


MEMORANDUM

TO: Council, AP, and SSC Members

FROM: Clarence G. Pautzke 
Executive Director

DATE: June 20, 1991

SUBJECT: Groundfish Plan Amendments and Regulatory Actions

ACTION REQUIRED

- (a) Receive NMFS status report on plan and regulatory amendments and emergency rules.
- (b) Consider approval of groundfish amendment 17/22 for Secretarial review.

BACKGROUND

(a) NMFS Status Report

Several Council actions, left over from last year's amendment cycle or initiated in 1991, are in various stages of completion and summarized in item D-1(a)(1). This list includes emergency rule requests from the April, 1991 meeting. NMFS staff is available to review these actions.

(b) Amendment 17/22

In April the Council received a draft Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) for proposed amendments to the groundfish plans. This package, which constitutes Amendment 17 to the Bering Sea/Aleutian Islands FMP and Amendment 22 to the Gulf of Alaska FMP, was released for a 30-day public review period ending on June 14. It includes five elements:

1. Authorize experimental fishing permits.
2. Establish Walrus Islands groundfish fishing closures.
3. Rescind Gulf of Alaska statistical area 68.
4. Establish a Bogoslof District in the Bering Sea.
5. Definition of a groundfish pot.

These elements and their options are described in D-1(b)(1). Comments received are at D-1(b)(2).

An industry/government workshop was held on May 30 in Kodiak to discuss methods for accomplishing the objectives of the proposed pot definition. Item D-1(b)(3) summarizes the recommendations from that workshop.

At this meeting the Council needs to approve the amendment package for Secretarial review. Following selection of a preferred alternative, staff will prepare the necessary FMP and regulatory text for Council review and approval at the end of the meeting.

STATUS OF COUNCIL TASKING

PROJECTS NEARING COMPLETION OR COMPLETED

Plan Amendments

Groundfish

Am. 16a	Herring PSC, hot spots, MWT pollock	Final rule effective by July 1, 1991.
Am. 16/21	Revised bycatch incentive program	Interim final rule effective May 6, 1991.

Emergency Rules from April 1991 Meeting

Reduce directed fishing standard for Pacific cod, in the midwater pollock fisheries, to 7% in the BSAI. Reduce directed fishing standard for all groundfish, in midwater pollock fishery, to 7% in the GOA. When halibut trawl PSC allowance is reached in GOA, all trawling for groundfish, other than pollock with pelagic trawls, is prohibited.	Region now preparing.
Close GOA rockfish to trawls.	Decision pending further developments in the fisheries.
Prohibit trawling east of 140°W	Will do modified emergency rule.

Regulatory Amendments and Other Actions

Prohibit longlining of pots (except Aleutians) (from 12/90)	NMFS preparing regulatory amendment. Proposed rule expected in early summer; implementation expected in late July.
Halibut 4E regulations (from 12/90)	Final rule filed April 29, effective May 28.
Reapportion halibut PSC in GOA. (from 4/91)	Region may consider moving 4th qtr PSC to 3rd qtr; requests Council comments.
Establish bycatch rate standards for 3rd & 4th quarters. (from 4/91)	Intend to file week of June 17.

Final Groundfish Specifications for 1991

Pollock TAC in GOA	Notice filed June 13.
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SUMMARY OF ALTERNATIVES FOR 17/22 AMENDMENT TOPICS

1. Experimental Fishing Permits

Alternative 1: Do nothing.

Alternative 2: Implement a process for allowing experimental fishing.

Option 1: Only the Regional Director, in consultation with the AFSC, would review and take action to approve or deny permits; Council would be notified, but otherwise not involved.

Option 2: Council would always be consulted by the Regional Director.

Option 3: (Sub-option) Provision for expedited review by the Regional Director would be made.

2. Establish Walrus Islands Groundfish Fishing Closure

Alternative 1: No action - protective measures would expire on December 31, 1991.

Alternative 2: (Present situation) Establish 12-mile radius buffer zones with seasonal groundfish fishery closures (April 1 through September 30) around three walrus haulout sites.

Alternative 3: Seasonal groundfish fishing closure (April 1 through September 30) north of a line from Cape Constantine to the southernmost tangent of a 12-mile radius around Cape Pierce.

Option 1: Under either Alternative 2 or 3, an option to have the closure measures sunset after five years.

3. Rescind Gulf of Alaska Statistical Area 68.

Alternative 1: Do nothing.

Alternative 2: Rescind Area 68 and combine it with Area 65; TAC for DSR would extend westward three degrees of longitude.

4. Establish the Bogoslof District in the Bering Sea Subarea.

Alternative 1: (Status Quo) No establishment of a Bogoslof District with area-specific management measures for pollock.

Alternative 2: Establish a catch limit for pollock in the Bogoslof area.

Option 1: Establish a unique Bogoslof District for which a pollock TAC, separate from the Aleutian Islands subarea and the Bering Sea subarea, would be specified annually.

Option 2: A pollock catch limit specific to the Bogoslof District could be established as a subdivision of the pollock TAC for the Bering Sea subarea.

5. Change Fishing Gear Restrictions in the GOA and the BSAI.

Alternative 1: (Status Quo) Overlap would exist between the federal groundfish pot definition and the State of Alaska's definition of king crab pots.

Alternative 2: Amend federal regulations to require that groundfish pot tunnel opening perimeters individually measure no more than 30 inches.

Alternative 3: Request that the State of Alaska amend its regulations to require king crab pot individual tunnel eye opening perimeters to be greater than 36 inches.

Alternative 4: Institute a registration and/or tagging system whereby pots would be registered and/or identified as groundfish or crab pots with a metallic tag.

COMMENTS RECEIVED

ON

AMENDMENTS 22/17 TO THE

**GULF OF ALASKA & BERING SEA/ALEUTIAN ISLANDS
GROUNDFISH FMPS**

GROUNDFISH AMENDMENTS

Oceantrawl

VIA TELEFAX/AIRMAIL

June 4, 1991

Mr. Richard B. Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue
Anchorage, Alaska 99501

Dear Mr. Lauber:

Oceantrawl Inc. is pleased to submit the following comments on Amendments 17 and 22 to the groundfish Fishery Management Plans for the Bering Sea/Aleutian Islands and the Gulf of Alaska, dated May 14, 1991.

Specifically we would like to address Proposal 1, Authorization for Experimental Fishing Permits and Proposal 4, Establishment of the Bogoslov District in the Bering Sea subarea.

Regarding the authorization for the experimental fishing permits, Oceantrawl concurs in the need for such authorization and supports the proposal. However, the new regulation should clearly state that any fish caught under the experimental permit should not count against the directed fishing quota to which other vessels are restricted. This would preclude the use of the experimental permit as a means of circumventing any quota restrictions placed on desirable target groundfish stocks, and thereby gaining an unfair advantage over competitors.

Regarding the establishment of the Bogoslov District in the Bering Sea subarea, we support Option 2 under the proposal. Our reasons are:

- 1) This system worked well during the 1991 pollock roe season;
- 2) There is no evidence presented in the information that Option - 1 would provide any more conservation protection of the Aleutian basin pollock stock than Option 2;
- 3) The pollock roe fishery is very important economically to all sectors of the industry. A separate quota, as in Option 1, would inevitably be divided into a roe and non-roe fishery, thereby further restricting the Bogoslov District roe fishery; and

Oceantrawl

- 4) Option 2 would give fishing vessels more flexibility during Season 'B'. For example, if the Season 'B' pollock fishery shifts from its 1990 location north of the Pribilof Islands to just north of Unimak pass, the pollock could certainly migrate into the Bogoslov District. If a complete and separate quota is set for the Bogoslov District, and more pollock from the Eastern Bering Sea enter the area after the separate quota is caught, then the fishery would not be able to harvest them.

We greatly appreciate the opportunity to comments on the Amendments.

Sincerely yours,



~~Vassen Nicolov~~
President

MARINE MAMMAL COMMISSION
1825 CONNECTICUT AVENUE, N.W. #512
WASHINGTON, DC 20009

JUN 13 1991

14 June 1991

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

Dear Mr. Pautzke:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the 14 May 1991 Draft Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for Amendments 17 and 22 to the Groundfish Fishery Management Plans for the Bering Sea/Aleutian Islands and the Gulf of Alaska. We offer the following comments and recommendations on the draft document as it relates to marine mammals.

The draft document considers alternative actions to respond to the expiration of a temporary time/area closure adopted in 1989 for yellowfin sole fishing around Round Island, the Twins Islands, and Cape Peirce in northern Bristol Bay. The closure expires after 1991. It was adopted to prevent disturbance of walrus hauling out in those three areas. Between 1986 and 1988, the annual peak numbers of walrus using those haulouts declined by over 50%. The decline coincided with the onset of yellowfin sole fishing in Northern Bristol Bay, particularly around Round Island. Loud noise produced by the fishing vessels was apparent to people on Round Island and was considered a possible cause of the decline.

