

North Pacific Fishery Management Council

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CLEMENT V. TILLION, CHAIRMAN

MINUTES

Twenty-ninth Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
December 12-14, 1979, Anchorage/Westward/Hilton Hotel
and
January 10-11, 1980, Captain Cook Hotel
Anchorage, Alaska

The monthly meeting of the North Pacific Fishery Management Council was held in Anchorage, Alaska, December 12-14, 1979, at the Anchorage/Westward/Hilton Hotel with Vice Chairman Harold E. Lokken presiding, and recessed until January 10-11, 1980, at the Capt. Cook Hotel, with Chairman Clement V. Tillion presiding.

The Scientific and Statistical Committee met at the Council headquarters November 27-28, 1979 with Chairman Steve Pennoyer presiding and on January 9-10, 1980, with Vice Chairman Donald Rosenberg presiding.

The Advisory Panel met at Council headquarters on December 11, 1979, with Vice Chairman A. W. "Bud" Boddy presiding, and on January 9-10, 1980 at the Quadrant Room of the Capt. Cook Hotel with newly elected Chairman Robert D. Alverson presiding.

Council members, Scientific & Statistical Committee (SSC) and Advisory Panel (AP) members and the general public in attendance are listed in APPENDIX A.

A. CALL TO ORDER

Vice Chairman Harold E. Lokken called the December portion of the meeting to order; Chairman Clement V. Tillion called the January portion to order.

B. AGENDA

The agenda was approved with two additions: (1) a salmon-savings, time and area closure for foreign trawling proposal and (2) H-10. Review and comment of Federal Regulations on Confidentiality of Data and Information.

C. APPROVAL OF OCTOBER 1979 MINUTES

The minutes of the October 1979 meeting were conditionally approved.

D. EXECUTIVE DIRECTOR'S REPORT

Mr. Branson asked Council approval to move two items out of his report and have them considered as separate Agenda items. The request was approved. The Limited Entry Workgroup Report was moved to Agenda F-2 and the Status of FMP's was identified as Agenda D-2.

Mr. Branson told the Council that the economist position opening had been announced to universities, federal and state administrations, and research/laboratory centers but there had been no response thus far.

He reported on the travel by Council members and staff since the last meeting and highlighted the SSC meeting on November 27-28 in Anchorage in which they selected Don Rosenberg as their Vice Chairman.

Mr. Branson said Janet Murray had resigned from the staff and was replaced by Cindy Clinton as receptionist/bookkeeper/secretary.

The Council instructed Mr. Branson to write a letter of commendation to Janet Murray.

With the resignation of Keith Specking from the Advisory Panel, Branson announced there was a vacancy on the Permit Review Group. He asked that group to meet on Friday to review several joint venture permits and a number of permits received from ships which had committed serious violations in 1979. Mr. James Campbell was nominated to the Permit Review Group and he accepted the appointment.

Executive Director Branson presented Irma Nelson of the Council staff a \$300 cash award for sustained superior performance.

E. SPECIAL REPORTS TO THE COUNCIL

E-1. Alaska Department of Fish & Game (ADF&G) Report on Domestic Fisheries

Mr. Fred Gaffney (ADF&G) told the Council 87 million salmon were caught this year, the highest catch on record since 1941. The king crab fishery in the Bering Sea was quite good Mr. Gaffney told the Council with 108 million pounds taken in the Bering Sea and to date 13.3 million taken in the Kodiak area. Mr. Gaffney said the price of king crab dropped from \$1.87 per pound in 1978 to \$.95 for 1979 causing many king crab fishermen to turn to Tanner crab to supplement their income.

Council member Bart Eaton called attention to the number of vessels used to harvest the 108 million pounds of crab in the Bering Sea this year as compared to 1978. Mr. Gaffney told the Council 190 vessels fished in 1978 with the price of crab at \$1.60 per pound and in 1979, 240 vessels fished with a similar harvest. Mr. Gaffney said a 70 to 80 percent recruit class was entering the fishery with crab averaging 7 pounds while last year's crab averaged 8.9 pounds.

He called the Council's attention to the U.S. groundfish landings for the Gulf of Alaska and Bering Sea areas which include 2,307 tons of sablefish, dressed weight.

E-2. National Marine Fisheries Service Report on Foreign Fisheries, Including Joint Ventures

Mr. Ron Naab, NMFS, reviewed foreign fishing activity off Alaska, reporting 335 vessels in October, 234 in November, and 98 in December. The Japanese, with 62 ships had reached their pollock quota in the Bering Sea and Aleutians and were now concentrating on yellowfin sole, rockfish, and large flatfishes.

The Soviets had 17 vessels in the Gulf of Alaska and 11 in the Bering Sea.

The Koreans had 12 ships in the Bering Sea and Poland had 5 ships in the Gulf of Alaska where their trawlers had been involved in several losses of crab pots by U.S. fishermen.

One Mexican stern trawler had operated in the western Gulf where it did not have an allocation but left after NMFS notified them of 1980 allocations. Taiwan has not fished off Alaska since two of their trawlers were seized in August.

There has been no joint venture activity since November. The Korean factoryship BOOK NEUNG worked the Shumagin area with two U.S. vessels until mid-October when it was replaced by the SOO GONG No. 51 in early November. Catches were not very large.

Mr. Phil Chitwood reviewed the percentages of allocations taken by foreign nations. Korea has taken 80% of all species in the Bering Sea as of November 17, and 65% in the Gulf of Alaska, with pollock the predominant species in both areas.

Japan had taken 62% of its allocation in the Gulf of Alaska and 92% in the Bering Sea and had reached its pollock quota as of December 9 as well as yellowfin sole and Pacific cod.

The Soviet Union had taken only 27% of its allocation in the Gulf of Alaska, mostly pollock and Atka mackerel. In the Bering Sea, the USSR had taken 62%, mostly yellowfin sole and flounders. They had stopped fishing for yellowfin sole as of December 12.

Poland took 37% of her allocation in the Gulf of Alaska and 57% in the Bering Sea; pollock the target species in both areas.

Mexico had taken 39% of its allocation in 1979, mostly pollock. Two Mexican vessels were seized for fishing in an area where they had no allocation and civil action would be taken against them.

Taiwan caught 38% of its small allocation in the Bering Sea, also concentrating on pollock.

In response to a question by Mr. Eaton, Mr. Chitwood said that when minor discrepancies arise between observer data (best blend) and foreign reports that government is notified and given an opportunity to change their figures. There is currently a difference of opinion with Japan that is being worked out in this manner.

Mr. Chitwood discussed the different reporting requirements for Pacific ocean perch and other rockfish in the Gulf of Alaska Groundfish FMP and the Bering Sea Groundfish FMP. He said the rationale used by the Plan Development Teams in setting the OY was the same in the Gulf as for the Bering Sea and was based on three years of foreign catch records. Therefore, to avoid confusion and if there was no objection from the Council, NMFS would change the reporting requirements for the Bering Sea/Aleutian Island Groundfish FMP to conform with the Gulf of Alaska Groundfish FMP. This action would solve the problem without going through the Amendment process. Pat Travers, NOAA General Counsel, said that if the Council had no objection to this change in regulations, it could be interpreted as a statement of the Council's intent but that it would be desirable to amend the plan as quickly as possible.

