

# North Pacific Fishery Management Council

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CERTIFIED:

## MINUTES

### 45th Plenary Session NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

  
Chairman

Westward Hilton Hotel  
Anchorage, Alaska  
December 7-9, 1981

The North Pacific Fishery Management Council convened at 9:10 a.m. on Monday, December 7, 1981, in the Alaska Room of the Westward Hilton Hotel, Anchorage, Alaska. The meeting continued until 3:20 p.m. on Wednesday, December 9, 1981. On Tuesday and Wednesday, December 8 and 9, the Council met with the Alaska Board of Fisheries to discuss issues of mutual concern and listen to staff reports and public testimony on the herring fishery in western Alaska.

The Scientific and Statistical Committee met in Anchorage on December 2 and 3, 1981 at the Council's headquarters conference room.

The Advisory Panel met from 10:30 a.m. to 7:30 p.m. on Sunday, December 6, 1981, in the Alaska Room of the Westward Hilton, Anchorage.

Council members, Scientific and Statistical Committee members, Advisory Panel members, and general public in attendance are listed below:

#### Council

Clement V. Tillion, Chairman  
Harold E. Lokken, Vice-Chairman  
Ronald O. Skoog  
Robert Mace, for John Donaldson  
Gene DiDonato, for Rolland Schmitt  
Chris Dawson, for Ray Arnaudo  
Leroy Sowl, for Keith Schreiner  
Donald E. Bevan

James O. Campbell  
John P. Harville  
Joe Demmert, Jr.  
RADM Richard Knapp  
Keith Specking  
Robert W. McVey  
Douglas B. Eaton

#### Scientific and Statistical Committee

Donald Rosenberg, Chairman  
Richard Marasco, Vice-Chairman  
William Aron  
John Burns

Al Millikan  
Larry Hreha  
Bud Burgner

Advisory Panel

Robert Alverson, Chairman  
Robert Blake  
Larry Cotter  
Richard Goldsmith  
Joseph Kurtz  
Raymond Lewis  
Don Rawlinson  
Jeffrey Stephan

Greg Baker  
Alvin Burch  
Jesse Foster  
Weaver Ivanoff  
Richard Lauber  
Kristy Long  
Lewis Schnaper

NPFMC Staff

Jim H. Branson, Executive Director  
Clarence Pautzke, Deputy Director  
Jim Glock  
Jim Richardson  
Peggy Hough

Peggy McCalment  
Judy Willoughby  
Steve Davis  
Jeff Povolny  
Rebecca Wetzler

Alaska Board of Fisheries

Nick Szabo, Chairman  
Jim Beaton  
Griffin Quinton  
Herman Schroeder

Harry Sundberg  
Chris Goll  
Jimmy Huntington

Support Staff

Ron Naab, NMFS  
Mark Miller, ADF&G  
Fred Gaffney, ADF&G  
Milstead Zahn, ABoF  
Ken Peterson, ADF&G  
Kirk Beiningen, ODF&W  
Steven Pennoyer, ADF&G  
Vidar Wespestad, NWAFC  
Craig Whitmore, ADF&G

Phil Chitwood, NMFS  
Patrick Travers, NOAA  
CDR Peter Busick, USCG  
Kris Hauschild, ABoF  
Carl Rosier, NMFS  
Guy Thornburgh, ADF&G  
Charles Meacham, Jr., ADF&G  
Steve Fried, ADF&G  
Robert Simon, CFEC

General Public in Attendance

J.H. Lim, Korea Wonyang Fisheries  
Tim Tapping, F/V MUIR MILACH, Port Townsend, WA  
Charles J. Miller, Pan-Alaska Fisheries  
Don Martens, Office of the Canadian Consulate, Seattle  
Brent Whitmore, Seward Chamber of Commerce, Seward  
T. Shinya, Japanese North Pacific Longline and Gillnet Association  
Charles A. Lehn, Fish Producers Associates, Vancouver, WA  
Charles Jacobsen, Fish Producers Associates, Vancouver, WA  
Kit Adams, J.V. Fisheries, Ltd., Seattle  
Jim Saltiof, Bellingham Cold Storage, Seattle  
C. Y. Hwang, Korea Deep Sea Fisheries Association, Seoul, Korea  
J. C. Kim, KJFOC, Seoul, Korea  
C. H. Lim, Korea Wonyang Fisheries, Seoul, Korea  
K. Y. Lee, Korea Deep Sea Fisheries Association, Seoul, Korea

Tuck Bonney, Jonah Seafoods, Kodiak  
John Schmiedtke, Nordstern, A.G., Seattle  
Donald P. Swisher, Japan Deep Sea/Hokuten Trawlers Assn., Seattle  
Philip R. Fuller, Fishing Ventures International, Inc., Seattle  
Hugh Takagi, Japan Fisheries Association, Tokyo  
Paul MacGregor, Japanese North Pacific Longline and Gillnet  
Association, Seattle  
Jay Hastings, Japan Fisheries Association, Seattle  
A. P. Nielson, International Fisheries, Sitka  
Kelly Roth, Office of the Consulate of Japan, Anchorage  
Konrad S. Uri, F/V ARCTIC TRAWLER, Seattle  
Leweth Lee, Columbia River Inter-tribal Fish Commission,  
Pendleton, OR  
Henry Mitchell, Bering Sea Fishermen's Association, Anchorage  
Atti Remme, A.F.C., Anchorage  
Don Mitchell, Alaska Federation of Natives, Anchorage  
Jeff Hendricks, Jeff Hendricks and Associates, Anchorage  
Bill Bittner, Anchorage  
Michael Jones, Pribilof/Highly SeaProducts, Inc., Anchorage  
Ed Naughton, Kodiak  
Nathan Jim, Columbia River Inter-tribal Fish Commission, Warm  
Springs, OR  
Wilbur Johnson, Sr., Columbia River Inter-tribal Fish Commission,  
Warm Springs, OR  
Chip McConaha, Columbia River Inter-tribal Fish Commission,  
Portland, OR  
Mick Stevens, Marine Resources Company, Seattle  
Howard G. Arnett, Warm Springs Tribes, Bend, OR  
Norman Cohen, Nunam Kitlutsisti, Anchorage  
Lin Shwarz, Nome  
Lewis Schnaper, Alaska Troll Legal Trust, Juneau  
Ed Philemenof, Pribilof/Highly SeaProducts, Anchorage  
Mel Monsen, Bering Sea Fishermens Association, Anchorage  
Dave Hamille, Kodiak  
Toru Fukui, Japan Deep Sea Trawlers Association, Tokyo  
John B. Branson, Lake Clark, AK  
Sid Nelson, Delta Junction, AK  
Ryozo Kaminokado, Office of the Consulate of Japan, Anchorage  
Hang Suck Chae, KMIDC, Seoul, Korea  
O. K. Kim, Daiho Industries, Seoul, Korea  
Edward Wojeck, Alaska Trollers Association, Juneau  
Frank Steuart, Steuart Fisheries, Everett, WA  
Odin E. Bendickson, East Point Seafoods, Seattle  
Dennis Petersen, Ocean Spray Fisheries, Seattle  
Bob Whitman, F/V ALASKA STAR, Sitka  
George Matsuo, Anchorage  
Jim Knudslay, Tanana Chiefs, Fairbanks  
Phil Hanson, Dutch Harbor  
Harvey Joe, Hooper Bay  
Joe B. Perry, Cheevak  
Chip Thoma, Juneau  
Melvin Doehl, Anchorage  
Jay Cherrier, Anchorage  
John Stone, Cheevak

Vaughan Kruger, Denali Seafoods, Seattle  
Joe Mein, Nulato, AK  
Roy D. Painter, Nulato, AK  
T. Morehouse, Anchorage  
Joe McGill, Bristol Bay Herring Marketing Cooperative  
William Aihfson, Bristol Bay Herring Marketing Cooperative  
Rofauer Vance, Unalakleet  
Terry Hoefflerle, Bethel  
Karl Ohls, Alaska Fisherman, Juneau  
Roehl Koru, King Cove  
Paul Tubs, Unalaska  
Dave Herrnsteen, Kodiak  
Dr. Lee Alverson, Natural Resources Consultants, Seattle  
Jude Henzler, RuralCap, Anchorage

A. CALL TO ORDER AND APPROVAL OF AGENDA AND MINUTES OF THE PREVIOUS MEETING

The meeting was called to order by Vice-Chairman Harold Lokken, who introduced Admiral C. Y. Hwang, President of Korea Deep Sea Fisheries Association; Hang Suck Chae, representing KMIDC; and J. H. Lim, of Korea Wonyang; Mr. Mitsuyoshi Murakami, representative of the Japan Fisheries Agency, Tokyo; Mr. Hugh Takagi, representing the Japanese Fisheries Association, Tokyo; Don Martens, of the Office of the Consulate of Canada, Seattle; and new Advisory Panel members Kristy Long and Greg Baker.

