


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke  
Executive Director 

DATE: June 6, 1997

SUBJECT: Gulf of Alaska Groundfish Issues

ESTIMATED TIME  
4 HOURS  
all D-1 items

**ACTION REQUIRED**

- (a) Final Review of Pelagic Shelf Rockfish EA/RIR.
- (b) Initial Review of Sablefish Rolling Closures EA/RIR.

**BACKGROUND**

- (a) Final Review of Pelagic Shelf Rockfish EA/RIR

During the final specification process for setting 1997 total allowable catches at the December 1996 meeting, the Council separated the Gulf of Alaska PSR assemblage into a nearshore component of black and blue rockfishes and an offshore component of dusky, widow, and yellowtail rockfishes for the Central Gulf only. The EA/RIR for Amendment 46 to the Gulf of Alaska Fishery Management Plan was mailed to you on May 21, 1997. The three alternatives for management authority of black and blue rockfishes in the Gulf of Alaska are:

Alternative 1: No action.

Alternative 2: Transfer management authority of black and blue rockfishes in both State and Federal Gulf of Alaska waters to the State of Alaska.

Alternative 3: Remove black and blue rockfishes from the Gulf of Alaska FMP. The State of Alaska would assume management of those species.

Alternative 2 would transfer management authority of black and blue rockfishes to the State of Alaska through the Alaska Department of Fish and Game (ADF&G), similar to action taken by the Council under Amendment 14 that assigned management authority for demersal shelf rockfish to the State.

Under existing federal regulations, neither NMFS nor ADF&G would have the flexibility necessary to ensure that localized depletion would not occur. Further, it would be difficult to manage in the Central Gulf within the separate federal TAC of 260 mt and its corresponding overfishing level of 340 mt. Neither the status quo nor Alternative 2 separate the nearshore rockfish from the PSR assemblage in the Western and Eastern Gulf. Without such action, or the removal of black rockfish from the FMP entirely, neither NMFS (Status Quo) nor the State (Alternative 2) can adequately protect the stock or benefit from available harvest of the inshore complex. The

Pelagic Shelf Rockfish 1997 specifications.			
	ABC	TAC	OFL
(all metric tons)			
Western combined	570	570	
Central offshore	3,320	3,320	
Central onshore	260	260	
Eastern combined	990	990	
Gulfwide	5,140	5,140	8,400

ability to close the offshore component or placing it on bycatch status while leaving open, or closing, the inshore component is a necessary conservation and management tool unresolved by either Status Quo or Alternative 2. In the Western Gulf, the Council's TAC for pelagic shelf rockfish is too high to adequately protect the nearshore black rockfish species. Though the state intends to conservatively manage this species, it will be unable to control harvest rates if a directed federal water PSR fishery occurs.

ADF&G does not recommend the status quo as it would allow for unrestrictive fishing of black rockfish as long as the PSR fishery remains open. Assemblage management is appropriate when species are taken as catch in the same fishery. In this situation, however, the species are largely separated by depth and are targeted by different gears. The large TAC for the PSR group is based on the biomass of offshore dusky rockfish. Status quo would allow this entire TAC to be taken as nearshore black rockfish, likely resulting in localized overfishing. Although the state has the authority to limit fishing in state waters, allowing the adjacent federal waters to remain open negates the effectiveness of this authority.

ADF&G does not support Alternative 2 and has informed the Council that it will not accept limited management authority because:

- (1) federal delegation under a plan amendment would require additional unreimbursed activities;
- (2) the nearshore PSR fishery is fundamentally different from the Eastern Gulf DSR fishery in that the TAC is available within each federal area. Because black/blue rockfish are highly territorial and subject to localized depletion, regional managers of ADF&G would subdivide larger federal area quotas down to small local areas, account for bycatch, and manage to assure the health of the local population;
- (3) there is no biomass estimate for the black or blue rockfishes, and
- (4) the three ADF&G regional management areas have different fisheries and catch histories and it would be difficult to manage within the TAC in-season. Management under the federal ABC would:
  - (1) limit the developing black rockfish jig fishery to the average of 75% of the truncated time series of commercial landings for the Central Gulf only; and
  - (2) create the possibility of exceeding the overfishing level for the species given the low level imposed by tier 6 of the federal overfishing standards. It would also place unnecessary, additional manpower and reporting demands on ADF&G to meet federal compliance of delegated management authority.

Alternative 3 would withdraw black and blue rockfishes from the Gulf of Alaska FMP entirely. ADF&G would assume management authority of these species in the absence of federal management. State management would not be tied to the federal definition of ABC and overfishing levels for black and blue rockfishes, stocks that are essentially unassessed. This would allow a more conservative approach than is currently possible in the Central region while allowing for developing fisheries in the Western and Eastern areas. ADF&G endorses Alternative 3 and has informed the Council it would manage black rockfish and blue rockfish resources on a regional basis. Nearshore rockfish management plans would be prepared by ADF&G staff for the three Gulf state management and reviewed by the Alaska Board of Fisheries. The GOA Plan Team has also recommended Alternative 3.

(b) Initial Review of Sablefish Rolling Closures EA/RIR.

Fishing effort during the sablefish longline survey under an extended IFQ season may significantly impact survey results. Efforts to minimize fishery interactions under a two-year program of voluntary compliance to avoid survey stations has not been entirely successful. Since the effects of fishing during the survey cannot be scientifically quantified and recent stock assessments indicate a continuing downward trend in stock abundance, the Council initiated an analysis of rolling closures to longline and trawl vessels during the sablefish survey in December 1996.

The objective of the proposed alternatives is to minimize the short-term depletion of sablefish abundance due to fishing in the survey area. Between-area and between-year differences should reflect true abundance changes, not the effect of short term depletion. Minimizing short-term depletion should preserve the survey time series and, as much as possible, ensure that future surveys reflect true changes in abundance. Two significant measures to attain the objective are proposed for consideration. One measure is to apply rolling closures to areas preceding survey sampling. The other measure is to reorder the sequence in which survey areas are sampled to avoid major fisheries which cannot easily avoid the survey area. By allowing for a more accurate assessment of stock abundance by the annual sablefish survey, the alternatives would provide positive environmental and economic impacts.

The analysis was mailed to you on June 10, 1997. The alternatives are:

Alternative 1: No action. Survey sequence remains as in past years; no regulatory closures.

Alternative 2: Reordered survey sequence, voluntary closed areas, voluntary nearshore open area.

Option A: Additional measures to increase voluntary compliance.

Option B: No additional measures.


Alternative 3: Reordered survey sequence, regulatory closed areas, regulatory nearshore open area.

Option A: Gear specific exemptions with annual review.

Option B: No gear specific exemptions.

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke   
Executive Director

DATE: June 5, 1997

SUBJECT: Gulf of Alaska Groundfish Issues

ESTIMATED TIME 4 HOURS (for all D-1 items)
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**ACTION REQUIRED**

- (c) Review discussion paper on prohibiting non-pelagic trawls in pollock fisheries; give further direction to staff.
- (d) Review discussion paper on trip limits for pollock and cod in the Gulf of Alaska; give further direction to staff.

**BACKGROUND**

(c) Non-Pelagic Trawling in Pollock Fisheries

In September 1996, the International Pacific Halibut Commission submitted a proposal (#7) to the Council to prohibit non-pelagic trawling for pollock. It was felt that such a regulation would reduce bycatch of halibut by about 270 metric tons based on 1995 bycatch levels. In February 1997, the Council directed staff to prepare a discussion paper on the pollock fisheries and some potential effects of prohibiting non-pelagic trawling for pollock in the Gulf of Alaska (GOA) and Bering Sea/Aleutian Islands (BSAI) fisheries. The discussion paper was mailed to you on June 10.

A discussion paper Preliminary analysis of 1996 pollock fishery data indicated the following major points:

- Most pollock is caught with pelagic trawls in the directed fishery (98.6% in BSAI, 92.4% in GOA);
- Non-pelagic trawls often catch > 95% pollock (thus meeting midwater pollock target definition);
- Pollock fisheries have relatively low incidental catch of other groundfish;
- Pollock fisheries account for a relatively small portion of halibut and crab mortality;
- Pelagic trawls have higher bycatch rates of herring and salmon than non-pelagic trawls;
- Prohibiting non-pelagic trawls for pollock fishing would not significantly reduce halibut bycatch mortality (4 metric tons total).

