

# North Pacific Fishery Management Council

Clement V. Tillion, Chairman  
Jim H. Branson, Executive Director

Mailing Address: P.O. Box 3138DT  
Anchorage, Alaska 99510

Suite 32, 333 West 4th Avenue  
Post Office Mall Building



CERTIFIED Telephone: (907) 274-4563  
FTS 271-4064

  
CLEMENT V. TILLION, CHAIRMAN

## MINUTES

Thirtieth Plenary Session  
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL  
February 7-8, 1980  
Anchorage/Westward/Hilton Hotel  
Anchorage, Alaska

The monthly meeting of the North Pacific Fishery Management Council was held in Anchorage, Alaska, February 7-8, 1980, at the Anchorage/Westward/Hilton Hotel with Chairman Clement V. Tillion presiding.

The Scientific and Statistical Committee met at Council headquarters February 6, 1980, with Vice Chairman Donald Rosenberg presiding.

The Advisory Panel met at the Anchorage/Westward/Hilton Hotel on February 6, 1980, with Chairman Robert Alverson presiding.

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

### A. CALL TO ORDER

The meeting was called to order at 8:50am by Council Chairman Clement V. Tillion.

### B. AGENDA

The Council accepted the agenda as presented.

### C. MINUTES OF DECEMBER-JANUARY MEETING

The minutes of the December-January meeting had not been completed and will be reviewed at the March 1980 meeting.

### D. EXECUTIVE DIRECTOR'S REPORT

Executive Director Branson reviewed the highlights of the report for the Council. He attended the State/Federal meeting in Alexandria, VA called for the purpose of establishing and recommending priorities and funding sources for NMFS state assistance programs and direct NMFS programs.

He and Chairman Tillion attended the IPHC Annual Meeting in Seattle and were impressed with the decisions and actions at that meeting.

Mr. Branson said Mr. Michael Hunter, Associate Director of the International Fisheries Relations Branch, from Ottawa, Canada, and Mr. Don McCaughran, of IPHC, were to address the Council during this meeting.

The Scientific & Statistical Committees of the North Pacific and Pacific Councils held a joint meeting in Seattle at the same time as the IPHC met. Their discussion centered on salmon problems of joint interest. A report of those discussions will be presented at the March Council meeting.

A staff economist has not yet been hired, but recruiting efforts are continuing.

Mr. Branson introduced new staff member Diane Martin who is replacing Cindy Clinton.

The FMP Status Report was included as a separate item in his report and he announced there would be a Finance Committee meeting Friday, at 7:00am in the Council conference room.

The photographer would be available to take pictures of Council, SSC, AP and staff members and was located in the hall outside the meeting room he said.

The House Subcommittee on Fisheries, Wildlife, and the Environment has scheduled hearings on the conservation of northern fur seals March 18, in Washington, D.C. and Mr. Branson recommended the Council send someone to testify as well as submit written testimony.

The AP said a more forceful presentation would be made in person and recommended the Executive Director attend with AP member Anthony Vaska. The Council voted to let the Chairman and Executive Director use their discretion as to who should attend, and that attendance at the hearing could be combined with other Council business in the Washington area.

Staff travel was extensive during the month, said Mr. Branson with Mr. Hershberger attending the following meetings in Seattle: joint SSC meeting, and joint PDT for Gulf of Alaska and Bering Sea/Aleutian Islands Groundfish FMP's. Mr. Hutton attended the PDT meetings and also worked with the contract steering group and the consultant on the data development contract with ADF&G.

#### E. SPECIAL REPORTS

##### E-1. Report from Mr. M. Hunter

Mr. Tillion introduced Mr. M. Hunter, Associate Director, International Fisheries Relations Branch, Canada, and thanked him on behalf of all Americans for Canada's assistance in smuggling five Americans out of Iran.

Mr. Hunter addressed the Council, giving a pledge for cooperation on fisheries matters of mutual concern to the U.S. and Canada. He said 1980 was the last year for Canadians to fish halibut in the U.S. FCZ and was pleased with the good cooperation between IPHC and the Council and hoped joint research on transboundary stocks would continue. Meetings on mutual salmon problems, in progress since 1971 have made great strides in developing technical data. With good cooperation between the North Pacific Council, the Pacific Fishery Council, and Canada he felt both countries would benefit from joint salmon enhancement programs. Mr. Hunter said an agreement was needed to protect all Pacific coast salmon fisheries. Mr. Tillion pledged the cooperation of the North Pacific Council.