The present closure extends from 3 to 12 miles around each of the three areas during the peak walrus haulout period from April through September. As we understand it, complementary restrictions were adopted by the State of Alaska within three miles of Round Island in the Walrus Islands State Game Sanctuary. Similar measures, however, were not adopted inside three miles around Cape Peirce in the Togiak National Wildlife Refuge or around the Twins Islands. The closure was adopted for a two-year period with an understanding that, before expiration, results of acoustic studies and walrus haulout trends would be reviewed and a determination made as to whether to continue, modify, or terminate its provisions.

The draft document reviews recent information bearing on the existing closure's effectiveness in protecting walrus haulouts.

It identifies three alternative actions: (1) no action (i.e., allowing the seasonal closure to expire); (2) extending the existing seasonal closure either permanently or for five years; and (3) establishing an expanded seasonal closure extending from Cape Constantine to Cape Peirce either permanently or for five years. A preferred alternative is not identified and, as we understand it, will be selected at the Council meeting later this month.

As discussed below, the Marine Mammal Commission recommends that: (a) the alternative actions in the draft document be modified to ensure that each reflects the need for research to assess its effectiveness in protecting walrus; and (b) the Council modify and adopt the third alternative as its preferred action.

With respect to the first point, the draft document provides a useful review of recent information on walrus haulout patterns, the acoustic environment around Round Island, and at-sea walrus habitats. It indicates that information on these points is insufficient to reach firm conclusions as to whether or not the existing closure has had its desired effect. For example, while peak walrus counts at Round Island have increased significantly since 1988, they have not returned to the 1986 level observed prior to the onset of yellowfin sole fishing, and counts at Cape Peirce have continued to decline. Similarly, while some acoustic studies have been done at Round Island, sound levels within the closed area from fishing activity beyond 12 miles have not been studied, and the results are not very useful. Also, studies to track the movement of walrus at sea have been too limited to reliably identify feeding or resting areas.

In view of the still unresolved relationship between the precipitous decline in peak walrus haulout levels and the onset of yellowfin sole fishing in the area, each alternative action, including the no action alternative, should reflect the need for further studies to assess the effect of allowed fishing activity on walrus haulout patterns. To address this point, the Marine Mammal Commission recommends that the last paragraph of section 3.2 on page 20 of the draft document be deleted and replaced with the following:

"Given uncertainties in the relationship between walrus haulout patterns and yellowfin sole fishing near haulout beaches, research to assess possible interactions should be a part of each alternative action. In this regard, studies are needed to: (a) monitor walrus haulout patterns and abundance at all major Bristol Bay haulout sites; (b) determine at-sea movements and commonly used habitats by tagging and tracking walrus in Bristol Bay (by satellite if possible); (c) characterize and monitor the acoustic environment around haulout sites and the effects of sound on

walruses; and (d) correlate results of the above studies with information on the distribution of fishing effort. Such studies would appropriately be undertaken by the Fish and Wildlife Service, in cooperation with the Alaska Department of Fish and Game, the National Marine Fisheries Service, the North Pacific Fisheries Management Council, and other involved groups. Some studies on these matters have been conducted by the Fish and Wildlife Service; however, results to date have been insufficient to reach any firm conclusions as to possible cause-effect relationships or the effectiveness of existing closures."

With respect to selecting a preferred alternative, the Commission believes that closing the waters north of the line between Cape Constantine and Cape Peirce (alternative 3) is preferable to continuing the 3 to 12 mile closure. It offers a greater level of protection for walruses and, if the number of walrus hauling out fails to recover to previous levels, it offers a better basis for assessing the effectiveness of the measure. That is, under the 3 to 12 mile closure, underwater noise levels from fishing along the perimeter may still either produce noise levels affecting walrus behavior inside closed areas, or create an ensonified ring around the closure discouraging walrus from approaching haulouts. Failure of walrus numbers to recover thus may be because the closed area was too small, rather than because noise was not a factor discouraging haulout behavior. Neither uncertainty should be a factor under the larger closure.

Under either closure alternative, however, the action should be for an indefinite period, rather than a permanent or five-year period. Given the recent decline in peak walrus counts and the possible role of yellowfin sole fishing in precipitating that decline, the closure should remain in effect until information is sufficient to clearly indicate that the closure offers no useful protection or that some other measure is warranted. As has been demonstrated by the 1989 rulemaking approach, one cannot predict when information will be developed to provide an adequate basis for assessing the measure's utility. Reconsidering the matter before sufficient information for such an assessment is available is pointless. By the same token, information is not sufficient to indicate that either closure is warranted on a permanent basis.

A fixed sunset provision also should be avoided because of the costs associated with renewal and the uncertain ability of responsible agencies to provide necessary funding. Requiring reconsideration by a certain date, when information may still not be sufficient to reach useful conclusions, incurs a needless expense, which, if not met, would be contrary to the purposes for which the action was initially taken. In this regard, it should be noted that the present review would not have been possible had the Marine Mammal Commission not provided funds to support

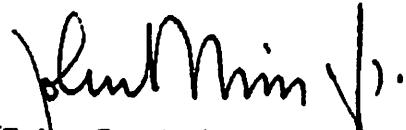
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preparation of this draft document. This clearly indicates that, by including a sunset provision, appropriate measures could lapse not because they lack merit, but because the lead agencies responsible for managing the resource may be unable to prepare the necessary paper work.

Finally, we note that under either closure alternative, complementary actions should be taken within 3 miles around Cape Peirce in the Togiak National Wildlife Refuge, the Twins Islands, and perhaps other areas. It is our understanding that measures limiting fishing in a manner consistent with restrictions under the current 3-12 mile closure were not pursued or adopted except around Round Island. Both the Fish and Wildlife Service and the State of Alaska have responsibilities and authority in this regard and, to ensure insofar as possible that cooperative actions are taken and regulatory gaps are avoided, the Council should consider steps as may be needed to formally advise the Fish and Wildlife Service and the State of Alaska of the need to consider consistent closure provisions in State waters and to undertake related studies, such as those noted above.

I hope these comments and recommendations are helpful. If you have questions, please call.

Sincerely,



John R. Twiss, Jr.
Executive Director



Working for the Nature of Tomorrow.

NATIONAL WILDLIFE FEDERATION

750 W. Second Ave., Suite 200, Anchorage, AK 99501 (907) 258-4800

Members of the North Pacific Fishery Management Council, my name is Dr. Douglas Miller and I am the Director of the National Wildlife Federation's Natural Resource Center in Anchorage. I appreciate this opportunity to provide a statement in support of continued protection of the pacific walrus (Odobenus rosmarus divergens). I would also like to thank the Council for its actions to protect the walrus in 1989.

The National Wildlife Federation is the nation's largest conservation organization with over 5.8 million members and supporters. This includes over 14,000 in Alaska. We are actively involved in promoting conservation of Alaska's wildlife resources and protecting its environment. Two years ago Ann Rothe of my staff made statements to the Council supporting Alternative 3 for proposed Amendment 13. These statements supported the Eskimo Walrus Commission proposal to protect the walrus. Recognizing the merits of these and other statements the Council passed an "abbreviated" plan of protection and encouraged walrus research to be conducted during 1990 and 1991.

Council Comments
June 14, 1991
page 2

After reviewing the Council's Amendment 17 "To The Fishery Management Plan For Groundfish Fishery Of The Bering Sea And Aleutian Islands Area", we strongly support Alternative 3 as the most effective proposal. This proposal to establish a seasonal groundfish(yellowfin sole) fishing closure north of a line from Cape Constantine to the southermost tangent of a 12-mile radius around Cape Pierce appears to offer the best protection. There is one major addition which I will add at the end of this statement.

The 1989 plan also protected walrus haulout areas and protected the walrus from the impacts of noise and other disturbance from the yellowfin fishing fleet in 1990 and 1991. We all assumed that these two years would be sufficient to obtain data necessary to answer important questions on these interactions. Unfortunately that is not how our state and federal research funding operates. There has not been sufficient funds or labor available to conduct the research envisioned by the Council in 1989. The Council is now seeking additional input on future walrus management decisions. As I understand this request for comments, "...not as a result of

Council Comments
June 14, 1991
page 3

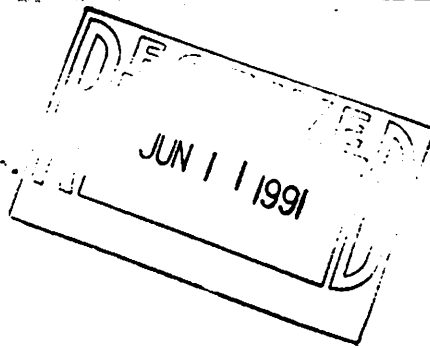
significant new biological or economic information, but rather due to the fact the time/area closures are scheduled to expire at the end of 1991."