In considering further action on this issue, please note that the Council already has authority in the BSAI groundfish specifications process to limit the amount of pollock that may be taken in the bottom trawl pollock fishery. This derived from Amendment 16a. As was noted last December, the Council has not recommended a specific apportionment between pelagic and bottom gears for the past six years, despite the authority to do so. Similar authority could be added to the GOA plan if the Council so desired. Alternatively, a complete ban on the use of bottom trawling for pollock could be written into both plans. This approach would, of course, take away the Council's year-to-year flexibility to adjust bottom and pelagic trawling.

(d) Trip Limits for Pollock and Cod

A proposal to establish a trip limit of 150,000 lb (68 metric tons) for the Western Gulf of Alaska pollock and Pacific cod fisheries was submitted in the 1996 groundfish proposal cycle by the Peninsula Marketing Association at Sand Point. A revised proposal was submitted to establish trip limits for pollock and Pacific cod of 397,000 lbs. (180 metric tons) for the Central Gulf by the Alaska Dragger's Association. In December 1996, the Council discussed tasking of these and other groundfish proposals. In April 1997, staff presented additional information on numbers and sizes of vessels, and average deliveries in western GOA pollock fisheries. At that meeting, the Council tasked staff with a discussion paper (mailed to you on June 10) of the pollock proposal; this analysis was expanded to include Pacific cod due to concerns that a pollock trip limit would result in increased fishing effort on cod.

The proposed trip limit for the western GOA pollock and cod fisheries would result in about one extra trip for each of 80 vessels. The proposed trip limit for the central GOA fisheries would result in less than a half-trip extra for each of 115 vessels. Both trip limits would, however, limit larger capacity vessels entering the fisheries from harvesting a disproportionate amount of the catch. Implementation of the proposed trip limits would require a plan amendment.

If the Council decides to move ahead on trip limits, we will need guidance from NMFS and NOAA GC to ensure trip limits do not take on the look and feel of IFQs which are currently banned by Congress. Both the Pacific and Gulf of Mexico councils have had programs outright disapproved because the trip limits almost assured the fishermen that they would finish the season with a certain amount of catch. To avoid being termed IFQs, trip limits must be structured so that the combined total of all the fish harvested during all the trips for all vessels would significantly exceed the TAC. In effect, the total potential harvest under trip limits must have the possibility of exceeding the TAC by some 20-30% so that no fishermen is guaranteed a particular amount of fish. NOAA GC may be able to lend more insight into this issue. Information about the controversy over trip limits for sablefish in the Pacific Council region is under D-1(d)(1).

Northwest Region  
7600 Sand Point Way N.E.  
BIN C15700, Bldg. #1  
Seattle, WA 98115

February 28, 1997

Mr. Robert Fletcher, Chairman  
Pacific Fishery Management Council  
2130 SW Fifth Avenue, Suite 224  
Portland, Oregon 97201

Dear Chairman Fletcher:

The National Marine Fisheries Service (NMFS) is returning to the Pacific Fishery Management Council (Council) the proposal adopted in October, 1996, to implement a 1997 fixed-gear sablefish management regime with equal cumulative landing limits for a three-week time period. NMFS is rejecting the recommendation under section 304(b) of the Magnuson-Stevens Fishery Conservation and Management Act (the Act), because it is inconsistent with section 303(d)(1)(A) of the Act, which prohibits adoption and approval of individual fishing quota (IFQ) management regimes.

The Council's recent analysis of the recommendation, which included the most up-to-date information, showed only a 6 percent overhead (the difference between the target harvest level and the total harvest that would occur if each permitted vessel took its cumulative limit). Based on this analysis, it appears that every permit holder would have a reasonable opportunity to harvest the cumulative limit. Therefore, NMFS in consultation with NOAA General Counsel, has determined that the Council's recommended regime is an IFQ.

The Council should revise its recommendation and resubmit a proposal that is not an IFQ. The judgment on whether a cumulative limit regime would be an IFQ does not relate to whether the trip limit is the same for all vessels, but rather on how likely it is that most vessels will harvest the cumulative limit. Thus, those regimes with a high overhead are more likely to be considered NOT an IFQ than those with a low overhead.

Sincerely,

11511

Will Stelle, Jr.

Regional Administrator

cc: SWR - William Hogarth  
F/SF - Gary Matlock



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Northwest Region  
7600 Sand Point Way N.E.  
Seattle, Washington 98115-0070

APR 2 1997

F/NWO2:1514-13-WOC-OB-120

MEMORANDUM FOR: Rolland Schmitzen  
Assistant Administrator for Fisheries

FROM: William Steller, Jr.  
Regional Administrator

SUBJECT: Clearance of a Proposed Rule to Implement the 1997 Limited Entry, Fixed Gear Sablefish Season Regulations – DECISION MEMORANDUM

I ask that you make determinations about the proposed rule and transmit it to the Department of Commerce in accordance with the Magnuson-Stevens Fishery Conservation and Management Act as soon as possible. This proposed rule was transmitted from the Northwest Region to the Domestic Fisheries Division on April 2, 1997. This rule would implement management measures proposed by the Pacific Fishery Management Council (Council) for the 1997 limited entry, fixed gear sablefish season that establish a no more than 10-day fishery with equal cumulative landing limits for all endorsed fishery participants operating north of 36° N. lat., to be followed by a cumulative limit mop-up fishery. For 1997 and beyond, the Council recommended the following management measures for the limited entry fixed gear sablefish fishery: set 48 hour pre- and post-season enforcement closures before and after the regular cumulative limit fishery, end the fishery at sea rather than in port, framework the season start date to between August 1 and September 30, allow recommendation of start date and cumulative limits at the June Council meeting, and allow a year-round trip limit fishery with no derby or other primary fishery for waters south of 36° N. lat. The Council's recommendation is controversial. The Council has tried to balance its objective to reduce the risk to human safety with reallocative impacts by limiting its proposal to a single year, and by increasing the proportion of the fixed-gear allocation to be taken in the initial equal limit fishery. However, vessel owners who have historically produced large sablefish catches will object to the reallocative impacts and their loss of income. The proposed permanent changes to the fishery for participants operating south of 36° N. lat. have not been controversial.

**BACKGROUND:** At its August 1996 meeting, the Council recommended reducing effort and participation levels in the fishery through a sablefish endorsement program. A proposed rule to implement sablefish endorsements to fixed gear limited entry permits was published on March 21, 1997. If approved, this rule is expected to reduce the number of potential fishery participants from 237 to about 168.

In October 1996, the Council recommended a three-week equal cumulative limit fishery for the regular limited entry, fixed gear sablefish season in order to address the risks to human safety concerns associated with the sablefish derby. Although the Council considered the equal cumulative limit fishery to be undesirable for the long term for its redistribution of catch and income between fishery participants, it was the only acceptable alternative to the derby amongst the options immediately available to the Council.



Following the October meeting, Council and NMFS staff analyzed the Council's proposal with newly available data from the 1996 fishery. Results of this analysis showed that under a three-week cumulative limit fishery, almost all of the fishery participants could have been reasonably expected to take the full cumulative limit, a condition that induced NOAA/GC and NMFS to classify the recommendation as an individual quota (IQ) system. The implementation of IQ programs is currently prohibited under the newly reauthorized Magnuson-Stevens Act. Therefore, on February 28, 1997, NMFS rejected the Council's recommendation and requested that the Council either revise the equal limit proposal or adopt a different regime that would not be an IQ.

In order to avoid designation as an individual quota, the fishery had to be structured so that it could be expected that a substantial number of vessels would be unable to take their limits. The Council met these conditions by revising its season structure recommendations at the March 1997 meeting by: (1) shortening the recommended length for the fishery to 10 days, and (2) recommending a larger, less conservative, but still risk averse, maximum potential harvest (see issues attachment for further details.)

For 1997, the limited entry fixed gear sablefish fishery north of 36° N latitude is expected to consist of a no more than 10-day primary season with a single cumulative limit, equal for all vessels. Prior to and following the regular fishery, there will be a small daily trip limit fishery of 300 pounds per day. The start date of the cumulative limit fishery has been frameworked to between August 1 and September 30. A recommendation on the exact number of days of the fishery, the size of the initial cumulative limit, and a start date for the fishery will be made at the June 1997 Council meeting.

After the first cumulative limit opening, any fish left over in excess of that required for the daily trip limit fishery will be made available for a cumulative limit mop-up fishery. The recommendation on the size of the mop-up cumulative limit will be made by the Council's Groundfish Management Team, following a calculation of the actual landed catch from the initial cumulative limit fishery.