Vice-Chairman Lokken called for approval of the agenda and the minutes of the two September Council meetings. *Bob Mace moved that the agenda be adopted; seconded by Keith Specking. There being no objection, it was so ordered.*

*Bob Mace moved that the minutes for both the September 10-11 meeting in Kodiak and the September 24-25 meeting in Anchorage be approved as submitted; seconded by Ron Skoog. There being no objection, it was so ordered.*

B. SPECIAL REPORTS

B-1 Executive Director's Report

The Executive Director reported that amendments to the MFCMA based on Council testimony had been introduced in both the House and Senate. Though he had not been able to thoroughly review the bills, they seemed to respond to almost all the requests made by the Councils. A more detailed report will be available at the January meeting.

The Department of Commerce and U.S. Congress have asked nations fishing off the U.S. to increase, by several orders of magnitude, their over-the-side purchases of raw fish from American fishermen in 1982. Proposals range from as much as 20% of a foreign allocation being available only for over-the-side purchases, in

addition to whatever JVP is established for the fishery, to suggestions of several hundred thousand tons of over-the-side purchases by single countries.

Five appointments were recently made to the National Advisory Committee on Oceans and Atmospheres (NACOA). They are Carl Brady of Anchorage; John E. Knauss, chairman appointee; S. Fred Singer, appointed vice-chairman; Fitzgerald Beemis; and Vernon Scheide. One vacancy on the Committee still exists. Lee Alverson is a candidate for that position, but the appointment is not expected to be announced for several months. Six positions which will be available in July 1982 are being advertised in the Federal Register at this time.

Three appointments were recently made to the Marine Mammal Commission: James Nofziger, a mariculture consultant from California; Donald K. McCallum, a professor of anatomy at the University of Michigan; and Robert Weeden from the University of Alaska.

The Executive Director told the Council that Charles Parsons of Homer has resigned from the Advisory Panel.

The proposed foreign fee schedule for 1982 was included in the briefing books and showed substantial increases in fees charged for fish taken by other nations in the FCZ.

#### B-2 Domestic Fisheries Report by the Alaska Department of Fish and Game

Mark Miller reported that Alaskan groundfish landings are up more than 250% over 1980, with total landings through the end of October of 237.1 million pounds. Eleven percent of the catch was processed by domestic operations; 89% by joint venture processors. About 81% of the catch was landed in the Bering Sea.

The 1981 king crab fishery continues to be depressed with a total Alaska catch of 76 million pounds as of November 15. This compares to the 1980 total catch of 186 million pounds. Prices vary from \$2.25/pound in Kodiak to \$2/pound in Dutch Harbor.

Tanner crab catches off Alaska are down about 15% from 1980 with a total catch through October of approximately 105 million pounds, compared to 121.7 million pounds at the same time last year. Most of the 1981 landings came from the Bering Sea.

The preliminary final catch of salmon off Alaska for 1981 was 109,872,300 fish, compared to landings of 110,283,100 fish in 1980. A complete report on 1981 salmon landings will be given at the January meeting in Juneau.

B-3 Foreign Fisheries Report by the National Marine Fisheries Service

Phil Chitwood reported that just over 79%, or 1,173,000 mt of the 1,480,000 mt Bering Sea TALFF, had been caught by foreign nations fishing off Alaska as of November 14. Japan has taken 82% of its 1,181,000 mt allocation; South Korea 81% of its 180,000 metric tons; Poland 64% of its 74,000 metric tons; West Germany 39% of its 23,000 mt allocation; and Taiwan 19% of its 21,000 mt allocation. Bering Sea catches were 79% pollock, 13% flatfish, 2% Pacific cod, 1% Atka mackerel, and 5% other species.

Running slightly behind last year's Gulf of Alaska catches, about 56% or 208,000 of the 374,000 mt Gulf of Alaska TALFF, had been taken as of November 14. Japan has taken 86% of its 219,000 mt allocation; South Korea 84% of its 88,000 mt allocation; and Poland 39% of its 64,000 mt allocation.

Mr. Chitwood noted that percentage species composition of joint venture catches has changed drastically since the first joint venture fisheries off Alaska. In 1979 the total joint venture catch was 1,507 mt, of which 47% was cod, 38% pollock, and 15% other species. By 1981 the catch had grown to 95,408 mt with 62% pollock, 23% flounders, 10% Pacific cod, and 5% other species.

Ron Naab reported that since the last Council meeting the number of foreign vessels fishing off Alaska has fallen from 249 to 128 on November 28, 1981. This sharp decline can be partially attributed to the final departure of the Japanese factoryship fleet and the decline in activity by the Polish fleet fishing for pollock. He noted that the Gulf of Alaska was closed to bottom trawls as of December 1. Only one Japanese trawler remained in the Gulf, reportedly using pelagic gear. Sixty Japanese stern trawlers and seven longliners were active in the Bering Sea fishing for pollock and flounders. Seven Japanese stern trawlers and one longliner fished the Aleutians.

Sixteen Polish stern trawlers and two support vessels fished for pollock west of Kodiak in the Gulf of Alaska. Two Polish vessels operated in the Bering Sea for pollock, one fishing alone and one in a joint venture.

South Korean activity included eleven vessels in the Bering Sea fishing for pollock and flounders, one of which was involved in a joint venture, and two vessels in the Gulf of Alaska fishing for pollock and Atka mackerel.

The West German vessel FRIEDRICH BUSSE fished for pollock north of the Shumagins in the Bering Sea. As of November 28 there were no Soviet vessels operating off Alaska.

A comparison of vessel days for 1980 and 1981 showed that foreign effort was down throughout the year with the exception of March, which was approximately the same as in 1980.

## B-4 Report on Enforcement and Surveillance by the U.S. Coast Guard

CDR Pete Busick reported that since the last Council meeting the Coast Guard issued seven citations and nine reports of violation to three Japanese, one Taiwanese, and four South Korean vessels. Infractions included underlogging, failure to properly maintain readability of vessel international radio call signs, failure to provide a safe boarding ladder, failure to minimize catch of and improper discarding of prohibited species, and failure to fully maintain daily cumulative catch logs and prohibited species disposition logs. Through the end of November the Coast Guard had made 273 boardings off Alaska, 22% of which resulted in detection of infractions.

## B-5 Joint Venture Operations

Following are reports on 1981 joint venture operations off Alaska. Reports of Council action on 1982 joint venture requests are contained in section D-1, Review of Permit Applications.

### Marine Resources Company

Mick Stevens reported that the Marine Resources Company yellowfin sole joint venture ended on September 29 with a total catch of 31,855 mt. Approximately 54% of the catch was food grade flounder, 18% food grade Pacific cod, and 28% fishmeal. The fishery lasted 150 days and employed eight to nine U.S. catcher vessels and five to six Soviet processors. Mr. Stevens said that MRC is planning a similar fishery in 1982.

### Korean Joint Venture

Admiral Hwang, president of the Korea Deep Sea Fisheries Association, and attorney Hong K. An reported on the 1981 joint venture with Fish Producers Associates and their plans for 1982. In 1981 the venture took about 30,000 mt, 39% of their original JVP request of 77,500 mt. They said they realized there were many problems with operations in 1981 and assured the Council that the 1982 fishery would be handled in a more businesslike manner.

Kit Adams of Joint Venture Fisheries, LTD., James Talbot, owner of Bellingham Cold Storage, and J. C. Lim, President of Dong Wan Industries, explained their 1982 joint venture proposal to the Council.

Charlie Jacobsen of Fish Producers Associates reviewed the problems between U.S. and Korean partners in the 1981 joint venture. He said that FPA is negotiating for a 1982 joint venture with the Koreans in the Bering Sea.

Frank Bohannon submitted written testimony outlining problems in the Korean joint venture in 1981. A copy of his letter is made a part of these Minutes as Appendix I.

### West German Operations

John Schmeidtke of Nordstern, A.G. reported that the FRIEDRICH BUSSE ended its operation in the Bering Sea on September 1, 1981 after purchasing about 3,000 mt of U.S.-caught fish. Their original JVP request was 26,020 mt (17,000 mt in the Bering Sea/Aleutian Islands, 8,000 mt in the Gulf of Alaska, and 1,020 mt miscellaneous).

### Taiwan/St. George Tanag

Mike Jones of Pribilof-Highly SeaProducts and Ed Philemonoff of St. George Tanag Corporation reported that about 4,464 mt of groundfish were taken in the 1981 joint venture between St. George Tanag and Highly Enterprises of Taiwan. The lower than expected catch was attributed primarily to mechanical failures on the Taiwanese vessels. Extensive repairs have been made to the GOLDEN DRAGON and Highly Enterprises intends to commit its newer vessel, HIGHLY 301, to the 1982 operation.

Mr. Jones reviewed problems with the 1981 training program and outlined steps to be taken next year to alleviate some of these problems.

### Taiyo/Pan-Alaska Fisheries

Hugh Takagi, representing Japan Fisheries Association, Tokyo, and attorney Jay Hastings reported that the 1981 Taiyo joint venture harvested 5,315 mt of pollock and cod from April 11 to June 1. This catch was 76% of the 7,000 mt JVP allocation requested.

Their plans for 1982 involve four Japanese companies. Mr. Takagi said that they expect the 1982 joint venture permits to come before the Council in January, but specific details on the proposed operations were not yet available.

