


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke  
Executive Director 

DATE: January 9, 1991

SUBJECT: General Groundfish and Staff Tasking

**ACTION REQUIRED**

- (a) Consider joint statement with the Alaska Board of Fisheries on salmon bycatch.
- (b) Receive feasibility report on annual trawl surveys in Gulf of Alaska.
- (c) Status of Council projects and staff tasking.

**BACKGROUND**

- (a) Joint statement on salmon bycatch with the Alaska Board of Fisheries.

Members of the Council's Ad Hoc Bycatch Committee have held discussions with the Alaska Board of Fisheries concerning the issue of salmon bycatch in the groundfish fisheries. The Council may wish to issue a joint statement on salmon bycatch with the Alaska Board of Fisheries to articulate the importance of salmon and the need to minimize bycatch. Larry Cotter will provide a draft statement for Council review. The Committee also recommended that there be a forum in 1991 to bring Board and Council representatives together to discuss salmon bycatch, review the latest bycatch information, gather industry solutions and develop ways to address the problem.

- (b) Feasibility report on annual trawl surveys in Gulf of Alaska.

During its December meeting, the Council requested the Alaska Fisheries Science Center to evaluate the feasibility of annual trawl surveys in the Gulf of Alaska to improve our understanding of the status of commercially important stocks. A staff report is available at this time.

(c) Status of Council projects and staff tasking.

Progress on Council projects is reported under item D-1(a). The first section of the report shows progress on plan amendments, emergency rules, regulatory amendments and final groundfish specifications that are nearing completion or have been completed. The unfinished projects need no further Council consideration, but will still require some staff time, mainly from the Region staff, to complete and forward for implementation.

The second main section, entitled "Uncompleted Projects Requiring Substantial Staff Time," are those projects, initiated over the past year, that still need substantial Council consideration. The third main section contains potential new projects that the Council may wish to consider. The staffs will be prepared to report on their combined capability to complete the projects already tasked in 1991 and take on new ones. Further documentation of the need to address some of the new issues will be provided at the Council meeting.

**STATUS OF COUNCIL TASKING**

**PROJECTS NEARING COMPLETION OR COMPLETED**

**Plan Amendments**

**Groundfish**

Am. 14/19	Pollock roe-stripping	Action complete. Effective 1/1/91.
Am. 16/21	Bycatch, define gears, rockfish mgmt, initial specs, overfishing def.	Action complete. Effective 1/1/91.
Am. 16a	Herring PSC, hot spots, MWT pollock	Preparation stage. Effective June 1991.
Am. 16b	Revised bycatch incentive program	NOA published 12/10/90. Comments by 1/9/91. Effective February 1991.
Crab Am. 1	Overfishing definition	Submitted to SOC on 11/23/90.
Salmon Am. 4	Overfishing definition	Submitted to SOC on 11/23/90. Comments due by 1/28/91.

**Emergency Rules from December Meeting**

Bogoslof pollock TAC	In Washington, DC. Effective mid-January 1991.
Seasonal allocation of BSAI cod	Draft analysis complete. Effective February 1991.
Delay 2nd Qtr W/C GOA pollock to June 1	Region preparing. Effective April 1, 1991.
Delay GOA LL sablefish season to May 15	Region preparing. Effective April 1, 1991.
Revised vessel incentive program	In Washington, DC. Effective February 1991.
Prohibit longlining of pots (except Aleutians)	Processed as regulatory amendment. See below.

**Regulatory Amendments**

Delay BSAI flatfish fisheries to May 1 and increase flatfish retention in rocksole fisheries	Action completed. Effective 1/1/91.
Revise observer program and reporting requirements for 1991	Washington, DC review. Effective January 1991.
Prohibit longlining of pots (except Aleutians)	Region preparing. Effective 1991.
Delay LL GOA sablefish season to May 15	Region preparing. Effective 1991.
Codify Product Recovery Rates	Washington, DC review. Effective 1991.
Halibut 4E regulations	Submitted. Effective March 1991.

**Final Groundfish Specifications**

GOA and BSAI final FR notice	Washington, DC review. Effective January 1991.
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**STATUS OF COUNCIL TASKING**

**UNCOMPLETED PROJECTS REQUIRING SUBSTANTIAL STAFF TIME**

Am. 17/22	Delete reporting areas in GOA Require species reports Change SAFE/Amendment cycle Criteria for experimental fisheries Walrus protection	Analysis to Council in April 1991. Final action in June.
Am. 18/23	Bycatch Amendment	Develop analysis for Council review in June Final action in September.
	Groundfish pot definition	ADFG preparing. Needs Council review.
	North Pacific Fisheries Research Plan	Options in January. Analysis in April. Council action in June 1991. Central Office staff needed.
	Inshore-Offshore Allocations	Analysis by April. Final Council action in June 1991. Council staff has lead.
	Moratorium	Design by April or June 1991 and commence analysis, pending staff availability.
	Sablefish IFQ system	Final decision needed in June for new program to be implemented in 1993.
	Halibut IFQ system	Schedule still unsettled, but need final Council decision in September if implemented in 1993.