In order to facilitate enforcement efforts for the start and end of the regular cumulative limit fishery, there will be 48-hour closures before and after the 10-day cumulative limit fishery for all fixed gear (limited entry and open access) fishing for groundfish north of 36° N latitude. There will be no gear pre-set allowances, and the cumulative limit fishery will close at sea.

The endorsement program will not apply south of 36° N. lat., because the fishery there has traditionally been a smaller fishery. At the October 1996 Council meeting, the Council recommended the elimination of the "regular" season south of 36° N. lat., resulting in a year-round daily trip limit fishery for these waters. The 1997 southern area daily trip limit began the year at 350 pounds per day, and may be adjusted up or down in season to ensure that the ABC can be harvested without being exceeded.

**RECOMMENDATION:** I recommend that you concur in the attached determinations and sign the attached information memorandum to the Assistant Secretary and the information memorandum to the Assistant General Counsel for Legislation and Regulation, Department of Commerce, which requests a docket number and clearance to publish the proposed rule.

1. I concur.

*[Signature]*  
 Date \_\_\_\_\_  
 MAY 19 1997

2. I do not concur \_\_\_\_\_

Date \_\_\_\_\_

Attachments

cc: F/SW, F/CM2, GCNW, F/CU

drafted by: Yvonne deKeyser, NW02, 206-526-6120



Attachment

## A. ISSUES

1. **National Standards.** The limited entry, fixed gear fleet continues to be substantially overcapitalized, despite the expected reduction in the number of potential sablefish fishery participants from 237 to 168 that is expected to result from implementation of the proposed sablefish endorsement program. This excess capacity is the main reason the derby fishery has steadily declined in duration to only five days in 1996, with calculations at three days for 1997 if it were to continue. The unintended effect of overcapitalization and short derby fisheries is to substantially increase the risk to human life and safety. The Council's primary concern with crafting an alternative management regime to the derby for 1997 was to reduce the safety risk by increasing the duration of the fishery. This objective is consistent with recent amendments to the Magnuson-Stevens Act, including National Standard 10, "Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea." Unfortunately, due to the Congressional prohibition on development of Individual Quota (IQ) regimes and the lack of time to develop other alternatives, the Council had few management tools available to achieve this objective.

The recent amendments to the Magnuson Act imposed a prohibition of the development of IQ regimes until the year 2000. In the absence of this prohibition, the Council most likely would have proposed some form of an IQ system, based on a combination of equal allocation of a portion of the initial IQ, with the remainder allocated on the basis of historical catch. When recommending the equal cumulative limit for 1997, the Council stated its preference for a cumulative limit regime for the long term (1998 and beyond) that considers a vessel's historical catch level in determining the cumulative limit. The Council likely would have adopted this type of regime for 1997 had there been sufficient time for its full development. Since the Council did not have adequate time to develop and implement a historical catch based regime for 1997, it recommend an equal cumulative limit regime, the only other alternative that had been developed. Other alternatives that had been considered, such as year-round trip limits similar to the trawl fishery, had been rejected as even more reallocative than the current proposal. The Council was cognizant of the reallocative impacts of this regime, so chose to recommend it for one year only.

Under National Standard #4, allocation of fishing privileges between United States fishers must be: "(A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges." The proposed action, which would divide the harvest guideline for the limited entry fixed gear fishery into equal cumulative limits, promotes conservation because it slows the harvest and caps the catch of individual vessels, reducing the risk of overshooting the quota. It also does not allow any particular individual, corporation, or other entity to acquire an excessive share of the sablefish harvesting privileges.

Historical trends in the derby fishery have shown a concentration of over 60% of the landings taken by under 30% of the fleet; thus, the redistributional effects from the proposed equal cumulative trip limit regime would reallocate catch away from historically large producers to historically small producers. Of the 164 vessels expected to qualify for sablefish endorsements north of 36 degrees N. lat. and participate in the 1997 limited entry, fixed gear sablefish fishery, approximately 38 operators (23% of expected endorsed participants) are expected to suffer a loss of greater than 5 percent of their total gross fishing revenues. There will likely be a 29 percent redistribution of the harvest from traditionally high producers to traditionally low producers, a redistribution of exvessel revenue of about \$2.5 to \$3.0 million. Individuals in the top third of the fleet in terms of production levels will experience reductions in sablefish incomes, which will be funneled into distributed gains for the lower producing two-thirds of the fleet.

Whether or not the one-year equal cumulative limit regime is fair and equitable to fishers, under National Standard 4 is likely to be viewed with opposite perspectives by the high producing vessels and the smaller, lower producing vessels. Some large producers will argue that the proposed management scheme is not "fair and equitable"

because of its redistributive effects. However, NMFS and the Council determined that, considering the alternatives, adopting this scheme for one year was the most rational and fair option available, and thus not a violation of National Standard 4.

National Standard #8 considers the needs of fishing communities by requiring that conservation and management measures "take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities." Limited entry fixed gear fishers who target sablefish are distributed throughout the coast, and different fishing communities benefit from different management measures. The fishing communities that benefited from the derby system will face some losses, but those fishing communities that benefit from smaller, low-producing operations will gain from the proposed action.

In making its recommendation to limit the equal cumulative limit regime to one year only and to increase the proportion of the fixed gear allocation to be taken in the initial equal limit fishery, the Council was trying to reconcile its objective of reducing the risk to human life and safety with its desire to minimize, to the extent practicable, the reallocation impacts of this action.

2. Individual quota classification and 1997 measures. On June 17, 1996, NMFS and NOAA General Counsel issued a *Federal Register* notice (61 FR 30543) providing interpretations of the terms "individual fishing quota" and "individual transferable quota." These interpretations were issued in response to limitations placed on the use of appropriated funds by the Department of Commerce and Related Agencies Appropriations Act of 1996. NMFS interpreted the term "individual fishing quota" as having the definition from the Senate version of the bill S. 39 to authorize the Magnuson Fishery Conservation and Management Act (MFCMA), "a revocable Federal permit under a limited access system to harvest a quantity of fish that is expressed by a unit or units representing a percentage of the allowable catch of a fishery that may be received or held for exclusive use by a person." NMFS then specifically identified proposed fishery management actions that it believed fell within the scope of the Congressional prohibition, including the proposal by the Pacific Council to create "cumulative trip limits in the non-trawl sablefish fishery, whereby an allowable catch would be divided among a fixed number of permit holders, based either on historic harvest of the vessel or on an equal allocation among all vessels." NMFS further stated that "The cumulative trip limit is the equivalent of a percentage share the vessel owner is entitled to harvest." The MFCMA was reauthorized on October 11, 1996, and included a moratorium until October 1, 2000 on Council submission and Secretarial approval of any fishery management plan, plan amendment, or regulation that creates a new individual fishing quota program. The definition of an IQ is substantially the same as the definition that NMFS used in its interpretive rule (61 FR 30543).

At its October 1996 meeting, the Council debated several different proposals for "1997 and beyond" management for the limited entry, fixed gear sablefish fishery. Uncertain of how to evaluate whether a management scheme might be termed an IQ, the Council chose to recommend a management scheme for the 1997 fishery that would, at the least, eliminate the potentially dangerous derby fishery. The Council recommended a new management scheme for the limited entry, fixed gear sablefish fishery that would have set up a three week fishery with equal cumulative landings limits for all participants. Recognizing that such a management scheme would only be acceptable as a short-term solution because of its significant catch reallocation effects, the Council recommended this scheme for 1997 only.

Following the Council meeting, data from the 1996 sablefish derby became available, allowing Council and NMFS analysts to evaluate the Council's recommendation with an updated profile of the effort available in the limited entry, fixed gear fleet. Their analysis revealed that every permit holder in the fishery would have had a reasonable opportunity to harvest the cumulative limit. Given this condition, NMFS disapproved the Council's recommendation on February 28, 1996, identifying it as an IQ. The Council next addressed this issue at its March 1997 meeting.