It's obvious that the data needed by the Council has not been collected nor will it be collected during the remainder of this year. This fact speaks strongly toward the continued protection of the walrus haulout sites. These sites are used by other marine mammals including the harbor seal and the northern sea lion. Add to this the fact that the Soviets are protecting their walrus populations with 12-mile buffer zones. Some level of continued protection is needed. Having reviewed the Environmental, the Fishery, and the Socioeconomic Impacts for each of the three alternatives, we strongly support the Alternative 3 for Amendment 17. We support the seasonal closure April 1-September 30. Further we ask the Council to consider making the length of time for this protection to be indeterminate. Any support that the Council can give through its auspices to seek walrus research funding could be helpful.

Council Comments
June 14, 1991
page 4

Thank you for the opportunity to provide comments on
Amendment 17. I would also like to testify and review any
questions the Council may have on this written statement.

To: Clarence Pautzke Ex. Dir.
NPFMC, P.O. Box 103136
Anchorage Alaska 99501



June 3rd 1991

Dear Clarence,

While our processors slowly digest the last bag of sole I am taking the opportunity to write my comments on the amendment package, out here some twelve plus miles from Round Island.

Chapter 2. Experimental Permits.

I strongly support Alt. 2, option 1. The issuance of experimental permits should not be turned into a time consuming politicized process demanding council resources. Experiments must meet research goals and criteria, and the R.D., as a professional manager, is qualified to pass judgement on the legitimacy of an application.

Chapter 3. Walrus Measures.

As the EARIR notes, a causes and effect relationship can't be proven between YFS fishing activity and changes in walrus activity. In fact table one shows the lowest level of haul outs occurred in '85 which correlates with the highest herring harvest. The '87 decline in haulouts from the prior year also correlates with the maximum visitor days to Round Island.

Never the less sensitivity of the walrus to human activities generally (including fishing) seems evident, and creating a buffer is a legitimate action. I support Alt. 2, continuation of the 12 mile zone, with a slight modification (or perhaps clarification). The modification is necessary because the broad definition of fishing is used, which includes tendering and activities in support of, or in preparation for, fishing. I am concerned this could be construed to include transit. This creates a problem because Summit Island is where a number of floating processors receive sole from trawlers, as well as where catcher-processors off load and take fuel. Float. planes deliver crew, parts and supplies from Dillingham to the fleet in this area.

Because the northern extent of the 12 mile buffer overlaps the mainland slightly at Right Hand Point, vessels would be unable to reach Summit Island from the area where most of the fishing occurs without traveling around the south and west sides of the buffer zone. The result is what would have been a short trip becomes an 80 mile journey along the entire perimeter of the zone. To the extent these trips would occur, they transect the path of movement of the walrus between their haulout and feeding grounds to the south. In May of '91 four floating processors received YFS from catcher vessels in the vicinity of Summit Island. Because of delicacy of the fish handling and travel time had to be minimized to maintain a marketable product. These operations would probably not have been viable without the ability to fish northwest of Cape Constantine and transit past Right Hand Point. In the socio-economic analysis no consideration was given to the services provided to the fleet by the Dillingham economy and the fact that they exceed those utilized by tourists to Round Island. The net result is a suggestion that Alt. 2 be modified to explicitly include a 1 1/2

mile transit corridor adjacent to Right Hand Point. Such transit privileges would be consistent with the allowance for the herring fishery and it's support activities in that area.

12 miles seems to be an adequate buffer. The text indicates that is the distance walrus move from ice breaker activity. The noise generated by a multi-thousand horsepower ice breaker crunching it's way through an ice pack must be far in excess of that generated by a group of trawlers.

Alt. 3 would probably be a counter productive measure. Because YFS migrate from north eastern S12 toward the Nushagak peninsula effort would not spread out along a Constantine/Cape Pierce line as postulated. Instead of being dispersed between the east side of the canyon and the Nushagak peninsula as occurred this year, the fleet would tend to concentrate directly south of Round Island across the channel or canyon that constitutes the apparent migration path of both walrus and sole.

Besides the possible increased negative impact on the walrus the bycatch implications of ALT. 3 are quite serious. The trawl fisheries are constrained by PSC caps thus any time fishing activity in an area with near zero rates is moved to areas with higher rates, all the catch taken at the zero rate will be foregone. No ifs ands or buts about it.

If ALT. 3 were to be adopted do to an extreme degree of concern for walrus than it should be incumbent upon the council to reappraise the validity of it's decision to open YFS May 1st, and either open areas where the sole are at that time (i.e. northern S16 and S12) or change the opening to allow the fishery to occur in "cool spots" - time areas with low bycatch on the YFS migration path in Feb., March and Apr. (identifiable from figures 3-6 and AFSC report 91-07).

Finally, it seems an oversight that the EARIR did not make reference to the magnitude of the legal harvest of walrus, a number which is in the thousands annually. (Personel Com. Hessing. June 2nd '91)-(P.S. had a fantastic visit to the island yesterday, as a new member of the elitist tourists of the world I can vouch for the unique value of the place.) Nor did the analysis mention that clams are a major food for YFS as well as walrus and as such walrus may be negatively impacted by reduced harvest of a competitive species, (i.e. YFS)

Chapter 4 East Yakutat Stat Area.

It is pleasant news whenever the government offers to reduce paperwork requirements. However, it appears too much paper was saved in producing this analysis by not examining the potential impact of the expanding ADFG management of DSR westward 3 degrees.

After ADFG bungled management of DSR by setting TAC=ABC= over fishing threshold, and then allowing a directed fishery at the begining of the year which put the sablefish, halibut and trawl fisheries in jeopardy it is amazing that the analysis dismisses negative industry costs with one sentence.

There need to be guarantees that ADFG will provide for the bycatch needs of halibut and sablefish longline fisheries and trawl groundfish fisheries before allowing DSR fishing, before trading away jurisdiction for saving five minutes paperwork can be said to constitute a positive cost/benefit equation.

Chapter 5., Bogoslof

I support identification of a separate Btuetican Basin TAC for pollock. the deliniation of an area 518 is an appropriate measure for managing a seperate AB TAC.

The proposed action is incomplete however. Fish migrating to 518 from the donut have to transit 522 (southern section). In fact the foreign fleets successfully conducted fisheries in the new season in the mid 80's along the corridor from the SE corner of the donut to 518 (see section VIII 7-18 data tables RFSD Processed Report 91-20)

At first blush it might seem appropriate to include the southern section of 522 as part of the AB pollock TAC management area. However, the NW/SE line seperating 522/521 crosses over the shelf edge in places and as such would include portions of the EBS in AB. This problem could be addressed with a minor modification of the area definition as follows: (see attached figure). From the northern tip of 518, the new 522/521 line would then continue west to 55.42' / 172.00' and then to it's present terminus, 59.25' / 173.20'. To complete the task of defining the AB migration corridor the 522/540 line should also be modified. Doing so would begin to address the 'Line fishery' that developed on the AI pollock quota wherby much of the fishery occured immediately adjacent to 170.00'. Such a line could be drawn from 53.00' / 170.00' to 55.00' / 180.00'.

The resulting redrawn section of 522 should be treated seperately from the northern 522 which is a shelf rather than a basin area. The redrawn section should be combined into one area designated 513.

This action would not effect any other fishery except that it would simplify paperwork for vessels fishing the deep water slope fisheries where the present 521/522 line cuts across a section of the edge.

Thanks for considering these comments.

Yours as ever,

dave fraser
Capt. F/V Muir Milach
P.O. 771
Pt Townsend Wash
98368



Center for Marine Conservation

June 14, 1991

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

JUN 14 1991

Dear Mr. Pautzke:

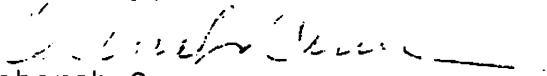
I welcome the opportunity to submit comments for the Center for Marine Conservation with respect to Amendments 17 and 22 to the Groundfish Fishery Management Plans for the Bering Sea and Aleutian Islands and the Gulf of Alaska. In particular, these comments concern the issue of whether to extend the current groundfish fishing closure around the Walrus Islands State Game Sanctuary, which are due to expire at the end of 1991.

First, I would like to commend the Council staff for preparing such a thorough analysis of the issue, the three alternatives and the anticipated impacts of each. We note that the current closure regime has resulted in apparent benefits to the walrus as well as benefits to tourists and associated local economy, while also comparing favorably with similar protections afforded walrus by the Soviets. Likewise, it is our understanding that the closed area appears to be an important spawning area for yellowfin sole, that all of the yellowfin sole formerly harvested within the closed area might be replaceable by yellowfin sole harvesting outside the area, and there are indications that fishing costs are actually less outside the current buffer area than inside the current buffer area. In light of these considerations we recommend that, at a minimum, Alternative 2 be implemented: that is the current 12-mile radius buffer zones with seasonal groundfish fishery closures around the three walrus haulout sites be continued.

