillion/Hegge proposal, the Committee recommends that the present sablefish management areas be used in the Gulf of Alaska. For sablefish in the Bering Sea and Aleutian Islands, management areas would be based on the current broad management areas of Eastern Bering Sea and Aleutian Islands; however, when analyzing halibut, the IPHC regulatory areas would be used and further subdivision may be necessary.

The Committee recommends that the revised analysis of the sablefish IFQ alternatives be brought back in April for Council approval to go out for public review. Final action would be scheduled for June but the preferred alternative Amendment package would not be forwarded to the Secretary until after the September 1991 Meeting during which the Council is scheduled to make its final decision on halibut.

Concerning further development of alternative halibut IFQ systems, the Committee recommends that the analytical team move ahead with preliminary analyses using the same alternatives as for sablefish. At the February 27 meeting, the FPC may suggest revisions to the alternatives as they apply to

halibut. The analytical team will use the current IPHC regulatory areas for the initial analysis with the option to include subareas within those areas. The initial analysis is due back for Council review in June 1991 for approval for public review in the summer. The final decision will be scheduled for September 1991. Target implementation dates for both sablefish and halibut systems, if approved, would be January 1, 1993.

3. MORATORIUM

The committee recommends that it develop the alternative approaches for the moratorium at its March 19 meeting in Seattle and bring those alternatives to the Council in April for initial review.

In April, the Council will decide whether or not to proceed with analysis of the moratorium alternatives after reviewing staff availability. The Committee requested that the staff issues paper on moratorium developed in September be made available to them this week.

4. OTHER FISHERIES

The Committee briefly considered planning schedules for other fisheries, but noted that there would probably be no staff available to perform these analyses until 1992. The Committee received a report on rockfish IFQs submitted by George Anderson but took no action. The Committee noted that full utilization may be an important issue in the next few years and the Council may want to request NMFS to develop the data necessary to assess the extent of groundfish discards. The Bycatch Committee could begin to address this issue for future reference.

5. USE OF PRIVATE FUNDS FROM INDUSTRY

The Committee reviewed the draft policy statement under Agenda Item C-6 concerning industry funding of proposal analyses. The committee recommended various revisions to the policy. They are reflected in the revised draft policy attached to these minutes.

6. RETENTION OF HALIBUT BYCATCH

A proposal was submitted by Clem Tillion and Ron Hegge which would allow for the retention of halibut bycatch in the Pacific cod longline fishery. The FPC recommends that this be deferred to the Bycatch Committee for further consideration. Consideration of a Kodiak Longline Association proposal to create a bycatch fishery for halibut and sablefish was deferred until after final decisions are made on IFQ systems. This proposal could also be taken up by the Bycatch Committee.

7. OVERCAPITALIZED FISHERIES

Larry Cotter suggested that the Council consider identifying fisheries or components of fisheries that are overcapitalized. Any vessel or participant, within an overcapitalized fishery or fishery sector, that goes bankrupt would not be allowed back in that fishery. The Committee forwarded that proposal to the Council for consideration.

Options for a Sablefish Fixed Gear IFQ Management System

This outline represents the options under consideration for a proposed individual fishing quota (IFQ) system for the sablefish fixed gear fisheries off Alaska.

System Component	TABLED MOTION	LUNDSTEN PROPOSAL	TILLION/HEGGE PROPOSAL
SCOPE of the program	All sablefish pot and longline vessels		
WHAT ...	Quota shares (QS) issued during the initial assignment process and based on historical, qualifying landings. They would represent a percentage of the TAC for each season. IFQs would be a set poundage for each year. IFQs based on QS for each management area and would vary from year to year with the TAC.		
WHERE ...	All six management areas in the Gulf of Alaska and the Bering Sea/Aleutian Islands.		
WHEN ...	IFQs issued yearly to QS owners. Initial assignments would be made for the 1993 fishing year.		
WHO ...	Person who was the owner or leaseholder of a vessel that made sablefish (fixed gear) landings. "Person" as defined by the Magnuson Act with exclusion of non-U.S. citizens. Initial assignments would go to vessel owner(s) except when qualified lease exists (bareboat charter). Leaseholder receives credit for trips.		
HOW ...	<ul style="list-style-type: none"> * made landings in 1987, 1988, or 1989. * QS based on 1984-1989 landings, total of all 6 years added together. * QS and IFQs denoted by vessel category: <ul style="list-style-type: none"> i. less than 50' length overall ii. 50' to 75' length overall iii. over 75' length overall iv. All freezer/longliners * fixed gear caught sablefish could not be landed without IFQs. NO open access. 	<ul style="list-style-type: none"> * made landings in at least one of the years 1984-1990. * initial assignment based on 5 best years from 1984-1990. * QS/IFQs denoted by vessel categories: <ul style="list-style-type: none"> i. catcher vessels ii. freezer/longliners * fixed gear caught sablefish could not be landed without IFQs. NO open access. 	<ul style="list-style-type: none"> * made landings in at least one of the years 1984-1990. * initial assignment based on 5 best years from 1984-1990. (suboption would be to require landings in 1 of last 3 years; take best year) * NO vessel category designations. * 20% of TAC from each area would be an OPEN ACCESS fishery - exclusive registration areas. Fourth quarter cleanup fishery for all vessels w/o unused IFQs.