At the start of the March sablefish discussion, NOAA Northwest Regional Council reviewed the history of the individual quota (IQ) prohibition and its interpretation. She then advised that while we did not have definitive guidance from the agency, the regional advice from NOAA/GC and NMFS was that a cumulative trip limit system with at least a 20% overhead at the expected catch level and a 10% overhead under a worst case (most conservative assumptions) scenario would probably not be an IQ. After this explanation and extensive public comment, the Council recommended a fishery of not more than 10 days with equal cumulative limits for the 1997 primary limited entry fixed gear sablefish fishery. The number of days in the season and the cumulative limit must produce at least a 25% overhead at the expected catch level and a 15% overhead under the worst case scenario. Overhead is defined as the amount by which the harvest would exceed the target catch if every eligible vessel participates in the fishery and fully harvests its legal limit. The exact season length and cumulative limits will be recommended by the Council at its June meeting, based on the actual number of sablefish fishermen receiving sablefish endorsements, and assuming an 850,000 lb. catch in the daily trip limit fishery before and after the equal cumulative limit season. It is expected that the cumulative limits for the 10-day fishery will be about 36,000 pounds. However, the cumulative limits could differ depending, in part, on the number of permits qualifying for a sablefish endorsement and on the amount of harvest taken in the daily trip limit fishery.

3. Controversiality. This action is controversial with the traditionally high producing vessel operators, whose 1997 sablefish catch will be smaller than their past derby catches. When the Council recommended the equal cumulative limit fishery, it was cognizant that although this new regulatory scheme would reduce the dangers associated with the derby, it would also result in some income losses for traditionally high producers. However, given that the 1996 derby was just five days long and that if the derby were reinstated for 1997 it would likely be as short as three days, the potential danger of the derby would again increase. The Council was willing to accept some degree of reallocation in order to reduce the risks to human life and safety inherent in the derby fishery. At its March 1997 meeting, the Council asked for analysis of several multi-tiered cumulative limit schemes, with graduated limits and tiers based on historic performance in the fishery, expecting to adopt one of these options for the 1998 limited entry, fixed gear sablefish season. The Council expects to address both the safety and equitable catch allocation issues in time for the 1998 fishery.

Attachment

## B. DETERMINATIONS

**MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT:** I have initially determined that this rule is necessary for the conservation and management of the Pacific Coast groundfish fishery and is consistent with the Magnuson-Stevens Act.

**NATIONAL ENVIRONMENTAL POLICY ACT:** An EA has been prepared that describes the impact on the environment that would result from the implementation of this rule. Based on the EA, I recommend that you find that there will be no significant impact on the human environment from implementation of this action.

**COASTAL ZONE MANAGEMENT ACT:** The Council determined that this action is consistent to the maximum extent practicable with the approved coastal management programs of the States of Washington, Oregon, and California. This determination was submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act.

**REGULATORY FLEXIBILITY ACT (RFA):** I recommend that you determine that this rule would have a significant economic impact on a substantial number of small entities. NMFS has indicated that a "substantial number" of small entities would be more than 20 percent of those small entities engaged in the fishery. "Significant" economic impacts would result in any of the following: (a) reduction in annual gross revenues by more than five percent; (b) increase in total costs of production by more than five percent as a result of compliance costs; (c) compliance costs as a percent of sales for small entities are at least 10 percent higher than compliance costs as a percent of sales for large entities; (d) capital costs of compliance represent a significant portion of capital available to small entities, considering internal cash flow and external financing capabilities; or (e) as a rule of thumb, two percent of small business entities being forced to cease operations.

Of the 164 vessels that are expected to qualify for sablefish endorsements north of 36 degrees N. lat. and participate in the 1997 limited entry, fixed gear sablefish fishery, approximately 38 operators (23% of expected endorsed participants) are expected to suffer a loss of greater than 5 percent of their total gross fishing revenues, a "substantial" number for the purposes of the RFA. There will likely be a 29 percent redistribution of the harvest from traditionally high producers to traditionally low producers, a redistribution of exvessel revenue of about \$2.5 to \$3.0 million. Individuals in the top third of the fleet in terms of production levels will experience reductions in sablefish incomes, which will be funneled into distributed gains for the lower producing two-thirds of the fleet. Thus, when looking at the nation as a whole, the impact on high producers would be mitigated by the benefit to the low producers, which are also small businesses.

It is expected that small business entities will not face further compliance or capital costs in order to comply with the proposed regulations. It is also not expected that any small business entities will be forced to cease operations because of the proposed regulations, although several will be forced into cutbacks in production and employment.

**PAPERWORK REDUCTION ACT:** This action does not contain a collection-of-information requirement subject to the Paperwork Reduction Act.

**ENDANGERED SPECIES ACT (ESA):** NMFS issued Biological Opinions under the ESA on August 10, 1990, November 26, 1991, August 28, 1992, and September 27, 1993 pertaining to the impacts of the groundfish fishery on listed species. The opinions concluded that implementation of the FMP for the Pacific Coast Groundfish Fishery is not expected to jeopardize the continued existence of any of the species considered. The proposed rule, if implemented, would not result in biological impacts different from those discussed in the previous Biological Opinions. Because the impacts of this proposed action fall within the scope of the impacts considered in previous Biological Opinions, I have determined that additional consultations are not required for this action.

**MARINE MAMMAL PROTECTION ACT (MMPA):** Washington, Oregon, and California sablefish pot, and

groundfish longline fisheries are listed as Category III fisheries under the MMPA, meaning that annual mortality and serious injury to marine mammals in those fisheries is less than or equal to 1 percent of the Potential Biological Removal level of regional marine mammal stocks. There has been no documented marine mammal species/stocks incidental injury or mortality from either of the fisheries impacted by this proposed rule.

**EXECUTIVE ORDER 12866:** Pursuant to the procedures established to implement section 6 of E.O. 12866, the Office of Management and Budget has determined that this proposed rule is not significant.

**EXECUTIVE ORDER 12612:** This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

and to mitigate or prevent the discharge, or a substantial threat of such a discharge; and

Is submitted, and resubmitted in the event of any significant change, to the Federal Railroad Administrator (for tank cars), or to the Federal Highway Administrator (for cargo tanks) at 400 Seventh Street SW, Washington, DC 20590-0001.

(Approved by the Office of Management and Budget under control number 2137-0591)

#### § 130.33 Response plan implementation.

If, during transportation of oil subject to this part, a discharge occurs—into or on the navigable waters of the United States; on the adjoining shorelines to the navigable waters; or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of, the United States—the person transporting the oil shall implement the plan required by § 130.31, in a manner consistent with the National Contingency Plan, 40 CFR part 300, or as otherwise directed by the Federal on-scene coordinator.

Issued in Washington, DC on June 3, 1996, under authority delegated in 49 CFR part 1. D.K. Sharma.

Administrator, Research and Special Programs Administration.

oc. 96-14611 Filed 6-14-96; 8:45 am]

REG CODE 0310-60-P

## DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

### 50 CFR Chapter VI

[Docket No. 960606161-6161-01; I.D. 051796E]

RIN 0648-XX63

Limit on Fishery Management Plan Development; Public Law 104-134; Interpretation

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Interpretation.

**SUMMARY:** NMFS is issuing this document to provide its interpretation of the limitations placed on the use of appropriated funds by the Department of Commerce and Related Agencies Appropriations Act of 1996 (Act) for the year 1996. The Act states that no appropriated funds may be used to develop or implement new fishery management plans (FMPs), FMP amendments, or regulations that create

new individual fishing quota (IFQ), individual transferable quota (ITQ), or new individual transferable effort allocation programs, until offsetting fees to fund such programs are authorized under the Magnuson Fishery Conservation and Management Act (Magnuson Act). The purpose of this interpretation is to provide guidance to the regional fishery management councils and the public on the programs for which funds may not be expended through the end of the fiscal year.

EFFECTIVE DATE: June 17, 1996.

FOR FURTHER INFORMATION CONTACT: Margaret F. Hayes, Assistant General Counsel for Fisheries, 301-713-2231.

#### SUPPLEMENTARY INFORMATION:

##### Background

The President signed the Act (Public Law 104-134) on April 26, 1996. The Act provides funds for the Department of Commerce through September 30, 1996. Section 210 of the Act states the following:

None of the funds appropriated under this Act or any other Act may be used to develop new fishery management plans, amendments or regulations which create new individual fishing quota, individual transferable quota, or new individual transferable effort allocation programs, or to implement any such plans, amendments or regulations approved by a Regional Fishery Management Council or the Secretary of Commerce after January 4, 1995, until offsetting fees to pay for the cost of administering such plans, amendments or regulations are expressly authorized under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*). This restriction shall not apply in any way to any such programs approved by the Secretary of Commerce prior to January 4, 1995.