E-2. A Report from Mr. Donald McCaughran, IPHC

Mr. Tillion introduced Mr. Don McCaughran, Director of the International Pacific Halibut Commission. Mr. McCaughran reviewed the decisions made at the recent Annual Meeting, noting that the atmosphere of the meeting was one of cooperation between the United States and Canada.

The IPHC has a research cruise underway with a goal of tagging one thousand juvenile halibut. All fish killed during research operations are allowed to be sold with proceeds going toward paying for the research charter.

E-3. Alaska Department of Fish & Game Report on Domestic Fisheries

Mr. Fred Gaffney, of ADF&G, told the Council copies of the cumulative groundfish catch statistics for 1979 were already in their agenda packets. He reported five vessels in the Kodiak area fishing for bait and getting 30¢ a pound. Four vessels landed pollock in the round at a low price in Southeast Alaska.

The Tanner crab fleet out of Kodiak landed 7.2 million pounds by February 3. About 1.3 million pounds have been landed from the Shelikof Straits area. In the south Peninsula area 600,000 pounds were landed while Chignik reported 144,000 pounds by January 27. The Bering Sea fleet of 30 vessels have landed 503,000 pounds at 52¢ but the ice pack down as far as Port Moller, has greatly impeded the fishery.

Prince William Sound achieved the guideline harvest level of Tanner crab and was closed by Emergency Field Order the latter part of December.

E-4. National Marine Fisheries Service Report on Foreign Fisheries Including Joint Ventures

Mr. Ron Naab, NMFS reviewed foreign fishing activities since the December Council meeting. During December he said 121 foreign fishing vessels operated off Alaska with 75 Japanese, 24 USSR, 16 South Korean, 8 Polish, and 1 Mexican. In January 180 foreign vessels were on the grounds, the increase by Japan. The Mexican vessel departed as did the two Taiwanese ships.

In February 146 foreign vessels were on the grounds after the departure of the USSR vessels at President Carter's order eliminating their allocation following their invasion of Afghanistan. The Japanese had 6 vessels in the Chirikof area and 6 in the Shumagins fishing for blackcod and Pacific cod. Along the Aleutians 14 Japan trawlers were fishing pollock, flounder, and Pacific cod. In the eastern Bering Sea 2 Japanese trawlers were fishing pollock and 30 trawlers fishing for groundfish of all species; and 3 longliners fishing for cod and blackcod. In the central Bering Sea, 54 trawlers were fishing.

Two Soviet stern trawlers fished the Gulf for pollock. The only other Soviet vessels were those in joint venture operations with the Marine Resources, Inc., which began January 7 northwest of the Pribilofs. Ice conditions forced the operation to move to the Unimak Pass area where 8 U.S. trawlers are now delivering fish to 5 Soviet vessels. The SULAK will soon be returning to Russia and the processing will be handled by BMRT's.

The South Koreans have 13 stern trawlers and 3 support vessels fishing for pollock in the Bering Sea.

Poland has 7 stern trawlers fishing for pollock in the Shumagins and Taiwan has 2 stern trawlers in the central Bering Sea, also fishing for pollock.

Mr. Meacham asked if the pie graphs used in Mr. Naab's presentation could also show vessel horsepower and tonnage. Mr. Naab said they could but the result would be too complex to follow easily. Mr. Naab added that the NMFS observer with the joint venture fleet had not heard of any problems to the U.S. fisheries by the joint ventures in the Akutan area.

Mr. Chitwood answered Dr. Bevans questions on the status of the permit restrictions recommended for joint ventures by the Council at its last meeting and said the restrictions have not yet been put into effect, that foreign processors supporting U.S. ships are still allowed to within 3 miles of shore. The proposed restrictions have been published in the Federal Register for a 30-day comment period. He told the Council that while catch information is available from the joint venture and from U.S. operations in the Bering Sea, the information cannot be released to the Council because of the confidentiality regulations. Mr. Rietze told the Council the joint venture operators could furnish their catch figures directly to the Council. Mr. Branson said Ted Evans of Marine Resources, Inc., provided him with catch figures of the US/USSR joint venture operation as follows: 16 tons herring, 5.8 tons turbot, about 1 ton of other flatfish, 411 tons of pollock, 104 tons of Pacific cod, 5 1/4 tons of Pacific ocean perch, a half-ton of other rockfish, 16 1/2 tons of Atka mackerel, and 14 tons of 'other species.' Mr. Chitwood told the Council the normal herring fishing grounds northwest of the Pribilofs were presently ice covered.