Mr. Branson said that when the 1981 plan amendments are made for both the Gulf of Alaska and Bering Sea Groundfish FMPs, this problem would be addressed.

Gear Conflict Between U.S. Crabbers and Polish Trawlers

Mr. Branson noted this subject was also covered under Agenda G-5. Mr. Lokken said that in his past contacts with the Poles he had found them to be extremely cooperative and was surprised over the gear conflict between Polish trawlers and the local Kodiak crab fleet. Ron Naab explained the conflict to the Council, noting it occurred in the Semidi Islands Trench where foreign fishermen do not usually operate. U.S. king crab fishermen were fishing waters deeper than 100 fathoms, while the Poles, with 14 stern trawlers, found pollock and concentrated their efforts in the same area. After NMFS learned the location of U.S. crab gear the U.S. Coast Guard broadcast a Notice to Mariners and sent a cutter with a NMFS agent aboard to contact the Polish Fleet Commander. The Fleet Commander said he had not heard the broadcast and upon learning the area and problem withdrew the fleet within a few hours. Commander Busick, U.S. Coast Guard, said he thought the problem was aggravated by the severe lack of information on the amount of gear in the area and the difficulty in obtaining that information from the crab fishermen.

Commander Busick said they worked with Ms. Peggy Dyson of Kodiak to communicate with the crab fishermen and learn where their gear was set. Weather played a small part in the lack of communications though the cutter CONFIDENCE was in the area before the weather closed in.

Council member Eaton said he had met with several of the U.S. crab fishermen involved in the conflict before coming to the Council meeting. He told the Council the area was fished by U.S. crabbers most heavily when the crabs were not available in shallower water. The fishermen felt the foreign fleet preempted the grounds and many gear conflicts are avoided because the large foreign vessels intimidate the smaller U.S. boat owners. At the meeting, the U.S. fishermen requested all crab grounds be closed to foreign fishing during the crabbing season. In reply to Mr. Eaton's question, Mr. Naab said no gear loss claims have been filed as yet with his office. Mr. Eaton pointed out that the large amount of paperwork involved in filing a claim is not worth the effort unless more than a few pots were lost. Mr. Eaton suggested the NMFS Regional Director be given the authority to move foreign fleets from an area immediately when he was notified of a gear conflict but some of the fishermen felt it would be impossible for him to do so in a timely manner.

Rear Admiral Duin said the Coast Guard had sent several HC 130 flights to the problem area but that the most frustrating part of the incident was trying to get the location of their gear from the domestic crab fishermen. He said they couldn't ask the Poles to leave an area if they didn't know the boundaries of the area they were asking them to leave.

Mr. McVey, of NMFS Juneau Office, said he had received a call from Mr. Potrikas of AmerPol in New York asking the boundaries of the closure. He told Mr. McVey the Poles intended to stay out of areas where gear conflicts might occur. Commander Busick said from the standpoint of enforcement a simple time and area closure regulation is the easiest to enforce.

E-3. U.S. Coast Guard Report of Enforcement and Surveillance

Presented by Commander Pete Busick: Two ships had been seized since the October meeting; the EBISU MARU No. 38 and the RYUHO MARU No. 38 for underlogging, the latter about 50 tons of Pacific cod.

The RYUHO MARU No. 38 arrived in Kodiak December 11; the case has been given to the U.S. Attorney for prosecution. An additional charge will be for not returning a prohibited species (halibut) to the sea in a viable condition. The ship's cargo will be inventoried by the U.S. Marshall's office. There had been a U.S. observer aboard the vessel but it was not known if he had been questioned about any halibut being on board. Admiral Duin said the captain of the ship had admitted underlogging. When asked if the observer had seen any halibut come aboard or had seen the way it was being returned to the sea, Commander Busick said if they gaffed halibut in front of the U.S. Coast Guard party, they probably wouldn't hesitate to do so before an observer.

The Council discussed penalty settlement procedures, observer duties, and violations by country during the year. The delays in case settlement, particularly when complicated by permit sanctions, was reviewed by NOAA Attorney Pat Travers, who pointed out that violations and permit sanctions would be matters for review by the Council's Permit Review Committee.

The Coast Guard Report is attached as APPENDIX B.

E-4. SSC and AP Reports on Nonagenda Items

The SSC had received a written report from the Clam Subgroup who plan to meet in Anchorage in January to review the Clam FMP.

Larry Hreha of the Oregon Dept. of Fish & Wildlife was nominated to replace Jack Robinson on the SSC.

The SSC discussed a paper prepared by the Northwest & Alaska Fisheries Center commenting on the Office of Technology Assessment Study and concluded that because there is a diversity of federally funded activities associated with studies of the oceans, there exists a need for a study to assist the Legislature in making decisions concerning past and ongoing technological developments, future needs and applications. The SSC recommended that the OTA Study should focus on identification of hardware and alternate technologies to meet ocean research goals.

With Dr. Bevan's appointment to the Council, the SSC recommended Dr. E. Miles replace Bevan on the Management Plan Priorities Subgroup.

Don Rosenberg was selected as Vice Chairman of the SSC.

The next meeting of the SSC was scheduled for the day before the next Council meeting.

The Advisory Panel did not discuss any nonagenda items.

F. OLD BUSINESS

F-1. Appointment of new Advisory Panel Members and Advisory Panel Chairman

Mr. Meacham announced a meeting of the Advisory Panel Nominating Committee for Thursday, December 13, at the close of the Council session for that day. As a result of that meeting the Committee nominated the following people to serve on the Advisory Panel: Alvin Burch, Sharon Macklin, William Scott, and Anthony Vaska. The Council confirmed the nominations.

Mr. Meacham said there were still two vacancies on the Panel and nominations would be received until the February Council meeting, with selections made at the March meeting. He requested letters of thanks be written to those persons leaving the Panel. Mr. Branson said the current list of nominees would be canvassed to see if they were still interested in serving on the Panel. Mr. McVey said he would try to interest a professional consumer to serve on the Advisory Panel.

Mr. Boddy, Advisory Panel Vice Chairman, told the Council the Panel offered the following slate of officers for Council approval: Chairman, Robert Alverson, First Vice Chairman, A. W. 'Bud' Boddy, and Second Vice Chairman, Charles L. Jensen.

The Council unanimously confirmed the nominations.

F-2. Limited Entry Workgroup Report

Mr. Branson summarized for the Council the report of the Limited Entry Workgroup. Subjects covered were:

1. Definition of "person" in State and Federal Regulations for the salmon FMP.
2. Eligibility of applicants for Federal power troll permit.
3. Recommendation to the Council to continue the ban on handtrolling in the FCZ.
4. Development of an RFP for a comparative study of limited entry systems.
5. Review of proposed RFP by Bruce Hart to "provide information which will assist the NPFMC in deciding whether to apply limited entry to the halibut fishery off Alaska."
6. The legal basis for establishing limited entry for the halibut fishery off Alaska.
7. Administration of a limited entry program for the halibut fishery.
8. A recommendation to the Council for the next step in the study of limited entry.
9. Development of hypothetical limited entry systems.

SSC COMMENTS

Drs. Miles and Marasco met with Bruce Hart to review the RFP he was preparing. A cost estimate for the RFP was about \$50,000.