### Public Testimony

Dick Goldsmith, Executive Director of the North Pacific Fishing Vessel Owners Association, read excerpts of his November 6, 1981 letter to Deputy Assistant Secretary for Oceans and Fisheries Affairs Ted Kronmiller, outlining the need for large trawler-crabbers to become involved in joint ventures in 1982. Mr. Goldsmith suggested that the urgency of the situation is attributable to the low king crab harvest in the Bering Sea this year.

Hank Ostrosky said that he was troubled because western Alaska has no true representation on the North Pacific Council.

Larry Cotter, representing the International Longshoremen's and Warehousemen's Union, testified on the uncertain future of joint ventures off Alaska and asked the Council to undertake a complete analysis of the merits of joint ventures. A copy of Mr. Cotter's comments are made a part of these Minutes as Appendix II.



John Durkin, 20-year salmon fishermen, said that enforcement efforts must be increased to protect U.S. fishermen.

Dr. Lee Alverson of Natural Resources Consultants, Seattle, reported that preliminary U.S. expectations for 1982 cod landings total 59,000 mt, compared to actual landings of 35,300 mt in 1981. Approximately 24,000 mt is expected to be taken in joint ventures; 18,000 mt in the salt cod fishery; 15,000 mt by U.S. factory trawlers; 1,000 mt for bait; and 1,000 mt for fresh fish. Seven vessels processing on-board expect to work in the salt cod fishery in 1982. Four shoreside salt cod processors will be supplied by as many as 20 additional catcher vessels.

Dr. Alverson endorsed Larry Cotter's proposal for an analysis of the future of joint ventures off Alaska.

#### B-6 AP and SSC Reports on Non-Agenda Items

At the request of Council staff the SSC reviewed the operation of the plan maintenance team concept. Extensive discussion which resulted during this review between Council staff, members of PMT's, and the SSC led the SSC to conclude that confusion does exist regarding the role and duties of these teams. The SSC recommended that the Council appoint a subcommittee to review the status of and recommend changes to the make-up and charge of these teams. They suggested that the subcommittee be composed of representatives of the Council, the staff, the SSC, the AP, and the teams, and recommended Bill Aron, Al Millikan, and Don Rosenberg as SSC representatives.

The SSC recommended that the Council staff provide a draft document for the subcommittee to review during the January meeting, with final review during the March meeting and implementation of any changes by April.

*The Council appointed William Aron, Don Rosenberg, Ron Skoog, Robert Alverson, Robert McVey, and Jim Branson to serve on the workgroup to explore the role and composition of plan maintenance teams and report to the Council at the March meeting.*

#### C. OLD BUSINESS

##### C-1 King and Tanner Crab Observer Program

This agenda item is addressed under E-4, Tanner Crab FMP.

##### C-2 Update Council Workgroups

The Executive Director asked Council members to give their requests for changes in membership on Council workgroups and/or subgroups to Council staff members. The total list will be updated and distributed in a Council mailing.

### C-3 Free Port Status

At the September Council meeting John Schmeidtke of Nordstern, A.G., asked the Council to consider establishing a free port in Alaska for foreign vessels to offload their catches for further transshipment. The first requirement for establishing a free port is to identify the specific port to be opened so port security and other sensitive issues may be evaluated at higher levels in the Department of State.

#### Public Testimony

Brent Whitmore, representing the Seward Chamber of Commerce, thanked the Council for their recommendation to the State Department that Seward be designated as an R&R port for the Polish fleet.

Larry Cotter, representing the International Longshoremen's and Warehousemen's Union, told the Council that the Dutch Harbor City Council adopted a resolution encouraging further study into establishing a foreign trade zone in the Dutch Harbor area. If established, a foreign trade zone may be able to attract products from joint venture operations.

Mick Stevens of Marine Resources Company, Seattle, noted that one advantage to establishing a foreign trade zone in Dutch Harbor would be the availability of technical services in an area easily accessible to fishermen. He felt the idea was worth further study.

The Advisory Panel heard a report from Larry Cotter citing potential gains in employment if a free port were opened in Alaska. The Advisory Panel decided not to take a position on this issue until additional information is available.

The Council took no formal action toward investigating free port status at the December meeting.

### C-4 Foreign Processing in State Internal Waters

The current issue of foreign processing in State internal waters first came to the Council's attention in April of 1981 when John Gissberg reported on the Bering Sea Herring Marketing Association's lawsuit to enjoin the State from prohibiting foreign processing in State internal waters. This subject was debated at length at the June 1981 Council chairmen's meeting in Homer in light of Senator Stevens' draft enabling legislation which would, for 1981, leave the determination whether or not to allow foreign processors into State internal waters to the discretion of the governor of the state involved, with Secretarial concurrence. The chairmen were unable to agree and therefore no position was taken.

The general stance of the North Pacific Council, though never specifically stated for the record, has been that foreign

processing in State internal waters may be allowed with the concurrence of the governor of the state concerned. Council member Don Bevan testified to this effect before the House Subcommittee for Fisheries and Wildlife Conservation and the Environment on September 24 in Washington, D.C. He explained that historically foreign processors have been allowed into Alaska's internal waters at times when domestic processing capacity has been insufficient to handle unexpectedly large runs of salmon and herring.

The State established a task force to deal with this issue and develop draft legislation for submission to the U.S. Congress.

Ron Skoog reported on the task force's November 30 meeting at which the State had hoped to formulate its final position. Commissioner Skoog noted that there is currently no federal law covering this problem unless State regulations are in place. State regulations would probably not stand up in a U.S. court. He said there must be a federal law applicable to the problem and outlined two options for consideration:

- (1) that there be no foreign processors from three miles in to shore; or
- (2) that the State may have the option to invite foreign processors in when a demonstrated surplus of any species cannot be processed by domestic processors. This action would have to be taken by the governor of the state.

To effect the second option, the governor of the state must certify that the volume of fish exceeds processing and transporting facilities; that no practical opportunity for U.S. processors to utilize the surplus exists; that there is likelihood of wastage; that granting the exception will have no adverse effects on the U.S. industry.

Commissioner Skoog reported that the task force is currently trying to arrive at a consensus between fishermen and processors so that enabling legislation can be finalized. The two groups are now somewhat amenable to the second option above if it applies only to Alaska. He said the staff for the Subcommittee for Fisheries and Wildlife Conservation and the Environment feels that an "Alaska only" position will meet with considerable opposition in Congress. A unified position between the State and Council may be beneficial in securing an "Alaska only" remedy.

The Advisory Panel chose not to take a position on this issue until they had received a briefing on the November 30 task force meeting and reserved the right to comment after hearing such report.

*Don Bevan moved that the Council reserve comment at this time on exact language for the enabling legislation, but approve in principle the concept of allowing foreign processing in internal*

waters when, upon approval of the governor in consultation with the Secretary of Commerce, domestic processing capacity is insufficient to handle the demands of the fishery; seconded by Ron Skoog. The motion carried unanimously.

#### C-5 Other Old Business as Appropriate

Don Bevan suggested that a small committee be formed to review the final draft national standard guidelines.

*It was the consensus of the Council that the Chairman and Executive Director should set up a National Standards Guidelines Review Committee to be activated for Council review upon publication of the draft guidelines in the Federal Register.*

#### D. NEW BUSINESS

##### D-1 Review of Permit Applications

##### Polish Permit

The Council received a permit request from the Polish vessel ANDROMEDA to fish in the Gulf of Alaska and Bering Sea for pollock, Atka mackerel, Pacific cod, and other species. In 1981 the ANDROMEDA was charged with a 9,206 mt underlogging (27%) of its catch of pollock. A Notice of Violation and Assessment in the amount of \$25,000, civil penalty, was issued by the NOAA general counsel's office. Final settlement of the case is pending.

The Permit Review Committee recommended that no permit be granted until the pending case is settled, and if the vessel is found guilty of the charges, that Poland's allocation be reduced by the average annual expected catch for a vessel of that type.

The Advisory Panel suggested that if substantial fines are assessed against the owners of the ANDROMEDA as a result of the 1981 violation, the 1982 permit be revoked.

Bob McVey acknowledged that underlogging is one of the most serious problems in the foreign fisheries off Alaska, but was concerned that the Permit Review Committee's recommendation might, in fact, be equivalent to suspending a permit before the case is settled. He suggested that the Council make no recommendation on the permit request or stipulate that the permit may be issued with the proviso that the Council will recommend revocation if guilt is proven.

The Council discussed the question of withholding a permit before guilt is proven. Admiral Knapp felt that recommending denial of the permit would be the most reasonable solution from an enforcement standpoint. Keith Specking felt this action may encourage the Polish government to settle the case as quickly as possible.

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*Bob Mace moved that the Council recommend that no permit be granted to the ANDROMEDA until the case is settled and, if the vessel is found guilty of the charges, that Poland's allocation be reduced by the average annual expected catch for a vessel of that type; seconded by Harold Lokken. Upon call for the question, the motion carried with Don Bevan and Robert McVey in objection.*

#### Soviet/Marine Resources Company Joint Venture

The U.S.S.R. applied for a vessel permit for the processor SULAK to work in the joint venture operation of Marine Resources Company in 1982. Marine Resources expects to catch and process 38,000 mt in the Bering Sea and 20,000 mt in the Gulf of Alaska, primarily pollock, Pacific cod, and Atka mackerel. The same eight U.S. catchers will participate in both the Bering Sea and Gulf of Alaska fisheries. They expect to operate from January 15 until December 31, weather permitting. Prices to be paid for U.S.-harvested fish are still under negotiation and the fish will be processed into rounds, headed and gutted, and fillet products and sold by MRC in the international export market.