Indeed, since walrus numbers, while increasing, remain substantially below recent historic numbers in the area and there is still potential for the entire yellowfin sole harvest to be caught outside the proposed closure area, still with potentially lower costs per unit effort, we strongly urge the Council to consider implementing Alternative 3, which offers both a larger buffer zone for the walrus and a more well-defined, easily enforceable boundary line for the seasonal closure. As noted, one option to Alternative 3 would be to implement such a closure for a minimum period of five years, allowing ample time to evaluate the potential benefits for the walrus while affording an opportunity for reconsideration and returning the boundaries currently implemented, should no increased benefit for the walrus be apparent at that time.

Thank you for the opportunity to comment on these alternatives.

Sincerely,


Deborah Crouse
Director
Species Recovery Programs

MEMORANDUM
DEPARTMENT OF FISH AND GAME

STATE OF ALASKA
DIVISION OF COMMERCIAL FISHERIES

TO: Earl Krygier
Extended Jurisdiction Coordinator
HQ/Juneau

DATE: June 3, 1991

FROM: William E. Nippes
Westward Region
Shellfish/Groundfish
Management Coordinator
Kodiak

SUBJECT: Cod Pot Definition

On May 30th, I and my staff met with members of the fishing industry, NMFS Enforcement and Public Safety to discuss a solution to the problems with pot descriptions. There were approximately eight people from the public sector and six government people present.

The solution which was agreed upon is simply to tag groundfish pots. The procedure would be:

- 1) Define in state regulations a groundfish pot identical to federal regulations.
- 2) Require in federal and state regulations that a fisherman produced tag be placed in a specific location on all groundfish pots. The size of the tag will be specified as will what goes on it. The current thoughts are for a tag similar in size to an evidence tag with "cod" or "GF" marked on it. The tag is to be tied in the tunnel web. Jeff Stephen is working on particulars on size, color and placement of the tag.
- 3) Tags required on groundfish pots. If a tag is on any other pot, then it is a groundfish pot. Obviously, the tunnel must also be in compliance. If the tunnel doesn't fit the definition, and a tag is present, I would assume that the pot is illegal gear.

I will get with Jeff and make sure he gets a copy of what he is preparing to you.

copy: Larry Nicholson

AMENDMENT 22
REVISIONS TO THE FISHERY MANAGEMENT PLAN FOR
GROUNDFISH OF THE GULF OF ALASKA

On page 3-1, section 3.0, AREAS AND STOCKS INVOLVED, the second paragraph is amended, starting with the third sentence, to read as follows:

"... For purposes of managing sablefish and rockfish stocks, the Eastern Regulatory Area is divided into two districts: West Yakutat (140° - 147° W. longitudes) and Southeast Outside (132°40' - 140° W. longitudes and north of 54°30' N. latitude). This division is intended to protect localized sablefish and demersal shelf rockfish stocks and is necessary to prevent overexploitation in the Eastern Regulatory Area. "

On page 3-2, Figure 3.1 "Regulatory Areas of the Gulf of Alaska FMP" is revised to show the two regulatory districts of the Eastern Regulatory Area.

On page 4-20, section 4.3, CONVENTIONAL MEASURES, a new subsection is added to read as follows:

4.3.1.6 Experimental fishing permits. The Regional Director, after consulting with the Director of the Alaska Fishery Science Center, and with the Council may authorize for limited experimental purposes, the target or incidental harvest of groundfish that would otherwise be prohibited. Experimental fishing permits might be issued in areas closed to directed fishing, continued fishing with gear otherwise prohibited, or continued fishing for species for which the quota has been reached. Experimental fishing permits will be issued by means of procedures contained in regulations.

As well as other information required by regulations, each application for an experimental fishing permit must provide the following information: Experimental design, e.g. staffing and sampling procedures, the data and samples to be collected, and analysis of the data and samples, and provision for public release of all obtained information, and submission of interim and final reports.

The Regional Director may deny an experimental fishing permit for reasons contained in regulations, including a finding that:

- (i) according to the best scientific information available, the harvest to be conducted under the permit would detrimentally affect living marine resources, including marine mammals and birds, and their habitat in a significant way.; or
- (ii) Issuance of the experimental fishing permit would inequitably allocate fishing privileges among domestic fishermen or would have economic allocation as its sole purpose; or

(iii) Activities to be conducted under the experimental fishing permit would be inconsistent with the intent management objectives of the FMP; or

(iv) The applicant has failed to demonstrate a valid justification for the permit; or

(vi) The activity proposed under the experimental fishing permit could create a significant enforcement problem; or

(vii) The applicant failed to make available to the public information that had been obtained under a previously issued experimental fishing permit.

AMENDMENT 17
REVISIONS TO THE FISHERY MANAGEMENT PLAN FOR
THE GROUND FISH FISHERY OF THE
BERING SEA AND ALEUTIANS ISLANDS AREA

On page 14-1, Section 14.2 Area, Fisheries, and Stocks Involved is amended by revising the second paragraph under paragraph A to read as follows:

The management area is divided into five fishing areas as shown in Figure 26a and described in Appendix III.

On page 14-3, Figure 26a "Fishing areas in the Bering Sea and Aleutian Islands" is revised by adding the Bogoslof District.

On page 14-7, Figure 27 "Description of Regulatory Areas and Bycatch Limitation Zones in the Bering Sea/Aleutian Islands" is retitled to read, "Description of statistical areas and Bycatch Limitation Zones in the Bering Sea and Aleutian Islands Management Area", and is further amended to delete area 515 and by adding areas 518 and 519.

On page 14-9, Section 14.4.3.1 General is amended to read as follows:

"Waters seaward of the State of Alaska three-mile limit, out to twelve miles surrounding (1) Round Island and the Twins and (2) Cape Pierce, are closed to fishing for groundfish from April 1 through September 30, except that a transit zone may be provided by regulations."

On page 14-18, a new subsection is added to read as follows:

14.4.11 Experimental fishing permits. The Regional Director, after consulting with the Director of the Alaska Fishery Science Center, and with the Council may authorize for limited experimental purposes, the target or incidental harvest of groundfish that would otherwise be prohibited. Experimental fishing permits might be issued in areas closed to directed fishing, continued fishing with gear otherwise prohibited, or continued fishing for species for which the quota has been reached. Experimental fishing permits will be issued by means of procedures contained in regulations.

As well as other information required by regulations, each application for an experimental fishing permit must provide the following information: Experimental design, e.g. staffing and sampling procedures, the data and samples to be collected, and analysis of the data and samples, and provision for public release of all obtained information, and submission of interim and final reports.

The Regional Director may deny an experimental fishing permit for reasons contained in regulations, including a finding that:

(i) according to the best scientific information available, the harvest to be conducted under the permit would detrimentally affect living marine resources, including marine mammals and birds, and their habitat in a significant way.; or

(ii) Issuance of the experimental fishing permit would inequitably allocate fishing privileges among domestic fishermen or would have economic allocation as its sole purpose; or

(iii) Activities to be conducted under the experimental fishing permit would be inconsistent with the intent management objectives of the FMP; or

(iv) The applicant has failed to demonstrate a valid justification for the permit; or

(vi) The activity proposed under the experimental fishing permit could create a significant enforcement problem; or

(vii) The applicant failed to make available to the public information that had been obtained under a previously issued experimental fishing permit.

REGULATIONS PROPOSED TO IMPLEMENT AMENDMENTS 17 AND 22

For the reasons set out in the preamble, 50 CFR parts 672 and 675 are amended as follows:

REGULATIONS DELETING STATISTICAL AREA 68

PART 672 - GROUND FISH OF THE GULF OF ALASKA

1. The authority citation for part 672 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq.

2. In §672.2, the definition of statistical area is revised by deleting statistical area 68 and revising statistical area 65 as follows:

* * * * *

(6) Statistical Area 65--between 132°40' and 140°W. longitudes and north of 54°30' N. latitude;

* * * * *

REGULATIONS ESTABLISHING EXPERIMENTAL FISHING PERMITS

3. §672.6 is added to read as follows:

§672.6 Experimental fisheries.

(a) General. For limited experimental purposes, the Regional Director may authorize, after consulting with the Council, the target or incidental harvest of groundfish that would otherwise be prohibited. No experimental fishing may be conducted unless authorized by an experimental fishing permit issued by the Regional Director to the participating vessel in accordance with the criteria and procedures specified in this section. Experimental fishing permits will be issued without charge.

(b) Application. An applicant for an experimental fishing permit shall submit to the Regional Director at least 60 days before the desired effective date of the experimental fishing permit a written application including, but not limited to, the following information:

(1) The date of the application;

(2) The applicant's name, mailing address, and telephone number;

(3) A statement of the purpose and goal of the experiment for which an experimental fishing permit is needed, including a general description of the arrangements for disposition of all species harvested under the experimental fishing permit;

(4) Technical details about the experiment, including:

(i) Amounts of each species to be harvested that are necessary to conduct the experiment, and arrangement for disposition of all species taken;

(ii) Area and timing of the experiment;

- (iii) Vessel and gear to be used;
- (iv) Experimental design, e.g. staffing and sampling procedures, the data and samples to be collected, and analysis of the data and samples; and
- (v) Provision for public release of all obtained information, and submission of interim and final reports;
- (5) The willingness of the applicant to carry observers, if required by the Regional Director, and a description of accommodations and work space for the observer(s); and
- (6) Details for all coordinating parties engaged in the experiment and signatures of all representatives of all principal parties.
- (7) Information about each vessel to be covered by the experimental fishing permit, including:
 - (i) Vessel name;
 - (ii) Name, address, and telephone number of owner and master;
 - (iii) U.S. Coast Guard documentation, State license, or registration number;
 - (iv) Home port;
 - (v) Length of vessel;
 - (vi) Net tonnage; and
 - (vii) Gross tonnage.