AP COMMENTS

None.

PUBLIC COMMENT

Mr. Charles Christensen, representing the Petersburg Vessel Owners Association, stressed to the Council his group's desire to institute limited entry for the halibut fishery as soon as possible.

G. FISHERY MANAGEMENT PLANS

G.-1. High Seas Salmon Fishery Off the Coast of Alaska East of 175° East Longitude

Executive Director Branson told the Council action to amend and extend the FMP for the High Seas Salmon Fishery Off the Coast of Alaska East of 175° East Longitude (Troll Salmon) should be taken at this meeting. The Alaska Board of Fisheries has been considering proposals for the management and regulation of the Southeast Alaska troll fishery at their ongoing meeting. After meeting with the Alaska Board of Fisheries and considering the proposals for amendments to the Troll Salmon FMP, the Council heard reports from the SSC and AP and comments from the general public.

SSC Vice Chairman Don Rosenberg reported their recommendations regarding adoption of the Alaska Board of Fisheries Proposals which are APPENDIX C. The SSC Subgroup for the salmon FMP developed the following position "The position of the SSC is that the stocks of chinook and coho salmon distributed in offshore waters of S.E. Alaska are apparently fully utilized. The data base available for management of these stocks is poor and unlikely to dramatically improve in the near future, thus posing a possible risk to the welfare of those stocks and fisheries should increased fishing efforts occur.

Increases in harvest rates offshore thus could be detrimental to the stocks and reduce allocations available to inshore fisheries in British Columbia and the Pacific states.

Therefore, as a policy, the SSC recommends that changes in the FMP should be framed in such a manner to prevent undue increase in fishing effort."

The SSC took the following position on the proposed changes, Rosenberg told the Council:

1. Handtrolling in the FCZ: The SSC reiterates its October 27, 1979 statement to the Council, which is:

"The SSC endorsed the need to prevent further expansion of efforts by new fleets or gear types onto already fully utilized outside stocks as expressed by the extension to the FCZ of the State ban on hand trolling from 0-3 miles."

Mr. Rosenberg said the SSC finds that part of the reason the extension of this ban was not approved by the Secretary of Commerce was the lack of understanding by the Secretary that these were two distinguishable fisheries. The SSC has requested that the PDT improve the data base which supports this distinction.

2. Mutilation of Salmon. The SSC finds that this proposed change supports the enforcement of the size limit regulation and therefore concur that salmon should not be mutilated in any manner which impedes the species recognition or size determination.

3. Retention of Prohibited Species. The SSC agrees that an important management/enforcement tool is the prohibition of possession on board of coho or chinook in an area and/or season.

Mr. Rosenberg told the Council that data requested on 1979 effort increases in the FCZ to use in evaluating the proposed time/area and effort limitations was still not available. The Subgroup was asked to meet with the PDT when the data were to be presented to the Alaska Board of Fisheries and then make recommendations to the Council. Their recommendations were as follows:

4. Time/Area Closures (two proposed). We do not find that the data presented on harvest rates or increased efforts in the FCZ support the proposed closures. The SSC does concur that fisheries in the FCZ must be stabilized to insure sufficient fish to the 'inside'. It should be noted that time/area closures such as were used last year only serve to concentrate the fishing effort in another area. Thus, any closure should be on very broad stock units.

5. Effort Limitation - 4 Line/4 Gurdy Limitation
The SSC was not provided any data which indicated there had been an increase in the number of lines used by the fishery. We did receive extensive testimony that 6 lines were necessary for economic reasons when fishing on the Fairweather Grounds. Data presented by the Alaska Trollers Association indicate that most effort involving more than 4 lines is on the Fairweather Grounds. We concur that a limitation of 4 lines elsewhere would have little effect on current fishing but would insure that effort did not increase in other areas in the future.

Mr. Rosenberg told the Council the SSC recognized and appreciated the extensive effort undertaken by management and industry to provide them with the data required to understand the ramifications of the Board's proposed actions.

Executive Director Branson read the Advisory Panel Report to the Council. The AP proposed an Amendment to the FMP in two parts, with one part to

extend the FMP through April 14, 1981, and the second to adopt the following management regime:

- A. Impose an annual 10-day trolling closure starting approximately July 10 to protect coho salmon and insure dispersion to inshore and nearshore fisheries, unless such a run is deemed to be of a sufficient size, with adequate dispersion inshore, to make such a closure unnecessary.
- B. Ban a method of fishing known as hand trolling in the waters of the Fishery Conservation Zone.
- C. Require the landing with heads on of all troll-caught chinook and coho salmon.
- D. Restrict to four (4) the number of lines which can be fished from a trolling vessel south of the latitude of Cape Spencer.
- E. Restrict to six (6) the number of lines which can be fished from a trolling vessel north of the latitude of Cape Spencer.
- F. Prohibit the possession of any species aboard a trolling vessel fishing in an area for which the season for that species is closed.
- G. Continue the moratorium on power troll limited entry.
- H. Prohibit the mutilation in any manner which tends to obscure the legal length of chinook salmon.

Public testimony was received during the meeting from the following:

1. George Allen, of the Nez Perce Indian Tribe of Idaho. With him was the Tribe's biologist Douglas Dompierre. They requested Alaskans decrease their fish catch so more fish would get to the upper Columbia systems. Mr. Skoog noted the great number of dams on the Snake and Columbia Rivers that hamper returns of spawning salmon. Mr. Meacham pointed out Alaska has increased the minimum chinook size to 28 inches and instituted closures to help stabilize the fishery.
2. Scott Stafne, with Ed Linkous and Bruce Bakken, of the Alaska Trollers Association, said they would offer the Council an industry-acceptable plan to preserve the resource. Mr. Stafne told the Council in order for one more fish to be returned to the Columbia River area, four Columbia River fish and 100 'other source' fish would have to be eliminated from the Alaska catch. The group requested inseason management authority to take advantage of large returns. Mr. Bakken told the Council he was not prepared to answer questions on the Washington/Oregon fisheries at this time, but only on the Alaska Board of Fisheries proposals. Mr. Linkous told the Council he wrote a paper on the Columbia and Snake Rivers dams while in school and to this date has not seen anyone beating them down with hammers.

After considering the AP and SSC Reports, and public testimony, Dr. Bevan moved to accept the Alaska Board of Fisheries Proposals for the Troll Salmon FMP and the motion passed.

During the January portion of the Council meeting, Gene DiDonato presented a statement on the chinook stocks of the Pacific Northwest. His statement is included as APPENDIX C.

Dr. Bevan moved to request a delay on Council action on the Troll salmon FMP until the February Council Meeting. The motion failed with Mr. DiDonato casting the only yes vote.

Dr. Bevan moved to adopt the Troll Salmon Plan amendments as presented during the December portion of the meeting. The motion passed with Mr. DiDonato dissenting.

Mr. DiDonato moved to have the Council request the salmon Plan Development Team prepare a background report by midseason 1980 on the status of Pacific Northwest stocks, including existing information on their contribution to the S.E. Alaska troll fishery, list data which will be available in one, two, or three years, and where further research needs should be focused. He asked that this information be in one package and accessible to everyone needing it.