Mick Stevens of Marine Resources Company reported that in 1981 MRC harvested about 48,000 mt, or 66% of the JVP allocation originally requested. MRC's winter/spring pollock fishery in the southeastern Bering Sea caught 16,164 mt (83% food grade pollock, 6% Atka mackerel, 5% Pacific cod) and their yellowfin sole fishery in the Bering Sea caught 31,855 mt (54% food grade flounder, 18% food grade Pacific cod, and 28% fishmeal).

The Permit Review Committee noted that the Soviet allocation request for the Bering Sea included 5,000 mt of Pacific herring. The Committee recommended approval of the permit with the availability of Pacific herring dependent upon the provisions of the Herring FMP or a similarly-implemented PMP. Any existing surplus would not be available until the fall of 1982.

The Advisory Panel recommended approval of the joint venture permit for the SULAK with the deletion of their request for 5,000 mt of Pacific herring.

*Don Bevan moved that the Council approve the permit application for the mothership SULAK with the stipulation that the availability of Pacific herring as requested by MRC will be dependent upon the provisions of the Herring FMP or a similarly-implemented PMP and will not be available until the fall of 1982; seconded by Bob Mace. There being no objection, it was so ordered.*

#### West German Permits

West Germany requested vessel permits for two stern trawlers, the FRIEDRICH BUSSE and the REGULUS, to operate alone and in joint ventures in the Bering Sea and Gulf of Alaska in 1982. In conjunction with these permits, Hochseefischerie Nordstern, A.G., anticipates a joint venture harvest of 10,000 mt in the Bering

Sea and 4,500 mt in the Gulf of Alaska, mostly pollock and cod. West Germany also requested direct allocations of 22,000 mt and 5,000 mt in the Bering Sea and Gulf of Alaska, respectively, to keep the factory trawlers operating when U.S.-caught fish are not available. Operations are expected to last from February through September and Nordstern expects to pay approximately 11¢/pound for Pacific cod, 7¢/pound for pollock, and 1.5¢/pound for fish for fishmeal. The products would be marketed primarily in Europe with samples possibly going to U.S. markets.

For 1981 Nordstern requested 63,200 mt but was allocated only 21,481 mt in the Bering Sea and 1,200 mt in the Gulf of Alaska. As of October 24 they had taken 42% of their Bering Sea allocation and none of the Gulf allocation. Nordstern purchased about 3,000 mt in joint venture operations that ended September 1, 1981.

During 1981 the FRIEDRICH BUSSE was involved in three alleged violations with assessed combined penalties of \$237,500. All three cases are pending.

The Permit Review Committee recommended approval of only the joint venture permits for the FRIEDRICH BUSSE and the REGULUS and recommended that no directed fishery permit for the BUSSE be granted until the pending cases are settled. Further, if the FRIEDRICH BUSSE is found guilty of the charges, they suggested that West Germany's allocation be reduced by the average annual catch for that type of vessel.

Both the Advisory Panel and Council heard comments from John Martin of Alaska Foods who originally signed a contract with Nordstern for the purchase of bottomfish. Alaska Foods was generally displeased with the lack of purchases by Nordstern. John Schmeidtke, representing Nordstern, countered that Alaska Foods' packaging procedures were inadequate and that Alaska Foods had not responded to Nordstern's suggestion that a Nordstern representative supervise the packaging process.

The Advisory Panel recommended that the applications for the BUSSE and the REGULUS be approved pending the outcome of the allegations against the FRIEDRICH BUSSE, but if serious violations are substantiated, that the permits be revoked.

Jeff Hendricks and Sean Kelly of Jeff Hendricks and Associates testified in favor of the West German joint venture applications. Four of their company's vessels expect to work in the 1982 joint venture with the FRIEDRICH BUSSE and the company has gone to great expense to convert the vessels for use as trawlers.

*Ron Skoog moved that the Council recommend approval for the joint venture permits only, and that no directed fishery permit be granted to the BUSSE until the pending cases are settled; and if the FRIEDRICH BUSSE is found guilty of the charges, that West Germany's allocation be reduced by the average annual catch for*

that type of vessel. The motion was seconded by Bob Mace. Upon call for the question, the motion passed with Don Bevan and Robert McVey in opposition.

#### Korean Joint Venture Permits

Chris Dawson, Department of State representative, delivered applications for 27 Korean vessels expecting to participate in 1982 joint ventures. None of the vessels had violation records and all but three had already received direct fishing permits. The Korean vessels requested JVP allocations of 30,700 mt for Korea Wonyang Fisheries and 16,500 mt for Joint Venture Fisheries, Ltd., primarily pollock, Pacific cod, and flounders. The Koreans also asked that up to 20% of the joint venture allocation be granted for direct fishing when U.S. catchers could not provide sufficient amounts of fish in areas which would normally be closed to foreign fishing.

In 1981 the South Korean joint venture caught about 30,000 mt, or 39% of their original request of 77,500 mt.

The Permit Review Committee recommended approval of the 27 Korean joint venture applications but did not act on the request for 20% of the joint venture allocation to be designated for directed fishing in areas which would normally be closed to foreigners. This action could only be addressed in an amendment to the plan.

*Bob Mace moved that the Council recommend approval for the 27 Korean joint venture permits; seconded by Ron Skoog. The motion carried unanimously.*

#### Soviet Tanker Permit

The Council received a 1981 permit application for the Soviet tanker RAUMA to bunker fishing vessels of the Polish People's Republic authorized to operate in joint ventures in the Bering Sea and Gulf of Alaska groundfish fisheries.

The Permit Review Committee recommended approval of the permit for the RAUMA and recommended that the Council give the Executive Director authority to approve permits such as this for tankers wishing to support vessels of other nations fishing off Alaska.

*Harold Lokken moved that the Council accept the recommendation of the Permit Review Committee; seconded by Bob Mace. The motion was unanimously adopted.*

#### St. George Tanag/Taiwanese Request

St. George Tanag asked the Council to endorse an allocation to Taiwan in the same amount as their 1981 allocation so the Pribilof-Highly SeaProducts operation can be continued. Taiwan's 1981 allocation was 19,607 mt, of which only 4,464 mt were taken. St. George Tanag wants to continue to develop a fishery for the residents of the Pribilofs and offer at-sea training for island residents aboard the Taiwanese vessels.



The Permit Review Committee recommended that the Council endorse the Taiwanese allocation request, making it clear that the Council expects significantly more of the allocation to be utilized in 1982 in order for a similarly large allocation to be recommended again.

*Bob Mace moved that the Council accept the recommendation of the Permit Review Committee; seconded by Ron Skoog. There being no objection, it was so ordered.*

#### Council Policy for Utilization of Joint Venture Allocations

The Permit Review Committee recommended that the Council develop a policy stating what is expected as a minimum level of utilization for joint venture allocations requested.

*It was the consensus of the Council that a draft policy outlining reasonable performance standards on joint venture allocations be presented for Council consideration at a future meeting.*

#### D-2 Revisions to SOPPs

On August 19, 1981 the Council's Statement of Operating Practices and Procedures, approved at the July Council meeting, were sent to the Central Office of NMFS for publication in the Federal Register. In a letter dated October 15, Robert Crowell, Deputy Executive Director of NMFS, suggested changes he believes are necessary before the SOPPs can be published in the Federal Register. His suggestions referred to page 7 of the SOPPs, General Rules of Procedure, and page 11, Conduct of Plan Development Team Meetings.

Pat Travers, NOAA general counsel, told the Council that GCF believes that PDT's and PMT's are not advisory committees and, therefore, are not subject to the provisions of the Sunshine Act. PDT's and PMT's function in the same manner as staff meetings so long as the PDT or PMT does not make specific recommendations for action to the Council.

*It was the consensus of the Council that the original language in the July 1981 SOPPs be confirmed. The Council instructed the Executive Director to write a letter to Mr. Crowell asking him to publish the SOPPs in the Federal Register as submitted.*

#### D-3 Review of Model Draft GIFA

On November 6 the Department of State forwarded a model draft GIFA text to be used in upcoming GIFA renegotiations for the Council's review and comment.

The Executive Director reviewed the model GIFA and noted that it puts heavier emphasis on tariff or other restrictions on market access of United States' fish and general cooperation with the United States in advancing opportunities for fisheries trade than

have previous GIFAs. The extent to which fishing vessels of other nations traditionally engaged in fishing in the U.S. FCZ is much further down the list of factors governing allocations than previously.

The Executive Director suggested two changes to the text. On page 1, Article I, second line, the words "optimum yield" should be dropped so that the sentence reads: "The purpose of this agreement is to insure effective conservation and rational management ...."

On page 2 he suggested removing the conjunction "and" between "recreational" and "economic", replacing it with the word "or". This would allow the sentence to read that recreational and economic characteristics are indissolvably mixed and that all five of the characteristics listed, that is, "... geographical, scientific, technical, recreational, or economic ..." must be present before a stock of fish can be treated as a unit.