**POTENTIAL NEW PROJECTS**

Follow-up to December emergency actions: - Seasonal apport. of BSAI Pacific cod - Bogoslof pollock TAC - Delay 2nd Qtr W/C GOA pollock to June 1	No tasking yet, but needed if Council wants same regulations for 1992.
Possible new issues at January 1991 meeting: - Change fishing year - Restrict Donut operations - Snail management - Minor species exemption from overfishing definition	No tasking yet.
Alternative management systems for other fisheries	Not yet tasked.

National Marine Fisheries Service  
Alaska Region  
Fishery Management Division  
January 14, 1991

- DISCUSSION PAPER -  
ESTABLISH A NEW FISHING YEAR  
FOR THE ALASKA GROUND FISH FISHERY MANAGEMENT PLANS

INTRODUCTION

The purpose of this paper is to discuss alternatives to the current January 1 - December 31 groundfish fishing year in the Gulf of Alaska and the Bering Sea and Aleutian Islands area. **Alternative 1** is the status quo. **Alternative 2** suggests an April 1 - March 31 fishing year. Another option is a June 1 - May 31 fishing year. **Alternative 3** suggests using a previous year's information base to implement a subsequent year's specifications, and maintain the current fishing year.

Most of the discussion herein focuses on **Alternative 2**. It contains (1) recommended rescheduling of Council meeting dates to accommodate a new fishing year, (2) specific amendments to the groundfish FMPs, (3) a recommended schedule for amending the FMPs to implement a new fishing year, and (4) dates when biological information generally becomes available,

PROBLEM STATEMENT

The Council recommends proposed and final specifications with respect to groundfish TACs and Pacific halibut bycatch limits in the Gulf of Alaska and bycatch allowances of Pacific halibut, red king crab, and Tanner crab in the Bering Sea and Aleutian Islands area. The Council makes proposed and final recommendations during its September and December Council meetings, respectively, for each new fishing year. The fishing year is January 1 through December 31.

The Secretary of Commerce (Secretary) publishes in the Federal Register the Council's proposed specifications from the September meeting, and requests comment for 30 days. On the basis of comments received as well as Council recommendations from the December meeting, the Secretary publishes approved final TACs and bycatch management measures in the FEDERAL REGISTER, which the NMFS Regional Director then uses to manage the groundfish fisheries during the new fishing year.

This schedule has become unacceptable for three reasons. First, NMFS analyses of biological information from current year surveys or other sources are not adequately completed to provide meaningful information, if any, to the Council in time for the September Council meeting. The Council's proposed specifications that are published the Secretary in the Federal Register, therefore, serve little purpose. The industry usually must wait until the December Council meeting to receive new information on which final measures will be based.

Second, the two week time period between the December meeting and January 1 is too short to provide for orderly implementation of new management measures by the Secretary and make them known to the industry. Although regulations allow for one quarter of the specifications from the September Council

meeting to be effective on January 1, other management measures, adopted at the December meeting, such as new TAC categories, e.g. rockfish, prohibited species catch limits, seasonal/fishery apportionments of bycatch allowances, and bycatch status of certain TAC species, are not effective until the final specifications are filed in the FEDERAL REGISTER.

And, third, this time period usually is too short for the fishing industry to complete operational planning that accommodates the new measures in time for the start of the fishing season. Even if the industry proceeds with operational planning on the basis of the Council recommendations, the Secretary must make final decisions on all the measures. The Secretary might find that a measure recommended by the Council may need to be revised if information becomes available that was not available to the Council. Because measures are not effective until filed with the Office of the Federal Register, the industry risks completing its planning on the basis of recommendations that will not be implemented, possibly incurring burdensome costs as a result.

## ALTERNATIVES

1. Status quo, retain the existing January-December fishing year.
2. Change the fishing year to a different 12-month period.
  - Option One -- April - March.
  - Option Two -- June - May.
3. Maintain the current fishing year, but (1) recommend preliminary and final specifications on the basis of information from the previous fishing year; changes would have to be made during a current year.

## DISCUSSION OF THE ALTERNATIVES

### Alternative 1.

Maintaining the status quo would continue to provide the industry an inferior schedule for proposing and finalizing groundfish TACs and prohibited species management measures. Analyses of new information on the status of groundfish stocks would not be available in time for the Council's Plan Teams to include in the SAFE reports. The Council would continue to make recommendations at its September meeting without the benefit of updated status of stock information.

### Alternative 2.

Changing the fishing year to an appropriate 12 month period that is timed with availability of analyses of new information would better serve the Council and the industry.

Option One -- April 1 - March 31 fishing year.

For one time only, a fifteen month fishing year would be required to implement the new April - March fishing year. Each TAC would be increased to 5/4s and could be effective from January 1, 1992 through March 31, 1993.

Certain roe fisheries occur during the early winter months, i.e., January 1 through most of April. For example, the roe pollock fisheries in both the Gulf of Alaska and the BSAI occur from about February 1 through March, although they might start in early January. The rock sole fishery occurs about the same time. These fisheries provide substantial revenue to fishermen. If the fishing year is changed to April - March, the roe fisheries would occur at the end of the fishing year. The Council may recommend that TACs be split to provide sufficient TAC to accommodate the roe fisheries. Establishing split TACs must be accomplished by amending the FMPs.