Mr. Mace seconded the motion and added an Amendment for the PDT to include a schedule for a Comprehensive Salmon Plan and identify the manpower and money needed to accomplish that task.

Mr. DiDonato accepted the Amendment and the motion passed unanimously.

Dr. Bevan moved to accept the moratorium on hand trolling in the FCZ and to extend the FMP for another year. The motion passed unanimously.

Included as APPENDIX C are the following documents:

1. Troll Salmon Proposals (by Alaska Board of Fisheries)
2. Troll Salmon. (actions taken by the Alaska Board of Fisheries)
3. Salmon Hand Troll Discussion Paper
4. Management History. (of the salmon troll fishery)
5. Hand Troll Presentation to the Board of Fisheries.
6. Alaska Board of Fisheries Resolutions: No. 79-56-FM and No. 79-57-FB.
7. SSC Summary Report on General Statement of Philosophy Concerning the Troll Fishery.

8. AP Summary Report (on Troll Salmon) with Background Rationale, and Chinook Salmon Addendum.
9. Gene DiDonato's presentation.

G-2. Tanner Crab FMP

Executive Director Branson said the Council had been asked to reconsider the action taken at the October 1979 meeting in Sitka identifying 7,500 mt of Tanner crab available for allocation to other nations and that the Council should also consider the Alaska Board of Fisheries actions as amendments to the Tanner crab FMP. The resolutions by the Board of Fisheries on Tanner crab and the Tanner Crab Action Summary are attached as APPENDIX D.

Mr. Rosenberg told the Council the SSC had not been provided with any data or analysis of the cost/benefit aspects of various provisions for pot storage. If the Council was concerned about the economic factors, a study should be done by ADF&G, NMFS, or under contract. The SSC and AP will work with the Council staff, he said, to develop guidelines for such a study if requested to do so.

The Advisory Panel unanimously requested the Council to reconsider the TALFF allocation since they felt no surplus would be available for TALFF, and recommended approval for all the Board of Fisheries proposals for the FMP except one that of adjusting the harvest guideline for C. bairdi in the Bering Sea to 28 to 36 million pounds. They felt there were no new data on which to base a change.

The Council and the Alaska Board of Fisheries reviewed the proposals when they met jointly on Thursday. The Council also listened to comments from the industry and the public regarding pot storage on the grounds and an August 15 closure for Tanner crab. The question of pot storage was scheduled for further discussion at the March Council meeting.

Dr. Bevan moved to approve the following amendments to the Tanner Crab FMP:

1. Eliminate present inspection requirements for Tanner crab vessels and the need for an inspection certificate for landings (same as Board of Fisheries Proposal #350).
2. Allow sale of crab after season closure by owner of vessel lost through sinking (same as Board Proposal #353).
3. Require reporting of dead loss on fish tickets (same as Board Proposal #355).

4. Provide for two districts in statistical area J (South Peninsula and Chignik Districts) (same as Board Proposal #365).

and to reconsider harvest guidelines for C. bairdi at the February or March meetings. Motion passed unanimously.

The Council discussed the amount of crab available for foreign allocation and agreed not to change their October 1979 action identifying 7,500 mt available for TALFF north of 58° N. latitude.

G-3. Bering/Chukchi Seas Herring FMP

The Advisory Panel Report was given by Mr. Boddy who said the Panel listened to public comments from Harold Sparck and Wally Pereyra. The Panel was concerned about a domestic high seas herring fishery because (a) the State currently prohibits trawling north of 56°, (b) an initial TALFF of 8,600 mt has been included, and (c) there is no final OY.

Because all the issues centered on an expression of the 1980 OY and the status of the resource, Mr. Boddy said, the AP has asked for a presentation by the plan drafting team at the next meeting. In the interim all the AP recommendations (on the proposed high seas herring fishery) contained the caveat of a possible change in OY and subsequent changes in their recommendations. He said some AP members felt no offshore trawling should be allowed while other members felt that if surpluses existed, a domestic trawl fishery should be encouraged over a foreign trawl fishery. The AP took no action he said but expressed concern that they were not consulted before the initial 1980 herring OY's and TALFF's were made in the Plan.

In the January portion of this meeting, the AP accepted the figure of 7,965 mt of herring as excess beyond DAH and available to TALFF between October 1979/March 1980 subject to subtracting the foreign catch for the period October 1, 1979 thru December 31, 1979. He said that left 3,965 mt available for TALFF.

Mr. Boddy said the Panel listened to PDT member Louis Barton who explained the herring stocks are increasing and that spawning relationship between stock units is being investigated by ADF&G. AP member Jesse Foster questioned the abilities of observers conducting aerial surveys to distinguish between herring and capelin. Mr. Boddy said some AP members felt the biomass, which should have been available for harvest, was overestimated and that reduced amounts had actually been available to fishermen.

The AP, said Mr. Boddy, reiterates their action at the December portion of this meeting that any allocation of herring to joint ventures or TALFF be contingent upon a determination by the Council that the OY clearly establishes a surplus for the offshore fishery and that the joint venture request clearly takes priority over any foreign allocation.

Four AP members have volunteered to attend the public hearings scheduled for western Alaska, he said; they were Ed Linkous, Jesse Foster, Harry Wilde, and Alan Otness.

Mr. Boddy also said the AP recommends the Council bring to the attention of the Secretary of Commerce their dissatisfaction with the procedure by which the Optimum Yield as stated in the PMP for Bering Sea herring was amended to accommodate a TALFF.

Mr. Rosenberg said the SSC reviewed the paper prepared by the Plan Development Team entitled "Estimated Optimum Yield and Allocations of Herring FMP in Effect in 1979-80," which listed estimates of the 1979 OY and preliminary 1980 OY for herring formulated from the most current data. He said the SSC found the estimates to be satisfactory and the best available. The SSC has determined the 1979 biomass estimate, subsequent estimates of ABC, final 1979 OY and the October 1979 to March 1980 available surplus described in the plan to be correct. He said the Council should be aware that the 28,314 mt surplus is available only until March 30, 1980. Surplus available for the remainder of 1980 is to be determined using the 1980 biomass estimates and the actual 1980 harvest in the roe fishery. Mr. Rosenberg said the SSC withholds final judgement of the procedure used to adjust the "Maximum Potential TALFF" to the "Actual TALFF," and will again consider the procedure during the final review of the entire plan after completion of the public review process.

The procedures used throughout the plan are appropriately conservative he said and the estimates are derived from the lower end of a range of acceptable values with estimates adjusted downward to account for uncertainties.

Public comments were heard from Pat Wennekens, Harold Sparck, Steve Johnson, Wally Pereyra, and Ed Furia.

G-4. The North Pacific Halibut Act of 1979

The Advisory Panel was still in session so Acting Chairman Harold Lokken read their comments on this agenda item. The AP reviewed the draft legislation for the North Pacific Halibut Act of 1979 and recommended Council approval with inclusion of limited entry language. The AP called the Council's attention to Sections 7(a)(2), Section 10, and Section (11)(b)(1).

The SSC did not address this subject during the December or January portions of this session.

Public testimony was received from Charles E. Christensen, David E. Ausman, Jay Koenecke, Don Kuiper, Nell Waage, and Don Baker. Virtually all of it was on the pros and cons of limited entry in the halibut fishery--only Christensen advocated it.