RADM Richard Knapp agreed with the changes suggested by the Executive Director and suggested that the second paragraph of page 1 should also be changed to read: "Considering their common concerns for the rational management and conservation of fish stocks off the coast of the United States; ...."

*It was the consensus of the Council that the Executive Director write a letter to Deputy Assistant Secretary Kronmiller suggesting the changes to the text noted above.*

#### D-4 Other New Business as Appropriate

##### Capital Construction Funds

Bart Eaton suggested that the Council staff economist research the possibility that fishermen having existing capital construction funds may invest those funds in shore-based processing facilities rather than using them to purchase or renovate vessels. Mr. Eaton felt this may be a way to provide access to capital for shoreside operations.

*Staff economist Jim Richardson was asked to find out what, if any, impediments exist to prevent the use of Capital Construction Funds for shore-based operations and report to the Council at the January meeting.*

##### Recognition of Council Appointments

Jim Campbell presented Certificates of Appointment to Harold Lokken and Keith Specking in honor of their recent appointments to the North Pacific Council by Secretary of Commerce Malcolm Baldrige.

## E. FISHERY MANAGEMENT PLANS

### E-1 Salmon FMP

#### Report on Washington Department of Fisheries/National Bureau of Standards Salmon Interception Model Workshop

The salmon interception model workshop was held in Seattle on October 20-21. Fred Johnson of the National Bureau of Standards reviewed the development of the model and described its function in detail. Washington Department of Fisheries personnel described the model's application and the stocks currently included in the program. There was considerable discussion about the mechanics of the model, but the emphasis was on input data and use of the output. There was general agreement that the model is mechanically and mathematically sound. There was disagreement about the validity of certain assumptions and the appropriateness of certain input parameters. The model is being modified to overcome its limitations in handling "steady state" problems, i.e., the fact that population changes can be evaluated only over a four-year period rather than annually.

The Scientific and Statistical Committee made the following recommendations for future use of the model:

1. That the documentation of the model and the data sources be completed;
2. That sensitivity analysis be undertaken on the model;
3. That pre-processors and post-processors be developed and documented for the model; and
4. That guidelines for updated maintenance of the model be established.

The SSC plans to continue their discussion with the Pacific Council SSC to develop specific recommendations to implement the conclusions of the workshop.

#### PDT/PMT Membership for Tribal Representative

The Columbia River Inter-tribal Fish Commission petitioned the Council to put a member of their scientific staff on the PDT and PMT for salmon. They submitted the resume of Willis "Chip" McConnaha, fishery biologist, for SSC and Council review.

The Advisory Panel voted against allowing tribal representation on the Salmon PDT/PMT. Their reasons were:

1. That treaty Indians are only a subset of Oregon and Washington user groups and, as such, have no special status before the North Pacific Council;

2. That the recent Craig decision did not require this action; and
3. That it would be unfair to include the treaty Indians on the Plan Development Team since no other Alaska, Washington, or Oregon user groups are represented.

The SSC reviewed the concepts regarding the makeup and duties of the Plan Maintenance Team with specific reference to the Salmon PMT. Membership on the teams was to be from the primary agencies who have responsibility for fisheries management off Alaska. For the Salmon FMP they are the Alaska Department of Fish and Game and the National Marine Fisheries Service. The SSC recommended that the various management agencies in the Washington and Oregon region have one representative on the team, currently Mike Fraidenberg from the Washington Department of Fisheries. The SSC recommended that PMT membership be kept to a minimum and be limited to primary management agencies. They recommended that the team not be expanded to include another member. The SSC also reviewed the status of the current PDT for the Salmon FMP and felt that this team should also be kept as small as possible and recommended no increase in membership.

The SSC reviewed the resume submitted by the Columbia River Inter-tribal Fish Commission and found the individual nominated to be suitable as a team member.

Bob Mace asked Pat Travers if tribal representation on the PDT/PMT was stipulated as a requirement in Judge Craig's order of August 4. Pat Travers responded that the order made no requirement one way or the other on this point. The tribes have implied, however, that they will ask the Judge to appoint a member to the PDT/PMT if the Council does not do so voluntarily. He added that voluntarily appointing a tribal representative may have some effect as a visible demonstration of good faith on the part of the Council.

*Bob Mace moved that Willis "Chip" McConnaha be appointed to the Salmon PMT and PDT as a representative of the Columbia River Treaty tribes; seconded by Gene DiDonato.*

The Council discussed the applicability of nominating a tribal representative to both the PDT and PMT, particularly in light of the fact that the PMT concept is currently under review by a Council workgroup.

*Both the mover and second agreed to amend the motion to call for tribal representation only on the Salmon Plan Development Team at this time.*

#### Public Testimony on the Motion

Lewis Schnaper, representing the Alaska Trollers Legal Trust, testified against appointing a tribal representative to the PDT. He said that the Alaska Trollers Association has been struggling

for years even to attend PDT meetings. He said the tribes are just another user group. He had no objection to opening up membership on the PDT to all the various user groups, but not just to the Indians.

Howard Arnett and Chip McConnaha, representing the Columbia River Inter-tribal Fish Commission, said they supported the Council's motion to appoint tribal representation only to the PDT because the PMT concept is unclear at this time. They said that if the PMT will be involved in decision-making capacities, they would want to be involved.

#### Vote on the Motion

*Upon call for the question, the motion carried with Bart Eaton in objection.*

*Ron Skoog moved that the Council acknowledge the Alaska Trollers Association request for representation on the Salmon Plan Development Team and asked the Alaska Trollers Association to submit a resume for their nominee for PDT membership for consideration at the January meeting; seconded by Don Bevan. There being no objection, it was so ordered.*

#### Update on Confederated Tribes v. Baldrige

Pat Travers reviewed the status of the Confederated Tribes v. Baldrige case. The technical working group will develop a set of alternatives for review by the Plan Development Team before the January meeting. The Plan Development Team will prepare a set of proposals and/or analyses of the technical group's report for the Council at the January meeting.

Plan Coordinator Jim Glock suggested that the Council plan to hold public hearings and select preferred options at the January meeting, with final approval of the amendment in March, opening the season by emergency order as was done last year.

#### E-2 Herring FMP

The Alaska Department of Fish and Game presented a report on the Pacific herring stocks and fisheries in the Eastern Bering Sea in 1981. A total of 17,652 mt of Pacific herring and 207.1 mt of spawn-on-kelp were harvested in the Eastern Bering Sea commercial fishing districts during 1981. This was the second highest Pacific herring harvest and the highest spawn-on-kelp harvest recorded since these fisheries began in the 1960's. Estimated total value of the harvest to fishermen was \$6.2 million. Subsistence fishermen representing 138 families from the Yukon-Kuskokwim Delta villages harvested an estimated 70 mt of herring. Average roe recovery from commercially harvested herring was 8.9%. Approximately 10% of the total estimated herring biomass of 182,500 mt was harvested. Age four herring (1977 year class) comprised 50% of the total run and 46% of the total catch. Season openings in Togiak, Security Cove, and

Goodnews Bay Districts were regulated through emergency orders during 1981. This provided for an orderly fishery, high roe content recovery, and minimal wastage. It also insured a normal onshore migration of herring resulting in extensive spawn deposition and allowed the Department to make periodic reassessments of the resource. Due to the large recruitment of young herring, the Department anticipates harvestable surpluses of herring will be available in all districts in 1982. Management strategies for 1982 will be similar to those in 1981.

Aerial surveys were flown throughout the herring spawning season in all fishing districts except Cape Romanzof to determine relative abundance, distribution, and biomass of herring schools. Occurrence and extent of milt, numbers of fishing vessels, and visibility factors affecting survey quality were also recorded. A total of 204 hours were spent in aerial surveys, the most intensive aerial coverage ever achieved. Weather and sea conditions were generally better than past years, but storms and turbid water hampered survey coverage during portions of the season in most districts.

Contracted purse seine vessels provided data on tonnage per unit surface area for twelve herring schools within the Togiak district. Test fishing with variable mesh gillnets and sampling of all commercial landings was conducted in all fishing districts to determine age, size, and sexual maturity of herring and to estimate occurrence and abundance of other schooling fishes. A limited number of ground surveys were conducted in most districts to obtain information on the extent and density of herring spawn-on-kelp.

#### Public Testimony

Ray Lewis, representing Alaska Packers Association, testified that the Board's guidelines under which ADF&G fishery managers must operate are too narrow and restrictive. He said that Alaska Packers took 1,700 short tons of herring in the 1981 Togiak fishery, but had intended to take as much as 4,000 short tons had the fish been available.

Lee Alverson, representing Natural Resources Consultants of Seattle, made a point of clarification regarding the age of maximum biomass. ADF&G reported that this was at approximately five years. Mr. Alverson said that the age of maximum biomass is approximately three years. There is much deterioration after the three to five year period and maximum recruitment is at age five in mature fish in the reproductive state.

Harold Sparcks, representing Nunam Kitlutsisti, said that federal funding cutbacks will encourage more villagers to engage in the subsistence herring fishery. He asked the Council and Board to come up with a plan which will protect the biomass, protect subsistence harvests, and where feasible, have a commercial fishery, but restrict entirely any high seas herring fishery in the Bering Sea.