Mr. Chitwood said observer program people would like to make a presentation on how their information is used to the Council at a future meeting.

Washington/Oregon/California, totaling about 140,000 tons, would be withheld pending further action by the President. The President specifically said there would be no further allocations without his approval, said Mr. Arnaudo. On January 7 the State Dept. sent a note to the USSR informing them of President Carter's actions and by January 15, all Russian vessels were out of the Bering Sea. Several countries are interested in the surplus fish and when the State Dept. is free to make an allocation they will consult with the Council, NMFS, and the Congress. Mr. Arnaudo said fish had never been one of President Carter's strongest priorities, but it suddenly has become the touchstone of his actions against USSR.

E-5. U.S. Coast Guard Report of Enforcement and Surveillance

Rear Admiral R.A. Duin observed to the Council that the third anniversary of the FCMA will occur in March and he listed the boardings, citations issued, and vessel seizures during that period. He felt it was time the foreign countries fishing in the U.S. FCZ 'cleaned up their act' and put them on notice to do so.

Lt. Commander Doug Smith reviewed for the Council the citations and warnings issued since the last meeting. In violation was the SULAK for underlogging herring; and the KAIUN MARU #56 for logging processed rather than round weight and for maintaining a weekly cumulative log rather than a daily log.

NOAA Attorney Mike Stanley briefed the Council on the current status of the case against the KAIU MARU seized last summer for underlogging her catch plus retaining halibut. The immediate revocation of the permit was challenged by attorneys for Japan he said and now NOAA is undertaking new regulations on permit sanctions to expedite hearings on immediate revocations.

E-6. SSC and AP Reports on Non-Agenda Items

Mr. Don Rosenberg read the SSC report of non-agenda items to the Council and recommended the Council not request a more definitive proposal from Al Comiskey regarding the relationship between climatological parameters and fisheries resources and production.

The SSC recommends opposition to HR 5033 which would terminate the Interim Convention on the Conservation of North Pacific Fur Seals of February 9, 1957; and prohibit the taking of seals within a Pribilof Wildlife Refuge to be established within 200 miles of the Pribilof Islands.

Mr. Rosenberg said the SSC reviewed the "Statement of the Environmental Defense Fund Before the House Subcommittee on Fisheries and Wildlife Conservation and the Environment on the Implementation of the FCMA" and recommended the Council not endorse it as the problems it addresses are far more complex than presented and the document is not valid with regard to actions by NPFMC.

Mr. Chitwood reviewed the percentages of allocations taken by the foreign fleets; Japan, with one million pounds in the Bering Sea, had 98.3% left; of the 98,380 mt in the Gulf of Alaska 91.4% was left. South Korea with 110,000 mt. in the Bering Sea has 98.4% remaining; in the Gulf of 33,000 mt. allocation has 87.3% remaining.

The Soviet Union, with 73,000 mt. allocation in the Gulf of Alaska has 94.1% remaining. Before the President revoked the USSR fishery in the Bering Sea they took 3,541 mt. in that area.

Almost half of Poland's allocation of 23,122 mt. in the Gulf of Alaska has been taken but none of the 39,000 mt. in the Bering Sea.

Taiwan has no allocation in the Gulf of Alaska, of their 6,000 mt. in the Bering Sea less than 200 mt. has been taken so far.

Mexico had an allocation of 20,800 mt. in the Gulf of Alaska but none in the western area where they fished a few days in November; after notification by NMFS that they had no allocation in that area, they withdrew from the Gulf.

Mr. Chitwood reviewed the method used to compute foreign catch figures, explaining the 'best blend' estimates derived from observer coverage when it exceeded 20% of the fleet and the relationship between those reports and the required weekly reports for foreign fishing vessels.

Mr. Ed Naughton, consultant for KMI DC, reported the BOK NEUNG was scheduled to arrive in the Bering Sea February 29 and there were six U. S. boats ready to begin fishing when it arrived. He said the Korean Fishery Ministry's attitude toward the joint venture was the vessels will have to improve their performance and catch before more Korean vessels would be allowed in the venture.