(8) The signature of the applicant.

(9) The Regional Director may request from an applicant additional information necessary to make the determinations required under this section. An incomplete application will not be considered until corrected in writing. An applicant for an experimental fishing permit need not be the owner or operator of the vessel(s) for which the experimental fishing permit is requested.

(c) Review procedures.

(1) The Regional Director, in consultation with the Alaska Fishery Science Center, will review each application and will make a preliminary determination whether the application contains all the information necessary to determine if the proposal constitutes a valid experimental program appropriate for further consideration. If the Regional Director finds any application does not warrant further consideration, the applicant will be notified in writing of the reasons for the decision.

(2) If the Regional Director, after consulting with the Alaska Fishery Science Center, determines any application warrants further consideration, the Secretary will publish a notice of receipt of the application in the Federal Register with a brief description of the proposal. The notice may establish a cut-off date for receipt of additional applications to participate in the same or a similar experiment, and may include a meeting date for additional review of the application, if required, by the Council.

(d) Notifying the applicant.

(1) The decision of the Regional Director, after consulting with the Council, to grant or deny an experimental fishing permit is the final action of the agency. The Regional Director shall notify the applicant in writing of the decision to grant or deny the experimental fishing permit after consulting with the Council, and, if denied, the reasons for the denial, including:

(i) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with the application; or

(ii) According to the best scientific information available, the harvest to be conducted under the permit would detrimentally affect living marine resources, including marine mammals and birds, and their habitat in a significant way; or

(iii) Issuance of the experimental fishing permit would inequitably allocate fishing privileges among domestic fishermen or would have economic allocation as its sole purpose; or

(iv) Activities to be conducted under the experimental fishing permit would be inconsistent with the intent of this section or the management objectives of the FMP; or

(v) The applicant has failed to demonstrate a valid justification for the permit; or

(vii) The activity proposed under the experimental fishing permit could create a significant enforcement problem.

(viii) The applicant failed to make available to the public information that had been obtained under a previously issued experimental fishing permit.

(2) In the event a permit is denied on the basis of incomplete information or design flaws, the applicant will be provided an opportunity to resubmit the application, unless a permit is denied because experimental fishing would detrimentally affect fish stocks, have economic allocation as its sole purpose, be inconsistent with the management objectives of the FMP, or create significant enforcement problems,

(e) Terms and conditions. The Regional Director may attach terms and conditions to the experimental fishing permit consistent with the purpose of the experiment, including but not limited to:

(i) The maximum amount of each species that can be harvested and landed during the term of the experimental fishing permit, including trip limitations, where appropriate;

(ii) The number, sizes, names, and identification numbers of the vessels authorized to conduct fishing activities under the experimental fishing permit;

(iii) The time(s) and place(s) where experimental fishing may be conducted;

(iv) The type, size, and amount of gear that may be used by each vessel operated under the experimental fishing permit;

(v) The condition that observers be carried aboard vessels operated under an experimental fishing permit;

(vi) Reasonable data reporting requirements (OMB Approval No. 0648-xxxx);

(vii) Such other conditions as may be necessary to assure compliance with the purposes of the experimental fishing permit consistent with the FMP objectives; and

(viii) Provisions for public release of data obtained under the experimental fishing permit.

(g) Effectiveness. Unless otherwise specified in the experimental fishing permit or a superseding notice or regulation, an experimental fishing permit is effective for no longer than one year unless revoked, suspended, or modified. Experimental fishing permits may be renewed following the above application procedures.

**PART 675 -- BERING SEA AND ALEUTIANS ISLANDS GROUND FISH FISHERY
[AMENDED]**

3. The authority citation for 50 CFR Part 675 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq.

REGULATIONS ESTABLISHING BOGOSLOF DISTRICT

4. In §675.2, a new definition for Bogoslof district is added in alphabetical order, the definition of Statistical Area 515 is deleted, new definitions of statistical areas 518 and 519 are added, and subparagraphs are renumbered as follows:

§675.2 Definitions.

* * * * *

Bogoslof District means Reporting Area 518

* * * * *

(g) Statistical area 518 - south of straight lines connecting the following coordinates in the order listed:

55°46' N. 170°00' W.,

54°30' N. 167°00' W., then south to straight lines between the Aleutian Islands connecting the following coordinates in the order listed:

54° 23.9' N. 164° 44.0' W.,
 54° 11.9' N. 165° 23.3' W.,
 54° 08.9' N. 165° 38.8' W.,
 54° 07.7' N. 165° 40.6' W.,
 54° 02.9' N. 166° 03.0' W.,
 53° 59.0' N. 166° 17.2' W.,
 53° 23.8' N. 167° 50.1' W.,
 53° 18.7' N. 167° 51.4' W.,
 52° 49.8' N. 169° 06.3' W., and
 52° 49.2' N. 169° 40.4' W.,
 52° 49.2' N. 170° 00.0' W., then north to
 55° 46.0' N. 170° 00.0' W.

(h) Statistical area 519 - the area bounded by the following coordinates in the order listed:

54° 30' N. 167° 00' W.,
 54° 30' N. 165° 00' W.,
 53° 30' N. 167° 00' W., and
 54° 30' N. 167° 00' W.

* * * * *

[Add Figure 1 showing all BSAI reporting areas and Figure 2 showing enlarged Reporting Area 518 and 519 and the Bogoslof District.]

5. §675.6 is added to read as follows:

§675.6 EXPERIMENTAL FISHERIES.

Regulations at 50 CFR part 672.6 Experimental Fisheries, apply and are incorporated by reference.

REGULATIONS IMPLEMENTING WALRUS HAUL OUT PROTECTION AREAS

6. In §675.22, paragraph (f) is added to read as follows:

§675.22 Time and area closures.

* * * * *

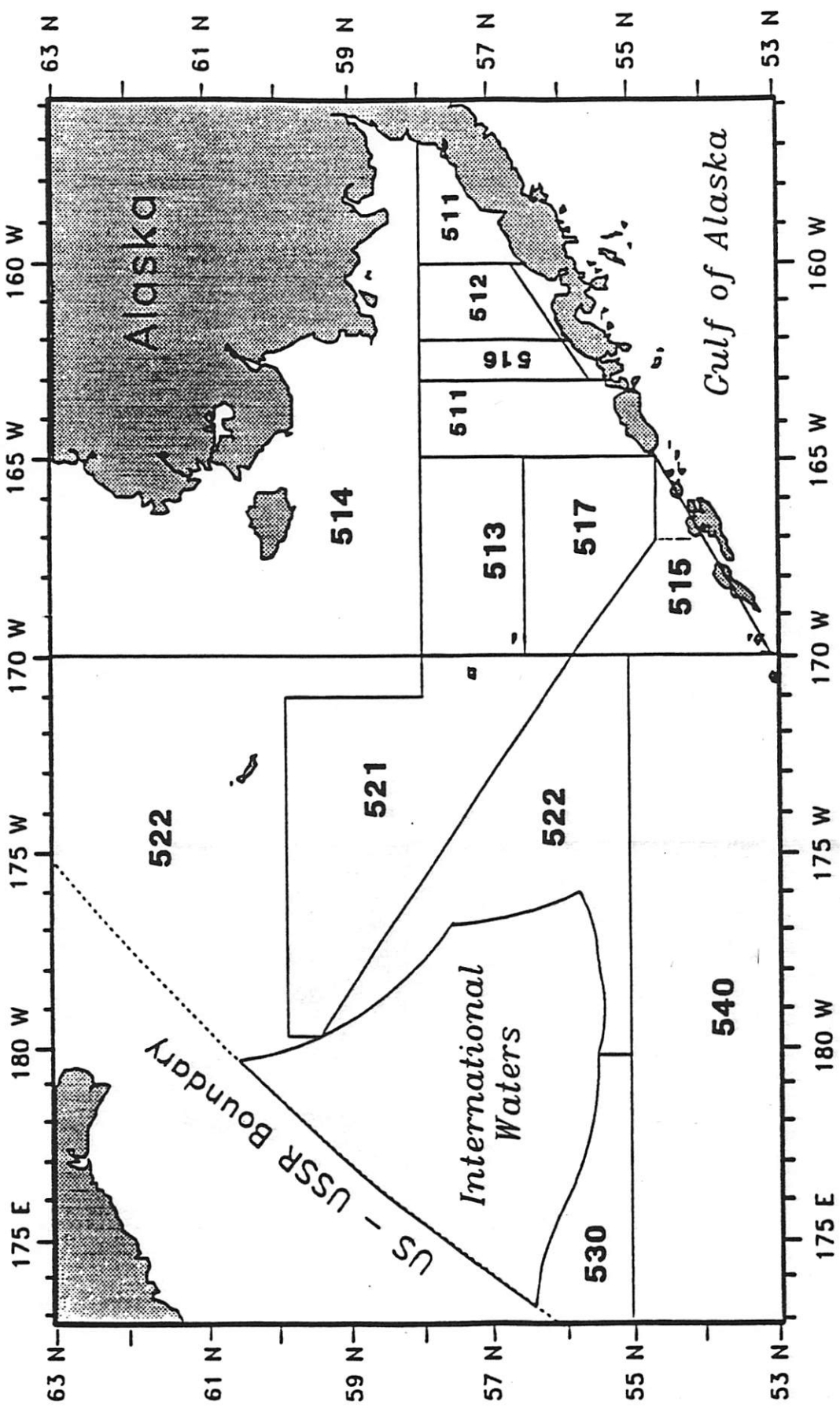
(f) No fishing is allowed during April 1 through September 30 in that part of the Bering Sea subarea shoreward of a line on which each point is 12 miles from the base line used to measure the Territorial Sea around islands named Round Island and The Twins as shown on National Oceanic Survey Chart INT 500, and around Cape Peirce (58° 33' N. latitude, 161° 43' W. longitude), except that transiting is allowed through a zone 3 miles seaward of Right Hand Point (XX° xx N. latitude, XX° xx W. longitude [insert Figure]).