Art Neilson, representing International Fisheries, Sitka, stressed the continuing importance of the subsistence herring fishery.

John Stone, Joe Paniak, and Harvey Joe of Cheevak, Hooper Bay and Cape Romanzof, testified in support of area registration for the Cape Romanzof district in order to help local fishermen pay back money borrowed from Alaska Renewable Resources.

Weaver Ivanoff, Paul Johnson, and Caleb Dotermaine, representing the Norton Sound Fish Coop and Bering Straits Native Corporation, testified in favor of exclusive registration for the Norton Sound district. They opposed Board proposal 8, which would establish a maximum vessel length of 30 feet for herring gillnet vessels in the Norton Sound District.

Paul John, representing the United Villages, said that the villagers need all the herring available to feed their families.

Mark Tom of Liptuk asked the Council and Board to give serious consideration to Nelson Island stocks, upon which his people rely so heavily for food. They have no interest in a commercial fishery.

Peter Matthew of Cheevak testified that the issue of subsistence should always come first in the herring fishery.

Jack U. Williams, Sr. of Mekoryuk testified in opposition to Board proposal number 2, which would open the Nunivak Island area to herring fishing and allow the use of seines. He stressed the need for subsistence to take priority over all other fisheries because the natives of western Alaska depend on it to feed their families.

Richard Goldsmith, Executive Director of the North Pacific Fishing Vessel Owners Association, testified in opposition to Board proposals 1, 3, and 7, which would establish exclusive registration areas in Security Cove, Goodnews Bay, Cape Romanzof and the Norton Sound districts.

He testified in favor of Board proposal 44, submitted by the North Pacific Fishing Vessel Owners Association, to allow a high seas trawl fishery in the Bering Sea. Mr. Goldsmith testified that the Association believes that management of the herring resource by the North Pacific Council and the State of Alaska should be coordinated. Allowing a domestic offshore trawl fishery will meet the Council's objectives to promote full utilization of the herring resource by domestic fisheries, to encourage development of herring fisheries in western Alaska, and to provide, to the extent possible, a unified management regime between federal and state jurisdictions. He felt an offshore trawl fishery would provide much needed information on herring behaviour and abundance, herring's interactions with other fish, and the origins and distributions of herring stocks in offshore waters.

Mick Stevens, representing Marine Resources Company of Seattle, said that in 1981 Marine Resources purchased 81,000 mt of fish from American fishermen, 41,000 tons of which came from the Alaska region. He said that MRC had been denied a joint venture high seas herring fishery for the third consecutive year culminating with the Council's actions at the September 24-25 meeting in Anchorage. In a letter to Assistant Administrator for Fisheries William Gordon, Walter T. Pereyra, vice president and general manager of MRC, alleged that the State of Alaska's management policies in the herring fishery favor the inshore fishery and offer greater opportunities to Alaskans. Mr. Stevens testified in support of Board proposal 44 to allow a Bering Sea trawl herring fishery to take the existing surplus. He said that in all probability MRC would not be able to offer to purchase U.S. fish (pollock) without being allowed to also buy herring because the herring makes the fishery economically viable. He suggested that the Council and Board commission a joint study on the economic advantages of inshore/offshore fisheries. He felt that an offshore fishery could provide the opportunity to add to the much needed data base for the herring species.

Henry Mitchell, Executive Director of the Bering Sea Fishermen's Association, testified in support of exclusive registration for the Norton Sound, Cape Romanzof, Security Cove, and Goodnews Bay districts. He said that exclusive registration is absolutely necessary to protect the local economies. He also testified in favor of Bristol Bay Herring Cooperative's proposal to set a quota for herring gillnet fisheries in Togiak. He opposed opening the purse seine fishery off Nunivak Island because it would interfere with existing subsistence harvests and opposed Board proposal 44 by the NPFVOA for a Bering Sea herring trawl fishery offshore.

Norman Cohen, representing the villages of western Alaska, reviewed the major differences in Council and Board management strategies for the herring resource. He felt that the PMT's suggested maximum exploitation rate of 39% was much too high and noted that the Board's maximum exploitation rate is less than 20%. He suggested that the Council take another look at the PMT's determination of OY to allow for escapement, exploitation of northern stocks and socioeconomic considerations. He testified in favor of exclusive registration as a method to develop local economies and establish the priority of subsistence fisheries.

Steve Braun, anthropologist who worked with Dames and Moore on the 1978 Council document, "Assessment of Spawning Herring and Capelin Stocks at Selected Coastal Areas in the Eastern Bering Sea," explained the evolution of the western Alaskan's dependence on herring as a source of food. He said that early natives were part of a nomadic culture which moved their settlements as their food sources moved. With the influence of Russian missionaries, schools and villages gradually became localized. Since that time the natives have been forced to use the food sources of their local areas and have lost easy access to their traditional winter



food supplies. He stressed the fact that some of the natives of western Alaska are totally dependent on herring.

### Council/Board Discussions

Chairman Tillion explained to the Board the Council's reasons for allowing an offshore harvest when a surplus exists. Under the Herring Plan a surplus would be available for offshore harvest only if the inshore harvest falls short. The main question involved is not the existence of the surplus, but rather the overall approach to allowing an offshore fishery. He stressed the fact that the Plan gives first priority to the inshore fishery. Chairman Tillion pointed out that as long as the Board prohibits fishing in the northern Bering Sea, only a joint venture fishery to take any existing surplus would be legal; a strictly U.S. operation would not be possible.

John Harville asked Steve Pennoyer how feasible it would be to bank a surplus of herring for one year in hopes that it may make up a shortfall in the next year. Mr. Pennoyer replied that most herring fisheries in Alaska depend upon a single age class. Banking a single year class might sustain the fishery for three, four, or five years, but the Plan's exploitation rate seems to take that into account. Mr. Pennoyer suggested that the policy questions over the existence of a surplus and how the surplus will be utilized must be addressed by the Council and the Board.

Bob McVey suggested that the Board set a quota for the northern Bering Sea herring fishery. Domestic trawlers have said that they would adhere to any such quota that the Board might set. The observer data taken in a domestic trawl fishery would be better than foreign observer data that is currently being gathered.

### Herring PMT Recommendations

In September the Herring PMT suggested that the FMP be withdrawn from Secretarial review so that certain sections could be amended and/or clarified. The Team met with members of the original Plan Development Team and made a series of recommendations. New language for the FMP had not been finalized at the time of the meeting, but the intent of the PMT/PDT had been clarified. The PMT majority recommended that:

1. Stocks utilized exclusively for subsistence not be included in determining exploitation rates and total harvest (OY) by the commercial fisheries. This refers primarily to the Nelson and Nunivak Island stocks.
2. When spawning biomass survey data are not available, a specific backup system be used based on the previous year's data.
3. The maximum exploitation rate will not exceed 39%. (This 39% level would occur only when the biomass estimate reaches 470,000 mt, almost twice the MSY biomass.)

4. The AIC formula should be replaced with a range. AIC would equal 1,500 to 3,000 mt and would be adjusted using changes in the groundfish OY and herring biomass as guidelines rather than specific elements in a formula.

Plan coordinator Jim Glock said that the language for the body of the FMP is being edited to reflect these changes and other minor points of clarification. The new text should be ready for final Council approval at the January meeting.

#### AP and SSC Reports

The Advisory Panel discussed the proposed closure of the herring savings area to domestic trawl activity. The AP defeated a motion by a vote of 9 to 5 recommending that the Council voice a change in policy so as not to limit domestic fishing by a herring AIC.

The SSC reviewed the proposed changes to the text developed by the Team and heard a presentation by the Team and various groups on the proposed changes. The SSC provided a list of questions to the PMT for their consideration, made a part of these Minutes as Appendix III. The SSC plans to make its final recommendation to the Council upon receipt of the answers to these questions.

#### Council Action

*The Council asked the staff to provide a review of the status of the various major worldwide herring stocks at the January meeting.*

#### E-3 Bering Sea/Aleutian Islands King Crab FMP

The Bering Sea/Aleutian Islands King Crab FMP, Draft Environmental Impact Statement, and Regulatory Impact Review were submitted to NMFS for a regional review on October 9. The package is scheduled to be forwarded to Washington to begin NEPA and Secretarial review in mid-December.

As provided in the Joint Statement of Principles between the Council and the Alaska Board of Fisheries, a joint public hearing will be held annually in Seattle to provide all interested persons and agencies the opportunity to comment on the management of the fishery. The Council and Board discussed proposed dates for the joint public hearing.