Mr. Alan Otness of Icicle Seafoods reported that deliveries to their processing barge in Akutan as of the end of January were 200,000 pounds, 90% cod with the remainder rockfish sole. They have seven boats fishing but bad weather has hampered operations. They did have a 100,000 pound landing in early February. In southeast Alaska, they had a one-boat 100,000 pound catch in one day and a second similar landing a few days later. They plan to continue that operation.

Mr. Ray Arnaudo of the State Department told the Council of the additional 200,000 tons of fish available in the Bering Sea because of President Carter's action on restricting grain shipments, fishery allocations, etc. to the Soviets. Seventy-five thousand tons of fish had already been allocated to the Soviets on November 1 for the Gulf of Alaska. With the fees paid, and boats on the grounds the State Dept. felt it would be a violation of the US/USSR bilateral agreement and international agreements in general to cancel that allocation. Allocations in the Atlantic and off

Mr. Pennoyer read Frank Fukuhara's letter of resignation from the SSC. Dr. Fukuhara recommended H.A.Larkins as his replacement on the SSC. The Council appointed Mr. Larkins as a member of the SSC and directed a letter of thanks to Dr. Fukuhara.

Mr. Rietze introduced his new staff member Bill Robinson who will be in the management division with responsibility for coordinating salmon FMP activity.

Mr. Alverson said the Advisory Panel requested there be Council representation at the March 18, hearings in Washington, D.C., on the Fur Seal Convention and reiterated the AP position of continuance of the Convention.

The AP also suggested the Council reconsider its action regarding opening the Misty Moon grounds to foreign trawling between December and May, requesting they allow not more than three foreign vessels at one time in that area during the period.

Mr. Alverson recommended new AP appointees to the management plan development teams as follows: Sharon Macklin to Troll Salmon; Alvin Burch to the Gulf of Alaska and the Bering Sea/Aleutian Islands Groundfish FMP's; William Scott to the Tanner Crab FMP; and Anthony Vaska to the Herring FMP.

The AP requested the installation of better navigational aids in the False Pass area and asked the Council to send a letter to the Department of Transportation urging action. Rear Admiral Duin told the Council NOAA was studying the problem and the Coast Guard would install aids depending on their findings.

The Council requested the Executive Director to write a letter to NOAA and the Secretary of Transportation supporting the Advisory Panel's request.

The AP also requested the Council establish ways to limit the number of halibut caught on the Misty Moon grounds and Mr. Branson said the amendment package to the BS/AI FMP should take care of this problem.

## F. OLD BUSINESS

### F-1. Joint Meeting With the Board of Fisheries

Mr. Branson asked if the Council wanted to hold a joint meeting with the Alaska Board of Fisheries in March as suggested at the joint December meeting. Mr. Jensen suggested the Council define areas of concern to both bodies before the meeting. The Council requested Mr. Branson to work with Greg Cook, Executive Director of the Board on an agenda and date for a joint meeting in March and to publish the agenda as soon as it is formulated.

F-2. Advisory Panel Appointments

Mr. Branson told the Council the list of nominees to the Panel and their resumes were under Tab F-2. Mr. Meacham said nominations would end as of February 8, and selection of new AP members would take place at the March Council meeting. After February 8, names received would be retained until another vacancy existed on the Advisory Panel.

Mr. Lokken requested an updating of the occupation matrix of the Advisory Panel and Executive Director Branson said one would be prepared.

Chairman Tillion presented certificates of membership to the following Advisory Panel members: Robert Blake, William Scott, and Anthony Vaska.

F-3. Herring Public Hearing Schedule

Mr. Branson reviewed the public hearing schedule and arrangements for the Herring FMP and invited any Council, SSC, or AP member to attend. The hearings are to be held February 9 and 10 in Bethel, Tooksook Bay, Hooper Bay and Togiak, weather permitting.

G. FISHERY MANAGEMENT PLANS

G-1. Troll Salmon FMP

Mr. Branson reviewed Council action needed on Amendment #1 to the Troll FMP, particularly their statement on whether the various amendments in the package could be considered severable for Secretarial review.

The SSC, said Mr. Rosenberg, suggested the Council consider a limit of two lines for hand trollers in the FCZ in the event the proposed amendment banning hand trolling fails to receive DOC approval.

The SSC will submit the report of the joint North Pacific/Pacific SSC meeting at the next Council meeting.

The SSC reviewed the proposed amendment to the FMP requiring "All troll-caught chinook and coho salmon be landed with heads on." The SSC requested a report from ADF&G supporting this amendment for consideration at the next meeting.