Mr. Branson told the Council the limited entry language approved at the October meeting had been incorporated in the draft legislation and we had since received a current draft for Council review. After reviewing the full text the Council instructed Mr. Branson to notify the Secretary of Commerce the Council had no objections to its provisions.

G-5. Gulf of Alaska Groundfish FMP

Mr. Branson listed the five issues requiring Council action on the Gulf of Alaska Groundfish Fishery FMP. They include changes in the sablefish OY, joint venture time/area closure policy, gear conflicts, incidental halibut catches, and 1980 foreign allocations.

Mr. Pennoyer said the SSC received a report from the Northwest & Alaska Fisheries Center on the status of sablefish stocks off S.E. Alaska but the PDT had not yet reviewed it. The SSC asked the PDT to give their views to the Council at its next meeting.

Mr. Pennoyer said the SSC preferred the more flexible approach of authority for the Regional Director to make time and area closures to avoid gear conflicts rather than fixed closures. He said the PDT will review this problem with the AP at their next meeting.

The SSC had no recommendations on a Council policy for time/area closures to foreign joint venture processors to protect domestic processors.

Mr. Bud Boddy said the AP reviewed the sablefish OY with Dr. Balsiger and concluded no change was necessary and that the OY should remain at 13,000 mt.

The AP listened to a PDT report recommending division of the eastern management area and quotas into four parts as follows:

Yakutat west of 140°	2,000 metric tons
Yakutat east of 140°	1,400 metric tons
Southeast Fishery Conservation Zone	3,000 metric tons
Southeast State waters	700 metric tons

The AP recommended this issue be sent to the SSC for evaluation and that it be included in the annual amendment package.

The AP also reviewed a September sablefish opening in Chatham Straits and referred the matter to the PDT.

Public comments were received from Edward Furia, James Seeley, Forbes Baker, Jeff Stephans, Edward Naughton, Paul MacGregor on behalf of the North Pacific Longline/Gillnet Association, Alan Otness, and Steve Johnson.

The Council approved Dr. Bevan's motion to not change the OY for sablefish at the present time.

G-6. Bering Sea/Aleutian Islands Groundfish FMP

Executive Director Branson reviewed the three issues requiring Council action at this meeting on the Bering Sea/Aleutian Islands Groundfish FMP. They are: 1. Approve an amendment giving the Regional Director inseason field order authority; 2. Consider relaxing the domestic trawling restrictions in the winter halibut savings area; and 3. Readdress a salmon savings time and area closure to foreign trawlers.

The SSC approved inseason field authority to the Regional Director for the Bering Sea/Aleutian Islands Groundfish FMP said Mr. Rosenberg, it should be the same as exists in the Gulf of Alaska Groundfish and Tanner Crab FMP's.

The Advisory Panel felt the Regional Director should be given inseason authority for this FMP, but Boddy added the criteria used in the Gulf of Alaska Groundfish FMP to determine gear conflicts, grounds preemption, time and area closures, should be included. The AP asked that an appeal process for field orders and the opportunity to reconsider a field order be established.

Voluminous public testimony was received on this FMP from the following people: Harold Sparck, Steve Johnson, Wally Pereyra, Henry Haugen, Daniel Webster, Edward Naughton, Nancy Hallelback, Juel Angle, Mike Angle, Bert Larkins, and Ted Evans.

Mr. Bevan moved the Regional Director be given inseason field authority and the Council agreed.

On the issue of domestic catch restrictions in the winter halibut savings area Mr. Rosenberg said the SSC recommended a quota of 10 metric tons of halibut or 2,000 metric tons of groundfish, whichever comes last. They also noted that if a halibut quota is established for this fishery, a domestic fishery observer program will be required.

The AP recommended the 2,000 metric ton quota for trawl fisheries in the winter halibut savings area from December 1-May 31 be removed and that when 5,000 metric tons have been caught, an estimate be made of the incidental catch of halibut. He said if the incidental catch of halibut is greater than .5 percent, the fishery should be closed; whereas if the incidental catch is less than .5 percent, another 5,000 metric tons should be allocated.

Mr. Lokken offered an 11-point proposal for a winter halibut savings area and pot sanctuary for Council consideration. This is attached as APPENDIX E. Included with the proposal were some possible options for the Council to consider on time and area restrictions for foreign processors.

Mr. H. A. Larkins, team leader of the MPDT told the Council not much immediate relief could be granted to the domestic groundfish fishery except to limit the halibut catch to 10 tons and let the fishery continue until that amount was taken. Other action would require an amendment to the plan. The MPDT plans to look at both groundfish plans at a meeting January 23-24 in Seattle, particularly at the halibut savings area and pot sanctuary and will begin the amendment process for 1981.

Mr. Lokken made the following motion:

1. That the winter halibut savings area near the Pribilof Islands commonly referred to as the Misty Moon Grounds be temporarily discontinued until further information as to the incidence of halibut there is known;
2. That domestic trawling in the remaining halibut savings area be permitted until an aggregate trawl catch of 15 metric tons of halibut is taken;
3. That domestic trawling be permitted in the pot sanctuary until an aggregate trawl catch reaches 15 metric tons there. In other words the 15 metric tons in one area and 15 metric tons in the other are a total of 30 metric tons;
4. Trawling as stated in Parts 2 and 3 shall be subject to the following restrictions:
 1. All halibut taken shall be returned to the sea,
 2. That observers as requested be allowed on board vessels to monitor their operations,
 3. All fish taken by trawlers shall be recorded, both those retained and those discarded. The discards shall be estimated by major species.

Mr. Bevan offered an amendment as follows:

Accept the motion but to eliminate the reference to halibut with the understanding that if the amendment results in a long drawn out amendment process that the Council will withdraw that proposal in favor of the original motion.

After some discussion the Council approved the amendment and voted on the Lokken motion, approving it unanimously.

Mr. Rosenberg said the SSC reviewed the problem of trawl caught salmon and recommended an ADF&G western Alaska salmon expert be assigned to the Plan Development Team and to work with them. Mr. Skoog agreed to this request.

The Council will wait for reports from the SSC and consider the issue at the meeting following receipt of the report.

Ed Furia, representing New England Fish Co., and Icicle Seafoods, Inc., requested the Council establish a domestic processor protection zone around Akutan, Homer, Kodiak, Petersburg, and Seward where joint venture processing operations would be prohibited.

Mr. Lokken requested the telegram from National Federation of Fishermen be included as part of the Council record. The telegram is in APPENDIX E.

NOAA Attorney Mike Stanley told the Council any time/area closures must not affect U.S. harvesters and that conservation criteria must be considered as well as economic reasons when establishing them. Guidelines, he said, are stated in National Standard #5.

Mr. Rosenberg said the SSC requested NMFS to provide them with biological data so they can review the effect on the resource of processor preference time/area closures.

Mr. Bevan moved the domestic processor protection zone request be submitted to the SSC and PDT for review. Mr. Skoog requested information on what benefits will arise from the establishment of such a zone, who gets the benefits and who loses, how much fish is in the area, and what conflicts will be created. The SSC said Mr. Rosenberg will try to get the answers to the Council by its next meeting. The Council also requested the Plan Development Team, Northwest & Alaska Fisheries Center, and Alaska Department of Fish & Game biologists to look at this issue.