*It was agreed that the joint public hearing would be held on March 13, 1982 in Seattle. Specific details on time and location will be made public as soon as available.*

## E-4 Tanner Crab FMP

### Status of Amendments 6 and 7

The regional office of NMFS informed the Council that higher levels of the Department of Commerce and the Office of Management and Budget will not approve some of the regulations submitted with Tanner Crab Amendment #6. The regulations proposed by the Council parallel those currently in effect by the State and include the reporting of deadloss on fish tickets, registering Tanner crab vessels prior to scheduled season opening dates, registering for specific districts, changing registration from district to district, transportation of Tanner crab through a district in which the vessel is not registered, and requiring operators of floating processing vessels to report their intended area of operation prior to commencing operations. The amendment was apparently held up for two reasons. First, DOC is attempting to restrict the number of new regulations it approves in order to comply with the desires of the current Administration. Second, OMB tends to veto regulations that parallel existing State regulations or add any reporting requirements to the industry or the public. OMB cites the Paperwork Reduction Act as the basis for this policy. The regional office of NMFS asked the Central Office to delete the reporting requirements from Amendment #6 at this time so the remainder of the package can be implemented. The Council asked the Central Office to give formal notification of the rationale for its decision concerning the regulations in the amendment. Amendment #6, minus the reporting requirements, was implemented on November 18.

Amendment #7 which would establish new C. bairdi OY's and eliminate the C. opilio TALFF was published in the Federal Register on September 3 as a Proposed Rule. The amendment has undergone public review and is currently being reviewed by the Department of Commerce. Publication as a final rule is expected in early January, 1982.

### Discussion of Pot Storage Area Problems

Problems still exist with pot storage in Bristol Bay. Numerous citations have been issued for the storage of crab pots outside designated pot storage areas. A series of chartlets illustrating king and Tanner crab concentrations and distribution of a variety of groundfish species in Bristol Bay was provided to the Council and Board. An overlay illustrating the federal and state pot storage areas was included with the package.

The Advisory Panel suggested that the Ad Hoc Crab Storage Workgroup hold a meeting to discuss the pot storage problem and invite appropriate NMFS enforcement and ADF&G personnel.

*It was the consensus of the Council and Board that the question of Bering Sea pot storage areas be placed on the agenda for the joint Council/Board meeting in March. An Ad Hoc Crab Pot Storage Workgroup meeting was scheduled for January 18 in Seattle.*

## King and Tanner Crab Observer Program

The SSC received a report of the King and Tanner Crab Observer Program Workgroup and will make its recommendation to the Council at the January meeting. If the Council decides to go ahead with the program, it will advise the Alaska Department of Fish and Game that it intends to fund the program if and when money is available.

## E-5 Gulf of Alaska Groundfish FMP

The Gulf of Alaska Plan Maintenance Team presented its report on Amendment #11, made a part of these Minutes as Appendix IV. The Team proposed three options for sablefish OY: 500 mt Gulf-wide; 3,500 mt Gulf-wide; and 8,200 mt Gulf-wide. The PMT received three new documents prior to their meeting which were considered in formulating the three proposed options. These reports were "Interim Report on the Results of Sablefish (anaplopoma fimbria) Tagging Experiments in Southeastern Alaska 1979-1981" by Barry Bracken, ADF&G; "Relative Abundance and Size Composition of Sablefish in the Coastal Waters of Southeast Alaska 1978-1981" by Harold H. Zenger, Jr., NWAFC; and "A Simulation Model for Sablefish in the Gulf of Alaska" by Joseph Terry and James Balsiger, NWAFC. Because the PMT report and the three new documents had not been reviewed by the public, the Team recommended that the Council extend the public comment period for Amendment #11.

Jim Balsiger and Joseph Terry explained that their simulation model was developed to estimate how alternative management strategies would affect the Gulf-wide domestic longline fishery. The model was used both to determine how sensitive the estimated effects of alternative strategies are to values of the biological and economic parameters used in the model and to provide information that can be used to rank a large number of alternatives with a variety of criteria. The strategies were defined in terms of alternative fishing mortalities and minimum size restrictions for the simulation period 1981-1985.

The model was found to be relatively sensitive to several parameters for which the actual values are not known. Using what is thought to be an appropriate set of values the model indicated that the current level of harvest is too high to permit sablefish resources to be rebuilt to a level which will encourage domestic utilization of the Gulf-wide sablefish resources. The level of resource abundance necessary to encourage such utilization may be possible by 1985 if yields are severely limited during 1982 through 1984.

Limitations of the model, in addition to the uncertainty concerning the values of both biological and economic parameters, were identified. These limitations indicate areas for further research, the most critical of which is the extension of the model to allow an evaluation of management strategies defined in

terms of alternative allocations among gear types as well as in terms of alternative fishing mortalities and minimum size restrictions.

Council member Don Bevan suggested that the Council seriously consider extending the public comment period for Amendment #11 in view of the three new reports introduced to the PMT. John Harville agreed that extending the public comment period at this time may be very helpful.

The Advisory Panel felt that it was important to take action on Amendment #11 now rather than waiting until March. The AP adopted the proposed management objectives for sablefish presented by the PMT on page 6 of their report. The Advisory Panel adopted by a vote of 7 to 6 alternative #2 set forth by the PMT which would set a Gulf-wide OY of 3,500 mt. The majority felt that sablefish were severely depressed and that a reduction of this magnitude would rebuild the resource quickly. The U.S. industry would be better served in the future with increased abundance and marketable sizes. The minority questioned the economic analysis because it did not take into account the size of sablefish from British Columbia, Washington, Oregon, and California. It examined only ice boats and not foreign longliners. It did not adequately address the economic problem of taking substantial amounts of product off the market and then re-introducing the product. There was concern that a low OY could hurt U.S. vessels that wanted to participate in the sablefish fishery this year.

The Advisory Panel recommended that the PMT's proposal to maintain the current percentage allocation in the Gulf of Alaska be adopted. The AP recommended that because the U.S. salt cod and bait fishery is expanding into the Davidson Bank area, the North Pacific Longline and Gillnet Association proposal to allow foreign fishing in the Davidson Bank area be rejected. Further discussion on the ALFA proposal to make sablefish an exclusive longline fishery was tabled until industry could discuss the issues and more scientific information was presented. The Advisory Panel recommended against the ALFA proposal for a winter closure until further information is available. They unanimously supported the Team's recommendation for radio reporting.

The Advisory Panel recommended reducing TALFF for cod and pollock by 20% and adding this amount to reserves due to the increase in domestic shoreside salt cod fishery and joint venture activities. This motion was passed with three opposing votes and one abstention. The minority felt that this was an improper method of stimulating foreign demand for Alaskan fish.

The SSC considered separately each of the six issues contained in the PMT report:

Sablefish OY. The SSC reviewed the proposed Gulf-wide EY and the three alternatives for the evaluation of OY and concluded that, based upon the information available to them, the proposed

estimates are conservative. They noted discrepancies in the results of the 1981 Japan/U.S. cooperative longline survey and the results of the U.S. pot survey for the Southeast Regulatory Area. Because of the SSC's inability to determine the overall validity of the cooperative survey, it was agreed that a conservative approach should be taken in calculating EY. Since the PMT's method for determining EY met this condition, it was concluded that the new estimated EY's are acceptable. The SSC noted that the Team attempted to provide to the Council an analysis which examined the extremes of the relevant range and the midpoints for OY. The SSC concurred with this approach to alternatives for OY, but recommended three additional alternatives, all of which represent a higher value for OY than provided by the Team. Sections of the SSC's report explaining their proposed alternatives (4, 5, and 6) for determining OY are made a part of these Minutes as Appendix V.

Percentage Allocation Between Management Areas. The SSC supported the Team's recommendation that the current percentage allocation between areas be maintained when considering the allocation of the new estimate of EY.

Other Proposed Changes. The SSC did not comment on the Japanese North Pacific Longline and Gillnet Association's Proposal to open Davidson Bank to foreign longliners, the exclusive longline sablefish fishery and winter closure proposals by the Alaska Longline Fishermen's Association, and the reporting requirements issue. The SSC recommended that the Council request that individuals or agencies having information bearing on these issues make it available as soon as possible.

Proposed Delay in Final Action on the Amendment. The SSC concurred with the Team's recommendation to extend the public review period, noting that the public should be allowed sufficient time to review and comment on the various alternatives proposed by both the Team and the SSC. The SSC attempted to determine whether such an extension could produce a conservation problem, but after examining the 1980 catches, the 1981 OY's, and the new estimates for EY, concluded that the potential exists for creating a conservation problem only in the Eastern Regulatory Area. Thus, the SSC recommended that if the Council does extend the review period it should ask the Regional Director to take the necessary steps to insure that the 1982 harvest in the Eastern Regulatory Area does not exceed the new estimates for EY provided by the Team.

Gulf of Alaska DAH. The SSC reviewed the values of DAH proposed for the 1982 season and referred again to their recommendation of December 1980 that the following DAH and reserve mechanism be examined for the possibility of inclusion in the current Gulf of Alaska and Bering Sea amendment packages:

1. "The DAH for a fishing year will be set equal to the domestic catch taken during the 12-month period ending the preceding September 30. DAH may not exceed OY."

2. "The reserves will be set to accommodate the difference between the domestic catch forecast from the NMFS survey and DAH as set above. The NMFS survey will be conducted annually by the NMFS regional office to compile expected harvest figures from fishermen and processors."

The SSC noted that the original concern which caused them to make this recommendation to the Council last year still exists; i.e., that estimates of DAH far exceed the actual performance of the domestic industry. The SSC still recommends that the correct means to accommodate these estimates of additional performance is through the reserve system and not DAH. They again asked the Council to forward this concept for evaluation in the next proposed modification to either of the groundfish plans.