* * * * *

Fig.

Existing Areas

Regulatory and reporting areas of the Bering Sea and Aleutian Islands.



Bycatch protection areas:

ZONE 1 = 511+512+516

ZONE 2 = 513+517+521

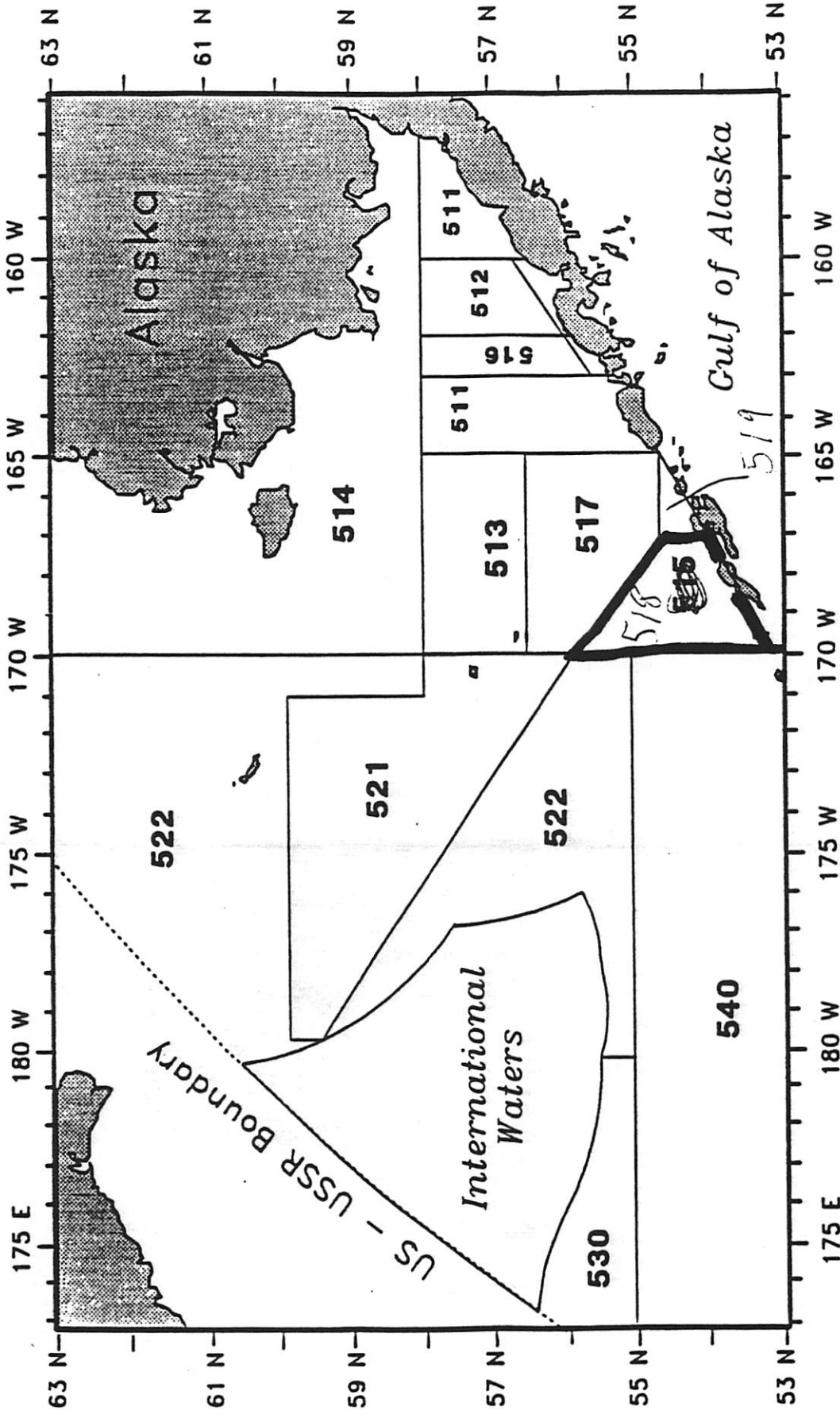
ZONE 2H = 517

AREA 512: No trawl gear except Port Moller Program.

AREA 516: No trawl gear March 15 - June 15 except Port Moller Program.

Fig Dogskif ER

Regulatory and reporting areas of the Bering Sea and Aleutian Islands.



Bycatch protection areas:

ZONE 1 = 511+512+516

ZONE 2 = 513+517+521

ZONE 2H = 517

AREA 512: No trawl gear except Port Moller Program.

AREA 516: No trawl gear March 15 - June 15 except Port Moller Program.

AP Version

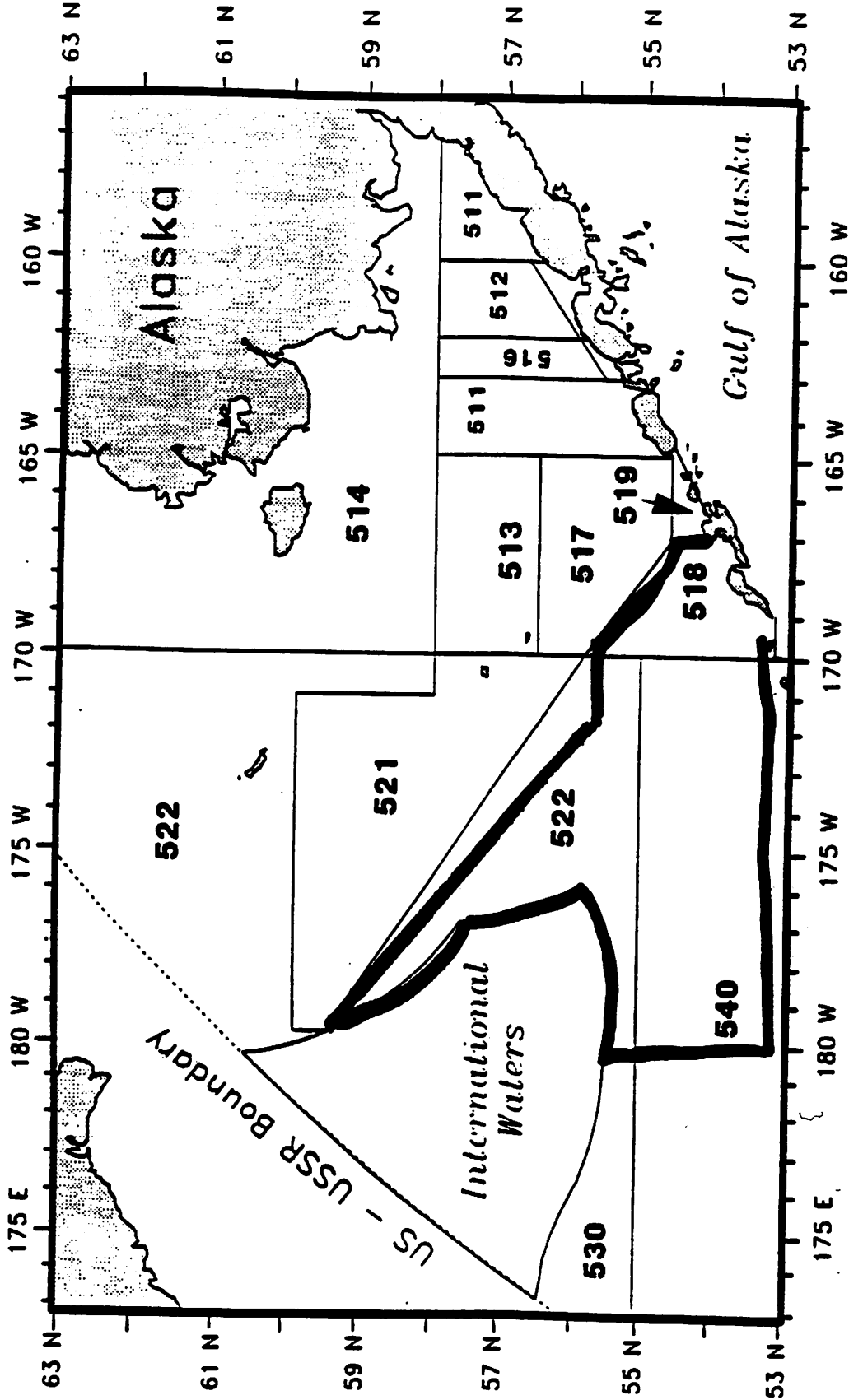


Figure 2. Proposed Bogoslof District (Area 518)