Mr. DiDonato pointed out that the SSC did not review the proposed 10-day closure for the troll fishery in Alaskan waters. Mr. Rosenberg said the SSC Subcommittee for the Troll Salmon FMP did attend the Alaska Board of Fisheries hearings on time and area closures in the troll salmon fishery but the SSC had not reviewed the rationale for the 10-day closure.

Mr. Alverson said the AP recommended that the Council should include a severability clause in Amendment #1 in order to save the balance of the troll salmon FMP amendments in case a portion of the FMP is not accepted



by the SOC. He said the AP reaffirmed its statement approving the ban on handtrolling in the FCZ.

The AP also requested the Council ask the SSC to continue to study solutions to the problem of incidental catch of chinook salmon in the Bering Sea by foreign trawlers.

Chairman Tillion said he wanted the SOC to write his own plan if he doesn't wholly accept the Council's FMP, that blame should not be laid on the Council for an FMP not written by the Council and that if the Secretary could pick and choose among portions of an FMP the FMP would eventually not be a Council product. NOAA Attorney Mike Stanley told the Council the SOC has the authority to accept parts of an FMP and disapprove parts in any case. Mr. Bevan told the Council the SOC receives the desires of the Council in a FMP as a single package, not alternatives from which the SOC may pick and choose.

Public testimony was received from Alex Heindl and William Johnson, Sr., of the Columbia River Intertribal Fish Commission on the concern of the Treaty Tribes about the salmon resource. His written statement is attached as APPENDIX B. Ted Perry, salmon plan coordinator for the Pacific Fishery Council, spoke on the problems they are encountering, their operating methods, and schedule for their current plan amendments.

Mr. Pennoyer told the Council the Troll Salmon MPDT did the best it could with the available data. He said many wild stocks from the lower 48 have not been marked nor are there plans to mark them, so it is impossible to determine exactly where the salmon come from. He said the fish run the gauntlet of Canadian fishermen before reaching westcoast waters and there is no way to determine what percentage of each stock is taken off Alaska. A coastwise tag program would go a long way toward solving some of the problems he said.

The Council requested the Executive Director to bring more representation on the MPDT from Oregon, Washington, and Indian groups and to hire under contract if possible, a knowledgeable scientist to coordinate the revision of the salmon FMP, considering all available data and the impact of the Alaska fishery on all stocks.

After further discussion Council member Mace moved that the Council recommend the amendment package not be severable, that it should be approved or disapproved as a single package.

The motion passed with one dissenting vote.

#### G-2. Gulf of Alaska Groundfish FMP

Mr. Branson outlined action necessary by the Council including recommendations on release of reserves scheduled for March 2, noting that the 25% release of reserves by NMFS on January 30 did not include sablefish.

Mr. Rosenberg said the SSC had received a list of recommended amendments for 1981 considered by the PDT at its last meeting. The SSC subgroup for this FMP plans to meet with the PDT and review those proposals. The SSC did not have sufficient scientific data to make a recommendation on the second release of reserves, but pointed out to the Council that the small domestic landings thus far probably reflect a slow winter period rather than a lack of interest. The success of the joint venture operation is still uncertain and catch statistics should be reviewed carefully before releases are made.

Mr. Alverson told the Council the AP recommended no release of reserves prior to May 2, 1980, pending further evaluation of domestic and foreign effort. The AP was concerned over possible expansion of the U. S. fleet into sablefish and Pacific cod and the condition of the POP resource. They felt a release by May 2 or July 2 would not impose any hardships on the foreign fleet.

Mr. Chitwood told the Council the scheduled release dates are January 30, March 2, May 2, and July 2, and reserves this year are only 20% of the OY, much less than last year since JVP was now a separate category in DAH. NOAA Attorney Mike Stanley told the Council any amount of reserves and be released at one time so fish not released at one review period can be included in a later release.

Public testimony was received from Henry Happel who stated his clients, North Pacific Longline/Gillnet Association were unable to catch their full allocation last year as reserves were released too late, and requested the plan year be changed from November 1 to October 30, to April 1 to March 31.

Mr. Curtis Allrich who fishes for KMIDC requested no release of reserves be made until the BOK NEUNG arrives on the grounds. Mr. Ted Evans favored no release be made. Mr. Ed Naughton said early releases work against the joint venture fishermen.