The April 1 - March 31 option would require the following:

(1) Meeting Changes

November - The **Plan Teams** could meet in November to prepare SAFE reports based on completed analyses of information from the AFSC. Because no new status of stock information would be expected after November, no changes to the SAFE reports would be required after November, i.e., only one SAFE report for the Gulf of Alaska and one SAFE report for the Bering Sea and Aleutians would be required.

December - The **Council** would recommend preliminary TAC specifications and other measures on the basis of the best available information. NMFS would prepare and submit the preliminary recommendations to the Central Office. The Secretary would publish the Councils' recommendations in the FEDERAL REGISTER for public comment.

February - The **Council** would meet in early February, following the public comment period, and recommend final TAC specifications and other management measures.

February through April - NMFS would prepare and submit the final recommendations to the Central Office, following the Council's February meeting. They should become effective by April 1. NMFS would provide the industry with appropriate new releases, etc. to immediately announce the final measures.

March through April - The **industry** would use the period between the Council's early February meeting and April 1 to complete planning operations for the new fishing year.

(2) Specific Amendments to the groundfish FMPs

Section 14.3, Fishing Year in the BSAI FMP now reads, "The fishing year shall be the calendar year (January 1 - December 31)."

Section 14.3 is amended to read as follows:

Fishing year shall be January 1, 1992 through March 31, 1993 and then April 1 through March 31 of each year thereafter.

The definition of Fishing year in Section 2.2, Operational Definitions of Terms now reads, "Fishing year is defined as January 1 through December 31."

It is amended to read as follows:

Fishing year shall be January 1, 1992 through March 31, 1993 and then April 1 through March 31 of each year thereafter.

### (3) Implementation Schedule

To implement Option One of Alternative 2 for 1992, the Council would need to amend the GOA and BSAI groundfish FMPs. A possible schedule, depending on existing priorities is the following:

January 1991. Council directs its groundfish plan teams, to prepare a draft EA/RIR

April 1991. Council adopts the draft EA/RIR as a public review package. [note: if the Council includes split TACs to accommodate roe fisheries at the end of the fishing year, additional analyses would be required that might not be available by April].

May-June. Public review.

June. Council approves amendments for submission to the Secretary.

July-November. Magnuson Act review.

September. Council recommends 15-month preliminary specifications for January 1, 1992 - March 31, 1993.

November. Secretary approves amendments.

December. Final regulations implement amendments are effective. Secretary also recommends final initial 15-month specifications.

January 1992. Fifteen month fishing year effective. Council begins a new February-April-June-September-December meeting schedule.

### (4) Availability of Biological Information

Information on the condition of groundfish stocks is obtained from NMFS trawl surveys conducted (1) annually for BSAI groundfish stocks and (2) triennially for GOA stocks. Information also is being



obtained from the NMFS observer program and the Daily Fishing Logbooks. Often, analyses of this information is not available for review by the Plan Teams until November. Analyses of some information may not be available no matter when the fishing year starts; new information is constantly becoming available. Most information pertaining to a new fishing year, however, will be available by November for review by the Plan Teams for presentation at the December Council meeting.

#### **Option Two -- June 1 - May 31 fishing year.**

Under this option, the fishing year would start June 1. This option is timed to occur after the spawning period of pollock, Pacific cod, and rock sole. The flesh quality would have improved by June from the lower quality just after spawning.

The Council could recommend preliminary specifications at the December meeting and final specifications at the February meeting as under Option 1. Time would allow for the February Council meeting to be held later in that month, however. An interval of about four months would pass until the fishing year started.

NMFS would prepare and submit the final specifications to the Central Office after the February Council meeting. The Central Office would have several weeks to file the final specifications with the Office of the Federal Register. If filed by May 1, a one-month cooling off period would start, ending on June 1 when the final specifications became effective. The industry could make use of the cooling off period to complete operational planning for the new fishing year.

#### **Alternative 3.**

Under this alternative, the Council would use information from analyses of data collected during the previous year about the status of stocks to recommend harvest specifications for a following year. For example, in 1992 the Council would use 1991 information to recommend specifications for the 1993 fishing year.

The Council would review biological information just once in recommending ABCs and preliminary specifications. That information would be derived from analyses of data from the previous fishing year. The Secretary would propose the Council's recommendations in the FEDERAL REGISTER as he now does under the status quo. On the basis of final recommendations from the Council, the Secretary would then implement final specifications. Compared to the status quo alternative, the Council could recommend preliminary and final specifications at earlier meetings than the current September/December schedule.

Under this alternative, information would be used that would be two years old. Analyses of new data, however, may indicate a current specification is too low. The industry could forego revenues unnecessarily as a result. Conversely, if analyses showed a current specification to be too high, an inseason closure might be necessary. Inseason management authority would probably be needed to make mid-year corrections.