This provision is intertwined with bills currently pending in both Houses of Congress to reauthorize and amend the Magnuson Act. The House-passed bill, H.R. 39, would establish fees to be used to administer individual quota systems. The term "individual quota" is defined in section 16(b) of the House bill as "a grant of permission to harvest or process a quantity of fish in a fishery, during each fishing season for which the permission is granted, equal to a stated percentage of the total allowable catch for the fishery."

The Senate bill, S. 39, which has not yet passed the Senate, also would establish fees to fund an IFQ program. The bill (section 103) defines "individual fishing quota" to mean "a revocable Federal permit under a limited access system to harvest a quantity of fish that is expressed by a unit or units representing a percentage of the allowable catch of a fishery that

may be received or held for exclusive use by a person."

Congress' intent in section 210 of the Act apparently was to halt the development and implementation of any individual quota system—whether the quotas are transferable or not—pending passage of a law amending the Magnuson Act to establish fees to finance such systems. The Senate added the term "new individual transferable effort allocation program," to section 210 of the Act although that sort of effort control is not mentioned in either bill to amend the Magnuson Act.

#### Interpretation

NMFS interprets the term "individual fishing quota" as it is defined in S. 39. That definition is functionally similar to the definition of "individual quota" in H.R. 39. NMFS believes "individual transferable quota" is the same as an IFQ, with the additional aspect of transferability of quota among those eligible to hold ITQs. Neither term encompasses "community development quotas," allocations to western Alaska communities that are treated separately in both bills.

NMFS interprets "individual transferable effort allocation program" to mean systems allowing fishermen to transfer among themselves or consolidate units of effort, such as days at sea (DAS) or number of traps. Proposals for such programs have been discussed by the New England Fishery Management Council for the Atlantic sea scallop and American lobster fisheries.

#### Programs Affected

Because they are funded through Federal appropriations, the regional fishery management councils must suspend work until the end of the fiscal year on portions of FMPs, amendments, or regulations that relate to new IFQs, ITQs, or individual transferable effort allocation programs. NMFS has notified each council of pending proposals it believes are within the scope of this restriction, as follows:

**North Pacific Council:** (1) IFQs for the Alaska pollock fishery, whereby a vessel owner would be allocated annually a certain percentage of the pollock total allowable catch. (2) Vessel bycatch accounts, allocations of an allowable take of prohibited species bycatch to an individual vessel owner or to groups of vessel owners.

**Pacific Council:** Cumulative trip limits in the non-trawl sablefish fishery, whereby an allowable catch would be divided among a fixed number of permit holders, based either on historic harvest of the vessel or on an equal allocation

## 30544 Federal Register / Vol. 61, No. 117 / Monday, June 17, 1996 / Rules and Regulations

among all vessels. The cumulative trip limit is the equivalent of a percentage of the vessel owner is entitled to vest.

**Gulf Council:** Red snapper ITQ amendment. While the amendment was approved and final regulations published in 1995, the ITQ system has not yet been implemented. Section 210 prohibits any work on implementing the system until the end of this fiscal year.

**Mid-Atlantic Council:** An ITQ system for mahogany quahogs. Although this provision is a modification of an approved ITQ system under Amendment 8 to the Surf Clam and Ocean Quahog FMP, its characteristics (e.g., the unit of allocation and the period of landings on which it is calculated) differ so substantively that it must be viewed as a new ITQ system.

**New England Council:** Aspects of proposed Amendment 6 to the Atlantic Sea Scallop FMP relating to transferability or consolidation of DAS, and proposed Amendment 5 to the American Lobster FMP relating to transferable quotas and traps.

#### Classification

This final rule is issued under the Magnuson Act, 16 U.S.C. 1801 *et seq.*

In that this rule merely interprets a provision of Public Law 104-134 without creating any new rights or ties, it is not subject to the requirement to provide prior notice and opportunity for public comment under 5 U.S.C. 553(b)(A). Similarly, as an interpretive rule, it is not subject to a 30-day delay in effective date pursuant to authority set forth at 5 U.S.C. 553(d)(2).

This rule has been determined to be not significant for the purposes of E.O. 12866.

Dated: June 11, 1996.

Gary Matlock,

*Program Management Officer, National Marine Fisheries Service.*

[FR Doc. 96-15323 Filed 6-14-96; 8:45 am]  
BILLING CODE 3510-22-F

#### 50 CFR Part 675

[Docket No. 960129019-6019-01; I.D. 061096A]

#### Groundfish of the Bering Sea and Aleutian Islands Area; Pacific Cod by Vessels Using Trawl Gear

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Modification of a closure.

**SUMMARY:** NMFS is opening directed fishing for the Pacific cod fishery by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to fully utilize the first seasonal bycatch allowance of Pacific halibut apportioned to the trawl Pacific cod fishery category in the BSAI.

**EFFECTIVE DATE:** 12 noon, Alaska local time (A.L.T.), June 14, 1996, until 12 noon, A.L.T.; October 25, 1996.

**FOR FURTHER INFORMATION CONTACT:** Andrew N. Smoker, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS

according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

Directed fishing for Pacific cod by vessels using trawl gear in the BSAI was prohibited on May 14, 1996, (61 FR 24730, May 16, 1996) to prevent exceeding the first seasonal bycatch allowance of Pacific halibut apportioned to that fishery.

The Director, Alaska Region, NMFS, has determined that as of May 25, 1996, 89 metric tons of halibut mortality remain in the first seasonal bycatch allowance. Therefore, NMFS is terminating the previous closure and is opening directed fishing for Pacific cod by vessels using trawl gear in the BSAI.

All other closures remain in full force and effect.

#### Classification

This action is taken under 50 CFR 675.20 and is exempt from review under E.O. 12866.

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

Dated: June 11, 1996.

Richard H. Schaefer,

*Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 96-15257 Filed 6-12-96; 10:44 am]  
BILLING CODE 3510-22-F

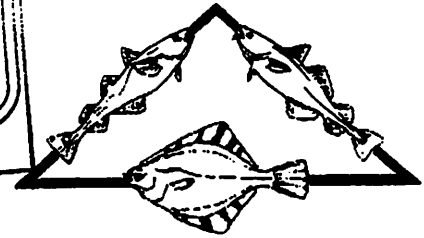
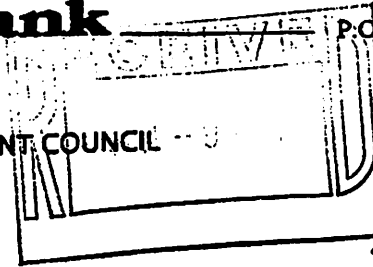
## Groundfish Data Bank

P.O. Box 2298 • Kodiak

TO: RICK LAUBER, CHAIRMAN  
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

DATE: JUNE 9, 1997

SENT BY FAX: 1 PP



RE: DESIGNATING GULF POLLOCK A PELAGIC TRAWL ONLY FISHERY

Dear Rick:

Alaska Groundfish Data Bank was somewhat surprised to discover that designating Gulf pollock pelagic trawl only was on the agenda for the June meeting. If I understood staff correctly, this item was raised by staff to find out if the Council wished staff to prepare a plan amendment which would allow, in the future, the designation of Gulf pollock a pelagic trawl only fishery by regulatory amendment.

It was my understanding staff felt that before embarking on what would be a time consuming task they wanted Council direction on whether the Council was considering a pelagic pollock only designation for the Gulf of Alaska.

**75% OF THE GULF POLLOCK FISHERY IS ALREADY A PELAGIC TRAWL ONLY FISHERY**  
Under the current Gulf of Alaska pollock management regime, pollock opens for directed fishing by trawl gear January 20 for 25% of the quota, June 1 for 25% of the quota and September 1 for 50% of the quota. Halibut cap is only available for the fishery which opens January 20 with 25% of the quota released.

The second quarter shallow complex halibut cap is usually reached in late April or early May. Never has there been halibut cap available in June. This means that the 2nd trimester halibut fishery which opens June 1 is pelagic trawl only.

The third quarter shallow complex halibut cap occasionally lasts until early August, but has never lasted into September. This means that the third trimester pollock fishery which opens September 1 is pelagic trawl only.

In 1996, the first year the trimester season for Gulf pollock was in place, the total halibut mortality in the bottom trawl pollock target was 11 MT. In 1997 the estimated halibut mortality in the first trimester pollock fishery was 17.57 MT.

This seems like a very small amount of halibut mortality to worry about and take up valuable staff time writing plan amendments to prevent.