The Council requested the NMFS Regional Director to follow the Advisory Panel recommendation of not releasing any reserves in the Gulf of Alaska until after the March Council meeting.

### G-3. Bering Sea/Aleutian Islands Groundfish FMP

Mr. Branson discussed the timing for a reserve release in this fishery and the possible need for a 'scoping' meeting for amendments to the FMP for 1981. NOAA Attorney Travers told the Council a scoping meeting should address the main issues of the EIS, divide the labor, and decide who will do the work.

Mr. Rosenberg said the SSC considered the 1981 amendments proposed by the PDT but took no action on them at this meeting. They recommend the team review better methods to release reserves to DAH expeditiously. He said the SSC did not receive domestic and foreign catch statistics in

time to consider them but based on information received from a joint venture operation representative recommend release of yellowfin sole to DAH rather than TALFF.

Mr. Alverson said the AP recommended no release of reserves prior to May 2, 1980. The AP asked the Council to request the State Department to consider the following issues before releasing the allocation withheld from USSR: that further allocation to Korea may jeopardize the joint venture operation; and to consider the high incidental catch of salmon and halibut by the Japanese trawlers; and to consider the underlogging record of nations engaged in fishing in the FCZ.

Public testimony was received from Paul MacGregor, counselor for the North Pacific Longline/Gillnet Association, who requested the FMP year be changed, and an early release of reserves.

Mr. Pautzke noted the joint venture operators might review the meeting calendar of the Council and provide catch figures prior to the meeting to the PDT's and Panels.

The Council requested the NMFS Regional Director to not release any reserves until after the March Council meeting.

#### G-4. Tanner Crab Off Alaska FMP

Mr. Branson outlined the action needed on this FMP and the current status of Amendment #5. He told the Council the NMFS reviewers had had problems with Amendment package #5 but that he had been able to respond to most of their concerns on his last trip to Washington, D.C.

The NMFS' comments on the Amendment were received at the very end of the comment period, allowing little time for reply. An addendum was added to the Amendment package and it is expected to be implemented by April. The regulatory analysis is being prepared by Jim Brooks of the NMFS Juneau office.

Mr. Branson pointed out the Tanner crab season closing date in the FMP is September 3 while the State's closing date is August 13. The Alaska Board of Fisheries has requested the Commissioner of the Alaska Dept. Fish & Game and the NMFS Regional Director to issue a joint Emergency Field Order to close or extend the season if the situation warrants but the intent of the Board is to have a closure prior to the opening of king crab on September 15 that will get all of the crab gear off the grounds.

Chairman Tillion requested the SSC to determine the biological and economic effect of having no season, and using only a quota or size/sex criteria for Management. He asked for that information by the March Council meeting. He asked NOAA Attorney Travers where DAH not caught by the U.S. by the end of the season would go; Travers said they would then be available to TALFF.

Mr. Jensen felt the Council should discuss these issues at the joint Council/Board meeting in March and the agenda for that meeting given wide publicity.

Mr. Rosenberg said the SSC reviewed the status of the Tanner Crab FMP and the proposed closing date changes for C. opilio season. They found the PDT had not considered the matter and requested the PDT do so and prepare recommendations to be discussed with the SSC before presentation by the Council to the Board of Fisheries at the joint meeting in the spring.

The AP suggested the closing season date for C. opilio should be based on the biological criteria traditionally used in crab management. The AP requested the Tanner crab and Bering Sea/Aleutian Islands Groundfish PDT's offer an opinion to the Council on whether or not storage of crab pots should be permitted in the pot sanctuary area.

Mr. Collinsworth offered to work with the Executive Director in establishing management plan development teams to work on a continuing basis on the management plans.

#### H. NEW BUSINESS

##### H-1. Discussion of Foreign Allocations in Return for Market Opportunities

The Council had been asked by Mr. Leitzell for guidance in developing policy on using fishery allocations to open markets for U.S. fishery products. Mr. Meacham told the Council the State of Alaska has been working on this issue for some time, has opened a trade office in Tokyo and recently one in Denmark. He requested information be sent to the Governor on what markets could be developed in exchange for fish allocations. Mr. Arnaudo said the State Department was also looking into the possibilities and will request information from the Council and Dept. of Commerce before any final decisions are made.

Chairman Tillion said he and the Executive Director would meet with Mr. Leitzell on February 24th in Seattle to discuss this issue.