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SUPPLEMENTAL

**AGENDA D-1(a)  
JANUARY 1991****- Transmitted Via Fax -****January 9, 1991**

**Dr. Don W. Collinsworth, Chairman  
North Pacific Fishery Management Council  
P.O. Box 103136  
Anchorage, AK 99510**

**RE: Plan Amendment to Seasonally Apportion BSAI Pacific Cod**

**Dear Dr. Collinsworth:**

As you are aware the Council approved an emergency rule at its December meeting which will seasonally apportion the Pacific cod TAC in the BSAI region. This action was necessary to prevent a pulse fishery on sensitive spawning aggregations and to promote an equitable distribution of the cod resource among various sectors of the groundfish industry. We are writing to encourage the Council to adopt an amendment to the BSAI groundfish plan which will provide authority for such an apportionment each year. The circumstances requiring a plan amendment are essentially the same as those which gave rise to the emergency rule.

**I. Pollock Management**

A clear precedent for the requested action may be found in Amendments 14 and 19 to the GOA and BSAI groundfish plans. Each provides for a strict limitation on the harvest of spawning pollock.

The preamble to the amendments states that they are designed to avoid an "unintended allocation of the pollock TAC among seasons and between industry sectors", adverse effects on the ecosystem, and possible adverse effects on the future productivity of pollock stocks. It continues: "In addition to these problems, the rapid pace at which pollock may be harvested increases the difficulty of accurately monitoring the pollock TAC. Hence, increased rates of harvest also increase the risk of exceeding the TAC, and possibly the risk of overfishing." ( 55 FR 37908, September 14, 1990)

NMFS/NOAA has clearly expressed its concern about the effect of intense fishing effort on spawning pollock stocks, and its desire that the resource be distributed fairly and equitably. These same concerns apply to Pacific cod.

## II. Biological Considerations

### A. Status of Pacific Cod Stocks

The current SAFE document identifies a dramatic drop in the BSAI Pacific cod biomass from 1989 to 1990 - some 26%. A number of possible causes for this occurrence have been suggested, but as is so often the case, no one is really sure just what accounts for the decline. Certainly the Council is justified in calling for cautious management.

### B. Fishing on Spawning Aggregations

Considerable controversy has arisen over the question of fishing on spawning stocks. Genuinely-held opposing views have been expressed, and again, it may be argued that we don't really know. The Canadian Northern Cod Review Panel recently stated: "The state of our current knowledge is such that we cannot easily answer the question whether intense fishing on spawning cod populations disturbs either the mating behaviour or the spawning success of the aggregate. Nor can we be sure that fishing on large spawning aggregates will not lead to localized depletions so that overfishing of particular spawning groups may lead directly, in the short term, to shortages of fish in particular inshore areas." Independent Review of the State of the Northern Cod Stock, February, 1990, p. 43. Research on the topic is recommended.

While we do not have conclusive proof that fishing on spawning stocks has an adverse effect on cod reproduction, we also do not have conclusive evidence that it doesn't. The prospect of a pulse fishery on spawning cod is certainly a legitimate cause for concern, especially in light of the recent dramatic decline in biomass. Limitations on this fishery are justified.

As things stand, the door is wide open for harvest of the entire TAC of BSAI Pacific cod during the spawning season - even though cod biomass has suffered a substantial decline. By contrast, harvest of spawning BSAI pollock is to be limited to 40% of the initial TAC for 1991 - even though pollock biomass has increased. These policies are clearly in conflict.

### C. Other Biological Concerns

A wide-open fishery on spawning stocks poses other risks. It is difficult to monitor a pulse fishery, and data gathering is inhibited. Overfishing of the target species may occur. Excessive harvest of prohibited species may also occur, especially if vessels inexperienced in trawling for cod enter the fishery for the first time. As the Canadians suggest, there may be a danger of localized overfishing.

### III. Economic Concerns

#### A. Harvesters

Many sectors of the groundfish fishery rely on the BSAI Pacific cod fishery. Freezer-longliners are almost entirely dependent upon a year-long fishery. This year shoreside-delivery longliners are expected to participate in the fishery, after the spring equinox - if there is TAC available. Likewise, crab fishermen using modified crab pots are expected to harvest Pacific cod in the latter part of the year. Finally, many shoreside delivery and head-and-gut factory trawlers wish to participate in the fishery throughout the year. All of these groups will suffer if excessive harvests are allowed during the short spawning season.

Note that safety is an issue where the smaller vessels are concerned. If they try to fish in the Bering Sea early in the year, they are in danger of capsizing. They need cod TAC later in the year.

#### B. Markets

At its December meeting the council received extensive testimony from purchasers of cod product. Each spoke to the need for a steady supply of high-quality product throughout the year. They pointed out that a glut of product at the beginning of the year means lower prices, poorer quality, storage costs, insurance costs, the possible loss of premium long-term markets. Frozen Pacific cod does not have a long shelf-life, and it does not make sense to pulse-fish it and store it all year.

#### C. Fairness and Equity

The preambles to the 1990 BSAI pollock emergency rule and to Amendments 14 and 19 to the BSAI and GOA groundfish plans emphasize "equitable distribution of the pollock resource among all sectors of the groundfish fishery." There is no reason why this standard should not apply to the Pacific cod fishery, as well.