**SMALL TRAWLERS ALREADY VERY DISADVANTAGED**

Within the Gulf Trawl Fleet are six or so very small trawlers -- some 60-feet or less in length. These vessels do not have the horsepower to use mid-water trawls. When the trimester system was implemented these vessels were limited to fishing pollock in only the first trimester. The first trimester pollock fishery does offer these vessels cash flow in the beginning of the year. It does not seem that the halibut mortality associated with the first trimester is enough to merit totally eliminating these small vessels from the pollock fishery.

Thank you for considering our comments.

Chris Blackburn, Director  
Alaska Groundfish Data Bank



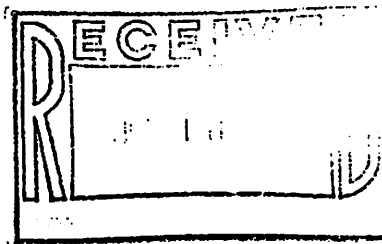
907-486-3910  
Box 991



Kodiak, Alaska  
99615

FAX 486-6292

June 10, 1997



Mr Rick Lauber, Chairman  
North Pacific Fishery Management Council  
605 West 4th Avenue, Suite 306  
Anchorage, Alaska 99510

Dear Rick,

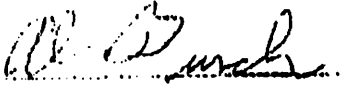
Alaska Dragger Association is opposed to the creation of a pelagic trawl only fishery in the Gulf of Alaska. This is an unnecessary designation in that 75% of the pollock in the Gulf is already harvested primarily by seasons that only allow pelagic trawl gear. Only the first trimester allows for 25% of the quota to be harvested by both demersal and midwater trawl. The remainder of the quota can only be harvested by midwater trawl gear unless the season extends into the fourth quarter halibut bycatch allocation

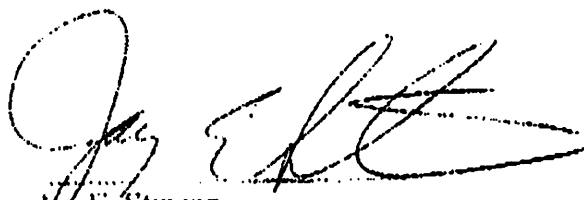
In 1996 the total halibut mortality for bottom trawl pollock was 11 MT. In 1997 the estimated halibut mortality in the first trimester pollock fishery was 17.57 MT. This small amount of halibut bycatch allows for the small trawlers to gain some economic benefit from the recourse that would otherwise be unavailable to them. These small trawlers have already been put at an economic disadvantage by the reallocation of the Alaska state waters cod fisheries.

We feel that the Council staff's valuable time would be better spent on more critical fisheries management problems in the Gulf of Alaska.

Thank you for considering our comments.

Sincerely

  
Al Burch  
Executive Director

  
Jay E. Stinson  
President

*Harvesting Alaskan Shrimp and Whitefish*

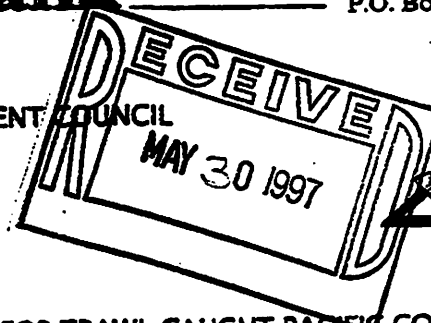
# Alaska Groundfish Data Bank

P.O. Box 2298 • Kodiak, Alaska 99615

TO: RICK LAUBER, CHAIRMAN  
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

DATE: MAY 30, 1997

SENT BY FAX: 1 PP



RE: REQUEST TO CONSIDER TRIP LIMITS FOR TRAWL CAUGHT PACIFIC COD IN THE GULF OF ALASKA AS PART OF AGENDA ITEM D-1 (d) TRIP LIMITS FOR POLLOCK.

The members of Alaska Groundfish Data Bank would like to have trip limits for Pacific cod as well as pollock analyzed under the June meeting Agenda item D-1 (d). As you know proposals for trip limits on pollock, trip limits on Pacific cod and trip limits for both pollock and Pacific cod have been repeatedly submitted during the last few years.

If trip limits for pollock are implemented, there could be an effort shift from pollock to Pacific cod shortening the Pacific cod season. Rather than waiting to see if this effort shift occurs, we feel both species, Pacific cod and pollock, should be analyzed together under the trip limit proposal. Intuitively, analyzing both species at the same time would seem to take less staff time than analyzing only pollock and then later analyzing Pacific cod separately.

We feel trip limits will create more manageable fisheries. In the Gulf both the pollock trimester quotas and the Pacific cod quota have been consistently exceeded. Twice in the last five years Central Gulf Pacific cod has gone on PSC status early in the year. The pollock trimester quotas are regularly exceeded. Trawl vessels delivering Gulf pollock and Pacific cod range in capacity from less than 100,000 lb. to 1 million pounds.

Alaska Dragger Association recently discussed trip limits with NMFS Enforcement officers in Kodiak. Enforcement indicated a preference, if a trip limit is implemented, for a Gulfwide trip limit set at a level which accommodated most of the vessels, an approach which would minimize overages.

Taking enforcement concerns into account, AGDB members ask that 180 MT be analyzed as the trip limit for both pollock and Pacific cod. The few local vessels with a greater capacity agreed that they could work within a 180 MT trip limit and could still harvest the Eastern Gulf pollock quota with a 180 MT trip limit. Because of the distance from processing facilities and the depth of the spawning biomass, only large vessels can harvest the Eastern Gulf pollock.

The 180 MT trip limit will limit million pound capacity vessels, whose capacity represents 10 trips by a 100,000 pound capacity vessel and 2.5 trips by a 180 MT capacity vessel. Further, trip limits are a proactive measure which limits the race to increase capacity to increase share.

We appreciate your consideration of our request to add Pacific cod to the pollock trip limit proposal.

Chris Blackburn, Director  
Alaska Groundfish Data Bank

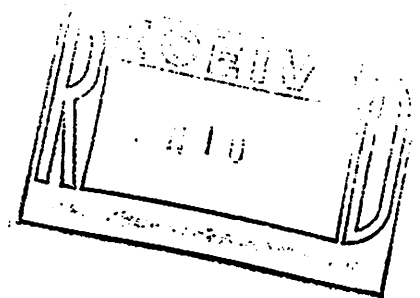
907-486-3910  
Box 991



Kodiak, Alaska  
99615

FAX 486-6292

June 10, 1997



Mr. Rick Lauber Chairman  
North Pacific Fishery Management Council  
605 West 4th Avenue, Suite 306  
Anchorage, Alaska 99510

Dear Rick:


Alaska Druggers Association supports having trip limits for Pacific cod and pollock analyzed under the June meeting agenda item D-1 (d). We have concerns that if trip limits for pollock are implemented, there could be an effort shift from pollock to Pacific cod, thus shortening the Pacific cod season. We feel that if both species were analyzed together, this would reduce that potential risk and by analyzing both species at the same time would seem to take less staff time.

We feel trip limits will also create a more manageable fisheries. In the Gulf both the pollock trimester quotas and the Pacific cod quotas have been consistently exceeded. Twice in the last five years Central Gulf Pacific cod has gone on PSC status early in the year. The pollock trimester quotas are regularly exceeded. Trawl vessels delivering Gulf pollock and Pacific cod range in capacity from less than 100,000 lb. To 1 million pounds.

We have recently met with NMFS Enforcement officers here in Kodiak and discussed trip limits. Enforcement indicated a preference, if a trip limit is implemented, for a Gulf wide trip limit set at a level which accommodated most of the vessels, an approach which would minimize overages. We are willing to sit down with a committee to develop a plan that is enforceable.

Taking enforcement concerns into account, ADA members ask that 180 MT be analyzed as the highest amount for trip limits for both pollock and Pacific cod. Members with a greater capacity agreed that they could work within a 180 MT trip limit and could still harvest the Eastern Gulf pollock quota with a 180 MT trip limit. Because of the distance from processing facilities and the depth of the spawning biomass, only large vessels can harvest the Eastern Gulf pollock. The 180 MT trip limit will limit million pound capacity vessels, whose capacity represents 10 trips by a 100,000 pound capacity vessel and 2.5 trips by a 180 MT capacity vessel. Further, trip limits are a proactive measure which limits the race to increase capacity to increase share.