Mr. Rosenberg said the SSC would wait for the review by the NMFS member of the Panel before giving their comments to the Council.

Mr. Alverson said the AP would like more time to consider this issue.

Public testimony was received from Dion Anderson, who was interested in getting an allocation of bottomfish for Great Britain who in exchange would teach Alaskans how to fish for groundfish; the product to be marketed in Great Britain. He was also interested in purchasing surplus salmon from the Bristol Bay area for shipment to England.

NOAA Attorney Patrick Travers briefed the Council on the recent suit against the PMP for the "Trawl Fisheries and Herring Gillnet Fishery of Eastern Bering Sea and Northeast Pacific PMP." Mr. Travers said the U.S. District Court had ruled in favor of the plaintiffs, a group of western Alaska Native villages and organizations, who challenged the 1980 regulations, particularly those for herring, on the grounds that NMFS had not followed proper procedure in promulgating them, in that they did not give normal notice and allow comment as required by the Federal Administrative Procedure Act; second, the regulations violated four national standards including the National Standard against overfishing; and third, the regulations were arbitrary and capricious. The judge ruled only on the first charge, that the regulations had been promulgated contrary to the procedures required by the Administrative Procedures Act, that there was not good cause for the agency to waive the normal comment period and the 30-day waiting period that must occur between the time final regulations are published and the time they become effective. The Court ordered that permits, including the Marine Resources joint venture permits, which authorize the taking or processing of eastern Bering Sea herring be revoked to the extent they allow such taking and/or processing. The Court also ordered NMFS to promulgate new regulations on the taking and processing of eastern Bering Sea herring following the proper procedures. Travers said the impact on the Marine Resources joint venture is somewhat mitigated by the fact the traditional herring grounds are ice covered at this time. The foreign trawlers will be seriously affected by this decision. Mr. Travers said some consultation and investigation into the regulations must be made to determine whether herring will be treated as a prohibited species as are halibut, and until these decisions are made, the foreign trawlers will have to fish where herring are not normally found.

Mr. Collinworth pointed out there were 14 amendments to the FCMA to be considered before the next Oversight Hearings, among them the request from the State of California for a Regional Management Council apart from the Pacific Fishery Council.

H-2. Another Method to Provide an Increased Incentive to the U.S. Fish Industry to Harvest Bering Sea Pollock

A proposal by Dr. Bevan for "seastead" rights in a developing groundfishery had been discussed by the Advisory Panel but they did not make any recommendations. The SSC considered this subject in combination with the agenda item on a proposal to study limited entry systems and recommended the Council refer the concept to the Limited Entry Workgroup to develop a Council policy.

Mr. Bevan reviewed his proposal to increase the U.S. pollock fishery in the Bering Sea by granting 'seastead' rights and said he would like the Council to consider his idea in conjunction with other ideas to develop the pollock fishery.

The Council took no action on this item.

H-3. March Council Meeting

The Council voted to meet for three days in March, one day of it jointly with the Alaska Board of Fisheries.

H-4. NMFS Vessel Financing Programs: Especially the 'Conditional Fishery' Concept

Mr. Branson told the Council that the National Marine Fisheries Service was seeking public comment on several proposed changes to their vessel financing programs. He went on to say that we learned of the proposed changes through a January issue of Marine Fish Management but that they had been published in a January 10, 1980 Federal Register. The Chairman announced that Mr. Eaton had been interested in this issue but had to leave hurriedly and unexpectedly for Dutch Harbor to rejoin his boat and crew to tend his gear.

Mr. Balsiger for the SSC told the Council they had discussed this issue of whether the conditional fisheries concept should be amended to allow use of the FVOG and FVCCF programs for vessels which will combine operations for both underutilized and conditional species. Mr. Balsiger went on to say the SSC believed there was an inevitable connection between the crab fisheries and the expansion of harvest capabilities for them. The SSC felt that extending these two programs to the king crab fishery could lead to a further increase in the number of vessels in the fleet. The expansion could have serious management implications Balsiger said and therefore the SSC recommended that the Council consider preparing a response conveying this information.

Mr. Alverson told the Council that the Advisory Panel had debated the issue and recommended the concept of salmon, as a conditional fishery in Alaska, be eliminated from consideration under any vessel financing program of NMFS. Alverson also said the AP felt the capital construction fund should be eliminated as well as the concept for all conditional fisheries. He pointed out that the salmon fishery had limited entry programs whereas the crab fleets were uncontrolled and salmon fishermen could therefore upgrade their vessels which would not increase fleet size as opposed to any other fishing fleet which would increase their size to unmanageable levels.