Fixed gear operators cannot access most of the major fisheries in the BSAI - they lack the alternatives available to mobile gear fishermen. They harvested only about 2.5% of the 2,000,000 mt regional OY in 1990. Fundamental fairness suggests that this one stock - representing only 1% of the overall OY - be managed conservatively so that fixed gear operators will have a chance to survive. Mobile gear operators will harvest the lions' share of it, in any event.

#### IV. Achieving OY

Expanded trawl effort is expected in the Pacific cod fishery in 1991, as is additional effort by new entrants - traditional longliners and pot fishermen. This effort, added to that of the freezer-longliners, will assure achievement of the Pacific cod TAC if it is apportioned over the year.

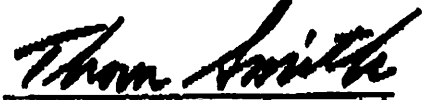
#### V. Conclusion

The Council has imposed controls on the harvest of spawning pollock in both the BSAI and GOA areas. It has recommended an emergency rule to limit the harvest of spawning Pacific cod in the BSAI. Consistent with these actions and in response to the concerns stated above, we respectfully request that the Council adopt an amendment to the BSAI groundfish plan which will limit the harvest of spawning Pacific cod.

Yours Very Truly,



Eric Olsen, President  
Fishing Vessel Owners'  
Association



Thorn Smith, Executive  
Director, Freezer -  
Longliner Group

Table 1. Monthly catches (mt) of Pacific cod by hook-and-line (H&L) and trawl gear in the Bering Sea/Aleutian Islands during 1988, 1989, and 1990 (source: NMFS catch reports).

	1988			1989			1990		
	H&L	Trawl	Total	H&L	Trawl	Total	H&L	Trawl	Total
January	32	3,595	3,627	354	10,621	9,350	2,104	12,735	14,839
February	33	5,503	5,536	625	8,996	9,621	3,966	22,009	25,975
March	83	11,879	11,962	793	11,695	12,488	3,805	41,057	44,862
			23%			25%			45%
April	13	8,456	8,469	45	17,137	17,182	1,995	27,146	29,141
May	44	3,074	3,118	696	8,332	9,028	2,646	14,521	17,167
June	136	5,359	5,495	366	9,160	9,526	5,080	12,785	17,865
			19%			28%			33%
July	192	6,058	6,250	1,025	10,201	11,226	5,434	1,600	7,034
August	373	6,437	6,810	1,853	6,932	8,785	5,732	1,886	7,618
September	453	9,642	10,095	2,792	7,933	10,725	6,705	4,533	11,238
			25%			25%			13%
October	763	11,297	12,060	1,931	4,529	6,460	4,959	2,175	7,134
November	592	8,527	9,119	1,461	6,035	7,496	3,575	1,525	5,100
December	243	8,965	9,208	2,062	10,798	12,860	3,591	1,646	5,237
			33%			22%			9%
Total	2,957	88,793	91,750	14,003	112,369	126,372	49,592	143,618	193,210
% total catch	3%	97%		11%	89%		26%	74%	

1/ Weekly rate for first quarter, 1990 = 7,140 mt

2/ BSAI closed to bottom trawling on June 30, 1990.

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P cod emer. rule  
Disc.

HAL'S

AGENDA D-1  
SUPPLEMENTAL  
JANUARY 1991

BSAI Pacific Cod DAP Harvest 1990

Quarter	Harvest (mt)	%	Cumulative Harvest (mt)	%	% of DAP Apportionment
1 (through 31 March)	65,803	39.5	65,803	39.5	34
2 (through 30 June)	54,173	32.6	119,976	72.1	63
3 (through 29 Sept)	26,759	16.1	146,735	88.2	77
4 (through 29 Dec)	19,752	11.8	166,307	100	87

JVP Harvest of 8078 mt as retainable bycatch in YFS/OFF directed fishery

Source: NMFS Weekly Production Reports





# RECEIVED GREENPEACE

DEC 28 1990 Greenpeace USA • 4649 Sunnyside Ave N • Seattle WA 98103 • Tel (206) 632-4826  
• Fax (206) 632-6122 •

December 24, 1990

Robert A. Mosbacher  
Secretary of Commerce  
14th and Constitution Avenue, N.W.  
Room 5422  
Washington, D.C. 20230

Dear Secretary Mosbacher:

On behalf of Greenpeace, and its over 2 million supporters in the United States, I am writing to urge you to deny the request of the North Pacific Fishery Management Council (NPFMC) to substantially increase the total allowable catch (TAC) of pollock in the Gulf of Alaska for the 1991 season above levels that were allocated during 1990.

At its December meeting, the NPFMC voted to increase the Gulf of Alaska pollock TAC from 73,400 metric tons (the 1990 level) to 133,400 metric tons in 1991. In essence, the NPFMC almost doubled the pollock quota in spite of significant concerns over the viability of the pollock stocks, and of the threatened Steller sea lion population which depends upon this fish species for prey.

In light of conservation concerns, Greenpeace respectfully requests you to maintain the pollock TAC at the 73,400 metric ton level set in 1990.