Further discussion of joint venture permits and protective zones for U.S. processors is found in Section H-5. 'Foreign Permit Applications.'

SPECIAL AGENDA ITEM

This was the first joint meeting of the North Pacific Fishery Council and the Alaska Board of Fisheries. Gordon Jensen, a member of both groups was elected to serve as chairman for the first session. Following introductions and approval of the agenda, Mr. Lokken spoke, calling the meeting an historic event, a milestone in the management of Alaska's fisheries and voiced his hope the two groups would continue to complement each other's work. Mr. Nick Szabo, Chairman of the Alaska Board of Fisheries said he hoped both groups would work more closely in the future for the best interests of Alaska's fisheries, the industry, and the consumers.

The Group discussed two versions of a Memorandum of Understanding (Agenda H-1) to continue their joint work in fisheries and approved OPTION I, which is attached as APPENDIX F.

Mr. Lokken asked if public comments would be allowed at this meeting and Mr. Beaton suggested that this meeting does not require public input but is a platform for exchange of ideas between the two bodies. Mr. Szabo said the Board has already adopted regulations for the fisheries under State control and will report those actions to the Council, thereby eliminating any need for voting. Mr. Eaton stated the one body's actions may put an onus on the second to follow their lead, but when problems arise a joint meeting should be held to solve them before any action is taken by either group. All agreed to this procedure.

Joint Management Proposals for Troll Salmon FMP

Mr. Jensen announced the first subject to be discussed would be the Council's Troll Salmon FMP. Mr. Szabo requested Steve Pennoyer to explain the actions the Board would like the Council to take regarding the Troll Salmon FMP. Mr. Pennoyer discussed the different actions each body had taken in this fishery and he listed the proposals adopted by the Board as follows:

<u>Proposal No.</u>	<u>Subject</u>
301 & 342	Both proposals address the mutilation of salmon; #301 addresses the mutilation of chinook in the Yakutat Region #342 addresses the mutilation of chinook in the S.E. Alaska Region. The effect of both is to prohibit the dressing of a chinook in such a manner as to make it impossible to determine the length of the fish when caught. The language of the proposed amendment is: "NO KING SALMON MAY BE MUTILATED OR OTHERWISE DISFIGURED IN ANY MANNER WHICH PREVENTS DETERMINING THE MINIMUM SIZE."
343 & 345	Both proposals address troll-caught salmon being kept with heads on until sold. #343 addresses chinook, #345 addresses coho. The language of the proposed amendment is: "ALL TROLL-CAUGHT FISH MUST BE KEPT WITH HEADS ON UNTIL SOLD."
346	The proposal addresses the possession of coho in an area closed to coho fishing. The language of the proposed amendment is: "NO TROLL VESSEL MAY BE USED TO TAKE COHO SALMON WHEN COHO SALMON ARE ABOARD IN AN AREA CLOSED TO THE TAKING OF COHO BY TROLL GEAR."
410	The proposal addresses the retention and sale of halibut caught while trolling during the open season for halibut. The proposal reads: "HALIBUT CAUGHT WHILE TROLLING FOR SALMON MAY BE KEPT AND SOLD ONLY DURING THE HALIBUT OPEN SEASON."

The Board of Fisheries had adopted several other motions relating to troll fishing, not all of which would require Council action to make the regulation conform both in State and Federal waters:

- Motion 1. HAND TROLL FISHING IS LIMITED TO TWO LINES.
- Motion 2. THE PERCENTAGE OF CATCH ALLOCATION FOR HAND TROLL IS 20%.
- Motion 3. POWER TROLLERS ARE LIMITED TO FOUR LINES SOUTH OF CAPE SPENCER.
POWER TROLLERS ARE LIMITED TO SIX LINES NORTH OF CAPE SPENCER.
POWER TROLLERS ARE LIMITED TO SIX GURDIES ABOARD IN
OPERATIONAL CONDITION.

The Board of Fisheries did not adopt any area closures. In lieu of discussions concerning closures #1 and #2 which the Council has discussed, the Board adopted a philosophy of management for the troll fishery. The "Management Plan for the Yakutat and Southeastern Alaska Chinook and Coho Troll Fishery" provides that the Board will:

1. Maintain the regulatory status quo in the inshore, coastal and offshore areas during the early chinook season;
2. Maintain the regulatory status quo in the inshore, coastal and offshore areas during the coho season prior to the July 10-15 period;
3. On or about July 10 evaluate the size and distribution of the coho run and invoke a 10-day closure UNLESS the run is well above average in size and the distribution of coho to inshore areas is good;
4. & 5. Reopen following any July closure under normal regulations with modifications, as necessary.

The "Plan" constitutes a system of in-season management which makes time and area closures unnecessary on a permanent basis.

The Board rejected proposals to allow hand trolling outside the surfline.

The SSC and AP Reports and the Resolutions by the Board on the Troll Salmon FMP are included as APPENDIX G.

A lengthy discussion was held on all aspects of the proposals.

No action was taken by either group.

Joint Management Proposals for Tanner Crab

Mr. Szabo told the Council the Board had approved regulatory proposals they would like to have considered as amendments to the Tanner Crab FMP and will consider season dates at its spring meeting. The full list of proposals the Board considered is attached as APPENDIX G.

He said the Board did not consider exact OY figures were necessary since they intend to manage the fishery in season. Attorney Patrick Travers told the Council that if the current OY figures were changed a problem

could arise with the foreign fishery and an increased OY would require a finding that the domestic fishery will take all the increase. Mr. Skoog suggested the Council use one set of figures to determine OY and accept both ends of the proposed ranges--22-36 million pounds--all agreed.

Mr. Eaton asked if it was economically feasible to require removal of the crab gear from the grounds for an 18-day period at a cost to the fleet of \$800,000. Mr. Szabo told the group the Board had spent a considerable amount of time on this question, had received a great amount of testimony from fishermen and processors at their hearings and agreed the closure was a desirable distinction between the king and Tanner crab fisheries. Mr. Szabo called on Alaska Dept. of Public Safety Officer Captain Frank Sharp to explain enforcement of pot storage. Mr. Sharp told the group it was easier to enforce the regulations when pots are stored on land as there are no funds nor time to fully enforce water storage.

Mr. Eaton suggested a Council member be appointed to sit with the Board of Fisheries at its meetings.