Fig 3

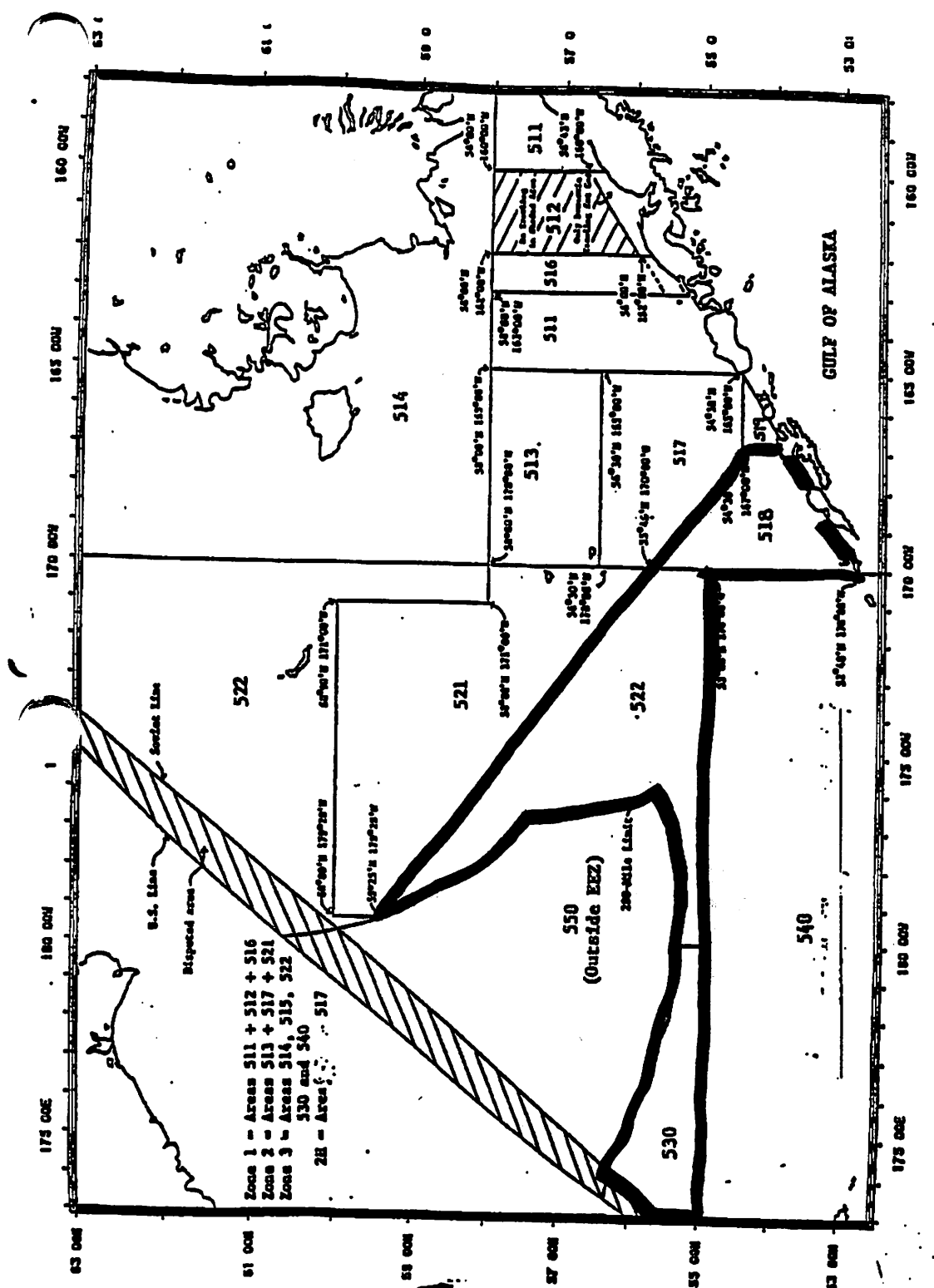


Fig. 4
Aleutian Basin

AFSC SUGGESTION:

- Bogoslof Area = Area 518
- Aleutian Basin = Areas 518 plus 530
- Aleutian Islands Area = Area 540

Rational: Pollock in the Bogoslof area is part of the Aleutian Basin stock. There is probably a mixture of Basin stock and Aleutian Island stock in the eastern part of Area 540, but their geographical and quantitative mix are not well known. Therefore, Area 540 should be kept separate as we did before till we get better data to separate out the two stocks.

Larry Cotter
119 Seward St., Suite 8
Juneau, Alaska 99801
(907) 586-3107
FAX 586-1001

June 12, 1991

SENT VIA FAX

Mr. Steven Pennoyer, Alaska Regional Director
National Marine Fisheries Service
P.O. Box
Juneau, Alaska 99802

Re: Emergency Rule to Close Eastern Gulf to Trawling

Dear Steve:

It is my understanding that your office does not intend to implement the emergency rule as adopted by the Council to close the eastern Gulf of Alaska to trawling. I think this is a serious mistake and urge you to reconsider.

The ABC for demersal shelf rockfish (DSR) for 1991 is 445 mt. This coincides with the overfishing definition. The Council established a TAC for DSR of 425 mt for calendar year 1991. The State of Alaska, which has the delegated responsibility to manage DSR east of 137 degrees, established a directed harvest range of 300 to 350 mt for the longline fleet in 1991. This is broken out by area as follows:

Northern Southeast Outside	50.0 mt
Central Southeast Outside	100.0 mt
Southern Southeast Outside	<u>150.0 mt</u>
Total	300.0 mt

To date, the directed longline fishery has taken:

Northern Southeast Outside	30.2 mt
Central Southeast Outside	63.5 mt
Southern Southeast Outside	<u>88.3 mt</u>
TOTAL	182.0 mt

Amount Remaining 118.0 mt

Bycatch removals of DSR during 1991 include 40 mt attributed to the longline halibut opening and 93 mt attributed to the trawl fishery of retainable bycatch, and 14 mt of discarded bycatch. Total bycatch removals year-to-date are approximately 150 mt. When added to the directed harvest, total removals are 330 mt. The amount remaining from the Council established TAC is 95 mt. Of this amount, ADF&G anticipates 30 mt will be needed to satisfy bycatch in the fall longline halibut fishery. That leaves 65 mt available for the directed fishery or bycatch.

I understand there is some question regarding the proper identification of the 93 mt of bycatch attributed to the trawl fleet. Apparently, there is discord between the observer and the vessel whether the species was DSR or shortrakers. I urge you to clarify this issue as rapidly as possible and share

that information with ADF&G in whatever form is necessary to meet ADF&G's requirements so that proper harvest adjustments, if any, can be made.

Ron Berg has indicated to me that you intend to allow continued trawling for other rockfish in the Eastern Gulf, and that you anticipate a bycatch rate of less than 1%. Additionally, the Pacific cod fishery will be closed to all gear types in order to avoid additional DSR bycatch removals and ensure sufficient bycatch quantities remain to satisfy the fall halibut opening; after the fall halibut fishery has concluded, a directed fishery for DSR may occur and fishing for Pacific cod will be allowed if there is sufficient DSR remaining.

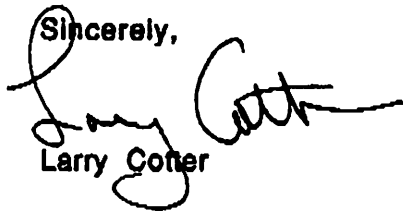
Once again, I urge you to reconsider your decision to decline implementation of the emergency rule. If, however, you do not reconsider, I ask you to modify your rule and prohibit the possible resumption of a Pacific cod fishery in the fall. If the 93 mt of trawl bycatch was not misreported, there will likely be only 65 mt of the DSR TAC remaining after the fall halibut fishery. Even if the longline fleet takes this entire amount, they will still fall short of their 300 mt target harvest by 53 mt. The reason for this shortfall is, of course, the higher than usual bycatch by trawl gear. It doesn't seem fair at all to further penalize the longline fleet by providing additional fishery opportunity, with its attendant DSR bycatch, to the same fleet which precipitated the problem in the first place.