I am providing you with a report by the Aquatic Resources Conservation Group, which has been prepared by Ph.D.-level fisheries scientists. This report voices concern about the modelling approach used by the Alaska Fisheries Science Center in arriving at the acceptable biological catch (ABC) which the TAC is based upon. Because of concerns over the modelling technique, catch underestimates, and discards, the Aquatic Resources Conservation Group recommended at the December NPFMC meeting that the Gulf of Alaska pollock TAC be decreased from the 1990 level to 71,010 metric tons.

It is Greenpeace's view that this substantial increase represents a blatant violation of the Endangered Species Act (ESA). Fishing activity for pollock is suspected to affect the threatened Steller sea lion population through changes in food availability, general disturbance, intentional takes, and incidental takes in fishing gear. It must be noted that numbers

of adult and juvenile counts of Steller sea lions in the Central and Western Gulf of Alaska -- where over 95% of Gulf of Alaska pollock fishing occurs -- have declined by 12% between 1989 and 1990, a rate which parallels the 11.3% annual decline that occurred between 1985 and 1989.

Section 7(a)(1) of the ESA, 16 U.S.C. Sec. 1536(a)(1), requires all federal agencies to "utilize their authorities in the furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species." Section 7(a)(2) further states that each Federal agency shall "insure that any action authored, funded, or carries out by such agency ... is not likely to jeopardize the continued existence of any endangered species or threatened species ...." The increased quota would violate these obligations.

It is apparent that neither the Alaska Fisheries Science Center, the Groundfish Plan Team, nor the NPFMC considered the situation facing Steller sea lions in devising the ABC and TAC figures calling for almost a doubling of the catch. Their interests lied towards serving the badly overcapitalized trawling industry's demands for higher allocations.

Because such a large increase in the pollock quota is a major federal action that may have significant environmental impacts, in particular on the Steller sea lion, the NPFMC, and NMFS, must comply with NEPA, 42 U.S.C. Sec. 4332, and prepare an environmental impact statement before its ill-contrived proposal to substantially increase the pollock quota can move forward.

In conclusion, because of the uncertainty concerning the viability of the Gulf of Alaska pollock quotas, and because a major TAC increase would violate the ESA and NEPA, we respectfully request you to maintain the Gulf of Alaska pollock TAC at the 73,400 metric ton level.

Sincerely,



Alan Reichman  
Special Projects,  
Ocean Ecology Campaign

cc: William Fox -- NOAA  
Steve Pennoyer, NMFS -- Alaska Region  
Don Collingsworth, NPFMC ✓  
John Twiss, Marine Mammal Commission

AGENDA D-1  
JANUARY 1991  
SUPPLEMENTAL

**JERRICO**

101 Jerrico Drive

P. O. Box 11988

Lexington, Kentucky 40579

(606) 263-6000

BRUCE C. COTTON  
SENIOR VICE PRESIDENT  
PUBLIC AFFAIRS  
(606) 263-6241

January 11, 1991

Dr. Don Collinsworth, Chairman  
North Pacific Fishery Management Council  
605 West Fourth Avenue, Suite 306  
Anchorage, Alaska 99510

RE: 1991 Cod Fishery

Dear Dr. Collinsworth:

I am writing in connection with the cod-apportionment issue which the Council plans to address under agenda item D-1(a) at its meeting in Anchorage next week. I had hoped to personally testify on the issue, but other commitments prevent me from attending the meeting in person. I hope this letter will suffice.

As you may remember from my testimony at last December's meeting of the Council, I am a senior vice president of Long John Silver's Seafood Shoppes. My company operates 1,500 restaurants in 35 states throughout the United States. Our menus feature, among other things, seafood dishes made from cod and pollock which we acquire, to a large extent, from waters under the jurisdiction of the North Pacific Fishery Management Council. Our stores collectively serve more than 597,000 U.S. customers each day.

Our relationships with suppliers from the North Pacific have been carefully cultivated for the past several years and we have become increasingly dependant on fish which we buy from those suppliers. That dependency is all the more important to us today in view of the increasing demand for fish by health conscious consumers and the extreme shortage of whitefish due to declining cod stocks in the North Atlantic.

We are very concerned over the impact which management decisions may have on the availability of whitefish product to American companies such as ours. The pending proposal to apportion the cod TAC on a quarterly basis is a case in point. As we understand the proposal, it was submitted by a group of longline-freezer vessels who are concerned that a failure to apportion the cod TAC on a quarterly basis will result in most or all of the cod quota being harvested during the early part of the year. The proponents wish to save portions of the TAC until later in the year when cod is less accessible and more effectively harvested by the emerging freezer-longline fleet.

This proposal gives us concern for several reasons. First, the freezer-longline fleet produces a minimally-processed headed and gutted product which is almost exclusively sold to export markets in Japan and Europe. It is not, to our knowledge, sold to domestic customers in the U.S.

Dr. Don Collinsworth  
January 11, 1991  
Page 2

The fillet and block products upon which we rely generally come from trawl-caught fish which are either processed at sea or in shoreside plants. To whatever extent the council apportions the cod TAC in a way that reduces the amount of fish available in the first part of this year in order to make more fish available to freezer-longline operations later in the year, the effect is to shift product away from U.S. markets to Japanese and/or European markets that are trying to replace production from declining fisheries in other parts of the world.