The Council on the advice of the AP and SSC approved a motion to not liberalize any of the NMFS vessel financing programs where more vessels would be built or that vessels would be allowed to upgrade for any conditional fisheries. The motion passed, 8 to 2.

I. REPORTS, CONTRACTS, PROPOSALS

Rear Admiral Robert Duin, chairman of the Council's Finance Committee reported that they had met early Friday morning and considered each agenda item in this section. Admiral Duin reported the following recommendations:

1. The Finance Committee reviewed the amendment to the Domestic Groundfish Observer Contract which authorized observers to be used in the Bering Sea/Aleutian Island area as well as the Gulf of Alaska through mid-1980. Commenting on the amendment Mr. Rosenberg, Vice Chairman of the SSC, told the Council they concurred with the amendment but asked the Council to recognize the SSC concerns of

(a.) insuring long-range funding for the domestic observer programs

(b.) coordinating fishery catch data with existing foreign reporting system

(c.) coordinating the observer program with the foreign observer program.

No action was required, however the Council agreed to notify the contractor of the funding and coordination concerns raised by the Finance Committee and the SSC.

2. The Finance Committee studied the proposal for the expansion and enhancement of the Alaska commercial fishery catch data reporting system by ADF&G for \$145,300. The Committee also reviewed the report of the Contract Monitoring Committee, the consultant, and the recommendations of the SSC. Chief among the recommendations of the Contract Monitoring Committee and the consultant was the contingency and evaluation clause where the funding, delivery, and work for one aspect of the contract. The specific recommendation was to include a clause in the contract allowing either (a) modification of the number of options to be accomplished for the remaining time and money, or (b) the request for an amendment for more money to complete the remaining task. Mr. Balsiger speaking for the SSC reported they had reviewed the proposal and believed the effort was necessary to insure the completion of a total fishery catch data reporting system.

The SSC recommended approval of the proposal with the modifications recommended by the Contract Monitoring Committee.

The Finance Committee unanimously recommended that the proposal be approved for funding and modified to show in more detail the State's contributions in time and money and to readdress the confidentiality problem which presently is totally unacceptable to the Council.

The Council on advice from the Finance Committee and the SSC unanimously approved the proposal for funding for the contract "The Expansion and the Enhancement of the Alaska Commercial Fisheries Catch Data Reporting System" for \$145,300.

3. Rear Admiral Duin concluded the Finance Committee Report by telling the Council they had considered the proposal to expand the Council's office. Admiral Duin went on to say the Committee had approved the proposal after considering present and future office/staff needs and with a stipulation that the Federal Space Standards be considered prior to any lease renewal.

The Council unanimously approved the recommendation of the Finance Committee for the additional lease and expansion of 553 sq. feet of office space.

I-3. Limited Entry Proposal to Provide a Reference Document of the Various Limited Entry Systems in Effect Throughout the World

Mr. Branson told the Council that this limited entry proposal would be submitted to the Limited Entry Workgroup for their review and recommendations. The SSC in their report recommended the RFP be held in abeyance until other limited entry studies are completed and until the existing Limited Entry Workgroup had reviewed the proposal and developed additional Council philosophy on the subject. The Council concurred with the recommendations and agreed to defer any action on the proposal until it had been reviewed in light of existing limited entry studies and also by the Council's Limited Entry Workgroup.

K. GENERAL COMMENT PERIOD

Mr. Chuck Meacham on behalf of the Pacific Fishery Management Council asked the North Pacific Council to consider a procedure for the respective foreign permit review committees to share information on specific foreign applications. The Council noted the request and promised to look into the matter with the Pacific Council.

Mr. Meacham also reminded the Council of the upcoming Herring Symposium (sponsored by the Council and the State of Alaska) to be held in Anchorage at the Anchorage/Westward/Hilton Hotel on February 19, 20, and 21.



L. CHAIRMAN'S CLOSING REMARKS

Chairman Clement V. Tillion announced the tentative dates of the next Council meeting to be March 26, 27, and 28, 1980 in Anchorage.

M. ADJOURNMENT

Chairman Clement V. Tillion formally adjourned the meeting at 10:35 a.m., Friday, February 8, 1980.