System Component	TABLED MOTION	LUNDSTEN PROPOSAL	TILLION/HEGGE PROPOSAL
TRANSFERABILITY ...	<ul style="list-style-type: none"> * Permanent sales of QS permitted. * Leasing of QS prohibited. * Sale & leasing of IFQs prohibited. * Transfers must be approved by NMFS. * Must control IFQs before trip begins. * QS & IFQs management area specific. * QS & IFQs vessel category specific. * 3% combined area ownership cap. * Any person may buy QS. Must be on board vessel using the QS or IFQs. * IFQs not valid for trawl caught fish. * Fish caught with catcher vessel IFQs may not be frozen aboard the vessel. * Fish caught with freezer/longliner IFQs may be delivered frozen or unfrozen. 	<ul style="list-style-type: none"> * Freezer/longliner QS & IFQs may be sold or leased to any person. Person must either own the vessel or be on board the vessel using the IFQs. * Catcher vessel IFQs & QS owners must be U.S. citizens and must be onboard & must sign fish ticket (except as noted*). 50% limit on IFQ transferability for catcher vessel IFQs (except as noted*). * Transfers must be approved by NMFS. * Must control IFQs before trip begins. * QS & IFQs management area specific. * QS & IFQs vessel category specific. * 3% combined area ownership cap. * Any person may buy QS. Must be on board vessel using the QS or IFQs. * IFQs not valid for trawl caught fish. * Fish caught with catcher vessel IFQs may not be frozen aboard the vessel. * Fish caught with freezer/longliner IFQs may be delivered frozen or unfrozen. 	<ul style="list-style-type: none"> * All QS & IFQs fully saleable and leasable. * Transfers must be approved by NMFS. * Must control IFQs before trip begins. * QS & IFQs management area specific. * 2% combined area ownership cap. * Any person may own or control QS or IFQs. Proof of citizenship or majority ownership and control may be required. * IFQs not valid for trawl caught fish.
DURATION ...	IFQ harvesting privileges would have no specific ending date. Privileges may be subject to periodic change, including revocation.		
COASTAL COMMUNITIES ...	* A concept for coastal community quota was deleted from this option.	* A concept for coastal community quota is considered in this option. No more than 3% of an area TAC may be used as CDQs.	* This option contains no CDQ portion, other than the 20% open access fishery.

* Under the Lundsten proposal, it is intended that Freezer/longliner QS and IFQs could be transferred to any person as defined by the Magnuson Act. In the case of Catcher vessel QS and IFQs, it is intended that, after the initial allocation process, they could be transferred only to an individual who is a U.S. citizen as defined by the State of Alaska; i.e., transfer could only be to an individual person, not to a corporation, etc.

System Component	TABLED MOTION	LUNDSTEN PROPOSAL	TILLION/HEGGE PROPOSAL
ADMINISTRATION ...	<p>NMFS Alaska Regional Office would administer the IFQ system. Appeals during the assignment process can be brought on 2 criteria: (1) Errors in records or, (2) Documented leaseholder qualification. Basis of judgement for use in appeals will be fact. Initial appeals would be heard by an Appeals Board composed of government employees. Subsequent appeals would go to NMFS Regional Director, then Secretary of Commerce, then court system.</p>		
OTHER	<div data-bbox="1368 407 1836 748" style="border: 1px solid black; padding: 5px;"> <ul style="list-style-type: none"> * First point of sale purchasers would be required to obtain a purchaser's license from NMFS. * Vessels may unload sablefish only in areas designated by NMFS. * All catch will be counted against IFQs or open access TAC, whichever is appropriate. Discards permitted but must be accounted for. </div> <p>* It is Council's intent to find a way to finance the IFQ program, possibly including a cost recovery program from QS/IFQ owners. * Should program end, this does not constitute 'taking', and no compensation would be due to QS/IFQ owners. * Council intends to pursue IFQ alternative for halibut fishery which will be similar to sablefish system. After public review, Council will decide on halibut system based on its own merits.</p>		