Secondly, the products we acquire from the North Pacific are caught by U.S. fishermen, processed by U.S. processors, purchased by U.S. companies such as Jerrico, sold in seafood restaurants such as Long John Silver's and consumed by U.S. customers. From a value-added standpoint, the products which we sell represent the highest return to the U.S. economy. Exporting partially-processed H&G products to Europe transfers processing jobs away from the U.S. labor pool to foreign labor pools; and protein from U.S. consumers to foreign consumers. While there is nothing wrong with exporting seafood products in theory, it makes little sense to divert product away from an already developed U.S. market in order to create new export opportunities for a partially-processed, lower value added product.

Third, cod production was unexpectedly interrupted during the 1990 fishery as a result of bycatch restrictions on the trawl fleet. Although longline operations were allowed to continue, production from those vessels did not fill the void in production which we experienced since the longline product was, for all practical purposes, sold to export markets. This situation contributed to the whitefish shortage now being encountered in the domestic market place.

For all the foregoing reasons, we urge you to reject the TAC apportionment proposal which will be before you next week.

If you have any questions concerning these comments, please feel free to give me a call at 606/263-6341. In the meantime, I do plan to attend future meetings of the Council and look forward to discussing these issues with you and the other Council members in person.

Sincerely,



Bruce C. Cotton

BCC/cdg

cc: Steve Pennoyer  
Bill Fox

STEVE HUGHES

SEH

*Midwater Trawlers Cooperative*

4055 21st Avenue West • Seattle, Washington 98199

Al Geiser  
President  
2099 Criteser Loop  
Toledo, Oregon 97391  
Telephone: (503)336-2722

Steven E. Hughes  
Technical Advisor  
4055 21st Avenue West  
Seattle, Washington 98199  
Telephone: (206)285-3480  
Telefax: (206)283-8263

## MEMBER VESSELS

AJ  
ANNIHILATOR  
BAY ISLANDER  
CAPE KWANDA  
CARAVELLE  
COHO  
ENDURANCE  
EXCALIBUR  
EXCALIBUR II  
GOLDEN PISCES  
HAZEL LORRAINE  
IRENE'S WAY  
JEANETTE MARRIE  
LESLIE LEE  
LISA MELINDA  
MARATHON  
MISS LEONA  
MUIR MILACH  
NEW JANET ANN  
NEW LIFE  
PACIFIC CHALLENGER  
PATIENCE  
PEGASUS  
PIONEER  
QUEEN VICTORIA  
RAVEN  
ROSELLA  
SEEKER  
SLEEP ROBBER  
SONNY BOY  
VEGA  
WESTERN DAWN

December 26, 1990

Dr. William Fox, Jr.  
Assistant Administrator for Fisheries  
National Marine Fisheries Service/National  
Oceanic Atmospheric Administration  
Department of Commerce  
1335 East/West Highway, Room 9334  
Silver Spring, Maryland 20910

Re: Proposed Emergency Rule to allocate BS/AI cod TAC  
between 1st quarter, 2nd quarter and 2nd half of 1991.

Dear Bill:

Included in a rather long list of proposed emergency regulations stemming from the NPFMC's December meeting, the council requested by a six to five vote that you approve subject "emergency rule". Midwater Trawlers Cooperative strongly opposes the allocation of BS/AI cod TAC's and we urge that you disapprove the council's recommendation. We would like to share our rationale with you:

1. BS/AI and cod have traditionally been harvested almost exclusively by trawlers.
2. The most efficient cod fisheries, measured as catch per hour, maximum economic return per unit cost and maximum catch per unit of halibut by catch, all occur during the first two quarters of the calendar year.
3. It makes sense to harvest this resource primarily during the first half of the year rather than promote a fishery which increases halibut bycatch and reduced economic return.

Dr. William Fox Jr.  
December 24, 1990  
Page 2

4. Midwater Trawlers Cooperative does not support an uncontrolled fishery, but prefers that control be maintained by quarterly allocations of halibut bycatch for cod and bottom trawl pollock in amounts of 45%, 40%, and 15% for quarters one through three with roll over of unused halibut bycatch quota to the fourth quarter. This management measure was also approved by the NPFMC.

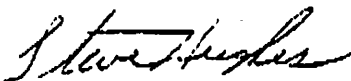
5. Subject "proposed emergency rule" is not an emergency. We believe emergency rules should be used for true emergencies and not as a "red herring" to allocate TAC preferentially to one vessel class, as in this case to the longliners who have no halibut bycatch constraints in the BS/AI fisheries.

We thank you for the opportunity to make these comments.

The best of holidays to you and your family.

Sincerely,

MIDWATER TRAWLERS COOPERATIVE



Steven E. Hughes  
Technical Advisor

SEH/sjp

cc: B.O.D. Midwater Trawlers Cooperative  
Steve Pennoyer, NMFS  
Bert Larkins, AFTA  
Doug Gordon, AHSF

**FREEZER-LONGLINER GROUP**

**BSAI PACIFIC COD EMERGENCY RULE**

At its last meeting the Council approved an emergency rule apportioning 1991 BSAI Pacific cod TAC, 35% to the first quarter and 25% to the second, leaving 40% to be harvested in the second half of the year. This action is necessary to prevent unintended adverse biological and economic effects of a pulse fishery on spawning cod stocks. We encourage the Council to reaffirm its concerns and to protect spawning cod stocks as it has protected spawning pollock stocks.