Additionally, with the minimal amount of DSR left and the unquantifiable bycatch needs of the Pacific cod trawl fleet, ADF&G may feel compelled not to allow a directed fishery in order to ensure total removals will not exceed the TAC or the ABC. Since the ABC is set equal to the overfishing definition and since only 20 mt separates the TAC from the ABC, such a decision by ADF&G would likely be defensible and even necessary. Unfortunately, once again the small boat longline fleet which depends upon this fishery will be left on the beach while a much larger fleet with other opportunities continues to operate.

On the other hand, if the 93 mt of trawl bycatch was misreported and corrections are made, there is an opportunity for a summer directed longline fishery and a fall longline fishery on DSR providing trawl bycatch in all fisheries (including Pacific cod) is kept to a minimum.

In conclusion, the directed DSR fishery is extremely important to the small boat fleet in Southeast Alaska, just as the halibut fishery is important. I would appreciate it if you will keep this in mind as you fashion your approach to the DSR problem in the Eastern Gulf. The longline fleet does not deserve to lose their fishery this summer and fall due to bycatch by large, mobile trawl vessels.

Sincerely,



Larry Cotter

cc: Clarence Pautzke
Carl Rosier, ADF&G Commissioner
Linda Behenke



AGENDA D-1(d)
6/91 SUPPLEMENTAL
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

June 12, 1991

JUN 17 1991

Honorable Frank H. Murkowski
United States Senator
709 Hart Building
Washington, D.C. 20510-0202

Dear Senator Murkowski:

Thank you for your letter on behalf of Charles L. Jensen (Log # 54899) regarding Federal recordkeeping and reporting requirements and the use of standard product recovery rates (PRRs) for purposes of monitoring groundfish quotas.

The existing recordkeeping and reporting program for the Alaska groundfish industry was implemented in 1990 to collect adequate information on which to monitor and manage the groundfish fisheries. Federal experience with this program and comments from industry members, such as Mr. Jensen, provide the basis for changes to this program to improve and refine it. The North Pacific Fishery Management Council (Council) is faced with complicated fishery management issues, including allocation of fishing rights, in an over-capitalized fishery. The implementation and monitoring of Council management actions to address these issues will likely require an increase in recordkeeping and reporting burden in the near future, rather than a decrease.

The National Marine Fisheries Service (NMFS) acknowledges that the estimated burden to comply with the current recordkeeping and reporting program may be an underestimate for some individuals and companies. We intend to revise the estimated burden associated with this program to more accurately reflect estimated costs to the industry to comply with it.

NMFS also intends to clarify the current instruction manual to facilitate industry compliance with the program. We believe that use of industry reviewed standard PRRs is appropriate for monitoring groundfish quotas. We are, however, considering regulatory changes that would allow the use of landed groundfish weights to monitor groundfish harvests reported by shoreside processing operations. Shoreside processors, however, would still be required to report finished product weights for enforcement and other purposes.



I appreciate the opportunity to review the concerns expressed in your letters. While I don't anticipate a reduction in recordkeeping and reporting burden under Federal regulations in the near future, I do expect a fuller recognition of industry burden to comply with these requirements and serious consideration to use landed weights recorded by shoreside processors for purposes of monitoring groundfish quotas.

Sincerely,



SP Steven Pennoyer
Director, Alaska Region

FRANK H. MURKOWSKI
ALASKA

COMMITTEES:

SELECT COMMITTEE ON INTELLIGENCE (VICE CHAIRMAN)
ENERGY AND NATURAL RESOURCES
FOREIGN RELATIONS
VETERANS' AFFAIRS
SELECT COMMITTEE ON INDIAN AFFAIRS

United States Senate

WASHINGTON, DC 20510-0202
(202) 224-6885

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130 TRADING BAY ROAD, SUITE 350
KENAI, AK 99611-7718
(907) 283-8808

109 MAIN STREET
KETCHIKAN, AK 99901-6489
(907) 225-8880

May 7, 1991

Steven Pennoyer
Director, Alaska Region
National Marine Fisheries Service
709 W 9th St.
Box 21668
Juneau, AK 99802-1668

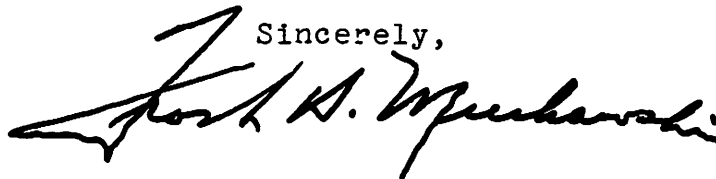
Dear Mr. Pennoyer:

Enclosed are two letters from Mr. Charles Jensen of the East Point Seafood Company regarding the National Marine Fisheries Service's reporting forms and the calculations of product recovery rates. Mr. Jensen has some complaints about these issues.

I would appreciate it if you would review these letters and respond to his concerns. Please refer to log # 54899 in your reply.

Thank you for your time.

Sincerely,



Frank H. Murkowski
United States Senator

Enclosures

 *East Point* seafood company

420 Marine Way
P.O. Box 1837
Kodiak, AK 99815
Telephone: (907) 486-5799
FAX: (907) 486-4079

April 10, 1991

Mr. Ron Menske
OMB
NEOB - Room 3019
Washington D.C. 20503

RE: #0648-0213

Dear Mr. Menske:

For over a year we have fought, within our office, with the current NMFS reporting forms.

Contrary to the NMFS estimate of ten minutes a day, we find that we average 14 hours a week at an estimated cost to our plant (A very small operation by today's standards.) of over \$10,000 a year.

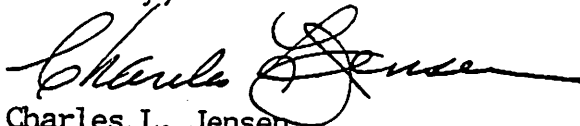
The instruction book that is sent is a "beast" to read. Many of the requirements are not necessary for the management of any fishery. We realize that many of the economists of NMFS have nothing else to do except play with numbers but we, in fact, do.

Also of importance is that even after they review the information there is a 40% error rate (+/- 5%) in entering the data bank.

I would encourage you to curtail, eliminate or investigate the necessity of the forms and the information being collected.

I would also encourage you to contact other industry people for their opinions and allow industry people to aid in the design of a new form if we must submit forms to NMFS.

Sincerely,



Charles L. Jensen
East Point Seafood Company

smh

cc: Senator Murkowski

AOT069



420 Marine Way
P.O. Box 1837
Kodiak, AK 99615
Telephone: (907) 488-5799
FAX: (907) 488-4079

April 10, 1991

Mr. Clarence G. Pautzke
North Pacific Fishery Management Council
P.O. Box 103136
Anchorage, AK 99510

RE: P.R.R.'s.

Dear Mr. Pautzke:

Contrary to what I thought was good information, the "P.R.R." problem is still alive and kicking.

I find it appalling that any management agency would depend on numbers for any species that varies by so many factors. For example:

1. Age of Product
2. Size of Product
3. Season
4. Type of Machine Used or Processed by Hand
5. Prespawn vs. Postspawn
6. Condition of Machines
7. Temperature of Received Product

Not only that but many of the numbers used, as published, are flat wrong.

Therefore, I would like to suggest that in the future all decisions made be based on round weights.

I know that many of the floaters are not equipped to weigh product but they can have each of the receiving/holding tanks cubed and certified just as the shore side facilities are required by law to have certified scales.

Contrary to the feeling that I get from NMFS statements that this is a minor issue I feel that it is of major importance and should be acted upon.

Sincerely,

Charles L. Jensen
East Point Seafood Company

PO Box 3664
Kodiak, AK 99615
June 14, 1991

JUN 14 1991

Mr. Rick Lauber, Chairman
NORTH PACIFIC COUNCIL
PO Box 103136
Anchorage, AK 99510

Dear Mr. Chairman:

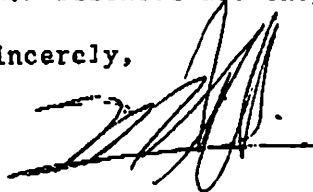
I am the skipper of the F/V PACIFIC MIST, an 87' crabber/longliner, based in Kodiak.

I just returned from my second trip which terminated prematurely because the CPU dropped to an unacceptable level.

I wish to report that on May 7, 1991, THE AMERICAN ENTERPRISE was dragging for Thornyhead Rockfish in 180 fathoms just to the south of where I was going to set halibut gear. I talked to the vessel on the VHF and we discussed where he was going to work and where I wanted to set. He informed me that he would not be working in less than 180 fathoms during the night and would be going up into the 60-80 fathom range during the day.

I caught 15,000 lbs. of blackcod plus 700 lbs of Thornyhead Rockfish! How much blackcod are they killing to retain some rockfish?

Sincerely,



Mike Wilken