Herring

The joint meeting continued with a discussion on herring in the Bering Sea. Mr. Lokken asked about the State of Alaska prohibition on U. S. trawling for herring north of 56° N. latitude and its relationship to the legality of allowing foreigners to take herring in that area. Attorney John Gissberg said the State would not take enforcement action if a U. S. Joint venture catcher boat delivering to a permit holding foreign vessel in that area had a Federal permit. If the U.S. boat did not have a Federal permit to operate in the FCZ, then an analysis of the applicable laws and regulations under which the vessel was operating would determine State action, if any. Mr. Szabo, read the Board's resolution regarding Bering Sea herring and reviewed each item with the Council. This resolution is attached as APPENDIX G. Szabo said the Board recognizes the value of a limited offshore fishery but wants to keep the inshore fishery intact for the subsistence users. The State's and Board's philosophy is that some of a mixed stock can safely be fished, but heavy effort should be allowed only on separate stocks. Steve Pennoyer said that some coastal areas are completely closed to commercial harvest while allowing a subsistence fishery. The Bering Sea herring fishery is presently operating under a PMP which has an allocation of 8,700 mt for incidental catch by foreign fishermen in conjunction with their very large fishery for groundfish. The Council then discussed the derivation of ABC and asked Mr. Vidar Weststad of the MPDT for background material on how the figures in draft FMP were developed. Mr. Weststad presented a paper (attached as APPENDIX G.) and reviewed the methods the Team used. Patrick Travers told the Council and Board the PMP does not limit or regulate the U.S. harvest, only the foreign fishery. If a joint venture catch of herring was supported by

the Council he said it would require some additional DAH which, if the same OY were used, would change the amount available for TALFF. He cautioned against allowing the amount available for the foreign incidental catch of herring to get so low that it would close the foreign groundfish fishery. The OY could be increased for socioeconomic reasons, he said, while keeping the same TALFF figures.

Mr. McVey told the Council that NMFS verifies the correctness of foreign catch reports by observer coverage on the bottomfish fishery.

Board member Jimmy Huntington stated the Natives should be allowed a subsistence fishery; ADF&G Commissioner Ron Skoog replied there was no restriction on the subsistence take and that the figures used to determine the amount needed were only estimates. Mr. Szabo pointed out that subsistence users need fish that are easy to catch, not an allocation, and therefore required abundant stocks if their needs were to be satisfied. He noted that social and economic factors could be considered under the FCMA. Mr. Pennoyer told the group that 1,000 mt. of herring was subtracted from the ABC for subsistence based on a survey of user needs. Mr. Huntington replied subsistence users never give correct figures as they don't know how the figures will be used. Dr. Bevan said American commercial fishermen and subsistence users should be provided for before any fish are allocated to foreign fishermen. The Council discussed in great detail the needs for subsistence users, the domestic catch, and how to insure these needs can be met. Mr. Rietze stated he wants biological, not political, factors to rule the Council's decisions for the herring fishery. Mr. Skoog told the Council the conservation issue can be used to prevent a high seas fishery thus any surplus ABC will not necessarily have to be allocated.

Mr. Tillion said the FMP will be in effect next year so no Council action is necessary at this time. He requested the Board of Fisheries to give ADF&G Commissioner Skoog wide authority to act on allowing a fishery on mixed stocks; and Mr. Szabo said the Board will go thru the formal process to accomplish this.

The Alaska Board of Fisheries Proposals are attached in APPENDIX G.

Mr. Szabo summed up the meeting and agreed joint Council/Board meetings should be held at least twice a year to discuss common concerns and resolve any differences but they should not wait for joint meetings to consult with each other. He told the group the State of Alaska has set up 60 advisory committees of user groups, divided into six regions. The chairmen of the 6 regions frequently consult with each other to avoid misunderstandings and to resolve differences. The State pays expenses of the chairmen to attend Board meetings which guarantees maximum public participation. He questioned which body had final authority on fisheries matters and suggested the Board system be incorporated into the Council system with members of each group attending both meetings. He told the group the Board has segregated its hearings by species so Council

members with particular interests need not attend every Board meeting. Mr. Szabo asked which body's decision would be final and suggested joint meetings to prevent that question becoming a serious issue. He felt both groups could work together in harmony.

Mr. Lokken accepted Mr. Szabo's invitation to have Council members sit with the Board, noting it would tend to eliminate separate hearings and meld the decision making process. NOAA Attorney Patrick Travers told the group he thought such an exchange would comply with the FCMA's requirements for public input. Mr. Beaton pointed out to the group that the Board sets the regulations while the Council makes the management plans. Mr. Lokken suggested appointments from each body to improve coordination and appointed Executive Director Branson to represent the Council; Mr. Szabo appointed Board Executive Director Greg Cook and ADF&G Director of Commercial Fisheries Steve Pennoyer to represent the Board of Fisheries.

H. NEW BUSINESS

H-1. Resolutions and Actions Resulting From Joint Meeting With Alaska Board of Fisheries

This agenda is fully discussed under SPECIAL AGENDA ITEM.

H-2. SSC Membership Change

The Council unanimously accepted the SSC nomination of Larry Hreha to replace Jack Robinson on the SSC. Robinson will be an alternate to Hreha.

John Burns, marine mammal scientist for ADF&G, was nominated as the 11th member of the SSC; his appointment was unanimously confirmed by the Council.

H-3. February Meeting Date and Location

Executive Director Branson proposed that the Council meet on February 7 and 8 and hold the postponed public hearings on the Bering/Chukchi Seas Herring Draft FMP on February 4, 5, 6, 1980 and submitted a request from Nunam Kitlutsisti to hold the February Council meeting in Bethel. Ron Skoog said there were no facilities in Bethel to hold a Council meeting and Mr. Lokken added a Council meeting should not be held in a place where a large public audience could not be accommodated.

At the January portion of this meeting, the Council voted to hold the Council meeting February 7 and 8, in Anchorage and the postponed Herring Draft FMP public hearings on February 9, and 10. Locations for the hearings are Bethel, Tooksook Bay, Hooper Bay, and Togiak. Volunteering to attend the hearings were Ron Skoog, Harold Lokken, and Don Bevan.

H-4. Department of State Reports

Mr. Ray Arnaudo, of the U. S. State Department, told the Council John Negroponete will be leaving for another post in the State Department and Morris Busby will be the Acting Director until a permanent replacement is named.

On the reciprocal fishing agreements with the USSR, Mr. Arnaudo reported attempts had been made to get Soviet scientists to the U.S. or U.S. scientists to Moscow to discuss what stocks might be available to U.S. fishermen but no exchanges have yet occurred, nor has there been any further action on the agreement.

A Norwegian company has been seeking an access agreement to process fish in a joint venture for hake off California, but the U.S. company is no longer interested he said.

West Germany has requested permission to fish for pollock off Alaska but the State Department does not expect to give them an allocation for 1980. He said they may be allowed to fish for hake off the Washington/Oregon area as a demonstration project.

Mr. Arnaudo requested Council comments on an increased allocation to Poland. He said the increase was made because Poland has suffered losses in the east coast fisheries. Congress approved the move, said Mr. Arnaudo, because Poland provides low cost fish to U.S. processors thereby providing low cost fish to U.S. consumers. Therefore, the State Department is interested in any comments the Council may have in this matter. Mr. Meacham questioned the increase of a foreign allocation not based on the first three criteria in the FCMA. Mr. Arnaudo told the Council the allocation was made under the "Other" category and the subject should remain open for future Council discussion. He said more guidance was needed on making allocations under the "Other" category.

H-5. Foreign Permit Applications

Mr. Branson read the Permit Review Committee's recommendations to the Council for Bart Eaton, who conducted the meeting December 14, 1979.

He told the Council the Committee recommended:

1. Approval of the joint venture permits, subject to whatever restrictions placed on them by the Council as a whole;
- and 2. the Council make 'no recommendations' on those permit applications before them on vessels which committed violations in 1979.