**ISSUES**

**I. SPAWNING COD STOCKS DESERVE THE SAME PROTECTION AS SPAWNING POLLOCK STOCKS.**

Bering Sea pollock ABC has risen from 1990 to 1991, from 1,450,000 mt to 1,676,000 mt. BSAI cod ABC has fallen dramatically from 1990 to 1991, from 417,000 mt to 229,000 mt.

Despite this, only 32% of the BSAI pollock TAC can be taken during the 1991 spawning season, from January 1 to June 1. By contrast, 100% of the cod stocks can now be taken during the spawning season.

**THESE POLICIES ARE CLEARLY INCONSISTENT. SPAWNING PACIFIC COD SHOULD BE PROTECTED JUST AS SPAWNING POLLOCK ARE PROTECTED.**

Note that in 1990 an emergency rule followed by plan amendments was used to protect spawning pollock. One preamble stated, "the continuing moderate decline in abundance of Bering Sea pollock, together with an increasing effort on spawning concentrations during the roe fishery, will, at some point, adversely affect future productivity of Bering Sea pollock stocks." (53 CFR 6396-7) BSAI Pacific cod have experienced a drastic decline, not a moderate one - and intense fishing on sensitive spawning aggregations is as dangerous to cod as it is to pollock.

**II. THE COUNCIL IS FULLY JUSTIFIED IN ITS CONCERN REGARDING THE BIOLOGICAL IMPACT OF INTENSE FISHING ON SPAWNING COD STOCKS.**

Opposing views on this issue have been presented by reputable scientists. The SSC has stated that it has no conclusive evidence that a fishery focused on spawning cod is harmful, given the harvest levels (mortality) allowed under the current management regime.

On the other hand the Canadian Northern Cod Review Panel, an international group of experts appointed to study Atlantic cod stocks, observes: "The state of our current knowledge is such that we cannot easily answer the question whether intense fishing on spawning cod populations disturbs either the mating behaviour or the spawning success of the aggregate. Nor can we be sure that fishing on large spawning aggregations will not lead to localized depletions so that overfishing of particular spawning groups may lead directly, in the short term, to shortages of fish in particular inshore areas." Independent Review of the State Of The Northern cod Stock, Communications Directorate, Department of Fisheries and Oceans, Ottawa, Ontario, Canada, February, 1990, p. 90.

Where biomass of a stock has declined by 26% in a single year for uncertain reasons, the Council and the Secretary are certainly justified in taking into account the views of the Review Panel, and managing conservatively. **LIMITATION OF INTENSE FISHING ON SPAWNING COD STOCKS IS A LEGITIMATE RESPONSE, SUPPORTED BY REPUTABLE SCIENTIFIC OPINION.**

**III. A PULSE FISHERY ON SPAWNING STOCKS PRESENTS OTHER BIOLOGICAL PROBLEMS - DIFFICULTY IN DATA GATHERING AND MONITORING THE FISHERY, THE THREATS OF OVERFISHING THE TARGET SPECIES AND EXCEEDING PSC LIMITS.**

**IV. EQUITABLE DISTRIBUTION OF COD STOCKS IS JUST AS IMPORTANT AS EQUITABLE DISTRIBUTION OF POLLOCK STOCKS.**

The preambles to the 1990 pollock roe stripping emergency rule and to Amendments 14 and 19 emphasize the need for "equitable distribution of the pollock resource among all sectors of the groundfish fishery." (55 FR 6396, 55 FR 37907) The same policy should apply to Pacific cod.

**V. FAIRNESS REQUIRES THAT A VARIETY OF FISHERMEN - LONGLINERS, POT FISHERMEN, SHORESIDE DELIVERY TRAWLERS, AND HEAD-AND-GUT FACTORY TRAWLERS HAVE SAFE ACCESS TO COD THROUGHOUT THE YEAR.**

**VI. MARKETS DEMAND HIGH QUALITY FRESH COD PRODUCT THROUGHOUT THE YEAR.**

**VII. GIVEN THE NUMBER AND VARIETY OF PARTICIPANTS IN THE BSAI COD FISHERY THIS YEAR, OY WILL BE ACHIEVED UNDER A SEASONAL APPORTIONMENT.**



## CONCLUSION

Spawning Pacific cod deserve the same protection as spawning pollock, and like pollock stocks, cod stocks should be equitably distributed among all sectors of the groundfish industry. In the Western and Central Gulf, pollock TAC is seasonally apportioned, 25% to each quarter. In the BSAI pollock management is arguably more conservative, allowing harvest of only 32% of the 1991 TAC in the first two quarters.

WE PROPOSE THAT THE COUNCIL ADOPT THE MORE LIBERAL OF THESE APPORTIONMENTS, AND THAT IT RECOMMEND AN EMERGENCY RULE FOR 1991 WHICH WILL APPORTION BSAI COD TAC 25% TO THE FIRST QUARTER, 25% TO THE SECOND QUARTER, 50% TO THE LAST TWO QUARTERS.