Sincerely,

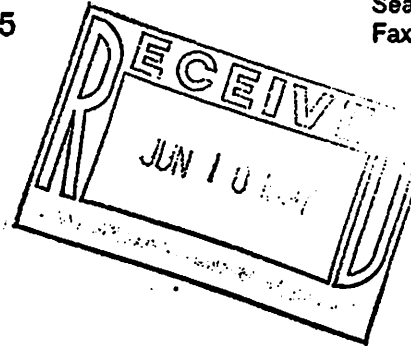
  
Al Burch  
Executive Director

*Harvesting Alaskan Shrimp and Whitefish*

**ALYESKA  
SEAFOODS, INC.**Seattle Office  
Street Address:303 N.E. Northlake Way  
Seattle, WA 98105  
Fax # (206) 547-1808Alaska  
M Address:P.O. Box 275  
Unalaska, AK 99685  
(907) 581-1221  
Fax # (907) 581-1695P.O. Box C-5030  
Seattle, WA 98105  
(206) 547-2100

June 10, 1997

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



Re: Proposal for Vessel Trip limits on GOA Pollock and Cod Landings

Dear Rick and Clarence:

We understand the June 1997 meeting of the North Pacific Fishery Management Council (NPFMC) now includes an initial discussion of potential GOA pollock and cod trip limits for catcher vessels. We also understand that trip limit management would require a full plan amendment, and that your addressing this issue in June would be limited to a "proceed or not to proceed" decision.

Our information is that certain interests in the Sand Point/Western Gulf area propose trip limits for pollock and cod of 150,000 lb., and that certain interests in the Kodiak/Central and Eastern Gulf propose a 400,000 lb. trip limit of those same fisheries.

United Catchers Boats (UCB), plus those processing companies and individual vessel owners signing this letter, oppose the use of trip limits as a tool to manage pollock and cod fisheries in the Gulf of Alaska. We oppose this management concept at any level of trip limit and we ask the NPFMC to avoid any further substantive consideration of trip limit management at this time. We believe the Council's substantive consideration of trip limit management would be highly controversial, very time consuming, requiring of extensive benefit cost analysis at several levels of user groups, and likely to be rejected by the Secretary of Commerce as discriminatory to certain user groups of catcher vessels and processing companies.

We thank you for receiving these comments.

Sincerely,

Alec W. Brindle  
President

AWB/cp

*Melanie Gundersen*

GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL  
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

*D-1d*

Name of Proposer: Peninsula Marketing Association  
Address: P.O. Box 248  
Sand Point, Alaska 99661

Telephone: (907) 383-3600

Fishery Management Plan: GULF OF ALASKA POLLOCK AND COD

Brief Statement of Proposal: Establish a trip limit of 150,000 pounds per 24 hours for all vessels fishing and delivering pollock and cod in the Western Gulf.

Objective of Proposal: The License Limitation qualification criteria and season date timing have resulted in an increase in the number of larger vessels participating in the Western Gulf. The large harvest capabilities of the larger vessels often plug the canneries and deplete the quota much too quickly. Establishing a trip limit of 150,000 pounds for all vessels would allow a steady flow of product to the processors and allow equal access to the resource. It would slow down the harvests of what have been, and are likely to remain, relatively small TAC's for pollock and cod. Thus, the National Marine Fisheries Service would be better able to account for harvests inseason and provide for season closures in a timely manner without dramatically exceeding or under-cutting the quota.

Need and Justification for Council Action: Only the Council has the authority to manage and regulate this fishery.

Foreseeable Impacts of Proposal: The National Marine Fisheries Service will be better able to manage this fishery, despite the increased effort that has been created by recent regulatory changes. Also to benefit are the fishermen and families of the coastal communities of the area that depend upon fishing as their sole source of income. The staff research done thus far indicates that these proposed trip limits will not disenfranchise very many vessels, but will benefit the majority of the fleet that has smaller capacity.

Are there Alternative Solutions: No.

Supportive Data & Other Information: The local community fishermen who participate in this fishery, and who have testified before this council. The staff research that has been done thus far and the vessel list that we compiled and submitted for your review.

Signature:

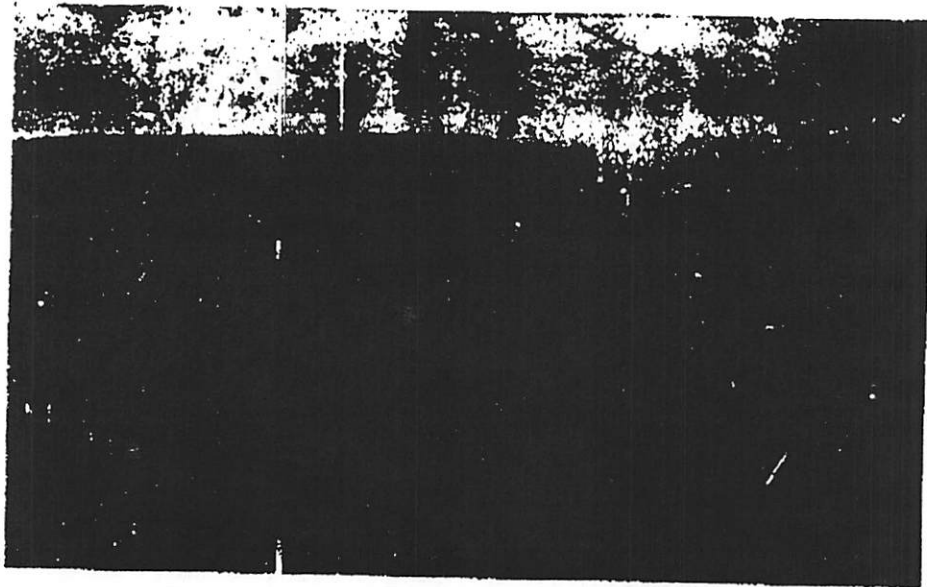
*Melanie Gundersen*

1997 COD AND POLLOCK TRAWL FLEET WESTERN GULF  
 PETER PAN SEAFOODS

BOAT NAME	58 LIMIT	LOCAL	PDS #	COD	POLL OCK
CAPE CAUTION	YES	NO	100,000	YES	NO
DECISION	YES	YES	155,000	YES	YES
DEFENDER	YES	YES	85,000	YES	YES
EQUINOX	YES	NO	100,000	YES	NO
HEATHER MARGENE	YES	YES	90,000	YES	YES
HOT SPUR	YES	NO	100,000	YES	NO
MARAUDER	YES	NO	165,000	YES	NO
MICARTA K	YES	YES	90,000	YES	NO
MILKY WAY	NO	NO	130,000	YES	NO
MS. INGRID	YES	YES	100,000	YES	YES
NORSE MAID	YES	YES	70,000	YES	NO
PACIFIC MAID	YES	YES	70,000	YES	NO
PATRICIA ANN	YES	YES	75,000	YES	NO
SOLSTICE	YES	NO	100,000	YES	NO
TRADEWIND	NO	YES	110,000	YES	YES
KING COVE					
ALASKAN LADY	YES	YES	85,000	YES	YES
ALEUT MISTRESS	YES	YES	85,000	YES	NO
ANTISIPATION	YES	YES	50,000	YES	NO
ELIZABETH F	NO	NO	300,000	YES	YES
JUST IN CASE	YES	YES	100,000	YES	YES
LADY LEE DAWN	YES	YES	90,000	YES	NO
NORTHERNDREAM	YES	YES	70,000	YES	YES
NORTHERN SPIRIT	NO	YES	180,000	YES	YES
PACIFIC QUEST	YES	YES	90,000	YES	NO
TROIKA	YES	YES	85,000	YES	YES
WALTER N	NO	NO	200,000	YES	YES
WESTERN STAR	NO	YES	150,000	YES	NO