Mr. Branson said the Committee also recommended the Council develop a policy for penalties or restriction on ships that have serious violations in the future. The Committee discussed the possibility of reducing an

allocation to a country whose vessels commit serious violations and increasing allocations to countries with a cleaner track record. Mr. Branson said the Committee felt it would not be proper to judge each individual violation separately and impose further penalties as a Council action, or to impose permit restrictions on vessels whose cases were still pending.

Mr. Boddy read the Advisory Panel's statement on joint venture time/area closures as follows: "Recommend that the Council consider case by case the possibility of time and area closures to joint ventures to afford a U.S. corporation the opportunity to utilize the boats of an area for Domestic Annual Harvest."

Mr. Boddy told the Council the AP had listened to members of the industry and fishermen, explored various ideas concerning the philosophy of time/area closures, the potential impacts of proposed time/area closures on both joint ventures and U.S. fishermen, cooperative arrangements of fishermen supplying shorebased plants and delivering surpluses to joint ventures, legislative relief, and the applicability of time/area closure requests as amendments to the plan or conditions and restrictions on joint venture permits.

The Council listened to comments from the industry, fishermen, and received a telegram from Kaare Ness, president of Royal Viking, Inc., on the subject of joint venture application permits. Mr. Ness' telegram and a statement from KMIDC attorney Francis Smith are in APPENDIX H.

The Council voted to include as restrictions on joint venture permits that no foreign processors be allowed to receive fish from American fishing vessels within 12 miles of Akun and Akutan Islands, thus establishing a domestic processor preference zone in those areas. Dissenting vote was cast by Mr. Skoog; abstaining from voting was Gordon Jensen to avoid a conflict of interest. The Council also voted to allow joint ventures no more than 5,000 metric tons of herring in 1980 prior to April 1.

Mr. Campbell suggested the Council establish a policy setting strong penalties for vessels committing violations.

H-6. 1980 Foreign Fee Schedule

Mr. Lokken called the Council's attention to the letter written by Mr. Branson to the Washington Office of NMFS suggesting an increase in some categories for the 1980 fee schedule. No comments were received on this agenda item.

H-7. HR 5611, A Bill to Amend the FCMA

Mr. Lokken told the Council HR 5611, introduced by Congressman Don Young would add Alaska to the Pacific Fishery Management Council as a voting

member, change their voting membership from 13 to 15 and require at least two appointments from each State, providing that only one member be appointed from Alaska. It also proposes a sundown clause on the Secretary of Commerce review of Fishery Management Plans or Amendments. Mr. Meacham told the Council the Pacific Fishery Council had unanimously voted to give a vote to the Alaska member of their Council and have so testified before the Oversight Hearings. He said a letter should be written reaffirming the NPFMC's position on this issue. The Executive Director was instructed to write such a letter, but not commenting on the second additional voting member proposed by the Bill.

H-8. Suspended Coverage of World Fisheries Developments Report

Executive Director Branson listed the subjects covered in the NMFS Report "Latest Developments in World Fisheries," and noted that because of budget restrictions several subject categories had been dropped. After discussion by Council members on the importance of the information in the report to Council activities, the Executive Director was instructed to write a letter asking NMFS, in strong language, to continue the publication at its full strength.

H-9. State/Federal Management and research in Interjurisdictional Fisheries--Proposed Meetings

Mr. Lokken informed the Council of the State/Federal Management meetings to be held January 7, in San Diego and on January 29, 30, and 31, 1980, in Alexandria, Virginia. The Council approved attendance by the Chairman and the Executive Director.

H-10. Confidentiality of Statistics

Phil Chitwood discussed the Interim Final Regulations to protect the confidentiality of statistics collected under the authority of the FCMA. They authorize the NOAA Assistant Administrator as the person to receive all statistics and data generated by FMP's and PMP's. Security systems for handling data are prescribed, penalties for violation of confidentiality, and designate who may have access to the data. The Regulations do not allow statistics to be released if they are identifiable information from less than three individuals, ships, companies, etc. cannot be released to the public, which includes the Council and its contractors. When a country has less than three vessels fishing in a single reporting area, their catch figures will not be available to the Council. Chitwood said we cannot demand that a waiver be included in their Permits allowing NMFS to release them. Mr. Lokken objected to the possibility of not being able to keep track of foreign catches in the FCZ. Admiral Duin suggested several alternative actions: ask Commerce for a change in the Act, ignore the regulations, or ask the lawyers to solve the problem. Jim Brooks, NMFS, said the confidentiality regulations are now in effect. He said the Juneau office of NMFS had recommended the regulations apply for U.S. citizens only, not foreigners, but that recommendation hasn't been accepted.

After Council discussion, Mr. Branson summed up the Council's intent on these regulations as follows:

1. Ask to have the comment period extended.
2. Voice the Council's concerns about the need for catch information in Council deliberations and the need for raw data by some Council contractors to the Assistant Administrator of NOAA, and
3. Bring the matter to the attention of the Congressional Oversight Hearing Committee.

In the January portion of the meeting the subject was again discussed. Don Bevan requested that the confidentiality of statistics not apply to foreign fishermen and NMFS keep the original records intact for research purposes, while allowing deletions of some data when presenting them to the public. The Executive Director was instructed to write to Commerce with these suggestions.

I. REPORTS, CONTRACTS, PROPOSALS

- I-1. A Proposal for Funding: To Assess and Study the Seasonal use and Feeding Habits of Walrus in the Proposed Bristol Bay Clam Fishery Area.

Mr. Lokken asked for comments on the proposal. Mr. Campbell said the RFP meets Council criteria for funding, but perhaps other studies have higher priority for funding at this time. The Council voted to approve the proposal if the successful bidder is able to obtain a permit to collect enough walrus and clam stomachs to conduct an acceptable study. Two members voted nay.

- I-2. RFP, The Applicability of Limited Entry for the Halibut Fishery Off Alaska

Mr. Lokken said no funding was necessary for this proposal at this time, but the Council was asked to approve release of the solicitation for RFP's for this study. After discussing the goals of the study and possible costs, the Council moved to approve advertising for a RFP.

- I-3. Contract 78-5, Assessment of Spawning Herring Stocks at Selected Coastal Areas in the Eastern Bering Sea. Draft of Final Report.

Mr. Branson said this report will be reviewed by the SSC who will comment and make recommendations to the Council before final payment is made.

- I-4. Draft RFP: The Feeding Habits and Food Requirements of Marine Mammals in the Bering Sea.

Mr. Branson said this was a proposed joint project with the Marine Mammal Commission to develop an ecosystem modeling program for the Bering Sea and recommended the draft proposal be held until after a symposium on modeling scheduled this spring.

The Council approved the recommendation.

J. FINANCIAL REPORT

No Finance Committee meeting was held during this session.

K. PUBLIC COMMENT PERIOD

There were no comments made other than to specific agenda items.

L. CHAIRMAN'S CLOSING REMARKS

Mr. Tillion acknowledged former AP Chairman Keith Specking in the audience and Mr. Specking introduced Alaska Lt. Governor Terry Miller to the Council.

M. ADJOURNMENT

The first portion of this meeting recessed December 14, 1979, at 3:25 p.m.
The second portion adjourned January 11, 1980 at 2:55 p.m.