Rewrite of the FMP. The SSC recommended that the Northwest and Alaska Fisheries Center be the lead agency for the rewrite of the FMP.

### Public Testimony

Robert Alverson, speaking on behalf of the Fishing Vessel Owners Association, Seattle, testified that industry needs more professional management for the sablefish fishery. He said that fishermen cannot afford to come to Alaska not knowing what is going to happen. He was upset with the Council's failure to establish specified cut-off dates after which new information received would have to be considered in the next FMP amendment.

Paul MacGregor, representing the Japanese North Pacific Longline and Gillnet Association, favored extending the public comment period for Amendment #11 with the Council's final decision to be made at the March meeting. He felt the delay would have no significant biological impact on the stocks and that it was unrealistic to expect public comments on the new documents before the January meeting.

Lee Alverson, Natural Resources Consultants of Seattle, agreed with Robert Alverson's statement that new information which could affect the outcome of an amendment should not be allowed to come in continually.

Richard Goldsmith, Executive Director of the North Pacific Fishing Vessel Owners Association, testified that the main problem with Amendment #11 is the ALFA proposal for an exclusive longline sablefish fishery. He said that he does intend to meet with the Alaska Longline Fishermen's Association to work out some kind of amendment to take care of this problem. He had no problem with extending the public comment period so that the Council would take final action on the amendment in March.

Greg Baker, president of the Alaska Longline Fishermen's Association, said that he would like a decision to be made on Amendment #11 as soon as possible, preferably at this meeting.

Al Burch, Alaska Dragger's Association, testified in favor of extending the comment period so that fishermen involved could perhaps negotiate an alternative to the exclusive longline fishery for sablefish.

### Council Action

*Don Bevan moved that the Council accept the SSC's recommendation to extend the public comment period for Amendment #11 to the Gulf of Alaska Groundfish FMP for 60 days and to ask the Regional Director of NMFS to take whatever steps are needed to insure that the 1982 harvest in the Eastern Regulatory Area does not exceed 2,100 mt west of 140°W in the Yakutat district, 1,135 mt east of 140°W in the Yakutat district, and 1,290 mt in the Southeast district. The motion was seconded by Bob Mace. There being no objection, it was so ordered.*

*It was the consensus of the Council not to proceed with the rewrite of the FMP at this time, but to include a total rewrite of the FMP in the next amendment.*

*Bob Mace moved that the Council go on record instructing the Plan Development Team to begin looking at the SSC's recommendation on the DAH and reserve mechanisms for possible inclusion in the next amendment to the Gulf of Alaska FMP; seconded by Don Bevan. There being no objection, it was so ordered.*

### E-6 Bering Sea/Aleutian Islands Groundfish FMP

The National Marine Fisheries Service completed its survey of anticipated joint ventures for 1982 and presented results which indicated that it may be necessary to amend JVP, DAP, and DAH in the FMP to cover the projected increases in the 1982 domestic harvest of groundfish. These changes would be implemented through Amendment #4 which changes DAH for pollock, yellowfin sole, other flatfish, Atka mackerel, and other species and OY for Pacific cod. Because it is non-controversial, it would be sent directly to the Secretary of Commerce for review based on Council approval of its elements at this meeting.

Amendment #1, under review by the Secretary since September 2, 1981, has encountered problems with the section on incidental halibut catch for domestic species ventures in the Bristol Bay Pot Sanctuary. This section has hampered implementation of Amendment #1 and because of this the Council considered removing that section from the amendment so the remainder could proceed on schedule.

The SSC reviewed the status of Amendment #1 and recommended that the staff meet with the persons who developed the amendment to attempt to correct the problems.

The SSC also reviewed the proposed 1982 DAH figures and referred again to their December 1980 suggestion to accommodate the increased estimates of domestic performance through the reserve system rather than DAH.



The Advisory Panel recommended that the TALFF for cod and pollock be reduced by 20% due to expanding joint venture activities. This recommendation passed with three objections and one abstention. The Advisory Panel suggested that discussions of restrictions on domestic fishermen for the 1% incidental catch of halibut in the Bristol Bay Pot Sanctuary be placed on the agenda for the January meeting.

Patrick Travers suggested that before the Council adopts the new DAH figures, it might want to consider deleting reference to the year 1982. This would provide flexibility if these figures must be used into the 1983 season.

#### Public Testimony

Donald Swisher, representing the Japan Deep Sea Trawlers Association and Hokuten Trawlers Association, suggested that the domestic "species venture" section, which may be severed from Amendment #1, be included in Amendment #4.

Richard Goldsmith, representing the North Pacific Fishing Vessel Owners Association, urged the Council to unify its position on allowable incidental catch between the Herring FMP and Bering Sea/Aleutian Islands Groundfish Plan.

Larry Cotter, representing the International Longshoremen's and Warehousemen's Union, spoke in favor of the AP's proposal to reduce TALFF for pollock and cod by 20% due to expanding effort in joint venture activities. He said this will stimulate foreign countries to become active in joint ventures to recover their 20% loss.

Rodger Painter, United Fishermen of Alaska, also supported the AP's proposal to reduce the Bering Sea TALFF to stimulate the domestic groundfish industry in Alaska.

#### Council Action

*Harold Lokken moved that the Council vote to send Amendment #4 to the Bering Sea/Aleutian Islands Groundfish FMP directly to Secretarial review to increase the DAH for pollock from 19,550 mt to 74,500 mt; yellowfin sole from 26,200 mt to 31,200 mt; other flatfish from 4,200 mt to 11,200 mt; Atka mackerel from 100 mt to 14,500 mt; and other species from 2,000 mt to 7,800 mt; and that the optimum yield for Pacific cod be increased from 78,700 mt to 120,000 mt to coincide with the Pacific cod ABC in Amendment #1. The motion was seconded by Don Bevan. The motion carried unanimously.*

*Harold Lokken moved that the section of Amendment #1 dealing with incidental halibut catch for domestic species ventures in the Bristol Bay Pot Sanctuary be severed from Amendment #1 to the Bering Sea/ Aleutian Islands Groundfish FMP so that implementation can proceed approximately on schedule; seconded by Don Bevan. There being no objection, it was so ordered.*

## Fishery Development Zones

Council member Bart Eaton presented a proposal to establish a "Fishery Development Zone" designed to promote U.S. development in areas of high concentrations of fish stocks. Under this proposal, foreign fishing would be prohibited in designated areas of heavy fish populations which are favored by the U.S. trawl and pot fishermen.

*The Council instructed the Bering Sea/Aleutian Islands Groundfish Plan Maintenance Team to review this concept and report to the Council at the March meeting.*

## F. CONTRACTS, PROPOSALS, AND FINANCIAL REPORTS

### F-1 Status of Contracts and RFP's

The draft final report for Contract 80-4, "To Expand and Enhance the Domestic Commercial Fisheries Catch Data Reporting System Off Alaska," was scheduled for SSC review at the December meeting. Given SSC recommendation for approval, final Council approval could be granted on the contract.

The SSC reviewed the final report and found that the conditions of the contract had been met. They asked that no final action be taken on the contract, however, until the SSC subcommittee for Contract 80-4 had an opportunity to see the system in operation during the January Council meeting. The SSC will make its final recommendation to the Council at that time.

The SSC reviewed the status of RFP development for 1982 programmatic funds and noted that the RFP for halibut limited entry is almost complete. Draft RFP's for "Feasibility of Using Scale Analysis to Identify Bering Sea Herring Stocks", "High Seas Tagging of Salmon", and "Analysis of Southeastern Salmon Scale Patterns" should be available for SSC review at the January meeting. The SSC felt that if funds are available, the Council should be able to release the RFP's soon after the March Council meeting.

## G. PUBLIC COMMENTS

No further public testimony was presented before the Council.

## H. CHAIRMAN'S CLOSING COMMENTS AND ADJOURNMENT

*Robert McVey moved that the Council change its traditional meeting days, the fourth Thursday and Friday of the month, to the fourth Wednesday and Thursday of the month for two-day meetings and the fourth Tuesday, Wednesday and Thursday for three-day meetings. The motion was seconded by Ron Skoog. There being no objection, it was so ordered.*

Chairman Tillion asked for the Council's authorization for travel so that he and Executive Director Jim Branson could go to Japan soon after the January Council meeting on an Alaska Trade Mission.

*Don Bevan moved that the Council authorize Clem Tillion and Jim Branson to travel to Japan; seconded by Ron Skoog. There being no objection, it was so ordered.*

There being no further business to come before the Council, the 45th plenary session of the North Pacific Fishery Management Council adjourned at 3:20 p.m. on Wednesday, December 9, 1981.

LIST OF APPENDICES

- Appendix I: Letter from Frank Bohannon on Korean Joint Venture
- Appendix II: Letter from Larry Cotter on the Future of Joint Ventures
- Appendix III: SSC's Questions to the Herring Plan Maintenance Team
- Appendix IV: Report of the Gulf of Alaska Groundfish Plan Maintenance Team
- Appendix V: SSC's Alternatives for Determination of Sablefish Optimum Yield in Gulf of Alaska Amendment #11