1997 COD AND POLLOCK TRAWL FLEET WESTERN GULF  
TRIDENT SEAFOODS

BOAT NAME	58 LIMIT	LOCAL	PDS #	COD	POL LOCK
ADVANCER	YES	YES	85,000	YES	YES
ALEUTIAN BELLE	YES	YES	85,000	YES	YES
ALEUTIAN DAWN	YES	YES	90,000	YES	YES
ANNETTE	NO	YES	120,000	YES	YES
CAMERON	YES	YES	85,000	YES	NO
CELTIC	YES	YES	130,000	YES	YES
CHAMPION	YES	YES	85,000	YES	YES
COURTNEY NORAL	YES	YES	155,000	YES	YES
EXODUS	NO	NO	225,000	YES	YES
KAREN EVICH	YES	NO	140,000	YES	YES
LADY JOANNE	YES	YES	135,000	YES	YES
MALACHI	YES	YES	70,000	YES	NO
MARCY J	NO	NO	225,000	YES	NO
MISS BRENDA	YES	YES	85,000	YES	YES
NORTHERN DAWN	YES	YES	70,000	YES	YES
NIGHTWATCH	NO	NO	125,000	YES	YES
OCEAN STORM	YES	NO	155,000	YES	YES
PATIENCE	YES	YES	50,000	YES	NO
PRIMUS	YES	NO	125,000	YES	YES
SEA KING	YES	YES	70,000	YES	NO
SHAWNA RAE	YES	YES	125,000	YES	YES
TEMPTATION	YES	YES	155,000	YES	YES
TERN	YES	YES	80,000	YES	NO
PACIFIC VIKING	NO	NO	500,000		YES
VIKING EXPLORER	NO	NO	500,000		YES



EST. 1870'S

PIRATE COVE ON POPOF ISLAND was the site of the first shore codfishing station in Alaska. The Thomas W. McClollum Company, later known as the Union Fish Company of San Francisco, established its first station here in early '70's and others followed all along the shores of the Shumagin Islands. (Courtesy Knut Knutsen.)

"We will not fool around any longer with this Japanese situation," declared William Hicker, secretary of the Alaska Fishermen's Union. "The fishermen are angry and will take action to drive the Japanese out. Our men going north will be ready for action."

"Shields said that the *Sophie Christenson* carries a crew of forty-three men and the *Wilson* carries twenty-four, all of them 'good men.'

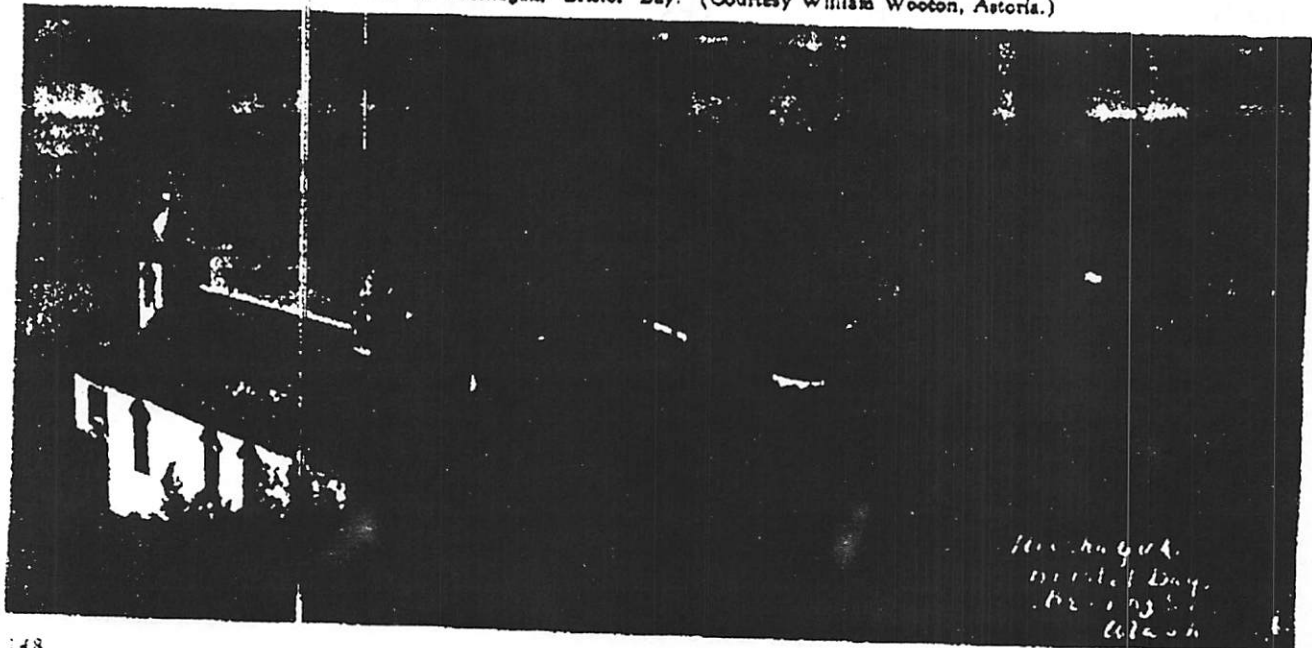
"Seventy fishermen will go north on the *Mount McKinley* under charter of the Nakat Packing Corporation and officials intimated they would not look over their baggage too carefully.

They said there was some question as to whether the Japanese were fishing for salmon or crabs. 'If they are fishing for salmon there will be hell to pay,' one said.

"Hicker said he had been advised there were fifteen Japanese boats within eight miles of the American shore and that they were making trips to shore 'when no one is looking.'"

As history knows it was an "almost" battle. The Coast Guard stepped in to assert itself as the delegated authority. The guns did not go north or at least they were never used and the matter passed into the hands of the treaty makers.

THE VILLAGE of Nushagak, Bristol Bay. (Courtesy William Wootton, Astoria.)



Nushagak  
Bristol Bay  
Alaska



# Komedal Knutsen Nelson Einmo Johnson

Alfred Komeda got into codfishing and the Shumagin Islands by suggesting to net mending fishermen in Kodiak some helpful advice about their task. He had been a mate on a sealer but was persuaded to beach seine for the rest of the season. After salmon season, he went to work in the Unga gold mine. A skillful business man, he bought the general store and several other buildings in Unga as well as a codfish station across the Bay. "His was one of the two stations that produced dried fish. . . ." Although he and his family moved to Bainbridge Island in 1920, his codfish station continued until the late 1920's.

Knut Knutsen, skipper/owner of the schooner HIGHLAND QUEEN, lost his boat to a fierce November (1915) storm in the Outer Harbor. His resolve to build a cod-fishing station met with great frustration; lumber was hard to locate and when it was in stock, the companies refused to sell to a new-comer. However, along with a good partner, Danish Pate, the station was completed.

John E. Nelson and John Einmo formed a partnership to open a codfishing station at Hardscratch in 1902. Nothing more is heard about the station until 1911, when R.E. Johnson operated it. The next owner, Captain Nicolai Johnson ('Old Nick') had the station 1915-1930.

Crews on codfishing schooners were from many nationalities ("from Italy to Iceland") but the shore station crews were mostly Scandinavians with some Aleuts assisting. Nicknames sometimes meant more than the man's original name: Whiskey Bill was perhaps too fond of the drink but Whiskey Jack hated all forms of liquor passionately. Gentleman Gus, Gloomy Gus, German Bill, Russian Bill, Halibut Pete, Pete the Snailer, Dirty Dick, Valhalla Nels, The Stril, Lofoten were all good men and true.

In 1920, the Alaska shore stations produced close to two million cod, a total of more than 38 million cod for the 44 years since the first station at Pirate Cove. A.K. Larssen

from Pacific Fisherman

Alaska Dry Salt Codfish  
1928

In 1926, the shipment of wind dried cod-fish from s.w. Alaska amounted to 184,000 pounds, all except 6000 pounds of which came from Sand Point, Squaw Harbor, Unga Village. Among the seventeen shippers were P. Gunder-sen, Unga, 15,000 pounds; Nick Johnson, Hards-scratch Point 38,400; John Vastrand, Squaw Harbor, 33,800; Pete (the Snailer) Torgersen, Unga, 17,500; San Larsen, Squaw Harbor, 19-400; Martin Gilbert, Squaw Harbor, 14,800; A. Grosvold, Sand Point, 8,600 pounds.

AKL

<u>Name and Location</u>	<u>Pounds</u>
Berntsen, John Unga	30,000
Gilbert, Martin Squaw Harbor	4,000
Gilbert, William Unga	82,000
Grifberg, Edwin "	6,000
Galovin, Mike "	10,000
Hammer, John "	10,000
Hermes, John "	20,000
Iverson, John "	14,000
Lauritzen, Conrad & Co. "	74,000
Pagano, Michael "	5,000
Petus, William "	26,000
Pomian, Fred "	30,000
Rogers, Frank "	24,000
Smith, A. & Co. Sand Point	20,000
Thompson, Tengwald "	24,000
Vastrand, John Unga	28,000
Wilson, Edward "	80,000
Total	487,000